

**VIRGINIA BOARD OF NURSING
BUSINESS MEETING MINUTES
November 15, 2022**

TIME AND PLACE: The business meeting of the Board of Nursing was called to order at 9:00 A.M. on November 15, 2022, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Brandon A. Jones, MSN, RN, CEN, NEA-BC; President

BOARD MEMBERS PRESENT: Cynthia M. Swineford, RN, MSN, CNE; First Vice-President
Felisa A. Smith, PhD, MSA, RN, CNE; Second Vice-President
Laurie Buchwald, MSN, WHNP, FNP
Carol Cartte, RN, BSN
Yvette L. Dorsey, DNP, RN
Margaret J. Friedenbergl, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
James L. Hermansen-Parker, MSN, RN, PCCN-K
Paul Hogan, Citizen Member
Dixie L. McElfresh, LPN
Helen Parke, DNP, FNP-BC
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Meenakshi Shah, BA, RN

MEMBERS ABSENT: None

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Jacquelyn Wilmoth; Deputy Executive Director for Education
Stephanie Willinger; Deputy Executive Director for Licensing
Christine Smith, RN, MSN; Nurse Aide/RMA Education Program Manager
Randall Mangrum, DNP, RN; Nursing Education Program Manager
Patricia Dewey, RN, BSN, Discipline Case Manager
Francesca Iyengar, MSN, RN, Discipline Case Manager
Huong Vu, Operations Manager
Ann Hardy, MSN, RN, Compliance and Case Adjudication Manager

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Arne W. Owens, DHP Director
Erin Barrett, JD, DHP Policy Analyst

IN THE AUDIENCE: Michelle Satterlund, Virginia Association of Nurse Anesthetists (VANA)
Ben Trayham, Hancock, Daniel & Johnson, PC
Kelsey Wilkinson, Medical Society of Virginia (MSV)
Debra Marinari, Mary Washington Healthcare
Brittney Whitley, Lobbyist, Virginia Public Access Project (VPAP)
Andrew Lamar, Lobbyist, VPAP
Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Matt Novak, Assistant to DHP Policy Analyst

Elva Washington, Board of Nursing Staff
Regina Parson, Board of Nursing Staff
Laura Thompson, ATI – **joined at 1:33 P.M.**
Kim Small, VisualResearch – **joined at 2:30 P.M.**

ESTABLISHMENT OF A QUORUM:

Mr. Jones asked Board Members and Staff to introduce themselves and provided background information. With 14 members present, a quorum was established.

Mr. Jones welcomed Ms. Cartte and Mr. Hogan to the Board.

ANNOUNCEMENTS:

Mr. Jones acknowledged the following:

- DHP new Director is **Arne W. Owens** effective November 1, 2022

Board Member Update:

- **Paul Hogan from Reston, VA** was appointed by the Governor on November 4, 2022 to serve from July 1, 2022 to June 30, 2026

Staff Update:

- **Regina Parson** accepted the P-14 Licensing Specialist, Nurse Practitioner, and started on October 17, 2022
- **Elva Washington** accepted the Licensing Support Specialist position, after 5 years working as wage staff for the Board of Nursing, and started on November 10, 2022

Ms. Jones added the following announcement:

- Happy Nurse Practitioner week
- Happy birthday to Ms. Friedenberg

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

- The NCSBN Board of Directors (BOD) is scheduled for December 6-7, 2022 in Chicago, IL. Ms. Douglas will attend as the President of NCSBN BOD.

ORDERING OF AGENDA: Mr. Jones asked staff if there were additional updates to the Agenda.

Ms. Douglas noted the following:

- ❖ NCSBN President Call has been added under Reports
- ❖ DHP Reports available on the website has been added under Other Matters

- ❖ **E2** – NCSBN 2021 Nursing Education Program Annual Report has been added under Education Update
- ❖ **G5** – Consent Order for Genevieve Gifford Lambert, RN has been added under Consideration of Consent Orders
- ❖ **Ms. Cartte** will not participate in the formal hearing of Ugo Azuewah, RN on Wednesday, 11/16/2022,

Mr. Jones moved the Appointment of Regulatory Review Committee item under Other Matters to the Regulations/Legislation discussion.

CONSENT AGENDA: The Board did not remove any items from the consent agenda.

Mr. Hermansen-Parker moved to accept the items on consent agenda listed below as presented. The motion was seconded by Dr. Smith and carried unanimously.

