

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 20, 2019

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:12 A.M., on May 20, 2019 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jennifer Phelps, BS, LPN, QMHPA, First Vice President
Marie Gerardo, MS, RN, ANP-BC, Second Vice President
Laura F. Cei, BS, LPN, CCRP
Margaret Friedenberg, Citizen Member
Tucker Gleason, PhD, Citizen Member
Trula Minton, MS, RN

STAFF PRESENT: Jodi P. Power, RN, JD, Senior Deputy Executive Director
Charlette Ridout, RN, MS, CNE, Deputy Executive Director
Lelia Claire Morris, RN, LNHA, Discipline Case Manager
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Nurse Aide Students from Dowell J Howard Center
HCA Healthcare Registered Nurses

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS: **Christine Rodelander, RN Missouri License # 2005005231 with Multistate Privilege**

Ms. Rodelander did not appear.

Holly Walker, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor and Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Lane Raker, Senior Investigator, Department of Health Professions, testified via telephone

CLOSED MEETING: Dr. Gleason 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. Rodelander. Additionally, Dr. Gleason moved that Ms. Power, Ms.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

Ridout, Ms. Morris, 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 9:58 A.M.

Dr. Gleason 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. Cei 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: Dr. Gleason moved that the Board of Nursing revoke the multistate privilege of Christine Rodelander to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried with four votes in favor. Ms. Gerardo and Ms. Phelps opposed the motion.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:00 A.M.

RECONVENTION: The Board reconvened at 10:15 A.M.

FORMAL HEARINGS: **Carnisha Ianise Taylor, CNA, RMA 1401-147687 0031-007517**

Ms. Taylor appeared and was accompanied by Carol Taylor, her mother, and Tavorise K. Marks, paralegal and representative of the VA NAACP.

Lana Jagadish, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor and Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Marcella Luna, Investigator Supervisor at Headquarter, Department of Health Professions, Carol Taylor, and Stephanie Quick, LNHA, Administrator and Executive Director of Magnolias of Chesterfield, were present and testified.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 11:31 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Taylor. Additionally, Dr. Gleason moved that Ms. Power, Ms. Morris, 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 12:03 P.M.

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

ACTION:

Ms. Gerardo moved that the Board of Nursing reprimand Carnisha Ianise Taylor. The motion was seconded and carried with five votes in favor. Dr. Gleason opposed the motion.

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RECESS:

The Board recessed at 12:05 P.M.

RECONVENTION:

The Board reconvened at 12:15 P.M.

FORMAL HEARINGS:

Caleb B. Lesch, RN

0001-255957

Mr. Lesch appeared and was accompanied by his parents, Margaret and Joel Lesch, and his girlfriend, Kelly Airhart.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor and Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

Joyce Johnson, Senior Investigator, Department of Health Professions, and was present and testified. Bridget Turpin, Health Practitioners' Monitoring Program (HPMP) Case Manager, and Mark O'Shea, LCSW, testified via telephone.

Nurse Aide Students from Dowell J Howard Center left the meeting at 1:37 P.M.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 1:44 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Lesch. Additionally, Dr. Gleason moved that Ms. Power, Ms. Ridout, Ms. Morris, 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 2:04 P.M.

Dr. Gleason 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. Cei 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. Gerardo moved that the Board of Nursing reprimand Caleb B. Lesch and deny his application for reinstatement and continue his professional nursing license in the Commonwealth of Virginia on indefinite suspension, with suspension to be stayed contingent upon his continued compliance with the Virginia Health Practitioners' Monitoring Program (HPMP). The motion was seconded and carried unanimously.

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RECESS:

The Board recessed at 2:07 P.M.

RECONVENTION:

The Board reconvened at 2:48 P.M.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

FORMAL HEARINGS: **Rhonda Burks Ragans, RN** **0001-190884**

Ms. Ragans appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor and Cindy Ferrell, court reporters with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

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

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 4:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ragans. Additionally, Dr. Gleason moved that Ms. Power, Ms. Ridout, Ms. Morris, 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 4:19 P.M.

