

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 16, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M., on July 16, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jennifer Phelps, BS, LPN, QMHPA, First Vice President
Margaret Friedenberg, Citizen Member
Tucker Gleason, PhD, Citizen Member
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Ethlyn McQueen-Gibson, MSN, RN, BC
Dawn Hogue, LMT – **LMT case only**

STAFF PRESENT:

Brenda Krohn, RN, MS, Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP, Deputy Executive Director for
Advanced Practice
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Senior Nursing Students from Virginia Commonwealth University, School
of Nursing – **joined at 1:30 pm**

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

AnHua Cao, LMT 0019-013824
Mr. Cao did not appear.

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

Mark Cranfill, Senior Investigator, Department of Health Professions, was
present and testified.

Ms. Krohn left the meeting before the closed meeting.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting
pursuant to §2.2-3711(A)(27) of the Code of Virginia at 9:23 A.M., for the
purpose of deliberation to reach a decision in the matter of Mr. Cao.
Additionally, Dr. Gleason moved that 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 9:28 A.M.

Dr. Gleason 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. Friedenbergl 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. Hague moved that the Board of Nursing indefinitely suspend the right of AnHua Cao to renew his license to practice as a massage therapist in the Commonwealth of Virginia for a period of not less than three years. The motion was seconded 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. Hogue left the meeting at 9:30 A.M.

FORMAL HEARINGS:

Melinda Edmonds Hardy, RN 0001-174063

Ms. Hardy appeared and was accompanied by Nakisha Trice, her daughter.

Holly Woodcock, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions, and Nakisha Trice, Ms. Hardy's daughter, were present and testified.

Dr. Hills left the meeting before the closed meeting.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 10:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hardy. Additionally, Dr. Gleason moved that Ms. Krohn, 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 11:04 A.M.

Dr. Gleason 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. Friedenberg moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Woodcock and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Hahn moved that the Board of Nursing revoke the license of Melinda Edmonds Hardy to practice professional nursing in the Commonwealth of Virginia. The motion was seconded 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.

RECESS: The Board recessed at 11:50 A.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

FORMAL HEARINGS: **Christopher Maka, CNA 1401-114318**
Mr. Maka appeared.

Holly Woodcock, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions, Jasmine A. Proffitt, APSW Chesterfield DSS, and Mary Quinney, sister of Resident A, were present and testified. Debra Hay-Pierce, Senior Investigator, Department of Health Professions, testified via phone.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 3:46 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Maka.

Additionally, Dr. Gleason moved that Ms. Krohn, 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 4:51 P.M.

Dr. Hahn 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. Friedenbergh moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Woodcock and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Dr. Gleason moved that the Board of Nursing indefinitely suspend the certificate of Christopher Maka to practice as a nurse aide in the Commonwealth of Virginia for a period of not less than two years. The motion was seconded 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.

FORMAL HEARINGS:

Dyshanta R. Daniels, CNA Reinstatement **1401-166783**
Ms. Daniel appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 5:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Daniels. Additionally, Dr. Gleason moved that Ms. Krohn, 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 5:47 P.M.

Dr. Gleason 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. Friedenberg 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: Dr. Gleason moved that the Board of Nursing reprimand Dyshanta R. Daniels and approve her application for reinstatement of her certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded 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 5:51 P.M.

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