VIRGINIA BOARD OF NURSING
MINUTES
January 28, 2014

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:07 A.M. on January 28, 2014 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 (joined later)
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:
John M. Horn, LPN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Jodi P. Power, RN, JD, 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: Brenda Krohn, RN, MS, 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
Lauren Goodloe, Virginia Nurses Association

ESTABLISHMENT OF A QUORUM:
With 10 members present, a quorum was established.

ANNOUNCEMENTS:

- Board of Nursing vacancy – Citizen Member
- Massage Therapy Advisory Board Appointment, Jermaine Mincey, to replace citizen member Ruth R. Smith
- Arne Owens, Chief Deputy Director, last day at DHP January 10, 2014

- Senior Nursing Education Consultant position has been filled, Charlette Ridout will begin employment with the Board of Nursing effective February 25, 2014
- Mr. Horn is unable to be here this week due to his work schedule

UPCOMING MEETINGS:

- Committee of the Joint Boards of Nursing and Medicine scheduled for February 12, 2014
- NCLA Meeting scheduled for March 9, 2014 in Kansas City, Missouri. Ms. Douglas to attend
- NCSBN Mid Year Meeting scheduled for March 11 – 12, 2014 in Kansas City, Missouri. Ms. Douglas and Dr. Saxby plan to attend
- NCSBN Distance Learning Education Committee Meeting scheduled for March 12 – 13, 2014 in Kansas City Missouri. Dr. Saxby to attend
- NCSBN Executive Officer Licensure Dialogue scheduled for March 24 – 25, 2014 in Chicago, Illinois – Ms. Douglas to attend
- NCSBN Awards Committee Meeting scheduled for March 31, 2014 in Chicago, Illinois – Ms. Douglas to attend

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:

November 18, 2013	Panel – Ms. Hartz
November 19, 2013	Panel – Dr. Ingalls
November 19, 2013	Panel – Ms. Hartz
November 20, 2013	Quorum – Dr. Ingalls
November 21, 2013	Panel – Ms. Hartz
December 9, 2013	Panel – Ms. Hartz

Reports:

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

REPORTS:

Executive Director Report:
There were no questions raised regarding the Executive Director report.

Annual Report to Board from Executive Director:
Ms. Douglas reviewed the report and accepted input from Board members for future reports. Ms. Douglas asked Board members to consider moving the annual meeting to March instead of January. This would allow time for staff to obtain year-end information. Current statute states the meeting to be held in January to elect officers. Moving to March would also greatly decrease the

chance of having to cancel the meeting due to inclement weather. Ms. Yeatts will research what needs to be done to make this change and report back to the Board at a future meeting.

Dr. Hahn expressed her appreciation to Board staff for their work and inquired about the current staffing needs. Ms. Douglas stated all full-time positions are filled at this time.

CY 2013 Non-Routine Applicant Report:
Ms. Power provided an overview that this information has been reported since 2009. In 2013 21, 993 applications were received, 1,405 of these applications were classified as non-routine which contained information for possible cause for denial of licensure, certification and registration. Ms. Power thanked Ms. Tiller for her ongoing assistance in preparing this report.

OTHER MATTERS:

Department of Behavioral Health and Developmental Services (DBHDS) – Request for Curriculum Approval – Administration of Rectal Diazepam:
Benigo Cunanan, RN; Heather Allison, RN and Celeste Reid, RN, representatives from DBHDS were present and provided information to the Board. Amendments were made to page 3, 4, and 10 as requested by DBHDS; Ms. Lindsay moved to adopt the curriculum as amended. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:03 A.M.

RECONVENTION: The Board reconvened at 10:32 A.M.

PUBLIC HEARING: **Proposed Regulations for Nursing Education Programs:**
Dr. Ingalls stated the public hearing was being held to receive comments on proposed requirements for nursing education programs. Holly Bush, court reporter from Farnsworth and Taylor reporting was present and recorded the public hearing.

- Nina Beamon, President, Virginia League for Nursing was present and addressed the Board. Ms. Beamon offered language to consider for the definition of accreditation in 18VAC90-20-10.
- Tammy Dean and Anne Marie Glynn from Prince William and Fairfax public schools were present and addressed the Board. They provided comment opposing 18VAC90-20-100(D); requested clarification of 18VAC90-20-136(C)(2); expressed concern regarding 18VAC90-20-121(D)(2) specifically regarding obstetric clinical experience; and clarification of 18VAC90-20-160(B)(1) regarding the number of years of reevaluation of programs.

