

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 19, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on May 19, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Trula Minton, MS, RN
William Traynham, LPN, CSAC

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Southside Regional Medical Center

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

FORMAL HEARINGS: **Dealie Austin, LPN 0002-079564**
Ms. Austin did not appear.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Jeremy McNeill, Senior Investigator, Department of Health Professions; and Vicki Clark, Administrator, Trinity Mission of Rocky Mount were present and testified.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:20 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Austin. Additionally, Ms. Minton moved that Ms. Power, Ms. G. Mitchell, Ms. Graham and Ms. C. 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 9:34 A.M.

Ms. Minton 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.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Minton moved that the Board of Nursing indefinitely suspend the right to renew the practical nursing license of Dealie Austin. 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:

Latoya Washington, CNA 1401-110511

Ms. Washington appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt court reporter with Crane Snead Reporting, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; Patricia Gilmer, Social Worker, Our Lady of Peace; Shelby Noel, RN, former Director of Nursing, Our Lady of Peace; and Kiamante Walker, former co-worker were present and testified.

CLOSED MEETING:

Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Washington. Additionally, Ms. Minton moved that Ms. Power, Ms. G. Mitchell, Ms. Graham and Ms. C. 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 11:05 A.M.

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

The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing revoke the right to renew the nurse aide certificate of Latoya Washington with a finding of abuse to be entered against her in the Virginia 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.

RECESS: The Board recessed at 11:08 A.M.

RECONVENTION: The Board reconvened at 11:18 A.M.

FORMAL HEARINGS: **Dorothy M. Evans, RN 0001-128972**
Ms. Evans appeared, accompanied by her son, Russell Evans.

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

Anthony Sellers, Senior Investigator, Department of Health Professions; and Russell Evans were present and testified.

RECESS: The Board recessed at 12:15 P.M.

RECONVENTION: The Board reconvened at 12:30 P.M.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Evans. Additionally, Ms. Minton moved that Ms. Power, Ms. G. Mitchell, Ms. Graham and Ms. C. 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 1:50 P.M.

Ms. Minton 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.

Mr. Traynham 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. Holmes moved that the Board of Nursing continue the professional nursing license of Dorothy Evans on indefinite suspension until such time as she can

provide sufficient evidence she is safe and competent to resume nursing 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.

The students left the meeting for lunch

FORMAL HEARINGS: **Deborah E. Loving, RN Reinstatement Applicant 0001-072178**
Ms. Loving appeared.

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

Ashley Moran, Senior Investigator, Department of Health Professions; was present and testified.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Loving. Additionally, Ms. Minton moved that Ms. Power, Ms. G. Mitchell, Ms. Graham and Ms. C. 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 2:55 P.M.

The students rejoined the meeting.

Ms. Minton 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. Hershkowitz 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: Mr. Traynham moved that the Board of Nursing reprimand Deborah Loving and reinstate her license to practice as a professional nurse in Virginia. The motion was seconded and carried. Ms. Minton, Ms. Hershkowitz, Ms. Holmes, and Mr. Traynham were in favor of the motion. Dr. Hahn opposed the motion.

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: **Tywana R. E. Wilson, RN Reinstatement Applicant 0001-235638**
Ms. Wilson appeared.

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

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:43 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Ms. Minton moved that Ms. Power, Ms. G. Mitchell, Ms. Graham and Ms. C. 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 4:03 P.M.

Ms. Minton 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. Hershkowitz 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. Holmes moved that the Board of Nursing reprimand Tywana Wilson and reinstate her professional nursing license to practice in Virginia. 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 4:05 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director