

**VIRGINIA BOARD OF NURSING
MINUTES
March 18, 2014**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:10 A.M. on March 18, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jane R. Ingalls, RN, PhD; President

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, APRN, NEA-BC; Vice President
Trula Minton, MS, RN; Secretary
Louise Hartz, Citizen Member
Evelyn Lindsay, LPN (joined later)
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
John M. Horn, LPN
Kelly S. McDonough, DNP, RN
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:

Guia Caliwagan, RN, MAN
Allison Gregory, RN, FNP-BC

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS, Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Jodi P. Power, RN, JD, Deputy Executive Director
Paula B. Saxby, RN, PhD, Deputy Executive Director
Linda Kleiner, RN, Discipline Case Manager
Charlette Ridout, Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General (joined later)
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Lauren Goodloe, Virginia Nurses Association
Lucy Smith, Fortis College
J. Wilmouth and B. Murphy, Bryant and Stratton College

ESTABLISHMENT OF A QUORUM:

With 9 members present, a quorum was established.

ANNOUNCEMENTS:

- Board of Nursing vacancy – Citizen Member
- Dr. Dianne Reynolds-Cane, DHP Director, last day was February 28, 2014

- David E. Brown, DC, DHP Director, date of appointment was March 3, 2014
- Charlette Ridout, Senior Nursing Education Consultant, date of hire was February 25, 2104

UPCOMING MEETINGS:

- NCSBN Executive Officer Licensure Dialogue scheduled for March 24 – 25 in Chicago – Ms. Douglas plans to attend
- NCSBN Awards Committee meeting scheduled for March 31 in Chicago – Ms. Douglas plans to attend
- NCSBN State of Consensus Model Conference scheduled for April 23 in Chicago – Ms. Mitchell plans to attend
- Committee of Joint Boards of Nursing and Medicine business meeting scheduled for April 9 has been cancelled; however a formal hearing will be conducted.

ORDERING OF AGENDA: The agenda was reviewed and ordered. Staff updated the agenda with information regarding formal hearings being continued primarily due to notices being mailed to the respondents close to the hearing date. Dr. Ingalls expressed concern about the lateness of notices being mailed. Ms. Douglas addressed the concerns, providing information regarding Administrative Proceedings Division and Enforcement processing is affected by staff vacancies. Board staff will continue to monitor.

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

Minutes:

January 27, 2014	Panel – Ms. Hartz
January 28, 2014	Quorum – Dr. Ingalls
January 29, 2014	Panel – Dr. Ingalls
January 29, 2014	Panel – Ms. Hartz
January 30, 2014	Panel – Dr. Ingalls
February 12, 2014	Telephone Conference Call – Dr. Ingalls

Reports:

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

REPORTS:

Executive Director Report:

The written report was accepted as written and Ms. Douglas added

- Secretary Hazel along with Suzanne Gore and Dr. Jennifer Lee will visit DHP on March 31, 2014. Ms. Gore and Dr. Lee are newly appointed to the Secretary’s Office.
- Ms. Douglas has met with Dr. Brown since his appointment to DHP as the Director.

- Ms. Douglas has been invited to attend a meeting of the American Nurses Association (ANA) taskforce on March 21, 2014 in Maryland. The meeting is regarding cross border licensure. The taskforce will report information to the ANA Board of Directors. The ANA invited a representative from two boards of nursing to participate in this task force.

Ms. C. Mitchell joined the meeting.

Nurse Licensure Compact Administrators (NLCA) Meeting: Ms. Douglas attended the NLCA meeting which was held immediately prior to the NCSBN Midyear meeting in Kansas City, Missouri. The agenda centered around the strategic plan, which was not adopted and will be considered at a later date. Items of interest include enforcement of NLC state compliance and promote uniform licensure; enhance communication with stakeholders and ensure resources to sustain the NLC. Other items of discussion included:

- Other professions moving toward a compact include physical therapy, emergency medical technicians, psychologists, funeral directors and physicians
- A compact for advanced practice nurses (APRN)
- Comprehensive review of NLC regulations is being considered
- Criminal background check federal rap back system implementation
- NCSBN E-notify system available to employers and provides licensure status information
- NLC staff attended HIMS conference
- NLC counsel has concern about states deactivating a license after 90 days in former state which results in disciplinary action when the new license has not been issued
- NLC training to states new to the compact will be open for other states to attend.

OTHER MATTERS:

Informal Conference Committee Schedule:

Ms. Krohn reported 4 of out the 5 committees have submitted dates for the rest of 2014. Ms. Krohn also clarified changes to the April informal conference schedule indicating Board member assignments.

Refresher Course Information on Website:

Ms. Douglas and Dr. Saxby reported that a list of refresher courses for nurses is now available on the Board of Nursing website with the other nursing education program information. They also clarified that the Board is not endorsing a particular course, but providing options for interested individuals to find a refresher course.

