

**VIRGINIA BOARD OF NURSING
MINUTES
September 11, 2012**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on September 11, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Patricia M. Selig, RN, FNP, PhD; President

BOARD MEMBERS PRESENT:

Evelyn Lindsay, LPN; Secretary (joined later)
Allison Gregory, RN, FNP-BC
Louise Hartz, Citizen Member
Jeanne Holmes, Citizen Member
John M. Horn, LPN
Jane R. Ingalls, RN, PhD
Florence Jones-Clarke, RN, MS
Patricia C. Lane, RN, BSN
Trula Minton, MS, RN
William Traynham, LPN

STAFF PRESENT:

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

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Arne Owens, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Nursing students from Fortis College

ANNOUNCEMENTS:

- Committee of the Joint Boards of Nursing and Medicine meeting scheduled for October 17, 2012.
- § Jay Douglas appointed to NCSBN Awards Committee (2 year term)
- § Paula Saxby appointed to NCSBN Long Distance Education Committee (2 year term)
- § Laura Mueller, Administrative Assistant for licensure by exam, transfers to Board of Physical Therapy after 23 years of service to the Board of Nursing
- § Newly appointed Board Member, Dr. Margaret Teu, is not able to complete the term and has resigned as a Board member

- § Stephanie Quinby, has been appointed to the Massage Therapy Advisory Board to replace Mr. Schibner
- § Department of Health Professions New Board Member Orientation is scheduled for September 28, 2012 and is open to all existing Board members
- § Elections for Vice President will take place later today to replace Dr. Hahn
- § Dr. Saxby will be recognized at the Virginia Nurses Foundation Gala for her work on the Virginia Action Coalition Education workgroup
- § Dr. Hahn will be recognized on Thursday by Dr. Selig and Board members present for her service. Dr. Hahn will be attending formal hearings on Thursday with her students from George Washington University.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed the Health Practitioners Monitoring Program Report and the Finance Report from the proposed consent agenda. Ms. Hartz moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

July 16, 2012	Panel – Ms. Lindsay
July 17, 2012	Quorum – Dr. Selig
July 18, 2012	Panel– Dr. Selig
July 18, 2012	Panel – Dr. Hahn
July 19, 2012	Panel – Dr. Selig
July 12, 2012	Telephone Conference Call – Dr. Selig
August 21, 2012	Telephone Conference Call – Dr. Selig

Reports:

- Agency Subordinate Tracking Log
- Board of Nursing Monthly Tracking Log – Licensure & Disciplinary Statistics
- NCLEX RN and PN Report

REPORTS:

Executive Director Report:

Ms. Douglas had no information to add to the written report, but expounded on personnel matters regarding changes to the hiring process which are resulting in a longer process in obtaining approval to replace the position vacated by Laura Mueller.

Nurse Licensure Compact Administrator (NLCA) 2011 Annual Report:

A copy of the NLCA 2011 Annual Report was provided to Board members. Ms. Douglas commented on the article regarding the NLC in the newsletter from the American Association of Managed Care Nurses who are actively engaged and interested in states joining the NLC. This group was present at the NLCA meeting held August 7, 2012 and was honored for their work.

Ms. Douglas shared additional information from the meeting including Guam is seeking legislation to participate in the NLC in an effort to assist military

nurses and spouses with practice privileges; the Idaho Board of Nursing had an audit of their alternative program by the Citizen Advocacy Center; and three states passed APRN compact; six states are interested in joining the NLC, four states currently do not require criminal background checks for initial licensure including Virginia; the discussion of use of a post office box as primary state of residence resulted in boards being encouraged to have evidence of primary state of residence.

Medication Aide Curriculum Review:

Dr. Selig reported on the meeting held August 30, 2012 in which a substantial amount of curriculum review took place, however there is more to review at future meetings. Dr. Selig and Ms. Krohn noted that Department of Health staff at the meeting contributed excellent, detailed information.

OTHER MATTERS:

Appeal Update:

Mr. Casway reported on the three Board of Nursing cases that are currently in the appeal process:

- Darlene Bamaiyi – Hampton Circuit Court upheld the Board’s decision. An appeal has been filed with the Virginia Court of Appeals.
- Stephanie Kapalka –Alexandria Circuit Court hearing is scheduled for September 12, 2012, however Ms. Kapalka has withdrawn the appeal and has entered Health Practitioners Monitoring Program.
- Susan Prior – The hearing scheduled in Henrico Circuit Court on August 24, 2012 was continued to November 12, 2012.

Changes to Special Conference Committees:

Due to two Board member vacancies, several dates in the established 2012 informal conference committee schedule needed an additional Board member to conduct informal conferences. These dates have been filled by current Board members volunteering to serve on those dates.

EDUCATION:

Education Special Conference Committee:

Ms. Jones-Clarke reviewed items of interest from the September 5, 2012 minutes of the Education Special Conference Committee.

Dr. Ingalls moved to accept the minutes. The motion was seconded and carried unanimously.

http://www.dhp.virginia.gov/nursing/minutes/2012/EducationIFC_final_09052012.doc

Education Issues:

Dr. Saxby provided information on the following:

- NNAAP exam - an update on the implementation of the revised NNAAP skills exam. Subject Matter Experts continue to meet and will provide additional information when possible. The implementation date is July 2013 to allow for additional training.
- PearsonVue is working on an online application process and exam scheduling for nurse aides. A pilot program in another state was successful with 80% using the process. Additional information from PearsonVue is expected.

Ms. Dowling provided information on the following:

- For January through June 2012, NCLEX PN pass rate state average is 72.80%, the national average is 82.54%. For the same time period, the NCLEX RN pass rate state average is 92.98%, the national average is 92.09%. Ms. Dowling stated that the low NCLEX PN scores are reflective of several PN education programs that have closed voluntarily or by Board order.
- Nursing education programs with NCLEX scores below 80% for the second quarter of 2012 included six registered nursing education programs and 22 practical nursing education programs.
- Survey visits to nursing education programs in 2012 include 19 routine survey visits, 3 NCLEX visits due to low pass rates, 12 Board ordered visits, and 5 site visits for provisional approval or change of location. It is anticipated to conduct 19 routine survey visits in 2013. One Board ordered visit is scheduled for January 2013.
- One practical nursing education program has voluntarily closed this year, and one registered nursing education program has voluntarily closed this year.
- Of the fifteen nursing education programs received this year, one (ADN) has met the requirements and has been approved. The remaining include 2 BSN programs, 5 ADN programs, and 7 PN programs.
- Securing clinical experiences in obstetric, pediatric and psychiatric remains a challenge for some nursing education programs. There have been four PN programs, and three ADN programs that have graduated students without providing the required clinical experiences. Many clinical agencies no longer offer clinical experiences for the PN and ADN programs, preferring students and new graduates of BSN programs due to Institute of Medicine's Future of Nursing initiative; Magnet Accreditation and nursing education accreditation standards. Current Board of Nursing regulations do not allow the Board of Nursing to deny approval of a program for lack of clinical sites. Proposed regulations address this issue, however remain at the Secretary's Office for 372 days. Board members expressed their frustration over the delay. Mr. Owens expressed his understanding of the Board's frustration and added that the Board of Nursing is not the only board experiencing delays in regulation promulgation.

Virginia Action Coalition Education Progression Workgroup:

Dr. Saxby serves on the Education Progression Committee which met in July 2012 to discuss their progress in using their forecasting model for determining staffing needs for RN's with baccalaureate degrees. Dr. Saxby attended a Deans and Directors meeting in August 2012. At that meeting, partnership between VCU and John Tyler Community College regarding the progression of ADN to BSN was discussed. A presentation regarding a model of private school for LPN progression to BSN was received.

Dr. Saxby reported there is an interest in residency programs across the state, and that NCSBN is able to present the Board with information regarding this

issue. Board members agreed that it would be helpful to have the NCSBN at a future meeting to present information on this topic.

RECESS: The Board recessed at 10:07 A.M.

RECONVENTION: The Board reconvened at 10:31 A.M.

DIALOGUE WITH AGENCY DIRECTOR:

Mr. Owens was present and provided the following information:

- Board member orientation is scheduled for September 28, 2012 for new appointments and current Board members
- DHP is in a better place with cash balance and commends all boards in their efforts to achieve this
- 2013 legislation is being considered for the upcoming General Assembly
- Virginia Health Reform Initiative is in a holding pattern until after the election in November 2012
- BHP is conducting a study of comparing military healthcare professions related education and training to DHP licensing requirements
- Improvements to DHP case processing is being implemented to include standardized discipline documents

OPEN FORUM: There was no one present that wished to address the Board during the Open Forum.

