

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 16, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:32 A.M. on July 16, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
William Traynham, LPN, CSAC; Vice President
Joana Garcia, Citizen Member
Jane R. Ingalls, RN, PhD
Evelyn Lindsay, LPN
Kelly McDonough, DNP, RN
Trula Minton, MS, RN (joined later)
Kristina Wright, CMT (joined later)

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director (joined later)
Amy Davis, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General
Nursing students from Valley Career and Technical Center and Bryant and Stratton College

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

FORMAL HEARINGS: **Christopher Poindexter, CNA Reinstatement Applicant 1401-115845**
Ms. Poindexter did not appear.

Wendy Deaner, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:39 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Poindexter. Additionally, Dr. Ingalls moved that Ms. Power, Ms. Davis 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 9:47 A.M.

Dr. Ingalls 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Deaner.
The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing deny the application to reinstate the nurse aide certification of Christopher Poindexter. 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. Lindsay left the meeting. Ms. Wright joined the meeting.

FORMAL HEARINGS:

Chana Molini, CMT Applicant

Ms. Molini appeared, represented by attorney, Margaret Hardy.

Wendy Deaner, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

CLOSED MEETING:

Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:42 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Molini. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Power, Ms. Davis 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 11:04 A.M.

Dr. Ingalls 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Deaner and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Wright moved that the Board of Nursing approve the application of Chana Molini and issue her an unrestricted certificate to practice as a massage therapist. The motion was seconded and carried. Ms. Garcia, Mr. Traynham and Ms. Wright were in favor of the motion. Dr. Ingalls and Dr. McDonough 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.

Ms. Minton joined the meeting

FORMAL HEARINGS: **Emily Bracy, CMT 0019-005476**
Ms. Bracy did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kelly Moss, Senior Investigator, Department of Health Professions; and Chris Bowers, Intake Admissions Coordinator, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bracy. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Power, Ms. Davis 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 11:47 A.M.

Dr. Ingalls 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. Garcia 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. Wright moved that the Board of Nursing issue and order of reprimand and revoke the massage therapy certification of Emily Bracy. 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. Wright and Ms. Powers left the meeting. Ms. Krohn joined the meeting.

RECESS: The Board recessed at 11:49 A.M.

RECONVENTION: The Board reconvened at 1:03 P.M.

FORMAL HEARINGS: **Christina Rivers, CNA 1401-050251**
Ms. Rivers appeared, represented by attorneys Eileen Talamante and Michael Goodman.

Wendy Deaner, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Sharon Smith, daughter of Patient A; Vashti Colson, Licensing Inspector, Department of Social Services; and Kim Lynch, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:09 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rivers. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, Ms. Davis 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.

Dr. Ingalls 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Deaner and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Minton moved that the Board of Nursing issue an order of reprimand to Christina Rivers and for Ms. Rivers to provide proof of completing a 40-hour Department of Social Services Direct Care course within 90 days of entry of the order. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 5:20 P.M.

RECONVENTION: The Board reconvened at 5:35 P.M.

FORMAL HEARINGS: **Felicia Fitzgerald, CNA 1401-155398; RMA 0031-002951**
Ms. Fitzgerald had signed in, however could not be located when the hearing was convened at 5:35 P.M.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Andria Christian, Senior Investigator, Department of Health Professions; and Richard Shelley, Licensed Nursing Home Administrator, St. Francis Home Assisted Living were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fitzgerald. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, Ms. Davis 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 6:02 P.M.

Dr. McDonough 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. Garcia 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: Dr. Ingalls moved that the Board of Nursing revoke the nurse aide certification of Felicia Fitzgerald and to enter a finding of misappropriation of patient property into the Virginia Nurse Aide Registry and to revoke the medication aide registration of Ms. Fitzgerald. 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: **Allison M. Lawhorne, CNA Reinstatement Applicant 1401-156372**
Ms. Lawhorne did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lawhorne. Additionally, Dr. Ingalls moved that Ms. Douglas, Ms. Krohn, Ms. Davis 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 6:23 P.M.

Dr. Ingalls 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones. The motion was seconded and carried unanimously.

ACTION:

Dr. McDonough moved that the Board of Nursing issue an order of reprimand to Allison Lawhorne and deny the application to reinstate her nurse aide certification. Further, the Board moved to continue the nurse aide certification of Ms. Lawhorne on indefinite suspension and to enter a finding of misappropriation into 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.

ADJOURNMENT:

The Board adjourned at 6:25 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director