

APPROVED

**VIRGINIA BOARD OF LONG-TERM CARE ADMINISTRATORS
FORMAL ADMINISTRATIVE HEARING**

January 17, 2017

**Department of Health Professions
9960 Mayland Drive, Suite #300**

Henrico, Virginia

CALL TO ORDER: A panel of the Board was called to order at 9:57 a.m.

MEMBERS PRESENT: Derrick Kendall, NHA, Chair
Martha Hunt, ALFA
Karen Stanfield, NHA
Marj Pantone, ALFA
Doug Nevitt, ALFA
Mitchell Davis, NHA
Basil Acey, Citizen Member
Mary Brydon, Citizen Member
Shervonne Banks, Citizen Member

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: Corie Tillman Wolf, Executive Director
Missy Currier, Deputy Executive Director
Kathy Petersen, Discipline Operations Manager

COURT REPORTER: Crane Snead Court Reporting

PARTIES ON BEHALF OF COMMONWEALTH: James Schliessmann, Sr. Assistant Attorney General/Chief
David Kazzie, Adjudication Specialist

COMMONWEALTH WITNESSES: Wendy Morris, Senior Investigator
Kimberly Wright, VDH

PARTIES ON BEHALF OF RESPONDENT: Taylor Boone, Esq.

RESPONDENT WITNESSES: Kerry Kelly

MATTER SCHEDULED: **Andrea S. Emodi, ALFA**
License No.: 1706-000774
Case No.: 173242

ESTABLISHMENT OF A QUORUM:

With nine (9) members of the Board present, a quorum was established.

OUTSTANDING MOTIONS RULING:

Derrick Kendall overruled all outstanding motions that had been filed by both the Commonwealth and Respondent.

OBJECTION:

Mr. Boone, on behalf of Ms. Emodi, renewed his pre-hearing motion to strike the Commonwealth's evidence.

RULING:

The Chair overruled Mr. Boone's objection.

DISCUSSION:

Ms. Emodi appeared before the Board in accordance with the Board's Amended Notice of Formal Hearing dated December 15, 2016. Ms. Emodi was present and was represented by Taylor Boone, Esq. The Board received evidence and sworn testimony from the parties called by the Commonwealth, regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION:

Upon a motion by Martha Hunt, and duly seconded by Karen Stanfield, the Board voted to convene a closed meeting at 11:05 a.m., pursuant to §2.2-3711.A(7) of the Code of Virginia, for the purpose of consultation with the provision of legal advice by Board Counsel in the matter of Andrea S. Emodi. Additionally, she moved that Ms. Tillman Wolf, Ms. Barrett, Ms. Petersen and Ms. Carrier attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Martha Hunt, and duly seconded by Karen Stanfield, the Board voted to re-convene at 11:20 a.m.

CERTIFICATION:

Ms. Hunt certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

OBJECTION: Mr. Boone, on behalf of Ms. Emodi, made a motion to strike the Commonwealth's evidence and to dismiss all allegations against Ms. Emodi.

CLOSED SESSION: Upon a motion by Martha Hunt, and duly seconded by Karen Stanfield, the Board voted to convene a closed meeting at 11:05 a.m., pursuant to §2.2-3711.A(7) of the Code of Virginia, for the purpose of consultation with the provision of legal advice by Board Counsel in the matter of Andrea S. Emodi. Additionally, she moved that Ms. Tillman Wolf, Ms. Barrett, Ms. Petersen and Ms. Currier attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Upon a motion by Martha Hunt, and duly seconded by Karen Stanfield, the Board voted to re-convene at 11:20 a.m.

CERTIFICATION: Ms. Hunt certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

RULING: The Chair overruled Mr. Boone's Motion to Strike and Motion to Dismiss.

DISCUSSION: The Board received evidence and sworn testimony from the parties called by the Respondent, regarding the matters as set forth in the Statement of Particulars.

RECESS The Board recessed at 1:35 p.m.

RECONVENE: The Board reconvened at 2:15 p.m.

DISCUSSION: The Board continued to receive evidence and sworn testimony from the parties called by the Respondent, regarding the matters as set forth in the Statement of Particulars.

OBJECTION: Mr. Boone, on behalf of Ms. Emodi, renewed his motion to strike the Commonwealth's evidence and to dismiss all allegations against Ms. Emodi.

CLOSED SESSION:

Upon a motion by Martha Hunt, and duly seconded by Doug Nevitt, the Board voted to convene a closed meeting at 2:45 p.m., pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Andrea S. Emodi. Additionally, she moved that Ms. Tillman Wolf, Ms. Barrett, Ms. Petersen and Ms. Currier attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Martha Hunt, and duly seconded by Karen Stanfield, the Board voted to re-convene at 3:55 p.m.

CERTIFICATION:

Ms. Hunt certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

RULING:

The Chair overruled Mr. Boone's motion to strike the Commonwealth's evidence and to dismiss all allegations against Ms. Emodi.

DECISION:

Upon a motion by Karen Stanfield, and duly seconded by Doug Nevitt, the Board moved to continue the suspension of Ms. Emodi's license indefinitely. Before applying for reinstatement, Ms. Emodi shall complete a Board-approved 320 hour Administrator in Training program with a Board-approved preceptor at a Board-approved location. She shall complete forty hours of continuing education in specific areas ordered by the board.


VOTE:


The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 4:17 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.


Derek Kendall, NHA, Chair


Corie E. Tillman Wolf, Executive Director

3/23/17
Date

March 23, 2017
Date