VIRGINIA BOARD OF NURSING FORMAL HEARINGS September 19, 2019

TIME AND PLACE:	The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on September 19, 2019 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.	
BOARD MEMBERS PRES	ENT: Louise Hershkowitz, CRNA, MSHA, President Laura F. Cei, BS, LPN, CCRP Yvette L. Dorsey, DNP, RN Dixie McElfresh, LPN Mark D. Monson, Citizen Member Meenakshi Shah, BA, RN Cynthia M. Swineford, RN, MSN, CNE	
STAFF PRESENT:	Jay Douglas, MSM, RN, CSAC, FRE, Executive Director - joined at 10:31 A.M. Jodi Power, RN, JD, Senior Deputy Executive Director Terri Clinger, DNP, RN, CPNP-PC, Deputy Executive Director Sylvia Tamayo-Suijk, Discipline Team Coordinator	
OTHERS PRESENT:	Charis Mitchell, Assistant Attorney General, Board Counsel Nurse Aide students and faculty from Park View High School Nurse Aide students and faculty from Rapp Center for Education Nurse Aide students and faculty from Louisa County Public Schools - joined at 10:15 A.M.	
ESTABLISHMENT OF A PANEL: With seven members of the Board present, a panel was established.		
FORMAL HEARINGS:	Sharon Patricia-Young Gagnon, RN0001-271116Ms. Gagnon did not appear.0001-271116	
	Holly Walker, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Holly M. Bush, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.	
	Tonya James, Compliance Case Manager for the Board of Nursing, was present and testified.	
CLOSED MEETING:	Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to $2.2-3711(A)(27)$ of the <i>Code of Virginia</i> at 9:54 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gagnon. Additionally, Ms. Shah moved that Ms. Power, Dr. Clinger, Ms. Tamayo-Suijk and Ms. Mitchell, Board counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence	

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	will aid the Board in its deliberations. The motion was seconded and carrunanimously.	ied	
RECONVENTION:	The Board reconvened in open session at 10:15 A.M.		
	Ms. Shah moved that the Board of Nursing certify that it heard, discussed considered only public business matters lawfully exempted from opmeeting requirements under the Virginia Freedom of Information Act a only such public business matters as were identified in the motion by whithe closed meeting was convened. The motion was seconded and carr unanimously.	oen ind ich	
ACTION:	Mr. Monson moved that the Board of Nursing reprimand Sharon Patricia Young Gagnon and indefinitely suspend her license to practice professionanursing in the Commonwealth of Virginia for a period of not less than on year from date of Order entry. The basis for this decision will be set forth in final Board Order which will be sent to Ms. Gagnon at her address of record 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.		
	Louisa County Public Schools nurse aide students joined the meeting.		
RECESS:	The Board recessed at 10:17 A.M.		
RECONVENTION:	The Board reconvened at 10:28 A.M.		
	Ms. Douglas joined the meeting.		
FORMAL HEARINGS:	Brittany Rae Newberry, CNA1401-125364Ms. Newberry did not appear.		
	Holly Walker, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal couns for the Board. Holly M. Bush, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.	el	
	Staff from Southwestern Virginia Mental Health Institute were present a testified: Angela Rough, RN, Unit Coordinator; Jim Lundy, RN, MSN, U Nurse Coordinator; Celise Mills, RN; and Danielle Grogan, MSW, Clinical Social Work Supervisor. Robin Carroll, Senior Investigat Department of Health Professions was also present and testified.	nit SI,	

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- CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:24 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newberry. Additionally, Ms. Shah moved that Ms. Douglas, Ms. Power, Dr. Clinger, Ms. Tamayo-Suijk and Ms. Mitchell, Board counsel, 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 11:42 A.M.

Ms. Shah 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. Dorsey moved that the Board of Nursing revoke the certificate of Brittany Rae Newberry to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against her in the Virginia Nurse Aide Registry. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Newberry at her address of record. 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.

> Nurse Aide students and faculty from Rapp Center for Education left the meeting

