

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
January 23, 2017**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on January 23, 2017 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, EdS  
Regina Gilliam, LPN (**Brown case ONLY**)  
Rebecca Poston, PhD, RN, CPNP-PC  
Dustin S. Ross, DNP, MBA, RN  
William Traynham, LPN, CSAC (**joined at 10:15 am**)

**STAFF PRESENT:**

Brenda Krohn, RN, MS; Deputy Executive Director  
Jane Elliott, RN, PhD, Discipline Staff  
Darlene Graham, Senior Discipline Specialist

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General, Board Counsel  
PN Students from Massanutten Technical Center  
PN Students and Senior Nursing Students from Fortis College

**ESTABLISHMENT OF A PANEL:**

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

**FORMAL HEARINGS:**

**Kelly Brown, RMA Applicant**

Ms. Brown appeared accompanied by her sister.

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.

**CLOSED MEETING:**

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brown. Additionally, Dr. Ross moved that 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 10:10 P.M.

Dr. Ross 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. Caliwagan moved the Board of Nursing approve Ms. Brown's application for registration as a medication aide. The motion was seconded and passed. Ms. Caliwagan, Ms. Gilliam, and Dr. Poston voted in favor of the motion. Dr. Hahn and Dr. Ross 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.

Ms. Gilliam left at 10:15 A.M.

Mr. Traynham joined the hearings at 10:15 A.M.

**FORMAL HEARINGS:**

**Toni R. Hall, LPN 0002-087763**

Ms. Hall appeared accompanied by her mother.

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.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions, and Denise Ortiz-Smith, Revenue Cycle Manager, Virginia League of Planned Parenthood, were present and testified.

**CLOSED MEETING:**

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:34 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hall. Additionally, Dr. Ross 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 11:45 P.M.

Dr. Poston 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. Traynham 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. Ross moved that the Board of Nursing indefinitely suspend Ms. Hall's practical nurse license with stayed suspension contingent upon Ms. Hall entry into Health Practitioners Monitoring Program (HPMP) 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:** **Lea L. New, RN 0001-235380**  
Ms. New did not appear.

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.

Meghan Wingate, Senior Investigator, Department of Health Professions, Stephanie Nesbitt, Coordinator at Sola Inc., and Sherry O'Malley, RN at Sola Inc., were present and testified.

**CLOSED MEETING:** Dr. Ross 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. New. Additionally, Dr. Ross 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 1:00 P.M.

Dr. Ross 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. Traynham 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. Caliwagan moved that the Board of Nursing indefinitely suspend Ms. New's registered nurse license for a period of not less than two years and until such time that Ms. New can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 1:05 P.M.

RECONVENTION: The Board reconvened at 1:50 P.M.

FORMAL HEARINGS: **Cynthia Y. Ellis, RN Reinstatement 0001-129471**  
Ms. Ellis appeared.

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.

Marcella Luna, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING: Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ellis. Additionally, Dr. Ross 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 3:47 P.M.

Ms. Caliwagan 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. Traynham 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 reprimand Ms. Ellis, deny her application for reinstatement of her registered nurse license, indefinitely suspend with suspension stayed contingent upon Ms. Ellis entry into Health Practitioners Monitoring Program (HPMP) and remaining in compliance thereafter, and completion of two (2) NCSBN courses (Documentation: A Critical Aspect of Nursing, and Professional Accountability and Legal Liability for Nurses Care) within 90 days of entry of the Order. 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: **Ashley Hogge Mamay, RN 0001-170332**  
Ms. Hamay 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.

Kelly Ashley, Senior Investigator, Department of Health Professions, testified via telephone. Rebecca Britt, Case Manager, Health Practitioners Monitoring Program (HPMP), was present and testified.

CLOSED MEETING: Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hamay. Additionally, Ms. Caliwagan 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 4:22 P.M.

Ms. Caliwagan 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. Boyd and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Traynham moved the Board of Nursing reprimand Ms. Hamay and indefinitely suspend her registered nurse license for a period of not less than two (2) years and until such time that 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 4:23 P.M.

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Brenda Krohn, RN, MS  
Deputy Executive Director