

**VIRGINIA BOARD OF NURSING
MINUTES
November 13, 2012**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on November 13, 2012 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

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

BOARD MEMBERS PRESENT:

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

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
Dianne Reynolds-Cane, MD; Director, Department of Health Professions
Arne Owens, Senior Deputy Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Students from Henrico County/St. Mary's School of Practical Nursing

ANNOUNCEMENTS:

- Committee of the Joint Boards of Nursing and Medicine next meeting is scheduled for December 12, 2012. The business meeting has been cancelled due to lack of business however two formal hearings will be conducted. Two additional Board of Nursing members are needed to participate. Dr. Ingalls volunteered to serve and Ms. Mitchell requested other board members to check their availability. Dr. Selig, Ms. Hartz and Ms. Gregory are already scheduled for the panel.

ESTABLISHMENT OF A QUORUM:

With 10 members present, a quorum was established.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

DIALOGUE WITH AGENCY DIRECTOR:

Dr. Reynolds-Cane was present and provided the following information:

- The DHP biennial report has been completed. This report contains licensure and discipline statistics. One of the items indicated it takes 144 days to close a patient care related case, which is significantly lower than the 250 key performance measurement.
- Information on military credentialing assistance is now available on the DHP website.
- A media event regarding the Healthcare Workforce Data Center is scheduled for January 9, 2013. Information for the Boards of Dentistry, Pharmacy and Nursing will be included.
- The Board of Pharmacy and Enforcement are monitoring the issue of the New England Compounding Company releasing tainted steroids that has led to illnesses and deaths. A summary is available on the DHP website.
- Dr. Reynolds-Cane attended the Tri-Regulators meeting held in October in Washington DC. The meeting was organized by the Federation of State Medical Boards and individuals from the Virginia Board of Medicine, Board of Pharmacy and Board of Nursing were in attendance.
- Dr. Reynolds-Cane attended a meeting organized by VHRI and George Mason University regarding the Affordable Care Act to develop monitoring of affordability, access to care and delivery of care. The meeting was held in Washington DC.
- Dr. Reynolds-Cane attended the annual meeting held by the Medical Society of Virginia in November in Williamsburg, where Secretary Hazel was honored for his work with healthcare reform and nurse practitioner legislation.
- Board of Nursing regulations regarding provisional licensure have been sent back to the Board of Nursing from the Governor's Office. Dr. Reynolds-Cane stated the Governor's Office is asking that another discussion about the provisional licensure regulations and reconsideration by the Board of Nursing take place. Representatives from Excelsior College will be present at the January 2013 Board of Nursing meeting to provide their perspective on the regulations. Excelsior materials will be sent to the Board members ahead of time.

Dr. Selig asked that a committee be formed to reconsider the proposed provisional licensure regulations prior to the January 2013 meeting. Ms. Lane, Ms. Gregory and Ms. Hartz volunteered to be on the committee.

Ms. Jones-Clarke joined the meeting.

Dr. Reynolds – Cane left the meeting.

PUBLIC HEARING:

Continued Competency Regulations

- Beverley Soble, Vice President, Regulatory Affairs, Virginia Healthcare Association was present and provided comment to the Board. The VHCA supports the proposed regulations and requests that healthcare associations like VHCA be added to the approved provider list in 18 VAC 90-20-221(B)(8) in the proposed regulations.
- Becky Bowers-Lanier, Advocacy Consultant for Virginia Association of School Nurses was present and provided comment to the Board. The VASN strongly supports the proposed regulations.
- Jackie Daniel, Southside Virginia Community College, was present and stated she would like clarification of the requirement of 640 hours of active practice in proposed 18 VAC 90-20-221(A)(8) and 18 VAC 90-20-222(B)(9), specifically questioning whether faculty hours as part of a nursing education program may be counted as active practice. In addition, she would like clarification regarding whether teaching the same nursing related courses in subsequent years be considered as meeting the proposed regulations in 18 VAC 90-20-221(A)(6) and 18 VAC 90-20-222(B)(6).

As there were no additional persons present to address the Board, Dr. Selig stated the public comment period will close on December 7, 2012.

OTHER MATTERS:

Adoption of Bylaws:

The Board reviewed the proposed bylaws as amended and presented by the Guidance Document Review Committee. Ms. Gregory moved to adopt the proposed bylaws. The motion was seconded and carried unanimously.

