

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 19, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:40 A.M. on March 19, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT: Patricia M. Selig, RN, FNP, PhD; Chairperson
Evelyn Lindsay, LPN
Allison Gregory, RN, FNP-BC
John M. Horn, LPN
Trula Minton, MS, RN
William Traynham, LPN, CSAC

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Students from Fortis College; Prince Edward County High School; and
Lynchburg College

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

FORMAL HEARINGS: **Melanie R. Dowdy, CNA Reinstatement Applicant 1401-135186**
Ms. Dowdy appeared, accompanied by her mother Mrs. Johnson.

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

Gayle Miller, Senior Investigator, Department of Health Professions; and Sherry Foster, 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 10:28 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Dowdy. Additionally, Ms. Lindsay 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 10:43 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. 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:

Ms. Lindsay moved that the Board of Nursing deny the reinstatement of the nurse aide certificate of Melanie Dowdy, and continue her on indefinite suspension, stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program.

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:

Tessa Smith, LPN 0002-045758

Ms. Smith did not appear.

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

Kim Whitemore, Senior Investigator, Department of Health Professions and Sharon Musick, RN 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 11:11 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Lindsay 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 11:23 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. Minton 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. Gregory moved that the Board of Nursing indefinitely suspend the practical nurse license of Tessa Smith until such time as she can appear before the Board and provide evidence that she is safe and competent to resume 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: **Kathleen Sadler, RN Reinstatement Applicant 0001-218430**
Ms. Sadler appeared, accompanied by her husband, Mr. Sadler.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kim Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, 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 12:43 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sadler. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, 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 1:02 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. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing approve the application for reinstatement of her registered nurse license and to issue a valid in Virginia only license. 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 1:02 P.M.

RECONVENTION: The Board reconvened at 2:15 P.M.

FORMAL HEARINGS:

Stephanie A. Kapalka, RN 0001-215282

Ms. Kapalka appeared, represented by attorney, Christopher Leibig; and accompanied by her husband, Mr. Kapalka.

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

Tenelle Taylor; Sarah Clarke; and Julie Day 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 3:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kapalka. Additionally, Ms. Lindsay 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 4:41 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. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the registered nurse license of Stephanie Kapalka, stay the suspension contingent upon entry of entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the 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 4:48 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director