

Tennessee Board of Nursing
665 Mainstream Drive
Electronic Meeting/Iris Room
Nashville, Tennessee

Summary Suspension Hearing

MINUTES
March 19, 2020

Thursday, March 19, 2020

Call to Order: The electronic meeting of the Tennessee Board of Nursing was called to order at 3:16 p.m. CT, March 19, 2020 in the Iris Room.

In order to ensure all requirements were met to have a valid electronic meeting several requirements for electronic meetings were reviewed with the board – each of which required a roll call vote. Participants were asked to introduce themselves each time before speaking.

Elizabeth Lund, Executive Director conducted roll call to ensure each participant was connected:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Ms. Lund conducted roll call to determine that each participant heard the responses of all other participants:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

A quorum was present pursuant to T.C.A. 63-7-116 (i) - for disciplinary matters 3 or more members shall constitute a quorum.

Ms. Lund conducted roll call to request that Board members identify anyone else in the room with them at their location:

NAME

RESPONSE

Mark Young, APRN, Panel Chair

Alone

Leslie Akins, APRN

Alone

Marietha Silvers, RN

Alone

Ms. Lund stated the following regarding the purpose of the meeting: “The purpose of this meeting is to take up time sensitive disciplinary matters for the protection of the public. Those matters include applications for summary suspension of Mr. Richard A. Smith, KY RN # 1132849 and Mr. Leon B. Hensley, LPN # 89620. No panel member has declared any prior knowledge of these two nurses. The matters also include ratification of consent orders for discipline. Due to the COVID-19 pandemic there is currently a state of emergency. The Board’s meeting rooms are in Davidson County. The Board members reside in various parts of the state. The majority of the Board’s members live several hours drive away from Davidson County. Davidson County is currently the county in Tennessee with the highest number of residents diagnosed with COVID-19. As of 2:00 pm today the Department of Health reported that Davidson County had 75 diagnosed residents. Williamson County, which is adjacent to Davidson County, is second in the state with 30 diagnosed residents. The state as a whole has 154 diagnosed cases. The USCDC and the Tennessee Department of Health have recommended social distancing, limiting travel, and limiting the number of attendees at meetings. All Tennessee State employees who are capable of working from home have been instructed to do so. Therefore, the physical presence of a quorum is not practical within the period of time requiring action.”

Ms. Lund confirmed that all members on the call received summary suspension orders and fifteen (15) consent/agreed orders via email and were able to successfully access them.

Ms. Akins made a motion to elect Mr. Young as chair of the panel. Ms. Silvers seconded. Roll call vote:

NAME

RESPONSE

Mark Young, APRN, Panel Chair

Y N

Leslie Akins, APRN

Y N

Marietha Silvers, RN

Y N

Motion carried.

Ms. Akins made a motion to proceed to conduct this meeting electronically. Ms. Silvers seconded the motion. Roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

Mr. Young authorized Elizabeth Lund, Executive Director, to sign the orders presented today on his behalf.

Ms. Lund, Executive Director, asked for a motion and a second followed by a roll call to determine if the matter or matters to be discussed meet the following requirements for an electronic meeting:

1. The disciplinary matters to protect the public require timely action.
2. The physical presence of all panel members is not practical considering the time period required for action on the disciplinary matters, and
3. The participation by some or all of the members of the board by electronic or other means is necessary.

Mr. Young made a motion to find that the requirements for an electronic meeting have been met. Ms. Akins seconded the motion. Roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

Ms. Lund reminded each participant to introduce themselves each time before speaking and turned the electronic over to Mr. Young, Chair.

Roll Call and Quorum

Present: Mark Young, APRN; Leslie Akins, RN, APRN; Marietha Silvers, RN

Mr. Young declared a quorum present and turned the meeting over to Mr. Eric Winters, Assistant General Counsel.

Hearing—Mr. Richard A. Smith, KY RN 1132849

Mr. Eric Winters, Assistant General Counsel, opened the meeting stating the necessity for the emergency meeting of the panel for the summary suspension of Mr. Richard A. Smith, KY RN 1132849. No panel member declared any prior knowledge of the matter. Mr. Smith was present and not represented by counsel.

