

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCES
June 3, 2015**

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 9:00 A.M., on June 3, 2015 in Board Room 1, Suite 201, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Evelyn Lindsay, L.P.N. - Chairperson
Marie Gerardo, M.S.N., R.N., A.N.P.-B.C.

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

OTHERS PRESENT: Tammy Jones, Adjudication Specialist
Joseph Tolman, Intern, Department of Health Professions (Joined later)

CONFERENCES
SCHEDULED: **Amy Bishop, R.N. 0001-208609**
Ms. Bishop appeared.

CLOSED MEETING: Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:20 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Bishop. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 9:27 A.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to issue an Order to take no action at this time, contingent upon Ms. Bishop remaining in compliance with the terms of the HPMP. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Bishop, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Bishop within such time. If service of the Order is made by mail, three

additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

Tammy Walton, R.N. 0001-150586

Ms. Walton did not appear.

CLOSED MEETING:

Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:31 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Walton. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 9:40 A.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to offer Ms. Walton a Consent Order for indefinite suspension of her license, in lieu of a formal hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Walton and the Board.

CONFERENCES

SCHEDULED:

Lisa Lucas, R.N. 0001-164450

Ms. Lucas did not appear.

CLOSED MEETING:

Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 9:45 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Lucas. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 9:50 A.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to offer Ms. Lucas a Consent Order for revocation of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

Joseph Tolman joined the meeting at 10:00 A.M. and left the meeting at 10:30 A.M.

CONFERENCES

SCHEDULED:

Frank Dudley, L.P.N. 0002-088915

Mr. Dudley did not appear.

CLOSED MEETING:

Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:30 A.M. for the purpose of deliberation to reach a decision in the matter of Mr. Dudley. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 10:40 A.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to issue an Order of reprimand to Mr. Dudley and to offer Mr. Dudley a Consent Order for indefinite suspension of his license, in lieu of a formal hearing. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Mr. Dudley and the Board.

CONFERENCES

SCHEDULED:

Patricia Owens, L.P.N. 0002-024350

Ms. Owens appeared, accompanied by Roberta Johnson and Teresa Montgomery, co-workers and friends.

CLOSED MEETING:

Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the

Code of Virginia at 1:20 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Owens. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 1:30 P.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to issue an Order of reprimand and require Ms. Owens complete two NCSBN online courses within 60 days of Order entry: "*Ethics of Nursing Practice*" and "*Professional Accountability and Legal Liability for Nurses*". The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Owens, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Owens within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

CONFERENCES

SCHEDULED:

James Jacobs, L.P.N. 0002-067287

Mr. Jacobs appeared.

CLOSED MEETING:

Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Jacobs. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

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

Ms. Gerardo moved that the Special Conference Committee of 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 to close the case and impose no sanction due to insufficient evidence of a violation of the Nurse Practice Act or Board of Nursing regulations. The motion was seconded and carried unanimously.

CONFERENCES

SCHEDULED: **Anne Henry, R.N. CO License # 189609 with multistate privilege**
Ms. Henry did not appear.

CLOSED MEETING: Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:10 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Henry. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 2:25 P.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to offer Ms. Henry a Consent Order for indefinite suspension of her license, in lieu of a formal hearing. Further, Ms. Gerardo moved to issue an Order of reprimand to Ms. Henry and to impose a \$ 500.00 monetary penalty. The motion was seconded and carried unanimously.

This Consent Order shall be effective upon endorsement of its findings, conclusions, and terms of consent by both Ms. Henry and the Board.

CONFERENCES

SCHEDULED: **Malissa Rogers, L.P.N. 0002-085484**
Ms. Rogers did not appear.

CLOSED MEETING: Ms. Gerardo moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:27 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Rogers. Additionally, Ms. Gerardo moved that Dr. Jane Elliott, and Ms. Jones attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 2:35 P.M.

Ms. Gerardo moved that the Special Conference Committee of 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 to issue an Order of reprimand to Ms. Rogers and require completion of two NCSBN online courses within 60 days of Order entry: *"Ethics of Nursing Practice"* and *"Professional Accountability and Legal Liability for Nurses"*. The motion was seconded and carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order 30 days after service of such Order on Ms. Rogers, unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Rogers within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT:

The Board adjourned at 2:40 P.M.



Jane Elliott, R.N., Ph.D.
Discipline Staff