

**VIRGINIA BOARD OF NURSING
MINUTES
July 17, 2013**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on July 17, 2013 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jane R. Ingalls, RN, PhD; President

BOARD MEMBERS PRESENT:

Louise Hartz, Citizen Member; Vice President
Evelyn Lindsay, LPN; Secretary
Joyce A. Hahn, PhD, APRN, NEA-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Florence Jones-Clarke, RN, MS
Kelly S. McDonough, DNP, RN
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:

Allison Gregory, RN, FNP-BC
John M. Horn, LPN
Trula Minton, MS, RN

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC, Executive Director
Brenda Krohn, RN, MS, Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA, Deputy Executive Director
Jodi P. Power, RN, JD, Deputy Executive Director
Paula B. Saxby, RN, PhD, Deputy Executive Director
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

STAFF ABSENT:

Linda Kleiner, RN, Discipline Case Manager

OTHERS PRESENT:

Dianne L. Reynolds-Cane, MD; Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Ruth Williams, RN, VCU Graduate Student

ESTABLISHMENT OF A QUORUM:

With 9 members present, a quorum was established.

ANNOUNCEMENTS:

- Board vacancy – Citizen Member
- New Board member, Louise Hershkowitz, RN, CRNA succeeds Patricia Selig, RN
- New Board member, Kelly S. McDonough, RN, DNP succeeds Patricia Lane, RN

- Patricia Lane, RN, BSN, MBA will be awarded the 2013 Trail Blazer Award by the National Black Nurses Association at the NBNA conference on August 3, 2013
- Patricia Selig, RN, FNP, PhD was recently recognized by Virginia Council of Nurse Practitioners for eight years of service to the Board of Nursing.
- Allison Gregory, RN Board member will chair the Committee of the Joint Boards of Nursing and Medicine.

UPCOMING MEETINGS:

- 35th Anniversary NCSBN Annual Meeting/Delegate Assembly – August 14 – 17, 2013, Providence, RI. Louise Hartz and Joyce Hahn will attend as delegates. Ms. Douglas will attend as a presenter at the Delegate Orientation and will be recognized for completing the IRE Fellowship Program and as a member of the Awards Committee, will participate in the service awards ceremony. Ms. Douglas will also attend the NLCA meeting held prior to the NCSBN meeting. Dr. Saxby will attend as an alternate delegate and as a member of the Distance Learning Education Committee. All plans to attend are contingent upon approval from the Secretary’s office. NCSBN resource funds will cover travel expenses.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed three items from the consent agenda. Ms. Hartz moved to accept the consent agenda as amended which included the following. The motion was seconded and carried unanimously.

Minutes:

May 20, 2013	Panel – Ms. Hartz
May 21, 2013	Quorum – Dr. Ingalls
May 22, 2013	Panel – Ms. Hartz
May 22, 2013	Panel – Dr. Ingalls
May 23, 2013	Panel – Dr. Ingalls
June 5, 2013	Telephone Conference Call – Dr. Ingalls

Reports:

Agency Subordinate Tracking Log
NNAAP Exam Report

REPORTS:

Finance Report:

There was no Finance report for review at this time.

Board of Nursing Monthly Tracking Log – Licensure & Disciplinary

Statistics:

The report was distributed and reviewed today. Ms. Hartz moved to accept the report as submitted.

Health Practitioners Monitoring Program Report:

The report was distributed and reviewed today. Ms. Hartz moved to accept the report as submitted.

Executive Director Report:

- § In addition to the information in the written report, Ms. Douglas provide information on the following:
- § Ms. Douglas was a presenter at the 2013 Summer Institute for School Nurses and provided information regarding the Board of Nursing to 238 school nurses. Ms. Douglas suggested Tia Campbell, School Health Coordinator with the Department of Education be invited to attend a future meeting and provide school nurse update.
- § The Board of Nursing has received an increased number of applications for volunteer registration for RN and NP to serve at the RAM clinic in southwest Virginia.
- § DHP IT staff are in the process of mailing information to all RN's and LPN's with an active VA license regarding continued competency requirements that are effective August 1, 2013. Information has been posted to Board of Nursing website.
- § Staff to track the number of hours spent daily on nurse aide duties. The finance report will reflect the costs associated as a result of changes in requirements for federal nurse aide funding certain Board of Nursing staff.

