

**VIRGINIA BOARD OF NURSING  
MINUTES  
May 17, 2016**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:07 A.M. on May 17, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

**BOARD MEMBERS PRESENT:**

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President  
Kelly McDonough, DNP, RN; Vice President  
Jennifer Phelps, LPN, QMHPA; Secretary  
Guia Caliwagan, RN, MAN  
Joana Garcia, Citizen Member  
Marie Gerardo, MS, RN, ANP-BC  
Regina Gilliam, LPN  
Louise Hershkowitz, CRNA, MSHA  
Trula Minton, MS, RN  
Mark D. Monson, Citizen Member

**BOARD MEMBERS ABSENT:**

Jeanne Holmes, Citizen Member  
Rebecca Poston, PhD, RN, CPNP-PC  
William Traynham, LPN, CSAC

**STAFF PRESENT:**

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director  
Brenda Krohn, RN, MS; Deputy Executive Director  
Gloria D. Mitchell-Lively, RN, BSN, MBA; Deputy Executive Director  
Jodi P. Power, RN, JD; Deputy Executive Director  
Stephanie Willinger, Deputy Executive Director  
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant  
Ann Tiller, Compliance Manager  
Amy Davis, Executive Assistant  
Darlene Graham, Senior Discipline Specialist

**STAFF ABSENT:**

Linda Kleiner, RN, Discipline Case Manager  
Paula B. Saxby, RN, PhD; Deputy Executive Director

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General, Board Counsel  
Lisa Hahn, Chief Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst; Department of Health Professions

**IN THE AUDIENCE:**

Andrew Lamar, representing Virginia Nurses Association  
Dana Parsons, representing Leading Age  
Scott Johnson, representing Medical Society of Virginia

ESTABLISHMENT OF A QUORUM:

With 10 members present, a quorum was established.

ANNOUNCEMENTS:

Ms. Douglas noted the announcements on the agenda and added the following information:

- Ms. Minton serves on the Board of Health Professions and will provide a report later in today’s meeting.
- Dr. Hahn and Ms. Garcia have terms that expire June 30, 2016. Dr. Hahn has expressed her desire to be reappointed; however Ms. Garcia is not seeking reappointment.

UPCOMING MEETINGS

Ms. Douglas noted the upcoming meetings on the agenda.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

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

Minutes:

March 21, 2016	Panel – Dr. Hahn
March 22, 2016	Quorum – Dr. Hahn
March 23, 2016	Quorum – Dr. Hahn
March 23, 2016	Panel – Dr. Hahn
March 23, 2016	Panel – Mr. Traynham
March 24, 2016	Panel – Mr. Traynham

Reports:

Agency Subordinate Tracking Log

REPORTS:

**Finance Report:**

Ms. Douglas reviewed the Finance Report that was not mailed to Board members in advance of the meeting as it was not available until May 16, 2016. Ms. Douglas reported an increase in postage costs, researching possible causes has revealed multiple, duplicate renewal notices and licenses being issued. Board staff are working with IT staff to improve quality control of printing items. Issuing electronic renewal notices is also being studied.

**Monthly Tracking Log-Licensure and Disciplinary Statistics:**

Ms. Douglas reviewed the monthly tracking log and noted that the statistics are consistent with past information.

**Executive Director Report:**

Ms. Douglas provided information regarding:

- An overview of Board of Nursing laws and regulation workshop was provided to nursing leaders in April at the DHP location and another

session is scheduled for October. Due to several requests from hospitals for the workshop to be held at their locations, DHP Communication staff are arranging for the presentation to be taped which will allow employers to use as needed.

- Links to the Department of Health website regarding information from the Zika Taskforce are on the DHP website.
- All vacant Board of Nursing staff positions have been filled except one, interviews are expected to be held in June. Dr. Saxby will return from medical leave on May 23, 2016. Ms. Douglas and the Board expressed their appreciation to Ms. Ridout for coverage provided during Dr. Saxby's absence. An intern has been assigned to Tonya James, Compliance Case Manager for the summer.

#### **Enhanced Nurse Licensure Compact (NLC):**

Ms. Douglas reported the Enhanced Nurse Licensure Compact will become effective December 2018 or when 26 states enact the enhanced NLC, whichever comes first.

#### **APRN Roundtable:**

Ms. Hershkowitz attended the National Council of State Boards of Nursing APRN Roundtable held in Chicago in April and provided an overview of the five topics of APRN compact, legislation, telehealth, clinical education and simulation. Ms. Hershkowitz expressed her appreciation of being able to attend the meeting.

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

Ms. Hershkowitz reviewed the minutes of the meeting held in April. After a typographical error was identified, Ms. Hershkowitz moved to accept the minutes as corrected. The motion was seconded and carried unanimously.

#### **Massage Therapy Advisory Board:**

Ms. Douglas reviewed the minutes from the meeting in April, reporting that the 2016 General Assembly passed legislation effective January 2017 changing from "certification" to "licensure" for massage therapy, and will require new applicants to undergo a criminal history background check.

