Final - Approved

VIRGINIA BOARD OF NURSING
MINUTES
January 25, 2005

TIME AND PLACE:	The meeting of the Board of Nursing was called to order at 9:05 A.M. on January 31, 2005, 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 Carol E. King, L.P.N., M.S., Secretary Linda D. Gross, Citizen Member Brenda L. Hale, R.N. Woody B. Hanes, R.N., M.S.N., F.N.P. Louise D. Hartz, Citizen Member Gregory J. Huber, R.N., M.S.N. Judith E. Piersall, R.N., B.S.N. Julia C. Semple, L.P.N. JoAnn Tillett, R.N.
BOARD MEMBERS ABSENT:	Lynne M. Cooper, Citizen Member Brenda L. Spady, L.P.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 Cindy Cochran, R.N., Discipline Case Manager Amy Davis, Administrative Assistant
OTHERS PRESENT:	Emily O. Wingfield, Assistant Attorney General Elaine Yeatts, Regulatory Analyst, Department of Health Professions Jan Johnson, Executive Director, Virginia Nurses Association Terri Haller, President, Virginia Nurses Association Paul Garcia, massage therapy applicant Edith Frankovich, Project Coordinator, Virginia Healthcare Quality Center Sallie Cook, M.D., Chief Medical Officer, Virginia Healthcare Quality Center
ESTABLISHMENT OF A QUORUM:	With 11 members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- NCSBN Mid-year meeting, March 21 – 23, 2005 Chicago (change in venue)
- Committee of the Joint Boards of Nursing and Medicine meeting scheduled for February 23, 2005
- Cindy Cochran, R.N. hired for Discipline Case Manager position, start date January 10, 2005
- Peggy Call hired for HPIP Manager effective January 1, 2005

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: Ms. Hartz moved to accept the consent agenda which includes:

Minutes:

November 15, 2004 – Panel - Dr. Younger

November 16, 2004 – Board Meeting – Dr. Younger

November 17, 2004 – Quorum – Dr. Younger

November 17, 2004 – Panel – Dr. Younger

November 17, 2004 – Panel – Ms. Lief

November 18, 2004 – Panel – Ms. Lief

December 9, 2004 – Telephone Conference Call – Ms. Lief

December 15, 2004 – Committee of the Joint Boards of Nursing and Medicine – Ms. Hanes

December 15, 2004 – Nominating Committee – Ms. Hartz

Reports:

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

Examinations:

NNAAP
NCLEX
Probation Completed
Successful Completion of Health Practitioners Intervention Program

REPORTS:

Executive Director Report (written report attached):

Ms. Douglas provided additional information regarding:

- online license lookup changes to indicate additional public information.
- attended NCSBN policy call regarding clinical rotation of students with criminal convictions and clarification of JCAHO standards.

Nurse Licensure Compact:

Ms. Douglas provided the following information:

- Nine states are in the process of introducing compact legislation
- Ms. Douglas, Howard Casway and Emily Wingfield attended a meeting in December regarding the Compact
- 28 states participate in NURSYS

- all licensing and disciplinary data has been transmitted to NURSYS, once Virginia "goes live", verifications will no longer be processed by BON staff. Staff has had web based verification training.
- military and dependent issues regarding appropriate license, some inconsistencies between states
- approximately 10,000 declarations of residence have been entered into L2K
- still receiving concerns regarding refunds
- reviewed reasons for single state/exceptions license to include nursing programs that do not allow licensure in Maryland, military and Health Practitioners Intervention Program participants who are Board ordered
- currently 12 Health Practitioners Intervention Program participants are practicing in other compact states
- licenses will be invalidated January 31, 2005, rules established by data and Board of Nursing staff
- nurse practitioner renewals are requiring manual processing to confirm current multistate privilege
- online renewals if cause change of residency will be handled manually to determine license type/confirm residency
- mail in renewals are requiring a manual review and input of primary state of residence
- Executive Director has consulted Texas and North Carolina regarding compact discipline cases.

Nominating Committee:
Ms. Hartz presented the slate of officers for election for 2005,
Louisa Lief, President, Judith Piersall, Vice President and Gregory Huber, Secretary.
Ms. Hartz moved that the nominations be closed.
The motion was seconded and carried unanimously.