Consent Agenda

B1 September 12, 2022	Formal Hearings
B2 September 13, 2022	Business Meeting
B3 September 14, 2022	Nominating Committee Meeting
B4 September 14, 2022	Discipline Committee Meeting
B5 September 14, 2022	Officer Meeting
B6 September 14, 2022	Panel A – Formal Hearings
B7 September 14, 2022	Panel B – Formal Hearings
B8 September 15, 2022	Formal Hearings
B9 October 6, 2022	Telephone Conference Call
B10 October 11, 2022	Telephone Conference Call
B11 November 1, 2022	Telephone Conference Call
B12 November 7, 2022	Telephone Conference Call

- C1** Board of Nursing Monthly Tracking Log as of October 31, 2022
- C2** Agency Subordination Recommendation Tracking Log
- C3** HPMP Quarterly Report as of September 30, 2022
- C4** Financial Reports as of June 30, 2022
- C5** Executive Director Report

**DIALOGUE WITH DHP
DIRECTOR OFFICE:**

Mr. Owens provided his background information and stated that it is good to be back at DHP. Mr. Owens thanked Board Members for their work on the Board and provided the following:

- Mr. Owens met with the Secretary on 11/14/2022 with the primary focus on healthcare workforce shortage issues, both practitioners and administrative staff, and it will be a discussion for the upcoming 2023 General Assembly session

- Mr. Owens expressed his appreciation for the smooth transition and onboarding provided by Dr. Brown prior to his departure.

Mr. Jones thanked Mr. Owens for his information and welcomed him to DHP.

DISPOSITION OF
MINUTES:

None

REPORTS:

C6 - 03 29 2022 Board of Health Professions (BHP) Meeting

Dr. Gleason stated that there was a transition in leadership with Leslie Knachel now serving as the Executive Director for the BHP.

Dr. Gleason added that the intersection of all Boards was noticeable.

**C7 - 10 12 2022 Committee of Joint Boards of Nursing and Medicine
Business Meeting and Formal Hearing DRAFT Minutes**

- ❖ Nurse Practitioner Side-by-Side Comparison (**REVISED VERSION**) – FYI
- ❖ Licensed Nurse Practitioner (LNP) Overview PowerPoint – **FYI**

Mr. Jones thanked Dr. Hills for the Nurse Practitioner Side-by-Side Comparison and the Overview PowerPoint.

Mr. Jones encouraged Board Members to review those two items to have a better understanding of the different advance practice RN/nurse practitioner categories that the BON and BOM jointly regulate.

November 9, 2022 Massage Therapy (MT) Advisory Board Meeting

Ms. Douglas stated that the MT Advisory Board consists of 5 members in effect since 2009 and is required by Code to meet annually.

Ms. Douglas reported the following regarding the November 9, 2022:

- Election of Officers took place, and the current Chair and Vice-Chair were elected
- Ms. Cathy Hanchey attended the Federation of State Massage Therapy Boards (FSMTB) Annual meeting in October 2022 and reported that fraudulent education documents was a topic of discussion.
- FSMTB is similar to NCSBN – Virginia is the only state that regulates massage therapists through the Board of Nursing.
- MT Licensure Compact – is under development. Ms. Douglas serves on the technical team. The draft model will be presented to the FSMTB in 2023 for consideration. A central data base for licensing and discipline information is being developed. The Department of Defense is in support of the Compact and has provided funding.

Ms. Bargdill attended the FSMTB Massage Board Executive (MBE) Summit in May 2022 and reported the following:

- Significant variability in Massage Therapy regulation exists across states
- Unified ideas and plans moving forward to address human trafficking and sexual boundary concerns
- Presentation provided by Homeland Security regarding protection of licensees
- Presentation provided by a psychologist regarding building a profile of sexual predators

Ms. Douglas noted that there is a Governor's Executive Order in place regarding a sex trafficking taskforce.

NCSBN Presidents' Call

Mr. Jones reported that it was an opportunity for Board Presidents across the nation to meet and discuss:

- Exams/NGN update by Phil Dickeson
- Nurse staffing shortage taskforce
- IV Hydration clinics and regulations regarding them – Boards of Pharmacy, Nursing and Medicine involved due to compounding issues

- Ms. Douglas stated that clinics are often used by people in order to get a boost of vitamins or fluids. The FDA is concerned with the compounding and practice outside of the scope.
- Ms. Shah asked if these infusions are related to cardiac treatment. Ms. Douglas responded no, it is a wellness approach.
- Mr. Hogan asked if these infusions are covered by medical insurance. Ms. Douglas responded it may or may not depending on the setting.

