

**VIRGINIA BOARD OF NURSING
MINUTES
November 20, 2013**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on November 20, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jane R. Ingalls, RN, PhD; President

BOARD MEMBERS PRESENT:

Louise Hartz, Citizen Member; Vice President
Evelyn Lindsay, LPN; Secretary
Guia Caliwagan, RN, MAN
Allison Gregory, RN, FNP-BC
Joyce A. Hahn, PhD, APRN, NEA-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:

John M. Horn, LPN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS, Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Paula B. Saxby, RN, PhD, Deputy Executive Director
Linda Kleiner, RN, Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

STAFF ABSENT:

Jodi P. Power, RN, JD, Deputy Executive Director

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Ruth Williams, RN, VCU Graduate Student
James Pickral, Virginia Nurses Association
Michele Satterlund, Virginia Association of Nurse Anesthetists

ESTABLISHMENT OF A QUORUM:

With 11 members present, a quorum was established.

ANNOUNCEMENTS:

- Board of Nursing vacancy – Citizen Member
- Massage Therapy Advisory Board vacancy - citizen member Ruth R. Smith unable to serve until replacement

- Retirement of Howard M. Casway, Senior Assistant Attorney General, Board Counsel
- Appointment of Charis Mitchell, Assistant Attorney General as Board Counsel
- Jay Douglas, Executive Director has been appointed to the Executive Committee of the Nurse Licensure Compact Administrators (NLCA) APRN Member-at-Large for a two year term
- Appointment of Stuart Mackler, MD to the Committee of the Joint Boards of Nursing and Medicine replacing Claudette Dalton, MD

UPCOMING MEETINGS:

- Panel of the Board of Nursing to conduct formal hearings on December 9, 2013 (Ms. Hartz, Ms. Caliwagan, Ms. Gregory, Ms. Hershkowitz, Ms. Lindsay, Dr. McDonough)
- Committee of the Joint Boards of Nursing and Medicine scheduled for December 11, 2013

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board did not remove any items from the consent agenda. Ms. Hartz moved to accept the consent agenda as amended which included the following. The motion was seconded and carried unanimously.

Minutes:

September 16, 2013	Panel – Dr. Ingalls
September 17, 2013	Quorum – Dr. Ingalls
September 18, 2013	Panel – Dr. Ingalls
September 18, 2013	Panel – Ms. Hartz
September 19, 2013	Panel – Ms. Hartz
October 8, 2013	Telephone Conference Call – Dr. Ingalls
October 9, 2013	Committee of the Joint Boards of Nursing and Medicine – Ms. Gregory
October 21, 2013	Panel – Dr. Ingalls

Reports:

Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
Finance Report

REPORTS:

Health Practitioners Monitoring Program Report:

The report with the Health Practitioners Monitoring Program statistics as of October 2013 was reviewed and accepted.

Health Practitioners Monitoring Program 2012 Annual Report:

Ms. Douglas reviewed the annual report provided by the Monitoring Program Committee. The report is also available on the Department of Health Professions website.

Executive Director Report:

There were no questions raised regarding the Executive Director report. Ms. Douglas shared information on items recently received in the Board office of historical content. The daughter of a nurse sent the Board a 1939 MCV Commencement Program that contained graduates of the School of Nursing, School of Medicine, School of Pharmacy and School of Dentistry. The information was sent to Jodi Koste, Archivist with VCU. The other item was a typed memo from the Board to a nurse in response to her request for a duplicate license in 1969. The memo stated that the Board would add her name to a list of nurses that had misplaced or lost their license in an effort to minimize someone else using her license fraudulently and that by Board action, duplicate licenses are no longer issued.

Ms. Douglas provided information from the Nurse Licensure Compact Executive Committee meeting held November 6 – 9. Primary state of residence determination was discussed along with the change from 30 to 90 days for a nurse to practice in a new compact state from the previous compact state. The change is subject to each states legislation so all 24 compact states could not incorporate the change at the same time. Updated brochures regarding compact issues will be on the NCSBN website soon. The Executive Committee discussed that physicians may be contemplating some type of compact. Additionally, work was considered related to the strategic plan for the NLC.

National Council of State Boards of Nursing Executive Officer Forum:

Ms. Douglas attended the meeting November 18-19. This meeting was in follow up to the July meeting and facilitated by Dr. Leonard Marcus. Facilitated discussion centered around the current licensure models, barriers to increased participation in the NLC and identification of points of agreement between all states regarding possible licensure options.

Commitment to Ongoing Regulatory Excellence (CORE) Report/Volume 4/Practice:

This report is the fourth of four volumes to present the results of the 2012 CORE Performance Measurement Project conducted by NCSBN. Volume 4 focuses on the practice function, in addition to overall Board of Nursing outcomes. Ms. Douglas reviewed several areas of interest.

Federation of State Massage Therapy Boards (FSMTB) Annual Meeting:

Ms. Krohn reviewed the report provided by Latasha Austin, Administrative Assistant for the Board of Nursing responsible for processing massage therapy applications. Information from the meeting included the FSMTB is in the process of developing a model practice act; a federal data base is being developed; and discipline remediation courses are being developed.

Board of Nursing Massage Therapy Advisory Board Meeting:

Ms. Krohn reported on the meeting held October 22, 2013; topics included a review of Guidance Documents 90-47 and 90-58. There were no proposed changes to 90-58. Proposed changes to language in 90-47 regarding “healthcare professional” were discussed by the Board. After discussion and

advice from Ms. Yeatts, Ms. Hartz moved to accept the recommendations from the Advisory Board. The motion was seconded and carried unanimously.

DIALOGUE WITH AGENCY DIRECTOR:

Dr. Cane and Mr. Owens were not available to attend today's meeting. There was no report from the Director.

OTHER MATTERS:

Adoption of Timeline and Work Plan for Revisions of Guidance Document 90-5, Administration of Neuromuscular Blocking Agents for Conscious Sedation:

Ms. Douglas reviewed the information, outlining three phases of the plan:

- Literature review related to conscious sedation
- consultation with other DHP boards; consultation with boards in other states
- Board president to convene a committee to meet to have an initial draft available in March 2014 with a final draft available in July 2014.
- Ruth Williams, RN, VCU School of Nursing graduate student is working on this project with key Board staff.

Update of VCU/Board of Nursing Study:

Ms. Douglas reviewed the study is to research the relationship between the level of nursing education and the nature of offenses by registered nurses. The next step is to meet with DHP investigators to review the key elements of the study.

Board Member Committee List:

The list of committees and the Board members serving on those committees was distributed as information.

Motions for Closed Meetings:

A correction in a code was made and the revised information was distributed as information.

2014 Board Meeting/Formal Hearing Dates:

The list of dates for 2014 was provided to Board members as a reminder. The initial information was provided to Board members in March 2013.

2014 January – June Informal Conference Committee Dates:

The dates for informal conferences for January through June 2014 was provided.

Request for Approval of Influenza Vaccine to Minors:

Ms. Douglas reviewed the request from the Virginia Department of Health to approve the updated guidance documents regarding the administration of influenza vaccine to minors by licensed pharmacists and emergency medical technicians. The changes were made based on a recent update published by the Centers for Disease Control and Prevention for the use of influenza vaccine

for the 2013 – 2014 influenza season. Ms. Hartz moved to approve. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:19 A.M.

RECONVENTION: The Board reconvened at 10:33 A.M.

OPEN FORUM: Neal Kauder and Kim Small from VisualResearch Inc. were present and provided information regarding the sanction reference point worksheet developed for registered medication aides. They reported that information from 11 medication aide cases was submitted, with a 100% agreement rate.

OTHER MATTERS:

Consideration of Setting Minimum Timeframe for Applying for Reinstatement Following Denial of Reinstatement:

Ms. Douglas provided information regarding the standard language in orders denying reinstatement of “until such time as can appear before the Board and prove safe and competent to practice” and proposed consideration of including a minimum time before being eligible to reapply. After discussion, the Board agreed that including a minimum amount of time to orders of denial of reinstatement may be appropriate for some situations and will be considered on a case-by-case basis.

Election of Nominating Committee:

Ms. Douglas stated three members are needed to serve on the Nominating Committee to prepare a slate of officers for 2014. Board members were advised being on the Committee does not preclude members from running for office. The slate of officers is to be available at least 30 days in advance of the annual meeting scheduled for January 28, 2014.

Ms. Gregory, Ms. Hartz and Mr. Traynham volunteered to serve on the Committee. Ms. Minton moved that the Board elect the members of the Committee. The motion was seconded and carried unanimously. The Nominating Committee plans on meeting during this week.

EDUCATION:

Education Special Conference Committee:

Items of interest from the November 13, 2013 minutes of the Education Special Conference Committee were reviewed by Dr. Ingalls. Ms. Hartz moved to accept the minutes and recommendations. The motion was seconded and carried unanimously.

Education Issues:

Dr. Saxby reported on the following topics related to nursing education:

- Complaints regarding education programs continue to be received on a regular basis
- Requests for new RN and PN education programs continue to be received weekly
- Recruiting for the Senior Nursing Education Consultant is ongoing with an anticipated hire date in January 2014

Trends in NCLEX Pass Rates:

Dr. Saxby reported a drop in NCLEX pass rates. Changes in the exam process including and increased cut score, change in type of questions and multiple answer questions may be a contributing cause to the decrease pass rate. NCSBN position is scores will level out in next few months.

Proposed Nursing Education Program Board Action Terms:

Dr. Ingalls, Ms. Douglas and Ms. Tiller reviewed information from the Education Informal Conference Committee regarding proposed terms to be used when taking action on nursing education programs. Use of the worksheet will assist the Board to be consistent in sanctioning education programs and directors and consistently obtain measureable and objective evidence of compliance or non-compliance by the programs or directors. Dr. Hahn moved to adopt the term worksheet as amended to include adding academic credentials to the data regarding faculty. The motion was seconded and carried unanimously. Dr. Ingalls thanks Ms. Tiller and Ms. James for their work on this.

LEGISLATION/REGULATION:

Status of Regulatory Actions:

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of November 1, 2013.

Response to Petition for Rulemaking:

Ms. Yeatts reviewed the petition for rulemaking submitted by Donna Pillatsch regarding current regulations for continuing competency for renewal of a RN or LPN license. No comments were received during the comment period. Ms. Hartz moved to reject the petition for rulemaking based on 18VAC90-20-221(A)(9) allows for RN's and LPN's to meet the continued competency requirements by completing 30 contact hours of workshops, seminars, conferences, or courses relevant to the practice of nursing for nurses that are not engaged in active practice. The motion was seconded and carried unanimously.

Ms. Yeatts reviewed the petition for rulemaking submitted by Greg Huber regarding current regulations for continuing competency for reinstating or reactivating a RN or LPN license. Ms. Hartz moved to accept the petition for amendments to the regulations and initiate rulemaking by adoption of a Notice of Intended Regulatory Action. The motion was seconded and carried. Dr. Ingalls, Ms Hartz, Ms. Lindsay, Ms. Caliwagan, Ms. Gregory, Dr. Hahn, Ms. Hershkowitz, Ms. Holmes, Dr. McDonough and Ms. Minton were in favor of the motion. Mr. Traynham opposed the motion.

RECESS: The Board recessed at 12:07 P.M.

RECONVENTION: The Board reconvened at 12:58 P.M.

Update on Appeal of Board of Nursing Decision:

Ms. C. Mitchell reported on the status of the appeal regarding Susan Prior, RN. An appeal hearing was held on September 10, 2013, Braden Curtis, Assistant

Attorney General, acted on behalf of the Commonwealth before a three judge panel. The decision was to remand the case to Fairfax County, a date has not been set.

Dr. Saxby left the meeting to resume her normal schedule.

CONSIDERATION OF CONSENT ORDERS AND RECOMMENDATIONS REGARDING APPLICANTS:

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:08 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. G. Mitchell, Ms. Kleiner, Ms. Williams, Ms. Tiller, Ms. Davis and Ms. C. 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 1:19 P.M.

Ms. Lindsay 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.

Charita Greenway, CNA Applicant

Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Charita Greenway for certification by examination to practice as a nurse aide. The motion was seconded and carried unanimously.

Terryne Askew, CNA Applicant

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Terryne Askew for certification by examination to practice as a nurse aide. The motion was seconded and carried unanimously.

Xiyun Sun Cornwell, CMT Applicant

Mr. Traynham moved that the Board of Nursing accept the recommended decision of the informal conference committee to deny the application of Xiyun Sun Cornwell for certification by endorsement to practice as a massage therapist. The motion was seconded and carried unanimously.

Katilin Bennett Jones, LPN 0002-079292

Dr. Hahn moved that the Board of Nursing accept the consent order reprimand Kaitlin Jones and to indefinitely suspend the practical nursing license of Ms. Jones, stay the suspension contingent upon proof of reentry into the Health

Practitioners Monitoring Program and thereafter remaining in compliance with the program. The motion was seconded and carried unanimously.

Valerie S. Draughn, LPN 0002-051627

Ms. Lindsay moved that the Board of Nursing accept the consent order to indefinitely suspend the practical nursing license of Valerie Draughn. The motion was seconded and carried unanimously.

Tameka Dena Mitchell, RN 0001-233619

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the registered nursing license of Tameka Mitchell. The motion was seconded and carried unanimously.

Roger D. Simpson, CMT 0019-004158

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the massage therapy certification of Roger Simpson. The motion was seconded and carried unanimously.

Nicole Hirt Doroski, RN 0001-217328

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the registered nursing license of Nicole Doroski and to indefinitely suspend the license, stay the suspension contingent upon entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the program. The motion was seconded and carried unanimously.

Vincenza S. Likens, RN 0001-226151

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the registered nursing license of Vincenza Likens. The motion was seconded and carried unanimously.

Terri Marie Letchford, RN 0001-209848

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the registered nursing license of Terri Letchford. The motion was seconded and carried unanimously.

Candace Waldron, RN 0001-194167

Dr. Hahn moved that the Board of Nursing accept the consent order to reprimand Candace Waldron and to indefinitely suspend the registered nursing license of Ms. Waldron. The motion was seconded and carried unanimously.

Sandra L. Trouslot, RN 0001-220846

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the registered nursing license of Sandra Trouslot. The motion was seconded and carried unanimously.

Curtis Alexander Hall, CMT 0019-008918

Dr. Hahn moved that the Board of Nursing accept the consent order to suspend the certification of Curtis Hall to practice as a massage therapist for a period of three months. The motion was seconded and carried unanimously.

Marina Snodgrass, RN 0001-134342

Dr. Hahn moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the right to renew the registered nursing license of Marina Snodgrass. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 1:07 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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