Ms. Hartz moved the slate be approved by acclamation.
The motion was seconded and carried unanimously.

OTHER MATTERS:

Nurse Aide Funding Update:
Ms. Douglas reported that sources for additional funding are still being explored.

Medication Training Program Approval:
Dr. Saxby presented a request from Richmond Apothecaries to provide a guidance document about the training requirements for the Medication Administration Training Program. The Board directed staff to advise Richmond Apothecaries to use the Department of Social Services curriculum or submit their own program for approval.

Ms. Lief moved that a guidance document is not necessary at this time.
The motion was seconded and carried unanimously.

National Council of State Boards of Nursing Online Nurse Practice Act Course:

Mr. Huber reported the course will be submitted when approval from legal counsel is obtained.

The Board thanked Mr. Huber for his work on this project.

Certified Massage Therapy Advisory Committee Recommendations:
Mr. Paul Garcia addressed the Board and provided information related to his petition for rule making to accept the NCCAOM exam. Ms. King presented the recommendation of the Massage Therapy Advisory Committee which was to deny the petition for rule making. Ms. Hartz moved to accept the recommendation of the Committee to deny the petition for rule making based on the assessment that the NCCAOM exam is a different area of competence than the current exam. The motion was seconded and carried unanimously.

Ms. Tillett requested additional information be provided at a future date regarding massage therapy testing. Ms. Douglas will schedule a policy forum for this information at a future date.

Advance Practice Task Force:
Dr. Younger provided information that North Carolina is in the process of removing supervision language and inserted collaboration. Discussion regarding different roles between nurse practitioners and clinical nurse specialists with primary difference of nurse practitioners managing disease and writing prescriptions and broad categories of licensure. AACN Clinical Leader role is not an advanced practice nurse, they are registered nurses. Dr. Saxby will attend a conference on January 28, 2005 regarding the role of clinical leaders.

On behalf of the Board, Ms. Lief presented Dr. Younger a certificate of appreciation for her work and contributions to the regulation of advanced practice on a national and state level.

RECESS: The Board recessed at 10:30 A.M.

RECONVENTION: The Board reconvened at 11:00 A.M.

OPEN FORUM: Dr. Sallie Cook and Edith Frankovich from the Virginia Health Quality Center presented information on the Federal initiatives regarding immunizations. Federal designated quality improvement funded by CMS. Public health issue low rates influenza and pneumococcal immunizations. CDC recommends standing orders be utilized in hospital to increase immunization rates.

Scotti Russell, Executive Director, Board of Pharmacy joined the meeting to clarify that the Drug Control Act does not authorize the use of standing orders.

OTHER MATTERS CONTINUED:

Protocol for Administration of Adult Immunizations:
Ms. Ressler reviewed information, Ms. Lief moved that the Board does not have the authority to approve protocols for adult immunizations in hospital settings. Staff were instructed to notify hospitals that had submitted protocols.

REGULATIONS:

2005 Legislative Update:
Ms. Yeatts provided a review of bills of interest being considered in the 2005 General Assembly.

Ms. Lief moved the Board of Nursing oppose HB 2038 and SB 1259 as they appear to fail the public protection duty. These bills provides for the licensing by the Board of Medicine of those persons who have obtained the certified professional midwife credential. The motion was seconded and carried unanimously.

Regulatory Chart:
Ms. Yeatts provided a review and update of BON regulatory actions.

RECESS: The Board recessed at 12:20 P.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

PUBLIC HEARING:

Regulations Governing the Licensure of Nurse Practitioners (Implementation of Nurse Licensure Compact) 18 VAC 90-30:
No one was present to provide comment.

Regulations Governing the Licensure of Nurse Practitioners (Written Protocol to Include Signature) 18 VAC 90-30:
No one was present to provide comment.

Regulations Governing the Board of Nursing 18 VAC 90-20 (Implementation of Nurse Licensure Compact):
No one was present to provide comment.

Regulations Governing Delegation to an Agency Subordinate 18 VAC 90-15:
No one was present to provide comment.

Regulations Governing Certified Nurse Aides 18 VAC 90-25 (Consideration of Regulations):
No one was present to provide comment.

OTHER MATTERS CONTINUED:

Delegation of Disciplinary Cases to Agency Subordinate:
Ms. Lief presented information regarding the initial session of informal conferences heard by an agency subordinate.

CLOSED SESSION: Ms. King moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:40 P.M. for the purpose of consideration of the recommendations of the agency subordinate.. Additionally, Ms. King moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, Ms. Wingfield 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 1:45 P.M.

Ms. King 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.

Nikia S. Price, CNA Applicant
Ms. Tillett moved to accept the order of the agency subordinate decision to approve the application to take the NNAAP exam and issue an unrestricted certificate upon successful completion of the exam.
The motion was seconded and carried unanimously.

Clara M. Bowles, CNA 1401-042559
Ms. Hartz moved to accept the order of the agency subordinate decision to reinstate the certificate of Ms. Bowles.
The motion was seconded and carried unanimously.

Disposition of Regulations Regarding Faculty Qualifications:
Dr. Younger led a discussion about the status of these regulations. Dr. Younger informed the Board that practical nursing programs had voted to support proposed changes. Virginia Association of Colleges of Nursing had written in support. Virginia Assembly of Schools of Nursing were supportive and a letter would be forthcoming.

Ms. Lief moved to convene a committee to begin to identify issues on Chapters 20 and 25 that might be specified in a Notice of Intended Regulatory Action. Board members interested in serving on the committee should inform Ms. Douglas.

EDUCATION PROGRAMS:

Education Special Conference Committee:
The Board considered the recommendations of the Education Special Conference Committee from its meeting on January 24, 2005.

Ms. Hanes moved that the Board of Nursing adopt the recommendations.
The motion was seconded and carried unanimously.

CASE ADJUDICATION:

Consent Orders:

CLOSED SESSION:

Ms. King moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:15 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. King moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, Ms. Wingfield 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 2:20 P.M.

Ms. King 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.

Joanne Hudgins Sumner, R.N. 0001-097579
Ms. Hartz moved to accept the Consent Order for the surrender and indefinite suspension of Ms. Sumner'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.

Karen Wheat, R.N. 0001-055616
Ms. Lief moved to accept the Consent Order for the voluntary surrender and indefinite suspension of Ms. Wheat's registered nurse license.
The motion was seconded and carried unanimously.

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

Bonita A. Bossi Carter, R.N. 0001-121910
Ms. Lief moved to accept the Consent Order for the voluntary surrender and indefinite suspension of Ms. Carter's registered nurse license.
The motion was seconded and carried unanimously.

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

ADJOURNMENT: The meeting was adjourned at 2:20 P.M.

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Carol E. King, L.P.N., M.S.
Secretary

Nurse Aide Registry:

Office of Inspector General (OIG) Assessment of Nurse Aide Registries - The Board of Nursing received notification of an assessment to examine effectiveness of the Nurse Aide Registries as part of a national study to evaluate whether state nurse aide registry processes and systems are meeting Federal nurse aide registry requirements, and to identify factors that might affect registry practices and processes. Specific nurse aide registry population data as well as records pertaining to Nurse Aides who have had charges of abuse, neglect and misappropriation substantiated between September 15, 2002 and September 15, 2003 was requested. Submission of this data was due September 29, 2003. (The Department of Health and the Department of Medical Assistance Services were notified on Friday, September 12, 2003 that this evaluation was being conducted by the OIG.) The second phase of this study will be for Virginia to participate in a web survey regarding registry practices and processes in the near future. Once OIG has completed their analysis of all states OIG will conduct on-site visits in a limited number of states.

Board of Nursing and data staff compiled the requested data on individuals on the Registry (100,626) and substantiated findings of abuse, neglect and misappropriation (60) in Access format and mailed it on September 26, 2003.

Board staff was contacted by the DHHS-OIG representative Brian Whitley on October 1, 2003, reporting they received our information and are now requesting additional information. Requested information includes dates of birth and social security numbers for all individual records. Staff sought advice of Board counsel on ability to release this information, typically exempt from FOIA, after receiving cited federal authority. Upon advice of counsel and agreement from Director, this data will be provided to OIG with the understanding it may be used only for the purpose cited in its federal authority. Board staff and Data staff are compiling the requested information during the upcoming week.

