

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 19, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on September 19, 2013 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT: Louise D. Hartz, Citizen Member, Vice President
Evelyn Lindsay, LPN
Jeanne Holmes, Citizen Member
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Fortis College and VCU School of Nursing

ESTABLISHMENT OF A QUORUM: With five members of the Board present, a quorum was established.

FORMAL HEARINGS: **Deneen Edmonds, CNA 1401-079743**
Ms. Edmonds did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter with Crane Snead Reporting, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Edmonds. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:19 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing reprimand Deneen Edmonds and revoke the right to renew the nurse aide certificate of Ms. Edmonds. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Christina R. Bailey, RN 0001-174206

Ms. Bailey did not appear.

James Rutkowski Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley court reporter with Crane Snead Reporting, recorded the proceedings.

Patricia Harte-Byers, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bailey. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:58 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Douglas left the meeting to attend to Board business unrelated to the hearing.

Dr. McDonough moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Christina Bailey until such time as she can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Timothy Torres, CNA Applicant**
Mr. Torres did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:10 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Torres. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:15 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. McDonough moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing deny the application of Timothy Torres for nurse aide certification by examination. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas re-joined the meeting.

FORMAL HEARINGS: **Tricia N. Gregory, RN Reinstatement Applicant 0001-224352**
Ms. Gregory appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter with Crane Snead Reporting, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; and Kelly Ashley, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gregory. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing deny the reinstatement application of Tricia Gregory and continue her professional nursing license on indefinite suspension, but stay the suspension contingent upon Ms. Gregory's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

The nursing students left the meeting to resume their normal schedule.

RECESS: The Board recessed at 12:48 P.M.

RECONVENTION: The Board reconvened at 1:40 PM.

FORMAL HEARINGS: **Meisha L. Thompson, CNA Reinstatement Applicant 1401-147811**
Ms. Thompson did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter with Crane Snead Reporting, recorded the proceedings.

Lane Raker, Senior Investigator, Department of Health Professions; and Patricia Sheehan, Senior Investigator, Department of Health Professions were present and

testified. Ashley Jackson, Administrator, Heritage Hall of Virginia Beach testified by telephone.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Thompson. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:38 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing deny the reinstatement and revoke the right to renew the nurse aide certificate of Meisha Thompson and enter a finding of neglect against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Colleen Andrew, CNA 1401-103061**

Mr. Andrew appeared, represented by Jonathan Joseph, Esq.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Sherelle Bradley, court reporter with Crane Snead Reporting, recorded the proceedings.

Angela Menjivar, Intake Investigator, Department of Health Professions; Iesha Glover, LPN, The Gardens at Warwick Forest; Amanda West, CNA, The Gardens at Warwick Forest; and Paula Keiler, CNA were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:48 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Andrew. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Graham and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:19 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certificate of Colleen Andrew and enter a finding of abuse against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:22 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director