

VIRGINIA BOARD OF NURSING
VIRTUAL FORMAL HEARINGS
March 22, 2021

TIME AND PLACE: The virtual Webex meeting of the Virginia Board of Nursing was called to order at 9:13 A.M. on March 22, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

**BOARD MEMBERS
PARTICIPATING
VIRTUALLY:**

Marie Gerardo, MS, RN, ANP-BC, President
Margaret J. Friedenberg, Citizen Member
A Tucker Gleason, PhD, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Felisa Smith, RN, MSA, MSN/Ed., CNE

**STAFF PARTICIPATING
VIRTUALLY:**

Jay Douglas, RN, MSM, CSAC, FRE, Executive Director
Claire Morris, RN, LNHA, Deputy Executive Director
Francesca Iyengar, RN, MSN, Discipline Case Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator
Sally Ragsdale, Discipline Specialist
Huong Vu, Executive Assistant

**OTHERS PARTICIPATING
VIRTUALLY:**

Charis Mitchell, Assistant Attorney General, Board Counsel
Krista Samuels, Assistant Attorney General
Lori Pound, Adjudication Consultant, Administrative Proceedings
Division (APD)
Tammie Jones, Adjudication Consultant, APD
Grace Stewart, Adjudication Specialist, APD
Rebecca Ribley, Adjudication Specialist, APD
Julia Bennett, Deputy Executive Director, APD
David Robinson, Adjudication Specialist, APD
Ann Tiller, Compliance Manager, Board of Nursing
Jacquelyn Wilmoth, RN, MSN, Deputy Executive Director for Education
Randall Mangrum, RN, DNP; Nursing Education Program Manager
Cathy Hanchey, Senior Licensing/Discipline Specialist
Marcella Luna, Investigator Supervisor, DHP Enforcement
Madeline Holder, Investigator, DHP Enforcement
Casey Hawk
Troy Antoine

Lakeisha Proctor
Laura Vassel
Deana Valade
Etta Brutton
Janice R
Annie Humphry

ESTABLISHMENT OF A
PANEL:

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

FORMAL HEARING:

**Cassandra W. Gittens, LPN Reinstatement Applicant
0002-074995**

Ms. Gittens participated and was represented by Eileen M. Talamante, her legal counsel.

Lori Pound, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Katie Land, Senior Investigator, Department of Health Professions, participated and testified. Casey Hawk, former Facility Administrator for DaVita Princess Anne and Troy Antoine, current Facility Administrator for DaVita Princess Anne, participated and testified.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:05 A.M., for the purpose of deliberation to reach a decision in the matter of Cassandra W. Gittens. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:48 A.M.

Dr. Gleason 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 properly seconded by Ms. Phelps. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Friedenberg moved that the Board of Nursing reinstate the license of Cassaundra W. Gittens to practice as a practical nurse in the Commonwealth of Virginia, valid in Virginia only. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Gittens at her address of record. The motion was properly seconded by Ms. Phelps. A roll call was taken and the motion 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 11:51 A.M.

RECONVENTION: The Board reconvened in open session at 12:05 P.M.

FORMAL HEARING: **Tequila Rose Blackburn Rapp, CNA Reinstatement and LPN Applicant** **1401-183127**

Ms. Rapp participated.

Tammie Jones, Adjudication Consultant for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Amber Gray, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:50 P.M., for the purpose of deliberation to reach a decision in the matter of Tequila Rose Blackburn Rapp. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:19 P.M.

Dr. Gleason 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

properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing reinstate the certificate of Tequila Rose Blackburn Rapp to practice as a nurse aide in the Commonwealth of Virginia and place her on probation with terms for one year. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion 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.

Ms. Phelps moved that the Board of Nursing approve Tequila Rose Blackburn Rapp's application for exam to practice as a licensed practical nurse in the Commonwealth of Virginia and upon successful completion, issue the practical nurse license subject to probation with terms for one year. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Rapp at her address of record. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion 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 1:22 P.M.

RECONVENTION:

The Board reconvened in open session at 2:00 P.M.

FORMAL HEARING:

Delayna A. Cregger, LPN Reinstatement Applicant 0002-080325

Ms. Cregger participated.

Grace Stewart and David Robinson, Adjudication Specialists for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Joyce Johnson, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING:

Mr. Hermansen-Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:39 P.M., for the purpose of deliberation to reach a decision in the matter of Delayna A. Cregger. Additionally, Mr. Hermansen-Parker moved that Ms.

Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:59 P.M.

Dr. McQueen-Gibson 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing approve the reinstatement application of Delayna A. Cregger to practice practical nursing in the Commonwealth of Virginia, valid in Virginia only. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Cregger at her address of record. The motion was properly seconded by Ms. Phelps. A roll call was taken and the motion 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 3:02 P.M.

RECONVENTION: The Board reconvened in open session at 3:11 P.M.

FORMAL HEARING: **Regina Beth Kanagy, RN Reinstatement Applicant 0001-231671**

Ms. Kanagy participated.

Rebecca Ribley, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Katie Land, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:06

P.M., for the purpose of deliberation to reach a decision in the matter of Regina Beth Kanagy. Additionally, Dr. McQueen Gibson moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:44 P.M.

Dr. McQueen-Gibson 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION:

Mr. Hermansen-Parker moved that the Board of Nursing approve the reinstatement application of Regina Beth Kanagy to practice professional nursing in the Commonwealth of Virginia, and require Ms. Kanagy's successful completion the following two NCSBN courses within 90 days from the date of entry of the Order:

- *Documentation: A Critical Aspect of Client Care*, and
- *Professional Accountability & Legal Liability for Nurses*

The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Kanagy at her address of record. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion 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 4:47 P.M.

RECONVENTION:

The Board reconvened in open session at 5:00 P.M.

FORMAL HEARING:

Leon Liverman, CNA Reinstatement Applicant 1401-176325

Mr. Liverman participated.

Tammie Jones, Adjudication Consultant for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal

counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Alexandra Aloba, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:47 P.M., for the purpose of deliberation to reach a decision in the matter of Leon Liverman. Additionally, Dr. McQueen-Gibson moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:23 P.M.

Mr. Hermansen-Parker 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION: Dr. McQueen-Gibson moved that the Board of Nursing reinstate the certificate of Leon Liverman to practice as a nurse aide in the Commonwealth of Virginia and place him on probation with terms for not less than one year. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Liverman at his address of record. The motion was properly seconded by Ms. Friedenbergl. A roll call was taken and the motion 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 6:26 P.M.

Jay Douglas, RN, MSM, CSAC, FRE
Executive Director