

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 20, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on September 20, 2018 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; President
Marie Gerardo, MS, RN. ANP-BC; Second Vice President
Margaret J. Friedenberg, Citizen Member
Trula Minton, MS, RN
Meenakshi Shah, BA, RN
Grace Thapa, DNP, FNP-BC, AE-C – **joined at 11:15 A.M.**

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Jane Elliott, PhD, RN; Discipline Staff
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS: **Kari Jo Fleming, RN** **0001-230047**
Ms. Fleming appeared and was represented by Nicholas Balland, her attorney.

Steve Bulger, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:26 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fleming. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk, and Ms. Mitchell 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 10:59 A.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.

Ms. Friedenberg moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Gerardo moved that the Board of Nursing reprimand Kari Jo Fleming and reinstate her license to practice professional nursing in the Commonwealth of Virginia. 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.

Dr. Thapa joined the meeting at 11:13 A.M.

FORMAL HEARINGS:

Gloria Ward, CNA
Ms. Ward appeared.

1401-151286

Steve Bulger, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marcella Luna, Investigator Supervisor, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:07 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ward. Additionally, Ms. Shah moved that Dr. Hills, Ms. Tamayo-Suijk and Ms. Mitchell 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 12:49 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.

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

ACTION: Mr. Gerardo moved that the Board of Nursing deny reinstatement of the certification of Gloria Ward to practice as a nurse aide in the Commonwealth of Virginia. 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 12:51 P.M.

RECONVENED: The Board reconvened at 1:35 P.M.

FORMAL HEARINGS: **Angell Carol Dunaway, RN** **0001-154838**
Ms. Dunaway appeared and was accompanied by Mark Eberly.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Hannah Lloyd, BGS, CSAC, testified via telephone. Tonya James, Compliance Case Manager for Board of Nursing, and Mark Eberly were present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 2:06 P.M., for the purpose of consideration and discussion of medical records of Ms. Dunaway that are excluded from the Freedom of Information Act by Virginia Code section 1 of 2.2-3705.5. Additionally, Ms. Gerardo moved that Dr. Elliott, Ms. Tamayo-Suijk, Ms. Mitchell, Ms. Lloyd, and Ms. Jones 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 2:24 P.M.

Ms. Gerardo 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. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:09 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Dunaway.

Additionally, Ms. Gerardo moved that Dr. Elliott, Ms. Tamayo-Suijk, and Ms. Mitchell 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 3:53 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.

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

ACTION:

Dr. Thapa moved that the Board of Nursing reprimand Angell Carol Dunaway and indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia until she meets all the requirements of the Board Order entered May 5, 2017. 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:

LaDonna A. Enoh, LPN

0002-066429

Ms. Enoh did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Margaret Starks, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:21 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Enoh. Additionally, Ms. Shah moved that Dr. Hills, Dr. Elliott, Ms. Tamayo-Suijk and Ms. Mitchell 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 4:27 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.

Mr. Friedenbergr moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines. The motion was seconded and carried unanimously.

ACTION: Mr. Gerardo moved that the Board of Nursing indefinitely suspend the license of LaDonna A. Enoh to practice practical nursing in the Commonwealth of Virginia until she can come before the Board and prove 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.

ADJOURNMENT: The Board adjourned at 4:35 P.M.

Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice