

**VIRGINIA BOARD OF NURSING  
MINUTES  
May 17, 2005**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:00 A.M. on May 17, 2005, in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**PRESIDING:** Louisa Lief, R.N., M.S.N., President

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

**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:** Howard M. Casway, Senior Assistant Attorney General  
Gail Jaspén, Senior Deputy Director, Department of Health Professions  
Elaine Yeatts, Regulatory Analyst, Department of Health Professions  
Jan Johnson, Executive Director, Virginia Nurses Association  
Leslie Herdigan, Lobbyist  
Fran Stanley, J. Sargeant Reynolds Community College

**ESTABLISHMENT OF  
A QUORUM:** With 13 members of the Board present, a quorum was established.

## ANNOUNCEMENTS:

- NCSBN Investigator/Discipline Summit, May 23, 2005, Colorado. Ms. Rosen will attend.
- NCSBN Nurse Aide/Medication Aide Workshop, June 3, 2005, Arlington. Ms. Cooper, Ms. Haynes and Board staff will attend.
- Committee of the Joint Boards of Nursing and Medicine next meeting June 22, 2005
- NCSBN Delegate Assembly, August 2 -5 , 2005, Washington DC
- Board of Nursing meeting dates July 18 – 21, 2005 and September 19 – 22, 2005
- Recognition of Service for Former Board Members, evening of Tuesday, July 19, 2005
- New Board of Nursing P-14 Administrative Assistant staff – Gail Quinn and Ramona Norris
- 2006 Board meeting dates distributed today

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item from the proposed consent agenda and adopted a motion by Ms. Hartz to accept the remaining items which include:

### *Minutes:*

- March 4, 2005 – Legislative Review Committee – Dr. Younger
- March 14, 2005 – Panel – Ms. Piersall
- March 15, 2005 – Regulation Review Committee – Dr. Younger
- March 16, 2005 – Quorum – Ms. Lief (summary suspensions)
- March 16, 2005 – Quorum – Ms. Lief (formal hearings)
- March 16, 2005 – Panel – Ms. Lief
- March 16, 2005 – Panel – Ms. Piersall
- March 17, 2005 – Panel – Ms. Lief
- April 13, 2005 – Committee of the Joint Boards of Nursing and Medicine – Dr. Younger

### *Reports:*

- Finance Report
- Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
- Examinations: NNAAP NCLEX
- Probation Completed
- Successful Completion of Health Practitioners Intervention Program
- Health Practitioners Intervention Program Report

Ms. Hartz moved to adopt the minutes below as corrected. The motion was seconded and carried unanimously.

- March 15, 2005 – Board Meeting – Ms. Lief

## REPORTS:

### **Board of Health Professions:**

Draft minutes from the meeting attended by Ms. Cooper were provided and Ms. Cooper reported the Board of Health Professions meetings continue to be a challenge as members review case standards report and have varying levels of familiarity with the information presented.

### **Executive Director Report:**

(see attached report)

**Nurse Licensure Compact:**

Ms. Douglas reported that staff have been in consultation with the states of Maryland, North Carolina, Kentucky and Arizona regarding joint compact discipline cases. Additionally, she reported that the disciplinary data load to NURSUS is incomplete. National Council of State Boards of Nursing (NCSBN) has reported this would be finalized within a week. Ms. Douglas attended the Nurse Licensure Compact Administrators meeting in March in Chicago. Changes to NURSUS were discussed and the military policy revisions were discussed but not decided upon.

**National Council of State Boards of Nursing Online Course Update:**

Final draft has been reviewed by counsel and forwarded to NCSBN. This will be formatted and returned to the Board for final approval. Mr. Huber thanked Ms. Power, Mr. Casway and Ms. Douglas for assistance with this project. Ms. Lief thanked Mr. Huber on behalf of the Board for his work and efforts related to this project.

**National Council of State Boards of Nursing Resolution Committee:**

Ms. Hartz participated in the meeting via telephone conference call on April 12, 2005 and reported that a resolution may be proposed regarding a national licensing exam for nurse practitioners.

**National Council of State Boards of Nursing Advanced Practice Advisory Panel:**

Dr. Younger reported on her participation in the recent APRN roundtable and the NCSBN Advanced Practice Advisory Panel meeting. Participants in the APRN roundtable included Directors of certifying bodies, specialty groups and other interested parties. There is some tension between NCSBN and the certifying groups because their focus is to use specialty certifications as a bases for licensure. Dr. Younger provided a presentation to the roundtable on the relationship between education, licensure, regulation, certification and accreditation. Her focus was to help the group understand that each function does not have the same purpose and exists for different reasons.

