

VIRGINIA BOARD OF NURSING
VIRTUAL FORMAL HEARINGS
January 27, 2021

TIME AND PLACE: The virtual Webex meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on January 27, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

BOARD MEMBERS
PARTICIPATING
VIRTUALLY:

Marie Gerardo, MS, RN, ANP-BC; President
Mark Monson, Citizen Member; First Vice-President
Yvette Dorsey, DNP, RN
Louise Hershkowitz, CRNA, MSHA
Dixie McElfresh, LPN
Felisa Smith, RN, MSA, MSN/Rd, CNE
Cynthia Swineford, RN, MSN, CNE
Dawn Hogue, MA, LMT – **LMT cases only**

STAFF PRESENT
AT DHP:

Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advance Practice
Sally Ragsdale, Discipline Specialist

STAFF PARTICIPATING
VIRTUALLY:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Francesca Iyengar, MSN, RN; Discipline Case Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator
Huong Vu, Executive Assistant

OTHERS PARTICIPATING
VIRTUALLY:

Charis Mitchell, Assistant Attorney General, Board Counsel
Etta Bruton
Jessie, Nursing Student
Donna Wilson, Nursing Student
Client C in the case of Shawn Lamont Robinson, LMT
Client B in the case of Shawn Lamont Robinson, LMT
Cindy Shortlidge, Court Reporter contracted by Client A, B & C
Courtney Leigh Winston, Esq., Legal Counsel for Client A, B & C
Client A in the case of Bradley Scott Robel, LMT
Jennifer Louise Williams, RN
Tammy Howard Stowers, LPN, Autumn Care Mechanicsville

Alicia Maass, RN, Director of Critical Care Unit, Southside Regional Medical Center
Diana Willman, Pharmacist, Director of Pharmacy, Southside Regional Medical Center
Chris Bowers, Intake Admission Coordinator/Case Manager, Health Practitioners' Monitoring Program (HPMP)
Jesslyn Watkins, Senior Investigator, DHP Enforcement
Meghan Wingate, Senior Investigator, DHP Enforcement
Madeline Holder, Senior Investigator, DHP Enforcement
Pamela Twombly, Deputy Executive Director, DHP Enforcement
Kimberly Martin, Senior Investigator, DHP Enforcement
David Kazzie, Adjudication Consultant, Administrative Proceedings Division (APD)
Grace Stewart, Adjudication Specialist, APD
Mandy Wilson, Adjudication Specialist, APD
David Robinson, Adjudication Specialist, APD
Tammie Jones, Adjudication Consultant, APD
Julia Bennett, Deputy Executive Director, APD
Ann Tiller, Compliance Manager, Board of Nursing
Claire Morris, Deputy Executive Director, Board of Nursing
Charlette Ridout, Deputy Executive Director, Board of Nursing
Stephanie Willinger, Deputy Executive Director, Board of Nursing

ESTABLISHMENT OF A
PANEL:

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

FORMAL HEARINGS:

Shawn Lamont Robinson, LMT

0019-015864

Mr. Robinson did not participate.

Grace Stewart, Adjudication Specialist, Department of Health Professions Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. M. Pamela Lima Vasquez, court reporter, Veteran Reporters, recorded the proceeding.

Jesslyn Watkins, Senior Investigator, Department of Health Professions Enforcement, Client C, and Client B, participated and testified.

CLOSED MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:59 A.M., for the purpose of deliberation to reach a decision in the matter of Shawn Lamont Robinson. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Ragsdale, Ms. Vu, 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 properly

seconded by Mr. Monson. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:15 A.M.

Ms. Hershkowitz 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 properly seconded by Mr. Monson. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Hogue moved that the Board of Nursing revoke the license of Shawn Lamont Robinson to practice message 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. Robinson at his address of record. The motion was properly seconded by Ms. Smith. A roll called was taken and the motion 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 10:16 A.M.

RECONVENTION: The Board reconvened in open session at 10:28 A.M.

FORMAL HEARINGS: **HaiHong Li, LMT** **0019-011801**

Ms. Li did not participate.

Tammie Jones, Adjudication Consultant, Department of Health Professions Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. M. Pamela Lima Vasquez, court reporter, Veteran Reporters, recorded the proceeding.

Meghan Wingate, Senior Investigators, Department of Health Professions Enforcement, participated and testified.

