

**VIRGINIA BOARD OF NURSING
MINUTES
March 22, 2011**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on March 22, 2011 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Patricia M. Selig, R.N., F.N.P., Ph.D., President

BOARD MEMBERS PRESENT:

Joyce A. Hahn, Ph.D.; APRN; NEA-BC, Vice President
Evelyn Lindsay, L.P.N., Secretary
Peregrin C. Francisco, R.N., M.S.A.
Allison Gregory, R.N., F.N.P.
Louise Hartz, Citizen Member
Jeanne E. Holmes, Citizen Member
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Judith E. Piersall, R.N., B.S.N.
Karen K. Schultz, Ph.D., M.B.A, Citizen Member
William Traynham, L.P.N.

BOARD MEMBER ABSENT:

Patricia C. Lane, R.N., B.S.N., M.B.A

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Tomeka Dowling, R.N., M.S, Nursing Education Consultant
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Arne Owens, Deputy Director, Department of Health Professions
Mark Monson, Chief Deputy Director, Department of Health Professions
Charles Giles, Budget Manager, Department of Health Professions
Ed Matricardi, representative from Excelsior College
Scott Johnson, representative from Medical Society of Virginia
James Pickerall, representative from Virginia Nurses Association
Nina Beamon, representative from Bryant and Stratton
Nursing students from Fortis College

**ESTABLISHMENT OF
A QUORUM:**

With twelve members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- The Committee of the Joint Boards of Nursing and Medicine is scheduled for April 13, 2011. Ms. Douglas noted it is a continual challenge to get a quorum for the meetings.
- The Massage Therapy Advisory Board meeting is scheduled for April 4, 2011. Representatives from the Federation of State Massage Therapy Boards will present to provide information regarding the MBLEX exam. Board members are invited to attend.
- NCSBN Delegate Assembly is scheduled for August 3- 5, 2011 in Indianapolis, IN.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board did not remove any items from the proposed consent agenda. Ms. Davis reviewed minor edits made to minutes of January 24 and 25, 2011. Ms. Hartz moved to accept the consent agenda which included the following and the amended minutes. The motion was seconded and carried unanimously.

Minutes:

January 24, 2011 – Panel – Ms. Jones-Clarke
 January 25, 2011 – Board Meeting – Dr. Selig
 January 26, 2011 – Panel – Ms. Jones-Clarke
 January 26, 2011 – Panel – Ms. Piersall
 January 27, 2011 – Panel – Dr. Selig
 February 7, 2011 – Panel – Ms. Jones-Clarke

Reports:

Health Practitioners Monitoring Program Report of Statistics
 Agency Subordinate Tracking Log
 Board of Nursing Monthly Tracking Log – Licensure & Disciplinary Statistics

REPORTS:

Executive Director Report:

Ms. Douglas provided additional information not included in the report provided to the Board members that included:

- Visit to Excelsior College – due to budgetary concerns, Dr. Saxby will be the only representative from the Board of Nursing to meet with Excelsior College staff on April 1, 2011 to meet with faculty to observe the clinical site and exam site.
- Key Board of Nursing projects and initiatives for 2011 were identified as the following:
 - Implementation of online licensing for RN, LPN by exam and endorsement
 - Implementation of cost saving strategies that include paperless licensing, assessment of copying practices, assessment of case adjudication processes
 - Weekly Tier One/Case Intake triage meetings with Enforcement
 - NCSBN Data Integrity Project
 - Regulations – Continued competency requirements implementation and graduate student assignment, provisional licensure regulation promulgation, nursing education regulation development

- NCSBN Taxonomy of Error and Root Cause Analysis Program (TERCAP) case data collection
- Regional Action Coalition (RAC) participation (VNA and VA Chapter AARP co-leads)
- Richmond Memorial Health Foundation Partnership Investing in Nursing (PIN) 6 grant application, seamless progression nursing education
- Board Committee, streamlining processes and efficiencies
- Advanced practice recommendations
- Nurse Licensure Compact (NLC) compliance assessment
- Staff training, NLC and NURSUS
- Massage Therapy Advisory Board of Nursing assessment of alternative exams
- Development of nurse aide education standardized curriculum
- Institute of Regulatory Excellence (IRE) project “Development of Board of Nursing Orientation Program for Nursing Leaders”
- Advanced practice nurse (NP, CNM, CRNA, CNS) Environmental Scan was reviewed. Ms. Douglas added an increase in calls regarding conscious sedation and deep sedation regarding the role of the nurse and feels the Board may need to provide clarification of that role in the near future.

