

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
June 1, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M., on June 1, 2023 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS

PRESENT: Cynthia Swineford, RN, MSN, CNE; First Vice-President
Margaret J. Friedenberg, Citizen Member
A Tucker Gleason, PhD, Citizen Member - **joined at 3:50 P.M.**
Paul Hogan, Citizen Member
Helen Parke, DNP, FNP-BC
Shawnte' Peterson, LMT

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Sylvia Tamayo-Suijk, Senior Discipline Specialist

OTHERS PRESENT: Laura A. Booberg, Assistant Attorney General, Board Counsel

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

FORMAL HEARING: **Brian David Cooper, LMT** **0019-009629**

Mr. Cooper appeared, represented by Douglas Crockett, his legal counsel, and accompanied by Michelle DeArment, Joanne MaryBrunetto, LMT, and Mary Histing, LMT.

Grace Stewart, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Juan Ortega, Freelance court reporter, recorded the proceedings.

Todd Troutner, Senior Investigator, Enforcement Division, Tara McMillan, LMT, and Client A were present and testified. Dr. Michael Lynch, Licensed Clinical Psychologist, testified via Webex.

RECESS: The Board recesses at 11:09 A.M.

RECONVENTION: The Board reconvened at 11:41 A.M.

RECESS: The Board recesses at 12:05 P.M.

RECONVENTION: The Board reconvened at 12:15 P.M.

CLOSED MEETING: Mr. Hogan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 2:10 P.M., for the purpose of deliberation to reach a decision in the matter of **Brian David Cooper**. Additionally, Mr. Hogan moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg, board counsel, 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 by Dr. Parke and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:42 P.M.

Mr. Hogan 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 by Dr. Parke and carried unanimously.

ACTION: Ms. Peterson moved that the Board of Nursing indefinitely suspend the privilege of **Brian David Cooper** to practice massage therapy in the Commonwealth of Virginia for a period of not less than two years. The motion was seconded by Dr. Parke and passed with four votes in favor of the motion. Mr. Hogan opposed the motion.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

Ms. Peterson left the meeting at 3:43 P.M.

Dr. Gleason joined the meeting at 3:53P.M.

FORMAL HEARING: **Shenisha Preston, CNA** **1401-207076**

Ms. Preston did not appear.

David Kazzie, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel

for the Board. Juan Ortega, Freelance court reporter, recorded the proceedings.

David Cowras, Senior Investigator, Enforcement Division was present and testified.

CLOSED MEETING: Mr. Hogan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 4:07 P.M., for the purpose of deliberation to reach a decision in the matter of **Shenisha Preston**. Additionally, Mr. Hogan moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg, board counsel, 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 by Dr. Parke and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:35 P.M.

Mr. Hogan 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 by Dr. Parke and carried unanimously.

ACTION: Dr. Parke moved that the Board of Nursing reprimand **Shenisha Preston** and impose terms and conditions on her nurse aide certificate. The motion was seconded by Ms. Friedenbergl and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 4:35 P.M.

Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice