

**VIRGINIA BOARD OF NURSING
MINUTES**

September 18, 2019

Panel - B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on September 18, 2019 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jennifer Phelps, BS, LPN, QMHP-A, CSAC, First Vice President

Marie Gerardo, MS, RN, ANP-BC, Second Vice President

Dixie McElfresh, LPN

Mark D. Monson, Citizen Member

Meenakshi Shah, BA, RN

Felisa A. Smith, RN, MSA, MSN/Ed, CNE

STAFF PRESENT:

Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director

Robin L. Hills, D.N.P., R.N., W.H.N.P., Deputy Executive Director

Terri Clinger, D.N.P., R.N., C.P.N.P.-P.C., Deputy Executive Director

Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

Erin Barrett, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:03 A.M., for the purpose of consideration of the agency subordinate recommendations. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 9:41 A.M.

Mr. Monson 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.

#2 – Franchon Wilkins, CNA

1401-162117

Ms. Wilkins did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Franchon Wilkins and assess a monetary penalty of \$200 to be paid within 90 days from the date of entry of the Order. The motion was seconded and carried unanimously.

#4 – Katherine Bracey Thompson, RN **0001-083459**
Ms. Thompson did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Katherine Thompson to practice professional nursing in the Commonwealth of Virginia, said suspension applies to any multistate privilege to practice professional nursing. The motion was seconded and carried unanimously.

#6 – Shannon Nicholas Hammer, CNA **1401-154697**
Ms. Hammer did not appear.

Mr. Monson moved that the Board of Nursing modify the Recommended Findings of Fact and Conclusions of Law #2 to remove Virginia Code violation §54.1-3007(2) and 18 VAC90-25-100(2)(e) and modify the recommended decision of the agency subordinate to indefinitely suspend the right of Shannon Nicholas Hammer to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

#8 – Elizabeth Hope Taylor, RMA **0031-008930**
Ms. Taylor did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to require Ms. Taylor within 90 days from the date of entry of the Order to provide written proof satisfactory to the Board of successful completion of Board – approved courses of at least 2 credit hours each through face-to-face interaction sessions in the subjects of 1) safe administration of medications in the elderly and 2) safe administration of medications in clients with dementia. The motion was seconded and carried unanimously.

#12 – Madeline Marie Grandfield, RN **0001-153482**
Ms. Grandfield did not appear.

Mr. Monson moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the right of Madeline Marie Grandfield to renew her license to practice as a professional

nurse in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

#14 – Renata Shavone Hurt, RN **0001-261720**
Ms. Hurt did not appear.

Mr. Monson moved that the Board of Nursing modify the recommended decision of the agency subordinate to assess a monetary penalty of \$100.00 to be paid within 120 days from the date of entry of Order. The motion was seconded and carried unanimously.

#16 – Jashawnda Benton, CNA **1401-145529**
Ms. Benton did not appear.

Ms. Gerardo moved that the Board of Nursing modify Recommended Findings of Fact and Conclusions of Law #2 by deleting a violation of Board of Nursing Regulation 18VAC 90-25-100(h); deleting Recommended Findings of Fact and Conclusions of Law #6 and Finding of Misappropriation of Patient Property; and otherwise accept the recommended decision of the agency subordinate to revoke the certificate of Jashawnda Benton to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

#18 – Nancy Gloria Bangura, CNA **1401-150355**
Ms. Bangura did not appear.

Mr. Monson moved that the Board of Nursing modify Recommended Findings of Fact and Conclusions of Law #2 by adding a violation of Virginia Code §54.1-3007(2) to correct a clerical error, and otherwise accept the recommended decision of the agency subordinate to revoke the certificate of Nancy Gloria Bangura to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Misappropriation of Patient Property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

#20 – Shawna Diggs, CNA **1401-184561**
Ms. Diggs did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Shawna Diggs to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

#22 – Sarah A. Yopp, CNA **1401-139680**

Ms. Yopp did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Sarah A. Yopp to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Misappropriation of Patient Property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

#24 – Kennethia Mauliene Harvin, CNA

1401-170793

Ms. Harvin did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Kennethia Mauliene Harvin to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Misappropriation of Patient Property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 9:51 A.M.