LEGISLATION/REGULATION:

Status of Regulatory Actions:

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing.

- Regulations regarding provisional licensure as a registered nurse remains at the Secretary's Office (305 days)
- Regulations regarding continued competency requirements remains at the Governor's Office (473 days)
 - Ms. Yeatts received information today that the continued competency regulations have been approved by the Governor's Office, a public hearing will be scheduled to receive comments
- Regulations regarding requirements for approval of nursing education programs remains at the Secretary's Office (372 days)
- Regulations regarding failure to report abuse grounds for disciplinary action are at the Governor's Office (161 days)
- Regulations regarding nurse practitioner practice in patient care teams are at the Secretary's Office (11 days)
- Regulations regarding prescriptive authority practice revisions are at the Secretary's Office (4 days)
- Regulations regarding massage therapists change in examination requirement are final, effective date September 12, 2012

Board members expressed their frustration in delays of regulations. Ms. Yeatts stated she understands the Board's frustration on lack of progress regarding pending regulatory actions.

Recommendations for the 2013 legislative packet from DHP has been submitted, information should be received by December 2012 regarding what will be accepted by the Governor's Office for submission for the upcoming General Assembly session.

Dr. Ingalls reiterated concerns regarding the delay in regulation movement. Mr. Owens added weekly updates regarding pending regulations are provided to the Secretary's Office from DHP. Dr. Cane will continue to be in contact with the Secretary's Office regarding pending regulations.

OTHER MATTERS:

Election of Vice President:

Dr. Selig stated due to Dr. Hahn not being reappointed, there is a need to elect a new vice-president to serve for the remaining of this year until the annual elections in January 2013. Dr. Selig moved to receive nominations from the floor. The motion was seconded and carried unanimously. Ms. Holmes nominated Ms. Hartz. No other nominations were received and Mr. Traynham moved to close the nominations. The motion was seconded and carried unanimously. Ms. Hartz was elected as vice-president by acclamation.

Ms. Lindsay joined the meeting.

Informal Conference Committee Schedule for 2013:

Ms. Douglas stated that due to two vacancies on the Board, and obligations that can limit a board member's availability, staff will examine the informal conference schedule for 2013 to increase the number of informal conference days with agency subordinates to help decrease the number of days of board members are needed. The proposed dates will be sent by email to board members in the next few days.

REPORTS:

Guidance Document Review Committee:

Ms. Lindsay reported on the meeting of the Guidance Document Review Committee held on August 22, 2012 and reviewed the proposed deletion of 90-14, 90-25 and 90-42 due to they are no longer needed. Ms. Hartz moved to delete Guidance Documents 90-14, 90-25 and 90-42 as proposed. The motion was seconded and carried unanimously.

Ms. Lindsay reviewed the proposed revisions to 90-19, Ms. Minton moved to accept Guidance Document 90-19 as revised. The motion was seconded and carried unanimously.

Ms. Hartz moved to accept Guidance Documents 90-2, 90-6, 90-8, and 90-23. The motion was seconded and carried unanimously.

Ms. Lindsay stated 90-29 will be removed from consideration at this time for further review.

Ms. Hartz moved to accept Guidance Documents 90-31, 90-36, 90-40, 90-41 and 90-52 as revised and edited. The motion was seconded and carried unanimously.

Ms. Lindsay reviewed the proposed amendments to the Board of Nursing By-laws (Guidance Document 90-57). This will be voted on at the next meeting.

NCSBN Annual Meeting:

Ms. Lindsay, Ms. Power and Ms. Douglas attended the NCSBN Annual meeting held August 8 -10, 2012 in Dallas Texas. Ms. Lindsay stated all sessions were excellent especially the debate on topics. Ms. Power stated this was the first time that electronic voting for delegates took place. During the meeting, the NCLEX RN test plan was adopted and model rules and practice act was adopted with amendments.

Ms. Douglas reported there was a long conversation with the American Academy of Nurse Practitioners regarding Virginia's nurse practitioner legislation in 2012 regarding practicing in patient care teams. The Academy sees it as limiting.