Dr. Younger reported a new acute care nurse practitioner exam has been developed, more information on this will be forthcoming from NCSBN.

Dr. Younger spoke to the issue of supervision, many states have no concept of supervision in their law or regulations governing nurse practitioners. Some states use collaboration language, some states like Virginia use supervision language that authorizes a working agreement between the physician and the nurse practitioner.

The APRN compact has passed in Utah and Iowa, however it is not yet fully enacted in Iowa. Dr. Younger opined that the progression of the compact through the country will force the issue of uniformity of licensure requirements between states.

Dr. Younger further spoke to a resolution this is expected to come forward at the 2005 NCSBN Delegate Assembly that may propose studying the feasibility of NCSBN producing a test for the purpose of licensing nurse practitioners. This

resolution has been discussed as a result of existing discontent in Boards of Nursing. Dr. Younger stated that she could see no reason to oppose studying the feasibility of offering such a test.

**Committee of the Joint Boards of Nursing and Medicine:**

Dr. Younger reported on the thoughtful and in-depth discussion regarding supervision of CRNA's by podiatrists occurred and the recommendation of the Committee is to take no action.

**Governors Advisory Council on the Future of Nursing:**

Ms. Lief reported on the meeting of May 2, 2005. Topics included a report on long term care and assisted living changes. North Carolina Center for Nursing presentation was very informative.

Paul Clement, Advisory Council Member and VHCA representative reported that long term care agencies throughout Virginia continue to have high levels of staff turnover, particularly for Director of Nursing. Turnover creates challenges that will only be increased if the proposed Federal Medicare cuts are implemented.

Suzanne Gore, Special Assistant of the Secretary and Human Resources provided an overview of the changes to the Assisted Living legislation and regulations. She noted the requirements for mental health evaluations and medication management for residents. The Board of Health Professions will establish a registry for medication aides. Advisory Council members noted that residents of these facilities may have health needs that require periodic nursing assessment.

Maricel Quintana-Baker, Senior Associate for Academic Affairs for the State Council of Higher Education reported that the process for tracking how colleges are applying increased funding at the institutional level has not been developed as yet. Each college will be required to submit to the General Assembly a management plan to include the number of new students and to report the increase in the number of graduates and how this applied to nursing education.

Joann Henry provided licensed practical nurse workforce data.

Billy Blevins, Associate Director of the North Carolina Center for Nursing reviewed the mission goals and accomplishments of the Center. He noted that the Nursing Center is the policy center for the Legislature and the administration of North Carolina's Governor. The Center develops nursing data related to supply and demand and policy option to reduce the nursing shortage. The North Carolina Center was established by the Legislature in 1990.

Virginia Department of Health reviewed the proposed regulation changes and noted the definition section of the proposed regulations that describe the various types of home care providers, the training requirements and the role of registered nurses in supervision of personnel.

**REGULATIONS:**

**Chart of Regulatory Action:**

Ms. Yeatts reviewed the current status of regulations.

**Adoption of Final Regulations – Nurse License Compact – Chapter 20 – Nursing:**

Ms. Hartz moved to adopt as final regulations 18 VAC 90-20 Regulations Governing the Practice of Nursing pertaining to the nurse licensure compact and to replace emergency rules in effect.

The motion was seconded and carried unanimously.

**Adoption of Final Regulations – Nurse Licensure Compact – Chapter 30 – Nurse Practitioners:**

Dr. Younger moved to adopt proposed regulations for 18 VAC 90-30 (Regulations Governing Licensure of Nurse Practitioners – NLC) as final regulations. The motion was seconded and carried unanimously. There was no public comment on the proposed regulations.

**Adoption of Final Regulations – Signature Requirements in Protocol – Chapter 30 – Nurse Practitioners:**

Ms. Hartz moved to adopt 18 VAC 90-30 (Regulations Governing Nurse Practitioners to Implement Provisions of HB 855) and to replace emergency rules in effect. The motion was seconded and carried unanimously. Additionally, Ms. Hartz noted that the Board appreciates the comments made by the Virginia Council of Nurse Practitioners.

**Adoption of Notice of Intended Regulatory Action – Medication Aides – Chapter 60:**

Mr. Huber moved to adopt a NOIRA for registration of medication aides. The motion was seconded and carried unanimously. Ms. Lief also noted that an Ad Hoc Committee of the Board had been appointed. Members of the Committee include Ms. Hanes, Mr. Huber and Ms. Cooper.

