

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
April 8, 2015**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:03 A.M., in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Louise Hershkowitz, CRNA, MSHA; Chair
Marie Gerardo, MS, RN, ANP-BC
Kelly S. McDonough, DNP, RN
Wayne Reynolds, DO

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Gloria D. Mitchell-Lively, RN, MSN, MBA, Deputy Executive Director; Board of Nursing
David Brown, DC; Director; Department of Health Professions
Amy Davis, Executive Assistant; Board of Nursing

ADVISORY COMMITTEE MEMBERS PRESENT:
Carola Bruflat, MSN, WHNP, FNP
Tom Watters, RN, CRNA
Wendy Dotson, CNM, MSN
Mary Duggan, MS, ACNP-BC
Joseph F. Borzelleca, Jr., MD, MPH
Sarah E. Hobgood, MD

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel

IN THE AUDIENCE: Mark Coles, representing Virginia Council of Nurse Practitioners
Scott Johnson, representing Medical Society of Virginia

ESTABLISHMENT OF A QUORUM:
Ms. Hershkowitz called the meeting to order and established a quorum was present.

INTRODUCTIONS: Committee members, Advisory Committee members and staff members introduced themselves.

REVIEW OF MINUTES:
The minutes of December 10, 2014 were reviewed. Dr. Reynolds moved to accept the minutes as presented. The motion was seconded and carried unanimously.

OLD BUSINESS:

Regulatory Update:

Dr. Brown reported the General Assembly session was very busy related to Department of Health Professions (DHP). There were 13 agency bills, plus other bills that affect DHP.

Ms. Douglas provided an update on the emergency nurse practitioner regulations and prescriptive authority regulations that expired November 2014. Final regulations are still working through the process, until final regulations are in effect, however, to the extent those regulations are in conflict with the current statute regarding the practice of nurse practitioners, the Code of Virginia prevails.

Ms. Douglas reviewed the information provided related to 18 VAC90-30-70 regarding categories of licensed nurse practitioners due to changes in national certification. Dr. Reynolds moved to accept the proposed changes and to initiate fast-track regulatory process to bring nurse practitioner categories in line with certifying exams. The motion was seconded and carried unanimously.

2015 Legislation Affecting Nurse Practitioners:

Dr. Brown reviewed the information in the written report regarding legislation affecting nurse practitioners and DHP. Dr. Brown addressed questions from Joint Board Committee members and Advisory Committee members.

PUBLIC COMMENT:

There was no one present that wished to address the Board.

NEW BUSINESS:

Nominations and Appointments for Advisory Committee Members:

Ms. Douglas reviewed 18VAC-90-30-30 of the Regulations Governing the Licensure of Nurse Practitioners and the information provided regarding Karen Elmore, MD for the Advisory Committee due to Dr. Thomas Pajewski's term expired June 30, 2014. Dr. Elmore was recommended by the Medical Society of Virginia. Ms. Hershkowitz asked if there were any additional nominations and none were received. Dr. Reynolds moved to accept the nomination of Dr. Elmore as a member of the Advisory Committee. The motion was seconded and carried unanimously. Ms. Douglas will contact Dr. Elmore regarding being a member of the Advisory Committee.

Ms. Gerardo moved to reappoint Dr. Joseph Borzelleca for a second term, beginning July 1, 2014. The motion was seconded and carried unanimously.

Board of Nursing Agency Subordinate:

Ms. Douglas reported that Dr. Janet Younger is no longer serving as an agency subordinate for the Board of Nursing and that Allison Gregory, RN, FNP has been hired as an agency subordinate effective March 9, 2015 to conduct informal conferences regarding licensed nurse practitioners. Ms. Gregory is a former member of the Board of Nursing and is looking forward to her new role with the Board of Nursing.

Virginia Council of Nurse Practitioners (VCNP) Request for Amendment to Guidance Document:

Ms. Douglas reviewed the written information from VCNP to amend Board of Nursing Guidance Document 90-11 to include provision for licensed nurse practitioners that have lost the ability to maintain the practice due to a sudden unanticipated loss of a collaborating physician. Ms. Douglas led the Committee through a review of Guidance Document 90-11 and 90-56 and asked members for their input. After discussion, Ms. Mitchell, Board Counsel, stated the Board of Nursing does not have the authority to grant an exception to practice due to §54.1-2957 which states “a nurse practitioner shall only practice as part of a patient care team.. Nurse practitioners practicing as part of a patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician”. The Committee asked staff to prepare language to amend Guidance Document 90-56 encouraging nurse practitioners to identify a back-up physician. In addition, staff will provide draft language to amend Guidance Document 90-11 that would remove reference to practice agreements. Possible violation of law and regulation related to practice agreements will be handled on a case-by-case basis. Dr. Reynolds asked Board of Nursing staff maintain a record of licensed nurse practitioners contacting the Board that have lost their collaborating physician and thus affecting access to care.

General Discussion:

The Committee discussed generally the matter of the practice agreement requirements in law and difficulties particularly in rural areas when there is a sudden loss of a team physician. Dr. Borzelleca suggested that in emergency situations that nurse practitioners might seek the assistance of the regional health commissioner who may be willing to function in the capacity of team physician on a temporary basis. Ms. Duggan stated there was a problem with the restrictive nature of the current laws governing nurse practitioners and that she was aware of nurse practitioners having difficulty identifying a team physician as physicians saw this responsibility as burdensome and that several nurse practitioners had reported being charged large fees by physicians. Ms. Duggan further stated she would like to see a task force convened to encourage dialogue between affected stakeholders to examine access and scope of practice issues. Ms. Hershkowitz acknowledged Ms. Duggan’s comments and suggested this may be a matter for the professional associations to initiate.

Licensure and Discipline Statistical Report:

Ms. Mitchell-Lively reviewed the written report provided that included licensure count for nurse practitioners and prescriptive authority from December 2014 to March 31, 2015 and the number of disciplinary cases received and closed from December 2014 to March 31, 2015. The report also included the current specialty breakdown of licensed nurse practitioner categories. Total nurse practitioner license count as of March 31, 2015 was 8,226, the total number of complaints received January through March 2015 was 33.

National Council of State Boards of Nursing (NCSBN) Compact Draft Model Language for Advanced Practice Registered Nurse (APRN) Compact:

Ms. Douglas provided an overview of the information that the NCSBN will consider for the APRN Compact at a May 4, 2015 meeting of the NCSBN Delegate Assembly. Once adopted by NCSBN, individual jurisdictions may use

this language to advance legislation for participation in the APRN Compact. Virginia's current laws regarding nurse practitioner practice do not make Virginia eligible for participation in the APRN Compact as the statutes are not consistent with the National Consensus Model. Ms. Mitchell, Board Counsel, advised that since the Board of Medicine will not be able to review this information prior to the May 4, 2015 Delegate Assembly, delegates from Virginia at the Delegate Assembly should consider abstaining from voting on the issue on May 4, 2015.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 10:30 a.m.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director