

VIRGINIA BOARD OF NURSING

Preliminary Agenda

Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233

Tuesday, March 27, 2018

9:00 A.M. - Business Meeting of the Board of Nursing – Quorum of the Board - Conference Center Suite 201 – Board room 2

Call to Order: Louise Hershkowitz, CRNA, MSHA; President

Establishment of a Quorum.

Announcements:

- Bethanie Fields, RN accepted the P-14 on-site visitor position for the review of nurse aide education program in the South West Virginia and started on February 5, 2018
- Nancy Melton accepted the full time CBC Background Investigation Specialist position and started on February 12, 2018. Ms. Melton worked at the CBC Unit previously as a tempt
- Sylvia Tamayo-Suijk has returned to Board of Nursing staff as the Nursing Discipline Team Coordinator and started on March 10, 2018.

Upcoming Meetings:

- Virginia Nurses Association (VNA) Opioid Spring Conference is scheduled for April 20, 2018 at Innsbrook – Key BON Staff will attend and Dr. Brown is a Keynote Speaker
- The Committee of the Joint Boards of Nursing and Medicine Business Meeting and Administrative Proceeding are scheduled for April 11, 2018 – Ms. Hershkowitz, Ms. Gerardo, and Dr. Hahn will attend.
- eNLC Executive Committee Spring Meeting is scheduled for April 29 – May 2, 2018 in Asheville, NC –Ms. Douglas, as Commissioner for eNLC, will attend

Dialogue with DHP Director – Dr. Brown

Review of the Agenda: (Except where times are stated, items not completed on January 30, 2018 will be completed on January 31, 2018.)

1. Additions, Modifications
2. Adoption of a Consent Agenda

Disposition of Minutes:

- | | |
|--------------------|---------------------------|
| C January 29, 2018 | Panel – Dr. Hahn * |
| C January 30, 2018 | Quorum – Dr. Hahn * |
| C January 31, 2018 | Panel – Dr. Hahn* |
| C January 31, 2018 | Panel – Ms. Hershkowitz * |
| C February 1, 2018 | Panel – Ms. Hershkowitz* |
| C March 13, 2018 | Panel – Ms. Hershkowitz |

Reports:

- C Agency Subordinate Tracking Log*
- C Finance Report
- C Board of Nursing Monthly Tracking Log
- C Health Practitioners Monitoring Program Report
 - Executive Director Report – Ms. Douglas
 - ❖ 2018 eNLC Commissioner Meeting on March 4, 2018 report – Ms. Douglas
 - CORE Committee January 30, 2018 Meeting minutes – Ms. Minton/Ms. Krohn*

❖ Recommendations for the CORE Discipline

- Nurse Aide Curriculum Committee January 30, 2018 Meeting minutes –Dr. Hahn/Dr. Saxby
- The Committee of the Joint Boards of Nursing and Medicine February 7, 2018 Business Meeting minutes – Ms. Hershkowitz*
- The Committee of the Joint Boards of Nursing and Medicine February 7, 2018 Informal Conference minutes – Ms. Hershkowitz
- Board of Health Profession February 27, 2018 Meeting Minutes – Ms. Minton*
- 2018 NCSBN Midyear Meeting on March 5 – 7, 2018 report – Ms. Hershkowitz, Dr. McQueen-Gibson, Ms. Douglas, and Dr. Hills

Other Matters:

- Board Counsel Update – Charis Mitchell (oral report)
- Time to Disposition Board Stage Report, Q2 2018 – Ms. Douglas*
- Selection of an Education Committee and Review of Special Committee Composition – Ms. Hershkowitz
- Review of the Code of Conduct Guidance Document 90-60 – Ms. Hershkowitz

Education:

- Education Informal Conference Committee March 14, 2018 Minutes and Recommendation – Dr. Saxby
- Education Staff Report – Ms. Ridout (oral report)

10:00 A.M. - Public Comment

Legislation/Regulations:

- Status of Regulatory Actions – Ms. Yeatts
- Report on 2018 General Assembly

Consent Orders: (Closed Session)

- Brittany Taylor Anderson, RN*
- Elma Mae Harman, LPN*
- Heather Maguire King, RN*
- Anthony J. Dobbins, CNA*

12:00 P.M. – Lunch

1:00 P.M. – Board Member Training

- Introduction – Ms. Hershkowitz
- The Role of Board Members during Administrative Proceedings – Ms. Mitchell

ADJOURNMENT

Committees' Meetings

2:00 PM CORE Committee Meeting
Board Members – Ms. Minton*, Dr. Ross, and Dr. McQueen-Gibson
Board Staff – Ms. Krohn and Ms. Ridout

3:00 PM Nurse Aide Curriculum Committee Meeting
Board Members – Dr. Hahn*, Ms. Phelps, and Mr. Monson
Board Staff – Dr. Saxby and Ms. Krohn

(* mailed 3/7) (** mailed 3/15)

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 29, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:30 A.M. on January 29, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Laura F. Cei, BS, LPN, CCRP
Margaret J. Friedenberg, Citizen Member
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Dustin S. Ross, DNP, MBA, RN, NE-BC

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Darlene Graham, Senior Discipline Specialist
Jay P. Douglas, MSN, RN, CSAC, FRE; Executive Director – **joined at 2:19 P.M.**
Lisa Spellar-Davis, BSN, RN, Policy Assistant – **joined at 2:19 P.M.**

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
PN and Senior students from Rappahannock Community College

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Joyce Blondell Howard Thomas, CNA 1401-062269
Ms. Thomas appeared accompanied by a friend.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Meghan Wingate, Senior Investigator, Department of Health Professions, and Rebecca Britt, Case Manager, Virginia Health Practitioners' Monitoring Program (HPMP), testified via telephone.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:14 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Thomas. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, Ms. Graham, 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 10:28 A.M.

Ms. Phelps 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.

Dr. Ross moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved the Board of Nursing continue Joyce Blondell Howard Thomas on indefinite suspension with suspension stayed contingent upon Ms. Thomas' re-entry and continued compliance with the Virginia Health Practitioners' Monitoring Program (HPMP). 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.

FORMAL HEARINGS: **Misty Lynn Little, LPN 0002-054548**
Ms. Little appeared.

David Kazzie, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Mariam McLean, Senior Investigator, Department of Health Professions, and Tonya James, Compliance Case Manager, Board of Nursing, were present and testified.

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:56 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Little. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, Ms. Graham, 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 12:18 P.M.

Ms. Friedenbergh 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. Cei moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie, and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing reprimand Misty Lynn Little and deny the application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded and passed 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.

FORMAL HEARINGS:

Teresa G. Phillippi, LPN 0002-074401
Ms. Phillippi appeared.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joyce Johnson, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Phillippi. Additionally, Mr. Monson moved that Ms. Krohn, Dr. Hills, Ms. Graham, 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 1:33 P.M.

Ms. Friedenberg 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.

Dr. McQueen-Gibson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger, and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Monson moved that the Board of Nursing approve the application for reinstatement of Teresa G. Phillippi's license to practice practical nursing in the Commonwealth of Virginia contingent upon proof of completion of 30 hours of CEUs and proof of entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP). 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.

Ms. Krohn left the meeting at 1:40 P.M.

RECESS: The Board recessed at 1:40 P.M.

RECONVENTION: The Board reconvened at 2:10 P.M.

Ms. Douglas and Ms. Spellar-Davis joined the meeting at 2:19 P.M.

FORMAL HEARINGS: **Linda Lenell Patterson, LPN 0002-055982**
Ms. Patterson appeared represented by Margaret Hardy, legal counsel, and accompanied by Barbara J. Ragsdale, Ronnie Patterson, Jr., Estelle Burfict, Cartileus Travis, and Ulysses Jones.

Steve Bulger, Adjudication Specialist represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Theresa Pata, court reporter with Crane-Snead & Associates, recorded the proceedings.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions, Madonna Stewart, Daughter of Patient at Epiphany Assisted Living Facility, Barbara J. Ragsdale, Ronnie Patterson, Jr., Estelle Burfict, Cartileus Travis, and Ulysses Jones, were present and testified.

Ms. Cei left the meeting before the closed meeting.

Ms. Spellar-Davis left the meeting at 5:30 P.M.

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:31 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Patterson. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Graham, 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 6:42 P.M.

Ms. Friedenbergh 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.

Dr. McQueen-Gibson moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Bulger, and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing indefinitely suspend the license of Linda Lenell Patterson to practice practical nursing in the Commonwealth of Virginia for a period of not less than one (1) year. The motion was seconded and passed 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.

Ms. Cei rejoined the meeting at 6:55 P.M.

FORMAL HEARINGS:

Carmel Snyder, CNA 1401-173951
and
Brittany Johnson, CNA 1401-167480

Ms. Snyder and Ms. Johnson appeared represented by Edward Riley and Douglas White, legal counsel.

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

Mr. Riley presented a proposal for settlement to the Board in lieu of formal hearing.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 7:10 P.M., for consultant with Board Counsel and consideration of proposal for settlement in the matters of Ms. Snyder and Ms. Johnson. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Graham, 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 7:22 P.M.

Ms. Friedenbergh 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.

ACTION:

Dr. Hahn moved that the Board of Nursing accept the proposed settlement in lieu of formal hearing, issue a reprimand, and impose a monetary penalty of \$250.00 to be paid to the Board within 90 days from entry of the Board Orders for both Ms. Snyder and Ms. Johnson. The motion was seconded and passed 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 7:20 P.M.