Ms. Tillett moved to adopt final regulations for delegation to an agency subordinate. The motion was seconded and carried unanimously. The Board appreciates the comments by the Virginia Council of Nurse Practitioners.

**Adoption of APA Exempt Regulations – Chapter 20:**

Ms. Yeatts explained to the Board that the regulation needed to be changed to be consistent with a recent statutory change which superceded the regulation and requires that an applicant may not apply for reinstatement for three years following revocation.

Mr. Huber moved to adopt a final amendment to Section 230 of Chapter 20 under an exemption from the Administrative Process Act. The motion was seconded and carried unanimously.

Ms. Yeatts reviewed all activity related to nurse practitioner regulations and then reviewed the documents provided to the Board pertaining to supervision of Certified Registered Nurse Anesthetists that the Committee of the Joint Boards of Nursing and Medicine had considered. In addition the Board of Nursing was provided with a letter from Dr. Leecost, President of the Board of Medicine and additional information he provided. Ms. Yeatts related to the Board that the Executive Committee of the Board of Medicine, at the request of the chair, voted to issue a NOIRA to amend regulations for the practice of nurse anesthetists to

allow them to practice under the medical direction and supervision of a Doctor of Podiatry. The Board would need to issue a NOIRA for this issue to be addressed by regulatory process

Dr. Younger moved to take no action. The motion was seconded and carried unanimously.

**Proposed Emergency Regulations – Prescription Monitoring Program:**

Ms. Yeatts stated this would add nurse practitioners to the program, public comment can be submitted to Ms. Yeatts or Mr. Nebiker until June 10, 2005. No action is required by the Board.

Proposed Emergency Regulation 18 VAC 76-20-10 Prescription Monitoring Program promulgated by the Director of the Department of Health Professions was provided to the Board. The Director is seeking comments from all Boards.

RECESS: The Board recessed at 10:15 A.M.

RECONVENTION: The Board reconvened at 10:35 A.M.

POLICY FORUM: Dr. Barbara Brown, Virginia Hospital and Healthcare Association presented her analysis of the workforce data collected by the Board of Nursing during the online renewal process.

OPEN FORUM: No one was present for public comment.

OTHER MATTERS: **Delegation to Agency Subordinate:**

Ms. Douglas reviewed the Boards guidance document. General discussion followed regarding the process and Board members who have conducted informal conferences to date as an agency subordinate Dr. Younger, Ms. Lief and Ms. Piersall shared their experience with the process which overall was reported to be positive.

Dr. Younger moved to hold in abeyance for the next three Board meetings (or at least six months) any decision regarding limitations on appearing and how to respond to the recommended agency subordinate decision and who can respond until the Board has further experience with the process. In the meantime, if the Board has a concern or question about an agency subordinate recommendation, the Board will refer the case to a formal hearing. The motion was seconded and carried unanimously. Additionally, the Board discussed that respondents will be given five minutes to respond in person to the agency subordinate recommendations.

Ms. Hartz moved to accept the draft documents of agency subordinate and order accepting recommendation of agency subordinate. The motion was seconded and carried unanimously.

Ms. Hartz moved to announce the decision but reserve the right to refrain on a case by case basis. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 12:15 P.M.

RECONVENTION: The Board reconvened at 1:10 P.M.

CONSIDERATION OF  
AGENCY SUBORDINATE  
RECOMMENDATIONS:

**Cheryl J. Mayo-Jay, R.N.**  
Ms. Mayo-Jay appeared.

Ms. Piersall presided, Ms. Lief recused herself.

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:25 P.M. for the purpose of consideration of the recommendation of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, 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 1:30 P.M.

Mr. Huber 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.

Dr. Younger moved to adopt the recommended decision of the agency subordinate and to adopt an order to revoke the right to renew Ms. Mayo-Jay's license to practice professional nursing in the Commonwealth of Virginia as well as the privilege to work in Virginia under a compact license.  
The motion was seconded and carried unanimously.

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:30 P.M. for the purpose of consideration of the recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, 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 1:50 P.M.

Mr. Huber 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.

**Darlene E. Britto, C.N.A. 1401-093562**

Ms. Britto did not appear.

Ms. Tillett moved to adopt the recommended decision of the agency subordinate and to adopt an order of reprimand to Ms. Britto.

The motion was seconded and carried unanimously.

**Rita Castle, R.N., 0001-148423**

Ms. Castle did not appear.

