

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 14, 2016**

- TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on November 14, 2016 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
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC (**joined at 9:40 am**)
Dustin S. Ross, DNP, MBA, RN
- STAFF PRESENT:**
Brenda Krohn, RN, MS; Deputy Executive Director
Jane Elliott, RN, PhD, Discipline Staff (**left at 12:35 pm**)
Linda Kleiner, RN, Discipline Case Manager (**joined at 3:05 pm**)
Darlene Graham, Senior Discipline Specialist
- OTHERS PRESENT:** Charis Mitchell, Assistant Attorney General, Board Counsel
- ESTABLISHMENT OF A PANEL:**
With five members of the Board present, a panel was established
- FORMAL HEARINGS:** **Sophie E. Anderson, RN 0001-260091**
Ms. Anderson did not appear.
- Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Mary Treta, court reporter with Crane-Snead & Associates, recorded the proceedings.
- Naima Feller, Senior Investigator, Department of Health Professions, and Dawn France, Health Practitioners' Monitoring Program Case Manager, 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 9:18 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Anderson. Additionally, Ms. Phelps moved that Ms. Krohn, Dr. Elliott, 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 9:28 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. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved the Board of Nursing indefinitely suspend Ms. Anderson's license to practice professional nursing for a period of not less than two years. 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: **Dena H. Newberry, RN Reinstatement 0001-234773**
Ms. Newberry appeared.

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

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 9:51 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newberry. Additionally, Ms. Phelps moved that Ms. Krohn, Dr. Elliott, 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 9:55 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.

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: Mr. Monson moved that the Board of Nursing approve Ms. Newberry's application for reinstatement to practice as professional nursing. 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:

Anna C. Gemerek, RN 0001-221755

Ms. Gemerek appeared and accompanied by her mother, Christine McGreery.

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

Kelli Moss, Senior Investigator, Department of Health Professions, and Ms. Gemerek's Mother, Christine McGreery, 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 11:25 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gemerek. Additionally, Ms. Phelps moved that Ms. Krohn, Dr. Elliott, 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 12:05 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.

Dr. Ross 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 place Ms. Gemerek on probation with terms to include Mental Health and Chemical dependency evaluation by specialist approved by the Board within 90 days; Ms. Gemerek shall not use alcohol or any mood altering chemicals, shall have supervised, observed, random drug screen monthly; and Ms. Gemerek shall attend 1-2 AA meeting per week. Probation and terms will be in effect until such time as the mental health/substance abuse evaluation is received and considered by the Board. 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: **Anthony D. LoDolce, LPN 0002-073019**
Mr. LoDolce did not appear.

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

Andria Christian, Senior Investigator, Department of Health Professions, and Rebecca Britt, Health Practitioners' Monitoring Program Case Manager, 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 12:27 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. LoDolce. Additionally, Ms. Phelps moved that Ms. Krohn, Dr. Elliott, 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 12:32 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.

Dr. Ross 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 the Board of Nursing issue a reprimand and indefinitely suspend Mr. LoDolce's practical nurse license for a period of not less than two years. 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 12:35 P.M.

RECONVENTION: The Board reconvened at 1:08 P.M.

FORMAL HEARINGS: **Alisa Y. Twitty-Mordey, CNA 1401-161722, RMA 0031-009532**
Ms. Twitty-Mordey appeared and accompanied by William Tunner, Esq., Deborah Lawyer, RN, DON at Covington Manor, and Clarence Baker, CEO and Owner at Covington Manor.

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

Patricia Dewey, Senior Investigator, Department of Health Professions, Deborah Lawyer, RN, DON at Covington Manor, and Clarence Baker, CEO and Owner at Covington Manor 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 2:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Twitty-Mordey. Additionally, Ms. Phelps 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 3:03 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.

Dr. Ross 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:

Dr. Poston moved the Board of Nursing issue a reprimand and reinstate Ms. Twitty-Mordey's nurse aide certification and medication aide registration. 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 A. Davis, LPN Reinstatement, 0002-053555

Ms. Davis did not appear.

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

Gayle Miller, Senior Investigator, Department of Health Professions, was present and testified. Lisa Elgin, Senior Investigator, Department of Health Professions, testified by phone.

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 3:32 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Davis. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Kleiner, 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 3:40 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.

Dr. Ross 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. Caligawan moved that the Board of Nursing issue a reprimand, deny Ms. Davis' application for reinstatement of her practical nurse license, and continue Ms. Davis on indefinite suspension. 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: **Jennifer S. Bell, LPN, 0002-083320**
Ms. Bell appeared.

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

Andria Christian, Senior Investigator, Department of Health Professions, and Amy Stewart, Health Practitioners' Monitoring Program Case Manager, 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 5:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bell. Additionally, Ms. Phelps moved that Ms. Krohn, Ms. Kleiner, 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 5:42 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.

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: Dr. Ross moved the Board of Nursing indefinitely suspend until such time as Ms. Bell 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 5:50 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director