- RECESS: The Board recessed at 11:43 A.M.
- RECONVENTION: The Board reconvened at 11:56 A.M.
- FORMAL HEARINGS:Da'Vonda Re' Black, RMA Reinstatement Applicant0031-007983Ms. Black appeared.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Holly M. Bush, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Sarah Rogers, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:	Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the <i>Code of Virginia</i> at 12:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Black. Additionally, Ms. Shah moved that Ms. Douglas, Ms. Power, Dr. Clinger, Ms. Tamayo-Suijk and Ms. Mitchell, Board counsel, 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.
	Nurse Aide students and faculty from Park View High School and Louisa County Public Schools left the meeting.
RECONVENTION:	The Board reconvened in open session at 1:16 P.M.
	Ms. Shah 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:	Ms. McElfresh moved that the Board of Nursing deny reinstatement of the registration of Da'Vonda Re' Black to practice as a medication aide in the Commonwealth of Virginia. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Black at her address of record. The motion was seconded and passed with six votes in favor of the motion. Dr. Dorsey 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 1:18 P.M.
RECONVENTION:	The Board reconvened at 2:05 P.M.
FORMAL HEARINGS:	Kristin DeeAnn Starkey, RN Reinstatement Applicant 0001-214237 Ms. Starkey appeared.
	Grace Stewart, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Holly M. Bush, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

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Amber Gray, Senior Investigator, Department of Health Professions was present and testified.

- CLOSED MEETING: Ms. Swineford 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. Starkey. Additionally, Ms. Swineford moved that Ms. Douglas, Ms. Power, Dr. Clinger, Ms. Tamayo-Suijk and Ms. Mitchell, Board counsel, 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 3:17 P.M.

Ms. Swineford 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: Ms. Cei moved that the Board of Nursing approve the application of Kristin Dee Ann Starkey for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia and place her on probation with period of probation with terms and conditions to run concurrently with the 2019 Texas Board Order. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Starkey at her address of record. 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 3:18 P.M.
- RECONVENTION: The Board reconvened at 3:34 P.M.

Ms. Douglas left the meeting.

FORMAL HEARINGS:Jennifer Allen, LPN Reinstatement Applicant0002-097785Ms. Allen appeared.

Holly Walker, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Holly M. Bush, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

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	Alexandra Aloba, Senior Investigator, Departme present and testified.	ent of Health Professions was
CLOSED MEETING:	Ms. Swineford moved that the Board of Nursin pursuant to §2.2-3711(A)(27) of the <i>Code of W</i> purpose of deliberation to reach a decision is Additionally, Ms. Swineford moved that Ms Tamayo-Suijk and Ms. Mitchell, Board counse because their presence in the closed meeting is presence will aid the Board in its deliberations. To carried unanimously.	<i>Virginia</i> at 4:44 P.M., for the in the matter of Ms. Allen. s. Power, Dr. Clinger, Ms. el, attend the closed meeting s deemed necessary and their
RECONVENTION:	The Board reconvened in open session at 5:09 P	.М.
	Ms. Douglas re-joined the meeting.	
	Ms. Swineford moved that the Board of Ne discussed or considered only public business ma open meeting requirements under the Virginia and only such public business matters as were which the closed meeting was convened. The carried unanimously.	atters lawfully exempted from Freedom of Information Act e identified in the motion by
ACTION:	Mr. Monson moved that the Board of Nursing and Jennifer Allen for reinstatement of her license to the Commonwealth of Virginia contingent upon re- successful completion of the following NCSBN co- <i>What Every Nurse Should Know"</i> , " <i>Professional Liability for Nurses</i> " and " <i>Sharpening Critical To</i> <i>Nursing Practice</i> ". The basis for this decision we Board Order which will be sent to Ms. Allen at her motion was seconded and carried unanimously.	practice practical nursing in ecciving written evidence of purses: "Disciplinary Actions: Accountability & Legal Thinking Skills for Competent vill be set forth in a final
	This decision shall be effective upon the entr Order stating the findings, conclusions, and de panel.	
FORMAL HEARINGS:	Douglas E. Karle, LPN Mr. Karle appeared.	0002-089705
	Anne Joseph, Adjudication Specialist for the De Professions, represented the Commonwealth. Ma for the Board. Holly M. Bush, court reporter wi Reporting LLC, recorded the proceedings.	s. Mitchell was legal counsel

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	Cheryl Hodgson, Senior Investigator, Department of Health Professions and Chris Bowers, Case Manager, Health Practitioners' Monitoring Program testified by phone.
CLOSED MEETING:	Ms. Cei moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the <i>Code of Virginia</i> at 6:14 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Karle. Additionally, Ms. Cei moved that Ms. Douglas, Ms. Power, Dr. Clinger, Ms. Tamayo-Suijk and Ms. Mitchell, Board counsel, 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 6:43 P.M.
	Ms. Cei 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:	Mr. Monson moved that the Board of Nursing continue the license of Douglas E. Karle to practice as a practical nurse in the Commonwealth of Virginia on indefinite suspension until such time as he appears before the Board to demonstrate that he is safe and competent to return to the practice of practical nursing. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Karle at his address of record. 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 6:44 P.M.

Jodi Power, RN, JD Senior Deputy Executive Director