

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

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:04 A.M. on September 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
Guia Caliwagan, RN, MAN
Allison Gregory, RN, FNP-BC
Joyce A. Hahn, PhD, APRN, NEA-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member (joined later)
Kelly S. McDonough, DNP, RN
Trula Minton, MS, RN
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:

John M. Horn, LPN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; 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:

Arne Owens, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Ruth Williams, RN, VCU Graduate Student
Nursing students from Fortis College

ESTABLISHMENT OF A QUORUM:

With 10 members present, a quorum was established.

ANNOUNCEMENTS:

- Board vacancy – Citizen Member
- New Board member, Guia Caliwagan, RN, MAN, succeeds Florence Jones-Clarke

- November Board of Nursing business meeting will be moved to Wednesday November 20, 2013. Formal hearings will be conducted Monday November 18, Tuesday November 19 and Thursday November 20
- The Board recognized Jay Douglas for completing the NCSBN Institute of Regulatory Excellence Fellowship Program.
- The Board recognized Joyce Hahn’s article in “Virginia Nurses Today”
- Howard Casway will be on extended leave, Charis Mitchell is available by phone for issues that need Board counsel

UPCOMING MEETINGS:

- The meeting of the Federation of State Massage Therapy Boards (FSMTB) will take place in October 2013 in Baltimore. Latasha Austin, support staff for massage therapy applications and discipline issues will attend pending approval of travel.
- The business meeting of the Committee of the Joint Boards of Nursing and Medicine scheduled for October 9, 2013 has been cancelled; however a quorum will meet for discipline issues.
- National Council of State Boards of Nursing called meeting of executive officers will take place in November. Jay Douglas will attend pending approval of travel.
- Virginia Nurses Association Education Day and Gala is scheduled for September 28, 2013. Dr. Ingalls and Dr. Hahn will be recognized at the gala. Ms. Krohn and Dr. Saxby plan to attend.
- National Council of State Boards of Nursing Distance Learning Committee meeting has scheduled a meeting for October 7-8, 2013 in Chicago. Dr. Saxby will attend pending approval of travel.
- The Massage Therapy Advisory Board will meet on October 22, 2013.

Ms. Holmes joined the meeting.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item 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:

July 15, 2013	Panel – Ms. Hartz
July 16, 2013	Panel – Dr. Ingalls
July 16, 2013	Panel – Ms. Hartz
July 17, 2013	Quorum – Dr. Ingalls
July 18, 2013	Panel – Dr. Ingalls

Reports:

Agency Subordinate Tracking Log
Finance Report

REPORTS:

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. The motion was seconded and carried unanimously.

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 provided the following information related to the Nurse Licensure Compact Administrators (NLCA) meeting held August 12, 2013:

- § Representatives from compact and non-compact states attended the meeting along with representatives from national association of medical boards, pharmacy board, physical therapy boards and other professions with an interest in reviewing the licensure model.
- § A new NLCA orientation manual is being developed.
- § Ms. Douglas has been nominated to the NCLA Executive Committee as a member-at-large; voting will take place later in September.

Nurse Scholarship Fund:

Dr. Saxby provided background information that \$1 of every RN and LPN renewal fee goes into the nurse scholarship fund which is managed by the Virginia Department of Health. \$65,000 can be used yearly to support education of RN and LPN students. Dr. Saxby will participate in a meeting with VDH staff on September 20 to determine awards.

Commitment to Ongoing Regulatory Excellence (CORE) Report/Volume 2/Licensure and Volume 3/Education:

Ms. Douglas reviewed the information in both reports conducted by NCSBN to track efficiency of state boards. Ms. Douglas stated responses to the open-ended questions will be reviewed by staff to identify areas of improvement although several of the responses indicated a lack of understanding of Board of Nursing roles versus nursing associations. Dr. Hahn suggested information clarifying the role of the Board to be included in nursing association publications. A committee to explore options was proposed; Dr. Hahn, Ms. Minton and Dr. McDonough volunteered to serve on the committee.

