

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 16, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on November 16, 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:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from Germanna Community College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Robert W. Lowry, RN 0001-120304

Mr. Lowry was not present when the hearing was convened.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Ann Hardy, Senior Investigator, Department of Health Professions and Rebecca Britt, Case Manager, Health Practitioner's Monitoring Program were present and testified.

Mr. Lowry appeared and testified.

CLOSED MEETING:

Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:33 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Lowry. Additionally, Ms. Garcia moved that Ms. Douglas, Ms. Krohn, 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 9:51 A.M.

Ms. Garcia 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. Monson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Phelps moved that the Board of Nursing issue a reprimand and continue the registered nurse license of Robert Lowry on indefinite suspension 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.

RECESS: The Board recessed at 9:55 A.M.

RECONVENTION: The Board reconvened at 10:01 A.M.

FORMAL HEARINGS: **Christina Davis, RN Multistate privilege (NC RN license 226402)**
Ms. Davis did not appear.

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

Ashley Hester, Senior Investigator, Department of Health Professions; Kelly Grindstaff, RN, Director of CJW Medical Center, Chippenham Campus Emergency Department; Kim Martin, Senior Investigator, Department of Health Professions; and Isabelle Liverman, RN, Nurse Manager, Patient First were present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:42 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. C. Davis. Additionally, Ms. Garcia moved that Ms. Douglas, Ms. Krohn, Ms. A. 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 10:56 A.M.

Ms. Garcia 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.

Dr. Poston 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. Caliwagan moved that the Board of Nursing revoke the multistate privilege of Christina Davis to practice 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.

RECESS: The Board recessed at 11:00 A.M.

RECONVENTION: The Board reconvened at 11:15 A.M.

FORMAL HEARINGS: **Krista B. Wilburn, RN 0001-160354**
Ms. Wilburn appeared, represented by Charles Sipes, attorney and accompanied by her father, Mack Bugg.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell 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 was present and testified.

CLOSED MEETING: Ms. Garcia 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. Wilburn. Additionally, Ms. Garcia moved that Ms. Douglas, Ms. Krohn, 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 12:28 P.M.

Ms. Garcia 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.

Dr. Poston 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. Phelps moved that the Board of Nursing reprimand Krista Wilburn and indefinitely suspend her registered nurse license, but stay the suspension

contingent upon Ms. Wilburn's entry into the Health Practitioner's Monitoring Program and thereafter remaining in compliance with the Program. 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 12:31 P.M.

RECONVENTION: The Board reconvened at 12:38 P.M.

FORMAL HEARINGS: **Raven D. Hundley, CNA 1401-163618**
Ms. Hundley did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell 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 and Chris Bowers, Intake Coordinator, Health Practitioner's Monitoring Program were present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hundley. Additionally, Ms. Garcia moved that Ms. Douglas, Ms. Krohn, 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 1:05 P.M.

Ms. Garcia 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.

Dr. Poston 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. Phelps moved that the Board of Nursing reprimand Raven Hundley and indefinitely suspend the nurse aide certificate of Ms Hundley for a period of not less than one year. 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 1:07 P.M.

RECONVENTION: The Board reconvened at 1:58 P.M.

FORMAL HEARINGS: **Linda Ann Wilson, RN 0001-111663**
Ms. Wilson did not appear.

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

Lisa Thomas, Senior Investigator, Department of Health Professions; and Kathy Ward, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Garcia moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:19 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wilson. Additionally, Ms. Garcia moved that Ms. Douglas, Ms. Krohn, 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 2:25 P.M.

Ms. Garcia 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.

Dr. Poston 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: Mr. Monson moved that the Board of Nursing reprimand Linda Wilson and indefinitely suspend her license to practice as a registered 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.

ADJOURNMENT: The Board adjourned at 2:27 P.M.

Brenda Krohn, MS, RN
Deputy Executive Director