Robin L. Hills, D.N.P., R.N., W.H.N.P.
Deputy Executive Director

VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 18, 2019
Panel - B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:01 A.M. on September 18, 2019 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jennifer Phelps, BS, LPN, QMHP-A, CSAC, First Vice President
Marie Gerardo, MS, RN, ANP-BC, Second Vice President
Dixie McElfresh, LPN
Mark D. Monson, Citizen Member
Meenakshi Shah, BA, RN
Felisa A. Smith, RN, MSA, MSN/Ed, CNE
Kristina E. Page, LMT – **LMT cases only**

STAFF PRESENT:

Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director
Robin L. Hills, D.N.P., R.N., W.H.N.P., Deputy Executive Director
Terri Clinger, D.N.P., R.N., C.P.N.P.-P.C., Deputy Executive Director
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

Erin Barrett, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Christopher Sylvester McClure, LMT
Mr. McClure did not appear.

0019-010089

Wayne Halbleib, Senior Assistant Attorney General and Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceeding.

Anna Badgley, Senior Investigator, Department of Health Professions, was present and testified. Client A, accompanied by her attorney, 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 *Code of Virginia* at 10:51 A.M., for the purpose of deliberation to reach a decision in the matter of Christopher Sylvester McClure. Additionally, Ms. Shah moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 11:14 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: Mr. Monson moved that the Board of Nursing revoke the right of Christopher Sylvester McClure to renew his license to practice as a massage therapist in the Commonwealth of Virginia. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. McClure 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.

RECESS: The Board recessed at 11:15 A.M.

RECONVENTION: The Board reconvened at 11:31 A.M.

FORMAL HEARINGS: **Derek Flem Davis, LMT** **0019-008490**
Mr. Davis appeared.

Grace Stewart, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceeding.

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 *Code of Virginia* at 12:13 P.M., for the purpose of deliberation to reach a decision in the matter of Derek Flem Davis. Additionally, Ms. Shah moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 12:32 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. Gerardo moved that the Board of Nursing reprimand Derek Flem Davis and suspend the right to renew his license to practice massage therapy in the Commonwealth of Virginia until he completes the terms of his previous Board Order entered May 3, 2017, meets the terms of licensure renewal and pays any applicable fees. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Davis 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.

RECESS:

The Board recessed at 12:33 P.M.

RECONVENTION:

The Board reconvened in open session at 1:22 P.M.

FORMAL HEARINGS:

Albert Lee Safewright, LMT
Mr. Safewright did not appear.

0019-015801

Grace Stewart, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceeding.

Brandi Frey, Manager at Massage Envy- Short Pump, 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 1:39 P.M., for the purpose of deliberation to reach a decision in the matter of Albert Lee Safewright. Additionally, Ms. McElfresh moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 1:49 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.

ACTION:

Ms. Gerardo moved that the Board of Nursing revoke the license of Albert Lee Safewright to practice massage therapy in the Commonwealth of Virginia. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Safewright 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.

RECESS:

The Board recessed at 1:50 P.M.

RECONVENTION:

The Board reconvened in open session at 2:01 P.M.

FORMAL HEARINGS:

Rebecca Mary Smith, RN

0001-173807

Ms. Smith did not appear.

Grace Stewart, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceeding.

Katherine Mora, Perianesthesia Nurse Manager at Memorial Regional Medical Center, was present and testified. Ashley Hester, Senior Investigator, Department of Health Professions, 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 2:22 P.M., for the purpose of deliberation to reach a decision in the matter of Rebecca Mary Smith. Additionally, Ms. McElfresh moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 2:35 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.

ACTION:

Ms. Gerardo moved that the Board of Nursing indefinitely suspend the license of Rebecca Mary Smith to practice professional nursing in the Commonwealth of Virginia for a period of not less than one year and until such time as she appears before the Board to demonstrate that she is safe and competent to return to the practice of professional nursing. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Smith 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 2:36 P.M.

RECONVENTION:

The Board reconvened in open session at 2:48 P.M.

FORMAL HEARINGS:

Casey Carter, LPN **TN Lic. 083758 with Multistate Privilege**
Ms. Carter did not appear.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Marie Whisenand, court reporter with Farnsworth & Taylor Reporting LLC, recorded the proceeding.

Christopher Moore, Senior Investigator, Department of Health Professions, 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 3:06 P.M., for the purpose of deliberation to reach a decision in the matter of Casey Carter. Additionally, Ms. McElfresh moved that Ms. Douglas, Dr. Hills, Dr. Clinger, Ms. Tamayo-Suijk, and Ms. Barrett, 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 3:19 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.

ACTION:

Mr. Monson moved that the Board of Nursing indefinitely suspend the privilege of Casey Carter to practice practical nursing 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. Carter 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.

ADJOURNMENT:

The Board adjourned at 3:21 P.M.

Robin L. Hills, D.N.P., R.N., W.H.N.P.
Deputy Executive Director