

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
January 29, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on January 29, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Jane R. Ingalls, RN, PhD; President  
Marie Gerardo, MS. RN, ANP-BC  
Evelyn Lindsay, LPN  
Kelly S. McDonough, DNP, RN  
Jennifer Phelps, LPN, QMHPA

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director  
Jodi P. Power, RN, JD; Deputy Executive Director  
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General  
Georgia MacLean, Intern with the Office of the Attorney General  
Nurse aide students from Hanover County Public Schools and Southside Virginia Community College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

**Lindsey Pace, RMA 0031-007038**  
Ms. Pace did not appear.

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

Michele Crohn, Senior Investigator, Department of Health Professions; Andra Brumback, Administrator, Shenandoah Place Assisted Living; Diane Cookus, RMA, Shenandoah Place Assisted Living; Lisa Stifler, RMA, Shenandoah Place Assisted Living; and Teresa Miller, RMA, Shenandoah Place Assisted Living were present and testified.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:48 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pace. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 10:03 A.M.

Ms. Phelps 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.

ACTION: Dr. McDonough moved that the Board of Nursing dismiss the case against Lindsey Pace due to lack of clear and convincing evidence of a violation of law or regulation governing medication aide practice. The motion was seconded and carried. Dr. Ingalls, Ms. Gerardo, Dr. McDonough and Ms. Phelps were in favor of the motion. Ms. Lindsay opposed 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.

FORMAL HEARINGS: **Candice Ann Winston, CNA 1401-081019; RMA 0031-002729**  
Ms. Winston did not appear.

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

Charlotte Hudson Senior Investigator, Department of Health Professions; and Melina Clark, RMA, Hills Home for Adults were present and testified.

Ms. Douglas left the meeting to attend another meeting.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Winston. Additionally, Ms. Phelps moved that Ms. Power, 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 11:15 A.M.

Ms. Phelps 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. Weiss and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing revoke the right of Candice Winston to renew her nurse aide certification and her medication aide registration with a finding of neglect entered against her in the Virginia Nurse Aide Registry. 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 11:19 A.M.

RECONVENTION: The Board reconvened at 11:35 A.M.

FORMAL HEARINGS: **Erica Brown, LPN 0002-057894**  
Ms. Brown did not appear.

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

Ms. Douglas rejoined the meeting.

Kevin Pultz, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brown. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 12:45 P.M.

Ms. Phelps 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 Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the practical nursing license of Erica Brown. 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:

**Dianna Watson-Hall, LPN 0002-066151**

Ms. Watson-Hall did not appear.

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

Sherry Foster, Senior Investigator, Department of Health Professions; and Mary Beth Ludeke, LPN, former Executive Director of The Lynmoore Assisted Living was present and testified.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Watson-Hall. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 1:53 P.M.

Ms. Phelps 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 Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Gerardo moved that the Board of Nursing indefinitely suspend the practical nursing license of Dianna Watson-Hall for a period of not less than two years and until such time as she can appear before the Board and prove 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.

FORMAL HEARINGS:

**Kelly Wenzel, RN 0001-209463**

Ms. Wenzel did not appear.

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

Ann Hardy, Senior Investigator, Department of Health Professions; Charles Reeder, RN, Supervisor, St. Mary's Hospital; and Chris Bowers, Intake Coordinator and Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wenzel. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 2:38 P.M.

Ms. Phelps 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 Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing indefinitely suspend the registered nursing license of Kelly Wenzel for a period of not less than two years and until such time as she can appear before the Board and prove 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.

FORMAL HEARINGS: **Nicole Staton, RN 0001-225944**  
Ms. Staton did not appear.

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

Lisa Oliphant, Senior Investigator, Department of Health Professions; and Amy Akers, RN, Director of Lewis Gale Medical Center were present and testified.

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Staton. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 3:30 P.M.

Ms. Phelps 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. Deaner. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing revoke the registered nursing license of Nicole Staton. 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 3:32 P.M.

RECONVENTION: The Board reconvened at 3:35

CONSIDERATION OF A CONSENT ORDER:

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:36 P.M., for the purpose of consideration of a consent order. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, 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 3:38 P.M.

Ms. Phelps 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.

**Susan Parker, RN 0001-192511**

Ms. Lindsay moved that the Board accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nursing license of Susan Parker. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 3:40 P.M.

---

Jodi P. Power, RN, JD  
Deputy Executive Director