

**VIRGINIA BOARD OF NURSING  
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE  
BUSINESS MEETING MINUTES  
February 7, 2018**

**TIME AND PLACE:** The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:04 A.M., February 7, 2018 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  
Kevin O'Connor, MD  
Kenneth Walker, MD

**MEMBERS ABSENT:** Joyce A. Hahn, PhD, RN, NEA-BC, FNAP  
Lori Conklin, MD

**ADVISORY COMMITTEE**

**MEMBERS PRESENT:** Kevin E. Brigle, RN, NP  
Mark Coles, RN, BA, MSN, NP-C  
Wendy Dotson, CNM, MSN  
Sarah E. Hobgood, MD  
Thokozeni Lipato, MD  
Stuart F. Mackler, MD  
Janet L. Setnor, CRNA

**STAFF PRESENT:** Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing  
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing  
Lisa Speller-Davis, BSN, RN; Policy Assistant; Board of Nursing  
Huong Vu, Executive Assistant; Board of Nursing  
Darlene Graham, Discipline Staff; Board of Nursing

**OTHERS PRESENT:** Charis Mitchell, 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:** Kelsey Hall, RN, University of Virginia (UVA) Student  
Diana Rodriguez, RN, UVA Student  
Mary Duggan, American Association of Nurse Practitioners (AANP)  
Kassie Schroth, Virginia Association of Nurse Anesthetists (VANA)

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

**ESTABLISHMENT OF**

Virginia Board of Nursing  
Committee of the Joint Boards of Nursing and Medicine Minutes  
February 7, 2018

A QUORUM: Ms. Hershkowitz called the meeting to order and established that a quorum was present.

ANNOUNCEMENT: Ms. Hershkowitz welcomed Ms. Setnor as the CRNA member on the Advisory Committee to the Committee of the Joint Boards of Nursing and Medicine.

REVIEW OF MINUTES: The minutes of October 11, 2017 Special Conference Committee, Formal Hearing, and Business Meeting, were reviewed. Ms. Gerardo moved to accept all of the minutes as presented. The motion was seconded and passed unanimously.

PUBLIC COMMENT: There was no public comment received.

OLD BUSINESS: **Regulatory Update:**  
Ms. Yeatts reviewed the chart of regulatory actions as provided in the Agenda.

Ms. Yeatts presented proposed changes to the Pain Management Emergency Regulations:

- **18VAC90-40. Regulations for Prescriptive Authority for Nurse Practitioners**
  - **220(D) Opioid therapy for chronic pain**

8/24/17: *“The practitioner shall order and review a urine drug screen or serum medication levels at the initiation of chronic pain management and at least every three months for the first year of treatment and at least every six months thereafter.”*

Proposed: To reduce costs and to allow practitioners to retain discretion whether or not to administer a test as noted in the Economic Impact Analysis, it has been proposed to change *“and at least every three months for the first year of treatment and at least every six months thereafter”* to ***at the initiation of chronic pain management and randomly at least once per year.***
  - **18VAC90-40-270. Treatment with buprenorphine**

8/24/17: *“For patients who have a demonstrated intolerance to naloxone; such prescriptions for the mono-product shall not exceed 3% of the total prescriptions for buprenorphine written by the prescriber, and the exception shall be clearly documented in the patient’s medical record.”*

Proposed: Change “3%” to **7-8%**
  - **Adding Sickle Cell Disease** to the list of exemptions.
  - **Adding the requirement** that the indication of use (acute or chronic) be noted on the written prescription.
  - **Specifically identifying Tramadol** as an atypical opioid

**Update on NOIRA for Eliminating of a Separate Prescriptive Authority License:**

Ms. Yeatts stated that the NOIRA is still at the Secretary's Office and will not be reviewed until the General Assembly regular session has ended.

**Proposed Regulations for Performance of and for Supervision and Direction of Laser Hair Removal:**

Ms. Yeatts noted that the HB2119 was passed by the 2017 General Assembly and became law as of July 1, 2017. Ms. Yeatts stated that the regulations for nurse practitioners will need to be amended to define "direction and supervision."

Board of Medicine (BOM) Regulatory Advisory Panel (RAP) on Laser Hair Removal met on November 20, 2017 to develop draft regulations that provide guidance regarding the statutory language: ". . . or by a properly trained person under the direction and supervision of a licensed . . ."

Ms. Yeatts added that copies of supporting documents are presented for the Committee's review and action. She suggested the Committee approve the proposed regulations as recommended by the BOM RAP. Dr. O'Connor moved to approve the proposed regulations as presented. The motion was seconded and carried unanimously.

