

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCES
April 2, 2018**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on April 2, 2018 in Board Room 4, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Jennifer Phelps, L.P.N- Chairperson
Michelle Hereford, R.N.
Dawn Hogue, L.M.T. **left at 11:20**

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

OTHERS PRESENT: David Kazzie, Adjudication Specialist

CONFERENCES SCHEDULED: **Dong J. Ha, L.M.T. 0019-013749**
Mr. Ha appeared, accompanied by his attorney, Coreen Silverman.

CLOSED MEETING: Ms. Hogue moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to 2.2-3711(A)(27) of the *Code of Virginia* at 10:07 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Ha. Additionally, Ms. Hogue moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 10:23 A.M.

Ms. Hogue moved that the Special Conference Committee of 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.

ACTION: Ms. Hogue moved to issue an Order to dismiss the case and impose no sanction due to insufficient evidence of a violation of the Nurse Practice Act or Board of Nursing regulations. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such Order on Mr. Ha, unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Ha within such time. If service of the Order is made by mail, three

additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Tracey Ann Mahon, L.M.T. Applicant by Endorsement

Ms. Mahon appeared.

CLOSED MEETING:

Ms. Hogue moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to 2.2-3711(A)(27) of the *Code of Virginia* at 10:59 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Mahon. Additionally, Ms. Hogue moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:12 A.M.

Ms. Hogue moved that the Special Conference Committee of 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.

ACTION:

Ms. Hogue moved to issue an Order to approve Tracey Mahon's application for licensure as a massage therapist by endorsement and issue an unrestricted license. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Garth, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Garth within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Gilie Garth, R.N. Reinstatement Applicant 0001-149487

Ms. Garth appeared, accompanied by her friends, Susan Hess, William Tucker, Imelda Salis. Ms. Uhlman, a citizen, was also present.

CLOSED MEETING:

Ms. Hereford moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:07 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Garth. Additionally, Ms. Hereford moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:46 P.M.

Ms. Hereford moved that the Special Conference Committee of 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.

ACTION:

Ms. Hereford moved to issue an Order of reprimand to Ms. Garth, and to issue an order to approve Ms. Garth's application for reinstatement contingent upon verification of Ms. Garth's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of the monitoring contract with the Health Practitioners Monitoring Program and successful completion of a Board approved refresher course prior to practice. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Garth, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Garth within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES
SCHEDULED:

April Boguess, R.M.A. Applicant by Exam
Ms. Boguess did not appear.

CLOSED MEETING:

Ms. Hereford moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:54 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Boguess. Additionally, Ms. Hereford moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 2:58 P.M.

Ms. Hereford moved that the Special Conference Committee of 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.

ACTION: Ms. Hereford moved to issue an Order to deny April Boguess' application to take the medication aide examination. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Boguess, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Boguess within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

**CONFERENCES
SCHEDULED:**

Gloria Mae Ward, C.N.A. Reinstatement Applicant 1401-151286
Ms. Ward did not appear.

CLOSED MEETING:

Ms. Hereford moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:59 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Ward. Additionally, Ms. Hereford moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 3:01 P.M.

Ms. Hereford moved that the Special Conference Committee of 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.

ACTION:

Ms. Hereford moved to issue an Order to deny Gloria Ward's application for reinstatement for certification as a nurse aide with a finding of neglect. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Ward, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Ward within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

**CONFERENCES
SCHEDULED:**

Kathy Caviness, C.N.A. Applicant by Exam
Ms. Caviness did not appear.

CLOSED MEETING: Ms. Hereford moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:02 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Caviness. Additionally, Ms. Hereford moved that Dr. Elliott and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 3:10 P.M.

Ms. Hereford moved that the Special Conference Committee of 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.

ACTION: Ms. Hereford moved to issue an order to deny Kathy Caviness' application to take the nurse aide examination for certification as a nurse aide. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Caviness, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Caviness within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT: The Board adjourned at 3:05 P.M.



Jane Elliott, R.N., Ph.D.
Discipline Staff