Robin Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice

**VIRGINIA BOARD OF NURSING
MINUTES
January 30, 2018**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:03 A.M. on January 30, 2018, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President
Marie Gerardo, MS, RN, ANP-BC; Secretary
Laura Freeman Cei BS, LPN, CCRP
Alice Clark, Citizen Member
Margaret J. Friedenberg, Citizen Member
Michelle D. Hereford, MSHA, RN, FACHE
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Trula Minton, MS, RN
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Dustin Ross, DNP, MBA, RN, NE-BC
Grace Thapa, BSN, RN

BOARD MEMBERS ABSENT:

Regina Gilliam, LPN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Lisa Speller-Davis, BSN, RN; Policy Assistant
Stephanie Willinger; Deputy Executive Director
Linda Kleiner, RN, Discipline Case Manager
Paula B. Saxby, RN, PhD; Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, DO, Department of Health Professions Director
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

IN THE AUDIENCE:

Janet Wall, CEO for Virginia Nurses Associations (VNA)
Ryan LaMira, Virginia Hospital and Healthcare Association (VHHA)
Reba Moyer Childress, President, Virginia State Simulation Alliance (VASSA)
Nancy Leahy, Capital Region Director, VASSA

ESTABLISHMENT OF A QUORUM:

With 13 members present, a quorum was established.

ANNOUNCEMENTS: Dr. Hahn welcomed Ms. Thapa to the Board first meeting as a Board Member. She also welcome Ms. Speller-Davis to the Board as Policy Assistant.

Dr. Hahn highlighted the announcements on the agenda.

UPCOMING MEETINGS: Dr. Hahn noted the upcoming meetings on the agenda.

**DIAGLOGUE WITH DHP
DIRECTOR:**

Dr. Brown was unable to attend the meeting due to General Assembly, Lisa Hahn, DHP Chief Deputy, reported the following information:

- Governor Northam's Administration Updates:
 - Secretary of Health and Human Resources – Daniel Carey, MD
 - Two Deputy Secretaries who are Policy Advisors – Gena Boyle and Marvin Figaroa
 - Commissioner of Department of Social Services (DSS) – Duke Storen
 - Commissioner of Department of Health (VDH) – Merissa Levine, MD, MPA, FAAFP
 - Director of Department of Medical Assistance Services (DMAS) – Jennifer Lee, MD
 - Director of Department of Aging and Rehabilitative Services (DARS) – Kathryn Hayfield
 - DHP Director – Dr. David Brown was reappointed
- General Assembly – DHP has 8 bills and was assigned over 100 bills to follow.
- DHP Chief Operation Officer (COO), new position, is Lisa Hahn and she started in November 2017.
- Barbara Allison-Bryan, MD, was appointed by Governor Northam as DHP Chief Deputy and will start in March 2018.
- Lisa Speller-Davis was appointed by Governor Northam as at will employee at DHP and is assigned to Board of Nursing a Policy Assistant.
- Operation at DHP:
 - Construction on the first floor, 5600 square feet, continues. IT, Front Desk, and Business Administration staff will move to the first floor.
 - Cubicle reconfiguration is in the work on the third floor and Nursing will gain additional cubicles.

Dr. Hahn congratulated Lisa Hahn on her new position.

ORDERING OF AGENDA: Dr. Hahn asked staff to provide additions and/or modifications to the Agenda.

Ms. Douglas indicated the following items have been added and/or modified to the agenda for Board consideration:

- Simulation Guidance Document 90-24 Discussion will be in closed meeting
- Three additional Consent Orders have been added

Ms. Krohn added the following:

- On Wednesday, January 31, Ms. Dawn Hogue, LMT is off the list of Panel A since there is no LMT case.

Dr. Hahn suggested moving the Simulation Guidance Document 90-24 Discussion after the Public Comment. All agreed.

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

Mr. Monson moved to accept the consent agenda as presented. The motion was seconded and carried unanimously.

Minutes:

November 13, 2017 Panel – Ms. Hershkowitz
November 14, 2017 Quorum – Ms. Hershkowitz
November 15, 2017 Panel – Ms. Gerardo
November 16, 2017 Panel – Ms. Gerardo
November 16, 2017 Telephone Conference Call
January 17, 2018 Telephone Conference Call

Reports:

Agency Subordinate Tracking Log
Finance Report
Board of Nursing Monthly Tracking Log
Health Practitioners Monitoring Program Report

REPORTS:

Annual Executive Director Report:

Ms. Douglas provided the following:

- Board staff provided about 20 presentations and attended many meetings, internally and externally, in 2017.
- Review of 2017 Licensure and Discipline Statistics. Key highlights include:
 - ❖ 21,306 licenses were issued
 - ❖ 1,894 nursing cases received and 1,796 nursing cases closed
 - ❖ 631 nurse aide cases received and 724 nurse aide cases closed
 - ❖ 744 informal conferences were conducted
 - ❖ 150 formal hearings were conducted

- Review of Tier process noting that Board staff and Enforcement staff meet weekly to determine if there are violations before the case receives full investigation.
- 29 states have joined the new version of the Nurse Licensure Compact (eNLC) which went into effect on January 19, 2018. GA, FL, OK, and WY are new to the Compact. There are 8 states with pending legislation to join the Compact. Licensees must meet all 11 uniform licensure requirements (ULR's) before multistate privilege license (MSP) license is issued. Ms. Douglas currently is the Mentor of the Executive Director of Maryland Board of Nursing.
- eNLC Implementation progress:
 - Jim Puente, Director of the Compact, has responded to questions from Virginia Nurses and copied Ms. Douglas on all responses regarding the eNLC inquiries.
 - There were 4367 licenses issued during the six-month transition period (7/20/17 – 1/19/18), only 10 so far might not meet all ULR's of the Compact required to hold a MSP license.
 - Nurses issued a license with multistate privilege prior to July 20, 2017 will be grandfathered.
 - New application questions that may address ADA issues were recommended by the Attorney General Office and have been incorporated into the RN and LPN applications.
 - When looking at discipline cases and applicant cases, reviewers and Board members need to take into consideration at ULR's to determine single state (SS) versus MSP license, not just based on primary state of resident (PSOR). Ms. Tiller has developed a check list when looking at these cases.
 - The Interstate Commission of the NLC has not developed the regulations for someone who is in alternative program at this time.

Mr. Monson asked if Virginia Board, as a home state, currently notifies the other Board as soon as the compliant is filed or is that a change with the new version of the Compact? Ms. Douglas responded that Virginia statute currently allows the Board to notify another regulatory board to determine which state will take action.

- 2017 Criminal Background Checks Report – Ms. Tiller reported that data has been collected since 2009 noting that calendar year 2016 was the last annual report of self-reported information as a manual log was no longer be kept. Ms. Willinger noted that no compliant was received regarding CBC report within 30 days. Ms. Douglas added that Naim Campbell, who had previously resigned, has returned to the CBC unit and resumed the same position he held before.

Mr. Monson asked how the Board's CBC report is compared to other state.
Ms. Douglas said that there is no information shared among states.

Massage Therapy Advisory Board November 7, 2017 Meeting Minutes:

Ms. Krohn reviewed the minutes as provided in the Agenda package. Ms. Hershkowitz moved to accept the minutes as presented. The motion was seconded and carried unanimously.

Massage Therapy Advisory Board Recommendations:

Ms. Krohn reviewed the recommendations for Board consideration as provided in the Agenda package.

1. Current and Revised version of the *Guidance Document 90-38 – Disposition of Disciplinary Cases against Nurses Practicing on Expired Licenses*
2. Current and Revised version of the *Guidance Document 90-61 – Disposition of Disciplinary Cases against Certified Nurse Aides and Registered Medication Aides Practicing on Expired Certificates or Registrations*

Ms. Hershkowitz moved to accept the recommendations to revise both Guidance Documents as presented. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:00 AM

RECONVENTION: The Board reconvened at 10:11 AM

PUBLIC COMMENT: **Janet Wall**, CEO for VNA, provided the following information:

- Today is Group Lobby Day and many students went with VNA to General Assembly.
- Spring Conference is scheduled for April 20, 2018, at Innsbrook and will focus on "Opioid Epidemic". There will also be two additional satellite locations for the conference. Dr. Brown will be a speaker.
- Fall Conference is scheduled for September 20 and 21, 2018 in Hampton Road area and will focus on "Innovations".
- Free CEs are offered to members quarterly at the Chapter meeting starting in March 2018. Non-members will pay \$15.00 per contact hour.
- Virginia Nurses Foundation (VNF) will launch this Fall the Nurse Leadership Academy (NLA) for managerial nurses. Ms. Douglas is on the NLA Steering Committee.

Reba Moyer Childress, President, Virginia State Simulation Alliance (VASSA), thanked the Board for their collaboration with VASSA in revising the simulation guidance document.

Lisa Hahn and Ms. Yeatts left the meeting at 10:20 A.M.

Simulation Guidance Document 90-24 Discussion:

CLOSED MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:12 A.M. for the purpose of considering the Simulation Guidance Document 90-24. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Dr. Saxby, Ms. Ridout, Ms. Willinger, Ms. Speller-Davis, Ms. Kleiner, Ms. Tiller, 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 11:09 A.M.

Ms. Hershkowitz 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. Gerardo moved to withdraw the approved Simulation Guidance Document 90-24 as a result of Board Counsel advice and a Committee will be formed to determine if there is a need to include any more detail in the regulations regarding simulation. The motion was seconded and carried unanimously.

Dr. Hahn asked for volunteers to be on this Committee. Dr. Hahn, Mr. Monson, and Dr. McQueen-Gibson volunteered. Ms. Douglas, Dr. Saxby, Ms. Ridout, and Ms. Yeatts will participate in the Committee's meeting.

REPORTS (Cont.):

Nominating Committee November 14, 2017 Meeting Minutes:

Ms. Douglas stated that this was provided as information only.