Ms. King moved to adopt the recommended decision of the agency subordinate for indefinite suspension of the right to renew Ms. Castle's license to practice professional nursing in the Commonwealth of Virginia.

The motion was seconded and carried unanimously.

**Sarah A. Curtis, C.N.A., 1401-073287**

Ms. Curtis did not appear.

Ms. Tillett moved to adopt the recommended decision of the agency subordinate for indefinite suspension of the nurse aide certificate of Ms. Curtis until she demonstrates she is safe and competent to practice.

The motion was seconded and carried unanimously.

**Michelle M. Hawrylak, L.P.N. Applicant**

Ms. Hawrylak did not appear.

Ms. Hartz moved to adopt the recommended decision of the agency subordinate to deny Ms. Hawrylak's application for licensure as a practical nurse by examination.

The motion was seconded and carried unanimously.

**Cynthia D. Hinkle, R.N. 0001-106932**

Ms. Hinkle did not appear.

Ms. Hale moved to reject the recommended decision of the agency subordinate and to refer the case to a formal hearing.

The motion was seconded and carried unanimously.

**Karen Sue Hottinger, C.N.A. 1401-020925**

Ms. Hottinger did not appear.

Ms. Tillett moved to adopt the recommended decision of the agency subordinate to indefinitely suspend Ms. Hottinger's nurse aide certification until she demonstrates she is safe and competent to practice.

The motion was seconded and carried unanimously.

**Glenda Pulliam, L.P.N., 0002-061143**

Ms. Pulliam did not appear.

Ms. Tillett moved to adopt the recommended decision of the agency subordinate and to indefinitely suspend the right to renew Ms. Pulliam's practical nursing license until such time as she can appear before the Board and demonstrate that she is safe and competent to practice.

The motion was seconded and carried unanimously.

**Shevonda Randall, C.N.A. 1401-086628**

Ms. Randall did not appear.

Ms. Hartz moved to adopt the recommended decision of the agency subordinate and to continue Ms. Randall on probation according to the terms and conditions of the order entered by the Board on June 25, 2003.

The motion was seconded and carried unanimously.

Ms. Lief returned to the meeting.

**Requests for Accommodation:**

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 2:00 P.M. for consultation with legal counsel in the matter of requests for accommodation for examination. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, Ms. Davis and Mr. Casway 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 2:25 P.M.

Mr. Huber 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.

**Amanda Leigh Medford**

Dr. Younger moved to grant the request for accommodation of time and one half and a separate room to take the NCLEX-RN.

The motion was seconded and carried unanimously.

**Christie R. Goodman-Williams**

Ms. Tillett moved to grant the request of time and one half and a separate room to take the NCLEX-RN.

The motion was seconded and carried. Ms. Hale, Ms. Hanes, Mr. Huber, Ms. King, Ms. Lief, Ms. Piersall, Ms. Semple, Ms. Spady and Ms. Tillett voted in favor of the motion. Ms. Cooper, Ms. Gross, Ms. Hartz and Dr. Younger opposed the motion.

**Deborah Maitland**

Ms. Hartz moved to grant the request of time and one half and a separate room to take the NCLEX-RN.

The motion was seconded and carried unanimously.

RECESS: The Board recessed at 2:30 P.M.

RECONVENTION: The Board reconvened at 2:35 P.M.

**Promissor Technical Report and Meeting:**

Dr. Saxby and Ms. Power reviewed the information that was distributed.

**National Council of State Boards of Nursing Mid Year Meeting:**

Ms. Lief and Ms. Piersall attended the meeting and reported all sessions they attended were very informative. Handouts from the meeting were provided. Ms. Lief stated that sessions on the role of Board President and Executive Officer were helpful.

**2006 – 2008 Budget Formulation:**

The Executive Committee was provided this information prior to the meeting and provided input. The final budget proposal will be presented to the Board of Health Professions in July 2005. Ms. Douglas provided information on the recommendation she had made to the Finance Department which includes proposed costs for Medication Aide Registry, Agency Subordinate wages and conversion of P-14 staff to full time staff.

**Board of Medicine Advisory Committee – Laser Hair Removal:**

Ms. Rosen attended a meeting on April 22, 2005 as Board of Nursing representative. The Board of Medicine convened a group of interested parties to discuss laser hair removal. No action was taken and subsequent meetings will be held.

**Hospital Immunization Protocol:**

Ms. Douglas provided the Board with a copy of a letter sent to Dr. Sallie Cook.

