

**VIRGINIA BOARD OF NURSING
MINUTES
May 19, 2015**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on May 19, 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:

Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member; Secretary
Jane R. Ingalls, RN, PhD
Evelyn Lindsay, LPN
Kelly McDonough, DNP, RN
Trula Minton, MS, RN
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA

BOARD MEMBER ABSENT:

William Traynham, LPN, CSAC; Vice President

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
Paula B. Saxby, RN, PhD; 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

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Policy Analyst; Department of Health Professions
Lori Finch, VCU Graduate Student

IN THE AUDIENCE:

Jim Puente, NCSBN, Director of Nurse Licensure Compact
Haley Streibich, NCSBN, Coordinator of Nurse Licensure Compact
Scott Johnson, Medical Society of Virginia
James Pickral, Virginia Nurses Association

ESTABLISHMENT OF A QUORUM:

With 12 members present, a quorum was established.

ANNOUNCEMENTS:

- Dr. Hahn seeking election as Director-At-Large NCSBN Board of Directors
- Dawnyel Towles, new Board of Nursing administrative assistant for discipline
- Dr. Hahn inducted into the National Academies of Practice on April 18, 2015
- Dialogue with the agency director will be removed from the agenda since Dr. Brown and Ms. Hoyle are not available.

UPCOMING MEETINGS:

- The Committee of the Joint Boards of Nursing and Medicine will conduct a business meeting on June 10, 2015 followed by disciplinary proceedings
- NCSBN Discipline Case Management Conference – June 1 – 3, 2015 in Indianapolis Indiana. Ms. Douglas will be a presenter at the conference, and Ms. Mitchell-Lively will attend the conference
- NCSBN Annual Meeting – August 19 – 21, 2015 in Chicago, Illinois
- DHP Board Member training – September 28, 2015

ORDERING OF AGENDA: The agenda was reviewed and ordered.

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

Minutes:

March 23, 2015	Panel – Mr. Traynham
March 24, 2015	Quorum – Dr. Hahn
March 25, 2015	Panel – Dr. Hahn
March 25, 2015	Panel – Mr. Traynham
March 26, 2015	Panel – Dr. Hahn
April 8, 2015	Committee of the Joint Board of Nursing and Medicine

Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
Agency Subordinate Tracking Log
Health Practitioners Monitoring Program Report
Finance Report

REPORTS:

Executive Director Report:

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

- Board staff are receiving an increased amount of applications for licensure by endorsement from nurses educated in other countries. Often these nurses do not meet our requirements for licensure even though they may have been licensed in another state.

- C-Tel Telehealth Summit was held in Washington DC in April, Ms. Douglas served on a panel regarding Nurse Licensure Compact at NCSBN's request representing the perspective of a Board of Nursing.
- Changes made to Board of Nursing website in an effort to increase public use and to decrease phone calls requesting information that can be found on the website.
- DHP agency-wide training took place last week for two days. Ms. Mitchell-Lively participated in a TERCAP presentation and Ms. Power participated in a "modeling" of the Tier 1 process used by the Board of Nursing and Enforcement regarding disciplinary cases.
- New Deputy Executive Director position for the Board of Nursing has been approved. 45 applications are being screened for interviews.
- Ms. Douglas attended the Virginia Association of Clinical Nurse Specialists in April. Maureen Cahill presented on the APRN Consensus Model, which includes clinical nurse specialists, however in Virginia, clinical nurse specialists are regulated solely by the Board of Nursing as the scope of practice is within the registered nurse role. Some clinical nurse specialists may be functioning more like nurse practitioners depending on their place of employment. There has been an increase in education programs with dual nurse practitioner/clinical nurse specialist degree.

National Council of State Boards of Nursing (NCSBN) Special Delegate Assembly:

Dr. Hahn and Ms. Douglas attended the special called delegate assembly held May 4, 2015 in Chicago to vote on the model language of the new Nurse Licensure Compact and the APRN Compact. Dr. Hahn reported it was a great sense of accomplishment on adopting the model language and that the next steps to implement will be a very large task. Ms. Douglas reported 54 boards were represented in person or by proxy. It is now up to the individual states to adopt or not. The new compact will go into effect when 26 states adopt or December 31, 2018 or whichever occurs first.

Virginia Commonwealth University/Board of Nursing Study:

Ms. Mitchell-Lively provided an update on the joint research project to examine the level of education and discipline cases regarding registered nurses. A data collection tool is being completed by DHP investigators and the de-identified information is sent to VCU after the case is adjudicated. Since being implemented in 2014, 15 data collection tools have been submitted, 20 are ready to submit, and approximately 35 will be submitted after the cases are adjudicated. Ms. Mitchell-Lively reported the collaboration between Board staff, Enforcement staff and VCU staff has been excellent.