Dr. Gleason 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. Cei 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: Ms. Gerardo moved that the Board of Nursing deny Rhonda Burks Ragans' application for reinstatement and continue her professional nursing license in the Commonwealth of Virginia on indefinite suspension, with suspension to be stayed contingent upon her entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and her continued compliance with the program. The motion was seconded and carried unanimously.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

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FORMAL HEARINGS: **April L. Laxson, RN** **0001-213570**

Ms. Laxson did not appear.

Grace Stewart, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Vanessa Moore, Director of Clinical Services at Consulate Healthcare Norfolk, was present and testified.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 4:49 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Laxson. Additionally, Dr. Gleason moved that Ms. Power, Ms. Ridout, Ms. Morris, 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 5:03 P.M.

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

ACTION: Ms. Gerardo moved that the Board of Nursing reprimand April L. Laxson and indefinitely suspend her professional nursing license in the Commonwealth of Virginia for a period of not less than two years. The motion was seconded and carried unanimously.

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Virginia Board of Nursing
Formal Hearings
May 20, 2018

- RECESS: The Board recessed at 5:05 P.M.
- RECONVENTION: The Board reconvened at 5:15 P.M.
- FORMAL HEARINGS: **Kinesha Haynes, RN** **0001-268672**
Ms. Haynes appeared and was accompanied by her Grandma, Eileen Thompson.
Lana Jagadish, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.
Gayle Miller, Senior Investigator, Department of Health Professions, and Eileen Thompson were present and testified.
- CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 6:08 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Haynes. Additionally, Dr. Gleason moved that Ms. Power, Ms. Ridout, Ms. Morris, 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 6:24 P.M.
Dr. Gleason 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. Cei moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jagadish and amended by the Board. The motion was seconded and carried unanimously.
- ACTION: Ms. Gerardo moved that the Board of Nursing reprimand Kinesha Haynes and deny her application for reinstatement and continue her license to practice professional nursing in the Commonwealth of Virginia on indefinitely suspend, with suspension to be stayed contingent upon:

Virginia Board of Nursing
Formal Hearings
May 20, 2018

- Receiving proof of her successful completion of a RN refresher course approved by the Board, and
- Her continued compliance with the Virginia Health Practitioners' Monitoring Program (HPMP)

The motion was seconded and carried unanimously.

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RECESS: The Board recessed at 6:30 P.M.

RECONVENTION: The Board reconvened at 6:40 P.M.

FORMAL HEARINGS: **Cecelia Gregory, LPN** **0002-092026**

Ms. Gregory signed in at 1:55 P.M. but left the building at 3:50 P.M. prior to the start of the hearing without communicating with Board staff.

Lana Jagadish, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. L. Kim Taylor, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceedings.

Christina Bargdill, Quality Assurance Staff Development Manager, Department of Health Professions Enforcement, Ashley Hester, Senior Investigator, Department of Health Professions, Deana Deel, RN, DON, Chase City Health & Rehabilitation Center, Lorrie Thomas, DON, Wayland Nursing & Rehabilitation Center, Beverly Bryant, Assistant DON, Wayland Nursing & Rehabilitation Center, and Terri Covington, LPN, Wayland Nursing & Rehabilitation Center, were present and testified.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 7:34 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gregory. Additionally, Dr. Gleason moved that Ms. Power, Ms. Ridout, Ms. Morris, 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 7:53 P.M.

Virginia Board of Nursing
Formal Hearings
May 20, 2018

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

ACTION:

Ms. Minton moved that the Board of Nursing continue the practical nursing license of Cecelia Gregory in the Commonwealth of Virginia on indefinitely suspension, with suspension to be stayed contingent upon her entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and remaining in compliance thereafter. The motion was seconded and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 7:55 P.M.

Jodi Power, RN, JD
Senior Deputy Executive Director