**Consideration of Amendments to Board of Nursing Bylaws:**

Ms. Douglas suggested to the Board that some amendments to the bylaws were necessary to include the Boards process for probable cause determination and for convening the Board for a summary suspension. Ms. Lief requested this matter be deferred to the July 2005 Board meeting.

**Sanction Reference Study Update:**

Ms. Douglas reported that Mr. Kauder and his staff are reviewing cases and collecting data.

**Informal Conference Dates:**

Ms. Douglas asked Board members to meet with Ms. Power and Ms. Rosen today or tomorrow to establish dates for informal conference for the remainder of 2005.

EDUCATION  
PROGRAMS:

**Education Special Conference Committee:**

The Board considered the recommendations of the Education Special Conference Committee from its meeting on May 16, 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:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:55 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Rosen, Ms. Ressler, Ms. Cochran, 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 3:00 P.M.

Mr. Huber 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.

**Sherry Beverly, L.P.N. 0002-033437**

Ms. Hartz moved to accept the Consent Order for indefinite suspension of Ms. Beverly's license to practice as a practical nurse for not less than two years.

The motion was seconded and carried unanimously.

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

**Roberta Buckman, R.N., 0001-116684 L.N.P., 0024-116684**

Ms. Tillett moved to accept the Consent Order for the surrender of and indefinite suspension of Ms. Buckman's license to practice professional nursing in the Commonwealth of Virginia until such time as she demonstrates she is safe and competent to practice.

The motion was seconded and carried unanimously.

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

**Andrea Mickey, L.P.N. 0002-054973**

Ms. King moved to accept the Consent Order for indefinite suspension of Ms. Mickey's practical 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.

**Wendy J. Witt, L.P.N. 0002-035839**

Ms. Tillett moved to accept the Consent Order to indefinitely suspend the right to renew Ms. Witt's practical nurse license until such time as she demonstrates she is safe and competent to practice.

The motion was seconded and carried unanimously.

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

**Diana Dillard Goode, R.N. 0001-082019**

Ms. Hartz moved to accept the Consent Order for indefinite suspension of Ms. Goode's registered nurse license, with said suspension to be stayed upon demonstration of compliance with a recovery monitoring contract with the Health Practitioners Intervention Program for a period of six months from the date the Order is entered.

The motion was seconded and carried unanimously.

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

**OTHER MATTERS**

**CONTINUED:**

Dr. Younger moved to reschedule the Regulation Review Committee meeting and asked Board Members to provide any comments to Ms. Yeatts and staff. The motion was seconded and carried unanimously.

Ms. Lief and Ms. Douglas recognized Dr. Younger and Ms. King for their service to the Board.

Ms. Lief presented a plaque to Dr. Younger recognizing her contributions to the work of the Board and the National Council of State Boards of Nursing in advanced practice nursing.

**ADJOURNMENT:**

The meeting was adjourned at 2:45 P.M.

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Gregory J. Huber, R.N., M.S.N.  
Secretary

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

Executive Director Report  
May 2005

**Nurse Licensure Compact -  
NURSYS –**

Data clean up continues for licensing records not on NURSYS. Board of Nursing staff continue to perform NURSYS queries on open cases at Probable Cause to ensure that other compact states are appropriately notified of current investigations.

The volume of speed memos being received through NURSYS has increased. Investigation and discipline alerts are being received from other compact states as well as notifications of changes in primary states of residence. Workload is being assessed to determine the best way to permanently assign functions. P-14 staff designated for the NLC is in the process of being trained on compact related data entry and correspondence. Declaration forms are still being received on a daily basis as individuals become aware of the NLC. BON Staff continue to work closely with data and finance to follow-up on renewals that result in a change of license status (multi-state-privilege to single-state-privilege etc.) The number of verifications being processed have decreased due to this function now being performed through NURSYS however, the number of write backs to persons mailing in renewals have increased as individuals have not always declared their primary state of residence.

The Executive Director attended the Nurse Licensure Compact Administrator meeting in Chicago, March 21, 2005.

The Board of Nursing requested a report from NURSYS indicating individuals who appear to hold multiple licenses in compact states. This report revealed that currently approximately 1,500 individuals who hold a license in Virginia with multi-state privilege also hold a license in another compact state. This has probably occurred due to Virginia just joining the compact and individuals residing in Virginia has not made other states aware of their declared primary state of residence. Board of Nursing staff will have to correspond with these licensees and other Boards of Nursing to determine in which state they should actually hold a license.

