

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**RE:**

**EMMA B. TOWNES, L.P.N.**

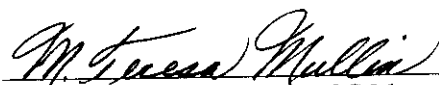
**ORDER**

Pursuant to § 9-6.14:12, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on January 28, 1999, in Henrico County, Virginia, to receive and act upon evidence that Emma B. Townes, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Frank W. Pedrotty, Assistant Attorney General. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. Townes was present and was represented by Reginald M. Barley, Esquire. The proceedings were recorded by a certified court reporter. Following deliberation by the panel, an Order was entered dated February 11, 1999.

On February 19, 1999, a Notice of Appeal was filed with the Executive Director of the Board.

On this date, it was determined that the panel of the Board that heard the matter pursuant to § 54.1-2400(11) was improperly convened, in that Marion H. Alderman, Citizen Member, and Charles Barbour, L.P.N., served on the informal conference conducted on December 10, 1998. Therefore, based on the failure of the Board to convene a panel in accordance with § 54.1-2400(11), and with the concurrence of the President of the Board, the Order entered February 11, 1999, is void ab initio, and, is vacated nunc pro tunc.

FOR THE BOARD

*for*   
\_\_\_\_\_  
Nancy K. Durrett, R.N., M.S.N.  
Executive Director of the  
Board of Nursing

*February 23, 1999*  
\_\_\_\_\_  
ENTERED

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Emma B. Townes, L.P.N., at 1128 Old Hundred Road, Midlothian, Virginia 23113, and to Reginald M. Barley, Esquire, The 21 Center, 2025 East Main Street, Suite 210, Richmond, Virginia 23223.

*for* *M. Teresa Mullin*  
Nancy K. Durrett, R.N., M.S.N.  
Executive Director for the  
Board of Nursing

*February 23, 1999*  
DATE