

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 18, 2024**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M., on March 8, 2024, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS

PRESENT: A. Tucker Gleason, PhD, Citizen Member; First Vice-President
Carol Cartte, RN, BSN
Victoria Cox, DNP, RN
Yvette Dorsey, DNP, RN
Margaret J. Friedenberg, Citizen Member
Shantell Kinchen, LPN

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Sylvia Tamayo-Suijk, Senior Nursing Discipline Specialist

OTHERS PRESENT: Laura Booberg, Assistant Attorney General
BSN program students from ECPI University- **left at 12:54 p.m.**

ESTABLISHMENT OF A PANEL: With six members of the Board present, a panel was established.

FORMAL HEARING: **Laura Michelle Jolly, RN** **0001-232138**

Ms. Jolly did not appear.

Grace Stewart, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Cheryl Lane, court reporter with Veteran Court Reporters, recorded the proceedings.

Lieutenant Kevin Pultz was present and testified.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 9:27 A.M., for the purpose of deliberation to reach a decision in the matter of **Laura Michell Jolly**. Additionally, Ms. Cartte moved that Dr. Hills, Ms Bargdill, Ms. Tamayo-Suijk and Mr. Booberg, 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:49 A.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. Cartte moved that the Board of Nursing issue an order to indefinitely suspend the license of **Laura Michelle Jolly** to practice as a professional nurse in the Commonwealth of Virginia and stay the suspension contingent upon entry into and compliance with Health Practitioners' Monitoring Program (HPMP). The motion was seconded by Ms. Kinchen 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 9:50 A.M.

RECONVENTION: The Board reconvened at 10:08 A.M.

FORMAL HEARING: **Tamara Sherry Bryson-Diggs, LPN** **0002-102147**

Ms. Bryson-Diggs appeared.

Christine Andreoli, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Cheryl Lane, court reporter with Veteran Court Reporters, recorded the proceedings.

Ashley Hester, Senior Investigator, Enforcement Division, Michelle Epps, LPN, former employee of Westport Nursing and Rehabilitation Center, Special Agent Kelly Connors, former employee of Department of Corrections, Sussex State Prison, and Lieutenant Sebastian Boyer, were present and testified.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:04 P.M., for the purpose of deliberation to reach a decision in the matter of **Tamara**

Sherry Bryson-Diggs. Additionally, Ms. Cartte moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg, 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:53 P.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. Kinchen moved that the Board of Nursing indefinitely suspend the right to renew the license of **Tamara Sherry Bryson-Diggs** to practice practical nursing in the Commonwealth of Virginia for a period of not less than one year. The motion was seconded by Dr. Cox 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 12:54 P.M.

RECONVENTION: The Board reconvened at 1:34 P.M.

FORMAL HEARING: **Baratu G. Jalloh, LPN** **0002-092888**

Ms. Jalloh appeared.

David Kazzie, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Cheryl Lane, court reporter with Veteran Court Reporters, recorded the proceedings.

Rehana Majeed, former Executive Director of Harmony at Spring Hill, was present and testified. Theresa Morrow, Daughter of Patient "A" testified via telephone.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 3:11 P.M., for the purpose of deliberation to reach a decision in the matter of **Baratu G. Jalloh**. Additionally, Ms. Cartte moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk and Mr. Booberg, 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:34 P.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. Kinchen moved that the Board of Nursing dismiss the case of **Baratu G. Jalloh**. The motion was seconded by Dr. Cox 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 HEARING: **Donna Swan, RN** **Maine License #RN46524 with Multistate privileges**

Ms. Swan did not appear.

Claire Foley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Cheryl Lane, court reporter with Veteran Court Reporters, recorded the proceedings.

Wanda Scott, RN, Director of Nursing (DON) at Clarksville Health and Rehabilitation present and testified.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 3:58 P.M., for the purpose of deliberation in the matter of **Donna Swan**. Additionally, Ms. Cartte moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg, 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:29 P.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. Kinchen moved that the Board of Nursing indefinitely suspend the privilege to practice as a registered nurse for **Donna Swan** in the Commonwealth of Virginia for a period of no less than two years. The motion was seconded by Dr. Cox 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 4:30 P.M.

RECONVENTION: The Board reconvened at 4:43 P.M.

FORMAL HEARING: **Kizzy Renea Fowlkes, LPN** **0002-087569**

Ms. Fowlkes appeared.

David Kazzie, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Cheryl Lane, court reporter with Veteran Court Reporters, recorded the proceedings.

Meghan Wingate, Senior Investigator, Enforcement Division, Shawn Ledger, Senior Investigator, Enforcement Division, Cindy DeBusk, Virginia Department of Health, Piedmont Health District, were present and testified. Tina Armstrong, RN, Charlotte County Health Department, testified via telephone.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(16) of the Code of Virginia at 5:02 P.M., for the purpose to review the medical records of **Kizzy Rena Fowlkes**. Additionally, Ms. Cartte moved that Dr. Hills, Ms. Bargdill, Ms. Tamayo-Suijk, Ms. Booberg, board counsel, Ms. Wingate, Mr. Kazzie and Ms. Fowlkes 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:18 P.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

RECESS: The Board recessed at 6:02 P.M.

RECONVENTION: The Board reconvened at 6:10 P.M.

CLOSED MEETING: Ms. Cartte moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 7:12 P.M., for the purpose of deliberation to reach a decision in the matter of **Kizzy Renea Fowlkes**. Additionally, Ms. Cartte moved that Dr. Hills, Ms. Bardgill, Ms. Tamayo-Suijk and Ms. Booberg, 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 by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:32 P.M.

Ms. Cartte 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 by Dr. Dorsey and carried unanimously.

ACTION: Ms. Kinchen moved that the Board of Nursing reprimand **Kizzy Renea Fowlkes** and issue an order to provide documentation of 3 hours of ethics and professionalism, 3 hours of professional accountability and 3 hours of documentation education. The motion was seconded by Dr. Cox and carried unanimously.

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ADJOURNMENT: The Board adjourned at 7:33 P.M.

Christina Bargdill; BSN, MHS, RN
Deputy Executive Director