VIRGINIA BOARD OF NURSING
MINUTES
September 15, 2015

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:06 A.M. on September 15, 2015 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:
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
William Traynham, LPN, CSAC; Vice President
Jeanne Holmes, Citizen Member; Secretary
Guia Caliwagan, RN, MAN
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Louise Hershkowitz, CRNA, MSHA
Kelly McDonough, DNP, RN (joined later)
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC

BOARD MEMBERS ABSENT:
Joana Garcia, Citizen Member
Trula Minton, MS, RN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, BSN, MBA; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Stephanie Willinger, Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Linda Kleiner, RN, Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

STAFF ABSENT: Paula B. Saxby, RN, PhD; Deputy Executive Director

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel (joined later)
David E. Brown, DC; Director, Department of Health Professions
Elaine Yeatts, Policy Analyst; Department of Health Professions
Lori Finch, VCU Graduate Student

IN THE AUDIENCE: Dr. Nina Beaman, President, Legislative Coalition of Virginia Nurses.
Michele Satterlund, Virginia Association of Nurse Anesthetists
Janet Wall, Virginia Nurses Association
James Pickral, Lobbyist for the Virginia Nurses Association

ESTABLISHMENT OF A QUORUM:

With 10 members present, a quorum was established.

ANNOUNCEMENTS:

- New Board Member appointments
  - Regina Gilliam, LPN was appointed to replace Evelyn Lindsay, LPN
  - Rebecca Poston, PhD, RN, CPNP-PC was appointed to replace Jane Ingalls, RN, PhD
- New Massage Therapy Advisory Board Member appointments
  - Dawn Hogue, MA, CMT
  - Joseph Schibner, CMT

UPCOMING MEETINGS:

- Board Member training for current Board Members – September 28, 2015
- Committee of the Joint Board of Nursing and Medicine meeting scheduled for October 7, 2015
- DHP Board Member training for new Board Members – October 16, 2015

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed two items for typographical errors from the consent agenda. Mr. Monson moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

- July 15, 2015 – Quorum – Dr. Hahn
- July 15, 2015 – Panel – Dr. Hahn
- July 15, 2015 – Panel – Mr. Traynham
- July 16, 2015 – Panel – Mr. Traynham
- August 17, 2015 – Summary Suspension Conference Call – Mr. Traynham

Reports:

- Agency Subordinate Tracking Log
- Finance Report

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

- July 13, 2015 – Panel – Dr. Hahn
- July 14, 2015 – Quorum – Dr. Hahn

Dr. McDonough joined the meeting.

REPORTS:

Board of Nursing Monthly Tracking Log – Licensure &Disciplinary Statistics:

Ms. Douglas reviewed the report and it was accepted as presented.

Health Practitioners Monitoring Program Report:
Ms. Douglas reviewed the report and it was accepted as presented. Ms. Douglas indicated detail would be provided in the report in the future.

Executive Director Report:
In addition to the information on the written report submitted, Ms. Douglas provided information on the following:

- Ms. Willinger and Ms. Douglas plan to participate in Nurse Licensure Compact training being held at the Maryland Board of Nursing office on September 30, 2015 and October 1, 2015. Ms. Douglas serves as mentor to the Maryland Board of Nursing Executive officer and will assist the Nurse Licensure Compact staff from National Council of State Boards of Nursing in the training. Ms. Willinger will meet with Maryland Board of Nursing staff regarding the criminal background check process used by that office to assist in the development of the criminal background check process being developed by the Virginia Board of Nursing.
- Work is progressing on the legislative proposal regarding the Enhanced Nurse Licensure Compact the Board voted previously to move forward on. Ms. Douglas has met with stakeholder groups to include Legislative Coalition of Virginia Nurses and Virginia Nurses Association Leadership and has scheduled a meeting with the Virginia Organization of Nurse Executive Leaders. The legislative proposal has been forwarded for consideration by the Governor's Office and will require that approval before moving forward.
- DHP implemented a new licensure and discipline database (MLO) which has caused a slow- down in normal processes for the past six weeks. IT staff and Board of Nursing staff are working to resolve issues. Board staff are experiencing an increase in phone calls and emails to the Board regarding the status of applications. Ms. Hershkowitz commented she has received comments from licensees and applicants regarding difficulty in reaching staff by phone. Ms. Douglas provided information on what has been done to increase the efficiency of incoming phone calls that includes convening a telephone committee approximately six months ago; revising the automated message on the Board of Nursing reception line; increasing the capacity of staff voice mailbox messages; increasing the number of calls the que; updated information on the website regarding application processing time; and asked DHP IT staff to contact Verizon to explore possible options that may be available that are currently not being utilized.
- Dr. Hahn asked for an update on the media contact information regarding a nursing education program that may have been violating a Board order. Ms. Douglas reported there has not been evidence of a violation.