Board of Nursing Appeals Update:

Ms. C. Mitchell provided information on two appeals. The appeal regarding Medical Learning Center will be held on April 29, 2014 in Arlington, and a notice of appeal has been received regarding Joi Kelly.

Investigator Testimony via Video Conference:

Ms. Douglas reported that all DHP investigators have the ability to use video conferencing at their home offices. Board members were asked for their thoughts on routinely having investigators testify by video conference instead of having to travel to Richmond and wait for undetermined amounts of time to testify at a formal hearing regarding the authenticity of their report. Board counsel stated this should not be a problem. Dr. Hahn proposed that a test period of formal hearings in May, July and September take place, and then the Board could make a determination on the effectiveness.

Guidance for Governor’s Executive Order #2:

Ms. Douglas provided the information to Board members which contains information regarding acceptance of gifts due to recent events. This also applies to travel requests.

Licensure Flow Charts:

Ms. Douglas reported that the flow charts are available on the website and positive feedback has been received.

Death of former Board Member:

Information was received by mail from an attorney regarding the death of Dr. Rose Chioni. Dr. Chioni was a Board member in the mid 1970’s and served as President of the Board.

Virginia Action Coalition (VAC):

Ms. Douglas, Dr. Saxby and Ms. Ridout plan to attend the VAC meeting on March 28, 2014 in Richmond regarding academic progression.

Workforce Data Renewal Questions:

Ms. Douglas reported that additional questions are being considered to be added to the workforce data renewal questions. Information being considered includes asking licensees if they are currently enrolled in a program and what is the graduation date. Dr. Hahn moved that the Board move forward with adding these questions to the survey. The motion was seconded and carried unanimously.

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

RECONVENTION: The Board reconvened at 10:45 A.M.

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

Dr. Ingalls reviewed the minutes of March 5, 2014. Dr. Hahn moved to accept the minutes. The motion was seconded and carried unanimously.

Education Issues:

Dr. Saxby reported Education staff remains busy with applications being submitted from nursing education programs and site visits. Dr. Saxby stated she is very excited to have Ms. Ridout to assist with the workload.

NCLEX and NNAAP Annual Report:

Dr. Saxby reviewed the information regarding NCLEX and NNAAP results.

NCLEX Scores Below 80%:

Dr. Saxby reviewed the 2013 NCLEX pass rate information for RN and PN programs that were less than 80%.

- 16 RN programs and 10 PN programs had a NCLEX pass rate of less than 80% for one year
- 2 RN programs and 2 PN programs had a NCLEX pass rate of less than 80% for two years
- 3 RN programs and 3 PN programs had a NCLEX pass rate of less than 80% for three years

Ms. Lindsay joined the meeting.

OPEN FORUM: No one was present to address the Board.

OTHER MATTERS:

Board Communication:

Ms. Douglas stated that it is a Freedom of Information Act (FOIA) requirement that all Board business meetings are held in public. Ms. C. Mitchell cautioned Board members regarding email and/or telephone communication outside of the scheduled meeting. Ms. C. Mitchell added that FOIA training is available from the Attorney General's Office and a representative from the FOIA Council is available for training if the Board wishes to have FOIA training.

LEGISLATION/REGULATION:

Status of Regulatory Actions:

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of March 10, 2014.

General Assembly Update:

Ms. Yeatts provided information on items considered by General Assembly to include HB134, HB 500, HB 505, HB 539, HB 575, HB 611, HB 612, HB 661, HB 855, HB 874, HB 891, HB 923, HB 1046, HB 1129, HB 1247 and SB 328.

Adoption of Fast-Track Action on Reinstatement Requirements:

Ms. Yeatts reviewed the information regarding a petition for rulemaking to revise the requirements for continued competency for nurses reactivating an inactive license or reinstating an expired license so they are not less than those for renewal of an active license. Public comment period closed February 12, 2014, and a copy of the proposed amendments to 18VAC90-20 was reviewed. Ms. Hartz moved to adopt the proposed amendments to 18VAC90-20 by a fast-track action as amended. The amendment is to 18VAC90-20-225(2)(c) and 18VAC90-20-230 as providing evidence of completion of at least one of the learning activities or courses specified in 18VAC90-20-221 to be obtained within two years preceding application. The motion was seconded and carried unanimously.

Dr. Brown joined the meeting

Adoption of Final Regulations on Nursing Education Programs:

Ms. Yeatts reviewed the information regarding the NOIRA for amendments to requirements for nursing education programs. The Education Special Conference Committee reviewed the comments on the proposed regulations and recommended changes at their meeting on March 5, 2014. Draft final regulations with the amendment recommended by the Education Special Conference Committee were provided to the Board. The Committee did not have a recommendation regarding the requirement of accreditation for RN education programs until additional information is gathered. 28 out of 79 RN programs do not have ACEN or CCNE accreditation. Several of the 28 however are in the process of obtaining accreditation. Ms. Hartz moved that the Board adopt the responses to comments on proposed regulations as drafted and to adopt the final amendment to 18VAC90-20-10 without the accreditation information. The motion was seconded and carried unanimously.

