

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 14, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on September 14, 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
Joana Garcia, Citizen Member
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC

STAFF PRESENT:

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

OTHERS PRESENT:

James Rutkowski, Assistant Attorney General, Board Counsel
Nursing students from John Tyler Community College and Bon Secours Memorial College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Frank W. Dudley, LPN 0002-088915
Mr. Dudley did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Laura Pezzulo, Senior Investigator, Department of Health Professions testified by videoconference.

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 9:47 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Dudley. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 9:58 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. Garcia 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:

Mr. Monson moved that the Board of Nursing issue a reprimand and indefinitely suspend the license of Frank Dudley to practice as a practical nurse for a period of not less than two years and until such time as he can appear before the Board and prove he 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:

Espadanza L. Duarte, RMA 003-005192

Ms. Duarte did not appear.

Tammie Jones Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Rella Whetzel, LPN, Healthcare Coordinator at Greenfield of Woodstock testified by telephone.

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 10:31 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Duarte. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 10:38 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing revoke the medication aide registration of Espadanza Duarte. 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 10:40 A.M.

RECONVENTION: The Board reconvened at 11:00 A.M.

FORMAL HEARINGS: **Tammy M. Walton, RN 0001-150586**
Ms. Walton did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing, 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 11:14 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Walton. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 11:24 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones. The motion was seconded and carried unanimously.

ACTION: Ms. Phelps moved that the Board of Nursing reprimand Tammy Walton and indefinitely suspend the license of Tammy Walton to practice as a professional nurse 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. Dr. Hahn, Ms. Garcia, Mr. Monson, Ms. Phelps and Dr. Poston were in favor of the motion. Ms. Caliwagan 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.

RECESS: The Board recessed at 11:28 A.M.

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

FORMAL HEARINGS: **Anne F. Henry, RN Multi State Privilege (CO RN license)**
Ms. Henry did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Ron Houser, 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 1:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Henry. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 1:29 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. Garcia 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: Mr. Monson moved that the Board of Nursing reprimand Anne Henry and indefinitely suspend the multistate privilege of Anne Henry to practice as a professional nurse in Virginia. 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: **Erin N. Everitt, RN 0001-208301**
Ms. Everitt did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

James Wall, Senior Investigator, Department of Health Professions; and Christopher Bowers, 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 2:14 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Everitt. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 2:21 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. Garcia moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing reprimand Erin Everitt and indefinitely suspend her license to practice as a professional nurse 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: **Angela Y. Cozart, RN 0001-145297**
Ms. Cozart did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Sherry Foster, 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 2:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cozart. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Power, Ms. Graham and Mr. Rutkowski 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 3:05 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. Caliwagan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing indefinitely suspend the right to renew the license of Angela Cozart to practice as a professional nurse 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.

ADJOURNMENT:

The Board adjourned at 3:40 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director