

**VIRGINIA BOARD OF NURSING  
MINUTES  
March 18, 2008**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:0 A.M. on March 18, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**PRESIDING:** Lynne M. Cooper, Citizen Member, President

**BOARD MEMBERS  
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President  
Brenda L. Hale, R.N., Secretary  
Peregrin C. Francisco, R.N., M.S.A.  
Linda D. Gross, Citizen Member  
John M. Horn, L.P.N.  
Patricia C. Lane, R.N.  
Evelyn Lindsay, L.P.N.  
Lawrence L. Logan, Citizen Member  
Judith E. Piersall, R.N., B.S.N.  
G. Maxine Ponn, L.P.N.

**BOARD MEMBERS  
ABSENT:**

Woody B. Hanes, R.N., M.S.N., F.N.P.  
Patricia M. Selig, R.N., F.N.P., Ph.D.

**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 (joined later)  
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide  
Program Manager  
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Jessica Ressler, R.N. Nursing Education Consultant  
Linda Kleiner, R.N., Discipline Case Manager  
Ann Tiller, Compliance Manager  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:**

Ishneila Moore, Assistant Attorney General (joined later)  
Sandra Whitley Ryals, Director, Department of Health Professions  
Emily O. Wingfield, Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst, Department of Health Professions (joined later)

**ESTABLISHMENT OF  
A QUORUM:**

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

## ANNOUNCEMENTS:

- The next meeting of the Committee of the Joint Boards of Nursing and Medicine is scheduled for April 9, 2008.
- The formal hearing for Teresa Buchanan is scheduled for April 1, 2008.
- Staff from National Council of State Boards of Nursing will be present for the May 2008 business meeting.
- Citizen Advocacy Center meeting is scheduled for May. The topic will be continued competence.
- There are upcoming National Council of State Boards of Nursing discipline meetings.
- Ms. Lane expressed her appreciation for the support she received to complete her MBA.
- Ms. Cooper expressed her appreciation for coverage during her absence due to a family emergency. Ms. Cooper also stated she has resigned from her position on the National Council of State Boards of Nursing Board of Directors due to the time required with her current family issues.
- Ms. Cooper presented committee assignments for the second half of 2008 for discussion and feedback. An Ad hoc Committee regarding continued competence may be formed.

Ms. Mitchell joined the meeting.

## DIALOGUE WITH DIRECTOR:

Ms. Ryals presented information to the Board on the following issues:

- General Assembly activities.
- Systems improvements for key performance issues measurements.
- Board of Nursing staff have been working on clearing old cases, great progress has been made and additional reports are forthcoming.
- For new cases received since the third quarter closed, 70% within the target goal. Board of Nursing is at 81%, underscoring what Board members and staff have implemented is working.
- Enforcement has 100 days (30 days for Priority A cases), Board level has 120 days. Delegated authority to staff to close cases and to offer pre hearing consent orders, confidential consent agreements and the use of agency subordinates has helped.
- 10 compliance staff have been redeployed in an effort to achieve the best use of resources.
- Tighter spending restricts are in place which can result in more denials than approvals for requests.
- The Health Practitioners Intervention Program contract has been extended through 2008. A committee is analyzing other possibilities.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed two items from the proposed consent agenda. Ms. Piersall moved to accept the consent agenda which includes:

Minutes:

January 17, 2008 – Telephone Conference Call – Ms. Piersall  
January 28, 2008 - Panel – Ms. Piersall  
January 29, 2008 – Board Meeting – Ms. Cooper and Ms. Piersall  
January 30, 2008 – Quorum – Ms. Cooper  
February 8, 2008 – Telephone Conference Call – Ms. Hale  
February 28 2008 – Telephone Conference Call – Ms. Hale

Ms. Piersall moved to accept the minutes below removed from the consent agenda as corrected.

January 30, 2008 – Panel A – Ms. Piersall  
January 30, 2008 – Panel B – Ms. Cooper  
January 31, 2008 – Panel – Ms. Cooper

## REPORTS:

### **Finance Report:**

Ms. Douglas reviewed the report for the month ending January 31, 2008.

### **Monthly Tracking Log:**

Ms. Douglas reviewed the number of licensees, discipline information and case standard statistics in the report. Medication Aides and Advanced Nurse Aides have been included in the license count. Ms. Douglas noted the licensee count of over 171,000 is higher than ever.

### **NCLEX/NNAAP Examination:**

Dr. Saxby stated there will be information available at the May 2008 Board meeting.

### **Executive Director Report:**

Ms. Douglas reported there has been an update to the staffing issues portion of the report. Huong Vu has accepted the licensure by endorsement position vacated in December 2007.

### **CORE Report:**

Ms. Douglas reviewed the report. The study looks at education, discipline, Board governance, and best practices. Discussion indicated it would be worthwhile to participate, and concern was expressed in regards to additional staff resources would be required. Ms. Douglas indicated additional resources would not be needed to participate. Ms. Francisco moved to allow for submission of data to National Council of State Boards of Nursing within the regulatory requirements. The motion was seconded and carried unanimously.

### **Bylaws Committee:**

Ms. Jones-Clarke reviewed the minutes from the meeting held February 25, 2008. A draft document of proposed changes to the bylaws is underway. Once the draft is finalized, it will be forwarded to Ms. Yeatts and Board council for review prior to being presented to the Board, hopefully at the May 2008 Board meeting.

### **Health Practitioners Intervention Program:**

Ms. Douglas reviewed the report of March 4, 2008 submitted by Peggy Wood, Intervention Program Manager.

### **Nurse Licensure Compact Administrators (NLCA) Meeting:**

Ms. Krohn distributed a summary and reviewed the highlights from the meeting she attended in Chicago. The issue of criminal background checks was a topic of discussion at the NLCA meeting. Ms. Douglas stated this will be a pre-licensure requirement by the year 2010 to remain in the Compact. It is a requirement of the NLCA bylaws.. Implementation will need to be considered soon and will need legislative action. Ms. Ryals suggested the Board and the Department of Health Professions start working on this now, looking to work toward legislative language to be introduced in 2009. It was suggested that the Discipline Committee could work on this as an extension of current agenda/project for staff review of applicants who have self-disclosed convictions.

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

Ms. Lane and Ms. Krohn expressed their appreciation for being able to attend the meeting. An overview of the meeting was distributed and reviewed. Ms. Krohn indicated all handouts from the meeting are available on the National Council of State Boards of Nursing website.

RECESS: The Board recessed at 10:43 A.M.

RECONVENTION: The Board reconvened at 11:00 A.M.

POLICY FORUM: Neal Kauder, VisualResearch, Inc. provided an update on sanction reference points. The Board of Nursing is following the sanction reference points on the worksheets and are imposing more severe sanctions on those departing from the sanction reference worksheets. Mr. Kauder advised the Board of Nursing does not need any modifications at this time and the compliance rate for the Board exceeds expectations. From June 2006 to February 2008, of the 346 completed worksheets, there was an 87% agreement rate. The expected agreement rate is 70% to 80%. 128 nurse aide worksheets were submitted with only three departures.

Ms. Lane suggested the Board consider having the Sanction Reference Study be a poster project at the National Council of State Boards of Nursing annual meeting.

Ms. Ryals suggested the Department of Health Professions present the Sanction Reference Study at the CLEAR meeting.

REPORTS CONTINUED: **Medication Aide Program:**

Ms. Krohn reported on the medication aide program. 579 applications have been received. 75 have passed the medication aide exam, resulting in an 82% pass rate of the state exam. There are currently 95 approved programs providers, with 8 pending program provider applications. Budget Bill 303 passed which delays the enforcement of regulations related to the registration of medication aides working in assisted living facilities until December 31, 2008 to allow assisted living facilities enough time to ensure medication aides are registered as required by law.

**Education Committee:**

Ms. Piersall and Ms. Ressler reported the Committee will meet later today and will consider topics to include simulation clinics, online programs, student transfer documents.

**National Council of State Boards of Nursing Faculty Qualifications Committee:**

Ms. Jessica C. Ressler, Nursing Education Consultant, provided information regarding the Faculty Qualifications Committee meeting at NCSBN in Chicago on February 14-15, 2008. The committee was developed and charged to review and present recommendations for future faculty qualifications and roles to the NCSBN Board of Directors.

The NCSBN model rules for education were reviewed. The committee also reviewed articles and documents concerning faculty preparation not only in nursing, but in other health care disciplines, as the work continued to develop a position statement which will be succinct, evidenced-based, and easily disseminated to all Boards.

The committee heard from its members that in general the nurses in practice settings are overwhelmed with the number of students and are requesting more and improved communication with the supervising faculty concerning both the program curriculum and the clinical expectations of faculty and students.

There were also discussions regarding the standards of practice and competencies for the role of nursing educators. In many jurisdictions, the nursing regulations stipulate the requirements for educators beyond licensure, e.g. education courses are required by some in order to be an educator; clinical competency must be verified in many jurisdictions prior to being assigned to supervise/teach clinical groups. Some ideas that were presented included that faculty should be teaching both the didactic and clinical portions of the program to provide continuity.

Concerns addressed included:

- the difficulty in attracting and retaining expert faculty due to low salaries;
- finding the time and money to develop new faculty so that they become experts;
- NCLEX results are probably tied to the quality of the faculty;
- in general, high student attrition rates;
- the imbalance in full time to part time faculty, part time exceeding full time; and
- the lack of adjunct faculty engagement in program outcomes when they teach only as part time clinical faculty

Also at this meeting, plans were finalized for a workshop to be held on March 26, 2008 in Chicago entitled Faculty Shortage: Implications for Regulation. At this conference nurse leaders can learn more about what is currently being done to deal with the shortage and have the opportunity to discuss potential solutions. Ideas that are generated at this conference will be used to develop the position statement for boards of nursing on faculty models/designs that not only maintain standards, but also address the faculty shortage, and the roles

and responsibilities of the faculty in nursing education programs. The program will also be web cast to attract as many educators as possible.

EDUCATION PROGRAMS:

**Education Special Conference Committee:**

The Board considered the recommendations of the Education Special Conference Committee from its meeting on March 17, 2008. Ms. Lane moved to adopt the recommendations as amended. The motion was seconded and approved unanimously.

OTHER MATTERS:

**Agency Subordinate Recommendation Trend Report:**

Ms. Power and Ms. Mitchell reviewed the report and received suggestions from Board members regarding the proposed document outlining expectations of an informal conference by an agency subordinate. The document will be revised based on the suggestions received.

RECESS:

The Board recessed at 12:20 P.M.

RECONVENTION:

The Board reconvened at 1:50 P.M.

Ms. Moore joined the meeting.

LEGISLATION/REGULATIONS:

**Status of Board of Nursing Regulations:**

Ms. Yeatts reviewed the chart of current regulatory actions.

Ms. Ryals and Ms. Wingfield left the meeting.

**2008 General Assembly Update:**

Ms. Yeatts reviewed the report of the 2008 General Assembly, specifically, she addressed:

- HB 584 – Presumption of knowledge of statewide standard of care.
- HB 1003 – Nursing workforce information, publication on website.
- HB 1167 – Public participation guidelines, Administrative Process Act.
- HB 1222 – Charitable medical events, lack of notice to licensing board.
- SB 63 – Board of Nursing membership.
- SB 218 - Department of Health Professions investigative procedures.
- SB 271 – Schools for students with disabilities, administration of prescription medications.
- SB 290 – Advance Health Care Directive Registry.
- SB 693 – Physician assistants, agreement with supervising physician detailing activities delegated.

**Fast Track Regulation – Medication Aides:**

Ms. Yeatts reviewed 18 VAC 90-60-110 to include glucagon in (B)(3). Ms. Hale moved to adopt the fast tract action to include glucagon. The motion was seconded and carried unanimously.

Ms. Yeatts left the meeting.

OTHER MATTERS CONTINUED:

**Request for Accommodation:**

CLOSED SESSION:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:28 P.M. for the purpose of deliberation to reach a decision in the matter of accommodation requests. Additionally, Ms. Hale moved that Ms. Moore, Dr. Saxby, Ms. Tiller, Ms. Davis, Ms. Douglas, Ms. Mitchell, Ms. Kleiner, Ms. Power, Ms. Krohn, Dr. Elliott, and Ms. Ressler 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 approved unanimously.

RECONVENTION:

The Board reconvened in open session at 1:50 P.M.

Ms. Hale 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.

**Charissa Augustine, R.N. Applicant**

Ms. Francisco moved to grant approval to Charissa Augustine for time and one half and a private room to take the NCLEX-RN examination.

The motion was seconded and approved unanimously.

**Ann OBrion, R.N. Applicant**

Ms. Francisco moved to grant approval to Ann OBrion for a private room to take the NCLEX-RN examination.

The motion was seconded and carried unanimously.

**Amy D. Miller, R.N. Applicant**

Ms. Hale moved to grant approval to Amy Miller for time and one half to take the NCLEX-RN examination.

The motion was seconded and carried unanimously.

**Amy Blankenship, R.N. Applicant**

Ms. Lindsay moved to deny the request of Amy Blankenship for a separate room and additional time (check original for reason)

The motion was seconded and carried unanimously.

**Darren Pultz, R.N. Applicant**

Ms. Jones-Clarke moved to deny the request of Darren Pultz for time and one half to take the NCLEX-RN examination based on a lack of supporting documentation and the lack of a diagnosis.

The motion was seconded and carried unanimously.

**Barbara Goff, R.M.A. Applicant**

Ms. Piersall moved to grant approval to Barbara Goff to use paper and pencil to take the examination for registration as a medication aide. The motion was seconded and carried unanimously.