Licensure data clean up on approximately 18,000 licensees still needs to occur once staff has been secured for vacant compact related positions. Once this project has been completed, this data will be forwarded to NURSYS for inclusion in the coordinated licensure information system.

Board of Nursing staff is reviewing on-line renewal reports for nurse practitioners generated by data. These reports identify individuals who attest to holding a license with multi-state privilege in another compact state as a basis for the renewal of their Virginia nurse practitioner license. Follow up is conducted through NURSYS and with licensees if necessary to verify this information.

**Nurse Licensure Compact (NLC) Administrators meeting** – The Executive Director attended this meeting during the NCSBN mid year meeting. Revisions to the NLC military policy were discussed and a final policy for approval will be forthcoming. The issue of reporting of significant investigative data between compact states proved to be a lively discussion and resulted in a revision to the policy that will require compact states to place a notice of investigation on NURSYS (the coordinated licensure information system) when a charging document (notice) is issued to a licensee for a possible significant violation and at the discretion of the Executive Director based upon egregiousness of allegations. This alert will be available to all compact states but will not initiate a speed memo to all compact states. Many compact states reported that speed memos were creating an unnecessary burden on Board staff. All agreed that the most important issue was the Board's could query NURSYS for current investigations in other states at the time they might be licensing an individual or have received a complaint on that person.

Additionally, the Committee recommended some changes to the way in which an action on a multi-state privilege is tracked in NURSYS.

Some states reported difficulty in complying with NLC policies due to their individual states statutory authority. This is causing some inconsistencies between states that is an important issue for the compact to be discussed at a future meeting. Illinois, Florida, South Carolina, New Hampshire, New Jersey and Kentucky are currently working on legislation to enact the NLC in 2005 and 2006 legislative sessions.

The NLC Administrators discussed the need for a workshop for Board investigators and discipline staff specifically focusing on discipline issues related to compact cases. Jay Douglas has been asked to work with the Arizona Board to develop a proposal.

### **Meeting and Presentations:**

The Executive Director provided a presentation on the Nurse Licensure Compact and nurse practitioner licensure issues to the Capital Area Chapter of Medical Staff Coordinators. This meeting was held at Henrico Doctors Hospital on Friday, March 18, 2005. The Deputy Executive Director and one Board member also presented a program about the disciplinary process at the annual meeting of the Virginia Council of Nurse Practitioners on March 18, 2005.

**National Council of State Boards of Nursing (NCSBN) Mid Year Meeting** – Board President, Vice President and two staff members of the Board of Nursing attended the mid year meeting of NCSBN in Chicago, March 21, 2005 through March 23, 2005. The information obtained and networking opportunities were valuable.

Topics included: Nursing Leadership Day – which focused on strengthening the Board President/Executive Officer partnership. A review of responsibilities of the Board President to include leadership, meetings and committees and mediation activities was presented as well as Executive Officer responsibilities. Characteristics of an effective board/staff partnership were discussed. The keynote speaker for this day was Susan Meiers from a company called Board Source who also presented models of Effective Governance: Governance as leadership.

The NCSBN Governance and Leadership Task Force presented a summary of their work and feedback regarding NCSBN's future was solicited from member states. Voting on changes to the NCSBN Strategic Plan will occur at the annual meeting in August 2005.

The Practice, Regulation and Education Committee provided the membership with a draft of their paper on delegation. Board of Nursing staff will be providing comment by April 18, 2005. A preliminary review of this paper indicates it is well written and could be a useful tool for education of our RN licensees about the principles of delegation.

David Swankin, President of the Citizen Advocacy Center presented on different methods of measuring competence of health care professionals. One of NCSBN's strategic initiatives is to develop an assessment instrument to measure continued competence of RN's and LPN's. Discussion among states revealed that there is a wide variety of regulations in place that address continued competence.

Information was obtained on the CORE Project (Commitment to Ongoing Regulatory Excellence) which surveys and measures state boards of nursing best practices in the areas of governance, licensure, practice, education and discipline. Member boards were encouraged to participate and utilize the results to improve Board performance. The Virginia Board of Nursing will discuss this at its May 2005 meeting.

Reports from participating states indicated the following trends:

- increase in the number of state regulating medication aides. NCSBN to provide Virginia with a complete listing of those states. Currently we are aware of MD, NC, NE, AK and OR who regulate aides
- movement toward a “paperless” licensing process in several states due to fraudulent activity
- evaluation of nurse practitioner versus clinical nurse specialists roles
- increase in states requiring criminal background checks prior to initial licensure and upon reinstatement
- revision of nursing education program regulations specifically to address faculty requirements, designated number of clinical hours, on-line and distance learning courses and problems with proprietary schools.
- increase in disciplinary case loads.