Ms. Hershkowitz asked why Virginia has more nursing education programs than the other states. Ms. Douglas replied that several factors contribute to this including that Virginia does not have a certificate of need for nursing education programs; some education programs focus directly on educating individuals for Maryland or DC licensure with programs located in Virginia due to the high fees associated with establishing a program in Maryland and DC; and the Board does not have the ability to refuse a program as long as they meet the requirements.

Dr. Ingalls stressed criminal background checks not being conducted in Virginia is an issue. Ms. Douglas provided information that implementing

criminal background checks is a costly endeavor and increases the number of disciplinary cases.

Introduction of Department of Health Professions IT Director:

Ms. Douglas introduced Robert Jenkins, Department of Health Professions IT Director. Mr. Jenkins was hired to fill the position vacated by Pat Paquette.

National Council of State Boards of Nursing (NCSBN) Delegate Assembly:

Ms. Hartz expressed her appreciation for being able to attend the meeting as a delegate. Ms. Hartz added that she attended the delegate orientation and the information provided was very helpful. As a delegate, Ms. Hartz participated in the proposed changes in the Bylaws which were accepted. Dr. Hahn also attended as a delegate and stated the networking very good. She also stated the meetings were very efficient and provided the use of electronic voting. Dr. Saxby participated in the NCSBN Distance Learning Education Committee report provided to delegates at the meeting. Ms. Douglas reported on the change in NCSBN member board fees, eliminating the \$3,000 annual fee for member boards. As a temporary measure, the \$3,000 NLC annual fee has increased to \$6,000. Since the total annual amount remains the same at \$6,000, there is no negative financial impact on the Board.

RECESS: The Board recessed at 10:27 A.M.

RECONVENTION: The Board reconvened at 10:40 A.M.

OPEN FORUM: Tia Campbell, MSN, RN, NCSN; Department of Education School Health Specialist, provided information to the Board regarding chronic health conditions in schools and statistics regarding school health nurses in Virginia.

DIALOGUE WITH AGENCY DIRECTOR:

Mr. Owens provided information on behalf of the Director's office. In addition to welcoming new Board members, Mr. Owens provided the following information:

- A strategic plan has been submitted to the National Governor's Association to decrease prescription drug abuse by increasing education and training for prescribers. The information will be available at a later date.
- Work continues on the transition of military personnel from service into health care. The Department of Health Professions wants to facilitate transition by identifying and decreasing barriers. Three professions are being the primary focus, licensed practical nurse, physical therapy assistant and emergency medical technician.

OTHER MATTERS:

Medication Aide Curriculum Table:

Ms. Krohn reviewed the document that contains information on the medication aide training curriculums approved or reviewed by the Board in various settings.

Requests for Board Member Presentations:

Ms. Douglas asked Board members to refer any requests they may receive to speak on behalf of the Board or any requests for information from the media to her. Board staff would then follow up with the request.

Special Conference Committee and Committee Assignments:

Dr. Ingalls reviewed the assignments and asked for volunteers to serve on the Committee of the Joint Boards of Nursing and Medicine on October 9, 2013 to conduct a formal hearing. Ms. Hartz, Ms. Holmes, Ms. Lindsay and Mr. Traynham will serve as Board of Nursing members.

Update on Appeal of Board of Nursing Decision:

Ms. Douglas reported on the status of the appeal regarding Susan Prior, RN. An appeal hearing was held on September 10, 2013, Braden Curtis, Assistant Attorney General, acted on behalf of the Commonwealth before a three judge panel. A decision has not been received at this time.

EDUCATION:

Education Special Conference Committee:

Items of interest from the September 11, 2013 minutes of the Education Special Conference Committee were reviewed by Dr. Ingalls and Dr. Hahn. Ms. Holmes moved to accept the minutes and recommendations. The motion was seconded and carried unanimously.