Ms. Douglas reviewed the recommendations from the Advisory Board regarding the review of Regulations Governing the Certification of Massage Therapists. Mr. Monson moved to accept the minutes of the meeting and the recommendations of the Advisory Board. The motion was seconded and carried unanimously.

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

Ms. Minton provided an oral report on the meeting held May 5, 2016 to include the following items of interest:

- The Board of Nursing is in good standing in regards to probable cause review of cases.
- Telehealth
- Information on the website to increase access to the public and licensees regarding Board of Health Professions.

DIALOGUE WITH AGENCY DIRECTOR:

Ms. Hahn, Chief Deputy Director, provided information on the following topics:

- Agency employee training scheduled for May 24 is mainly oriented to enforcement employees. May 25 is for all employees and includes service awards, customer service presentation, and a representative from National Council of State Boards of Nursing will provide a presentation on fraudulent applications and supporting documents.
- Findings from the HPMP audit conducted by the CAC have been sent to the Director's office.
- Continued efforts on identifying problems with the phone system, especially for the Board of Nursing.
- Printing and mailing practices of renewal notices and licenses is under review.

OTHER MATTERS:

**Board of Nursing Appeals Update:**

Ms. Mitchell, Board Counsel, reported on the current appeal information regarding Board of Nursing cases.

**Scheduling of Possible Summary Suspensions:**

Ms. Douglas asked Board members for suggestions on what staff can do to improve the process in scheduling possible summary suspensions. Mr. Monson asked if it was possible to conduct possible summary suspension with a panel of the Board instead of a quorum of the Board. Staff agreed to work with Ms. Mitchell and Ms. Yeatts to determine if this is an option.

**Stakeholder meeting for Nurse Aide Curriculum:**

Ms. Douglas stated the meeting will be scheduled after Dr. Saxby returns from medical leave, and will probably take place in June.

**Future Board Development Activities and Schedule:**

Dr. Hahn asked Board members for suggested agenda items for the next Board development day. Ms. Phelps requested information regarding education program disciplinary proceedings be included. Board members are to provide other suggested agenda items to Ms. Douglas and Dr. Hahn.

**Future Committee Meetings:**

Ms. Douglas stated meetings of the Commitment to Ongoing Regulatory Excellence (CORE), Criminal Background Check (CBC) and Education Committee will be scheduled in July.

PUBLIC COMMENT:

No one was present who wished to address the Board during the public comment period.

RECESS:

The Board recessed at 10:14 A.M.

RECONVENTION:

The Board reconvened at 10:20 A.M.

## EDUCATION:

### **Education Special Conference Committee Minutes:**

Dr. Hahn reviewed the minutes of May 11, 2016. Mr. Monson moved to accept the minutes of the meeting. The motion was seconded and carried unanimously.

[http://www.dhp.virginia.gov/nursing/minutes/2016/EducationIFC\\_final\\_05112016.doc](http://www.dhp.virginia.gov/nursing/minutes/2016/EducationIFC_final_05112016.doc)

Mr. Monson moved to accept the recommendations of the Education Special Conference Committee regarding the following nursing education programs: George Mason University Baccalaureate Program, Hampton University Baccalaureate Program, Stratford University Falls Church Baccalaureate Program and Piedmont Virginia Community College Practical Nursing Program. The motion was seconded and carried unanimously.

Ms. Minton moved to accept the recommendation of the Education Special Conference Committee regarding ECPI University Newport News Associate Degree Program. The motion was seconded and carried unanimously.

### **Nursing Education/Accreditation Committee:**

Dr. Hahn reported on the meeting held March 22, 2016. Mr. Monson moved to accept the minutes of the meeting. The motion was seconded and carried unanimously. She indicated stakeholders expressed support to having nursing education programs accredited and that the Committee voted for the Board of Nursing to move forward with Notice of Intended Regulatory Action (NOIRA) that would require all pre-licensure registered nursing programs in Virginia to have nursing program accreditation or candidacy status with a nursing program accrediting body by 2020. Ms. Yeatts cautioned that compliance by 2020 may not be feasible and the Board may need to require schools to be in compliance within a specified period of time after regulation is approved.

### **Education Staff Report:**

Ms. Ridout reported there are 10 nursing education programs (1 practical nursing, 9 registered nursing) with NCLEX pass rates below 80% for two consecutive years. Seven visits have been made to programs in April.

Ms. Ridout clarified information from the March meeting regarding Riverside School of Nursing was incorrect. The program has not closed, however there will be no new cohort, the final students will graduate later this year. Ms. Ridout was directed to invite Riverside School of Nursing to attend the January 2017 Board of Nursing meeting.

## LEGISLATION/REGULATION:

### **Status of Regulatory Action:**

Ms. Yeatts reported revisions to Chapter 20 regarding nursing and nursing education regulations are in the Attorney General's office.

### **Notice of Intended Regulatory Action (NOIRA) recommended by the Advisory Board on Massage Therapy:**

Ms. Yeatts reviewed the information recommended by the Advisory Board regarding periodic review of the regulations. Mr. Monson moved to approve

the substance of a NOIRA as recommended by the Advisory Board. The motion was seconded and carried unanimously.

