

**VIRGINIA BOARD OF NURSING  
MINUTES  
May 20, 2014**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:14 A.M. on May 20, 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  
Guia Caliwagan, RN, MAN  
Evelyn Lindsay, LPN  
Louise Hershkowitz, CRNA, MSHA  
Jeanne Holmes, Citizen Member  
Kelly S. McDonough, DNP, RN  
William Traynham, LPN, CSAC

**BOARD MEMBERS ABSENT:**

Allison Gregory, RN, FNP-BC  
John M. Horn, LPN

**STAFF PRESENT:**

Jay P. Douglas, MSM, RN, CSAC, FRE; 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

**STAFF ABSENT:**

Brenda Krohn, RN, MS, Deputy Executive Director

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General  
David E. Brown, D.C.; Director, Department of Health Professions  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
Janet Wall, President; Virginia Nurses Association  
Howard M. Casway, former Senior Assistant Attorney General  
Two nursing students from Advantis RN online program

**ESTABLISHMENT OF A QUORUM:**

With 10 members present, a quorum was established.

**ANNOUNCEMENTS:**

- Board of Nursing vacancy – Citizen Member

- Appointment of Jaime Hoyle, Chief Deputy Director, Department of Health Professions

UPCOMING MEETINGS:

- Nurse Licensure Compact Administrators Executive Committee meeting – May 28-29, 2014, Ms. Douglas to attend.
- Committee of the Joint Boards of Nursing and Medicine meeting scheduled for June 11, 2014.
- National Council of State Boards of Nursing Executive Officer Forum, Licensure Models – June 23-25, 2014, Ms. Douglas to attend.
- Orientation to Nursing Regulations for Nursing Leaders – June 17, 2014, Ms. Douglas will be the presenter.
- National Council of State Boards of Nursing Annual meeting scheduled for August 13 – 15, 2014 in Chicago, IL

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item 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:

March 17, 2014	Panel – Dr. Hahn
March 18, 2014	Quorum – Dr. Ingalls
March 19, 2014	Quorum – Dr. Ingalls
March 19, 2014	Panel – Dr. Ingalls
March 20, 2014	Panel – Dr. Ingalls
April 4, 2014	Telephone Conference Call – Dr. Ingalls
April 9, 2014	Committee of the Joint Boards of Nursing and Medicine – Ms. Gregory

Reports:

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

MINUTES: Ms. Hershkowitz stated she did not participate in the formal hearing of Min Soon Kim on Mach 19, 2014. Dr. Hahn moved to accept the minutes of March 19, 2014 as amended.

REPORTS:

**Executive Director Report:**

The written report was accepted as written and Ms. Douglas added the following information:

- Budget projections for next 4 years included a cost/fee analysis; anticipated state/federal legislation that may have cost implications; regulatory changes regarding continued competency after August 2015 will require audits of renewal information; upcoming random audits of certified massage therapists and licensed nurse practitioners; and any extraordinary

operating costs for the Board such as equipment and positions. Updates will be provided to the Board as possible.

- Ms. Douglas attended HRSA's National Nurses Week Stakeholders meeting as a representative of the National Council of State Boards of Nursing in Washington DC on May 9, 2014.
- Agency-wide Department of Health Professions training took place May 14 – 15, 2014. Ms. Douglas participated in a presentation on the sanction reference point program to the DHP investigators.
- Previous attempts to schedule a meeting of the Conscious Sedation Committee have not been successful, and additional dates will be offered. Ruth Williams, grad student from VCU Health System has been assisting with the Board of Nursing guidance document regarding conscious sedation, was able to have Ms. Douglas tour several VCUHS procedural labs.
- Two Board of Nursing support staff attended the National Council of State Boards of Nursing Operations/IT Conference on May 13 -14, 2014 in Chicago, IL and gained information regarding best practices to benefit boards of nursing office operations.
- Ms. Douglas attended a meeting of the ANA in March 2014 that discussed licensure across borders.

Dr. Ingalls informed the Board that Ms. Douglas has been selected to attend the International Council of Nurses Global Nursing Leadership Institute in Geneva Switzerland in September 2014. Expenses for attending will be supported by National Council of State Boards of Nursing and the travel authorization request will require approval from the Governor's office.

#### DIALOGUE WITH AGENCY DIRECTOR:

Dr. Brown welcomed the nursing students that were observing the meeting and recognized the leadership being provided by the Virginia Board of Nursing to the nursing profession. Other topics included:

- Secretary's Office and the Governor's Office are working on regulations that have been pending, prioritizing for processing.
- Prescription drug abuse issues will continue to be a priority.
- Boards should expect to receive Board appointments more quickly than in the past.
- DHP training was informative, and should increase coordination and collaboration with Enforcement and Boards.
- National Governor's Association has 6 states that are participating to identify veterans with training to streamline the licensing process. Occupations in Virginia include licensed practical nurses, emergency medical technicians, and physical therapist assistant.
- Jaime Hoyle was appointed as the DHP Chief Deputy Director. Ms. Hoyle was previously the senior attorney and policy analyst with Joint Commission on Health Care.

Dr. Brown closed with he welcomes input from the Board members.

