

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 16, 2019
PANEL B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:31 A.M. on July 16, 2019 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Marie Gerardo, MS, RN, ANP-BC; Second Vice President
Ann T. Gleason, PhD, Citizen Member
James L. Hermansen-Parker, MSN, RN, PCCN-K
Dixie L. McElfresh, LPN
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark Monson, Citizen Member
Dawn Hogue, MA, LMT – **LMT case only**

STAFF PRESENT:

Robin Hills, DNP, RN, WHNP, Deputy Executive Director
Patricia Dewey, RN, BSN, Discipline Case Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

James Rutkowski, Assistant Attorney General, Board Counsel
Amanda Reidelbach, Management Lead Analyst, Department of Health Professions
Jessie Watkins, Senior Investigator, Department of Health Professions

ESTABLISHMENT OF A PANEL:

With seven members of the Board present, a panel was established.

FORMAL HEARINGS:

Jarrett DeWayne Herron, LMT 0019-015045

Mr. Herron did not appear.

David Kazzie, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Kimberly Martin, Senior Investigator, Department of Health Professions, Client B, and Jennifer Beale, Massage Luxe Employee, were present and testified.

CLOSED MEETING:

Ms. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:15 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Herron. Additionally, Ms. McElfresh moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 10:45 A.M.

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

ACTION: Ms. Hogue moved that the Board of Nursing revoke the right to renew the license of Jarrett DeWayne Herron to practice massage therapy in the Commonwealth of Virginia. An Order will be issued of the findings of fact and conclusions of law. 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. Hogue left the meeting at 10:49 A.M.

FORMAL HEARINGS: **Leigh Ann LaScala, RN** **0001-241668**

Ms. LaScala did not appear.

Holly Walker, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Ester Fraim, RN, was present and testified.

CLOSED MEETING: Ms. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:13 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. LaScala. Additionally, Ms. McElfresh moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 11:25 A.M.

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

ACTION: Mr. Monson moved that the Board of Nursing indefinitely suspend the license of Leigh Ann LaScala to practice professional nursing in the Commonwealth of Virginia with suspension will be stayed contingent upon proof of entry into the Virginia Health Practitioners' Monitoring Program (HPMP). An Order will be issued regarding the findings of fact and conclusions of law. 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: **Alicia M. Pettigrew, LPN** **0002-092337**

Ms. Pettigrew did not appear.

Tammie Jones, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Tonya James, Board of Nursing Compliance Case Manager, was present and testified.

CLOSED MEETING: Ms. McElfresh moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:54 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pettigrew. Additionally, Ms. McElfresh moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 12:17 P.M.

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

ACTION: Mr. Monson moved that the Board of Nursing reprimand Alicia M. Pettigrew and indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia for a period of not less than one year. An Order will be issued regarding the findings of fact and conclusions of law. The motion was seconded and carried with five votes in favor of the motion. Dr. McQueen-Gibson 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 12:18 P.M.

RECONVENTION: The Board reconvened in open session at 1:03 P.M.

FORMAL HEARINGS: **Karen Amber Johnson, RN** **0001-176519**

Ms. Johnson did not appear.

Grace Stewart, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

John Turner, Senior Investigator, Department of Health Professions, and Gretchen Miller, Health Practitioners' Monitoring Program (HPMP) Case Manager, testified via telephone.

CLOSED MEETING: Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:28

P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Johnson. Additionally, Dr. McQueen-Gibson moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 1:46 P.M.

Dr. McQueen-Gibson 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. Hermansen-Parker moved that the Board of Nursing accept the findings of fact and conclusions of law as presented. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing reprimand Karen Amber Jonson and indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia with suspension stayed contingent upon proof of re-entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and remaining in compliance with HPMP. An Order will be issued regarding the findings of fact and conclusions of law. 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:

Carissa Lynn Varca, LPN

0002-082728

Ms. Varca did not appear.

Tammie Jones, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Dwayne Cromer, Senior Investigator, Department of Health Professions, testified via telephone.

CLOSED MEETING:

Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:10

P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Varca. Additionally, Dr. McQueen-Gibson moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 2:15 P.M.

Dr. McQueen-Gibson 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. Hermansen-Parker moved that the Board of Nursing accept the findings of fact and conclusions of law as presented. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing indefinitely suspend the right to renew the license of Carissa Lynn Varca to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years. An Order will be issued regarding the findings of fact and conclusions of law. 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:

**Lameka Marvette House Hicks, CNA Reinstatement 1401-115852
RMA Applicant**

Ms. Hicks appeared.

Holly Walker, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. L. Kim Taylor & Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Renee White, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:04 P.M., for the purpose of deliberation to reach a decision in the matter of

Ms. Hicks. Additionally, Dr. McQueen-Gibson moved that Dr. Hills, Ms. Dewey, Ms. Tamayo-Suijk and Mr. Rutkowski, 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 3:21 P.M.

Dr. McQueen-Gibson 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. Hermansen-Parker moved that the Board of Nursing accept the findings of fact and conclusions of law as presented and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Gleason moved that the Board of Nursing approve the application for reinstatement of the certificate of Lameka Marvette House Hicks to practice as a nurse aide and approve her application for the registration to practice as a medication aide in the Commonwealth of Virginia. An Order will be issued regarding the findings of fact and conclusions of law. 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 3:24 P.M.

Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director