

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 19, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on May 19, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:
Kelly S. McDonough, DNP, RN; Vice President
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Jeanne Holmes, Citizen Member
Mark D. Monson, Citizen Member

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE: Executive Director
Jodi P. Power, JD, RN; Deputy Executive Director
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Nursing students from South University

ESTABLISHMENT OF A QUORUM:
With five members of the Board present, a panel was established

FORMAL HEARINGS: **Trina Jaime Fluellen, CNA Applicant**
Ms. Fluellen did not appear.

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.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:15 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fluellen. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 9:22 A.M.

Ms. Gerardo 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. Holmes 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:

Mr. Monson moved that the Board of Nursing deny the application of Trina Fluellen for certification as a nurse aide. 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:

Lisa Michelle Trusler, RN Reinstatement Applicant 0001111949

Ms. Trusler did not appear.

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

Kim Martin, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:50 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Trusler. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 10:05 A.M.

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

ACTION:

Mr. Monson moved that the Board of Nursing deny the reinstatement of the registered nursing license of Lisa Trusler. 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:

Shanna L. Roberts, LPN 0002071715

Ms. Roberts appeared, represented by Eileen Talamante and Michael Goodman.

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.

Ashley Moran Hester, Senior Investigator, Department of Health Professions; Rhonda Jones, LPN, Unit Manager, Autumn Care of Madison; and Amy Snyder, RN were present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roberts' motion to dismiss based upon lack of clear and convincing evidence of a violation of law or regulation presented by the Commonwealth. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 11:50 A.M.

Ms. Gerardo 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.

The motion to dismiss was granted regarding the allegations related to diversion of resident medication. However, the motion to dismiss was denied as to the remainder of the allegations and the hearing continued.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Roberts. Additionally, Ms. Garcia moved that Ms. Douglas, 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 1:05 P.M.

Ms. Gerardo 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. Gilliam 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. Holmes moved that the Board of Nursing reprimand Shanna Roberts, LPN
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: Board recessed at 1:10 P.M.

RECONVENTION: The Board reconvened at 1:45 P.M.

FORMAL HEARINGS: **Samantha Elizabeth Day, RN 0001254124**
Ms. Day appeared, accompanied by her father, Edward Day.

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

Ashley Moran Hester, Senior Investigator, Department of Health Professions; Kymberli Myrick, Case Manager, Health Practitioners Monitoring Program; and Edward Day were present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Day. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 2:50 P.M.

Ms. Gerardo 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. Gilliam moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing reprimand Samantha Day and continue her registered nurse license on indefinite suspension, with suspension to be stayed contingent upon her re-entry into the Health Practitioners Monitoring Program and remaining in compliance thereafter. 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: **Tina Marie Clapp Alls, CNA 1401168117**
Ms. Alls appeared, represented by Henry Woodward, Esquire.

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.

Jeremy McNeil, Senior Investigator, Department of Health Professions and Tamara Songer, Administrator, Nurse Spring (formerly Nurse Finders) were present and testified. "Client A" testified by phone.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Alls. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 6:10 P.M.

Ms. Gerardo 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. Gilliam 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: Mr. Monson moved that the Board of Nursing reprimand Tina Alls, CNA. 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: **Denita Miltrail Winfield, CNA Reinstatement Applicant 1401134937**
Ms. Winfield appeared.

Carla Boyd, 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 Dewey, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Winfield. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 6:48 P.M.

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

ACTION:

Ms. Gilliam moved that the Board of Nursing reinstate the nurse aide certificate of Denita Winfield. 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:

Jodi Anne Sanderson, RN 0001164590

Ms. Sanderson appeared, with Amber Caster, her friend.

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

Ashley Moran Hester, Senior Investigator, Department of Health Professions; Mary Wiltshire-Fields, Case Manager, Health Practitioners Monitoring Program; and Amber Caster were present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sanderson. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 8:00 P.M.

Ms. Gerardo 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing reprimand Jodi Sanderson and continue her registered nurse license on indefinite suspension, with suspension to be stayed contingent upon her re-entry into the Health Practitioners Monitoring Program and remaining in compliance thereafter. The motion was seconded and carried. Ms. Gilliam, Ms. Holmes and Mr. Monson were in favor of the motion. Dr. McDonough and Ms. Gerardo 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.

CONSIDERATION OF A CONSENT ORDER:

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:03 P.M., for the purpose of consideration of a consent order in the matter of William T. O’Bier. Additionally, Ms. Gerardo moved that Ms. Douglas, 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 8:06 P.M.

Ms. Gerardo 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.

William T. O’Bier, RN

Ms. Holmes moved to accept the consent order for voluntary surrender for indefinite suspension of the registered nurse license of William O’Bier. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 8:07 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director