

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
BUSINESS MEETING MINUTES
February 8, 2017**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:00 A.M., February 8, 2017 in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Louise Hershkowitz, CRNA, MSHA; Chair
Marie Gerardo, MS, RN, ANP-BC
Rebecca Poston, PhD, RN, CPNP
Wayne Reynolds, DO
Kenneth Walker, MD

MEMBERS ABSENT: Lori D. Conklin, MD

ADVISORY COMMITTEE MEMBERS PRESENT:
Joseph F. Borzelleca, Jr., MD, MPH
Kevin E. Brigle, RN, NP
Mark Coles, RN, BA, MSN, NP-C
Wendy Dotson, CNM, MSN
Cathy A. Harrison, DNAP, CRNA
Sarah E. Hobgood, MD
Stuart F. Mackler, MD

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Jodi P. Power, RN, JD; Deputy Executive Director; Board of Nursing
Stephanie Willinger, Deputy Executive Director; Board of Nursing
Huong Vu, Executive Assistant; Board of Nursing

OTHERS PRESENT: Erin Barrett, Assistant Attorney General; Board Counsel
David Brown, DC; Director; Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine

IN THE AUDIENCE: W. Scott Johnson, Medical Society of Virginia (MSV)
Julie Galloway, Medical Society of Virginia (MSV)
Lynn Poole, FNP-BC
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, Board of Nursing President
Mary Duggan, American Association of Nurse Practitioners (AANP) State Representative
Caroline Perrin, MWC
Sarah Heisler, Virginia Hospital and Healthcare Association (VHHA)
Letha Fisher, RN, Public Health Nursing Director; Virginia Department of Health (VDH)
Hughes Melton, MD, MBA, FAAFP, FABAM, Chief Deputy Commissioner, Office of the Commissioner, Virginia Department of Health (VDH)

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine Minutes
February 8, 2017

INTRODUCTIONS: Committee members, Advisory Committee members and staff members introduced themselves.

Dr. Borzelleca stated that he will be retiring soon and asked the Committee of the Joint Boards to consider the nomination of Tholozeni Lipato, MD as his replacement. Ms. Hershkowitz said the Committee will consider this matter at its next meeting and thanked Dr. Borzelleca for his service.

ESTABLISHMENT OF A QUORUM:

Ms. Hershkowitz called the meeting to order and established a quorum was present.

REVIEW OF MINUTES: The minutes of December 7, 2016 was reviewed. Ms. Gerardo moved to accept the minutes as presented. The motion was seconded and carried unanimously.

PUBLIC COMMENT: There was no one present that wished to address the Board.

DIALOGUE WITH
AGENCY DIRECTOR:

Opioid Crisis – Dr. Brown reported that the fatalities from opioid overdose in 2016 are closed to 1100 and over prescribing is the major part of the problem. Dr. Reynolds asked what percentage of the fatalities in 2016 was due to heroin overdose. Dr. Brown said he did not have the breakdown but he could ask.

Dr. Brown stated that there are many bills providing guidelines on controlled substance prescribing and treating opioid addiction that the current General Assembly is considering.

OLD BUSINESS:

Revision of Guidance Document (GD) 90-56 (Practice Agreements):

Ms. Yeatts noted that Ms. Douglas prepared the GD 90-56 time line which includes modification by Board of Medicine, revision by Committee of the Joint Boards of Nursing and Medicine at its last meeting, and amendment by Board of Nursing at its January 2017 meeting. She added that the current version includes changes in highlighted languages as suggested by Wendy Dotson, representing the Virginia Affiliate of the American College of Nurse Midwives, and is presented to the Committee of Joint Boards of Nursing and Medicine for consideration. She noted that it will be presented to the Board of Medicine at its February meeting for adoption.

Dr. Reynolds moved to adopt the GD as presented. The motion was seconded and passed unanimously.