PUBLIC COMMENT: There was no comment received

OTHER MATTERS: **Board Counsel Update:**
Ms. Mitchell reported that the Office of the Attorney General is fully staffed since August and the Board has no appeals in process.

Election of Officers

- ❖ **D1** - Memo regarding Slate of Candidates for Officer Positions for 2023
- ❖ **D2** - Board of Nursing Bylaws (Guidance Document 90-57)
- ❖ **D3** - Duties and Functions of Board of Nursing Officers

Mr. Jones thanked Ms. Friedenbergl, Ms. Buchwald and Dr. Smith for serving on the Nominating Committee.

Mr. Jones initiated the consideration of the Slate of Candidates for Officers who will begin their terms on January 1, 2023.

The Nominating Committee offered the following slate of candidates for Board of Nursing Officer positions for 2023:

President: Brandon Jones, MSN, RN, CEN, NEA-BC
(1st term expires 2023)

First Vice-President: Cynthia Swineford, RN, MSN, CNE
(2nd term expires 2025)

Second Vice-President: Felisa Smith, PhD, MSA, RN, CNE
(2nd term expires 2025)

Ms. Douglas noted that the term for Dr. Smith was incorrect. It should be first term ends 2023.

Mr. Jones asked for additional nominations from the floor to be added to the Slate for all three positions. None was received.

Ms. Buchwald moved to accept the nominations as presented by acclamation. The motion was seconded by Dr. Dorsey and carried unanimously.

Update -- Digital Case Management Project

Ms. Bargdill reported the following:

- Transition team is in place at the Board
- Staff is exploring options
- The Board is processing offline cases digitally, which decreases paper product
- The goal is to have all disciplinary staff trained by November 28, 2022
- The goal is to have Board staff fully processing cases digitally beginning January 2023

Mr. Jones requested that a cover page for each tab be included which streamlines case review.

Mr. Owens left the meeting at 10:13 A.M.

D5 – Informal Conference (IFC) Schedule for the first half of 2023

Ms. Douglas directed Board members to the IFC schedule for the first half of 2023 as provided to board members in the consent agenda. Mr. Jones reminded board members to keep D5 handy.

Ms. Vu reminded board members to let her know if there is a change in participation, especially for the board members who reserve hotel rooms through Ms. Vu.

Ms. Douglas reminded Board members that they should reach out to other board members if a conflict arises but to keep Board staff in the loop when making changes.

DHP Reports available on the website

Ms. Douglas stated that the Biennial Reports are available on the DHP website. Ms. Douglas added that they include comprehensive reports of all boards.

Mr. Jones asked Ms. Vu to send board members the link to the report.

RECESS:

The Board recessed at 10:18 A.M.

RECONVENTION:

The Board reconvened at 10:34 A.M.

Mr. Owens re-joined the meeting at 10:34 A.M.

EDUCATION:

Education Update:

Ms. Wilmoth reported the following:

Nurse Aide Education Programs Update

- ❖ NNAAP: Credentia - RTS testing facilities will transition to two-bed events in areas where there are sufficient evaluators to staff the events. This will permit up to 24 students to be tested at each event. Right now, two-bed events are scheduled for Henrico and Chesterfield County.
 - Active Applications: 11
 - New programs in 2022: 18
 - Total Number of programs: 255 with 13 of those inactive
 - Instructional Personnel Exceptions this year: 2
 - Education Seminar: December 2nd at Virginia Western Community College. This session will be a site visit prep/regulation review

Mr. Jones inquired about pencil/paper testing. Ms. Wilmoth advised that paper/pencil will likely affect only high school programs who will test in Spring 2023.

Medication Aide Program Updates

- ❖ PSI Contract renewed
 - Board Staff continue to verify active programs
 - Total Number of programs: continues to fluctuate as contact is made and information received from programs. ~250
 - Active Applications: 12
 - New programs in 2022: 10

Nursing Education Program Updates

- Mary Marshall scholarship awards are being processed. As a reminder, \$1 from each license renewal funds this scholarship. There are 27 RN students and 5 PN students who have been awarded \$2,000 each (\$64,000). An additional \$33,000 has been approved for disbursement which will allow an additional 5 PN and 12 RN students to receive scholarship funds.
- 3rd quarter NCLEX pass rate update:
 - PN: There were 49 program codes that have had first time test takers – 16 with first time pass rates below 80%. 5 of the 16 are associated with closed programs.