NCSBN Virtual Conference:

Dr. Saxby attended the conference in April which was a culminating event of the NCSBN Committee on Distance Education. Dr. Saxby reported the need for advancing the education of the nursing workforce and educators and Boards of Nursing are working together with initiatives for distance education. Distance education allows for an increased access to education and more flexibility for the learner. Dr. Saxby reviewed the timeline and strategies for

adopting distance learning education core requirements. Model rules proposed include home state approves program and oversight of student in host state. Faculty (preceptors for clinicals) must be licensed in the state the patient is located, if didactic only, faculty must be licensed in home state where the program is approved. Ms. Douglas suggested that Dr. Saxby notify nursing education programs in Virginia that the conference is available on the NCSBN website.

Mr. Monson moved that the report from NCSBN be given to the Board of Nursing Ad Hoc Accreditation Committee for consideration. The motion was seconded and carried unanimously.

Committee of the Joint Boards of Nursing and Medicine:

Ms. Hershkowitz reported on topics of interest from the meeting held April 8, 2015 which included the discussion on how nurse practitioners can prevent emergent situations resulting in loss of a patient care team physician, especially in rural areas. This will be an agenda item at the next meeting.

OTHER MATTERS:

Board of Nursing Appeals Update:

Ms. Mitchell had no information to report regarding Board of Nursing appeals.

Revenue, Expenditures and Cash Balance Analysis:

Ms. Douglas provided a brief overview of the written report. Charles Giles, DHP Budget Manager was present to address questions from the Board regarding the recommendation for a one-time reduction in renewal fees in July 2016 to reduce the surplus of funds. The surplus is from projected increase in VITA costs that have not met the projection. The one-time reduction in renewal fees would require the Board initiate a change in regulation by exempt action at the March 2016 meeting. Board members raised questions on possible ways to use the surplus funds that included additional staff for the Board of Nursing, equipment such as laptops for Board members, and a more interactive website. Mr. Giles emphasized that no official action was being requested at this time. Finance will provide information later in the year.

OPEN FORUM:

There was no one present that wished address the Board during the open forum.

RECESS:

The Board recessed at 10:25 A.M.

RECONVENTION:

The Board reconvened at 10:35 A.M.

POLICY FORUM:

Overview of Key Provisions of Nurse Licensure Compact and Update on Progress Towards Development of Compacts for Other Professions/Disciplines:

Jim Puente, Director of the Nurse Licensure Compact (NLC), reviewed the written information of the NLC and key features of the new NLC. Currently 25 states are members of the NLC, barriers identified by states that have not joined the compact have been taken into consideration and implemented in the new compact. Mr. Puente reviewed the key provisions and the main differences that include criminal background checks will be required for licensure in all compact states and felony convictions are a bar to a compact

license. Various provisions to improve the operations of the compact and NCSBN commitment to fund ongoing operations of the compacts and to assist states with grants for implementation expenses.

LEGISTION/REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the regulatory actions for the Board of Nursing as of May 5, 2015.

Legislative Proposal for 2016 General Assembly – Membership of Board of Nursing:

Ms. Yeatts reviewed the proposal to increase the membership of the Board of Nursing from 13 to 14 with the additional position to be a licensed nurse practitioner. Ms. Douglas explained that this would be beneficial especially for conducting disciplinary proceedings regarding licensed nurse practitioners. Ms. Hershkowitz moved to support the proposal. The motion was seconded and carried unanimously. Ms. Yeatts stated the proposal will be sent for public comment and included in the DHP legislative package for review by the Secretary and the Governor.

Legislative Proposal for 2016 General Assembly – Certified Nurse Aide Annual Renewal:

Ms. Yeatts reviewed the proposal to make the renewal process for CNA registration consistent with the current regulated as amended in 2011. Mr. Monson moved to support the proposal. The motion was seconded and carried unanimously. Ms. Yeatts stated the proposal will be sent for public comment and included in the DHP legislative package for review by the Secretary and the Governor.

Nurse Licensure Compact:

Ms. Douglas reviewed the new NLC and asked the Board to consider supporting a legislative proposal for the Board of Nursing to adopt the new NLC. Ms. Douglas added the Board of Medicine may be submitting a legislative proposal for their compact so timing within DHP would need to be strategic. Dr. Ingalls moved to support the proposal. The motion was seconded and carried unanimously.

Petition for Rulemaking – Licensure by Endorsement 18VAC-90-20-200(A):

Ms. Yeatts reviewed the petition to amend the licensure by endorsement requirements regarding graduates of nursing education programs in Puerto Rico and the comments received in response to the petition. Mr. Monson moved that the Board reject the petition for rule-making due to the inability to compare minimum competency and exams. The motion was seconded and carried unanimously.

Proposed Fast-track Regulation – Regulations Governing the Licensure of Nurse Practitioners – 18VAC-90-30-70:

Ms. Yeatts reviewed the draft amendments to 18VAC90-30-70 to be adopted under a fast-track process. The amendments were recommended by the Committee of the Joint Boards of Nursing and Medicine at its meeting on

April 8, 2015. Dr. Ingalls moved to adopt the proposed amendments to 18VAC-90-30-70 and to promulgate the amendments under a fast-track action. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 12:45 P.M.