Ms. Douglas stated the welcome speaker was Senator Birdwell who was inside the Pentagon on September 11, 2001 and received injuries that has resulted in multiple surgeries. Senator Birdwell spoke of the care he has received from nurses and his gratitude for the profession.

RECESS: The Board recessed at 11.56 A.M.

RECONVENTION: The Board reconvened at 12:57 P.M.

Ms. Holmes, Mr. Owens and Ms. Yeats left the meeting.

CONSIDERATION OF CONSENT ORDERS 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 1:08 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Power, Dr. Saxby, Ms. Dowling, Ms. Kleiner, 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 2:06 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.

Jacob R. Cruze, RN Applicant

Mr. Traynham moved to accept the recommended decision of the agency subordinate to deny the application of Jacob Cruze for licensure by endorsement as a registered nurse. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Elizabeth Miller, RMA Applicant

Mr. Traynham moved to accept the recommended decision of the informal conference committee to deny the application of Elizabeth Miller for registration by examination as a medication aide. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Marie Bangura Hinton, LPN Applicant

Mr. Traynham moved to accept the recommended decision of the informal conference committee to deny the application of Marie Bangura Hinton for licensure by examination as a practical nurse. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Megan Perrero, RMA Applicant

Mr. Traynham moved to accept the recommended decision of the informal conference committee to approve the application of Megan Perrero for registration by examination as medication aide and to reprimand Megan Perrero. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Jennifer Sayward, RN Applicant

Mr. Traynham moved to accept the recommended decision of the informal conference committee to approve the application of Jennifer Sayward for licensure by endorsement as a registered nurse upon proof of her entry into the Health Practitioners Monitoring Program. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Tracey Sledge, RMA Applicant, CNA Applicant

Mr. Traynham moved to accept the recommended decision of the informal conference committee to approve the application of Tracey Sledge for registration by examination as a medication aide and for certification by examination as a nurse aide. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms.

Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Molly K. Moore, RMA Applicant

Mr. Traynham moved to accept the recommended decision of the agency subordinate to deny the application of Molly Moore for registration by examination as a medication aide. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Nigel Temple, CNA Applicant

Ms. Hartz moved to accept the recommended decision of the informal conference committee to approve the application of Nigel Temple for certification by examination as a nurse aide and to issue a reprimand. The motion was seconded and carried. Dr. Selig, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke, Ms. Gregory and Ms. Lindsay opposed the motion.

Shrika Turner, CNA 1401-150457, RMA Applicant

Ms. Lindsay moved to modify the recommended decision of the informal conference committee to issue a reprimand to Shrika Turner and deny the application of Ms. Turner for registration by examination as medication aide. The motion was seconded and carried. Dr. Selig, Ms. Lindsay, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Mary Stone, RN 0001-056345

Ms. Minton moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the professional nursing license of Mary Stone. The motion was seconded and carried unanimously.

Gina Stewart, LPN 0002-061905

Ms. Minton moved to accept the consent order to indefinitely suspend the practical nursing license of Gina Stewart. The motion was seconded and carried unanimously.

Nathaniel Wade, RN 0001-207511

Ms. Minton moved to accept the consent order to indefinitely suspend the professional nursing license of Nathaniel Wade, stay the suspension upon proof of Mr. Wade's 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.

Donna Rizk, RN 0001-098216

Ms. Minton moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the professional nursing license of Donna Rizk. The motion was seconded and carried unanimously.

Dawn Sexton, LPN 0002-066867

Ms. Minton moved to accept the consent order to indefinitely suspend the professional nursing license of Dawn Sexton, stay the suspension contingent upon proof of Ms. Sexton's 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.

Larry Gunter, LPN 0002-045156

Ms. Hartz moved to accept the consent order to indefinitely suspend the practical nursing license of Larry Gunter, stay the suspension upon proof of Mr. Gunter's enrollment in a Board approved nursing refresher course. The motion was seconded and carried. Dr. Selig, Ms. Gregory, Ms. Hartz, Ms. Holmes, Mr. Horn, Dr. Ingalls, Ms. Jones-Clarke, Ms. Lane, Ms. Minton and Mr. Traynham were in favor of the motion. Ms. Lindsay opposed the motion.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 2:08 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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