2016 CORE Discipline Report Summary:

Ms. Minton reviewed the report provided in the Agenda package. Ms. Minton noted that Drs. McQueen and Ross replace Drs. McDonough and Poston on the Committee.

POLICY FORUM:

2017 Virginia's Registered Nurse Workforce and Virginia's Practical Nurses Workforce:

Dr. Carter and Dr. Shobo reviewed the reports provided in the Agenda package.

HRSA Health Workforce handout regarding Supply and Demand Projection of the Nursing Workforce was also provided.

RECESS: The Board recessed at 11:45 AM

RECONVENTION: The Board reconvened at 11:56 AM

LEGISLATION/
REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions noting that all regulations that were approved by the previous Governor were moved back to the current Secretary's Office, except for the Amendment to Name Tag Requirement, which is now at the Governor's Office.

Regulations Governing the Practice of Nursing revised December 28, 2017:

Ms. Yeatts said that the Board should be using this version of the regulations.

Possible Regulatory Change to 18VAC19-80, Issuing of License with Multistate Privilege:

Ms. Yeatts suggested that the Board amend 18VAC90-19-80 and repeal 18VAC-90-19-90 and 100 to comply with the Interstate Commission of Nurse Licensure Compact Administrators Final Rules effective January 19, 2018.

Ms. Yeatts suggested the language in 18VAC90-19-80 should state, "*To be issued a license with multistate licensure privilege by the board or to change the primary state of residency, a nurse shall comply with the regulations of the Nurse Licensure Compact in effect at the time of the application.*"

Mr. Monson moved to amend 18VAC19-90-80 and to repeal 18VAC-90-19-90 and 100 as suggested by Ms. Yeatts. The motion was seconded and carried unanimously.

Report of 2018 General Assembly:

Ms. Yeatts reviewed the 2017 Legislative Report provided in the Agenda package noting that 8 DHP bills were approved in advance for introduction and 100 bills were assigned to DHP for following.

Discussion of HB793 (Nurse Practitioners; Practice Agreements):

Ms. Yeatts provided copy of the bill and reviewed the proposed amendments starting on page 7, line 387. Ms. Yeatts commented that the bill:

- Replaces the term "patient care team physician" with the term "collaborating provider."

- Allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement of a practice agreement.
- Establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists.
- Contains technical amendments.

RECESS: The Board recessed at 12:30 PM

RECONVENTION: The Board reconvened at 1:15 PM

POSSIBLE SUMMARY SUSPENSION (case # 184240):

David Kazzie, Adjudication Specialist, joined the meeting at 1:15 PM.

Wayne Halbleib, Assistant Attorney General presented evidence that the continued practice of nursing by Amy Nicole Marshall, RN 0001- 215809 may present a substantial danger to the health and safety of the public.

CLOSE MEETING:

Ms. Hershkowitz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:29 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Marshall. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Ms. Willinger, Ms. Speller-Davis, Ms. Tiller, Ms. Ridout, Dr. Saxby, 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 1:31 P.M.

Ms. Hershkowitz 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. Gerardo moved to summarily suspend the nursing license of Amy Nicole Marshall pending a formal administrative hearing and to offer a consent order for indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

Mr. Halbleib and Mr. Kazzie left the meeting at 1:32 PM

REPORTS (Cont.):

eNLC Legal Forum January 4, 2018 Meeting Report:

Ms. Douglas noted that written report from Ms. Willinger provided in the Agenda package and she has no additional information to report.

Enhanced version of the Nurse Licensure Compact effective January 19, 2018:

Ms. Douglas said that this was included in her Executive Director report.

Nurse Aide Curriculum Committee November 14, 2017 Meeting Minutes:

Dr. Hahn moved to accept the minutes as presented. The motion was seconded and carried unanimously.

The Committee of the Joint Boards of Nursing and Medicine December 6, 2017 Informal Conference minutes:

Ms. Hershkowitz moved to accept the minutes as presented. The motion was seconded and carried unanimously.

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell stated that the Board has no appeals pending and offered the following friendly reminders:

- Board Members can only consider information in the evidence book.
- Do not google or go on social media to search for additional information

Ms. Mitchell added that she will be happy to provide training/presentation regarding hearing conduct at the Board next meeting. She noted that Board Members can send her specific items they want her to discuss.

Appointments of Board Members to Committees:

Dr. Hahn commented that Drs. McQueen-Gibson and Ross are appointed to the CORE Committee.

Ms. Douglas added that the Special Conference Committees will be changed as needed due to change in Officers for the Board.

DHP Performance Measure Report Q2 FY2018 (No Continuances):

Ms. Douglas said that this was provided for information only.

EDUCATION:

Education Informal Conference Committee January 17, 2018 Minutes and Recommendation:

Dr. Hahn reviewed the minutes provided in the Agenda package. Mr. Monson moved to accept the minutes and recommendation as presented. The motion was seconded and carried unanimously.

OTHER MATTERS

(Cont.):

Election of 2018 Board of Nursing Officers:

Dr. Hahn reported on the slate of officers presented by the Nominating Committee for 2018:

President: Louise Hershkowitz, CRNA, MSHA
(2nd term expires 2021)

First Vice President: Marie Gerardo, MS, RN, ANP-BC
(1st term expires 2018)
Jennifer Phelps, LPN, QMHPA
(2nd term expires 2021)
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
(1st term expires 2021)

Second Vice President: Mark Monson, Citizen Member
(1st term expires 2018)
Dustin Ross, DNP, MBA, RN, NE-BC
(1st term expires 2020)

Dr. Hahn asked for nominations from the floor for the office of President, First Vice President and Second Vice President; none was received.

Dr. Hahn called for a vote for Ms. Hershkowitz for the office of President and received 13 votes. Ms. Hershkowitz was elected as President.

Dr. Hahn called for a vote for Ms. Gerardo for the office of First Vice President and received six votes. Dr. Hahn called for a vote for Ms. Phelps for the office of First Vice President and received seven votes. Dr. Hahn called for a vote for Dr. McQueen-Gibson for the office of First Vice President and received one vote. Ms. Phelps was elected as First Vice President.

Dr. Hahn called for a vote for Mr. Monson for the office of Second Vice President and received four votes. Dr. Hahn called for a vote for Dr. Ross for the office of Second Vice President and received nine votes. Dr. Ross was elected as Second Vice President.

Dr. Hahn congratulated Ms. Hershkowitz, Ms. Phelps and Dr. Ross on election of officers.

Dr. Hahn thanked the Nominating Committee for the work and contributions of all Board members.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING: Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M. for the purpose of deliberation to consider consent orders. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Ms. Willinger, Dr. Saxby, Ms. Ridout, Ms. Kleiner, Ms. Tiller, 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 2:00 P.M.

Mr. Monson 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.

Patricia Elouise Bostic, LPN 0002-061290

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Patricia Elouise Bostic to practice practical nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Jennifer Anne Sargent, RN 0001-219678

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Jennifer Anne Sargent to practice professional nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The said suspension is stayed upon proof of Ms. Sargent's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Tabatha Rose Martin, LPN 0002-073537

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Tabatha Rose Martin to practice practical nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The said suspension is stayed contingent upon Ms. Martin's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

Tracy Lynn Lombardo, LPN 0002-085806

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Tracy Lynn Lombardo to practice practical nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The said suspension is stayed upon proof of Ms. Lombardo's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Mark Anthony Mayberry, RN 0001-149223

Mr. Monson moved to accept the consent order to reinstate the license of Mark Anthony Mayberry to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

Anne Heaton Stevens, RN 0001-142751

Mr. Monson moved to accept the consent order to reinstate the license of Anne Heaton Stevens to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

Brett Lars Crawford, Jr., RN 0001-254942

Mr. Monson moved to accept the consent order to reinstate the license of Brett Lars Crawford, Jr., to practice professional nursing in the Commonwealth of Virginia and to take no further action contingent on Mr. Crawford's compliance with terms and conditions. The motion was seconded and carried unanimously.

Melissa Thompson Woods, RN 0001-178056

Mr. Monson moved to accept the consent order to reprimand Melissa Thompson Woods and to indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The said suspension is stayed upon proof of Ms. Woods' entry into a Contract with with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Jessica Mayo, RN 0001-159591

Mr. Monson moved to accept the consent order to reinstate the license of Jessica Mayo to practice professional nursing in the Commonwealth of Virginia and to suspend her license again. The said suspension is stayed contingent upon Ms. Mayo's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

Chung Hyun Choi Kim, RN 0001-212290

Mr. Monson moved to accept the consent order to reinstate the license of Chung Hyun Choi Kim to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

Jamie Nicole Garrett, RN 0001-220674

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Jamie Nicole Garrett to practice professional nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The said suspension is stayed upon proof of Ms. Garrett's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

EDUCATION (Cont.):

Member Board Feedback Draft 2019 NCLEX-RN Test Plan
(**CONFIDENTIAL INFORMATION – CLOSED MEETING**)

2018 National Nurse Aide Assessment Program (NNAAP) Exam
(**CONFIDENTIAL INFORMATION – CLOSED MEETING**)

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:03 P.M. for the purpose of deliberation to consider Draft 2019 NCLEX-RN Test Plan and 2018 National Nurse Aide Assessment Program (NNAAP) Exam. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Ms. Willinger, Dr. Saxby, Ms. Ridout, Ms. Tiller, 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 2:33 P.M.

Mr. Monson 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. Monson moved to accept the proposed 2019 NCLEX-RN Test Plan and timeline for implementation. The motion was seconded and carried unanimously. Dr. Saxby will submit the Member Board Feedback Form on the Board's behalf.

Mr. Monson moved to approve the 2018 NNAAP skills with the exception of the Blood Pressure skill. The Board is requesting an adjustment to the cut score for the blood pressure skill. The Board requests that the cut score be in alignment with the current passing standard. The motion was seconded and carried unanimously.

Dr. Saxby will communicate this discussion to NCSBN.

Education Staff Report:

Ms. Ridout said she has nothing to report.

OTHER MATTERS
(Cont.):

Presentation of Dr. Hahn's Research Project "*Perceptions and Experience of National Regulatory Nurse Leaders in advancing the APRN Compact Policy Agenda*"

Dr. Hahn reported that the purpose of this study is to explore the experiences and perceptions of nationwide regulatory leaders involved with individual state adoption of the APRN Compact.

Dr. Hahn noted that the protocol for the study was approved by The George Washington University Institutional Review Board.

Dr. Hahn then provided copies of presentations and presented the finding.

Dr. Hahn thanked the Board for the opportunity to present.

ADJOURNMENT:

The Board adjourned at 3:05 P.M.

Joyce Hahn, PhD, RN, NEA-BC, FNAP
President

**VIRGINIA BOARD OF NURSING
MINUTES
January 31, 2018
Panel – A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on January 31, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Laura F. Cei, BS, LPN, CCRP
Michelle D. Hereford, MSHA, RN, RACHE
Trula Minton, MS, RN
Jennifer Phelps, LPN, QMHPA
Dustin Ross, DNP, MBA, RN, NE-BC
Grace Thapa, BSN, RN

STAFF PRESENT:

Jay Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Lisa Speller-Davis, BSN, RN; Policy Assistant
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

James Rutkowski, Assistant Attorney General, Board Counsel
Senior Nursing Students from Longwood University
Nurse Aide Students from Southside Virginia Community College

ESTABLISHMENT OF A PANEL:

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING:

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:09A.M., for the purpose of consideration of the agency subordinate recommendations. Additionally, Dr. Ross moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Graham and Mr. Rutkowski, Board counsel, 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 9:36 A.M.

Dr. Ross 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.

Amanda Dawn Pagan, LPN **0002-087846**

Ms. Pagan did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Amanda Dawn Pagan and to require Ms. Pagan to have an evaluation by a chemical dependency specialist satisfactory to the Board and to have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 60 days from the date of entry of the Order. The motion was seconded and carried unanimously.

Holly Collins Bowes, LPN **0002-065178**

Ms. Bowes did not appear.

Ms. Minton moved that the Board of Nursing accept the recommendation decision of the agency subordinate to take no action at this time against Holly Collins Bowes contingent upon Ms. Bowes' compliance with terms and conditions. The motion was seconded and carried unanimously.

Cynthia Allison Lamie, RN **0001-237707**

Ms. Lamie did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Cynthia Allison Lamie to practice professional nursing in the Commonwealth of Virginia for a period of not less than one year from the date of entry of the Order. This suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Job A. Williams, CNA **1401-162739**

Mr. Williams did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right of Job A. Williams to renew his certificate to practice as nurse aide in the Commonwealth of Virginia and to enter a Finding of Abuse against him in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Veronica Lamb, CNA **1401-180013**

Ms. Lamb did not appear.

Ms. Thapa moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Veronica Lamb to practice as nurse aide in the Commonwealth of Virginia and to enter a Finding of

Misappropriation of patient property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Tiffany Jones, CNA **1401-140417**

Ms. Jones did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Tiffany Jones. The motion was seconded and carried unanimously.

Abbigale Collins, CNA **1401-160593**

Ms. Collins did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Abbigale Collins to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Cameron L. Conlan, CNA Applicant

Ms. Conlan did not appear.

Ms. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Cameron L. Conlan and to approve her application for certification by examination as a nurse aide in the Commonwealth of Virginia upon successful completion of the NNAAP examination. The motion was seconded and carried unanimously.

Patricia Joy Rosemier, CNA **1401-171649**

Ms. Rosemier did not appear.

Ms. Hereford moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Patricia Joy Rosemier. The motion was seconded and carried unanimously.

Julia Cosby, CNA **1401-171914**

Ms. Cosby did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of Julia Cosby to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Shannon Cassandra Tompkins Thacker, CNA 1401-046523

Ms. Thacker did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Shannon Cassandra Tompkins Thacker to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Angela Yvette Neely Thompson, CNA 1401-079084

Ms. Thompson did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of Angela Yvette Neely Thompson to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Marvin N. Hinton, LPN 0002-075761

Ms. Hinton did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Marvin N. Hinton to renew his license to practice practical nursing in the Commonwealth of Virginia for a period of not less than one year from entry of the Order. The suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Cynthia Fleming, RN 0001-260623

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

Dr. Ross moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the multistate privilege of Cynthia Fleming to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Jennifer A. Ziehl, LPN 0002-063860

Ms. Ziehl did not appear.

Ms. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Jennifer A. Ziehl to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Margaret Lankford Hockeborn, RN **0001-086760**
Ms. Hockeborn did not appear.

Dr. Hahn moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Margaret Lankford Hockeborn and to require her to complete within 90 days from entry of the Order two NCSBN courses:

- *Documentation: A Critical Aspect of Client Care*
- *Professional Accountability & Legal Liability for Nurses*

The motion was seconded and carried unanimously.

Janet Chijioke Maka, CNA **1401-112419**
Ms. Maka appeared and submitted a written response.

CLOSED MEETING:

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40A.M., for the purpose of consideration of the agency subordinate recommendation regarding Ms. Maka. Additionally, Dr. Ross moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Graham and Mr. Rutkowski, Board counsel, 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 9:50 A.M.

Dr. Ross 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. Phelps moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certification of Janet Chijioke Maka to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Neglect against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Christopher O. Maka, CNA **1401-114318**
Mr. Maka appeared.

CLOSED MEETING:

Dr. Ross moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:55A.M., for the purpose of consideration of the agency subordinate recommendation regarding Mr. Maka. Additionally, Dr. Ross moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Graham and Mr. Rutkowski, Board counsel, 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 9:59 A.M.

Dr. Ross 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. Minton moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certification of Christopher O. Maka to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Neglect against him in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 10:00 A.M.

Robin Hills, RN, DNP, WHNP
Deputy Executive Director for Advanced Practice

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 31, 2018
Panel - A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:00 A.M. on January 31, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201- Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Joyce Hahn, PhD, RN, NEA-BC, FNAP; President
Laura F. Cei, BS, LPN, CCRP
Michelle D. Hereford, MSHA, RN, RACHE
Trula Minton, MS, RN
Jennifer Phelps, LPN, QMHPA
Dustin Ross, DNP, MBA, RN, NE-BC
Grace Thapa, BSN, RN, PCCN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Lisa Speller-Davis, BSN, RN; Policy Assistant
Darlene Graham, Senior Discipline Specialist

OTHERS PRESENT:

James Rutkowski, Assistant Attorney General, Board Counsel
Senior Nursing Students from Longwood University
Nurse Aide Students from Southside Virginia Community College

ESTABLISHMENT OF A PANEL:

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

FORMAL HEARINGS:

Barbara A. Nixon, RMA **0031-005571**
Ms. Nixon appeared and was accompanied by Tiffany Nixon, her daughter.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

CLOSED MEETING:

Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:10 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Nixon. Additionally, Ms. Minton moved that Dr. Hills, Ms. Graham and Mr. Rutkowski 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 11:19 A.M.

Ms. Cei 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. Hereford moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Dr. Ross moved that the Board of Nursing suspend the right of Barbara A. Nixon to renew her registration to practice as a medication aide in the Commonwealth of Virginia. The said suspension is stayed contingent upon payment of any applicable renewal fees and her entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and remaining compliance with HPMP terms and conditions. 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.

FORMAL HEARINGS:

Sabrina Lynn Brewer, RN Reinstatement 0001-160741
Ms. Brewer appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Rutkowski was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Patricia Dewey, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brewer. Additionally, Ms. Phelps moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Graham and Mr. Rutkowski 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 2:03 P.M.

Ms. Thapa 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. Cei moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing approve the application for reinstatement of Sabrina Lynn Brewer to practice professional nursing in the Commonwealth of Virginia with terms contingent upon continued compliance with Oregon's HPSP program for the period specified by the HPSP program and require notification to the Virginia Board of Nursing of any non-compliance and successful completion of the HPSP 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 2:05 P.M.

RECONVENTION:

The Board reconvened at 2:30 P.M.

FORMAL HEARINGS:

Frederick Kofi Wiaboo Yeboah, RN Reinstatement 0001-165353

Mr. Yeboah appeared and was accompanied by Jessica Yeboah, his spouse, and Daniel, his friend.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Rutkowski was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kevin Wolfe, Senior Investigator, Department of Health Professions, Julie Russell, Director of the Critical Care Unit at Sentara Northern Virginia Medical Center, Patient A, and Sharina Nixon-Tiboux, CNA, were present and testified. Cheryl Harris, RN testified via telephone.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:30 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Yeboah. Additionally, Ms. Phelps moved that Ms. Douglas, Dr. Hills, Ms. Speller-Daivs, Ms. Graham and Mr. Rutkowski 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 6:42 P.M.

Ms. Thapa 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. Cei moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Hereford moved that the Board of Nursing revoke the license of Frederick Kofi Wiaboo Yeboah to practice professional nursing in the Commonwealth. 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 7:00 P.M.

Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice

**VIRGINIA BOARD OF NURSING
MINUTES
January 31, 2018
Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on January 31, 2018 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President
Marie Gerardo, MS, RN, ANP-BC; Secretary
Alice Clark, Citizen Member
Margaret J. Friedenberg, Citizen Member
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark Monson, Citizen Member

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

With six members of the Board present, a panel was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Sharon L. Nadeau, CNA 1401-168204
Ms. Nadeau appeared.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:10 A.M., for the purpose of consideration of the agency subordinate recommendation regarding Ms. Nadeau. Additionally, Ms. Gerardo moved that Ms. Krohn, 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 9:13 A.M.

Ms. Gerardo 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. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Sharon L. Nadeau to

practice as a nurse aide in the Commonwealth of Virginia . The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:16 A.M., for the purpose of consideration of the remaining agency subordinate recommendations. Additionally, Ms. Gerardo moved that Ms. Krohn, Dr. Elliott, 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 9:21 A.M.

Ms. Gerardo 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.

Robert Swindle, LPN Maryland License # LP52069 with Multistate Privileges
Mr. Swindle did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the privilege of Robert Swindle to practice practical nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Jessica Dixon Hoover, RN 0001-228105
Ms. Hoover did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Jessica Dixon Hoover's license to practice professional nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Laura Lynn Goff, LPN 0002-092328
Ms. Goff did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Laura Lynn Goff's license to practice practical nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

Shaniqua J. Sherman, CNA Applicant

Ms. Sherman did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Shaniqua J. Sherman for certification to practice as a certified nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Melissa K. Smith, CNA 1401-146980

Ms. Smith did not appear but submitted written response.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certification of Melissa K. Smith to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Misappropriation of patient property against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Pamela Powell Lacks Scott, RMA 0031-000607

Ms. Scott did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Pamela Powell Lacks Scott. The motion was seconded and carried unanimously.

Adiah Coleman, CNA 1401-177039

Ms. Coleman did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Adiah Coleman to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Neglect against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Colleen Vera Puckett, CNA 1401-118951

Ms. Puckett did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Colleen Vera Puckett to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Neglect against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Sara Lasota, CNA **1401-169325**

Ms. Lasota did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Sara Lasota to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Nigel Nowlin, CNA **1401-161305**

Ms. Nowlin did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certification of Nigel Nowlin to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Chasidy Nacole Sparkman Capps, CNA **1401-179551**

Ms. Capps did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Chasidy Nacole Sparkman Capps to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Samantha Edwards, CNA **1401-130801**

Mr. Edwards did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certification of Samantha Edwards to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Sharon Anne Guthrie, RN **0001-158047**

Ms. Guthrie did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Sharon Anne Guthrie to terminate the terms and conditions of probation placed on her license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Amanda Ann Vogt, LPN **0002-085679**
Ms. Goodman did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Amanda Ann Vogt and to provide written proof satisfactory to the Board of successful completion of the NCSBN course “*Documentation: A Critical Aspect of Client Care*” within 90 days from the date of entry of the Order . The motion was seconded and carried unanimously.

Tonya Foster, RN **North Carolina License # 203177 with Multistate Privileges**
Ms. Foster did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the privilege of Tonya Foster to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Patricia Anne O’Neil-Sears, RN **0001-092286**
Ms. O’Neil-Sears did not appear.

Mr. Monson moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Patricia Anne O’Neil-Sears to renew her license to practice professional nursing in the Commonwealth of Virginia. The suspension applies to any multistate privilege. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 9:22 A.M.

Brenda Krohn, RN, MS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 31, 2018
Panel – B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:11 A.M. on January 31, 2018 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President, Chair
Marie Gerardo, MS, RN, ANP-BC; Secretary
Alice Clark, Citizen Member
Margaret J. Friedenberg, Citizen Member
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark Monson, Citizen Member

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

With six members of the Board present, a panel was established.

FORMAL HEARINGS:

Sylvia K. Frank, RN Reinstatement 0001-233038
Ms. Frank appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Joyce Johnson and Ashley Hester, Senior Investigators, Department of Health Professions, Tonya James, Compliance Case Manager, Board of Nursing, were present and testified.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Frank. Additionally, Ms. Gerardo moved that Ms. Krohn, Dr. Elliott, 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 1:08 P.M.

Ms. Clark 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. Gerardo moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Josephs and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing reprimand Sylvia K. Frank and deny the application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia. 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 1:15 P.M.

RECONVENTION:

The Board reconvened at 1:45 P.M.

FORMAL HEARINGS:

Laurel Elizabeth Clary, RN Reinstatement 0001-102225

Ms. Clary appeared and was accompanied by Judilee Virginia Pelletier.

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

Gayle Miller, Senior Investigator, Department of Health Professions, and Judilee Virginia Pelletier, were present and testified.

CLOSED MEETING:

Ms. Gerardo 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. Clary. Additionally, Ms. Gerardo moved that Ms. Krohn, Dr. Elliott, 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 2:58 P.M.

Dr. McQueen-Gibson 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. Friedenberg 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. Gerardo moved that the Board of Nursing approve the application of Laurel Elizabeth Clary for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia, single state. 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 3:01 P.M.

RECONVENTION:

The Board reconvened at 3:07 P.M.

FORMAL HEARINGS:

Kellianne Marie Billins, LPN 0002-064958
Ms. Billins did not appear.

Holly Woodcock, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Medford Howard, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions, and Christopher Bowers, Intake Admissions Coordinator, Virginia Health Practitioners' Monitoring Program (HPMP), testified via telephone.

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:34 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Billins. Additionally, Ms. Gerardo moved that Dr. Elliott, Ms. Krohn, 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 3:45 P.M.

Dr. McQueen-Gibson 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. Clark moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Woodcock, and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Mr. Monson moved that the Board of Nursing reprimand Kellianne Marie Billins and continue her license to practice practical nursing in the Commonwealth of Virginia on indefinite suspension for a period of not less than two (2) years. 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 3:47 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
February 1, 2018**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:35 A.M. on February 1, 2018 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President, Chair
Marie Gerardo, MS, RN. ANP-BC; Secretary
Alice Clark, Citizen Member
Michelle D. Hereford, MSHA, RN, RACHE
Trula Minton, MS, RN
Grace Thapa, BSN, RN

STAFF PRESENT:

Brenda Krohn, RN, MS; Deputy Executive Director
Jane Elliott, RN, PhD; Discipline Staff
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
PN and Senior Nursing Students from Rappahannock Community College
Senior Nursing Students from Southside Regional

ESTABLISHMENT OF A PANEL:

With six members of the Board present, a panel was established.

CONSIDERATION TO AMEND THE CONSENT ORDER:

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:35 A.M., for the purpose of deliberation to amend the approved consent order of Janie Nicole Garrett. Additionally, Ms. Gerardo moved that Ms. Krohn, Dr. Elliott, Dr. Hills, 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 9:38 A.M.

Ms. Gerardo 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.

Jamie Nicole Garrett, RN 0001-220674

Mr. Gerardo moved to amend Number 5 of the Consent language of the approved consent order of Janie Nicole Garrett to read “**I neither admit nor deny to the Findings...**” The motion was and carried unanimously.

FORMAL HEARINGS: **Leah Grace Goodwin, RN** **0001-170894**
Ms. Goodwin did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kelly Ashley, Senior Investigators, Department of Health Professions, testified via telephone. Christine Smith, RN, Tidewater Medical Training, and Shannon Bergeron, RN, DON, Regency Healthcare and Rehabilitation Center, were present and testified.

CLOSED MEETING: Ms. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:32 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Goodwin. Additionally, Ms. Thapa moved that Dr. Elliott, 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 11:04 A.M.

Ms. Clark 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. Hereford moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Gerardo moved that the Board of Nursing indefinitely suspend the license of Leah Grace Goodwin to practice professional nursing in the Commonwealth of Virginia until such time she can come to the Board and prove that she is safe and competence to practice nursing. 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 11:07 A.M.

RECONVENTION: The Board reconvened at 11:23 A.M.

FORMAL HEARINGS: **Anne-Marie Gurthrie Peery, RN** **0001-212898**

Ms. Peery did not appear.

Steve Bulger, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Robin Carroll, MSN, RN, CEN, Senior Investigator, Department of Health Professions, testified via telephone.

CLOSED MEETING: Ms. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:44 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Peery. Additionally, Ms. Thapa moved that Dr. Elliott, 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 12:14 P.M.

Ms. Clark 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.

ACTION: Ms. Gerardo moved that the Board of Nursing dismiss the matter regarding Anne-Maire Guthrie Peery. 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 12:15 P.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

FORMAL HEARINGS: **Regina Natan Gadson, CNA** **1401-102787**

Ms. Gadson appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Kimberly H. Martin, Senior Investigator, Department of Health Professions, was present and testified. Diana Williams, Secretary at Lake Prince Woods, testified via telephone.

CLOSED MEETING: Ms. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:04 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gadson. Additionally, Ms. Thapa moved that Dr. Elliott, 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 2:22 P.M.

Ms. Clark 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.

ACTION: Ms. Gerardo moved that the Board of Nursing dismiss the matter regarding Regina Natan Gadson. 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 2:23 P.M.

RECONVENTION: The Board reconvened at 2:33 P.M.

FORMAL HEARINGS: **Lindsay M. Bateman, RN Reinstatement** **0001-237824**
Ms. Bateman appeared.

Holly Woodcock, Adjudication Specialist, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Denise Holt, court reporter with Crane-Snead & Associates, recorded the proceedings.

Anna Badgley, Senior Investigator, Department of Health Professions, was present and testified.

CLOSED MEETING: Ms. Thapa moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:03 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bateman. Additionally, Ms. Thapa moved that Ms. Krohn, Dr. Elliott, 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 3:27 P.M.

Ms. Clark 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. Hereford moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Woodcock and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Gerardo moved that the Board of Nursing reinstate the license of Lindsay M. Bateman to practice professional nursing in the Commonwealth of Virginia and indefinitely suspend her license but stayed suspension contingent upon her continued compliance with the Contract of the Virginia Health Practitioners' Monitoring Program (HPMP). 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 3:30 P.M.

RECONVENTION:

The Board reconvened at 3:42 P.M.

All Nursing Students left the meeting at 3:42 P.M.

FORMAL HEARINGS:

Nancyrose Pattie Johnson, CNA **1401-039776**

Ms. Clark appeared.

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

Ms. Clark informed the Board that she did not receive her Formal Hearing notice and evidence book. Ms. Hershkowitz granted Ms. Clark's continuance request.

ADJOURNMENT:

The Board adjourned at 3:56 P.M.

Brenda Krohn, RN, MS
Deputy Executive Director

Agency Subordinate Recommendation Tracking Trend Log - May 2006 to Present – Board of Nursing

Considered		Accepted		Modified*					Rejected					Final Outcome:** Difference from Recommendation				
Date	Total	Total	Total %	Total	Total %	# present	# ↑	# ↓	Total	Total %	# present	# Ref to FH	# Dis-missed	↑	↓	Same	Pending	N/A
Total to Date:	2789	2470	88.5%	222	8.0%				92	3.3%				68	73	87	0	
CY2018 to Date:	35	33	94.3%	2	5.7%	0	2	0	0	0.0%	0	0	0	0	4	0	N/A	
Nov-18																		
Sep-18																		
Jul-18																		
May-18																		
Mar-18																		
Jan-18	35	33	94.3%	2	5.7%	0	2	0	0	0.0%	0	0	0	0	4	0		
Annual Totals:																		
Total 2017	230	220	95.7%	8	3.5%	0	5	3	2	0.8%	0	2	0	2	4	6	N/A	
Total 2016	241	227	94.2%	9	3.7%	0	8	0	5	2.1%	2	4	0	4	8	2	N/A	
Total 2015	240	218	90.8%	14	5.8%	2	12	2	8	3.3%	3	6	1	9	6	5	N/A	
Total 2014	257	235	91.4%	17	6.6%	2	8	9	5	1.9%	1	3	2	3	3	7	N/A	
Total 2013	248	236	95.2%	10	4.0%				2	0.8%				3	6	2	N/A	
Total 2012	229	211	92.1%	15	6.6%				3	1.3%				4	6	9	N/A	
Total 2011	208	200	96.2%	6	2.9%				2	1.0%				4	1	12	N/A	
Total 2010	194	166	85.6%	21	10.8%				7	3.6%				7	9	9	N/A	
Total 2009	268	217	81.0%	40	14.9%				11	4.1%				11	6	20	N/A	
Total 2008	217	163	75.1%	29	13.4%				22	10.1%				11	11	3	N/A	
Total 2007	174	130	74.7%	30	17.2%				12	6.9%				8	7	4	N/A	
Total 2006	76	62	81.6%	6	7.9%				8	10.5%				2	2		N/A	

* Modified = Sanction changed in some way (does not include editorial changes to Findings of Fact or Conclusions of Law. ↑ = additional terms or more severe sanction. ↓ = lesser sanction or impose no sanction.

** Final Outcome Difference = Final Board action/ sanction after FH compared to original Agency Subordinate Recommendation that was modified (then appealed by respondent to FH) or was Rejected by Board (↔ referred to FH).

CORE COMMITTEE MEETING

January 30, 2018

**PRESENT: TRULA MINTON
DUSTIN ROSS
ETHLYN McQUEEN-GIBSON
CHARLETTE RIDOUT
BRENDA KROHN**

Welcome of new board members to the committee, Dr. Ross and Dr. Gibson, replacing Dr. McDonough and Dr. Poston.

Ms. Minton gave a brief overview of the work that the committee has done and the direction we are taking as we complete the review of all reports that have been received from NCSBN. These reports represent data collected thru 2016.

The report that was created by the committee for the discipline section was present to the Board at the business meeting. It was presented to the Board for consideration and comments. It will now be the mission of this committee to establish recommendations for “Opportunities for Improvement” consideration by the Board in March. Ms. Minton asked that Dr. Ross and Dr. Gibson submit their recommendations to her by March 5th. Recommendations should focus on ways to improve and enhance the process based on what was learned from the NCSBN report of discipline.

2016 Education Report

Ms. Ridout joined the meeting to lend her expertise to the review of this section. Some of the issues that she pulled from the review of the 2014 and the 2016 Educational report are:

- 1. Noticed a lack of clinical skills with the instructors in nursing programs in Virginia. Instructors have not kept up their clinical skills while teaching.**
- 2. Recommend using the NCSBN “Transition to Practice Model” due to the educational gap between what nursing students learn and what employers have identified as essential skills. Recommend use by employers and educators.**
- 3. Noted that Virginia does not regulate APRN education in Virginia. The RN to BSN programs are not regulated either.**
- 4. Low response rate. Need to encourage educators to respond to surveys and be a part of the solution and the ways to make improvements.**

Virginia Board of Nursing
CORE Committee Meeting
January 30, 2018

Next meeting will look at ways to present a summary of this report and the recommendations to the board.

Meeting was adjourned.

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
BUSINESS MEETING MINUTES
February 7, 2018**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:04 A.M., February 7, 2018 in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Louise Hershkowitz, CRNA, MSHA; Chair
Marie Gerardo, MS, RN, ANP-BC
Kevin O'Connor, MD
Kenneth Walker, MD

MEMBERS ABSENT: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Lori Conklin, MD

ADVISORY COMMITTEE

MEMBERS PRESENT: Kevin E. Brigle, RN, NP
Mark Coles, RN, BA, MSN, NP-C
Wendy Dotson, CNM, MSN
Sarah E. Hobgood, MD
Thokozeni Lipato, MD
Stuart F. Mackler, MD
Janet L. Setnor, CRNA

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing
Lisa Speller-Davis, BSN, RN; Policy Assistant; Board of Nursing
Huong Vu, Executive Assistant; Board of Nursing
Darlene Graham, Discipline Staff; Board of Nursing

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel
David Brown, DC; Director; Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine

IN THE AUDIENCE: Kelsey Hall, RN, University of Virginia (UVA) Student
Diana Rodriguez, RN, UVA Student
Mary Duggan, American Association of Nurse Practitioners (AANP)
Kassie Schroth, Medical Society of Virginia

INTRODUCTIONS: Committee members, Advisory Committee members and staff members introduced themselves.

ESTABLISHMENT OF A QUORUM:

Ms. Hershkowitz called the meeting to order and established that a quorum was present.

ANNOUNCEMENT: Ms. Hershkowitz welcomed Ms. Setnor as the CRNA member on the Advisory Committee to the Committee of the Joint Boards of Nursing and Medicine.

REVIEW OF MINUTES: The minutes of October 11, 2017 Special Conference Committee, Formal Hearing, and Business Meeting, were reviewed. Ms. Gerardo moved to accept all of the minutes as presented. The motion was seconded and passed unanimously.

PUBLIC COMMENT: There was no public comment received.

OLD BUSINESS: **Regulatory Update:**
Ms. Yeatts reviewed the chart of regulatory actions as provided in the Agenda.

Ms. Yeatts presented proposed changes to the Pain Management Emergency Regulations:

- **18VAC90-40. Regulations for Prescriptive Authority for Nurse Practitioners**
 - **220(D) Opioid therapy for chronic pain**
8/24/17: *“The practitioner shall order and review a urine drug screen or serum medication levels at the initiation of chronic pain management and at least every three months for the first year of treatment and at least every six months thereafter.”*
Proposed: To reduce costs and to allow practitioners to retain discretion whether or not to administer a test as noted in the Economic Impact Analysis, it has been proposed to change *“and at least every three months for the first year of treatment and at least every six months thereafter”* to ***at the initiation of chronic pain management and randomly at least once per year.***
 - **18VAC90-40-270. Treatment with buprenorphine**
8/24/17: *“For patients who have a demonstrated intolerance to naloxone; such prescriptions for the mono-product shall not exceed 3% of the total prescriptions for buprenorphine written by the prescriber, and the exception shall be clearly documented in the patient’s medical record.”*
Proposed: Change “3%” to **7-8%**
 - **Adding Sickle Cell Disease** to the list of exemptions.
 - **Adding the requirement** that the indication of use (acute or chronic) be noted on the written prescription.
 - **Specifically identifying Tramadol** as an atypical opioid

Update on NOIRA for Eliminating of a Separate Prescriptive Authority License:

Ms. Yeatts stated that the NOIRA is still at the Secretary’s Office and will not be reviewed until the General Assembly regular session has ended.

Proposed Regulations for Performance of and for Supervision and Direction of Laser Hair Removal:

Ms. Yeatts noted that the HB2119 was passed by the 2017 General Assembly and became law as of July 1, 2017. Ms. Yeatts stated that the regulations for nurse practitioners will need to be amended to define “direction and supervision.”

Board of Medicine (BOM) Regulatory Advisory Panel (RAP) on Laser Hair Removal met on November 20, 2017 to develop draft regulations that provide guidance regarding the statutory language: “. . . *or by a properly trained person under the direction and supervision of a licensed . . .*”

Ms. Yeatts added that copies of supporting documents are presented for the Committee’s review and action. She suggested the Committee approve the proposed regulations as recommended by the BOM RAP. Dr. O’Connor moved to approve the proposed regulations as presented. The motion was seconded and carried unanimously.

Report on 2018 General Assembly:

Ms. Yeatts reviewed the Report of the 2018 General Assembly that contains bills relevant to nurse practitioner practice.

Ms. Yeatts provided a copy of the most current version of HB793 and reviewed the proposed amendments. Ms. Yeatts commented that the bill:

- Eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the BOM and BON and have completed at least certain numbers of hour of clinical experience as a licensed, certified nurse practitioner.
- Replaces the term “patient care team physician” with the term “collaborating provider.”
- Allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement of a practice agreement.
- Establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists and otherwise does not affect certified registered nurse anesthetists or certified nurse midwives.
- Contains technical amendments.

Ms. Yeatts noted that she anticipated there would be changes to this bill. Ms. Yeatts responded to questions from the Advisory Committee and Joint Boards members.

Ms. Dodson commented that she understood the goal of the bill is not independence practice but autonomous practice as all mid-level providers

routinely consult with others on complex cases and situations is beyond their expertise.

DIALOGUE WITH
AGENCY DIRECTOR:

Dr. Brown reported the following:

- There are many new people in the House this year. More bills have been assigned to DHP than in previous years.
- Governor Northam made several appointments that affect DHP:
 - Lisa Speller-Davis as Policy Assistant assigned to Board of Nursing
 - Barbara Allison-Bryant as DHP Chief Deputy who will start in March 2018
 - Dr. Brown was reappointed as DHP Director

Dr. Brown added that Lisa Hahn, current DHP Chief Deputy, has transferred into the DHP Chief Operation Officer (COO) position, as of November 2017.

POLICY FORUM:

2017 Virginia's Licensed Nurse Practitioner Workforce:

Drs. Carter and Shobo reviewed the report provided in the Agenda package noting that HRSA Health Workforce projected a sufficient supply of nurse practitioners in 2025.

Ms. Hershkowitz requested Dr. Carter breakout the most recent data into the 3 categories of LNPs -- CRNAs, CNMs, and NPs – to be presented at the April 11th Committee of the Joint Boards meeting. The Committee of the Joint Boards will discuss in April the need for additional questions to be included in the NP workforce survey. Ms. Dodson asked that the number of licensees for each category be included in the April reports.

RECESS:

The Board recessed at 10:50 AM

RECONVENTION:

The Board reconvened at 11:05 AM

NEW BUSINESS:

Board of Nursing Executive Director Report:

Ms. Douglas reported the following:

- The issue of separate prescriptive authority licensure is addressed in the NOIRA.
- Board of Nursing will have an intern this summer who will assist Board staff in cleaning up the NP licensing data with particular attention to specialty categories. Once this project is completed, NP data will be provided to NURSUS.
- Board staff continues to receive many questions from Office Managers, HR Personnel, and Practice Managers regarding the scope of practice of nurse practitioners.

RECOMMENDATIONS AND CONSENT ORDER FOR CONSIDERATION

CLOSED MEETING: Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:15 A.M. for the purpose of deliberation to consider Agency Subordinate recommendations and Consent Order. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Vu, Ms. Graham, and Ms. Mitchell 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 11:25 P.M.

Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and 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.

Margaret Lankford Hockeborn, LNP 0024-086760

Dr. O'Connor moved to accept the Agency Subordinate recommendation to reprimand Margaret Lankford Hockeborn. The motion was seconded and carried unanimously.

Michael Jahrling St. John, LNP 0024-172383

Dr. O'Connor moved to accept the Agency Subordinate recommendation to indefinitely suspend the license of Michael Jahrling St. John to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Patricia Anne O'Neil-Sears, LNP 0024-092286

Dr. O'Connor moved to accept the Agency Subordinate recommendation to indefinitely suspend the right of Patricia Anne O'Neil-Sears to renew her license to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Jennifer Anne Sargent, LPN 0024-173398

Dr. O'Connor moved to accept the consent order to indefinitely suspend the license of Jennifer Anne Sargent to practice as a nurse practitioner in the Commonwealth of Virginia. The said suspension is stayed upon proof of Ms. Sargent's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and passed unanimously.

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine Minutes
February 7, 2018

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 11:27 A.M.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

DRAFT



Board of Health Professions Full Board Meeting

February 27, 2018

10:00 a.m. - Board Room 4

9960 Mayland Dr, Henrico, VA 23233

In Attendance

Lisette P. Carbajal, Citizen Member
Helene D. Clayton-Jeter, OD, Board of Optometry
Kevin Doyle, EdD, LPC, LSATP, Board of Counseling
Yvonne Haynes, LCSW, Board of Social Work
Mark Johnson, DVM, Board of Veterinary Medicine
Allen R. Jones, Jr., DPT, PT, Board of Physical Therapy
Derrick Kendall, NHA, Board of Long-Term Care Administrators
Trula E. Minton, MS, RN, Board of Nursing
Martha S. Perry, MS, Citizen Member
Maribel E. Ramos, Citizen Member
Herb Stewart, PhD, Board of Psychology
Jacquelyn Tyler, RN, Citizen Member
Laura P. Verdun, MA, CCC-SLP, Board of Audiology & Speech-Language Pathology
James D. Watkins, DDS, Board of Dentistry
James Wells, RPh, Citizen Member

Absent

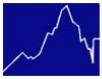
Ryan Logan, RPh, Board of Pharmacy
Junius Williams, Jr., MA, Board of Funeral Directors and Embalmers
Vacant – Board of Medicine

DHP Staff

Elizabeth A. Carter, Ph.D., Executive Director BHP
Lisa Speller Davis, Board of Nursing, DHP
Lisa R. Hahn, MPA, Chief Operating Officer DHP
Jaime Hoyle, Executive Director Behavioral Sciences Boards
Leslie Knachel, Executive Director for the Boards of Audiology & Speech Language Pathology, Optometry and Veterinary Medicine
Diane Powers, Communications Director DHP
Yetty Shobo, PhD, Deputy Executive Director BHP
Peggy Wood, HPMP Program Manager, DHP
Elaine Yeatts, Senior Policy Analyst DHP

OAG Representative

Charis Mitchell, Assistant Attorney General



- Presenters** Janet Knisely, Ph.D., Administrative Director VAHPMP
Neal Kauder, VisualResearch
Kim Small, VisualResearch
- Speakers** No speakers signed-in
- Observers** Ryan LaMura, Virginia Hospital and Healthcare Association
- Emergency Egress** Dr. Carter

Call to Order

Chair: Dr. Clayton-Jeter **Time** 10:08 a.m.
Quorum Established

Public Comment

Discussion

There was no public comment

Approval of Minutes

Presenter Dr. Clayton-Jeter

Discussion

The December 7, 2017 Full Board meeting minutes were approved with no revisions. All members in favor, none opposed.

Welcome

Presenter Dr. Clayton-Jeter

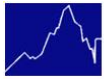
Dr. Clayton-Jeter announced the names of the new board members: Lisette Carbajal, Citizen Member and Maribel Ramos, Citizen Member. Reappointed board members: Mark Johnson, DVM, Board of Veterinary Medicine; Derrick Kendall, NHA, Board of Long Term Care; and Herb Stewart, PhD, Board of Psychology. All were welcomed and thanked for their commitment in serving the Commonwealth.

Directors Report

Presenter Lisa Hahn, Chief Operating Officer

Discussion

Ms. Hahn reported that Dr. Barbara Allison-Bryan has become the new Deputy Director for DHP, and Marvin Figueroa and Jeanna Boyle are the new Secretary of Health and Human Resources’ Deputies. She also informed the members of her new position as the DHP Chief Operating Officer. She presented Prescription Monitoring Program (PMP) data revealing a number of positive trends in response to efforts to combat opioid abuse. For example, one of the charts showed that the total number of individuals receiving high dose of morphine declined by about 22% in a year period. Similarly, there was a 45%



decline in pain reliever prescription from quarter four of FY 2016 to quarter four of FY 2017. The slides presented are on the PMP website.

Members encouraged spreading the good PMP news. Ms. Powers informed them about some of the ways Communications is currently disseminating the information and the various media organizations that have published on the issue in the state. Ms. Hahn emphasized that Virginia’s comprehensive approach in dealing with the opioid crisis is key to the successes achieved.

Ms. Hahn also informed attendees about the building renovations and expanded space soon to be available for DHP on two floors.

Legislative and Regulatory Report

Presenter Ms. Yeatts

Discussion

Ms. Yeatts advised the Board of updates to regulations and General Assembly legislative actions relevant to DHP.

Health Practitioners Monitoring Program (HPMP)

Presenter Ms. Wood & Dr. Knisely

Discussion

Ms. Wood and Dr. Knisely presented information on how practitioners recruitment, intake and assessment processes, monitoring methods, participant statistics, and the latest activities to improve online accessibility.

Executive Directors Report

Presenter Dr. Carter

Board Budget

Dr. Carter stated that the Board is operating within budget.

Agency Performance

Dr. Carter reviewed the agencies performance measures in relation to clearance rate, age of pending caseload and time to disposition.

Sanction Reference Points(SRP) - Update

Mr. Kauder and Ms. Small presented on some of their recent work using SOLVER, a simulation big data software, to revise the sanction reference worksheets. New variables identified will be presented to the different Boards and affected Boards can decide whether to accept proposed revisions.

Lunch Break 12:05 p.m. – 12:20 p.m.



Practitioner Self-Referral

Presenter Ms. Haynes

Discussion

Ms. Haynes presented on the request from Procreate Fertility Center of Virginia, PLLC, regarding whether they can include a pharmacy in which one of the founders has interest in the list of pharmacies provided to clients. She recommended that after thorough research: pursuant to VAC 75-20-60 (E), and if the providers follow the procedures stated in their letter, as well as in the opinion provided to them, the providers will not make a referral to the pharmacy within the meaning of the Act.

On properly seconded motion by Mr. Jones, Ms. Hayne's recommendation was ratified. All member voted in favor, none opposed.

Regulatory Research Committee

Presenter Mr. Wells

Discussion

Mr. Wells updated the Board on the work of the Committee and the draft report that was approved in the meeting earlier in the morning. He shared that the seven criteria that will be assessed to make a decision and the committee will meet next on June 26, 2018.