Finance Report:

Ms. Douglas reviewed the report in which reports a negative cash balance of 1.266 million for the Board of Nursing. Discussion regarding the status of the regulations to increase fees took place. Mr. Owens provided an update on the process to date:

- The current administration is hesitant to increase fee and taxes at this time due to economic issues.
- The administration has been provided an explanation of operational needs and how the Board of Nursing budget impacts the Department of Health Professions. The Department of Health Professions cash balance is being reallocated to keep all boards operating.
- DHP efficiency measures being considered will amount to an anticipated savings of \$900,000 a year when implemented. Examples include travel restrictions, decreased mailings, reduction in the employee recognition program, paperless licensing, increasing communication to licensees by email, hiring of new employees and pay adjustments.
- Due to efficiency measures that have been implemented so far, the “critical need date” has been moved from November 2011 to March/April 2012.
- A full financial briefing is to be presented to the Secretary’s office and the Governor’s office within the next 2 – 4 weeks to provide evidence that a fee increase is the only option for DHP and will include positive and negative outcomes.

Ms. Piersall asked for an explanation of increased costs over the past 5 years and for the amount being paid to VITA. Ms. Douglas provided the cash balance for the past 5 years. Mr. Monson and Mr. Giles provided information DHP has incurred costs due to relocation of the agency, \$600,000 being

reallocated to the General Fund by the Department of Planning and Budget and increased VITA costs. Mr. Owens stated the most recent monthly VITA charge to DHP was \$162,000.

Mr. Monson and Mr. Giles provided clarification of Finance Report items related to operations and equipment. The overall total includes a share of the costs for DHP IT staff and other shared DHP resources. VITA costs for FY10 was \$1.3 million for DHP; \$515,000 (38.74%) for the Board of Nursing which includes computers assigned to Board of Nursing staff and a share of the costs for computers assigned to Enforcement and Administrative Proceedings staff, based on the amount of time used to work on Board of Nursing cases.

Dr. Reynolds-Cane was able to provide up-to-date information to Ms. Douglas by phone and indicated the point of concern from the Secretary/Governor's office regarding the proposed fee increases is the additional \$5 - \$10 change to the proposed fee increase. If the Board considers dropping the additional amounts (\$388,000 a year) there would be a greater chance of it moving along the approval process. Dr. Hahn moved to adopt the original proposed fees and to have the rationale for change be provided to licensees. The motion was seconded and carried. Dr. Selig, Dr. Hahn, Ms. Lindsay, Ms. Francisco, Ms. Gregory, Ms. Hartz, Mr. Horn, Ms. Jones-Clarke, Ms. Piersall and Mr. Traynham were in favor of the motion. Ms. Holmes and Dr. Schultz opposed the motion.

Mr. Monson and Mr. Giles left the meeting.

Dr. Selig expressed her appreciation on behalf of the Board to Mr. Owens for the efforts of DHP staff in working to resolve the budget issues.

National Council of State Boards of Nursing Mid Year Meeting:

Ms. Gregory and Ms. Douglas attended the mid year meeting. Ms. Gregory reported on the opportunity to meet and speak with other state boards of nursing. She reported the "Just Culture" concept was presented at the meeting which examines all factors to include the environment and systems and not just taking action on a license in a disciplinary matter. Ms. Douglas reported the presentation is available as a webinar and will explore having it available for Board members to view at a future meeting.

Ms. Douglas provided copies of the Guiding Principles of Nursing Regulation adopted by the 2007 NCSBN Delegate Assembly and a section of a presentation regarding "who do you represent?" from the meeting. She also stated that the NCSBN transition to practice study is ongoing and 3 – 4 states have Nurse Licensure Compact legislation in process.

Ms. Douglas attended the Nurse Licensure Compact Administrators meeting prior to the NCSBN mid year meeting and reported the presentation regarding legal counsel was very informative. Other items of interest included:

- Presentation from Rick Masters, new legal counsel for NLC
- Enhancements to NURSYS to improve data sharing among compact states

- Improving information to the public regarding NLC, ensuring information is easy to understand.

Ms. Douglas also stated the Board will be working on NLC compliance self audit.

Dr. Selig reminded Board members that the NCSBN Delegate Assembly is scheduled for August 3 – 5, 2011 and to let her know if interested in attending. How many attendees that NCSBN will provide funding for will be a factor in determining attendance.

RECESS: The Board recessed at 10:20 A.M.

RECONVENTION: The Board reconvened at 10:35 A.M.