#### REPORTS:

##### **NCSBN APRN Consensus Meeting:**

Ms. Mitchell expressed her appreciation for being able to attend the meeting held in April. The reports presented at the NCSBN meeting were very

informative; many accrediting entities were in attendance providing reports. The goal of the consensus model is autonomous practice, there are 28 points for alignment with the consensus model and Virginia currently has 14 points.

Ms. Douglas added that NCSBN Board of Directors send out notification that they approved changes to the APRN Compact to include “independent practice” which will be sent to the Delegate Assembly.

**DHP Performs Report:**

Ms. Douglas reviewed the changed format of the information on the website. She provided an overview of case review that takes place with Board staff and Enforcement staff weekly.

**Commitment on Ongoing Regulatory Excellence (CORE) Committee:**

Ms. Minton provided a summary of the meeting of the CORE Committee that reviewed discipline data.

OTHER MATTERS:

**Board of Nursing Appeals Update:**

Ms. C. Mitchell provided information on three appeals. The appeal regarding Medical Learning Center was held on April 29, 2014 in Arlington, the judge’s decision has not been received. A hearing for the motion to dismiss is scheduled for June 18, 2014 in King and Queen County regarding Joi Kelly. Susan Prior plans to file for intermediate relief of the Board’s order in Fairfax County.

**2015 Board Meeting Dates:**

The dates for 2015 Board meeting and formal hearings were provided. Ms Lindsay noted possible incorrect dates for May. Ms. Davis will confirm the dates and provide the correct information.

EDUCATION:

**Education Special Conference Committee Minutes:**

Dr. Hahn reviewed the minutes of May 13, 2014. Mr. Traynham moved to accept the minutes. The motion was seconded and carried unanimously. [http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\Meeting\27\20643\Minutes\\_DHP\\_20643\\_v1.pdf](http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\Meeting\27\20643\Minutes_DHP_20643_v1.pdf)

**Education Issues:**

Dr. Saxby reported that a request from Star College has been received for a formal hearing.

RECESS:

The Board recessed at 10:15 A.M.

RECONVENTION:

The Board reconvened at 10:30 A.M.

LEGISLATION/REGULATION:

**Status of Regulatory Actions:**

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of May 1, 2014. Specifically, an extension to the nurse practitioner and prescriptive authority emergency regulations until November 6, 2014; however there is not enough time for these to be final by that date and may be confusing to the public. Ms. Douglas added that all licensed nurse practitioners were

notified regarding the extension of the emergency regulations in an electronic and hard copy mailing. This notification included information about the 2012 change in laws.

OPEN FORUM: There was no one present to address the Board.

POLICY FORUM: **Virginia Action Coalition Update:**  
Shirley Gibson, DHP, MSHA, RN, FACHE; Co-chair of the Virginia Action Coalition was present and provided information to the Board on the Virginia Action Coalition Future of Nursing Campaign for Action. She reviewed the 5 workgroups, Leadership, Access to Care, Academic Progression, Workforce Data and Inter-professional Collaboration. Dr. Gibson reviewed the Virginia Action Coalition recommendations and goals.

Dr. Ingalls thanked Dr. Gibson for providing this information to the Board and for the ongoing efforts of the Virginia Action Coalition.

RECESS: The Board recessed at 11:30 A.M.

RECONVENTION: The Board reconvened at 1:23 P.M.

#### 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 1:24 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, Dr. Saxby, Ms. Ridout, Ms. Kleiner, 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 1:32 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.

#### **Levi West, CMT Applicant**

Dr. Hahn moved that the Board of Nursing accept the recommended decision of the informal conference committee to approve the application of Levi West for certification by examination to practice as a massage therapist. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Minton, Ms. Caliwagan, Ms. Hartz, Ms. Hershkowitz, Ms. Holmes, and Mr. Traynham were in favor of the motion. Ms. Lindsay and Dr. McDonough opposed the motion.

**Jessica McCray, CNA Applicant**

Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Jessica McCray for certification by examination to practice as a nurse aide. The motion was seconded and carried unanimously.

**Ellen A. Smith, RN 0001-085254**

Mr. Traynham moved that the Board of Nursing accept the consent order to reprimand Ellen Smith and to indefinitely suspend the professional nursing license of Ms. Smith until such time she is able to appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

**Jack Hawk, CNA 1401-092644**

Mr. Traynham moved that the Board of Nursing accept the consent order to accept the surrender of the nurse aide certificate of Jack Hawk. Further, the nurse aide certificate of Mr. Hawk is revoked and to enter a finding of abuse against him into the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

**Alexandra P. Bernier, RN 0001-229331**

Mr. Traynham moved that the Board of Nursing accept the consent order to indefinitely suspend the professional nursing license of Alexandra Bernier, but stay the suspension contingent upon proof of Ms. Bernier's re-entry into the Health Practitioners Monitoring Program or similar monitoring program in Florida and remaining in compliance with the program for the period specific by the program. The motion was seconded and carried unanimously.

**Brandi Pryor, LPN 0002-079280**

Mr. Traynham moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of the practical nursing license of Brandi Pryor. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 1:35 P.M.

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Trula Minton, MS, RN  
Secretary

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