**Legislative Coalition** - Staff attended a meeting of the Legislative Coalition of Virginia Nurses on Friday, April 1, 2005. Marcia Tetterton, from the Virginia Association for Home Care, presented an update on issues facing home care nurses in Virginia. There was some discussion on nurse delegation in the home care setting in relation to consumer directed care. Melody Eaton and Leslie Herdigan distributed “talking points” on Virginia Nursing Workforce and the Nursing Shortage. They also expressed interest in gathering “stories” on how and why nurses make a difference in various practice settings. They are also working on a fact sheet of nursing levels and nursing education. The meeting in August will focus on setting the legislative agenda for the 2006 General Assembly session. The next meeting is scheduled for May 6, 2005.

Staff participated in a monthly conference call with Promissor, the nurse aide testing company, and the American Red Cross of the Susquehanna Valley, the subcontractor of Promissor on Thursday, March 31, 2005. Discussion focused on the following:

1. Promissor continues to revise and update the written and skills exam for the nurse aide exam. They expect to have a revised skills exam later this year.
2. Process for dealing with pending applications with criminal convictions; and lack of social security number was discussed.
3. A representative from both Promissor and the American Red Cross will be coming to Virginia the week of April 25, and we have scheduled a meeting for Monday, April 25 to discuss the strategic plan for nurse aide testing for the remainder of 2005, as well as the organizational structure of the American Red Cross in relation to nurse aide testing.
4. Promissor is working on a new student handbook which should be available to candidates in May 2005.
5. Chris Porter, from American Red Cross is evaluating each test site for staffing and integrity of the testing process.

**Virginia Partnership for Nursing** - Staff attended the Virginia Partnership for Nursing Annual Summit April 7<sup>th</sup> and 8<sup>th</sup> in Richmond. Linda Aiken, keynote speaker presented information on her research conducted in Pennsylvania regarding the nursing shortage and patient care needs. Her research focused primarily on hospital settings and assessed only the supply and demand of RN’s not LPN’s. Dr. Aiken also reviewed public policy and education strategies that had been utilized in Pennsylvania.

In addition, Hugh Goldthorpe, Sr. Vice President for Quality and Communications at Owens and Minor addressed leadership development for the 21<sup>st</sup> century.

Barbara Brown, Vice President, Virginia Hospital and Health Care Association presented her analysis of the workforce data collected by the Board of Nursing during the online licensure renewal process September 2004 through February 2005. Dr. Brown will be invited to attend the next Board of Nursing meeting to present this information to the Board of Nursing members. The most significant and helpful information collected was that unlike most other public data, this information reflected responses from a variety of work settings. The majority of nursing workforce data already collected focused on nurses employed in the hospital setting.

**National Council of State Boards of Nursing (NCSBN)** – The Executive Director for the Board of Nursing will be attending a two day leadership development seminar April 21 and 22, 2005 in Florida.

**Education** - Staff participated in a monthly Education Consultant call sponsored by the NCSBN on Tuesday, April 12, 2005. Topics included the following:

1. Clinical Nurse Leader role: Virginia, California and Kansas are the only states, so far, whose Boards have approved Clinical Nurse Leader programs leading to RN licensure. The program in Virginia is a second degree Masters program and is two years in length. The program in Kansas is also a two year program. The post-licensure programs in California are 18 month programs leading to a masters degree. In general, state boards of nursing were supportive of this new program.
2. Faculty shortages: Discussion focused on whether or not state boards of nursing are offering waivers for faculty to teach in nursing programs. Most states have a requirement for a masters degree in nursing to teach in a nursing program. Texas, Maryland, and Nebraska reported allowing waivers only for people who are actively working on their masters degree. Virginia has always had a mechanism for granting a waiver to faculty. The Virginia Board of Nursing plans to review this section of their regulations during the periodic review process.
3. Clinical ratios: Most states have a student/faculty ratio of 10 to 1 in the clinical areas and will not grant waivers of exceptions to this ratio. New Hampshire and Nevada reported an 8 to 1 ratio in their regulations. Virginia has a 10 to 1 ratio.
4. The next telephone conference is scheduled for May 11, 2005. The topic will be distance learning and how state boards are dealing with requests from other states and countries.

Staff will present “What to expect during the NCLEX exam experience” to the senior nursing students at VCU School of Nursing on Monday, April 18, 2005.