- RN: There were 74 program codes with first time test takers - 23 with first time pass rates below 80%.
- A discussion ensued regarding the multifactorial nature of the decrease in pass rates:
 - COVID – students were viewed by facilities as guests; facilities were viewed by schools as real estate
 - There is a need for regulatory/practice/education collaboration
 - More funding is needed to attract nurse educators
- The regulatory-required Board annual report was sent to programs for completion mid-October with a due date of 12/2
- National aggregate data from the 2020-2021 NCSBN Annual Survey is summarized in E2. Attached to that memo you will also see a summary of Virginia’s results for 2021.
- Review of NCLEX by Dr. Smith, Dr. Dorsey and Dr. Mangrum
 - Active Applications: There are three BSN and three PN applications that are active.
 - New programs in 2022: There has been 1 new BSN, 1 new ADN and 2 PN programs approved this year.
 - Centra College of Nursing - BSN
 - Galen – ADN
 - Brightpoint Community College - PN
 - Bryant & Stratton Hampton - PN
 - Total Number of programs (148):
 - 58 PN Programs
 - 90 RN Programs - 44 BSN, 44 ADN and 2 Masters
 - Next Generation NCLEX (NGN) will launch for RN and PN in April 2023.
 - Faculty Exceptions continue to be requested, mostly for clinical faculty positions.
 - Education Seminars: December 2nd at Virginia Western Community College. This session will be a site visit prep/regulation review.

E2 – NCSBN 2021 Nursing Education Program Annual Report

Ms. Wilmoth reviewed the report as presented in E2 and noted that the board has the opportunity to recommend additional questions for the NCSBN survey which is due by the end of December 2022. Ms. Wilmoth asked board members to send suggestions to her.

LEGISLATION/
REGULATION:

Ms. Barrett reported the following:

F1 Chart of Regulatory Actions

Ms. Barrett provided an overview of the regulatory actions found in the chart

noting that:

- The proposed regulations for licensed certified midwives have been at the Secretary Office for 22 days; and
- The Fast-Track amendments to regulations governing nurse aide education programs have been moved to the Secretary's Office for review as of November 14, 2022.

F2 Guidance Document 90-22 – *Requests for Accommodations for NCLEX and NNAAP Testing and Medication Aide Examination for Registration*

Ms. Barrett reviewed the information provided and asked for action.

Mr. Hermansen-Parker moved to revise Guidance Document 90-22 as presented. The motion was seconded by Dr. Parke and carried unanimously.

F3 Guidance Document 90-54 – *Guidance for Conduct an Informal Conference by an Agency Subordinate of a Health Regulatory Board at the Department of Health Professions*

Ms. Barrett reviewed the information provided and advised that the conduct of IFCs by agency subordinates is now contained in a DHP guidance document applicable to all boards. She then asked for action.

Mr. Hermansen-Parker moved to repeal Guidance Document 90-54. The motion was seconded by Ms. Shah and carried unanimously.

F4 Guidance Document (GD) 90-56 - *Practice Agreement Requirements for Licensed Nurse Practitioners (Advanced Practice Registered Nurses)*

Ms. Barrett reviewed the information provided and asked for action.

Dr. Dorsey moved to revise Guidance Document 90-56 as presented. The motion was seconded by Dr. Parke and carried unanimously.

RECESS:

The Board recessed at 11:53 A.M.

RECONVENTION:

The Board reconvened at 1:33 P.M.

**E1 November 1, 2022 Education Informal Conference Committee
DRAFT minutes**

Mr. Hermansen-Parker moved to accept the November 1, 2022 Education Informal Conference Committee DRAFT minutes as presented. The motion was seconded by Dr. Parke and carried unanimously.

Mr. Hermansen-Parker and Ms. Phelps left the meeting at 1:35 P.M.