Data and Board staff compiled the additional information, including social security numbers and dates of birth on all individuals in the Nurse Aide Registry, as requested last week. This otherwise confidential information was mailed to the OIG on 10/9/03, in an Access database format on CD, with the understanding it would be used for the sole purpose of the study and pursuant to cited federal authority.

On 10/22/03, Board staff received notice of the second phase of the OIG study. This web based survey, may require input from various DHP staff (i.e. Data, Enforcement, and Finance) and is due to be completed by 11/3/03).

The on line web Survey was submitted by Nurse Aide staff on November 3rd.

Final web survey was submitted November 7, 2003.

Nurse aide professional staff initiated contact with the OIG for an update on the status of this study. On October 22, staff was informed that Virginia will not be visited on site, as Virginia was not determined to be a state with any significant problems during the study of its Nurse Aide Registry program.

The report for this OIG study is currently in Draft form. An exit conference was held with CMS (Centers for Medicare and Medicaid Services) on April 27, 2004. Subsequently, CMS contacted states that had rather large problems (not including Virginia) so states could correct them by the time the report was issued. The Inspector General signed the Draft report on July 7, 2004 and formal comments from CMS were due August 8, 2004. The formal comments have not yet been received, so the report remains in Draft form awaiting comments.

Once the comments are received, the report will be published on the OIG website: http://oig.hhs.gov/w-new.html (control number is OEI 07-03-00380 for the study). Staff will check the website in December 2004, when the report is expected to be published.

As of12/2704, the final report of the first study was still not published, explaining it was at OIG headquarters awaiting signature and then there would be a 2 week period before available. BON staff will be notified by email as that happens.

Nurse Aide Registry staff is aware of a second and related study reviewing long-term care facility compliance and practices in respect to state nurse aide registries (control number OEI-07-04-00140). No state agencies were contacted as part of this study, but only nursing homes. This study is currently in "working draft" status and an exit conference with CMS is expected to occur in November or December 2004. This report is still pending.

On 12/23/2004, Nurse Aide Registry (NAR) staff was contacted by Brian Whitley, Office of Inspector General with DHHS regarding another study on Nurse Aide Registries.

On 12/27/04, NAR staff followed up with the OIG representative. This 3rd study (OEI# 070500070) again includes all states' Nurse Aide Registries and involves the range of fees charged by the various states (including fees for exam certification, program approval, renewals, card issuance and replacement, criminal background checks, fingerprinting, etc). BON - NAR staff verified that Virginia only charged $45 for the 2 year renewal of certification and for reinstatement if lapsed for more than 90 days. Upon request, staff explained our process for application for certification by exam, confirming we do not charge or receive any fee for initial certification (testing company receives the $80 for the exam process). Staff also pointed out we do not charge a fee for application by endorsement into Virginia. Staff confirmed that the nursing home employers are responsible for criminal background check process in Virginia.
There may be a follow-up questionnaire issued in January as part of this study, depending on the responses received on this first inquiry. If so, it would come by mail.

Self Assessment of Nurse Aide Registry Compliance - The Board of Nursing received a request from VDH-Center for Quality Health Care Services and Consumer Protection to complete and submit a self-assessment review of Virginia's Nurse Aide Registry and its compliance with federal requirements, after receiving a letter from the Director of Survey and Certification for CMS (Centers for Medicare and Medicaid Services) to all state survey agencies entitled "Nurse Aide Registry Requirements – Action for Improvement." CMS has been working with DHHS-Office of Inspector General to evaluate and review states' nurse aide registries and found some states do not fully comply with federal requirements for registry maintenance and operation, specifically regarding: including substantiated findings of abuse, neglect, or misappropriation of resident property on the registry within 10 working days; removing inactive nurse aides from the registry; and states certifying nurse aides with substantiated findings in another state. The self-assessment is due by January 31, 2005. CMS Regional Office staff plans to schedule follow-up with states in the first half of calendar year 2005.
Staff is working on the response to this assessment.

On 12/27/04, BON-NAR staff asked Brian Whitley, DHHS-OIG if the CMS survey received in November 2004 and due back in January 2005 was related to OIG's first study of all Nurse Aide Registries (OEI #070300380). He verified that it was sent to all states as CMS's response to OIG's recommendations from that first study. He reiterated that Virginia was not identified as a state with any significant problems.