Discussion continued on the accreditation topic. Ms. Hershkowitz moved to add additional information to 18VAC90-20-110(C)(1) to include holds accreditation by nursing education accrediting body. The motion was seconded and carried unanimously. Dr. Hahn moved to have a committee study the requirement for accreditation. The motion was seconded and carried unanimously. Education Committee members currently assigned include Ms. Hartz, Ms. Caliwagan and Mr. Traynham. Dr. Hahn and Ms. Holmes volunteered for the Accreditation/Education Committee. Dr. Ingalls will make final decision regarding committee composition.

DIALOUGE WITH AGENCY DIRECTOR:

Dr. David Brown introduced himself and provided his background information to the Board. He stated he has met with all Boards and looks forward to working with the Board.

RECESS: The Board recessed at 12:35 P.M.

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

Ms. Yeatts, and Ms. Kleiner left the meeting to resume their normal schedule. Ms. C. Mitchell left the meeting to attend another meeting.

REPORTS: **NCSBN Midyear Meeting:**

Ms. Hershkowitz, Ms. Douglas and Dr. Saxby attended the 2014 midyear meeting held in Kansas City, Missouri. Ms. Douglas also attended the NLCA meeting and the Executive Officer session. Items of interest from the Executive Officer session included looking at issues through the eyes of the stakeholders; meeting agendas should include questions to consider. The presenter at the session stated multitasking can lead to distractions and added data such as links in an online article can lead to not reading the complete article.

Dr. Saxby attended the midyear meeting and the Distance Learning Education Committee meeting. The draft document from NCSBN was reviewed of the four standards developed. Recommendations from the Committee will go the Delegate Assembly at the NCSBN annual meeting.

Ms. Hershkowitz attended the midyear meeting, stating that the major themes were the APRN compact and telehealth issues. She included that a committee is developing proposed changes to the APRN Compact Model. Ms. Hershkowitz noted it was great to see nursing board concerns on a national level and that NCSBN is hiring their own government relations staff person.

Dr. Brown left the meeting.

CONSIDERATION OF CONSENT ORDERS AND RECOMMENDATIONS REGARDING APPLICANTS:

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Minton moved that Ms. Douglas, Ms. Ms. G. Mitchell, Ms. Power, Ms. Krohn, Dr. Saxby, Ms. Ridout, Ms. Tiller 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. Minton 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.

Stephanie Waybright, RMA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the informal conference committee to deny the application of Stephanie Waybright for registration by examination to practice as a medication aide. The motion was seconded and carried unanimously.

Keosha T. Webb, CNA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to approve the application of Keosha Webb for certification by examination to practice as a nurse aide and to reprimand Ms. Webb. The motion was seconded and carried unanimously.

Sherri Leigh Payne, RN 0001-177537

Ms. Minton moved that the Board of Nursing accept the consent order to reinstate the license of Sherri Leigh Payne to practice professional nursing and to correct the licensure expiration date in finding of fact #2 to April 30, 2011. The motion was seconded and carried unanimously.

Amanda Lashbaugh, CNA 1401-122652

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the nurse aide certificate of Amanda Lashbaugh for not less than one year and enter a finding of neglect against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Lisa C. Sheplak, RN 0001-164094

Ms. Minton moved that the Board of Nursing accept the consent order to take no action against Lisa Sheplak contingent upon her remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Jessica E. Stickles, RN 0001-224656

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the professional nursing license of Jessica Stickles for a period of not less than two years. The motion was seconded and carried unanimously.

Gretchen Rhodenizer, RN 0001-129797

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the professional nursing license of Gretchen Rhodenizer, but stay the suspension contingent upon proof of her re-entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Karen G. Temple, RN 0001-142010

Ms. Minton moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the license of Karen Temple to practice professional nursing. The motion was seconded and carried unanimously.

Emily H. Segal, RN 0001-218216

Ms. Minton moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the license of Emily Segal to practice professional nursing. The motion was seconded and carried unanimously.

Sheryl L. Mason, LPN 0002-048568

Ms. Minton moved that the Board of Nursing accept the consent order to reprimand Sheryl Mason and to indefinitely suspend the license of Ms. Mason to practice practical nursing. The motion was seconded and carried unanimously.

Edna M. Duncan, RN 0001-234477

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Edna Duncan to practice professional nursing, but stay the suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Casey R. Frick, RMA 0031-006257

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the registration of Casey Frick to as a medication aide. The motion was seconded and carried unanimously.

Neal E. Wong, RN 0001-163242

Ms. Minton moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the license of Neal Wong to practice professional nursing. The motion was seconded and carried unanimously.

Sarah Cressell, RN 0001-224476

Ms. Minton moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Sarah Cressell to practice professional nursing, but stay the suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Rebecca Martin, RMA Applicant

Ms. Hartz moved that the Board consider this consent order on Wednesday, March 19, 2014 when Board counsel is available. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 2:25 P.M.

Trula Minton, MS, RN
Secretary

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