

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 18, 2017**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:08 A.M. on May 18, 2017 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Marie Gerardo, MS, RN, ANP-BC; Secretary, Chair
Guia Caliwagan, RN, MAN, EdS
Alice Clark, Citizen Member – **joined at 2 P.M.**
Jeanne Holmes, Citizen Member
Kelly S. McDonough, DNP, RN
William Traynham, LPN, CSAC

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, JD, RN; Deputy Executive Director
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Senior Nursing Students from Southside Regional Medical Center

ESTABLISHMENT OF A PANEL:

With five members of the Board present, a panel was established

FORMAL HEARINGS:

Jacqueline Hatch Sawyer, RN 0001-174504
Ms. Sawyer appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Ann Marie Nelson, court reporter with Crane-Snead & Associates, recorded the proceedings.

Ann S. Hardy, RN, Senior Investigator, Department of Health Professions, was present and testified. Rebecca Britt, Case Manager, Health Practitioners' Monitoring Program, testified via telephone.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sawyer. Additionally, Dr. McDonough moved that Ms. Douglas, Ms. Power, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:08 A.M.

Ms. Caliwagan 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. Traynham 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:

Dr. McDonough moved that the Board of Nursing continue the license of Jacqueline Hatch Sawyer to practice professional nursing in the Commonwealth of Virginia on indefinite suspension but stay suspension contingent upon her re-entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and remaining in compliance with the program thereafter. 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 10:12 A.M.

RECONVENTION:

The Board reconvened at 10:18 A.M.

FORMAL HEARINGS:

Craig Anthony Trimbach, RN 0001-172770

Mr. Trimbach appeared accompanied by Nathan C. Mortier, his counsel.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Ann Marie Nelson, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia L. Dewey, Senior Investigator, Department of Health Professions, was present and testified. Amy Stewart, Case Manager Coordinator, Health Practitioners' Monitoring Program (HPMP), testified via telephone.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:12 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Trimbach. Additionally, Dr. McDonough moved that Ms. Douglas, Ms. Power, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:20 A.M.

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

ACTION:

Mr. Traynham moved that the Board of Nursing reinstate the license of Craig Anthony Trimbach to practice professional nursing in the Commonwealth of Virginia and take no further action contingent upon his continued compliance with the Virginia Health Practitioners' Monitoring Program. 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 11:23 A.M.

RECONVENTION:

The Board reconvened at 1:00 P.M.

Lori Larsen, court reporter with Crane-Snead & Associates, replaced Ann Marie Nelson.

FORMAL HEARINGS:

Jennifer Lynn Estridge Pencille, RN Reinstatement 0001-224403

Ms. Pencille appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Dr. McDonough moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:27 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pencille. Additionally, Dr. McDonough moved that Ms. Douglas, Ms. Power, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:41 P.M.

Dr. McDonough 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. Traynham 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. Holmes moved that the Board of Nursing reinstate the license of Jennifer Lynn Estridge Pencille to practice professional nursing in the Commonwealth of Virginia only. 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.

Dr. McDonough left the meeting at 2:00 P.M.

Ms. Clark joined the meeting at 2:00 P.M.

FORMAL HEARINGS:

Andrea Kristin Scalf, LPN Reinstatement 0002-0057447

Ms. Scalf did not appear.

Amy Weiss, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Lori Larsen, court reporter with Crane-Snead & Associates, recorded the proceedings.

Marian McLean, RN, CCM, Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Caliwagan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Scalf. Additionally, Ms. Caliwagan moved that Ms. Douglas, Ms. Power, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:40 P.M.

Ms. Caliwagan 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. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Weiss. The motion was seconded and carried unanimously.

ACTION:

Mr. Traynham moved that the Board of Nursing deny the reinstatement application of Andrea Kristin Scalf and continue her practical nursing license on indefinite suspension for a period of not less than two years and until such time as she appears and demonstrates sufficient evidence she is safe and competent to return to practice. 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 2:42 P.M.

Jodi P. Power, RN, JD
Deputy Executive Director