

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 16, 2019
PANEL A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on July 16, 2019 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA, President
Laura Cei, BS, LPN, CCRP
Margaret Friedenberg, Citizen Member
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, FAAN
Trula Minton, MS, RN
Meenakshi Shah, BA, RN
Cynthia Swineford, MSN, RN, CNE

STAFF PRESENT:

Jodi Power, RN, JD, Senior Deputy Executive Director
Terri Clinger, DNP, RN, CPNP-PC, Deputy Executive Director for
Advanced Practice
Charlette N. Ridout, RN, MS, CNE, Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Vanessa MacLeod, Assistant Attorney General
Senior Nursing Students from Fortis College
Senior Nursing Students from Southside College of Health Sciences
Nurse Aide Students from RAPP Center for Education

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Robert Thomas Turcol, RN **0001-233479**

Mr. Turcol appeared.

Anne Joseph, Deputy Director of the Administrative Proceeding Division for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Rai Minor, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Cei moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:24 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Turcol. Additionally, Ms. Cei moved that Ms. Power, Dr. Clinger, Ms. Ridout,

Ms. Graham and Ms. Mitchell, 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 and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:45 A.M.

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

ACTION: Dr. Hahn moved that the Board of Nursing reprimand Robert Thomas Turcol and approve his application for reinstatement of his registered nurse license which will be a single state license valid in Virginia only until the Board receives his successful completion of probation with Delaware. An Order will be issued of the findings of fact and conclusions of law. 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 10:49 A.M.

RECONVENTION: The Board reconvened in open session at 11:08 A.M.

FORMAL HEARINGS: **Robert Andrew Wozniak, LPN** **0002-051792**

Mr. Wozniak appeared.

Anne Joseph, Deputy Director of the Administrative Proceeding Division for the Department of Health Professions, and James Schliessmann, Assistant Attorney General, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING: Ms. Cei moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:34 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Wozniak. Additionally, Ms. Cei moved that Ms. Power, Dr. Clinger, Ms. Graham, Ms. Mitchell, Board counsels, and Ms. MacLeod 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 1:02 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. Friedenbergr moved that the Board of Nursing accept the findings of fact and conclusions of law as presented and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Cei moved that the Board of Nursing deny the application for reinstatement of Robert Andrew Wozniak's practical nurse license to practice in the Commonwealth of Virginia and continue his right to renew his license on indefinite suspension . An Order will be issued regarding the findings of fact and conclusions of law. 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 1:05 P.M.

RECONVENTION: The Board reconvened in open session at 2:02 P.M.

FORMAL HEARINGS: **Ashley Alston, LPN** **0002-091180**

Ms. Alston did not appear.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Kelly Moss, former Senior Investigator, Department of Health Professions, and Tonya James, Board of Nursing Compliance Case Manager, were 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 2:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Alston. Additionally, Ms. Shah moved that Ms. Power, Dr. Clinger, Ms. Ridout, Ms. Graham and Ms. Mitchell, 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 and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:24 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Hahn moved that the Board of Nursing reprimand Ashley Alston and indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia. An Order will be issued regarding the findings of fact and conclusions of law. 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 2:28 P.M.

RECONVENTION: The Board reconvened in open session at 2:45 P.M.

FORMAL HEARINGS: **Alvis Tucker, CNA** **1401-196272**

Mr. Tucker did not appear.

David Kazzie, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal

counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Jessica Wilkerson, 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 3:20 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Tucker. Additionally, Ms. Shah moved that Ms. Power, Dr. Clinger, Ms. Ridout, Ms. Graham and Ms. Mitchell, 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 and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:37 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. Minton moved that the Board of Nursing accept the findings of fact and conclusions of law as presented 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 Alvis Tucker to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against him in the Virginia Nurse Aide Registry. An Order will be issued regarding the findings of fact and conclusions of law. 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 3:40 P.M.

Jodi P. Power, RN, JD
Senior Deputy Executive Director