

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 13, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 13, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Guia Caliwagan, RN, MAN
Louise Hershkowitz, CRNA, MSHA
Evelyn Lindsay, LPN
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General
Nursing students from Fortis College and ECPI University, Emerywood

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Barry R. Rick, RN Reinstatement Applicant 0001-202828
Mr. Rick appeared.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Earlina King, court reporter with Crane-Snead & Associates, recorded the proceedings.

Josh Boggan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:47 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Rick. Additionally, Ms. Hershkowitz moved that Ms. Krohn, Ms. Power, Ms. Graham 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 9:59 A.M.

Ms. Hershkowitz 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. Phelps 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. Lindsay moved that the Board of Nursing reinstate the license of Barry Rick to practice as a registered nurse contingent upon completing National Council of State Boards of Nursing online courses “Virginia Nurse Practice Act” and “Professional Accountability and Legal Liability for Nurses” within 60 days of entry of the order. 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:

Hawa K. Sesay, LPN Reinstatement Applicant 0002-067357

Ms. Sesay appeared, accompanied by Jesus Reyes, her fiancé.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Earlina King, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marcella Luna, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:36 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sesay. Additionally, Mr. Monson moved that Ms. Krohn, Ms. Power, Ms. Graham 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 11:46 A.M.

Mr. Monson 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. Phelps 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: Mr. Monson moved that the Board of Nursing reinstate the license of Hawa Sesay to practice as a practical nurse contingent upon proof that she has paid the \$250 fine to the Georgia Board of Nursing and her completion of the National Council of State Boards of Nursing online course “Professional Accountability and Legal Liability for Nurses”. 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.

RECONVENTION: The Board reconvened at 1:00 P.M.

FORMAL HEARINGS: **Emily Edwards, CNA 1401-137228; RMA 0031-006751**
Ms. Edwards appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Earlina King, court reporter with Crane-Snead & Associates, recorded the proceedings.

Robin Carroll, Senior Investigator, Department of Health Profession was present and testified.

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Edwards. Additionally, Mr. Monson moved that Ms. Krohn, Ms. Graham 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 2:15 P.M.

Mr. Monson 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. Phelps 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. Caliwagan moved that the Board of Nursing issue an order of reprimand against both her nurse aide certification and her medication aide registration. The motion was seconded and carried. Ms. Caliwagan, Dr. Hahn, Ms. Hershkowitz, Mr. Monson 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:

Linda Gale Butler, CNA Reinstatement Applicant 1401-030621

Ms. Butler appeared, accompanied by her husband, Anthony Butler.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Earlina King, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Dewey, Senior Investigator, Department of Health Professions; and Anthony Butler were present and testified.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:06 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Butler. Additionally, Mr. Monson moved that Ms. Krohn, Ms. Power, Ms. Graham 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.

Mr. Monson 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. Phelps 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. Hershkowitz moved that the Board of Nursing issue an order of reprimand and reinstate the nurse aide certificate of Linda Gale Butler. 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 3:40 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director