Response to Implementation of Online Renewal for C.N.A.s - Online renewals for C.N.A.s for January 2005 were mailed out December 9, 2004. During the weeks of Dec 13 and 20, 2004, Nurse Aide Registry staff received 2 phone calls from employers in (540) area code complaining about the new online renewal process for C.N.A.s, citing lack of computer access and credit cards for this population and delay in the process for

those individuals having to request paper renewals. A couple of C.N.A.s mailed back the renewal notice with a $45 check rather than following the directions to request paper renewal form. Dozens of C.N.A.s due for January renewal have continued to call the Registry directly with change of address issues in addition to the pending renewal, rather than utilizing the online option.

Nurse Aide Registry - Promissor was sent an approval letter from the DHP and the BON on November 23, 2004 to enter into a subcontract with the American Red Cross of the Susequanna Valley in PA. The American Red Cross assumed the duties that were recently relinquished by the Ohio Nurses Testing Service to provide oversight of the nurse aide test sites in Virginia. The phones at the American Red Cross are up and running and candidates are able to schedule tests at this time. Chris Porter from the American Red Cross will be coming to Virginia on December 11, 2004 and will be meeting with raters and the Deputy Executive Director, Education for the Board of Nursing to discuss the transition of the new vendor. The meeting will be held in Charlottesville.

Staff attended a meeting with a representative of the American Red Cross (ARC) of the Susquehanna Valley, who is the subcontractor of Promissor that will be responsible for the nurse aide assessment program (NNAAP) testing. The meeting was held on Saturday, December 11, 2004 in Charlottesville, where they met with nurse aide raters to discuss the transition to the new vendor. Staff was impressed with the transition plan and the support network in place to deal with nurse aide candidates and testing. We will continue with monthly conference calls with Promissor and the Red Cross and will have an annual meeting sometime in the Spring 2005.

The Board voted on November 16, 2004 to offer on-line renewal to Certified Nurse Aides and to allow nurse aides to attest to nursing related duties for compensation within the last renewal cycle to meet the federal requirements. Renewal notices have been modified and L2000 changes made so that online renewal for nurse aides can begin with January 2005 renewals.

Nurse Licensure Compact

Virginia is now officially a nurse licensure compact state. Data entry for declaration of primary states of residence has been inputted for all received. Staff are now entering those coming in the mail daily. The Board continues to receive requests for single state Virginia licenses from residents of Maryland that are ineligible for licensure in that state. Board staff and data staff have met on an on-going basis to discuss compact project status. It is anticipated that NURSYS will be able to “go live” in the later part of January 2005 and Virginia licenses that need to be invalidated due to the compact will not occur until January 30, 2005 to allow time for licensees to have their applications processed in other states. Compact issues resolved include the processing of paper renewals specifically primary states of residence information and license sub type rules.

Board staff have had contact with military personnel who are handling declarations for individuals who have been deployed overseas. They will be forwarding a list of individuals with accompanying documentation and we will provide extensions if necessary. Several overseas contacts occurred this week with military personnel overseas and local. It appears that notification of the compact has been slow to reach some military personnel and licensees are having trouble accessing the Maryland and Texas Boards of Nursing and are concerned that their application will not be processed in a timely manner. Licensees have been assured that Virginia licenses will not be invalidated until the end of the month and military management personnel will provide lists of names of affected individuals so they can be flagged in our database.

Board of Nursing staff continue to experience a large volume of calls related to compact issues these last two weeks. Many non-routine compact licensure issues are being handled. Staff are being challenged by the increase in workload, staffing issues and the learning curve related to the NLC.

Meetings/Presentations:

The Executive Director presented to a group of Nurse Managers at Bon Secours Health System Wednesday, January 5, 2005. Topics included mandatory reporting and the disciplinary process. The group was very receptive to the information.

