

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 21, 2019**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:40 A.M. on March 21, 2019 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA, President
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, FAAN
Dixie McElfresh, LPN
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Meenakshi Shah, BA, RN
Dawn Hogue, MA, LMT

STAFF PRESENT:

Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director
Robin Hills, DNP, RN, WHNP, Deputy Executive Director for Advanced Practice
Lelia Claire Morris, RN, LNHA, Discipline Case Manager
Patricia Dewey, RN, BSN, Discipline Case Manager
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Senior Nursing Students from Southside College of Health Sciences

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Delma Pierre, LMT **0019-014235**
Mr. Pierre appeared.

Wayne Halbleib, Assistant Attorney General, and Holly Woodcock, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting Service LLC, recorded the proceedings.

Terri L. Brinkley, RDA, Lisa Elgin, RN, Senior Investigator, Department of Health Professions Enforcement Division, and Ray Carassino, LCSW, Counseling & Psychological Services, LLC in Danville, were present and testified.

RECESS:

The Board recessed at 11:13 A.M.

RECONVENTION:

The Board reconvened at 11:25 A.M.

Nurse Aide students from Northern Neck Technical Center joined the meeting at 11:25 A.M.

RECESS:

The Board recessed at 12:07 P.M.

RECONVENTION: The Board reconvened at 12:20 P.M.

Nurse Aide students from Northern Neck Technical Center left the meeting at 12:20 P.M.

CLOSED MEETING: Ms. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(8) of the *Code of Virginia* at 12:24 P.M., for consultation with legal counsel. Additionally, Ms. McElfresh moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Dewey, 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. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:47 P.M.

Ms. McElfresh 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. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:08 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Pierre. Additionally, Ms. McElfresh moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Dewey, Ms. Vu and Ms. Mitchell, 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 and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:08 P.M.

Ms. McElfresh 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.

Dr. McQueen-Gibson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib, and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hogue moved the Board of Nursing revoke the right of Delma Pierre's right to renew his license to practice as a massage therapist in the Commonwealth of Virginia. The motion was seconded and carried with four votes in favor of the motion. Dr. McQueen-Gibson and Ms. McElfresh opposed the motion.

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. Hogue and Ms. Morris left the meeting at 3:14 P.M.

FORMAL HEARINGS: **Asha Monique Hite, LPN** **0002078666**
Ms. Hite appeared and was accompanied by Margaret Hardy, Esq.

Lana Jagadish, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting Service LLC, recorded the proceedings.

Veronica Haskins, RN, DCS, former employee at Envoy of Westover Hills, was present and testified.

Dr. Hills left the meeting at 4:51 P.M.

CLOSED MEETING: Ms. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:51 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hite. Additionally, Ms. McElfresh moved that Ms. Douglas, Ms. Dewey, Ms. Vu, Ms. Mitchell, 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 and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:25 P.M.

Ms. Shah 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.

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

ACTION: Ms. McElfresh moved that the Board of Nursing place the license of Asha Monique Hite to practice practical nursing in the Commonwealth of Virginia on probation for one year of actual practice with terms. 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 5:27 P.M.

Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director