

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 17, 2010
Panel - A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:15 P.M. on March 17, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Karen K. Schultz, Ph.D., M.B.A.

STAFF PRESENT:

Jay P. Douglas, R.N.,M.S.M,C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Ishneila Moore, Assistant Attorney General
Howard M. Casway, Senior Assistant Attorney General (joined later)

**ESTABLISHMENT OF
A QUORUM:**

With seven members of the Board present, a quorum was established.

FORMAL HEARINGS:

Karen S. Lind, R.N. 0001-074737
Ms. Lind appeared, represented by attorney, Alan Shachter.

Corie Tilman Wolf, Assistant Attorney General and Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Allan McDonald, Senior Investigator, Department of Health Professions; Mindee Cunningham, R.N.; Martha J. Dahl, L.N.H.A.; Vincent Akowauah, C.N.A.; and Cheryl Bates, L.P.N. were present and testified.

RECESS:

The Board recessed at 5:10 P.M.

RECONVENTION:

The Board reconvened at 5:20 P.M.

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 5:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lind. Additionally, Ms.

Lindsay moved that Ms. Douglas, Ms. Lee and Ms. Moore 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 6:15 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. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Wolf and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing place Karen Lind on probation with terms for a period of one year of employment as a professional nurse.

The motion was seconded and carried. Ms. Jones-Clarke, Ms. Lindsay, Ms. Francisco, Dr. Hahn, Ms. Lane and Dr. Schultz were in favor of the motion. Mr. Horn 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.

Mr. Casway joined the meeting. Ms. Moore left the meeting.

FORMAL HEARINGS:

Sunnye Kay Miller, R.N. 0001-193149

Ms. Miller appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Connie Shanks were present and testified. Kathleen Werner-Leap, R.N., L.N.P. testified by telephone.

. CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 7:20 P.M., for the purpose of consideration and discussion of medical/mental health records of Sunnye Kay Miller that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Werner-Leap, Ms. Bush, Ms. Lee and Mr. Casway 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 7:55 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.

RECESS: The Board recessed at 8:00 P.M.

RECONVENTION: The Board reconvened at 8:08 P.M.

Ms. Francisco left the meeting.

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 8:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Miller. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway 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 9:10 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. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Sunnye Kay Miller and continue Ms. Miller's professional nursing license on indefinite suspension, but stay the suspension contingent upon Ms. Miller's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of 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.

ADJOURNMENT: The Board adjourned at 9:13 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS**

March 17, 2010

Panel - B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:00 A.M. on March 17, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS

PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D., President
Lynne M. Cooper, Citizen Member
Brenda Hale, R.N.
Jeanne Holmes, Citizen Member
Judith E. Piersall, R.N., B.S.N.
William Traynham, L.P.N.

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jane Elliott, R.N., Ph.D., Discipline Staff (joined later)
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Students from Lynchburg College Nursing Program and Bon Secours School of Nursing

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Paris K. Sire, C.N.A. 1401-120075
Ms. Sire did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:06 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sire. Additionally, Ms. Hale moved that Ms. Krohn, Ms. Lee and Mr. Casway 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 11:08 A.M.

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

ACTION: Ms. Piersall moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Paris Sire for a period of not less than two years.
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 11:10 A.M.

Ms. Douglas left the meeting. Dr. Elliott joined the meeting.

RECONVENTION: The Board reconvened at 1:05 P.M.

FORMAL HEARINGS: **Tila A. Newbery, C.N.A. 1401-113376**
Ms. Newbery appeared, accompanied by her former husband, Mr. Sorrell.

Jim Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newbery. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway 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 2:20 P.M.

Ms. Hale 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. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Piersall moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Tila Newbery, stay the suspension contingent upon verification of entry into 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.

FORMAL HEARINGS:

Jason W. Randolph, C.M.T. Reinstatement Applicant 0019-001165

Mr. Randolph appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

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

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:10 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Randolph. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway 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 3:25 P.M.

Ms. Hale 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. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing reinstate the massage therapy certificate of Jason Randolph without restrictions.

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: **Leslie Shuey, L.P.N. Reinstatement Applicant 0002-026575**
Ms. Shuey appeared, accompanied by her daughter, Susan Deshazo.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicki Fox, Senior Investigator, Department of Health Professions and Tonya James, Compliance Case Manager, Department of Health Professions were present and testified.

RECESS: The Board recessed at 4:15 P.M. to allow Ms. Shuey to review the exhibits.

RECONVENTION: The Board reconvened at 4:35 P.M.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Shuey. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway 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 5:50 P.M.

Ms. Hale 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. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Cooper moved that the Board of Nursing deny the application for reinstatement of the practical nursing license of Leslie Shuey and continue Ms. Shuey on indefinite suspension until such time as she can appear before the Board and provide sufficient evidence 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.

ADJOURNMENT: The Board adjourned at 5:55 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director