Staff attended a training conference at DMAS on Thursday, January 6, 2005. The focus of the training was on Elderly or Disabled with Consumer Direction (EDCD) Waiver. This waiver will be effective February 1, 2005. The training covered preadmission screening, authorization, payment, and covered services. Covered services includes personal care aides in the home who are trained by a DMAS service facilitator and supervised by the client. If the care needed includes skilled nursing care, DMAS is in the process of writing the manual to address nursing delegation and what tasks would fall under RN delegation to a personal care aide (unlicensed assistive personnel). DMAS is aware that RN delegated tasks would need to include RN supervision. BON staff spoke with Diana Thorpe at DMAS and expressed willingness of BON staff to assist with clarification of the delegation regulations.

The Executive Director attended Virginia Partnership (VPN) meeting on Friday, January 7, 2005. The following updates were provided by Committee chairs:

- A science education module related to nursing using the SOL format has been developed and will soon be available on the VPN website for elementary school teachers.
- The VPN annual summit will be held in Richmond April 7 and 8 2005 and will be jointly sponsored by Virginia Organization of Nurse Executives (VONE) and the Virginia League for Nursing. Linda Aiken has been secured as the key note speaker. The focus will be to examine the evidence base for the role of nursing in improving patient outcomes, and to enhance nurses skills and individual and organizations commitment to increasing the voice, visibility and influence of nurses in Virginia.
- The workforce data committee is working on identifying current nursing workforce data reports and statistics and making these available through the website. BON staff will provide available information. The group is particularly interested in information being obtained through the BON's online license renewal survey and the Nursing Education annual report.

Legislative Coalition of Virginia Nurses (LCVN) meeting – The group reviewed nursing - medical related legislation to date for the 2005 session of the General Assembly. In general the group is in support of safety legislation related to helmet laws, prohibition of firearms and seat belts. General discussions of miscellaneous bills on birth control issues, and women's health was very lively and resulted in no position on bills at this time except for HB 1807 for which the group voiced opposition. Communication will occur between members of this group through e-mails during the session to determine specific positions on other groups. Jessica Jordan representing certified nurse midwives reported they are not going forward with proposed legislation to reduce regulatory oversight and supervision of CNM's. There was much discussion about the licensure of direct entry midwives. CNM's will support this proposal on the belief that women have a right to choice about the place of birth of their child and a provider. They will also take the position that it is safer to regulate Certified Professional Midwives as they are the experts in home birth.

JCAHO Update - Effective July 2005, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) standard HR.1.20 has been revised to require primary source verification for all clinical staff who are required by the organization or the state to have licensure, registration or certification: The organization has a process to ensure that a person's qualifications are consistent with his or her job responsibilities. The intent of the revised standard is to lower the risk of fraudulent credentials. This standard was revised for the hospital settings and NCSBN did submit comments consistent with this new standard.

Currently, JCAHO is seeking comments on proposed standards revisions that would establish consistent requirements for primary source verification of licensure, training, and education for all practitioners in accredited health care organizations who are required to have a license to practice. These revisions are being

proposed for inclusion in the Assisted Living, Ambulatory Care, Behavioral Health Care, Home Care, Long Term Care, Laboratory, and Office Based Surgery accreditation manuals (non-hospitals)**.** JCAHO notes that primary source verification of credentials is not presently required for a number of licensed practitioners who provide care in health care organizations. Because of the ease of producing fraudulent credentials today, the past practice of merely viewing the license or examining a copy of the individual's license simply does not provide adequate protection against the use of fraudulent credentials. The proposed standards revisions would require accredited organizations to verify licensure, certification, or registration from primary sources for all licensed independent practitioners, advance practice nurses, physician assistants, and other staff.

National Council of State Boards of Nursing Education (NCSBN) - On December 20, 2004 at 2:00 PM Staff members attended a conference call with NCSBN regarding the new 2005 NCLEX Candidate Bulletin.

The phone call addressed the following:

International Testing

Beginning January 2005, Pearson VUE will begin scheduling of appointments at international sites. These sites will be located at Pearson Professional Centers in Hong Kong, London, and Seoul. Given that this is a premium service, an international scheduling fee of $150 will be charged for an examination delivered in these centers. If applicable, a value added tax (VAT) will be applied to the total of the examination fee and scheduling fee ($350). The scheduling fee and any applicable VAT will be charged at the time of scheduling, not at registration. Scheduling for international centers will only be handled through NCLEX Candidate Services (telephone) only; Internet scheduling is not available at this time. Candidates must call NCLEX Candidate Services and ask for the international scheduling group who will arrange their appointment. Re-scheduling and un-scheduling procedures may only be done through the telephone.