RECONVENTION: The Board reconvened at 1:40 P.M.

Ms. Yeatts left the meeting.

OTHER MATTERS: **Key Performance Measures:**

Ms. Douglas reviewed the written report for Q3-2015 and stated data entry issues with old cases were not being reported appropriately so the next report will reflect an increase in closed cases as a result of the data entry issues being identified and corrected.

EDUCATION: **Education Special Conference Committee Minutes:**

Dr. Hahn reviewed the minutes of May 13, 2015. She noted that 12 of the 14 education programs noticed appeared at the meeting. Other items of interest included Everest ADN program is closing and Hampton University has had two years of NCLEX score below 80%. Mr. Monson moved to accept the minutes and the recommendations of the Education Special Conference Committee. The motion was seconded and carried unanimously.

http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\Meeting\27\22877\Minutes_DHP_22877_v1.pdf

Education Staff Report:

Dr. Saxby and Ms. Ridout reported on the following items:

- A meeting of the Accreditation Committee will be scheduled for July 14, 2015. Ms. Finch will present a report to the Committee at that meeting and the Board at a later date.
- Dr. Saxby participated in nurse aide program provider training took place in April, held in 3 locations around the state. Each session was well attended with approximately 50-60 individuals at each session.
- The NNAAP technical report will be provided to the Board at the July Board meeting.

CONSIDERATION OF REQUEST FOR ACCOMMODATION FOR THE NNAPP EXAM AND 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 1:49 P.M. for the purpose of deliberation to consider a NNAAP accommodation request and consent orders. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Mitchell-Lively, Ms. Krohn, Ms. Power, Dr. Saxby, Ms. Ridout, Ms. Kleiner, 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 2:15 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.

Request for NNAAP Accommodation:

The Board received a request from Latoya Exhem for an accommodation for extra time and a reader to take the NNAAP exam. Ms. Holmes moved to modify the request granting extra time for the exam. The motion was seconded and carried unanimously.

Consideration of Consent Orders:

Patricio Gomez-Foronda, CMT 0019-001882

Mr. Monson moved to accept the consent order revoke the massage therapy certification of Patricio Gomez-Foronda. The motion was seconded and carried unanimously.

Allison L. McCoy, RN 0001-182036

Mr. Monson moved to accept the consent order for the voluntary surrender for indefinite suspension of the registered nursing license of Allison McCoy. The motion was seconded and carried unanimously.

Zelda R. Trent, RMA 0031-001166

Mr. Monson moved to accept the consent order for the voluntary surrender for indefinite suspension of Zelda Trent's right to renew her medication aide registration. The motion was seconded and carried unanimously.

Melissa Workman, RN 0001-220341

Ms. Hershkowitz moved to accept the consent order to continue the indefinite suspension of the registered nursing license of Melissa Workman. The motion was seconded and carried. Ms. Minton abstained from voting.

Henry Keiser, RMA 0031-006529

Mr. Monson moved to accept the consent order for the voluntary surrender for indefinite suspension of the medication aide registration of Henry Keiser. The motion was seconded and carried unanimously.

Lori Loudermilk, LPN 0002-049240

Mr. Monson moved to accept the consent order for the voluntary surrender for indefinite suspension of the practical nursing license of Lori Loudermilk. The motion was seconded and carried unanimously.

Carole A. Bouchard, RMA 0031-004395

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the medication aide registration of Carole Bouchard. The motion was seconded and carried unanimously.

Janet Hairston, RMA 0031-000173

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the medication aide registration of Janet Hairston. The motion was seconded and carried unanimously.

Tonya C. Doss, LPN 0002-079397

Mr. Monson moved to accept the consent order to reprimand Tonya Doss and to indefinitely suspend the practical nursing license of Ms. Doss. The motion was seconded and carried unanimously.

Janet Wiley, LPN 0002-079274

Mr. Monson moved to accept the consent order to indefinitely suspend the practical nursing license of Janet Wiley, stay the suspension contingent upon proof of Ms. Wiley's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

A proposed consent order for Shri Ganhdi, RMA 0031-001997 was provided to the panel of the Board scheduled to conduct a formal hearing regarding Mr. Gandhi on May 21, 2015. Panel members included Mr. Traynham, Ms. Garcia, Ms. Gerardo, Ms. Lindsay, Dr. McDonough and Ms. Minton. After reviewing the consent order, Ms. Lindsay moved to reject the proposed consent order. The motion was seconded and carried unanimously.

OTHER MATTERS:

Dr. Hahn noted that Ms. Lindsay, Dr. Ingalls and Ms. Minton's term as Board members expire June 30, 2015 and thanked them for their service to the Board and indicated they can serve until an appointment is made.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 2:17 P.M.

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Vice President

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