Recommendations and Modification of Sanction Reference Point Tools:

Neal Kauder, President of VisualResearch, Inc. provided a review of the sanction reference point system and worksheet tools. By comparing the original 294 sample cases from January 2002 to December 2004 to the current 560 cases from June 2006 to June 2010, 11 recommendations for modifications to the worksheets were presented. Ms. Harz moved to remove recommendation #5 (worksheets not used in pre-defined sanctions) and #10 (Board to consider using worksheets at formal hearings) from consideration at this time and to amend #4 (add registered medication aides to the system) from adding registered medication aides to the sanction reference point system to analyze the medication aide data. The motion was seconded and carried unanimously.

OPEN FORUM: No one was present to address the Board during the open forum session:

RECESS: The Board recessed at 12:05 P.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

EDUCATION:

Education Issues:

- Dr. Saxby reported that PearsonVue and NACES are conducting industry day training on April 12, 2011 in Abingdon and on April 14, 2011 in Richmond. This training day is for nurse aide education program providers and is provided at no charge for attendees. The goal of the training to increase the pass rate of the skills portion of the NNAAP exam. Dr. Saxby will be attending and any Board members that wish to attend should notify Dr. Saxby.
- Dr. Saxby and Ms. Dowling will attend an NCLEX review on April 18, 2011, there will be another opportunity for Board members to attend a review session in the fall if interested.
- Dr. Saxby reported a draft nurse aide curriculum will be available for the Board to review at the May or July 2011 meeting.

- Ms. Dowling reported 5 nursing education programs are below 80% NCLEX pass rate for 3 consecutive years. These programs will be reviewed at the May meeting and consist of 1 BSN program (Hampton University) and 4 PN programs (Mountain Empire Community College, New Horizons, Richmond School of Health and Technology and Southwest Virginia Community College).

Education Special Conference Committee Minutes:

Minutes from the Education Special Conference Committee meeting held March 15, 2011 were reviewed. Ms. Piersall moved to accept the minutes as presented. The motion was seconded and carried unanimously.

LEGISLATION/REGULATION:

2011 General Assembly Update:

Ms. Douglas reviewed the report provided by Ms. Yeatts that contained information on legislation being proposed at the 2011 General Assembly that is of interest to the Department of Health Professions and the Board of Nursing.

Provisional Licensure:

Ms. Douglas provided information on HB 1245 regarding provisional licensure. The Licensure Committee will meet during the May Board of Nursing meeting to begin the process of developing associated regulations.

Mandatory Child Abuse Reporters:

Ms. Yeatts requested that this topic is being deferred to another meeting.

OTHER MATTERS:

Board Counsel Update Regarding Appeals:

Mr. Casway reported two petitions for appeal have been filed in circuit court for Darlene Bayami, CNA and Tonia Lee, CNA. A notice of appeal has been received from Sylvester Britt, RN and a notice of appeal/request for reconsideration has been received from Joseph Masci, RN, Brenda Patterson, RN, and Cortina Warrick, CNA.

Informal Conference Schedule for August – December 2011:

Board members were asked to submit their dates as soon as possible to either Ms. Krohn or Ms. Mitchell. The schedule will be provided when all dates have been set.

TERCAP (Taxonomy of Error, Root Cause Analysis) Update:

Ms. Mitchell reported the new TERCAP instrument will go live on April 1, 2011. Feedback from the new instrument will be discussed at the next conference call scheduled for June 4, 2011. The number of boards that participate in the TERCAP project has increased from 12 to 21 since 2008. DHP is hopeful to increase the number of investigators participating in the project.

Campaign for Action – Virginia Regional Action Coalition Application:

Regional Action Coalitions (RAC) have been convened to advance key issues at the local, state and national levels. The mission is focused on fostering interprofessional collaboration, the ability of all health care professionals to

practice to the full extent of their education and training, strengthened nurse education and training and the increased participation of nurses as leaders. The Virginia RAC, which includes support from the Virginia Nurses Association, AARP Virginia, Virginia Council of Nurse Practitioners, Virginia Partnership for Nursing, Virginia Organization for Nurse Executives, nursing education groups and statewide health care and non-health care related groups will work to implement the recommendations of the IOM Report on the future of Nursing. The Board of Nursing will be present at each RAC meeting. The VNA and VA Chapter AARP are the co-leads for this initiative.

Richmond Memorial Health Foundation Partners Investing In Nursing (PIN) Future Grant:

Ms. Douglas reported the grant will provide the ability to work on 1 specific recommendation from the Institute of Medicine. If granted, Dr. Saxby will participate.