As there were no others present to address the Board, Dr. Ingalls stated that written comment should be directed to Jay Douglas, Executive Director of the Board or can be sent to the Virginia Regulatory Townhall website and that the public comment period will close on February 14, 2014.

OPEN FORUM: **LPN and RN Health Care Workforce Data Center (HCWFDC) Report:**
Dr. Elizabeth Carter, Executive Director of the HCWFDC and Justin Crow, Research Analyst, HCWFDC were present and reviewed the reports provided

by the HCWFDC regarding 2013 workforce survey data for licensed practical nurses and registered nurses. Dr. Saxby expressed her appreciation to the HCWFDC for the information provided.

Ms. Minton joined the meeting.

REPORTS:

CORE (Commitment to Ongoing Regulatory Excellence) Committee Report:
Ms. Minton reviewed the minutes of the meeting held November 20, 2013 and stated the Committee will present information regarding the Volume 1 CORE 2012 Report – Discipline will be provided to the Board at the March 2014 meeting.

OTHER MATTERS:

NCSBN 2013 Environmental Scan:
Ms. Douglas provided an overview of the information from National Council of State Boards of Nursing of the annual review of emerging issues and trends that impact nursing regulation. Ms. Douglas stated she will seek clarification from NCSBN regarding the information specific to Virginia on page 44. Dr. Saxby added that the information regarding nursing education for Virginia mirrors the national information regarding nursing education.

Nurse Licensure Compact Administrators (NLCA) Review of 2012 – 2013:
Ms. Douglas provided a review of the information provided in the report from the NLCA.

Election of 2014 Board of Nursing Officers:
Dr. Ingalls reported on the slate of officers presented by the Nominating Committee for 2013:

- President – Jane Ingalls
- Vice President – Joyce Hahn, Louise Hartz, Evelyn Lindsay
- Secretary – Trula Minton

Dr. Ingalls asked for nominations from the floor and none were received. Ms. Hartz moved Dr. Ingalls be elected as President by acclamation. The motion was seconded and carried unanimously.

Dr. Ingalls called for a vote for Dr. Hahn for the office of Vice President, and received six votes. Dr. Ingalls called for a vote for Ms. Hartz for the office of Vice President and received two votes. Dr. Ingalls called for a vote for Ms. Lindsay and received two votes. Dr. Hahn was elected as Vice President.

Ms. Hartz moved Ms. Minton be elected as Secretary by acclamation. The motion was seconded and carried unanimously.

Appointment of Board Committee to Review Guidance Document 90-5:
Ms. Douglas reviewed the information regarding Guidance Document 90-5 regarding conscious sedation and the assistance Ruth Williams has provided with the revision of this document. A committee is being appointed to develop a draft for the Board to consider at a future meeting. Ms. Caliwagan and Ms.

Hershkowitz volunteered to serve on the committee; other Board members interested should contact Dr. Ingalls.

EDUCATION:

Education Special Conference Committee:
The Education Special Conference Committee scheduled for January 22, 2014 was cancelled due to inclement weather. Agenda items for that day will be rescheduled for March 5, 2014.

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

- 16 RN education programs have a NCLEX pass rate of below 80% for one year (8 ADN, 6 BS, 2 Diploma); 2 RN education programs have a NCLEX pass rate of below 80% for two years (1 BS, 1 ADN); and 2 RN education programs have a NCLEX pass rate of below 80% for 3 years (2 ADN)
- 11 PN education programs have a NCLEX pass rate of below 80% for 1 year; 2 PN education programs have a NCLEX pass rate of below 80% for 2 years; and 3 PN education programs have a NCLEX pass rate of below 80% for 3 three years.
- A lack of clinical sites for obstetrics, pediatric, psych and acute care continues to be a problem for PN and ADN students.
- Virginia Action Coalition meeting for education progression is scheduled for March 28, 2014.

NNAAP Exam Results – June 1, 2013 – December 31, 2013
Dr. Saxby reviewed the nurse aide exam results for June 2013 through December 2013. 88% passed the written exam and 77% passed the skills portion of the exam during this period.

LEGISLATION/REGULATION:

Status of Regulatory Actions:
Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of January 15, 2014.

General Assembly Update:
Ms. Yeatts provided information on items of interest before the General Assembly to include HB134, HB 191, HB 500, HB 505, HB 539, HB 541, HB 575, HB 580, HB 611, HB 612, HB 661, HB 855, HB 874, HB 891, HB 923, HB 1046, HB 1129, HB1247, SB 328, SB 635

Adoption of Proposed Regulations:
Ms. Yeatts reviewed the proposed regulations for training in medication administration via a gastrostomy tube to person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services. Ms. Hartz moved that the Board adopt the proposed amendments to 18VAC90-20 to replace the emergency regulations. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 12:13 P.M.

RECONVENTION: The Board reconvened at 1:04 P.M.

Ms. Yeatts, Ms. Williams and Dr. Saxby left the meeting to resume their 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 1:05 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Ms. G. Mitchell, Ms. Power, Ms. Kleiner, 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 1:20 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.

Melody Jenkins, RMA Applicant
Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Melody Jenkins for registration by examination to practice as a medication aide. The motion was seconded and carried unanimously.

Karessa R. Witcher, CNA Reinstatement Applicant 1401-111640
Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Karessa Witcher for reinstatement of her certificate to practice as a nurse aide. The motion was seconded and carried unanimously.

Kimberly Burton, RMA 0031-002536; CNA Applicant
Dr. Hahn moved that the Board of Nursing accept the recommended decision of the informal conference committee to approve the application of Kimberly Burton for certification by examination as a nurse aide and to reprimand Ms Burton. The motion was seconded and carried unanimously.

Stella K. Kamp, CMT Applicant
Dr. Hahn moved that the Board of Nursing accept the recommended decision of the informal conference committee to deny the application of Stella Kamp

for certification as a massage therapist. The motion was seconded and carried unanimously.

Najah Bashir, LPN 0002-075553; RN Applicant
Dr. Hahn moved that the Board of Nursing accept the recommended decision of the informal conference committee to approve the application of Najah Bashir for licensure by examination to practice as a professional nurse and to reprimand Ms. Bashir and for her to complete the NCSBN online course "Ethics of Nursing Practice" within 60 days of entry of the order. The motion was seconded and carried unanimously.

Erika Billings, RMA Applicant
Mr. Traynham moved that the Board of Nursing accept the recommended decision of the agency subordinate to approve the application of Erika Billings for registration by examination as a medication aide and upon successful completion of the examination, that she be placed on probation with terms and conditions. The motion was seconded and carried unanimously.

Keith Otis Adams, RN 0001-197873
Ms. Hartz moved that the Board of Nursing accept the consent order to reinstate the license of Keith Otis Adams to practice professional nursing. The motion was seconded and carried unanimously.

Barbara J. Burns, RN 0001-070161
Ms. Hartz moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the license of Barbara Burns to practice professional nursing. The motion was seconded and carried unanimously.

Shavaughn Robinson, CMT 0019-011026
Ms. Hartz moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of Shavaughn Robinson to practice massage therapy. The motion was seconded and carried unanimously.

Kristen Sowada, RN 0001-237344
Ms. Hartz moved that the Board of Nursing accept the consent order to reprimand Kristen Sowada and to indefinitely suspend the right of Ms. Sowada to renew her license. The motion was seconded and carried unanimously.

Martha Mandel, RN 0001-197022
Ms. Hartz moved that the Board of Nursing accept the consent order to reprimand Martha Mandell to indefinitely suspend the professional nursing .license of Ms. Mandel. The motion was seconded and carried unanimously.

Sharon W. Herron, RN 0001-132312
Ms. Hartz moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the license of Sharon Herron to practice professional nursing. The motion was seconded and carried unanimously.

Christine Miller, RN Multistate Privilege (Arizona license RN 141959)
Ms. Gregory moved that the Board of Nursing accept the consent order to indefinitely suspend the multistate privilege of Christine Miller to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

OTHER MATTERS:

DHP Director of Communications:
Diane Powers, Director of Communications for DHP spoke to the Board providing them with an overview of duties of the Communications office. Ms. Powers informed Board members to refer any media contacts they may receive to the Executive Director. Ms. Powers provided information to the Board regarding a current media request she is working with Ms. Douglas with and that a reporter and photographer plan to be present on Wednesday to obtain footage at a formal hearing. Ms. Powers and staff from the Communication office will be escorting the media personnel while they are in the building.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 2:00 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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