

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
July 21, 2016**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on July 21, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS PRESENT:**  
Kelly S. McDonough, DNP, RN; Vice President  
Marie Gerardo, MS, RN, ANP-BC  
Regina Gilliam, LPN  
Jeanne Holmes, Citizen Member  
Mark D. Monson, Citizen Member  
William Traynham, LPN, CSAC

**STAFF PRESENT:** Jodi P. Power, JD, RN; Deputy Executive Director  
Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director  
Darlene Graham, Senior Discipline Specialist

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

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

**FORMAL HEARINGS:** **Montese Winston, CNA 1401079934**  
Ms. Winston did not appear.

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

Kelli Moss, Senior Investigator with the Department of Health Professions was present and testified.

**CLOSED MEETING:** Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Winston. Additionally, Ms. Holmes moved that Ms. Mitchell-Lively, Ms. Power, Ms. Graham 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 9:35 A.M.

Ms. Holmes 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. Gerardo 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:**

Ms. Holmes moved that the Board of Nursing indefinitely suspend the right of Montese Winston to renew her nurse aide certification, until such time as she can appear before the Board to demonstrate sufficient evidence she is safe 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 9:40 AM

**RECONVENTION:**

The Board reconvened at 1:00 PM

**FORMAL HEARINGS:**

**Millicent Davis, LPN 0002-060042**

Ms. Davis did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Earlina King, court reporter with Crane-Snead & Associates, recorded the proceedings.

Robin Carroll, Senior Investigator, Department of Health Professions was present and testified, and Rachel Moore, RMA, Resident Care Director, Greendale Home for the Aged, testified by phone.

**CLOSED MEETING:**

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:38 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Davis. Additionally, Ms. Holmes moved that Ms. Mitchell-Lively, Ms. Power, Ms. Graham 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 1:55 P.M.

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

**ACTION:**

Mr. Traynham moved that the Board of Nursing issue an Order of Reprimand to Millicent Davis, LPN and require she complete the following National Council of State Boards of Nursing on-line courses within 90 days of entry of the Order: 1) Delegating Effectively; 2) Sharpening Critical Thinking Skills; 3) Disciplinary Actions: What Every Nurse Should Know; 4) Documentation: A Critical Aspect of Client Case; 5) Ethics of Nursing Practice; 6) Medication Errors: Causes & Prevention; and 7) Professional Accountability and Legal Liability for Nurses. The motion was seconded and carried. Dr. McDonough, Ms. Gerardo, Ms. Gilliam, Ms. Holmes and Mr. Traynham were in favor of the motion. Mr. Monson voted against 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.

**ADJOURNMENT:**

The Board adjourned at 2:00 P.M.

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Jodi P. Power, RN, JD  
Deputy Executive Director