

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 24, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on March 24, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Jeanne Holmes, Citizen Member; Secretary
William Traynham, LPN, CSAC; Vice President (joined later)
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from University of Virginia; Fortis College; and Southside Virginia Community College

ESTABLISHMENT OF A QUORUM:

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

FORMAL HEARINGS:

Jessica Ryan, RN 0001201303

Ms. Ryan did not appear.

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

Patricia Harte-Byers, Senior Investigator, Department of Health Professions; Jennifer Duke, RN, Gentiva Hospice; and Jennifer Reece, Executive Director, Gentiva Hospice were present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:38 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ryan. Additionally, Dr. McDonough moved that 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.

Dr. McDonough 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. Minton 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. Gerardo moved that the Board of Nursing indefinitely suspend the registered nursing license of Jessica Ryan until such time as she can appear before the Board and prove 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.

Ms. Holmes left the meeting. Mr. Traynham joined the meeting.

RECESS:

The Board recessed at 9:52 A.M.

RECONVENTION:

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

FORMAL HEARINGS:

Malana A. Hope, LPN Reinstatement Applicant 0002079025
Ms. Hope appeared.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Juan Ortega, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; and Mary Wiltshire-Fields, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:59 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hope. Additionally, Dr. McDonough moved that Ms. Krohn, 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 11:16 A.M.

Dr. McDonough 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. Minton 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:

Dr. McDonough moved that the Board of Nursing deny reinstatement and continue the practical nursing license of Malana Hope on indefinite suspension for a period of not less than one year. The motion was seconded and carried. Ms. Gerardo, Dr. McDonough, Mr. Traynham, and Ms. Minton were in favor of the motion. Ms. Gilliam 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 11:18 A.M.

RECONVENTION:

The Board reconvened at 11:32 A.M.

FORMAL HEARINGS:

Dorothy N. Jacobs, LPN 0002086513

Ms. Jacobs appeared.

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

Dawn France, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jacobs. Additionally, Dr. McDonough moved that Ms. Krohn, 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 1:13 P.M.

Dr. McDonough 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. Minton 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. Gilliam moved that the Board of Nursing reprimand Dorothy Jacobs and release her from terms of the Order of the Board entered in February 2015. The motion was seconded and carried. Ms. Gilliam, Ms. Gerardo, Mr. Traynham and Ms. Minton were in favor of the motion. Dr. McDonough 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 1:15 P.M.

RECONVENTION: The Board reconvened at 1:55 P.M.

FORMAL HEARINGS: **Lisa A. Gordon, CNA 1401165223**
Ms. Gordon appeared.

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

Joshua Boggan, Case Intake Supervisor and former Senior Investigator, Department of Health Professions; Khristine Brogan, CNA, Envoy of Staunton; Edith Harrison, CNA, Envoy of Staunton; Pamela Worley, RN, Director of Nursing, Envoy of Staunton; Sue Terry, friend of Ms. Gordon; and Moneeka Chapman, friend of Ms. Gordon were present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:14 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gordon. Additionally, Dr. McDonough moved that Ms. Krohn, 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 3:23 P.M.

Dr. McDonough 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 in the matter of Lisa Gordon for lack of clear and convincing evidence that she is in violation of law or regulation governing 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 3:24 P.M.

RECONVENTION: The Board reconvened at 3:30 P.M.

FORMAL HEARINGS: **Amy D. Cooke, LPN 0002086927**
Ms. Cooke appeared.

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

Meghan Wingate, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cooke. Additionally, Dr. McDonough moved that Ms. Krohn, 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 3:55 P.M.

Dr. McDonough 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. Minton 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. Gerardo moved that the Board of Nursing continue the practical nursing license of Amy Cooke on indefinite suspension, but stay the suspension contingent upon her entry into the Health Practitioners 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.

ADJOURNMENT: The Board adjourned at 3:58 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director