Mr. Winters presented the case for summarily spending the license of Mr. Richard A. Smith, KY RN 1132849. Following presentation, testimony and discussion by the panel, Ms. Akins moved to accept the finds of fact 1 through 6 on the final proposed order. Ms. Silvers seconded, roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

Ms. Silvers moved to accept the conclusions of law 7 through 9 based on violations of T. C. A. 63-1-126 (b), 63-7-115(a)(1), and rule 1000-01-.13(1)(e)(f)(g)(w) as written in the state's proposed order. Ms. Akins seconded; roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

Ms. Akins moved that the preliminary findings of the severity of the misconduct by Mr. Richard A. Smith imperatively requires the emergency action and moved to summarily suspend the

privilege to practice in Tennessee of KY RN Richard A. Smith, license # 1132849 and adopt the proposed order of summary suspension as presented. Ms. Silvers seconded, roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

The Board agreed that it is the duty of the Board to protect the public and the summary suspension is appropriate; roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N
Marietha Silvers, RN	Y	N

Motion carried.

Hearing—Mr. Leon B. Hensley, LPN # 89620

Mr. Nathaniel Flinchbaugh , Assistant General Counsel, opened the meeting stating the necessity for the emergency meeting of the panel for the summary suspension of Mr. Leon B. Hensley, LPN # 89620. No panel member declared any prior knowledge of the matter.

Mr. Flinchbaugh presented the case for summarily suspending the license of Mr. Leon B. Hensley, LPN # 89620. Following prevention and testimony and discussion by the panel, Ms. Leslie Akins moved to accept the finds of fact 1 through 7 on the final proposed order. Mr. Young seconded, roll call vote:

<u>NAME</u>	<u>RESPONSE</u>	
Mark Young, APRN, Panel Chair	Y	N
Leslie Akins, APRN	Y	N

Motion carried.

Agreed/Consent Orders

Ashley Fine

Deborah L. Petty	RN 87382	Mr. Young moved to accept the consent order of standard TnPAP. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
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Nathaniel Flinchbaugh

Lisa Copeland	RN 129419 APRN 11141	Mr. Young moved to accept the consent order of standard TnPAP. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
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Meghan Gottschall

Lori Adams	RN 86863	Mr. Young moved to accept the consent order of voluntary surrender. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Christy Davis	RN 137627	Mr. Young moved to accept the consent order of reprimand

		with continuing education. Seconded by Ms. Silvers; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Linda Green	RN 234301	Ms. Silvers moved to accept the consent order of probation with continuing education. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
James Jinkins	RN 229108	Ms. Akins moved to accept the consent order of standard TnPAP. Seconded by Mr. Young; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Joseph Sawyer	RN 179714	Mr. Young moved to accept the consent order of standard TnPAP. Seconded by Ms. Silvers; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.

Kevin Griffin

Wendy Brady	RN 111811	Ms. Akins moved to accept the consent order of standard TnPAP. Seconded by Mr. Young; roll call vote:
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		Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Tracy Nutt	RN 165478	Mr. Young moved to accept the consent order of voluntary surrender. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Tracy L. Spriggs	RN 84270	Ms. Silvers moved to accept the consent order of standard TnPAP. Seconded by Ms. Akins; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Robert Warner	RN 201254	Mr. Young moved to accept the consent order of voluntary surrender. Seconded by Ms. Silvers; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.

Kaitlin Parham

Jessica Farr	RN 225228	Mr. Young moved to accept the consent order of probation. Seconded by Ms. Silvers; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
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Eric Winters

Joel Wruble	LPN 66414	Ms. Akins moved to accept the consent order of TnPAP psychosexual evaluation and monitoring. Seconded by Mr. Young; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.
Carla Yarbrough	LPN 58712	Mr. Young moved to accept the consent order of standard TnPAP. Seconded by Ms. Silvers; roll call vote: Mark Young—yes Leslie Akins—yes Marietha Silvers—yes Motion carried.

Meeting adjourned at 5:09 p.m. (CT) on Thursday, March 19, 2020.