

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 22, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:20 A.M. on May 22, 2014 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Jane R. Ingalls, RN, PhD; President
Guia Caliwagan, RN, MAN
Louise D. Hartz, Citizen Member
Evelyn Lindsay, LPN
Kelly S. McDonough, DHP, RN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Jodi P. Power, RN, JD; Deputy Executive Director (joined later)
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General
Nursing students from Riverside School of Practical Nursing

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Dianiese N. Pinkney, LPN 0002-071595
Ms. Pinkney appeared.

Amanda Blount, Adjudication Specialist represented the Commonwealth. Ms. C. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:29 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pinkney. Additionally, Dr. McDonough moved that Ms. Douglas, Dr. Elliott, Ms. Davis 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 10:50 A.M.

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

ACTION: Ms. Lindsay moved that the Board of Nursing indefinitely suspend the practical nursing license of Dianiese Pinkney for a period of not less than 18 months and until such time she can appear before the Board and demonstrate 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.

RECESS: The Board recessed at 10:54 A.M.

RECONVENTION: The Board reconvened at 11:13 A.M.

FORMAL HEARINGS: **Tomeka McLean, LPN Reinstatement Applicant 0002-074305**
Ms. McLean appeared, accompanied by her mother, Stephanie Winston.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt court reporter with Crane Snead Reporting, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; and Kimberly Lynch, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. McLean. Additionally, Dr. McDonough moved that Ms. Douglas, Dr. Elliott, Ms. Davis 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 12:42 P..M.

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

ACTION:

Dr. McDonough moved that the Board of Nursing reprimand Tomeka McLean, deny the reinstatement application of Ms. McLean and continue her practical nursing license on indefinite suspension for a period of not less than two years. 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:

Dana D. Coggsdale, LPN 0002-056138

Ms. Coggsdale did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions; was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:01 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Coggsdale. Additionally, Dr. McDonough moved that Ms. Douglas, Dr. Elliott, Ms. Davis 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 1:08 P.M.

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

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the practical nursing license of Dana Coggsdale for a period of not less than two years. 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 1:10 P.M.

RECONVENTION: The Board reconvened at 1:52 P.M.

FORMAL HEARINGS: **Brittany Nelson, RN 0001-218282**
Ms. Nelson appeared, accompanied by her step-father, Joe Sierofowicz.

Cynthia Gaines, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane Snead Reporting, recorded the proceedings.

Dawn France, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Nelson. Additionally, Dr. McDonough moved that Ms. Douglas, Dr. Elliott, Ms. Davis 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 2:50 P.M.

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

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Brittany Nelson and continue the registered nursing license of Ms. Nelson on indefinite suspension for a period of not less than two years. 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 2:54 P.M.

RECONVENTION: The Board reconvened at 3:07 P.M.

Ms. Douglas left the meeting to attend to other business. Ms. Power joined the meeting.

FORMAL HEARINGS: **Mary K. Cummings, RN 0001-081858**
Ms. Cummings appeared.

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

Andria Christian, Senior Investigator, Department of Health Professions; Kimberli Myrick, Case Manager, Health Practitioners Monitoring Program; Downing Miller, Licensed Substance Abuse Treatment Provider; and Janet Garnett, RN, MSN, Nurse Manager, UVA Medical Center were present and testified.

Ms. Power left the meeting to resume her normal schedule. Ms. Douglas re-joined the meeting.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §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. Cummings. Additionally, Dr. McDonough moved that Ms. Douglas, Dr. Elliott, Ms. Davis 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 4:43 P.M.

Dr. McDonough 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. Caliwagan 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. Hartz moved that the Board of Nursing reprimand Mary Cummings and continue the registered nursing license of Ms. Cummings on indefinite suspension until the \$5000 fine is paid to the Board. Upon receipt of the monetary penalty, the suspension shall be stayed and Ms. Cummings will be placed on probation with terms and conditions for one year of active nursing practice. Upon successful completion of the probation, Ms. Cummings will be issued an unrestricted license. 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 4:46 P.M.

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