Nurse Practitioner Workforce Survey:

Ms. Douglas reported workforce survey questions will be a part of nurse practitioner online renewals with the next renewal. Data regarding nurse practitioner practice will be gathered from the survey.

NCSBN Center for Regulatory Excellence Grant Program Awards:

Ms. Douglas provided information on grant opportunities related to regulation. Additional information will be obtained for discussion at the May meeting.

Efficiency Process:

Dr. Schultz asked Board members to respond to the survey regarding Board of Nursing meeting and formal hearing efficiency measures that was submitted to them electronically. Board staff will gather the anonymous responses and submit them to Dr. Schultz and Ms. Lane for review.

RECESS: The Board recessed at 2:27 P.M.

RECONVENTION: The Board reconvened at 2:39 P.M.

CONSIDERATION OF CONSENT ORDERS, REQUEST FOR MODIFICATION OF A BOARD ORDER AND RECOMMENDATIONS REGARDING APPLICANTS:

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:39 P.M. for the purpose of deliberation to consider consent orders, request for modification of a Board order and recommendations regarding applicants. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms Krohn, Ms. Mitchell, Ms. Power, Ms. Tiller, Ms. Davis and Mr. Casway 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 3:04 P.M.

Ms. Lindsay 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.

CONSENT ORDERS:

Cassandra M. Morgan, C.N.A. 1401-119230

Dr. Hahn moved to accept the consent order to reprimand Cassandra Morgan and to indefinitely suspend her certificate to practice as a nurse aide. The motion was seconded and carried unanimously.

Melissa Jane Crow Sheldon, R.N. 0001-206183

Dr. Hahn moved to accept the consent order to indefinitely suspend the professional nursing license of Melissa Sheldon, stay said suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Mary Kelly, R.N. 0001-130739

Dr. Hahn moved to accept the consent order to indefinitely suspend the professional nursing license of Mary Kelly. The motion was seconded and carried unanimously.

Gilda W. Anderson, R.N. 0001-057926

Dr. Hahn moved to accept the consent order for the voluntary surrender for indefinite suspension of the professional nursing license of Gilda Anderson. The motion was seconded and carried unanimously.

Dawn D. Wells, R.N. 0001-153747

Dr. Hahn moved to accept the consent order to reprimand Dawn Wells and to indefinitely suspend her professional nursing license, stay said suspension contingent upon proof of 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.

Brandance N. Blankenship, R.N. 0001-186651

Dr. Hahn moved to accept the consent order to reprimand Brandace Blankenship and to indefinitely suspend her professional nursing license, stay said suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Ashley Eastman, C.N.A. 1401-120491; R.M.A. 0031-002524

Ms. Piersall moved to accept the consent order to indefinitely suspend the nurse aide certificate of Ashley Eastman and to indefinitely suspend the right to renew the medication aide registration of Ashley Eastman, stay said suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Karin Hedlund, R.N. 0001-147066

Dr. Schultz moved to accept the consent order reprimand Karin Hedlund and to indefinitely suspend her professional nursing license. The motion was seconded and carried. Dr. Selig, Dr. Hahn, Ms. Lindsay, Ms. Francisco, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Ms. Piersall and Dr. Schultz were in favor of the motion. Ms. Jones-Clarke and Mr. Traynham opposed the motion.

REQUEST FOR MODIFICATION OF A BOARD ORDER:

Brenda Patterson, R.N. 0001-151319

Ms. Holmes moved to deny the request for modification of the order of the Board entered on February 10, 2011. The motion was seconded and carried. Dr. Selig, Dr. Hahn, Ms. Lindsay, Ms. Francisco, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Ms. Piersall, Dr. Schultz and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

RECOMMENDATIONS REGARDING APPLICANTS:

Shefika Beglerovich, C.N.A. 1401-093205; R.M.A. Applicant

Ms. Lindsay moved to accept the recommended decision of the informal conference committee to reprimand Shefika Beglerovich and to approve her application for registration as a medication aide by examination. The motion was seconded and carried unanimously.

Asha Harper, C.N.A. Applicant

Ms. Hartz moved to accept the recommended decision of the agency subordinate to deny the application of Asha Harper for certification as nurse aide by examination and to enter a finding of abuse in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Maria Jennelle, C.N.A. Applicant

Ms. Hartz moved to accept the recommended decision of the agency subordinate to deny the application of Maria Jennelle for certification as a nurse aide by examination and to enter a finding of neglect in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Jacqueline Johnson, R.M.A. Applicant

Ms. Lindsay moved to accept the recommended decision of the informal conference committee to deny the application of Jacqueline Johnson for registration as a medication aide by examination. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 3:05 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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