

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 15, 2014**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:32 A.M. on September 15, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:** Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President
Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Louise Hershkowitz, CRNA, MSHA
Michele Schutt, CMT
William Traynham, LPN, CSAC

STAFF PRESENT: Jodi Power, RN, JD; Deputy Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Darlene Graham, Senior Discipline Staff

OTHERS PRESENT: Erin Barrett, Assistant Attorney General
Nursing students from John Tyler Community College

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

FORMAL HEARINGS: **Jingnan Zhang, CMT Reinstatement Applicant 0019-009494**
Ms. Zhang appeared, accompanied by Jessie Lu, ATA Certified Translator.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Zhang. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Graham and Ms. Barrett 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 10:52 A.M.

Ms. Lindsay 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.

Mr. Traynham 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. Hershkowitz moved that the Board of Nursing reinstate the massage therapy certification of Jingnan Zhang. 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.

Ms. Schutt left the meeting.

RECESS:

The Board recessed at 10:55 A.M.

RECONVENTION:

The Board reconvened at 11:10 A.M.

FORMAL HEARINGS:

Johanna Mitchell, RN 0001-241828

Ms. Mitchell did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata court reporter with Crane Snead Reporting, recorded the proceedings.

Angela Lambert, RN, Clinical Manager, Pulmonary Care Unit, Valley Health Medical Center; and Naima Fellers, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:37 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mitchell. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Graham and Ms. Barrett 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 11:47 A.M.

Ms. Lindsay 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.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the professional nursing license of Johanna Mitchell until such time as she can appear before the Board and demonstrate sufficient evidence 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 11:50 A.M. The nursing students left the meeting to resume their normal schedule.

RECONVENTION:

The Board reconvened at 1:00 P.M.

FORMAL HEARINGS:

Monica Stokes-Cooper, CNA 1401-070789; RMA 0031-002697

Ms. Stokes-Cooper did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

Elizabeth Dammeyer, Administrator, Assistance in Living at Atlantic Shores, Assisted Living Facility; and Meghan Wingate, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:13 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Stokes-Cooper. Additionally, Ms. Caliwagan moved that Ms. Power, Ms. Krohn, Ms. Graham and Ms. Barrett 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 1:23 P.M.

Ms. Caliwagan 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.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certificate of Monica Stokes-Cooper with a finding of misappropriation of resident property. Ms. Lindsay further moved the Board of Nursing revoke the right to renew the medication aide registration of Ms. Stokes-Cooper. 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: **Ashley R. McGhee, LPN 0002-063701**
Ms. McGhee did not appear.

Jan Willis, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

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

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. McGhee. Additionally, Ms. Caliwagan moved that Ms. Power, Ms. Krohn, Ms. Graham and Ms. Barrett 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 2:05 P.M.

Ms. Caliwagan 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. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Willis.

The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved that the Board of Nursing indefinitely suspend the practical nursing license of Ashley McGhee until such time as she can appear before the Board and demonstrate sufficient evidence 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 2:08 P.M.

RECONVENTION: The Board reconvened at 2:15 P.M.

FORMAL HEARINGS: **Angela D. Bryant, LPN Reinstatement Applicant 0002-081643**
Ms. Bryant appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Theresa Pata, court reporter with Crane Snead Reporting, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions; and Jennifer Challis, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bryant. Additionally, Ms. Caliwagan moved that Ms. Power, Ms. Krohn, Ms. Graham and Ms. Barrett 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 2:57 P.M.

Ms. Caliwagan 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. Hershkowitz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing issue an order to reprimand Angela Bryant and reinstate her practical nursing 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 3:00 P.M.

Jodi Power, RN, JD
Deputy Executive Director