**National Council of State Boards of Nursing (NCSBN)** – The Executive Director for the Board of Nursing attended a two day leadership development seminar April 21 and 22, 2005 in Florida. 48 states were represented at this seminar which focused on the Executive Director’s job analysis and core competencies required of a competent and effective executive officer. Jennifer Loudon, keynote speaker explored with the group development of best practices, tools useful in regulatory work, organizational skills, boundary setting, priority setting and an exploration of leadership style. Additionally, the attendees developed a research agenda to be recommended to the NCSBN Board of Directors. The proposal included:

- Monitoring of licensees, types of monitoring and effectiveness.
- Clinical hours in nursing education program, to include number of hours, types of clinical experience and use of simulation.
- Adequacy of preparation to practice related to NCLEX pass rates.
- Analysis of correlation between applicant prior criminal conviction history and subsequent disciplinary actions.

Boards also shared examples of technological advancements that were believed to have enhanced the work of the Board of Nursing. Examples included:

- Online licensure renewal, several states are moving to a completely paperless process. This will mean that renewal notices will not be sent to licensees and paper licenses will not be issued. States reported that they were encouraging employers to pay for their employee’s licensure renewal online, by corporate credit card in bulk and then deducting the fee from the employee’s paycheck. States reported that large hospital systems are using this process and having a positive experience. Several states also reported a higher percentage of usage of online renewal by nurse aides versus nurses.
- Kentucky and Oklahoma reported that online licensure renewal will be mandated through regulations in the near future.
- A few boards now conduct “paperless” Board meetings.

**VCU School of Nursing** - Staff presented “What to expect during the NCLEX exam experience” to the senior nursing students at VCU School of Nursing on Monday, April 18, 2005. The meeting was well attended and the feedback from the students was very positive.

**Nurse Aide On-site Visitors** - Staff participated in the annual meeting for the nurse aide on-site visitors on Friday, April 22, 2005 at the Department of Health Professions. There were 11 on-site visitors from around the state that were present at the meeting. Discussion included an update of the Board of Nursing, site visit issues, testing concerns, and plans for the future. We will plan on having another meeting next year at this time.

**Workforce Data** - Staff will meet with Barbara Brown of the Virginia Hospital and Health Care Association May 3, 2005 to discuss her analysis of the Board of Nursing workforce data collected during the online renewal process for the last six months.

**Human Rights Day Forum** - Board staff attended the Human Rights Day Forum on April 21, 2005 held at the Richmond Convention Center on behalf of the EEOC Committee of the Department of Health Professions.

**Board of Medicine Advisory Committee** - Deputy Executive Director, Discipline represented the Board at a meeting of the Board of Medicine Advisory Committee on laser hair removal Friday, April 22, 2005. Staff will participate in future meetings.

**South Hill Community Memorial Hospital** – Staff from the Board of Nursing presented a program on the nurse licensure compact and mandatory reporting requirements on Wednesday, April 27, 2005 at South Hill Community Memorial Hospital.

**Southside Regional Medical Center** – The Executive Director was the commencement speaker at the graduation ceremony for Southside Regional Medical Center School of Nursing on the evening of April 28, 2005. Approximately 350 people were in attendance.

**Nurse Aide Exam** - On 4-25-2005, Nurse Aide staff and the Executive Director met with representatives from Promissor and American Red Cross (ARC) of the Susquehanna Valley (testing contractor and subcontractor for nurse aide competency testing) for its annual face-to-face meeting. Issues discussed included an update on the organizational structure for both Promissor and ARC, improvements planned and made since the transition from ONTS subcontractor to ARC in November 2004, testing performance for 2004 and new test plan implementation dates, plans for updating candidate handbooks, additional report information that will be provided to the Board, timeliness and plans to improve test result data imports, quality assurance information and plans, possibility of using local ARC offices for test sites in the future, and possibility of transitioning providing application records from microfiche to CD-ROM. The representative from ARC continued to visit test sites throughout central and eastern Virginia during the remainder of the week. The next monthly conference call was scheduled for the end of May.

**Governor’s Advisory Council** - The Board President and Executive Director for the Board of Nursing will attend the Governor’s Advisory Council Meeting, Monday, May 2, 2005.

**Shore Memorial Hospital** – The Executive Director of the Board of Nursing will be providing a presentation on the functions of the Board of Nursing during a “Week of the Nurse” celebration on May 10, 2005 in Nassawadox, VA.

**Legislative Coalition of Virginia Nurses** – The Executive Director will attend a meeting on May 6, 2005.