

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
March 29, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on March 29, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; President, Chair  
Marie Gerardo, MS, RN. ANP-BC; Secretary  
Michelle D. Hereford, MSHA, RN, RACHE  
Trula Minton, MS, RN  
Grace Thapa, BSN, RN  
Stephanie Quinby, LMT – **LMT cases only**

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director  
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice  
Huong Vu, Executive Assistant  
Darlene Graham, Senior Discipline Specialist – **joined at 1:35 pm**

OTHERS PRESENT:

Erin Barrett, Assistant Attorney General, Board Counsel  
Charis Mitchell, Assistant Attorney General, Board Counsel – **joined at 11:00 am**  
Senior Nursing Students from George Washington University  
Senior Nursing Students from Riverside College

ESTABLISHMENT OF  
A PANEL:

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

FORMAL HEARINGS:

**Reginald Green Johnson, LMT**                      **0019-014178**  
Mr. Johnson appeared, accompanied by his attorney, Christopher Leibig.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Ann Marie Nelson, court reporter with Crane-Snead & Associates, recorded the proceedings.

Karen S. Boone, Senior Investigator, Department of Health Professions, was present and testified. Client A was present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:14 A.M., for the purpose of deliberation to amend the approved consent order of Reginald Green Johnson, LMT. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Vu and Ms. Barrett 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 10:51 A.M.

Ms. Gerardo 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. Thapa 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. Quinby moved that the Board of Nursing revoke the right to renew the license of Reginald Green Johnson to practice massage therapy in the Commonwealth of Virginia. 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. Barrett left the meeting at 11:00 A.M.

FORMAL HEARINGS: **Yinglan Sun, LMT Applicant**

Ms. Sun appeared, accompanied by her translator, Taehyn “Ryan” Kim.

Steve Bulger, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Ann Marie Nelson, court reporter with Crane-Snead & Associates, recorded the proceedings.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sun. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Vu and Ms. Mitchell 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 12:55 P.M.

Ms. Thapa 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. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Quinby moved that the Board of Nursing deny the application of Yinglan Sun to practice massage therapy in the Commonwealth of Virginia. 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 1:00 P.M.

RECONVENTION: The Board reconvened at 1:35 P.M.

#### **CONSIDERATION OF CONSENT ORDER:**

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sharp, in lieu of a formal hearing. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Graham and Ms. Mitchell 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 1:52 P.M.

Ms. Gerardo 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.

#### **Pamela Sharp, CNS Applicant**

Ms. Thapa moved that the Board of Nursing accept the Consent Order and approve the application of Pamela Sharp to practice as a Clinical Nurse Specialist in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

The Board of Nursing made a recommendation that the content of the 18VAC90-19-210 regarding Clinical Nurse Specialist registration be reviewed by the Board for any possible amendments at the May business meeting.

Students left the meeting at 3:45 P.M.

FORMAL HEARINGS: **Monika Betty Lane, RN** **0001-171840**  
Ms. Lane appeared, accompanied by her attorneys, Michael Goodman and Eileen Talamante. Elizabeth Cooperstein, MD participated via telephone.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Jennifer Baker, Senior Investigator, Department of Health Professions, was present and testified. Betsy Stickley, Pharmacist, Wellmont Lonesome Pine Hospital; Kellie Carter, RN, Clinical Leader, Wellmont Lonesome Pine Hospital; Amy Fugate, LNP, Wellmont Lonesome Pine Hospital; and Atif Atyia, MD were present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 4:38 P.M., for consultation with legal counsel and /or briefings by staff members pertaining to actual or probable litigation. Additionally, Ms. Gerardo moved that Ms. Douglas, Ms. Dr. Hills, Ms. Graham and Ms. Mitchell 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 4:48 P.M.

Ms. Gerardo 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. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lane. Additionally, Ms. Gerardo moved that Ms. Douglas, Ms. Dr. Hills, Ms. Graham and Ms. Mitchell 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 8:06 P.M.

Ms. Thapa 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. Hereford 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. Gerardo moved that the Board of Nursing reprimand Monika Betty Lane and require her to complete the following three NCSBN courses within 90 days of entry of the Order:

- *Documentation: A Critical Aspect of Client Care*
- *Professional Accountability & Legal Liability for Nurses*
- *Righting a Wrong: Ethics and Professionalism in Nursing*

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: **Amy Nicole Marshall, RN Reinstatement** **0001-251696**  
Ms. Marshall did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kevin Wolfe, Senior Investigator, Department of Health Professions, was present and testified. Tristan Mitchell, RN, Hart to Heart Transportation, was present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Marshall. Additionally, Ms. Gerardo moved that Ms. Douglas, Ms. Dr. Hills, Ms. Graham and Ms. Mitchell 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 8:48 P.M.

Ms. Thapa 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. Gerardo 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. Minton moved that the Board of Nursing continue the license of Amy Nicole Marshall to practice professional nursing in the Commonwealth of Virginia on indefinite suspension. 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 8:50 P.M.

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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director