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 10:40 A.M., for the purpose of deliberation to reach a decision in the matter of HaiHong

Li. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Ragsdale, Ms. Vu, 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 properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:49 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 properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Hogue moved that the Board of Nursing revoke the license of HaiHong Li to practice message 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 Ms. Li at her address of record. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion 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 10:53 A.M.

RECONVENTION: The Board reconvened in open session at 11:00 A.M.

FORMAL HEARINGS: **Bradley Scott Robel, LMT** **0019-017495**

Mr. Robel participated.

Tammie Jones, Adjudication Consultant, Department of Health Professions Administrative Proceedings Division, and Mandy Wilson, Adjudication Specialist, Department of Health Professions Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. M. Pamela Lima Vasquez, court reporter, Veteran Reporters, recorded the proceeding.

Client A participated and testified.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:22 P.M., for the purpose of deliberation to reach a decision in the matter of Bradley Scott Robel. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Ragsdale, Ms. Vu, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:20 P.M.

Ms. Hershkowitz 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Hogue moved that the Board of Nursing reprimand Bradley Scott Robel and require completion of a minimum of 12 hours of Board approved NCBTMB courses in the subject of professional ethics to include the topics of boundaries, prevention of sexual misconduct, and protecting the therapeutic relationship, within 90 days of entry of the Order. These hours cannot be used to satisfy requirements for licensure renewal. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Robel at his address of record. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion 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 1:25 P.M.

RECONVENTION: The Board reconvened in open session at 2:05 P.M.

FORMAL HEARINGS: **Mary Katherine Franchok Haulton, RN** **0001-137917**

Ms. Haulton participated.

David Kazzie, Adjudication Consultant, Department of Health Professions Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. M. Pamela Lima Vasquez, court reporter, Veteran Reporters, recorded the proceeding.

Pamela Twombly, Deputy Executive Director, Department of Health Professions Enforcement; Alicia Maass, RN, Director of Critical Care Unit, Southside Regional Medical Center; Diana Willman, Director of Pharmacy, Southside Regional Medical Center; Jennifer Louise Williams, RN; and Tammy Howard Stowers, LPN, Autumn Care Mechanicsville, participated and testified.

RECESS: The Board recessed at 4:03 P.M.

RECONVENTION: The Board reconvened in open session at 4:13 P.M.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:40 P.M., for the purpose of deliberation to reach a decision in the matter of Mary Katherine Franchok Haulton. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Ragsdale, Ms. Vu, 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:13 P.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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing indefinitely suspend the license of Mary Katherine Franchok Haulton to practice professional nursing in the Commonwealth of Virginia with suspension stayed

contingent upon Ms. Haulton's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with the terms and condition of the HPMP for the time specified by the HPMP. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Haulton at her address of record. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion 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 6:15 P.M.

RECONVENTION: The Board reconvened in open session at 6:30 P.M.

FORMAL HEARINGS: **Amber Michelle Burgess, RN** **0001-258263**

Ms. Burgess participated.

Grace Stuart, Adjudication Specialist, Department of Health Professions Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. M. Pamela Lima Vasquez, court reporter, Veteran Reporters, recorded the proceeding.

Kimberly Martin, Senior Investigator, Department of Health Professions Enforcement, and Chris Bowers, Intake Admission Coordinator/Case Manager, Health Practitioners' Monitoring Program (HPMP), participated and testified.

RECESS: The Board recessed at 7:54 P.M.

RECONVENTION: The Board reconvened in open session at 8:01 P.M.

CLOSED MEETING: Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:08 P.M., for the purpose of deliberation to reach a decision in the matter of Amber Michelle Burgess. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Ragsdale, Ms. Vu, 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 properly

seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

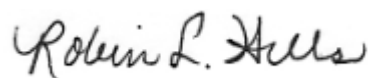
RECONVENTION: The Board reconvened in open session at 8:33 P.M.

Ms. Hershkowitz 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 properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION: Dr. Dorsey moved that the Board of Nursing indefinitely suspend the license of Amber Michelle Burgess to practice professional nursing in the Commonwealth of Virginia with suspension stayed contingent upon Ms. Burgess' re-entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and continue in compliance with the terms and condition of the HPMP for the time specified by the HPMP. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Burgess at her address of record. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion 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 8:34 P.M.



Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice