

**VIRGINIA BOARD OF NURSING  
MINUTES  
January 29, 2008**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:05 A.M. on January 29, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**PRESIDING:** Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS  
PRESENT:**

Lynne M. Cooper, Citizen Member, Vice President  
Peregrin C. Francisco, R.N., M.S.A.  
Florence Jones-Clarke, R.N., M.S., Secretary  
Brenda L. Hale, R.N.  
Woody B. Hanes, R.N., M.S.N., F.N.P.  
John M. Horn, L.P.N.  
Patricia C. Lane, R.N.  
Evelyn Lindsay, L.P.N.  
G. Maxine Ponn, L.P.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.  
Linda D. Gross, Citizen Member (joined later)

**BOARD MEMBERS  
ABSENT:**

Lawrence L. Logan, Citizen Member

**STAFF PRESENT:**

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline  
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Registry Manager  
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Jessica Ressler, R.N. Nursing Education Consultant  
Jane Elliott, R.N., Ph.D.  
Donna Lee, Senior Discipline Specialist  
Huong Vu, Administrative Assistant

**OTHERS PRESENT:**

Howard M. Casway, Senior Assistant Attorney General  
Emily O. Wingfield, Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst, Department of Health Professions (joined later)  
Ann Tiller, Compliance Manager, Department of Health Professions  
Judy Hackler, VA Assisted Living Association

**ESTABLISHMENT OF  
A QUORUM:**

With eleven members of the Board present, a quorum was established.

#### ANNOUNCEMENTS:

- Ms. Cooper plans on attending to the National Council of State Boards (NCSBN) of Nursing midyear meeting, which is March 3 -5, 2008, in Chicago as a member of the NCSBN Board of Director. Ms. Piersall asked for one more Board member volunteer to attend the meeting with Ms. Cooper and to let the Board know before the end of today's meeting.

#### DIALOGUE WITH DEPUTY DIRECTOR:

Ms. Emily Wingfield presented information to the Board on the following issues:

- Ms. Sandra Ryals was unable to attend this meeting because she was at the General Assembly.
- Department of Health Professions is continuing efforts to "blitz" older disciplinary cases.
- Compliance unit re-deployment resulted in two fulltime employees, Ann Tiller and Tonya James, to the Board of Nursing.

Ms. Piersall expressed strong concern regarding the delay of Board of Nursing regulations being approved by the Governor's office, which is impeding work of the Education Special Conference Committee and ability of the Board to move and act on matters relative to quality of Nursing Education Programs.

#### ORDERING OF AGENDA: The agenda was reviewed and reordered as follow:

- Education Special Conference Committee minutes was moved to Wednesday, January 30, 2008, after the consideration of the Agency Subordinate Recommendations.
- Add Medication Aide Program Update under Other Matters.
- Add additional Consent Orders for consideration for the following respondents: Lisa Marshall, R.N., Daphne Taylor, R.N., Sharon Ladd, L.P.N.
- Formal Hearings for Amber Hudson, L.P.N., and Labeebah Burrell, L.P.N. were canceled because they both signed Consent Orders.
- The Formal Hearing for Joseph Obenour, R.N. that was scheduled for January 31, 2008 was continued until the March 2008 Board meeting.
- No respondents were expected to appear to address the Board regarding Agency Subordinate Recommendations, but written responses were received from several respondents for the Board's consideration.
- Ms. Yeatts' report on 2008 Legislation and other Regulatory matters would be discussed prior to proceeding with "Other Matters"

#### CONSENT AGENDA: Ms. Cooper moved to accept the consent agenda which includes:

November 13, 2007 – Panel – Ms. Piersall  
November 14, 2007- Board Meeting – Ms. Piersall  
November 15, 2007 – Panel – Ms. Piersall  
November 15, 2007 – Panel – Ms. Cooper  
December 3, 2007 – Panel – Ms. Piersall  
Financial Report  
Board of Nursing monthly tracking log – Licensure and Discipline statistics

REPORTS:

**Nurse Licensure Compact:**

Ms. Douglas reported discussions on single state versus multistate license issues and recent updates to NURSYS.

**Virginia Performs – Department of Health Professions Performance Measures:**

Ms. Douglas provided an overview of agency wide statistics, but pointed out statistic were not broken down by Boards. Ms. Douglas stated that customer satisfaction was rated very well. More discussion will occur on discipline measures later during the meeting.

**Legislative Coalition of Virginia Nurses Annual Summit 11/16/2007:**

Ms. Douglas reported all RN Board staff attended plus at least two Board Members. Topics of presentations of interest included:

- Paramedics versus nursing scope of practices presented by Lawrence Daniels, Ph.D., R.N., CPNP, EMS Instructor
- Mental health issues and availability of services, George Braunstein Executive Director, Chesterfield County CSB

**Update on Nurse Aide Testing Contract:**

Ms. Power, Deputy Executive Director reported that a Request for Proposal (RFP) for a new testing contract was issued on December 14, 2007.

- February 1, 2008 – due date for responses from the RFP.
- February 25, 2008 – the committee, consisting of Patricia Lane, RN Board member, Dr. Paula Saxby, Jodi Power, Pat Paquette, and Michal Ketner will meet to review the RFPs.
- March 2008 – the top contenders will meet with the committee and a final recommendation will be submitted to the Board at its March meeting.

LEGISLATION/REGULATIONS:

**Board of Nursing Periodic Review – Regulations 18 VAC 90-20 – Education Program Requirements:**

Ms. Yeatts provided history of proposed regulations and indicated final regulations have not been signed by the Governor and that they have been in the Governor's office since August 15, 2007.

Ms. Piersall reiterated her concerns about the lack of the Board's ability to take action on quality issues related to Nursing Education Programs. Specifically, Ms. Piersall reported that the Education Special Conference Committee had reviewed several proprietary programs that were not preparing students clinically, continue to take in large numbers of students and charge high fees. Ms. Douglas stated that the new regulations require a minimal number of clinical hours and are specific about an average NCLEX pass rate of 80%.

Ms. Lane moved for the Board to draft a letter to the Governor to communicate to him the importance of the proposed regulations and the public safety and welfare concerns.

The motion was seconded and carried unanimously.

Ms. Yeatts suggested that the letter should also contain an opportunity to meet with Board members or policy analysts to obtain their input on the regulations.

**Petition for Rule Making – CGNFS Requirement:**

Ms. Yeatts reviewed the petition to amend the Board of Nursing Regulation 18VAC 90-20-210(B) to remove the requirement of Commission on Graduates of Foreign Nursing School (CGNFS) Qualifying Examination.

Dr. Saxby provided an overview of the current license requirements for graduates of Foreign Nursing Programs.

Ms. Francisco informed the Board about the history and purpose of CGNFS as well as her experience as a foreign nurse from the Philippines. She stated that the NCLEX is offered in several countries, the pass rates are similar to others states, and the taking of the CGNFS Qualification Examination adds an extra burden and barrier to qualified foreign nurses who want to practice in Virginia.

Dr. Selig moved to accept the request and publish a Notice of Intended Regulatory Action (NOIRA) to consider amending the Regulations to remove the requirement of the CGNFS Qualification Examination.

The motion was seconded and carried unanimously.

**2008 General Assembly Legislative Update:**

Ms. Yeatts provided a handout and discussed with the Board an update of the 2008 General Assembly activities as they pertained to the Board of Nursing.

OTHER MATTERS:

**Proposed changes to the National Nurse Aide Assessment Program (NNAAP) skill exam:**

Dr. Saxby provided an overview of proposed changes to the NNAAP skill exam proposed to be implemented in July 2008. She stated that a new skill *Donning and Removing PPE (gown and gloves)* has been add to the exam; and the skill *Takes and Records Oral Temperature with a Glass Thermometer* has been eliminated. The remaining changes are just “tweaking” of current skills.

Ms. Cooper moved to accept and approve changes to the NNAAP skill exam. The motion was seconded and carried unanimously.

**Board Annual Statistical Report:**

Dr. Saxby reviewed the Fiscal Year 2007 Board annual Board of Nursing statistical report. She noted that there are more graduating registered nurses and less practical nurses. Attrition rate is going down as Education Programs work to keep students. The annual statistical report is published on the Department of Health Professions’ website.

Ms. Douglas thanked Dr. Saxby, Ms. Ressler and Laura Mueller for their efforts in preparing and publishing the report based on the online annual survey of approved Education Programs.

Ms. Gross joined at 10:27 A.M.

**National Council State Board of Nursing (NCSBN) visit to Virginia in May 2008:**

Ms. Douglas informed the Board that representatives from NCSBN will visit at the May Board meeting as a part of an effort to assess State Board of Nursing needs and to provide an overview of the resources and work of the NCSBN.

**Conflict of Interest Training for Board Members:**

Ms. Wingfield stated that all staff and Board members are required to complete the Conflict of Interest Training every two years, which is now available on DVD.

Ms. Douglas is to set a target date for completion.

**Increase in mileage reimbursement:**

Ms. Douglas informed the Board that the new mileage reimbursement rate is .505.

RECESS:

The Board recessed at 10:37 A.M.

Ms. Yeatts left the meeting.

RECONVENTION:

The Board reconvened at 10:52 A.M.

**Compliance Department Staff Re-Deployment:**

Ms. Douglas introduced Ms. Tiller and Ms. James to the Board Members. Ms. Tiller and Ms. James are now Board of Nursing fulltime employees. Ms. James is anticipated to continue to function as Compliance Case Manager for all Board of Nursing respondents being monitored. Respondents being monitored by the Health Practitioners Intervention Program (HPIP) only will be handled by Peggy Wood, Intervention Program Manager, Department of Health Professions. Ms. Tiller's role will be further defined as the adjustment is implemented.

**Discussion of Nomination Process:**

Ms. Hale stated appreciation for receiving a copy of the Bylaws explaining the election process, noting voice vote is required, and the past history of the nomination of officers. She further indicated she did not have a full understanding of the election of the nominating committee as it occurred in November 2007.

Mr. Casway stated his opinion that voice vote is consistent with the openness and transparency requirements of all Board meetings and that all voting should be by a public vote.

Ms. Gross shared her concerns after participating as part of the nominating committee whether it was conducted according to the Bylaws. She expressed

concern that the President chaired and asked for volunteers versus the Bylaws requirement for Election of the Chair.

Mr. Casway stated that even if the nominating committee did not follow the Bylaws to the letter, it does not invalidate the actions of the committee because Board Members can nominate from the floor and there was no objection to the composition of the Committee at the November Board of Nursing meeting. Bylaws do not have the force and affect of laws and regulations.

Ms. Lane expressed concern that she forwarded a name that did not appear on the slate. Ms. Piersall assured that all names presented were discussed. Ms. Gross added she was not aware that there was an option to have more than one name per office. Ms. Francisco stated that all names were discussed in terms of qualifications, experience and history on the Board.

Ms. Piersall stated nominations would be accepted from the floor.

**Discussion of Board of Nursing Bylaws:**

Ms. Piersall stated she was aware that some Board members have indicated a desire to review and revise the Bylaws.

Ms. Jones-Clarke, Ms. Hale and Ms. Francisco volunteered to serve on the Bylaws Committee to accomplish this. The Committee will meet in the near future to discuss any revisions/clarifications to the Bylaws.

**Election of Officers:**

Ms. Piersall reviewed the slate of officers previously mailed to Board Members in accordance with the Bylaws.

The slate included:

- Ms. Cooper for the office of President
- Dr. Selig for the office of Vice President
- Mr. Horn for the office of Secretary

Ms. Piersall asked if there were nominations from the floor.

Ms. Hale nominated Florence Jones-Clarke for President.

Ms. Piersall called for the vote for Ms. Cooper for the office of President. Seven Board Members voted yes, five voted no.

Ms. Piersall called for the vote for Ms. Jones-Clarke for the office of President. Five voted yes, seven voted no.

Ms. Piersall asked for additional nominations from the floor for the office of Vice President.

Ms. Lane nominated Florence Jones-Clarke for Vice President.

Ms. Piersall called for the vote for Dr. Selig for the office of Vice President. Five voted yes, seven voted no.

Ms. Piersall called for the vote for Ms. Jones-Clarke for the office of Vice President. Seven voted yes, five voted no.

Ms. Piersall asked for additional nominations from the floor for the office of Secretary.

Ms. Gross nominated Brenda Hale for Secretary.

Ms. Piersall called for the vote for John Horn for the office of Secretary. Five voted yes, seven voted no.

Ms. Piersall called for the vote for Ms. Hale for the office of Secretary. Six voted yes, five voted no and one abstained.

President – Ms. Cooper  
Vice President – Ms. Jones-Clarke  
Secretary – Ms. Hale

New officers become effective January 30, 2008.

Ms. Gross left at 11:37 A.M.

Ms. Cooper and Ms. Douglas thanked Ms. Piersall for her leadership and service as Board President.

**Discipline Case Management Discussion:**

- First quarter 2008 “old case” blitz – Ms. Douglas provided an overview of what Board of Nursing staff have been doing to resolve old disciplinary cases relevant to patient care.
- Board action on Agency Subordinate recommendation trends – Ms. Douglas stated that an update on agency subordinate trends and statistics will be provided at the March Board meeting.
- Facts sheet “what you need to know when appearing before Agency Subordinate” – Ms. Mitchell has been working on this and a final draft will be provided at the March Board meeting.
- Staff resources – Ms. Douglas informed the Board that the four new positions were requested in the 2008-2010 budget was not approved. She stated she plans to request new P14 positions to assist with disciplinary licensure and education functions of the Board.
- Consistency in decision making – Ms. Hale stated a concern about consistency in decision making of disciplinary cases. Ms. Douglas provided to the Board the Sanctioning Reference Points (SRS) Agreement Analysis study which was implemented in June 2006 which indicated an 83% agreement rate. Ms. Hale questioned whether ethnicity factors could be captured in these studies as it pertains to disciplinary decisions. Ms. Douglas stated that the SRS study would

only capture the professions of respondents and not the ethnicity because that is not information that is gathered or mandated by the Department of Health Professions.

- The Board agreed that if there was a concern about the decision making process as it relates to ethnicity, it should be addressed on a one-on-one basis with individuals involved in making the decision during closed session.
- The Board expressed concerns about the Agency Subordinate process and whether or not it should re-evaluate the type of cases heard before the Agency Subordinate. Ms. Wingfield reiterated that the Agency Subordinate process assists the Board in handling the large volume of disciplinary cases and it is a process used by other agencies. Mr. Casway assured the Board that the process was thoroughly reviewed by the Attorney General's office to make sure that due process of individuals is protected.
- Ms. Douglas stated that she will provide the Board with data showing the impact of the use of Agency Subordinates has on case load, increased Informal Conference Committee dates, and decrease in days per month Board Members have to come to Richmond to hear cases. Additionally, a summary of the outcome of cases and any trends will be provided.

RECESS: The Board recessed at 12:15 P.M.

Ms. Hanes left the meeting.

RECONVENTION: The Board reconvened at 1:20 P.M.

**Medication Aide Program Update:**

Ms. Krohn provided the following update to the Board:

- Applications submitted – 153
- Applications pending submission of additional information – 77
- Applications that are approved but have not taken the PSI test – 53
- Applicants that have taken PSI exam – 24 (22 passed, 2 failed)
- Approved Program Providers – 74
- Program Providers Pending approval - 18
- Plans to mail to all assisted living facilities a reminder of the July 1, 2008 deadline (or December 1, 2008 if proposed legislation passes).
- Update FAQs on Department of Health Professions' website.

**National Council State Boards of Nursing Mid Year Meeting:**

Ms. Lane and Ms. Cooper indicated interest in attending the meeting in Chicago from March 3 - March 5, 2008. Final approval required.

OPEN FORUM: No one was present to address the Board.

Dr. Saxby and Ms. Ressler left the meeting.

## CONSIDERATION OF CONSENT ORDERS:

**CLOSED SESSION:** Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:30 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Power, Ms. Lee, Ms. Elliott, Ms. Vu and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.  
The motion was seconded and carried unanimously.

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

Ms. Jones-Clarke 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.

### **Ramona Depalm, R.N. 0001-110961**

Ms. Lane moved to accept the consent order to indefinitely suspend the registered nurse license of Ramona Depalm until such time as Ms. Depalm shall pay a monetary penalty of \$200 to the Board, said license shall be reinstated without restriction.  
The motion was seconded and approved unanimously.

### **Reva R. Hayes, R.N., 0001-176509**

Ms. Jones-Clarke moved to accept the consent order for the voluntary surrender for indefinite suspension of Reva R. Hayes' license to practice professional nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege to practice professional nursing.  
The motion was seconded and approved unanimously.

### **Myra Samples, L.P.N., 0002-031642**

Ms. Francisco moved to accept the consent order for the voluntary surrender for indefinite suspension of Myra Samples' license to practice practical nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege to practice practical nursing.  
The motion was seconded and approved unanimously.

### **Dawn Thomas, R.N., 0001-185364**

Ms. Hale moved to accept the consent order for the voluntary surrender of Dawn Thomas' license to practice professional nursing in the Commonwealth of Virginia and Orders that Ms. Thomas' right to renew said license be indefinitely suspended. This suspension applies to any multistate privilege to practice professional nursing.  
The motion was seconded and approved unanimously.

### **Patricia Bradshaw, R.N., 0001-045852**

Ms. Ponn moved to accept the consent order for the voluntary surrender for indefinite suspension of Patricia Bradshaw's license to practice professional

nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege to practice professional nursing.  
The motion was seconded and approved unanimously.

**Lisa Marshall, R.N., 0001-116000**

Ms. Lane moved to accept the consent order to indefinitely suspended the professional nursing license of Lisa Marshall, with said suspension stayed contingent upon Ms. Marshall's continued compliance with her Recovery Monitoring Contract with the HPIP. This Order is applies to any multistate privileges to practice professional nursing.  
The motion was seconded and approved unanimously.

**Sharon Ladd, L.P.N., 0002-029657**

Ms. Ponn moved to accept the consent order for the voluntary surrender for indefinite suspension of Sharon Ladd's license to practice practical nursing in the Commonwealth of Virginia. This suspension applies to any multistate privilege to practice practical nursing.  
The motion was seconded and approved unanimously.

**Daphne Taylor, R.N., 0001-058926**

Ms. Lane moved to accept the consent order to indefinitely suspended the professional nursing license of Daphne Taylor in the Commonwealth of Virginia. This suspension applies to any multistate privilege to practice professional nursing.  
The motion was seconded and approved unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 1:45 P.M.

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Florence Jones-Clarke, R.N., M.S.  
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

Virginia Board of Nursing  
Education Committee Meeting  
January 29, 2008

TIME and PLACE: The meeting was called to order at 2:00p.m. by Judith Piersall, R.N., B.S.N., Chairperson, in Board Room #2 at the Department of Health Professions, 2<sup>nd</sup> floor, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N., Chairperson  
Lynne M. Cooper, Citizen Member, Board President  
Patricia C. Lane, R.N., B.S.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.  
Peregrin C. Francisco, R.N., M.S.A.

STAFF PRESENT: Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Jessica C. Ressler, R.N.C., M.S.N., Nursing Education Consultant

TOPICS DISCUSSED: There were two topics of discussion at this meeting:  
1. The use of simulation in nursing education programs, and  
2. On-line nursing education.

**Simulation in nursing education**

Members reviewed and discussed the first chapter of the book “Simulation in Nursing Education” (Jeffries, 2007, National League for Nursing). The members discussed the importance of defining simulation and differentiating between “low fidelity” and “high fidelity” simulation, as well as, what type of simulation (and what %) could be used as direct care experience. Members also reviewed the responses from nursing education programs in Virginia regarding the length of their education program, hours of direct client care experiences, hours of clinical simulation, and hours of observational experiences. Dr. Selig shared an article from the National Council of State Boards of Nursing on the effects of high-fidelity simulation on students’ learning.

**Action:** Board Members and Board Staff will prepare a draft document of a Guidance document on the use of simulation in nursing education programs, to include definitions of simulation. Board Members and Staff will continue to research information on the use of simulation in nursing education programs and bring additional information to the next meeting in March 2008.

**On-line nursing education**

Mrs. Ressler presented an update on the current on-line nursing education programs approved in Virginia. There was discussion on the faculty qualifications specific to on-line education, as well as the importance of IT support. The programs in Virginia are considered to be a “hybrid” on-line program, in that they all have direct client care experiences as a requirement for their program approval. The committee discussed the approval of on-line

programs from other States, and the implications of graduates of these programs seeking licensure in Virginia without the appropriate number of clinical hours.

**Action:** Board Members and Board Staff will prepare a draft document of a guidance document on the expectations and requirements for on-line nursing education programs. This will be presented to the committee at the next meeting in March, 2008.

**NEXT MEETING DATE:** The next meeting date will be March 18, 2008 after the business meeting of the Board.

**ADJOURNMENT:** The meeting was adjourned at 3:15 p.m.

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Paula B. Saxby, R.N., Ph.D.  
Deputy Executive Director, Education