

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
Thursday, March 24, 2011**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on March 24, 2011 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  
Peregrin C. Francisco, R.N., M.S.A.  
Allison Gregory, R.N., L.N.P.  
Jeanne Holmes, Citizen Member  
Patricia C. Lane, R.N., B.S.N.  
Karen Schultz, M.B.A.; Ph.D, Citizen Member

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director  
Brenda Krohn, R.N., M.S., Deputy Executive Director (joined later)  
Amy Davis, Executive Assistant  
Krystal Blanton, Senior Discipline Specialist (joined later)

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Nursing students from John Tyler Community College; Riverside School of Professional Nursing; Bon Secours School of Nursing; Suffolk Public Schools – School of Practical Nursing

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

**FORMAL HEARINGS:** **Valerie Lynn Hill, R.N. 0001-059316**  
Ms. Hill appeared, represented by her attorney, Matthew Zwerdling

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

Mr. Zwerdling offered a consent order for the Board to consider and asked that the Board go into closed session to discuss medical records of Ms. Hill.

**CLOSED MEETING:** Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(15) of the *Code of Virginia* at 9:15 A.M. for the purpose of consideration and discussion of medical records of Ms. Hill that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms.

Davis, Mr. Rutkowski, Mr. Casway, Ms. Hill, Mr. Zwerdling, and Ms. Bradley 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 9:25 A.M.

Ms. Francisco 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.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hill. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, 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 9:50 A.M.

Ms. Francisco 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 9:54 to allow Ms. Hill and Mr. Zwerdling to review the consent order being offered by the Board.

RECONVENTION: The Board reconvened at 10:05 A.M.

ACTION: Ms. Holmes moved that the Board of Nursing modify the consent order offered by Mr. Zwerdling on behalf of Ms. Hill to issue an order of reprimand to Valerie Lynn Hill and further, indefinitely suspend the professional nursing license of Ms. Hill, stay said suspension contingent upon Ms. Hill entering into the Health Practitioners Monitoring Program and remaining in compliance with the Health Practitioners Monitoring Program thereafter. The motion was seconded and carried unanimously.

The consent order was accepted by Ms. Hill and Mr. Zwerdling.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusion and decisions.

FORMAL HEARINGS: **Shirley Robinson, C.N.A. 1401-123420**

Ms. Robinson did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Lisa Elgin, R.N., Senior Investigator, Department of Health Professions; Karen Sampson, L.P.N., Charge Nurse, Stratford Healthcare Center were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Robinson. Additionally, Ms. Francisco moved that Ms. Douglas Ms. Mitchell, 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 10:57A.M.

Ms. Francisco 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. Gregory 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. Lane moved that the Board of Nursing revoke the nurse aide certification of Shirley Robinson and enter findings of abuse and neglect 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.

FORMAL HEARINGS: **Mark McCoy, Sr., R.M.A. 0031-003650**

Mr. McCoy did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; Amy Fuller, L.P.N., Director of Nursing, Morningside of Charlottesville; and Annette Putman, Director of the Alzheimer's Unit, Morningside of Charlottesville were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:25 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. McCoy. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, 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 11:40 A.M.

Ms. Francisco 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. Gregory 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: Dr. Schultz moved that the Board of Nursing revoke the right to renew the medication aide registration of Mark McCoy. 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 11:45 A.M.

RECONVENTION: The Board reconvened at 1:07 P.M.

Ms. Krohn and Ms. Blanton joined the meeting. Ms. Mitchell and Ms. Davis left the meeting.

FORMAL HEARINGS: **Jesus E. Tanega, R.N. 0001-169635**

Mr. Tanega appeared, represented by attorneys Peter Mellette and Nathan Mortier.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions; Leigh Kammerer, Case Manager, Health Practitioners Monitoring Program; Kenneth Franklin, M.D.; Richard Jackson; and Gloria Mitchell, R.N., Deputy Executive Director, Board of Nursing was present and testified. Dr. Regina Tan-Camacho testified by telephone.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(15) of the *Code of Virginia* at 3:05 P.M. for the purpose of consideration and discussion of medical records of Mr. Tanega that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Blanton, Mr. Kazzie, Mr. Casway, Mr. Tanega, Mr. Melette, Mr. Mortier and Ms. Bradley 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 4:00 P.M.

Ms. Francisco 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.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:32 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Tanega. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Blanton 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 5:37 P.M.

Ms. Francisco 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. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing indefinitely suspend the professional nursing license of Jesus Tanega for a period of not less than one year, stay said suspension contingent upon terms and conditions. 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. Francisco left the meeting.

FORMAL HEARINGS: **Jeannette Rogers, L.P.N. Reinstatement Applicant 0002-055654**  
Ms. Rogers appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; Kara Franco, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rogers. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton 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 7:04 P.M.

Ms. Holmes 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. Gregory 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: Dr. Schultz moved that the Board of Nursing deny the reinstatement application of Jeanette Rogers and to continue her license on indefinite suspension for not less than one year. 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: **Susan M. Poole, R.N. Multi state Privilege**  
Ms. Poole appeared, accompanied by her daughter Megan Poole and Edith Estelle.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle Bradley, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing; Megan Poole; and Eva Estelle were present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Poole. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Blanton 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 8:18 P.M.

Ms. Holmes 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 Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing issue a reprimand to Susan Poole and indefinitely suspend her privilege to practice in Virginia for not less than one year. 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 8:23 P.M.

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Gloria D. Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director