**Proposed Fast-Track Action – 18VAC90-60-110:**

Ms. Yeatts reviewed the information regarding scope of practice for registered medication aides of subcutaneous administration of medications. The proposed amendment is to specify in the regulations that administration of medication by the subcutaneous route is not allowed with the exception of insulin, glucagon or epipen. Mr. Monson moved to adopt the proposed amendment to 18VAC90-60-110 by a fast-track action. The motion was seconded and carried unanimously. Mr. Monson moved for the next medication aide curriculum revision to expand subcutaneous medications. The motion was seconded and carried. Mr. Monson, Dr. McDonough, Dr. Hahn, Ms. Hershkowitz, Ms. Garcia, Ms. Caliwagan and Ms. Gerardo were in favor of the motion. Ms. Gilliam, Ms. Minton and Ms. Phelps opposed the motion. Ms. Phelps suggested approved programs and assisted living facilities be surveyed to see if an expansion of subcutaneous medications are needed.

RECESS: The Board recessed at 11:26 A.M.

RECONVENTION: The Board reconvened at 12:35 P.M.

Ms. Hahn, Ms. Yeatts, Ms. Ridout and Ms. Willinger left the meeting.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:36 P.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, Ms. Tiller, Ms. Davis and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:48 P.M.

Ms. Phelps 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.

**Amy Dooley, LPN 0002081570**

Mr. Monson moved to accept the consent order to indefinitely suspend the practical nursing license of Amy Dooley, but stay the suspension upon proof of entry into the Health Practitioners Monitoring Program and remaining in compliance with the Program thereafter. The motion was seconded and carried unanimously.

**Heather Elizabeth Trammell, RN 0001243015**

Ms. Hershkowitz moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nursing license of Heather Trammell. The motion was seconded and carried unanimously.

**Heather N. Bowers, LPN 0002088856**

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the right to renew the practical nursing license of Heather Bowers. The motion was seconded and carried unanimously.

**Melanie Keffer, RN 0001222669**

Ms. Hershkowitz moved to accept the consent order indefinitely suspend the registered nursing license of Melanie Keffer. The motion was seconded and carried unanimously.

**Stephanie Cressell, RN 0001224551**

Mr. Monson moved to accept the consent order to indefinitely suspend the registered nursing license of Stephanie Cressell, but stay the suspension contingent upon Ms. Cressell's compliance with the terms and conditions of the Health Practitioners Monitoring Program for the period specified by the Program. Further, to reprimand Ms. Cressell. The motion was seconded and carried unanimously.

**Lee Ann N. Willoughby, RN 0001213773**

Ms. Caliwagan moved to accept the consent order to indefinitely suspend the registered nursing license of Lee Ann Willoughby, but stay the suspension contingent upon Ms. Willoughby's continued compliance with the terms and conditions of the Health Practitioners Monitoring Program for the period specified by the Program. The motion was seconded and carried unanimously.

**Amanda S. Gloria, LPN 0002090360**

Dr. McDonough moved to accept the consent order to indefinitely suspend the practical nursing license of Amanda Gloria for a period of not less than two years. The motion was seconded and carried unanimously.

**Jacqueline Hatch Sawyer, RN 0001174504**

Ms. Hershkowitz moved to accept the consent order to suspend the registered nursing license of Jacqueline Sawyer, but stay the suspension contingent upon Ms. Sawyer's continued compliance with the terms and conditions of the Health Practitioners Monitoring Program for the period specified by the Program. The motion was seconded and carried unanimously.

CONSIDERATION OF POSSIBLE SUMMARY SUSPENSIONS:

Wayne Halbleib, Senior Assistant Attorney General; Carla Boyd, Adjudication Specialist, Administrative Proceedings Division; and Steven Bulger, Adjudication Specialist, Administrative Proceedings Division joined the meeting for the consideration of possible summary suspensions.

Wayne Halbleib, Senior Assistant Attorney General, presented evidence that the continued nursing practice of Cynthia Ellen Ballenger Sturm, RN

0001226207 may present a substantial danger to the health and safety of the public.

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:13 P.M. for the purpose of deliberation in the matter of Ms. Sturm. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, Ms. Tiller, Ms. Davis and Ms. Mitchell 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 1:16 P.M.

Ms. Phelps 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.

Ms. Hershkowitz moved to summarily suspend the registered nursing license of Cynthia Sturm pending a formal administrative hearing and to offer a consent order for indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

Ms. Boyd left the meeting.

Wayne Halbleib, Assistant Attorney General presented evidence that the continued nursing practice of Monica Anne Mungo, RN 0001221894 may present a substantial danger to the health and safety of the public.

Mr. Monson moved to summarily suspend the registered nursing license of Monica Mungo pending a formal administrative hearing and to offer a consent order for indefinite suspension of her license in lieu of a formal hearing. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 1:18 P.M.

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Kelly S. McDonough, DNP, RN  
Vice President

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