

**VIRGINIA BOARD OF NURSING
MINUTES
SEPTEMBER 21, 2004**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:05 A.M. on September 21, 2004 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Janet B. Younger, R.N., P.N.P., Ph.D., President

**BOARD MEMBERS
PRESENT:** Janet B. Younger, R.N., P.N.P., Ph.D., President
Louisa Lief, R.N., M.S. Vice President
Lynne M. Cooper, Citizen Member
Linda D. Gross, Citizen Member
Woody B. Hanes, R.N., M.S.N., F.N.P.
Louise D. Hartz, Citizen Member
Gregory J. Huber, R.N., M.S.N.
Carol E. King, L.P.N., M.S.
Judith E. Piersall, R.N., B.S.N.
Julia C. Semple, L.P.N.
Brenda L. Spady, L.P.N.
JoAnn Tillett, R.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant
Susan Bell Rosen, R.N., F.N.P., J.D., Deputy Executive Director, Discipline
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Ann S. Hardy, R.N., M.S.N., Discipline Case Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT: Robert A. Nebiker, Director, Department of Health Professions
Gail Jaspén, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Regulatory Analyst, Department of Health Professions
Howard M. Casway, Senior Assistant Attorney General
Fran Stanley, Virginia Nurses Association representative

**ESTABLISHMENT OF
A QUORUM:** With twelve members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- Committee of the Joint Boards of Nursing and Medicine next meeting - October 20, 2004.
- New Board of Medicine appointments to Committee of the Joint Boards of Nursing and Medicine – Sandra Bell, MD; Patrick W. Clougherty, MD and Jane E. Piness, MD.
- New citizen board member, Linda Gross was introduced and welcomed.

- DHP Prescription Monitoring Conference October 7-8, 2004 – Richmond. Ms. Lief, Ms. Hartz and Ms. Rosen will attend.
- Resignation of Board Member Denise Oppenhagen, R.N. A replacement has not been announced. Ms. Hartz will fill in as secretary for today’s meeting. An election will be held later today to fill the office of secretary.

DIALOGUE WITH
AGENCY DIRECTOR:

Mr. Nebiker led discussions on the following issues:

- Prescription Monitoring conference was discussed, an advisory committee has been established and will recommend for this service to expand to state wide coverage.
- An authorization to publish a NOIRA has been received regarding nurse aide funding. Options for additional funding is being pursued, however a fee increase may still be necessary.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board adopted a motion by Ms. Lief to accept the consent agenda which includes:

Minutes:

July 20, 2004 – Dr. Younger
 July 21, 2004 – Dr. Younger
 July 21, 2004 – Ms. Lief
 July 12, 2004 – Telephone Conference Call
 August 2, 2004 – Telephone Conference Call
 August 9, 2004 – Telephone Conference Call
 August 16, 2004 – Telephone Conference Call

Reports:

Finance Report
 Open Cases Report
 Case Summary Report
 Case Standard Report
 License Count Report
 Examinations: NNAAP, NCLEX
 Probation Completed
 Successful Completion of Health Practitioners Intervention Program

REPORTS:

Governor’s Advisory Council Meeting:

Dr. Younger reported on the meeting. No policy action was taken.

2004 National Council of State Boards of Nursing (NCSBN) Delegate Assembly:

Ms. Hartz reported that she and Ms. Douglas represented the Board as delegates. Ms. Ressler was also in attendance. Significant actions of the Delegate Assembly included:

- Election of new NCSBN officers and directors-at-large to the Board of Directors.
- Adoption of the new NCLEX-PN test plan for licensed practical and vocational nurses.

- Ratification of the NCSBN Board of Directors' Strategic Initiatives for fiscal years 2005-2007.
- Adoption of the revised NCSBN Model Nursing Practice Act and Model Administrative Rules for use by member boards of nursing.
- Resolution that NCSBN and its member boards support the necessity for inclusion of planned, structured, and supervised clinical instruction as an essential to nursing education for nurses at all points in their careers. The concept of clinical competence will be referred to NCSBN's Practice, Regulation and Education standing committee for the development of a formal position statement.
- Adoption of the NCSBN publication entitled: "Minimal Data Set for the Evaluation of International Nurses," for use by regulators and organizations who evaluate the credentials of internationally-educated nurses for purposes of meeting state and national regulations for initial licensure and endorsement.