**Nurse Aide Testing Contract Request for Proposal:**

Ms. Power reviewed the recommendation regarding the nurse aide testing contract to award PearsonVUE a two year nurse aide testing contract for the Board of Nursing with an option to renew annually for three additional years. Mr. Horn moved to award the contract to PearsonVUE. The motion was seconded and carried unanimously.

**Riverside School of Health Careers:**

Ms. Ressler provided the Board a copy of a letter received from Riverside School of Health Careers expressing their gratitude regarding the receipt of scholarship funds from the Mary Marshall Scholarship.

**ADVANCE for Nurses Article:**

Ms. Ressler provided the Board a copy of an article announcing a nurse from Virginia joining the *Advance for Nurses* Regional Editorial Advisory Board.

**National Council of State Boards of Nursing NCLEX Examination Information:**

Ms. Ressler provided the Board a copy of an informational brochure regarding the NCLEX exam process.

**National Council of State Boards of Nursing Advance Practice Update:**

Ms. Douglas reviewed the information contained in the report from the National Council of State Boards of Nursing.

**National Council of State Boards of Nursing Recidivism Information:**

Ms. Douglas reviewed the information from the National Council of State Boards of Nursing distributed to the Board as information.

**Board Members Serving as Officers in Associations:**

Ms. Lindsay shared with the Board that she has receives concerns regarding her serving on the Board of Nursing and serving as President of the Licensed Practical Nurse Association. After discussion, the Board decided there is no need for Ms. Lindsay to resign from her office with the Licensed Practical Nurse Association.

**OPEN FORUM:**

No one was present to address the Board.

Ms. Jones-Clarke requested an in-service regarding medication machines. Ms. Douglas stated this may be addressed at a future policy forum.

Ms. Ressler and Dr. Saxby left the meeting.

**CONSIDERATION OF CONSENT ORDERS:**

**CLOSED SESSION:**

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:09 P.M. for the

purpose of consideration and discussion of consent orders. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Moore, Ms. Davis, Ms. Krohn, Ms. Kleiner, Ms. Power, Dr. Elliott, Ms. Ressler, Dr. Saxby, Ms. Mitchell and Ms. Tiller to 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 2:19 P.M.

Ms. Hale 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.

CONSIDERATION OF CONSENT ORDERS:

**Jeri Beverstock, R.N. 0001-156739**

Ms. Hale moved to accept the consent order for the voluntary surrender for indefinite suspension of Jeri Beverstock's license to practice professional nursing in Virginia.

The motion was seconded and approved unanimously.

**Julie Matthews, R.N. 0001-068461**

Ms. Jones-Clarke moved to accept the consent order for the voluntary surrender for indefinite suspension of Julie Matthews' right to renew her license to practice professional nursing in Virginia.

The motion was seconded and approved unanimously.

**Sandra Kendall, L.P.N. 0002-071004**

Ms. Piersall moved to accept the consent order for the voluntary surrender for indefinite suspension of Sandra Kendall's license to practice as a practical nurse in Virginia.

The motion was seconded and approved unanimously.

**Cynthia Johnsen, R.N. 0001-129855**

Ms. Francisco moved to accept the consent order to indefinitely suspend the professional nursing license of Cynthia Johnsen for a period of not less than two years.

The motion was seconded and carried unanimously.

**Mitchi Mankin, R.N. 0001-086481**

Ms. Lindsay moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Mitchi Mankin's license to practice professional nursing in Virginia.

The motion was seconded and carried unanimously.

**Mary Harper Brenner, L.P.N. 0002-023494**

Ms. Lane moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Mary Brenner's practical nursing license.

The motion was seconded and carried unanimously.

**Teresa Sayers, R.N. 0001-071142**

Ms. Lindsay moved to accept the consent order for the voluntary surrender for indefinite suspension of Teresa Sayers' license to practice professional nursing in Virginia.

The motion was seconded and carried unanimously.

**Kristi D. Guill, L.P.N. 0002-054030**

Ms. Piersall moved to accept the consent order that the practical nurse license of Kristi Guill be indefinitely suspended.

The motion was seconded and carried unanimously.

**Tammy Tyndall, R.N. 0001-074622**

Ms. Lindsay moved to accept the consent order to indefinitely suspend the license of Tammy Tyndall.

The motion was seconded and carried unanimously.

**Cheryl Walton, L.P.N. 0002-046998**

Ms. Piersall moved to accept the consent order to indefinitely suspend the license of Cheryl Walton.

The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 2:50 P.M.

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Lynne Cooper, Citizen Member  
President

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