**Report on 2018 General Assembly:**

Ms. Yeatts reviewed the Report of the 2018 General Assembly that contains bills relevant to nurse practitioner practice.

Ms. Yeatts provided a copy of the most current version of HB793 and reviewed the proposed amendments. Ms. Yeatts commented that the bill:

- Eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the BOM and BON and have completed at least certain numbers of hour of clinical experience as a licensed, certified nurse practitioner.
- Replaces the term "patient care team physician" with the term "collaborating provider."
- Allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement of a practice agreement.
- Establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists and otherwise does not affect certified registered nurse anesthetists or certified nurse midwives.
- Contains technical amendments.

Virginia Board of Nursing  
Committee of the Joint Boards of Nursing and Medicine Minutes  
February 7, 2018

Ms. Yeatts noted that she anticipated there would be changes to this bill. Ms. Yeatts responded to questions from the Advisory Committee and Joint Boards members.

Ms. Dodson commented that she understood the goal of the bill is not independence practice but autonomous practice as all mid-level providers routinely consult with others on complex cases and situations is beyond their expertise.

DIALOGUE WITH  
AGENCY DIRECTOR:

Dr. Brown reported the following:

- There are many new people in the House this year. More bills have been assigned to DHP than in previous years.
- Governor Northam made several appointments that affect DHP:
  - Lisa Speller-Davis as Policy Assistant assigned to Board of Nursing
  - Barbara Allison-Bryant as DHP Chief Deputy who will start in March 2018
  - Dr. Brown was reappointed as DHP Director

Dr. Brown added that Lisa Hahn, current DHP Chief Deputy, has transferred into the DHP Chief Operation Officer (COO) position, as of November 2017.

POLICY FORUM:

**2017 Virginia's Licensed Nurse Practitioner Workforce:**

Drs. Carter and Shobo reviewed the report provided in the Agenda package noting that HRSA Health Workforce projected a sufficient supply of nurse practitioners in 2025.

Ms. Hershkowitz requested Dr. Carter breakout the most recent data into the 3 categories of LNPs -- CRNAs, CNMs, and NPs – to be presented at the April 11<sup>th</sup> Committee of the Joint Boards meeting. The Committee of the Joint Boards will discuss in April the need for additional questions to be included in the NP workforce survey. Ms. Dodson asked that the number of licensees for each category be included in the April reports.

RECESS:

The Board recessed at 10:50 AM

RECONVENTION:

The Board reconvened at 11:05 AM

NEW BUSINESS:

**Board of Nursing Executive Director Report:**

Ms. Douglas reported the following:

- The issue of separate prescriptive authority licensure is addressed in the NOIRA.

- Board of Nursing will have an intern this summer who will assist Board staff in cleaning up the NP licensing data with particular attention to specialty categories. Once this project is completed, NP data will be provided to NURSYS.
- Board staff continues to receive many questions from Office Managers, HR Personnel, and Practice Managers regarding the scope of practice of nurse practitioners.

## **RECOMMENDATIONS AND CONSENT ORDER FOR CONSIDERATION**

**CLOSED MEETING:** Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:15 A.M. for the purpose of deliberation to consider Agency Subordinate recommendations and Consent Order. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Speller-Davis, Ms. Vu, Ms. Graham, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

**RECONVENTION:** The Committee reconvened in open session at 11:25 P.M.

Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and 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.

### **Margaret Lankford Hockeborn, LNP 0024-086760**

Dr. O'Connor moved to accept the Agency Subordinate recommendation to reprimand Margaret Lankford Hockeborn. The motion was seconded and carried unanimously.

### **Michael Jahrling St. John, LNP 0024-172383**

Dr. O'Connor moved to accept the Agency Subordinate recommendation to indefinitely suspend the license of Michael Jarhling St. John to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

### **Patricia Anne O'Neil-Sears, LNP 0024-092286**

Dr. O'Connor moved to accept the Agency Subordinate recommendation to indefinitely suspend the right of Patricia Anne O'Neil-Sears to renew her license to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Virginia Board of Nursing  
Committee of the Joint Boards of Nursing and Medicine Minutes  
February 7, 2018

**Jennifer Anne Sargent, LPN      0024-173398**

Dr. O'Connor moved to accept the consent order to indefinitely suspend the license of Jennifer Anne Sargent to practice as a nurse practitioner in the Commonwealth of Virginia. The said suspension is stayed upon proof of Ms. Sargent's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and passed unanimously.

ADJOURNMENT:                      As there was no additional business, the meeting was adjourned at 11:27 A.M.

---

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