Report from Executive Director:

Ms. Douglas led discussion regarding the following topics:

- Reviewed monthly tracking log with board members and asked if board members would rather have the one report that contains information from the license count, open cases count, case summary and case standard reports. Board members approved using the monthly tracking log.
- Virginia Partnership for Nursing activities was reported in regards to recruitment efforts to address the nursing shortage, Board Members were encouraged to review the Virginia Partnership for Nursing website to view new recruitment tools being used for middle and high school students.
- Board members were asked to submit any changes to the November 2004 panel assignments today.

Nurse Licensure Compact:

Ms. Douglas reported that meetings have taken place between Department of Health Professions staff, Board of Nursing staff, IT staff and NCSBN IT staff regarding implementation of Nursys. Test file of 500 licensure files will be transmitted to NCSBN by the end of September. Full load of licensure files to be transmitted by early November.

Ms. Douglas reported on the activities of the Virginia Partnership for Nursing in regards to recruitment and efforts to address the nursing shortage. Board members were encouraged to access the VPN website for recruitment tools aimed at elementary and middle school students.

National Council of State Boards of Nursing Education Consultant Conference Call:

Ms. Ressler reported that trends seen in Virginia appear to be national trends. Topics include proprietary programs, distance learning programs, disabilities, pass rates, application process, and faculty requirements.

OTHER MATTERS:

Request for accommodation for examination:

CLOSED SESSION:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 9:35 A.M. for consultation with legal counsel in the matter of requests for accommodation for examination. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway, Ms. Yeatts, Mr. Nebiker, Ms. Jaspen and Ms. Davis 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 9:40 A.M.

Ms. Hartz 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.

Dana Michelle Roberts:

Ms. Lief moved to deny the request for accommodation of three hours extended time over one day and a separate room to take the NCLEX-RN.

The motion was seconded and carried unanimously.

2005 Board Meeting Date Change:

A change was made in the March 2005 dates, a copy of the revised dates were distributed.

Status on HJR 205 – Nurse Practitioner Data Collection:

Ms. Douglas discussed the report that was distributed. Also reported that ongoing collection is being provided.

National Council of State Boards of Nursing On-line Nurse Practice Act Course:

Mr. Huber provided an update on the development of the draft to be submitted to NCSBN. Following additional staff and Board Counsel review, this will be submitted. Mr. Huber moved to accept in concept and this will be returned to the Board for final approval prior to publication.

The motion was seconded and carried unanimously.

Workforce Data On-line Survey:

Dr. Saxby reported this was available beginning with September 2004 renewals. There has been an increase in percentage of individuals renewing on-line. Dr. Saxby will provide a quarterly report at a future date when data is available.

RECESS:

The Board recessed at 9:50 A.M.

RECONVENTION:

The Board reconvened at 10:03 A.M.

Sanction Reference Study:

Neal Kauder provided an update to the Board and a summary of Board member responses to interview questions. Mr. Kauder asked the Board to appoint an ad hoc committee to assist with this project. The Board decided the Discipline Committee will take this responsibility.

Open Forum:

No one was present for discussion for the open forum.

Delegation to Agency Subordinate Process:

Ms. Yeatts and Ms. Douglas reviewed the document as a proposed guidance document. Ms. Hartz moved to accept the document as a guidance document. The motion was seconded and carried unanimously.

On-line Access to Notices and Orders:

Ms. Douglas reported that access to notices and orders on-line has been well received and has decreased the need for Board of Nursing staff to provide copies by mail or fax.

Periodic Review:

Ms. Lief moved to begin the periodic review of Regulations Governing the Practice of Nursing and Practice of Nurse Aides. The motion was seconded and carried unanimously.

NCLEX-RN Exam:

Ms. Ressler reported the allowed time for the exam will increase from 5 hours to 6 hours effective October 1, 2004. There is no change for the NCLEX-PN exam.