Admissions Requirements and Check-in Process

A revision of the acceptable identification and check-in process, approved by the NCSBN Examination Committee, will become effective January 1, 2005. The refinement of these procedures was done to maintain and ensure the security and integrity of the NCLEX examinations. This process will allow for a more consistent method of identifying candidates at the test center and provide a more efficient identification process for the candidates.

The list of acceptable identification has been revised. The two categories (primary/secondary) of identification have been discontinued. There will be one group of acceptable identifications. It will consist of: Passport, drivers license, state/province ID card, national identity card, and United States military ID. All identification must be printed in English language letters, must be unexpired (clearly stated), and have a recent photograph and a signature signed in English. No other identification will be accepted. A candidate must present one of the above pieces of acceptable identification, and must present a valid Authorization to Test (ATT). If either of these requirements is not met, the candidate will be turned away. The printed name on the identification must match exactly the printed name on the ATT (first and last name). If the printed last (family) name on the ATT differs from the last name on the identification presented, a candidate must present an original copy of legal name change documentation (such as a marriage license or divorce decree) and the court documentation must be in English. If either of these requirements is not met, the candidate will be turned away and will have to re-register and re-pay the examination fee. The current secondary matching and identification process will be discontinued.

The new colored ATT forms to be issued by end of January 2005.

Head Coverings:

A candidate, who enters a test site with head coverings for religious reasons, will be asked to remove the covering to check for any notes or cheating materials. If the candidate refuses to remove the covering then an incident report will be filed.

Virginia Organization of Nurse Executives (VONE) – Approximately 40 nurse executives attended a Nurse Licensure Compact presentation at Department of Health Professions on December 3, 2004 1:00 pm to 3:30 pm. The information was well received. Employers were provided with FAQ's specific to employers which will be posted on the website. Ms. Hartz attended.

VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
January 25, 2005

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 2:15 P.M., in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Louisa Lief, R.N.
Judith E. Piersall, R.N., B.S.N.

STAFF PRESENT: Susan Bell Rosen, R.N., F.N.P., J.D., Deputy Executive Director, Discipline
Cindy Cochran, R.N. Discipline Case Manager

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Lief moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:15 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Lief moved that Ms. Rosen and Ms. Cochran attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 2:55 P.M.

Ms. Lief moved that the Special Conference Committee of 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.

Investigative reports regarding four registered nurses and six licensed practical nurses were reviewed.

ACTION: Ms. Piersall moved to close six of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Piersall moved to close three of the above cases undetermined at this time.
The motion was seconded and carried unanimously.

Ms. Piersall moved to offer a confidential consent agreement to one of the above individuals, in lieu of initiating disciplinary proceedings.

ADJOURNMENT: The meeting was adjourned at 3:00 P.M.

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Susan Bell Rosen, R.N., F.N.P., J.D.
Deputy Executive Director, Discipline

VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE
January 25, 2005

TIME AND PLACE: The meeting of the Special Conference Committee of the Board of Nursing was convened at 2:15 P.M., in Conference Room 3, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: JoAnn Tillett, R.N.
Louise Hartz, Citizen Member

STAFF PRESENT: Jane Elliott, R.N., Ph.D., Discipline Staff

PRESENTED FOR CLOSURE/ADVICE:

CLOSED MEETING: Ms. Tillett moved that the Special Conference Committee of the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:15 P.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Tillett moved that Dr. Elliott attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 2:55 P.M.

Ms. Tillett moved that the Special Conference Committee of 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.

Investigative reports regarding four registered nurses and five licensed practical nurses were reviewed.

ACTION: Ms. Hartz moved to close one of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Hartz moved to close six of the above cases undetermined at this time.
The motion was seconded and carried unanimously.

Ms. Hartz moved that one of the above individuals should be scheduled for an informal conference.
The motion was seconded and carried unanimously.

Ms. Hartz moved to offer a confidential consent agreement to one of the above individuals, in lieu of initiating disciplinary proceedings.
The motion was seconded and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 3:00 P.M.

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Jane Elliott, R.N., Ph.D.
Discipline Staff