September 1, 2022 Education Informal Conference Committee

Recommendations regarding:

- Loudoun County, Leesburg, Practical Nursing, US28104600
- First Career Center, Medication Aide, 0030000215
- Alete Home Health Services, Medication Aide, 0030000146
- Golden Age Retirement, Medication Aide, 0030000040
- Madison Home, Inc., Medication Aide, 0030000083
- MicAnd, LLC, Medication Aide, 0030000144
- Oak Grove Residential Care Center, Medication Aide, 0030000114

Dr. Gleason moved to accept the September 1, 2022 Education Informal Conference Committee Recommendations as presented. The motion was seconded by Ms. McElfresh and carried unanimously.

❖ Mr. Hermansen-Parker and Ms. Phelps re-joined the meeting at 1:37 P.M.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Ms. Douglas provided the following information regarding agency subordinate recommendation process:

- ❖ The Board has 5 Agency Subordinates who hear cases at the informal conferences and make recommendations
- ❖ The Board does not have all the background information when considering recommendations
- ❖ Respondents whose recommendations are presented to the Board for consideration, can appear and address the Board regarding their recommendation with no new information being provided.
- ❖ After the Respondent speaks to the recommendation, the Board goes into a closed meeting to consider the recommendation
- ❖ The Board then can accept, reject, or modify the recommendation

#4 – Tracie H. Flynn, LPN

0002-075919

Ms. Flynn appeared and addressed the Board.

CLOSED MEETING:

Dr. Smith moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:47 P.M. for the purpose of considering the agency subordinate recommendation regarding **Tracie H. Flynn**. Additionally, Dr. Smith moved that Ms. Douglas, Dr. Hills, Ms. Bargdill, Ms. Wilmoth, Ms. Willinger, Ms. C. Smith, Dr. Mangrum, Ms. Vu, 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 properly seconded by Ms. Shah and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:52 P.M.

Dr. Smith 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. Buchwald and carried unanimously.

Ms. McElfresh moved that the Board of Nursing accept the recommendation of the agency subordinate to indefinitely suspend the license of **Tracie H. Flynn** to practice practical nursing in the Commonwealth with suspension stayed upon proof of Ms. Flynn's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Mr. Hermansen-Parker and carried with 13 votes in favor. Mr. Hogan abstained his vote.

#1 – Stephen William Cullers, RN

0001-150134

Mr. Cullers did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Stephen William Cullers** and to indefinitely suspend his license to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Phelps and carried unanimously.

#5 – Alexis Paige Moore, LPN

0002-099747

Ms. Moore did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Alexis Paige Moore** to practice practical nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Moore's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Ms. Phelps and carried unanimously.

#8 – Krystal G. Kyle, CNA

1401-117983

Ms. Kyle did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **Krystal G. Kyle** 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 motion was seconded by Ms. Phelps and carried unanimously.

#9 – Nicholas Irianni, RMA

0031-013711

Mr. Irianni did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the registration of **Nicholas Irianni** to practice as a medication aide in the Commonwealth. The motion was seconded by Ms. Phelps and carried unanimously.

#14 – April Ingrid Gibson, CNA

1401-143494

Ms. Gibson did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **April Ingrid Gibson** 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 motion was seconded by Ms. Phelps and carried unanimously.

#15 – Nicholas Irianni, CNA

1401-206761

Mr. Irianni did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **Nicholas Irianni** to practice as a nurse aide in the Commonwealth and enter a Finding of Abuse against him in the Virginia Nurse Aide Registry. The motion was seconded by Ms. Phelps and carried unanimously.

#17 – Summer Lee Bumgardner, RN

0001-257139

Ms. Bumgardner did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Summer Lee Bumgardner** to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Phelps and carried unanimously.

#18 – Michaelann Caffrey, RN

0001-134241

Ms. Caffrey did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Michaelann Caffrey** to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Caffrey's entry into a contract with

the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Ms. Phelps and carried unanimously.

#19 – Tatianna La'Sha Canady, LPN

0002-096761

Mr. Canady did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Tatianna La'Sha Canady** and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Phelps and carried unanimously.

CLOSED MEETING:

Dr. Smith moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M. for the purpose of considering the agency subordinate recommendation regarding **#2, 3, 6, 7, 10, 11, 12, 13, 16 and 20**. Additionally, Dr. Smith moved that Ms. Douglas, Dr. Hills, Ms. Bargdill, Ms. Wilmoth, Ms. Willinger, Ms. C. Smith, Dr. Mangrum, Ms. Hardy, Ms. Vu, 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 properly seconded by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:32 P.M.

Dr. Smith 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. Hermansen-Parker and carried unanimously.