PUBLIC HEARING:

Proposed Regulations – Boards of Nursing and Medicine – 18 VAC 90-30-10 et. seq – Nurse Practitioners:

No one signed in to address the Board. Dr. Younger stated written comments may be received through October 8, 2004 and that the Board will consider all comments before adoption of a final regulation.

REGULATIONS:

Fast Track Regulation to Move Regulations for Advanced Certified Nurse Aides and Approval of Nurse Aide Education Programs to Chapter 25:

Ms. Lief moved to adopt. The motion was seconded and carried unanimously.

Adoption of Proposed Regulations 18 VAC 90-20 – Regulations Governing the Practice of Nursing and 18 VAC 90-30 – Regulations Governing the Practice of Nurse Practitioners (Nurse Licensure Compact):

Ms. Hartz moved to adopt the proposed regulations to replace the emergency regulations. The motion was seconded and carried unanimously.

Ms. Lief moved to adopt the proposed regulations to replace the emergency regulations Governing Nurse Practitioners 18 VAC 90-30 (Endorsement qualifications). The motion was seconded and carried unanimously.

EDUCATION
PROGRAMS:

Faculty Exception Request:

Ms. Hartz moved to grant continuing exception for faculty for Southside Virginia Community College.

The motion was seconded and carried unanimously.

Authorization To Test (ATT):

Dr. Younger moved to extend the ATT from 90 days to 180 days. Education staff was asked to notify National Council of State Boards of Nursing of this change.

The motion was seconded and carried unanimously.

The Board considered the recommendations of the Education Special Conference Committee from its meeting on September 20, 2004.

Ms. Piersall moved that the Board of Nursing adopt the recommendations as submitted.

The motion was seconded and carried unanimously.

CASE ADJUDICATION:

Consent Orders:

CLOSED SESSION:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:19 A.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway and Ms. Davis 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 11:30 A.M.

Ms. Hartz 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.

Charlotte Hickman, R.N.

Ms. King moved to accept the Consent Order for the voluntary surrender and indefinite suspension of Ms. Hickman's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Kristi Guill, L.P.N.

Ms. Hartz moved to accept the Consent Order for the voluntary surrender and indefinite suspension of Ms. Guill's license to practice as a practical nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Caroline Jarrett, L.P.N.

Ms. Tillett moved to accept the Consent Order for indefinite suspension, with said suspension stayed contingent upon terms.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Cynthia S. Reeping, R.N.

Ms. Tillett moved to accept the Consent Order for indefinite suspension with said suspension stayed contingent upon terms.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Benjamin C. Back, R.N.

Ms. Lief moved to accept the Consent Order for indefinite suspension of Mr. Back's license to practice as a registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Geraldine Drake, L.P.N.

Ms. Tillett moved to accept the Consent Order for indefinite suspension, with said suspension stayed contingent upon terms.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Susan Endreola, L.P.N.

Ms. Tillett moved to accept the Consent Order for indefinite suspension, with said suspension stayed contingent upon terms.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

Sarah Paxson, R.N.

Ms. Hartz moved to accept the Consent Order for the surrender of Ms. Paxson's license to practice as registered nurse.

The motion was seconded and carried unanimously.

This Consent Order shall be effective upon entry by the Board stating the findings, conclusions and decisions.

CLOSED SESSION: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:35 A.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Hardy, Mr. Casway and Ms. Davis 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 12:04 P.M.

Ms. Hartz 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.

Dawn Lemcke, R.N.

Ms. Hartz moved to defer action until September 22, 2004.

RECESS: The Board recessed at 12:05 P.M.

RECONVENTION: The Board reconvened at 1:20 P.M.

OTHER MATTERS
(continued)

Election of Secretary:

Due to the vacancy caused by the resignation of Ms. Oppenhagen, Ms. Lief moved that Carol King be nominated as the new Secretary. The motion was seconded and carried unanimously. Ms. Piersall moved to close the nominations. The motion was seconded and carried unanimously. The vote to elect Ms. King as Secretary was unanimous.

Informal Conference Dates for 2005:

Dr. Younger announced that Ms. Piersall has agreed to chair the special conference committee vacated by Ms. Oppenhagen. Board members will meet with staff after the meeting adjourns to establish dates for 2005.

ADJOURNMENT: The meeting was adjourned at 1:35 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