Board of Medicine FAQ's related to Controlled Substances CE requirements for Nurse Practitioners:

Ms. Douglas referred to Dr. Harp for clarification. Dr. Harp stated that the FAQ's was sent to all practitioners who prescribe controlled substances to notify them of CE requirements. He noted that over 1,000 inquiries were made of which maybe

three were from Nurse Practitioners. He added that this is also posted at Board of Medicine website.

NEW BUSINESS:

The Opioid Public Health Crisis and the CARA Act, Implications for Virginia:

Dr. Melton, Chief Deputy Commissioner, Office of the Commissioner, VDH, provided three handouts regarding Virginia's Plan for Well-Being Measures and the Role of the Nurse in Addiction Disease Management. He commented that:

- Substance use disorder (SUD) diagnosis of members enrolled in Medicaid is spread across Virginia
- Southwest area is reported having largest Hepatitis C population with SUD diagnosis
- Distribution of treatment resources in Virginia is not uniform

Ms. Fisher, Public Health Nursing Director, VDH, said that addiction is treated as chronic disease. She noted that recovery of chronic illness management is a long process and relapse is expected. Ms. Fisher added that the American Nurses Association (ANA) encourages comprehensive pharmacology education for nurses practicing in all settings to ensure safe and appropriate prescription of drugs.

Dr. Melton stated that CARA 2016 makes it possible for physician assistants (PA) and nurse practitioners (NP) to obtain a waiver to use buprenorphine to treat opioid addiction. PA's and NP's must complete 24 hours of education on buprenorphine and obtain a waiver from the Substance Abuse Mental Health Service Administration (SAMHSA) before treating patients. Dr. Melton added that currently there are 28 educational sessions scheduled throughout Virginia and 800 practitioners have signed up already. He noted that he will provide the detail of the training sessions to Ms. Douglas.

Ms. Dotson asked if certified nurse midwives are included in the training sessions. Dr. Melton said that he will check and communicate with Ms. Douglas regarding the findings.

Ms. Hershkowitz commented that she received the training email from VDH and has signed up for the training session.

Dr. Walker asked if the training session is qualified for the required two CE hours. Dr. Melton said yes.

Dr. Harrison commented appreciation for the information provided.

Dr. Hahn, Board of Nursing President, asked if these training sessions are available to NP students. Dr. Melton replied yes.

Ms. Hershkowitz suggested the Advisory members to pass on the information to respective associations.

RECESS: The Committee recessed at 9:43 A.M.

RECONVENTION: The Committee reconvened at 9:57 A.M.

Regulatory Update and 2017 General Assembly Report:

Ms. Yeatts reviewed the Bills that are currently considered by the General Assembly including:

HB 1885 (Opioids; limit on amount prescribed) – requiring a prescriber to obtain information from PMP at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than seven consecutive days.

HB 2119 (Laser hair removal; limits practice) – adding nurse practitioners.

HB 2164 (Drugs of concern; gabapentin) – adding any material, compound, mixture, or preparation containing any quantity of gabapentin, including any of its salts, to the list of drugs of concerns.

SB 848 (Naloxone; dispensing for use in opioid overdose reversal, etc.) – allowing a person who is authorized by the Department of Behavioral Health and Developmental Services (DBHDS) to train individuals on the administration of naloxone for use in opioid overdose reversal.

SB 1020 (Registration of peer recovery specialist and qualified mental health professionals) – authorizing the registration of peer recovery specialists and qualified mental professionals by the Board of Counseling at the DHP. It is collaboration between DHP, DBHDS, and Department of Medical Assistance Services (DMAS).

SB 1180 (Opioids and Buprenorphine; Board of Dentistry (BOD) and Board of Medicine (BOM) to adopt regulations for prescribing) – directing BOD and BOM to adopt regulations for the prescribing of opioids and products containing Buprenorphine. BOM is working on regulations of two hours mandated continuing education (CEs) for opioid prescribing.

SB 1230 (Opiate prescriptions; electronic prescriptions) - requiring a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. Ms. Yeatts added that this is the Governor's Bill and there will be a work group to discuss how to implement.

