TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:11 A.M., on December 9, 2019 in Hearing Room 5, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Jennifer Phelps, B.S., L.P.N., Q.M.H.P.A., C.S.A. – Chairperson 
Meenakshi Shah, B.A., R.N.

STAFF PRESENT: Robin Hills, D.N.P., R.N., W.H.N.P.-B.C., Deputy Executive Director

OTHERS PRESENT: David Kazzie, Adjudication Specialist
Amber Gray, Enforcement Division

CONFERENCES SCHEDULED: Heather Elliott, L.P.N. 0002-088533
Ms. Elliott appeared, accompanied by her attorney, Ray Sanzone.

CLOSED MEETING: Ms. Shah 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 11:18 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Elliott. Additionally, Ms. Shah moved that Dr. Hills 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 11:53 A.M.

Ms. Shah 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.

ACTION: Ms. Shah moved to issue an Order to require Heather Elliott undergo a Chemical Dependency Evaluation conducted by a Board-approved specialist who holds an unrestricted license, and shall have a written report of the evaluation, including diagnosis, recommended course of therapy, urine metabolite toxicology screen, prognosis, and any other recommendations, sent to the Board within 30 days of the entry of this Order. Ms. Elliott shall provide proof to the Board that she has provided the specialist with a complete copy of this Order. Ms. Elliott shall execute all releases necessary for unrestricted communication between the specialist and the Board. Ms. Elliott shall bear all costs associated with the evaluation. Upon receipt of the required report, the Board shall convene a Special Conference Committee to consider the evaluation and make a final determination in this matter. The motion was seconded and carried unanimously.
The basis for this decision will be set forth in a Board Order which will be sent to Ms. Elliott at her address of record. This Order is not appealable.

The Committee recessed at 11:55 A.M.
The Committee reconvened at 12:30 P.M.

CONFERENCEs SCHEDULED:

Audrey Nevers-Toney, R.N. 0001-150921
Ms. Nevers-Toney appeared.

CLOSED MEETING:

Ms. Shah 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 1:41 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Nevers-Toney. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 1:46 P.M.

Ms. Shah 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.

ACTION:

Ms. Shah moved to issue an Order to Dismiss the Case and Impose No Sanction against Audrey Nevers-Toney due to insufficient evidence of a violation of laws or regulations governing the practice of Nursing. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Nevers-Toney unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Nevers-Toney within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCEs SCHEDULED:

Sherry Cale, C.N.A. 1401-195676
Ms. Cale appeared.

CLOSED MEETING:

Ms. Shah 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 2:37 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Cale. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.
RECONVENTION: The Committee reconvened in open session at 2:42 P.M.

Ms. Shah 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.

ACTION:

Ms. Shah moved to issue an Order to Dismiss the Case and Impose No Sanction against Sherry Cale due to insufficient evidence of a violation of laws or regulations governing the practice of Nursing. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Cale unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Cale within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES SCHEDULED:

Mary Parker, C.N.A., R.M.A. 1401-123010 / 0031-010634
Ms. Parker appeared, accompanied by her friend, Debra Harmon.

CLOSED MEETING:

Ms. Shah 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 3:22 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Parker. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 3:27 P.M.

Ms. Shah 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.

ACTION:

Ms. Shah moved to issue an Order to Dismiss the Case and Impose No Sanction against Mary Parker due to insufficient evidence of a violation of laws or regulations governing the practice of Nursing. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such order on Ms. Parker unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Parker within such time. If service of the order is made by
mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES SCHEDULED: Jo Eve Miller, L.P.N. 0002-033512
Ms. Miller did not appear.

CLOSED MEETING: Ms. Shah 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 3:35 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Miller. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 3:37 P.M.

Ms. Shah 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.

ACTION: Ms. Shah moved to offer Jo Eve Miller a Consent Order for indefinite suspension of her practical nursing license for a period not less than 2 years, in lieu of a Formal Hearing and until such time as she appears before the Board. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Miller and the Board.

CONFERENCES SCHEDULED: Murillo Millin, L.P.N. 0002-090574
Mr. Millin did not appear.

CLOSED MEETING: Ms. Shah 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 3:40 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Millin. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 3:45 P.M.

Ms. Shah 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.

ACTION: Ms. Shah moved to offer Murillo Millin a Consent Order for indefinite suspension of his practical nursing license for a period not less than 2 years, in lieu of a Formal Hearing and until such time as he appears before the Board. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Mr. Millin and the Board.

CONFERENCES SCHEDULED: Angela Lewis, R.N. 0028-000267 & Mississippi License # 863419 with multistate privilege
Ms. Lewis did not appear.

CLOSED MEETING: Ms. Shah 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 3:50 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Lewis. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVOLUTION: The Committee reconvened in open session at 3:57 P.M.

Ms. Shah 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.

ACTION: Ms. Shah moved to offer Angela Lewis a Consent Order for Revocation of her multistate privilege to practice professional nursing in the Commonwealth of Virginia, in lieu of a Formal Hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Lewis and the Board.

CONFERENCES SCHEDULED: Mary Boggan, R.N. 0028-000280 & New Mexico License # 82789(expired) with multistate privilege
Ms. Boggan did not appear.

CLOSED MEETING: Ms. Shah 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 4:00 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Boggan. Additionally, Ms. Shah moved that Dr. Hills and Mr. Kazzie attend the closed meeting because their presence in the closed meeting is
deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 4:10 P.M.

Ms. Shah 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.

ACTION: Ms. Shah moved to offer Mary Boggan a Consent Order for Revocation of her right to renew her multistate privilege to practice professional nursing in the Commonwealth of Virginia, in lieu of a Formal Hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Boggan and the Board.

ADJOURNMENT: The Board adjourned at 4:10 P.M.

Robin Hills, DNP, RN, WHNP-BC
Deputy Executive Director