

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 20, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:12 A.M. on July 20, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS

PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D, Vice President
Peregrin Francisco, R.N. F.N.P.
Joyce A. Hahn, Ph.D.; APRN, NEA-BC
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.

BOARD MEMBER ABSENT:

Patricia C. Lane, R.N., B.S.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S. Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Bon Secours School of Nursing; Fortis College, Richmond Campus; and J. Sargeant Reynolds Community College

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Sharvette A. Walker, C.N.A. 1401-122122
Ms. Walker appeared.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Sherry Foster, R.N., Senior Investigator, Department of Health Professions; Lakeshia Barnes, C.N.A., Chase City Nursing and Rehabilitation Center; Debra Falls, C.N.A., Chase City Nursing and Rehabilitation Center; Annette Cox, R.N., Chase City Nursing and Rehabilitation Center; Constance Brisben, R.N., ADON, former employee of Chase City Nursing and Rehabilitation Center were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:23 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Walker. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway 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 10:40 A.M.

Ms. Francisco 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. Carter and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Dr. Hahn moved that the Board of Nursing revoke the certificate of Sharvette Walker to practice as a nurse aide with a finding of abuse.
The motion was seconded and carried. Dr. Selig, Mr. Horn and Dr. Hahn were in favor of the motion. Ms. Francisco and Ms. Jones-Clarke 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.

RECESS: The Board recessed at 10:43 A.M.

RECONVENTION: The Board reconvened at 10:55 A.M.

FORMAL HEARINGS: **Racheal N. Robinson, R.N. Reinstatement Applicant 0001-154862**
Ms. Robinson did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kim Martin, Senior Investigator, Department of Health Professions; Vicky Fox, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:13 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Robinson. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and

Mr. Casway 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 11:20 A.M.

Ms. Francisco 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. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved that the Board of Nursing deny the application of Racheal Robinson for reinstatement of her professional nursing license and continue the license on indefinite suspension for a period of not less than one year.

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.

FORMAL HEARINGS:

Irene Owusu, C.N.A. 1401-105386

Ms. Owusu did not appear.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions; Elsie Aguilar, Unit Clerk, Ruxton Health of Woodbridge were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Owusu. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway 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 12:05 P.M.

Ms. Francisco 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. Carter and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved that the Board of Nursing reprimand Irene Owusu in her practice as a certified nurse aide.

The motion was seconded and carried. Dr. Selig, Ms. Francisco, Mr. Horn and Dr. Hahn were in favor of the motion. Ms. Jones-Clarke 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.

FORMAL HEARINGS:

Gerald B. Roy, R.N. Reinstatement Applicant 0001-171004

Mr. Roy appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; Christine Grubb, Case Manager, Health Practitioners Monitoring Program; were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:33 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Roy. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway 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 12:45 P.M.

Ms. Francisco 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. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved that the Board of Nursing reinstate the professional nursing license of Gerald Roy contingent upon his continued compliance with his Health Practitioners Monitoring Program Recovery Monitoring Contract.

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.

RECESS: The Board recessed at 12:47 P.M.

RECONVENTION: The Board reconvened at 1:50 P.M.

Ms. Krohn and Ms. Lee left the meeting. Ms. G. Mitchell and Ms. Davis joined the meeting.

FORMAL HEARINGS: **Annabelle Wrayton R.N. 0001-101337**
Ms. Wrayton appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Martha Ann Spruill, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wrayton. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway 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 3:10 P.M.

Ms. Francisco 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. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing indefinitely suspend the professional nursing license of Annabelle Wrayton for a period of not less than one year.
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.

FORMAL HEARINGS: **April Hyter, L.P.N. 0002-032730**
Ms. Hyter did not appear.

Amanda Mitchell, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions; Jennifer Sears-Cockran, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hyter. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway 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 3:42 P.M.

Ms. Francisco 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. Mitchell.
The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing revoke the practical nursing license of April Hyter.
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.

FORMAL HEARINGS: **Joseph Haggerty, Jr., R.N. 0001-145454**
Mr. Haggerty did not appear.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Dawn France, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:56 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Haggerty. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway 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 4:02 P.M.

Ms. Francisco 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. Mitchell and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Jones-Clarke moved that the Board of Nursing revoke the professional nursing license of Joseph Haggerty.
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 4:05 P.M.

Gloria Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director