NCSBN Executive Officer Forum:

Ms. Douglas attended the NCSBN Executive Officer Forum in Chicago on July 15 and 16. This meeting for executive officers of all boards of nursing across the country was called to provide an opportunity for a facilitated discussion between boards. The goal of the meeting is to identify areas of mutual concern and agreement so that the member boards of NCSBN can move forward in a strategic manner that benefits all boards. The main focus of discussion was the benefits and/or risks of the mutual recognition licensure model versus national licensure. Additional meetings will be convened to move forward on further examination of licensure models and uniform core licensure requirements.

Nursys Data Integrity Project:

Ms. Tiller reported on the request to NCSBN for additional funding for the data integrity project in the amount of \$23,592.06. The goal of the project is to ensure member boards have access to complete and accurate licensure and discipline records and certified true copies of primary source documents. Without further funding from NCSBN the Board could not continue to participate effectively in the Nursys Data Integrity Project.

DIALOGUE WITH AGENCY DIRECTOR:

Dr. Reynolds-Cane expressed her appreciation to Board members who are returning for another term and to the newly appointed Board members. Dr. Cane stated current regulatory and legislative information will be provided today by Ms. Yeatts.

RECESS:

The Board recessed at 10:16 A.M.

RECONVENTION: The Board reconvened at 10:32 A.M.

OPEN FORUM: No one was present to address the Board.

POLICY FORUM: **2012 Nurse Practitioner Workforce Survey Presentation:**
Justin Crow, MPA, Research Analyst with the DHP Healthcare Workforce Data Center was present and provided an overview of the information of the 2012 Nurse Practitioner Workforce Survey and to address any questions Board members may have. Ms. Hershkowitz noted her concern that a certified registered nurse anesthetist was not included on the nurse practitioner workforce advisory committee. Mr. Crow asked for any feedback by July 26 so that the report could be finalized.

Dr. Cane left the meeting.

OTHER MATTERS: **Commitment to Ongoing Regulatory Excellence (CORE) Virginia Report Volume 1 – Discipline:**

Ms. Douglas reviewed the information in this report which is the first of four volumes to present the results of the 2012 CORE Performance Measurement Project conduct by NCSBN. The purpose is to track the effectiveness and efficiency of nursing regulation nationally as well as on individual board of nursing level in order to assist Boards with improving program performance and providing accountability to higher levels of authority and the public. Virginia has been identified as a high performer. The report will be reviewed by staff to focus on areas of need of improvement. The Board will consider additional reports at future meetings and incorporate results into the planning and work of the Board.

EDUCATION: **Education Special Conference Committee:**
Items of interest from the July 10, 2013 minutes of the Education Special Conference Committee were reviewed by Dr. Ingalls. Mr. Traynham moved to accept the minutes and recommendations. The motion was seconded and carried unanimously.

Education Issues:

- § Dr. Saxby reported on an issue recently brought to her attention that will be included in the quarterly meetings of new nursing education program directors regarding students entering a clinical experience before the course work has been completed.
- § The revised nurse aide exam was implemented in July 2013.
- § Recent changes in key staff at NACES, the nurse aide testing sub-contractor has taken place. Pearson Vue has assured us they are able to continue to operate and administer the NNAAP for Virginia. A written plan from Pearson Vue is anticipated.