National Council of State Boards of Nursing (NCSBN) Annual Meeting and Delegate Assembly:

Dr. Hahn, Ms. Minton and Ms. Douglas attended the meeting held in Chicago. Dr. Hahn stated it was exciting to attend with Boards of nursing nationwide. Dr. Hahn stated other items of interest included New Fellows inducted into the Institute of Regulatory Excellence; the 2016 NCLEX plan was adopted and recognition of Kathy Apple's resignation as CEO of NCSBN. Ms. Minton provided information for Ms. Douglas to share with the Board since she was not able to attend today's meeting. Ms. Minton was impressed by learning more about how public policy affects nursing; networking opportunities with Board members and staff from other states; and the Leadership Succession Committee. She found the speakers informative, especially the presentation on legalizing marijuana. Ms. Douglas expressed her gratitude to Dr. Hahn for running for a Board of Director position even though she was not elected. Ms. Douglas reported there continues to be a high turnover rate in executive officers of Boards of nursing nationwide, especially in those states with appointed positions.

DIALOGUE WITH AGENCY DIRECTOR:

Dr. Brown provided information on the following topics:

- Dr. Brown welcomed the new Board members and expressed his appreciation that Ms. Minton accepted being reappointed for another term. Dr. Brown stated he is willing to meet with Board members on an individual basis if desired; contact his office if interested.
- Orientation for current DHP Board members will take place on September 28, 2015, all are encouraged to attend.
- Legislation being introduced by DHP includes adding a Board member seat to the Board of Nursing designated for a nurse practitioner.
- Governor's Taskforce on Drug Abuse is scheduled to meet September 21, 2015; the focus will be on increased treatment options. The end product will be a statewide conference next spring.
- DHP hired the Citizen's Advocacy Center (CAC) to conduct an audit of the Health Practitioners Monitoring Program (HPMP). The report from the CAC has been received and recommendations are being reviewed. There is a plan to establish a data outcome committee to make the program most useful to the Boards and the public as possible. A summary of the recommendations from the CAC will be available in the future.

OTHER MATTERS:

Changes to Special Conference Committee Composition Related to New Board Members:

Dr. Hahn reviewed the changes to Special Conference Committees as a result of changes in Board composition. Ms. Krohn noted changes made for October and December 2015 informal conference dates that were affected by changes in Board composition.

Informal Conference Committee Schedule for 2016:

Ms. Krohn asked Board members to provide dates of availability for February, April and June 2016 as soon as possible.

Board Development Day:

Dr. Hahn stated Board development day will take place in the afternoon after the Board meeting in November. Ms. Douglas stated she has made arrangements for a presentation by a public health nurse from the National Institute of Health on Ebola. Ms. Douglas asked Board members to provide her with any topics they would like to have on the agenda for the day.

RECESS: The Board recessed at 9:59 A.M.

RECONVENTION: The Board reconvened at 10:31 A.M. after a fire drill.

PUBLIC COMMENT: Janet Wall, CEO, Virginia Nurses Association shared information regarding the upcoming Fall Conference scheduled for November 20-21, 2015 in Richmond. The focus is Patient & Family Centered Care: An Inter-professional Approach. Ms. Wall encouraged Board members and staff to attend.

OTHER MATTERS:

Status Update – Criminal Background Check (CBC) Process:

Ms. Douglas provided background information on developing the CBC process for registered nurses and licensed practical nurses that will be effective January 1, 2016. Ms. Douglas reported frequently asked questions have been developed using input from nurses, nursing students and other boards of nursing and will be posted to the Board of Nursing website once a vendor has been identified. The request for proposal (RFP) for the vendor to provide fingerprinting for the CBC has closed and a meeting has been scheduled to review the RFP submissions.

Ms. Willinger provided information to the Board on the process via a PowerPoint presentation that will be on the website when finalized and asked Board members for input regarding language to be sure the information is clear for viewers.

Ms. Mitchell, Board Counsel, joined the meeting.

Ms. Douglas proposed the following two policy questions for the Board regarding the process.

- How long will CBC information that has been received by the Board of Nursing remain valid while the application is pending?
- How long will an applicant have to challenge CBC findings?

After lengthy discussion, Ms. Hershkowitz moved that CBC information that has been received by the Board of Nursing remain valid for 90 days with the option to include an extension of the period as authorized by the Board president based on good cause. The motion was seconded and carried unanimously. Mr. Traynham moved that the applicant notify the Board of Nursing of their request to challenge CBC results within 14 calendar days from the date of the letter from the Board of Nursing notifying the applicant of the CBC results. The motion was seconded and carried unanimously.

Board of Nursing Appeals Update:

Ms. Mitchell, Board Counsel, reported there was no appeal information to provide.

LEGISLATION/REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the regulatory actions for the Board of Nursing as of September 4, 2015.

Regulatory Actions – Adoption of Final Regulations Exempt Actions – Required by Passage of Legislation in 2015:

- Ms. Yeatts reviewed the information regarding restricted volunteer license related to SB901. Mr. Monson moved that the Board adopt the final regulations to Chapter 20 Regulations Governing the Practice of Nursing and Chapter 30 Regulations for the Licensure of Nurse Practitioners. The motion was seconded and carried unanimously.
- Ms. Yeatts reviewed the information regarding criminal background checks related to SB1018. Mr. Monson moved that the Board adopt the final regulations to sections 190, 200, 215 and 230 of the Regulations Governing the Practice of Nursing. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 11:58 A.M.

RECONVENTION: The Board reconvened at 12:47 P.M.

Dr. Brown, Ms. Kleiner and Ms. Yeatts left the meeting.

EDUCATION:

Education Special Conference Committee Minutes:

Dr. Hahn reviewed the minutes of September 9, 2015. Mr. Traynham moved to accept the recommendations of the Education Special Conference Committee and the minutes. The motion was seconded and carried unanimously.

Education Staff Report:

- Ms. Ridout reported that three P-14 on-site visitors have been hired, two will focus on nurse aide education programs and one will focus on registered nurse education programs and practical nurse education programs.

Nurse Aide Exam Results Process:

Ms. Krohn reviewed the information provided to Board members from Dr. Saxby regarding several incidences of nurse aide candidates who have been threatening to the exam evaluators either during the testing process or after the candidate receives a failing score report. Two options were presented for candidates to receive score reports in a different manner that what is currently taking place as a first step in trying to alleviate some of the issues with candidates threatening evaluators. One option is to require candidates to bring a self-address stamped envelope for the score report to be mailed to the candidate. The other option is to raise the cost to the candidate by $1 for Pearson Vue to mail the score report to the candidates. An example of how another state provides score reports was provided that combines the two options. After discussion, Mr. Monson moved that the Board follow the process being used by Wyoming that states candidates will bring a self-addressed stamped envelope for the score report to be mailed and if the

candidate does not bring the self-addressed stamped envelope, the score report will be mailed by Pearson Vue at an additional cost. The motion was seconded and carried unanimously.

POLICY FORUM: **Nursing Education Accreditation Presentation:**
Lori Finch, Virginia Commonwealth University Graduate student working with the Board of Nursing presented information to the Board regarding registered nurse pre-licensure program accreditation proposal on behalf of the Board of Nursing Education Accreditation Committee. Ms. Finch reviewed the information obtained from pre-licensure programs from 2010 – 2014. The final recommendation from the Committee will be available in November 2015. The Board commended Ms. Finch for her work and the thorough report.

RECESS: The Board recessed at 9:59 A.M.

RECONVENTION: The Board reconvened at 10:31 A.M. after a fire drill took place.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:38 P.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, Ms. Ridout, Ms. Willinger, Ms. Finch, Ms. Tiller, Ms. Davis 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 1:40 P.M.

Ms. Holmes 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.

Laura A. Larrick, RN 0001-089947
Mr. Traynham moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Laura Larrick's right to renew her license to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

Joyce Fletcher, RN 0001-165068
Mr. Traynham moved to accept the consent order to indefinitely suspend the license of Joyce Fletcher and to reprimand Ms. Fletcher. The motion was seconded and carried unanimously.

Samantha Day, RN 0001-254124
Mr. Traynham moved to accept the consent order to indefinitely suspend the professional nursing license of Samantha Day, but stay the suspension

contingent upon proof of Ms. Day's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 1:43 P.M.

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Jeanne E. Holmes, Citizen Member
Secretary

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