Education Issues:

Dr. Saxby reported on the following topics related to nursing education:

- Information was sent to all Virginia nursing education programs from NCSBN regarding their plan for paperless NCLEX administration.
- The nursing education program consultant position vacancy has been posted. Dr. Saxby and Ms. Douglas met with Board of Nursing on-site visitors to ensure duties of the position are being covered. They plan to meet again in October to reassess duties.
- Dr. Saxby plans to consult with NCSBN to have Virginia included as a NCLEX Regional Workshop site in 2014.

LEGISLATION/REGULATION:

Status of Regulatory Actions:

Ms. Douglas reviewed the pending regulatory action for the Board of Nursing as of September 3, 2013.

Name Change - Adoption of Amended Regulation by Exempt Action:

Ms. Douglas reviewed the information provided regarding the National League for Nursing Accreditation Commission (NLNAC) notified the Board that its name has been changed to Accreditation Commission for Education in Nursing (ACEN). Ms. Hartz moved that the Board adopt the amendment to the definition of "Accreditation" as presented. The motion was seconded and carried unanimously.

Regulatory Action – Replacement of Emergency Regulation on Provisional Licensure:

Ms. Douglas reviewed the information provided on the emergency regulations adopted by the Board including a copy of the comments received on the Notice of Intended Regulatory Action. Ms. Hartz moved that the Board adopt the proposed regulations to replace the emergency regulations with permanent regulations. The motion was seconded and carried unanimously.

Mr. Owens and Dr. Saxby left the meeting to resume their normal schedule.

RECESS: The Board recessed at 11:59 A.M.

RECONVENTION: The Board reconvened at 12:51 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 12:53 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, 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 1:03 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.

Donald Outlaw, RMA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Donald Outlaw for registration by examination to practice as a medication aide. The motion was seconded and carried unanimously.

Anthony Polite, LPN Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Anthony Polite for licensure by endorsement to practice as a practical nurse. The motion was seconded and carried unanimously.

Tara L. Paxton, RMA Applicant

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

Stephanea R. Mills, CNA Applicant

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

Kiara Hairston, CNA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the application of Kiara Hairston for registration by examination as a medication aide. The motion was seconded and carried unanimously.

Angela Burton, CNA Applicant; RMA Applicant

Ms. Hartz moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny the applications of Angela Burton for certification by examination as a nurse aide and for registration by examination as a medication aide. The motion was seconded and carried unanimously.

Kim Bowen, CMT Applicant

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

William David Diment, RN 0001-149807

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the license of William Diment to practice nursing in Virginia. The motion was seconded and carried unanimously.

Paula Rice-Briggs, LPN 0002-023113

Dr. Hahn moved that the Board of Nursing accept the consent order to accept the voluntary surrender for indefinite suspension of Paula Rice-Briggs' right to renew her practical nursing license. The motion was seconded and carried unanimously.

Katie Young, CNA 1401-134180

Dr. Hahn moved that the Board of Nursing accept the consent order for the voluntary surrender for indefinite suspension of the certificate of Katie Young to practice as a nurse aide. The motion was seconded and carried unanimously.

Krystina Kirk, LPN 0002-074193

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

Melissia Cynthia Boyd, RN 0001-222744

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the privilege granted to Melissia Boyd through the Nurse Licensure Compact

to practice nursing in Virginia. The motion was seconded and carried unanimously.

Russell Evans Cummings, RN 0001-208967

Dr. Hahn moved that the Board of Nursing accept the consent order to reinstate the professional nursing license of Russell Evans Cummings. The motion was seconded and carried unanimously.

Angela M. Coogan, CNA 1401-139796; RMA 0031-004827

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

Lori J. Dewald, RN 0001-167207

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

Emma B. Townes, LPN 0002-010500

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

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 1:07 P.M.

Evelyn Lindsay, L.P.N.
Secretary

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