#2 – Dawn Marie Bernard Pereira, RN

0001-187724

Ms. Pereira did not appear.

Dr. Dorsey moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Dawn Marie Bernard Pereira** and to suspend her right to renew her license to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Buchwald and carried unanimously.

#3 – Stephanie Lynne Vogel Harris, RN

0001-241511

Ms. Harris did not appear.

Dr. Smith moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Stephanie Lynne Vogel Harris** to practice professional nursing in the Commonwealth of Virginia for a period of two years from the date of entry of the Order, with suspension stayed contingent upon Ms. Harris' entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP; and to revise the date on the second line of the Notice section to accurately reflect September 19, 2022 instead of September 20, 2022. The motion was seconded by Dr. Dorsey and carried unanimously.

#6 – Delores Lileth Swaby Johnson, RN

0001-274419

Ms. Johnson did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of **Delores Lileth Swaby Johnson** to practice professional nursing in the Commonwealth of Virginia with suspension stayed contingent upon Ms. Johnson's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Dr. Dorsey and carried unanimously.

#7 – Victorial Ann Cueto, LPN

NC License # 078047

With Multistate Privilege

Ms. Cueto did not appear.

Ms. Shah moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the privilege of **Victorial Ann Cueto** to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Buchwald and carried unanimously.

#10 – Chantel Sade Ferguson, CNA

1401-130806

Ms. Ferguson did not appear.

Dr. Smith moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the certificate of **Chantel Sade Ferguson** to practice as a nurse aide in the Commonwealth of Virginia, remove Finding of Fact and Conclusion of Law #6, and replace the word "Norcan" with "Narcan" in 5f of the Confidential Exhibit. The motion was seconded by Ms. McElfresh and carried unanimously.

#11 – Emily Laabs, CNA

1401-168740

Ms. Laabs did not appear.

Ms. Shah moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the right of **Emily Laabs** to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia, and to edit Finding of Fact and Conclusion of Law #2 and #2 of the Confidential Exhibit to read “*Respondent violated Virginia Code §5.1-3007(6) in that she is not safe to practice due to substance abuse and/or mental or physical illness. Specially:*”. The motion was seconded by Ms. Buchwald and carried unanimously.

#12 – Theresa Marie Brewer Thompson, CNA **1401-133720**

Ms. Thompson did not appear but submitted a written response.

Mr. Hermansen-Parker moved that the Board of Nursing modify the recommended decision of the agency subordinate to revoke the certificate of **Theresa Marie Brewer Thompson** to practice as a nurse aide in the Commonwealth of Virginia, enter a Finding of Abuse against her in the Virginia Nurse Aide Registry, and to edit Finding of Fact and Conclusion of Law #7 to read “*Respondent violated Virginia Code §5.1-3007(6) in that she is not safe to practice due to mental or physical illness. Specially:*”. The motion was seconded by Ms. Shah and carried unanimously.

#13 – Erika Bolton, RN

0001-265541

Ms. Bolton did not appear.

Mr. Hermansen-Parker moved that the Board of Nursing modify the recommended decision of the agency subordinate as follows:

- To revoke the right of Erika Bolton to renew her license to practice professional nursing in the Commonwealth of Virginia.
- To edit Finding of Fact and Conclusion of Law #2(a) to read “*On July 2, 2021, starting at 1911, during a recorded call from the jail between Patient A and Ms. Bolton, Ms. Bolton spoke with the patient in a discussion where he begged her to leave her husband. The phone call included sexually explicit content.*”
- Delete Finding of Fact and Conclusion of Law 2(a)(i), 2(a)(ii), 2(b) through 2(d)
- To edit Finding of Fact and Conclusion of Law #4 to read “*Ms. Bolton told the DHP Investigator in ta letter dated September 17, 2021, “I was manipulated by this inmate, threatened by this inmate, and I was fearful of this inmate and what he was verbally threatening me while I was at work. I was fearful of what he would do to me either at work or once he got out.... I feared for my life and my kids lives as well if I did not do exactly what he told me to do.” However, Ms. Bolton continued to accept Patient A’s back-to-back calls.*”

The motion was seconded by Ms. Shah and carried with 11 votes in favor of the motion. Dr. Dorsey and Dr. Smith opposed the motion.

#16 – Julia Grace Johnson, RN

0001-239110

Ms. Johnson did not appear but submitted a written response.