Election of Nominating Committee:

Ms. Douglas stated three members are needed to serve on the Nominating Committee to prepare a slate of officers for 2013. Dr. Selig, Ms. Minton and Ms. Holmes volunteered to serve on the Committee.

Dr. Selig indicated of the 13 board positions, there are currently two vacant positions, and six Board members terms expire June 2013. Four of those will be completing their second term and are unable to be reappointed and two of those will be completing their first term.

Dr. Selig also added that Board members have continued to serve in the past after their term has expired and until a replacement has been appointed. Dr. Selig is unsure if Board members can continue to do so. She expressed to Board members considering interest in office to let the Nominating Committee know their intent to serve beyond the expired term, if not replaced in a timely manner.

Request from Virginia Department of Health for Board approval for modification of influenza protocols for minors:

Ms. Douglas provided an overview of immunization protocol approval, explaining that the Board of Nursing approves immunization protocols regarding adults, however VDH approves immunization protocols regarding

minors. VDH made changes to their guidance document regarding influenza vaccines to minors based upon a recent update published by the Centers for Disease Control and Prevention and change in law to allow emergency medical technicians and paramedics to administer the vaccines. If approved by the Board of Nursing and VDH, the guidance document will be posted on the VDH website.

Ms. Hartz moved that the Board of Nursing approve the modified protocol and guidance document as presented. The motion was seconded and carried unanimously.

Status of Appeals:

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

- Susan Prior – the appeal hearing was held in Henrico County Circuit Court on November 2, 2012, which was attended by Board members and staff. The court took the matter under advisement. A decision has not been received at this time, but Mr. Casway anticipates to receive a decision by the end of 2012.
- Virginia School of Nursing and Medical Institute – VSNMI has voluntarily filed a non-suit of the appeal in Fairfax County Circuit Court, however we are awaiting a signed order from the court.
- Stephanie Kapalka – The attorney for Ms. Kapalka has voluntarily filed a non-suit of the appeal in Henrico County Circuit Court on February 6, 2012.
- Jeannette Jones – a notice of appeal has been received, but nothing further has been filed or received.

Regulatory Review:

Ms. Yeatts reported on the Regulatory Reform Project, a Governor's initiative for all agencies to review their regulations to determine if any regulations are burdensome in an effort to reduce regulations.

All agencies and boards have been asked to review their regulations in November and December 2012 for this purpose. If any regulations can be repealed by fast-track process they should be identified with efforts to complete by end of the administration in 2014.

Board of Nursing regulations to be reviewed include nursing, massage therapy, nurse aide and medication aide. Nurse practitioner and prescriptive authority regulations have recently been updated so were not initially listed for regulatory reform review. However they can be included in this review if the Board desires.

Ms. Lane moved to include the nurse practitioner and prescriptive authority regulations in this regulatory reform review. The motion was seconded and carried unanimously. Ms. Yeatts will prepare an additional notice to be sent to interested parties to include the nurse practitioner and prescriptive authority regulations.

Request from Virginia Commonwealth University for partnership to apply for NCSBN Regulatory Excellence Research grant:

Dr. Deborah Fisher from VCU was present and provided an overview of a collaboration with the Board of Nursing on a research study to examine Board of Nursing violations in relation to education preparation of registered nurses. The research project will include a grant proposal submitted to the NCSBN. If funded, monies would be used for mobile data collection devices, a research assistant, a statistician and a principal investigator to coordinate and oversee the study. The data being considered for the study include education level, years of experience, school where education was received, place of employment, position type, type of nursing violation, previous violation, gender and age which would require revision of the DHP intake form for registered nurse cases. The intent is to conduct the research project with or without the grant. This project would begin in July 2013 and collect data throughout the following year.

Ms. Douglas clarified to the Board that the Virginia Board of Nursing will not receive any grant funds. Ms. Hartz moved to approve VCU/Board of Nursing partnership moving forward with submitting the grant request to NCSBN. The motion was seconded and carried unanimously.

EDUCATION:

Education Informal Conference Committee:

Ms. Jones-Clarke reviewed items of interest from the November 7, 2012 minutes of the Education Informal Conference Committee.

Mr. Traynham moved to accept the minutes. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 9:58 A.M.

Evelyn Lindsay, L.P.N.
Secretary

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