

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
PANEL A  
January 26, 2022**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M., on January 26, 2022 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS PRESENT:** Cynthia M. Swineford, MSN, RN, CNE; First Vice-President  
Laurie Buchwald, MSN, WHNP, FNP  
Ann. T Gleason, PhD, Citizen Member  
James L. Hermansen-Parker, MSN, RN, PCCN-K  
Dixie L. McElfresh, LPN  
Mark Monson, Citizen Member  
Erin C. Osiol, MSW – **joined at 10:25 A.M.**

**STAFF PRESENT:** Jay Douglas, MSM, RN, CSAC, FRE, Executive Director  
Claire Morris, RN, LNHA, Deputy Executive Director  
Cathy Hanchey, Senior Licensing/Discipline Specialist  
Francesca Iyengar, MSN, RN; Discipline Case Manager

**OTHERS PRESENT:** James Rutkowski, Assistant Attorney General, Board Counsel  
Julia Bennett, Deputy Executive Director, Administrative Proceedings Division (APD)  
David Robinson, Adjudication Specialist, APD  
Grace Stewart Adjudication Specialist, APD  
Hailey Gibson - **joined at 10:20 A.M**  
Tony Gedeller - **joined at 11:35 A.M.**

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

**FORMAL HEARING:** **Mary Ann McCloud, RN** **0001-265271**

Ms. McCloud appeared.

Tammie Jones, Adjudication Consultant, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor, Farnsworth and Taylor Reporting, LLC, recorded the proceedings.

Tonya James, Board of Nursing Compliance Case Manager, was present and testified.

**CLOSED MEETING:** Mr. Hermansen-Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 9:35 A.M., for the purpose of deliberation to reach a decision in the matter of **Mary Ann McCloud**. Additionally, Mr. Hermansen-Parker moved that Ms. Douglas, Ms. Morris, Ms. Hanchey, Ms. Iyengar and Mr. Rutkowski 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 Mr. Monson and carried unanimously.

**RECONVENTION:** The Board reconvened in open session at 10:03 A.M.

Mr. Hermansen-Parker 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 Ms. McElfresh and carried unanimously.

**ACTION:** Ms. Buchwald moved that the Board of Nursing reprimand **Mary Ann McCloud** and to require her to undergo a physiological mental health evaluation, a substance misuse and neurological evaluation within 120 days. The motion was seconded by Dr. Gleason. 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. Osiol, LMT, joined the hearing at 10:25 A.M.

**FORMAL HEARING:** **Timothy Shane Hess, LMT** **0019-010829**

Mr. Hess appeared, represented by Tony Bramble, Esq and Johnny Feliciano, Legal Assistant. Mr. Hess was accompanied by Lisa Russel.

Rebecca Ripley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor, court reporter with Farnsworth and Taylor Reporting, LLC, recorded the proceedings.

Monique Davis, Senior Investigator, Enforcement Division, Client B, Client A and Lisa Michelle Russell, LMT were present and testified.

**RECESS:** The Board recessed at 12:13 P.M.

RECONVENTION: The Board reconvened at 12:21 P.M.

Mr. Robinson left the meeting at 12:45 P.M.

CLOSED MEETING: Mr. Hermansen-Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 2:20 P.M., for the purpose of deliberation to reach a decision in the matter of **Timothy Shane Hess**. Additionally, Mr. Hermansen-Parker moved that Ms. Douglas, Ms. Morris, Ms. Hanchey and Ms. Iyengar, Ms. Osiol and Mr. Rutkowski 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 Mr. Monson and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:21 P.M.

Mr. Hermansen Parker 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 Mr. Monson and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing reinstate the license of **Timothy Shane Hess** to practice massage therapy in the Commonwealth of Virginia contingent upon Mr. Hess' completion of NCBTMB approved courses in ethics and boundaries, draping, informed consent and communication, three contact hours for each course and for a total of 12 hours. The motion was seconded by Ms. McElfresh 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.

Ms. Osiol, LMT, left the meeting at 3:23 P.M.

RECESS: The Board recessed at 3:23 P.M.

RECONVENTION: The Board reconvened at 3:53 P.M.

FORMAL HEARING: **Angelica Tucker Franklin,RN** **0001-258041**

Ms. Franklin did not appear.

James Schliessmann, Assistant Attorney General, and Claire Foley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L Kim Taylor, court reporter with Farnsworth and Taylor Reporting, LLC, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Enforcement Division, Shannon Aronson, RN, Director of Nursing at Swift Creek Emergency Room, and Patrick J. Connor, DSA Special Agent, were present and testified.

CLOSED MEETING: Ms. Buchwald moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 4:59 P.M., for the purpose of deliberation to reach a decision in the matter of **Angelica Tucker Franklin**. Additionally, Ms. Buchwald moved that Ms. Douglas, Ms. Morris, Ms. Hanchey and Ms. Iyengar and Mr. Rutkowski 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 Mr. Monson and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:20 P.M.

Ms. Buchwald 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 Mr. Monson and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing revoke the certificate of **Angelica Franklin Tucker** to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Ms. Buchwald 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.

Virginia Board of Nursing  
Panel A – Formal Hearings  
January 26, 2022

ADJOURNMENT:           The Board adjourned at 5:21 P.M.

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Claire Morris, RN, LNHA  
Deputy Executive Director