

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
October 21, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:35 A.M. on October 21, 2009 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Peregrin Francisco, R.N. M.S.A, Chairperson
Florence Jones-Clarke, R.N., M.S.
Evelyn Lindsay, L.P.N.
Judith E. Piersall, R.N., B.S.N.
Karen Schultz, M.B.A.; Ph.D, Citizen Member

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
One student from Bon Secours School of Nursing (observing)

**ESTABLISHMENT OF
A QUORUM:**

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

FORMAL HEARINGS:

Jennifer J. Lapiana, R.N. 0001-173929
Ms. Lapiana did not appear.

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

Pam Kincheloe, Senior Investigator, Department of Health Professions; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

Ms. Douglas left the meeting.

CLOSED MEETING:

Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:55 A.M., for the purpose of deliberation to reach a decision in the matter of Jennifer Lapiana. Additionally, Dr. Schultz moved that Ms. Power, 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 10:05 A.M.

Dr. Schultz 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. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Jennifer Lapiana until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to resume practice.

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: **Denise L. Harris, L.P.N. 0002-053669**

Ms. Harris 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.

Kimberly Martin, Senior Investigator, Department of Health Professions; Darlene Spelts, Assistant Director of Nursing, Nansemond Pointe Rehab and Healthcare Center were present and testified.

CLOSED MEETING: Dr. Schultz 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 Denise Harris. Additionally, Dr. Schultz moved that Ms. Power, 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 10:55 A.M.

Dr. Schultz 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. Piersall 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:

Ms. Jones-Clarke moved that the Board of Nursing indefinitely suspend the right to renew the practical nursing license of Denise Harris until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice.

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 11:00 A.M.

RECONVENTION:

The Board reconvened at 11:10 A.M.

FORMAL HEARINGS:

Jessica T. Greear, L.P.N. 0002-076659

Ms. Greear 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.

Gayle Miller, Senior Investigator, Department of Health Professions was present and testified. Anita McDaniel, Nurse Supervisor, Hazard Appalachian Hospital Regional Medical Center testified by telephone.

CLOSED MEETING:

Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Jessica Greear. Additionally, Dr. Schultz moved that Ms. Power, 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 11:47 A.M.

Dr. Schultz 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. Jones-Clarke 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. Lindsay moved that the Board of Nursing indefinitely suspend the practical nursing license of Jessica Greear until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice.
The motion was seconded and carried. Ms. Francisco, Ms. Jones-Clarke, Ms. Lindsay and Dr. Schultz were in favor of the motion. Ms. Piersall 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 11:50 A.M.

RECONVENTION: The Board reconvened at 1:05 P.M.

FORMAL HEARINGS: **Christy Hamlett, R.N. 0001-201730**
Ms. Hamlett appeared.

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

Lisa Elgin, Senior Investigator, Department of Health Professions; and Pamela Grant, R.N., Administrator, HCR Manor Care were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:45 P.M., for the purpose of deliberation to reach a decision in the matter of Christy Hamlett. Additionally, Dr. Schultz moved that Ms. Power, 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 2:15 P.M.

Dr. Schultz 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. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Christy Hamlett with suspension to be stayed contingent upon Ms. Hamlett's entry in to the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program.

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 2:20 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
TELEPHONE CONFERENCE CALL
October 21, 2009**

A telephone conference call meeting of the Virginia Board of Nursing was held October 21, 2009 at 8:25 A.M. The Board members participating in the meeting were Patricia M. Selig, R.N., F.N.P., Ph.D., Vice President; Peregrin C. Francisco, R.N., M.S.A.; Florence Jones-Clarke, R.N., M.S.; Brenda Hale, R.N. .; Jeanne Holmes, Citizen Member; Judith E. Piersall, R.N., B.S.N.; Karen Schultz, M.B.A.; Ph.D, Citizen Member; Evelyn Lindsay, L.P.N. (joined later).

Others participating in the meeting were Howard M. Casway, Senior Assistant Attorney General; Wayne Halbleib, Assistant Attorney General; Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director; Jodi P. Power, R.N., J.D., Deputy Executive Director; Brenda Krohn, R.N., M.S., Deputy Executive Director; Anne Joseph, Deputy Director, Administrative Proceedings Division; Amanda Mitchell, Adjudication Specialist; Tammie Jones, Adjudication Specialist; and Wendell Roberts, Adjudication Specialist.

The meeting was called to order by Dr. Selig. With seven members of the Board participating, a quorum was established. A poll of those participating showed that a good faith effort to convene a regular meeting within the week was not possible.

Wayne Halbleib, Assistant Attorney General, presented evidence that the continued nurse aide practice of Jennifer Wade, C.N.A. 1401-100627 may present a substantial danger to the health and safety of the public.

Ms. Hale moved to summarily suspend the nurse aide certificate of Jennifer Wade pending a formal administrative hearing and to offer a consent order for revocation of her certificate with a finding of misappropriation in lieu of formal hearing. The motion was seconded and carried unanimously.

Ms. Lindsay joined the call bringing the number of Board members participating to eight.

Wayne Halbleib, Assistant Attorney General, presented evidence that the continued nursing practice of Livia Crisan, C.N.A. 1401-128404 may present a substantial danger to the health and safety of the public.

Dr. Schultz moved to summary suspend the nurse aide certificate of Livia Crisan pending a formal administrative hearing and to offer a consent order for revocation of her certificate with a finding of abuse in lieu of a formal hearing. The motion was seconded and carried unanimously.

Wayne Halbleib, Assistant Attorney General, presented evidence that the continued nursing practice of Sharon Walker, C.N.A. 1401-117440 may present a substantial danger to the health and safety of the public.

Ms. Francisco moved to summary suspend the nurse aide certificate of Sharon Walker pending a formal administrative hearing and to offer a consent order for revocation of her certificate with a finding of abuse in lieu of a formal hearing. The motion was seconded and carried unanimously.

The meeting was adjourned at 9:18 A.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
October 21, 2009**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 12:20 P.M. on October 21, 2009 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N.
Evelyn Lindsay, L.P.N.

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Piersall moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:20 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Piersall moved that Dr. Elliott attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 1:00 P.M.

Ms. Lindsay moved that the Special Conference Committee of 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.

Investigative reports regarding four registered nurses and five licensed practical nurses were reviewed.

ACTION: Ms. Lindsay moved to close four of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations or to warrant disciplinary action.
The motion was seconded and approved unanimously.

Ms. Lindsay moved to offer five of the above individuals a pre-hearing consent order in lieu of further administrative proceedings.
The motion was seconded and carried unanimously.

ADJOURNMENT: The Committee adjourned at 1:00 P.M.

Jane Elliott, R.N., Ph.D.
Discipline Staff