Dr. Parke moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Julia Grace Johnson** to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Johnson’s entry into a contract the Virginia Health Practitioners’ Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Ms. Shah and carried unanimously.

#20 – Melissa Irene Snead, RN

0001-202190

Ms. Snead did not appear.

Dr. Gleason moved that the Board of Nursing modify the recommended decision of the agency subordinate as follows:

- To reprimand Melissa Irene Snead and to indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia.
- To change Finding of Fact and Conclusion of Law # 4g to new #5
- To delete Finding of Fact and Conclusion of Law #4h
- To change Finding of Fact and Conclusion of Law # 5 to new #6
- To delete Finding of Fact and Conclusion of Law #6
- To replace the word “hearing” in Findings of Fact and Conclusions of Law #7 and #8 with “informal conference”

The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

CONSIDERATION OF CONSENT ORDERS:

G1 - Mary Jennifer Toole, RN Reinstatement Applicant 0001-247274

Ms. Shah moved that the Board of Nursing accept the consent order to grant the application of **Mary Jennifer Toole** for reinstatement of her license to practice professional nursing for single state practice only in the Commonwealth of Virginia, suspend her license with suspension stayed upon proof of compliance with terms and conditions. The motion was seconded by Ms. Swineford and carried unanimously.

G2 - Ashley Ray Lynch Pelton, LPN

0002-063701

Ms. Shah moved that the Board of Nursing accept the consent order for voluntary surrender for indefinitely suspend the license of **Ashley Ray**

Lynch Pelton to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Swineford and carried unanimously.

G3 - Kimberly Wilson Frank, RN

0001-149399

Ms. Shah moved that the Board of Nursing accept the consent order for voluntary surrender for indefinite suspension of the license of **Kimberly Wilson Frank** to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Swineford and carried unanimously.

G4 – Christine Michelle Spiller, LMT

0019-012543

Ms. Shah moved that the Board of Nursing accept the consent order for voluntary surrender for indefinite suspension of the license of **Christine Michelle Spiller** to practice massage therapy in the Commonwealth of Virginia. The motion was seconded by Ms. Swineford and carried unanimously.

RECESS: The Board recessed at 3:33 P.M.

RECONVENTION: The Board reconvened at 3:45 P.M.

CLOSED MEETING: Dr. Smith moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:46 P.M. for the purpose of considering the consent order regarding **Genevieve Gifford Lambert, RN**. Additionally, Dr. Smith moved that Ms. Douglas, Dr. Hills, Ms. Bargdill, Ms. Wilmoth, Ms. Willinger, Ms. C. Smith, Dr. Mangrum, Ms. Hardy, Ms. Dewey, Ms. Vu, 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 properly seconded by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:06 P.M.

Dr. Smith 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. Buchwald and carried unanimously.

G5 – Genevieve Gifford Lambert, RN

0001-143472

Dr. Dorsey moved to reject the current consent order of Genevieve Gifford Lambert, RN and to offer another consent order with the deletion of Finding of Fact and Conclusion of Law #2(c). The motion was seconded by Ms. Buchwald and carried with 12 votes in favor of the motion. Ms. Shah and Dr. Smith opposed the motion.

Dr. Dorsey left the meeting at 4:08 P.M.

**BOARD MEMBER
DEVELOPMENT:**

Review of the new Sanctioning Reference Points (SRP) Manual

Dr. Hills noted that the Board approved the worksheets already and reviewed the major changes in the manual.

Ms. Small provided the background information and answered Board member questions regarding the Manual and worksheets.

Requests to Board Members from Media and External Stakeholders

- **D4** – DHP Policy 76-20-01 – Communication with the Media
- 2014 General Guidelines from Conduct of DHP Board Members

Ms. Douglas reviewed the two handouts provided to the Board and reminded new Board Members to complete the Conflict of Interest within 90 days from appointment.

MEETING DEBRIEF:

Board Members listed the following positive aspects of the meeting:

- Robust and educational discussion, especially for new Board Members
- Variability in motion makers throughout the meeting
- New Board Members asked questions and engaged in discussion

Board Members made the following suggestions for improvement:

- Brainstorming about healthcare workforce
- Better understanding of agency subordinate process

ADJOURNMENT:

The Board adjourned at 4:56 P.M.

Brandon A. Jones, MSN, RN, CEN, NEA-BC
President