Distance Learning Education Committee Recommendations:

Dr. Saxby provided information from the NCSBN Distance Learning Education Committee charged to identify regulatory issued related to pre-

licensure distance learning education programs and to develop model rules for distance learning programs. Recommendations that will be presented to the NCSBN Delegate Assembly in August were reviewed by the Board and include the following:

- § Regulatory standards for distance education programs in nursing
- § Uniform checklist for distance education pre-licensure nursing programs
- § Proposed model rules for pre-licensure distance education programs
- § NCSBN white paper regarding the recommendations.

University Presidents Being Informed of Nursing Program Actions:

Dr. Saxby provided an overview of Board actions taken against Norfolk State University and that it has recently come to the attention of Board staff that Norfolk State University's President was unaware of the Board's action. Dr. Saxby asked Board members for input to identify university staff that should receive information from the Board. Dr. Saxby reviewed the current practice that provides for the program director providing names of all individuals that the Board should provide information to. Ms. Holmes recommended that notices and orders should be sent to program owner, university president, provost, SCHEV and others as identified by the program. Ms. Hartz moved to initiate this process. The motion was seconded and carried unanimously.

LEGISLATION/REGULATION:

Status of Regulatory Actions:

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of June 21, 2013 and noted that the regulations regarding provisional licensure as a registered nurse have been approved and will be effective August 1, 2013. Ms. Douglas added that Board staff has developed forms; changes to the database changes are being made and write back letters to applicants have been developed related to this process.

Proposed Fast-track Regulations 18VAC90-20 Regulations Governing the Practice of Nursing:

Ms. Yeatts reviewed the draft amendments to 18VAC90-20 as a result of the General Assembly amending the Drug Control Act (HB1444). Concern expressed regarding proposed language placed so that applied to all medication aide training programs in all settings in 54.1-3408(L) which exceeds statutory language. The Board agreed to amend proposed 90-20-390(5) to clarify epi pen only applies to DBHDS 54.1-3408(D). Ms. Hartz moved to accept the amendments to proposed language. The motion was seconded and carried. Dr. Ingalls, Ms. Hartz, Ms. Lindsay, Dr. Hahn, Ms. Hershkowitz, Ms. Holmes, Ms. Jones-Clarke and Dr. McDonough were in favor of the motion. Mr. Traynham opposed the motion.

Amendments to Regulations Governing the Practice of Nurse Practitioners and Regulations for Prescriptive Authority for Nurse Practitioners:

Ms. Yeatts reviewed the public comments received through July 3, 2013 to include the Medical Society of Virginia and the Virginia Council of Nurse Practitioners in support of the regulations. Ms. Hartz moved to adopt the amendments to 18VAC90-30-10 et seq. and 18VAC90-40-10 et seq. as a

proposed action to replace the emergency regulations currently in effect. The motion was seconded and carried unanimously.

Revision to Guidance Document 90-9:

Ms. Yeatts and Ms. Krohn reviewed the amendments to Guidance Document 90-9 regarding prescription drug administration training programs for child day programs. Ms. Hartz moved to adopt the revisions as presented. The motion was seconded and carried unanimously.

RECCESS: The Board recessed at 12:17 P.M.

RECONVENTION: The Board reconvened at 1:12 P.M.

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 1:15 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. Williams, Ms. Tiller and Ms. Davis 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 1:28 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.

Ketty Desforges, CNA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the informal conference committee to deny the application of Ketty Desforges for certification by endorsement to practice as a nurse aide. The motion was seconded and carried unanimously.

Tyler Wertman, CMT Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the informal conference committee to deny the application of Tyler Wertman for certification by endorsement to practice as a massage therapist. The motion was seconded and carried unanimously.

Jazmine L. Coles, CNA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to approve the application of Jazmine Coles for certification by examination as a nurse aide and that Ms. Coles be reprimanded. The motion was seconded and carried unanimously.