SB 1232 (Controlled substances; limits on prescription containing opioids) – prohibiting a prescriber from providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed, owned, or operated

by the Commonwealth to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a three-day supply. This bill is also applied to a pharmacist who dispenses.

Emergency Regulations for Nurse Practitioners with Prescriptive Authority: Pain Management, Opioid Treatment, use of Buprenorphine:

Ms. Yeatts stated that on November 21, 2016, the Commissioner of Health declared a statewide Public Health Emergency for Virginia as a result of the opioid addiction epidemic. The Board of Medicine (BOM) convened a Regulatory Advisory Panel (RAP) with four addiction specialists to draft regulations for prescribing of opioids and buprenorphine. The proposed amendments to prescriptive authority regulations in the agenda package are virtually identical to the regulations recommended by the BOM Legislative Committee which will be adopted as emergency regulations by the BOM on February 16th.

Ms. Yeatts noted that once the emergency regulations are adopted, there is no public comment required and the regulations remain in effective for up to 18 months during which the permanent regulations must be prepared for adoption.

Ms. Yeatts said the task today is for the Committee to review and to make changes to the draft regulations as presented. The draft regulations will be presented at the BON meeting in March 2017 for adoption and are forwarded to BOM Executive Committee for adoption in April 2017.

Ms. Yeatts then went through the proposed amendments to prescriptive authority regulations noting the Committee comments and suggestions:

18VAC90-40-150. Evaluation of the patient for acute pain –

Section A – Ms. Gerardo asked if homecare patients can be added to this section. Ms. Yeatts said that she will check.

Part VI. Management of Chronic Pain – Dr. Walker stated that too many requirements for primary providers to treat patient with chronic pain, it is better to refer to a specialist. Ms. Gerardo stated that urine tests on elderly patients are prone to more infection. Dr. Reynolds stated that the requirement of urine test every three months is a burden.

Dr. Brown asked Committee members to provide more specific suggestions that will promote good practices and deter bad practices. Ms. Barrett reminded Committee members that this is a chance for the Committee to provide input.

Dr. Harp suggested requiring urine test every three months for the first year then requiring twice or once per year after that. Ms. Yeatts asked Committee members to send her comments before February 16th. Ms. Barret asked that comments are sent to Ms. Yeatts only and not copied others.

Part VII. Prescribing of Buprenorphine –

18VAC90-40-260.D – Ms. Douglas suggested adding other practitioners (QMHP, CNS, CSAC) who can provide counseling other than licensed mental health professional for counseling.

18VAC90-30-220(8) and (9) – these languages should be added to 18VAC90-40-130 also.

Ms. Dotson asked if the public will be educated regarding the new requirements and available training. Dr. Brown stated that the Virginia Department of Health is taking the lead on this task and media campaign discussion is at state level.

Ms. Hershkowitz said that consistency between regulations are valuable and asked the Committee members to send comments to Ms. Yeatts as soon as possible. Ms. Hershkowitz asked if the Committee wishes to meet after the BOM meeting on February 16th and prior to BON March meeting. The consensus was no. Ms. Hershkowitz thanked Ms. Yeatts for the information.

Information Only Materials:

- NCSBN CARA Implementation: Educational Opportunities for Meeting Federal Requirements
- DEA Advisory regarding renewal of DEA numbers
- Changes in name of certifying body AANPCP to AANPCB
- NCSBN Annual APRN Certification Examination Report Data
- NCSBN APRN Roundtable Meeting, April 4, 2017, in Rosemont, IL – Ms. Hershkowitz attending
- Veterans Administration APRN Revised Rules – Ms. Hershkowitz notes that the rules include changes to APRN supervising language and did not include CRNA

Ms. Hershkowitz reminded available Board Members that assistance was needed with probable cause review following the meeting.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 11:26 A.M.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine Minutes
February 8, 2017