Policy and Procedures Update

Presenter Dr. Carter

Discussion

Dr. Carter presented information on policies and procedures regarding BHP, specifically in relation to sunrise reviews. According to the Council for Licensure, Enforcement, and Regulation (CLEAR), only 14 states, including Virginia, have sunrise statutes. She informed the Board that the materials for those states have been provided to the Regulatory Research Board for identifying best practices that Virginia may adopt.

Healthcare Workforce Data Center

Presenter Dr. Shobo

Discussion

Dr. Shobo provided a PowerPoint presentation that she presented at the annual Southern Demographics Association meeting that utilized DHP HWDC data. She also advised the Board that the center is up to



date on all survey reports and posting of the workforce briefs and is in the process of preparing the reports for professions with December license renewals.

Board Reports

Presenter Dr. Clayton-Jeter

Board of Audiology & Speech Language Pathology

No report provided.

Board of Counseling

Dr. Doyle shared the board has started registering Mental Health Professionals and Peer Recovery experts.

Board of Dentistry

Dr. Watkins shared that the Board is revisiting having a minimum criteria for licensure because of recent changes regarding national examinations.

Board of Funeral Directors & Embalmers

Mr. Williams was not present. No report provided.

Board of Long Term Care Administrators

No report provided.

Board of Medicine

Board seat currently vacant. No report provided.

Board of Nursing

Ms. Minton presented information on the current legislation at the General Assembly regarding more autonomy for Nurse Practitioners. She also shared the BON is discussing the revisions in the Nurse Compact Licensure and also examining, based on data from the National Board, how Virginia's BON compares to other states' nursing boards with regards to efficiency, discipline, etc.

Board of Optometry

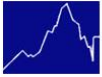
Dr. Clayton-Jeter presented data on optometrists: licensees, practitioners in the state, practitioners out of state, number of complaints, etc. She shared that the Board is reviewing licensing fees and also recently adopted emergency regulation for prescribing opioids.

Board of Pharmacy

Mr. Logan was not present. No report provided.

Board of Physical Therapy

Dr. Jones, Jr. discussed that the Board is reviewing the PT Compact Licensure and SRP revisions.



Board of Psychology

Dr. Stewart reported that the board is currently reviewing national examinations, continuing education, and requirements for doctoral programs, and accreditation. The board is also updating the standard of conduct with respect to scope of practice of psychologists. Additionally, the board has requested that its interdisciplinary workgroup examine the issue of conversion therapy to develop consistency. The board is also examining the issue of interstate practice using telehealth.

Board of Social Work

Ms. Haynes stated that there is legislation currently at the General Assembly on having separate licensure for Bachelor’s in Social Work and Master’s in Social Work for the non-clinical social work licensees. The board is also considering the length of time licensee applicants have to pass the national examination, number of attempts, etc. before they have to go back for supervision.

Board of Veterinary Medicine

Dr. Johnson reported that the board has noticed that there are more discipline cases and they are more complex. In addition, the board is currently doing continuing education audits.

New Business

Presenter Dr. Clayton-Jeter

Dr. Doyle presented to the Board that the Board of Counseling is considering recommending that DHP consider a legislative proposal for 2019 on criminal background checks for licensees of all boards.

Dr. Carter shared that BON is currently obtaining background checks because of the requirements of the Interstate Nursing Compact.

June 26, 2018 Next Full Board Meeting

Presenter Dr. Clayton-Jeter

Dr. Clayton-Jeter announced the next Full Board meeting date as June 26, 2018

Adjourned 1: 49 p.m.

Chair Helene Clayton-Jeter, OD

Signature: _____ Date: ____/____/____

Board Executive Director Elizabeth A. Carter, Ph.D.

Signature: _____ Date: ____/____/____

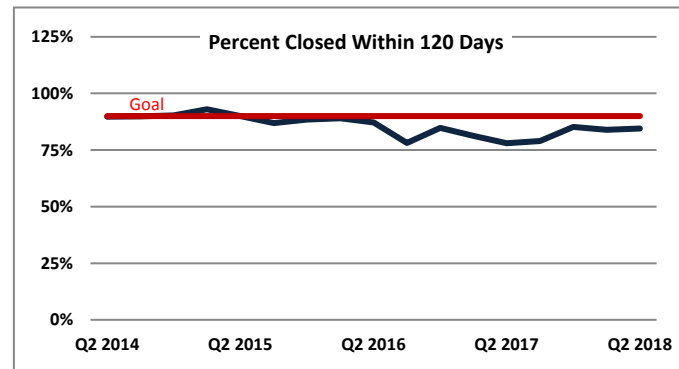
Virginia Department of Health Professions

Board Level Patient Care Case Processing Times: Quarterly Performance Measurement, Q2 2014 - Q2 2018

David E. Brown, D.C.

Director

	Total Cases Closed	Mean Days	Median Days	Percent closed within 120 Days
Q2 2014	1018	63	33	90%
Q3 2014	811	63	25	90%
Q4 2014	854	61	26	90%
Q1 2015	894	57	26	93%
Q2 2015	858	66	29	90%
Q3 2015	787	74	39	87%
Q4 2015	864	60	19	88%
Q1 2016	997	71	35	89%
Q2 2016	968	79	34	87%
Q3 2016	992	98	50	78%
Q4 2016	875	79	35	85%
Q1 2017	967	96	41	81%
Q2 2017	1023	98	44	78%
Q3 2017	1119	93	38	79%
Q4 2017	1037	79	42	85%
Q1 2018	759	87	48	84%
Q2 2018	942	75	30	85%



Technical Notes: Board Level constitutes the sum of days in Probable Cause, Informal, Formal, and Pending. Percent Closed Within 120 Days (175 calendar days) is calculated using an 8 quarter moving window consisting of patient care cases closed within 120 business days that were received within the preceding eight quarters.

Virginia Department of Health Professions
Board Level Patient Care Case Processing Times:
Quarterly Performance Measurement, Q2 2014 - Q2 2018

David E. Brown, D.C.
 Director

		Total Cases		Median Days	Percent closed within 120 Days
		Closed	Mean Days		
Nursing	Q2 2017	541	110	79	76%
	Q3 2017	503	113	85	73%
	Q4 2017	472	108	79	78%
	Q1 2018	341	121	91	75%
	Q2 2018	404	120	113	78%
Nurses	Q2 2017	357	106	63	77%
	Q3 2017	336	122	113	70%
	Q4 2017	328	110	83	77%
	Q1 2018	261	110	81	78%
	Q2 2018	310	113	78	73%
CNA	Q2 2017	184	116	100	73%
	Q3 2017	167	96	55	79%
	Q4 2017	144	103	74	81%
	Q1 2018	80	155	141	63%
	Q2 2018	94	142	139	73%
Medicine	Q2 2017	279	24	6	97%
	Q3 2017	319	23	7	98%
	Q4 2017	312	22	6	97%
	Q1 2018	231	26	7	98%
	Q2 2018	328	21	6	99%
Dentistry	Q2 2017	51	79	31	84%
	Q3 2017	63	62	28	87%
	Q4 2017	61	71	44	92%
	Q1 2018	43	88	38	84%
	Q2 2018	74	46	25	92%
Pharmacy	Q2 2017	44	202	137	61%
	Q3 2017	39	145	107	69%
	Q4 2017	53	80	56	93%
	Q1 2018	44	97	65	86%
	Q2 2018	49	59	25	90%
Veterinary Medicine	Q2 2017	38	198	186	40%
	Q3 2017	45	149	101	64%
	Q4 2017	21	121	105	76%
	Q1 2018	31	119	92	84%
	Q2 2018	20	192	137	55%
Counseling	Q2 2017	25	240	210	36%
	Q3 2017	36	93	66	83%
	Q4 2017	25	28	16	100%
	Q1 2018	17	104	48	82%
	Q2 2018	18	67	67	100%

Virginia Department of Health Professions
Board Level Patient Care Case Processing Times:
Quarterly Performance Measurement, Q2 2014 - Q2 2018

David E. Brown, D.C.
Director

		Total Cases Closed	Mean Days	Median Days	Percent closed within 120 Days
Social Work	Q2 2017	11	165	198	46%
	Q3 2017	24	299	341	21%
	Q4 2017	31	129	102	71%
	Q1 2018	9	94	70	89%
	Q2 2018	10	59	27	90%
Psychology	Q2 2017	11	226	14	55%
	Q3 2017	39	264	319	33%
	Q4 2017	27	145	98	74%
	Q1 2018	8	59	39	88%
	Q2 2018	17	75	61	88%
Long-Term Care	Q2 2017	10	134	77	70%
	Q3 2017	9	116	89	78%
	Q4 2017	10	227	248	40%
	Q1 2018	1	239	239	0%
	Q2 2018	5	268	246	0%
Optometry	Q2 2017	6	154	97	83%
	Q3 2017	1	9	9	100%
	Q4 2017	2	59	59	100%
	Q1 2018	5	230	317	40%
	Q2 2018	2	221	221	0%
Physical Therapy	Q2 2017	7	125	91	71%
	Q3 2017	3	39	48	100%
	Q4 2017	4	160	136	50%
	Q1 2018	8	171	160	63%
	Q2 2018	2	73	73	100%
Funeral	Q2 2017	0	0	0	N/A
	Q3 2017	6	120	136	100%
	Q4 2017	6	71	17	83%
	Q1 2018	2	82	82	100%
	Q2 2018	0	0	0	N/A
Audiology	Q2 2017	0	0	0	N/A
	Q3 2017	5	53	63	100%
	Q4 2017	1	397	397	0%
	Q1 2018	3	273	322	33%
	Q2 2018	0	0	0	N/A