Jocelyn Mondares, CNA 1401-090161

Dr. Hahn moved that the Board of Nursing accept the consent order for the voluntary surrender for revocation of the nurse aide certification of Jocelyn Mondares with a finding of misappropriation of patient property entered against her in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Cheronne Stevens, RN 0001-193969

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend of the license of Cheronne Stevens to practice professional nursing, but stay the suspension upon proof of Ms. Stevens' continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Tina J. Dry, RN 0001-106237

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Tina Dry to practice professional nursing, but stay the suspension upon proof of Ms. Dry's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Michelle Lynne Overton Manwarren, RMA 0031-005247

Dr. Hahan moved that the Board of Nursing accept the consent order for the voluntary surrender for indefinite suspension of Michelle Lynne Overton Manwarren's registration to practice as a medication aide.. The motion was seconded and carried unanimously.

Sarah Cleveland Waite, RN 0001-204019

Dr. Hahn moved that the Board of Nursing accept the consent order to reprimand Sarah Waite and to indefinitely suspend the professional nursing license of Ms. Waite, but stay the suspension contingent upon Ms. Waite's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Paula S. High, RN 0001-188504

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Paula High to practice professional nursing, but stay the suspension upon proof of Ms. High's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Kenneth W. Zufall, RN 0001-240691

Dr. Hahn moved that the Board of Nursing accept the consent order for the voluntary surrender for indefinite suspension of the license of Kenneth Zufall to practice professional nursing. The motion was seconded and carried unanimously.

Tina Marie S. Crabtree, RMA 0031-004727

Dr. Hahn moved that the Board of Nursing accept the consent order for the voluntary surrender for indefinite suspension of Tina Marie Crabtree's registration to practice as a medication aide. The motion was seconded and carried unanimously.

Christine Mary Gaither, RN 0001-171042

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the professional nursing license of Christine Gaither pursuant to the terms and conditions place on her as referenced in the Board's Order of April 18, 2012. The motion was seconded and carried unanimously.

John Lewis, RN 0001-180295

Dr. Hahn moved that the Board of Nursing accept the consent order to reprimand John Lewis and to indefinitely suspend his license to practice as a professional nurse. The motion was seconded and carried unanimously.

Sally Hasenstab, LPN 0002-084210; CNA 1401-135493

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend Sally Hasenstab's license to practice as a practical nurse and the right to renew her certificate to practice as a nurse aide. The motion was seconded and carried unanimously.

Kristen Edenfield, RN 0001-213922

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Kristen Edenfield to practice as a professional nurse. The motion was seconded and carried unanimously.

Cindy Gordon, RN 0001-174021

Dr. Hahn moved that the Board of Nursing accept the consent order to reprimand Cindy Gordon and to indefinitely suspend the license of Ms. Gordon to practice as a professional nurse. The motion was seconded and carried unanimously.

Althea Carocci, RN 0001-186939

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Althea Carocci to practice as a professional nurse, stay the suspension upon proof of Ms. Carocci's entry into the Health Practitioners Monitoring Program and remaining in compliance thereafter. The motion was seconded and carried unanimously.

Deborah Chambliss, CNA 1401-029127; RMA 0031-000439

Dr. Hahn moved that the Board of Nursing accept the consent order to revoke the right to renew both the nurse aide certification and the medication aide registration of Deborah Chambliss. The motion was seconded and carried unanimously.

Rachel Retallick, RN 0001-204096

Dr. Hahn moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of Rachel Retallick's license

to practice professional nursing. The motion was seconded and carried unanimously.

Bobbie Bradley, LPN 0002-042680

Dr. Hahn moved that the Board of Nursing accept the consent order to reprimand Bobbie Bradley and indefinitely suspend the license of Ms. Bradley to practice as a practical nurse until she complies with Term 2 of the Board's Order of October 25, 2012 by remitting payment to the Board of \$2,000. The motion was seconded and carried unanimously.

Kristi T. Broyles, LPN 0002-060811

Dr. Hahn moved that the Board of Nursing accept the consent order to indefinitely suspend the license of Kristi Broyles to practice as a practical nurse, but stay the suspension upon proof of Ms. Broyles' 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.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 1:30 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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