

**VIRGINIA BOARD OF NURSING
MINUTES
November 17, 2015**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on November 17, 2015 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

BOARD MEMBERS PRESENT:

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
William Traynham, LPN, CSAC; Vice President
Jeanne Holmes, Citizen Member; Secretary
Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Louise Hershkowitz, CRNA, MSHA
Kelly McDonough, DNP, RN
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC

BOARD MEMBERS ABSENT:

Trula Minton, MS, RN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Gloria D. Mitchell-Lively, RN, BSN, MBA; Deputy Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Paula B. Saxby, RN, PhD; Deputy Executive Director
Stephanie Willinger, Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Linda Kleiner, RN, Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, DC; Director, Department of Health Professions
Lisa Hahn, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst; Department of Health Professions

IN THE AUDIENCE:

Lindsay Walton, McCaulay and Burtch
Dr. Nina Beaman, President, Legislative Coalition of Virginia Nurses
Debbie Eric, Bryant and Stratton College
Laura Smith, Bryant and Stratton College
Dr. Lauren Goodloe, Virginia Nurses Association

ESTABLISHMENT OF A QUORUM:

With 12 members present, a quorum was established.

ANNOUNCEMENTS:

- Ms. Douglas noted the announcements on the agenda.
- Marie Molnar has accepted the licensing supervisor position. Marie has been an employee of the Board of Nursing for 9 years, processing renewals and reinstatement applications.

UPCOMING MEETINGS

- Ms. Douglas noted the Committee of the Joint Board of Nursing and Medicine meeting scheduled for October 7, 2015 has been cancelled.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed three items for typographical errors from the consent agenda. Mr. Monson moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

- September 14, 2015 – Panel – Dr. Hahn
- September 16, 2015 – Quorum – Dr. Hahn
- September 16, 2015 – Panel – Dr. Hahn

Reports:

- Agency Subordinate Tracking Log
- Finance Report
- Health Practitioners Monitoring Program
- NNAAP Report – January – September 2015

Mr. Monson moved to accept the minutes as corrected for the following. The motion was seconded and carried unanimously.

- September 15, 2015 – Quorum – Dr. Hahn
- September 16, 2015 – Panel – Mr. Traynham
- September 17, 2015 – Panel – Mr. Traynham

REPORTS:

Board of Nursing Monthly Tracking Log – Licensure & Disciplinary Statistics:

Ms. Douglas reviewed the report and it was accepted as presented.

Executive Director Report:

Ms. Douglas provided information on the following:

- National Council of State Boards of Nursing is moving forward with the Enhanced Nurse Licensure Compact (NLC) with other states. Ms. Power participated in a conference call with 12 states planning to introduce legislation in 2016. The purpose of the Enhanced NLC is to bring new states into the NLC. Ms. Douglas stated she plans to attend a NLC meeting in Chicago on December 3, 2015.

- Ms. Douglas attended the Tri-Regulator meeting in October held in Washington DC. Representatives from Boards of Pharmacy, Medicine and Nursing were present. Key message was collaboration and partnership.
- Participation in meetings/presentations included the Leading Age Conference by Ms. Krohn; Ms. Douglas and Diane Powers met with Virginia Nurses Association staff regarding enhanced communication; Head Start Conference by Ms. Power; Winchester Medical Center regarding Board of Nursing regulations by Ms. Douglas; Health Practitioners Monitoring Program case manager training by Ms. Douglas; Virginia Association of Psychiatric Nurses Fall Conference by Dr. Saxby; and Virginia Commonwealth University Health System Magnet Site Visit by Ms. Douglas.
- MLO transition, DHRM changes and Board of Nursing staff vacancies has resulted in a “perfect storm” for processing applications resulting in delayed processing times. Overtime for staff has been approved and help from other DHP staff to assist with application processing, posting fees and discipline case processing. 5 current full-time support staff vacancies.

Procedural Sedation Committee Report and Minutes of September 15, 2015:

Dr. McDonough reviewed the minutes of the Committee from the September 15, 2015 meeting. Recommendations from the Committee included:

- Delete Guidance Document 90-5 Administration of Neuromuscular Blocking Agents for Conscious Sedation
- Adoption of September 15, 2015 version of Guidance Document 90-63 Procedural Sedation by Registered Nurses

Mr. Monson moved to adopt the recommendations of the Procedural Sedation Committee. The motion was seconded and carried unanimously. The revised document will be posted on the Board on Nursing website.

Criminal Background Check Committee Report and minutes of September 15, 2015:

Dr. Hahn summarized the minutes of the Committee from the September 15, 2015 meeting. Recommendations from the Committee included:

- Revision of Guidance Document 90-10 Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement
- Revision of Guidance Document 90-12 Delegation of Authority to Board of Nursing RN Education and Discipline Staff
- Revision of Guidance Document 90-55 Joint Statement of the Department of Health and Department of Health Professions on the Impact of Criminal Convictions on Nursing Licensure or Certification and Employment in Virginia

Ms. Caliwagan moved to adopt the recommendations of the Criminal Background Check Committee. The motion was seconded and carried unanimously. The revised documents will be posted on the Board of Nursing website.

Criminal Background Check (CBC) Implementation:

Ms. Douglas reported implementation of CBC's for January 1, 2016 for RN and LPN applicants for licensure by examination, endorsement and reinstatement is moving forward. Fieldprint has been selected as the vendor to provide criminal background checks. There will be 20 – 25 sites in Virginia; the cost for applicants will be \$46.50. Two full-time Board of Nursing positions have been approved, interviews are scheduled. There will be no changes in non-routine application processing from the applicant standpoint. Ms. Willinger reviewed the Fieldprint information provided to Board members, features include scheduling for fingerprinting will be available 24/7, sites will be open Monday through Saturday. It is anticipated 10,000 applicants a year will be utilizing the fingerprint process.

PUBLIC COMMENT: No one was present who wished to address the Board during the public comment period.

REPORTS: **Citizen Advocacy Center Meeting:**
Mr. Monson attended the meeting held in Washington DC and reported the focus was on citizen/consumer expectations of practitioner proficiency and being knowledgeable and competent at all times. Continuing education vs. continued competency and how to implement assessments was a topic of discussion at the meeting.

RECESS: The Board recessed at 10:12 A.M.

RECONVENTION: The Board reconvened at 10:23 A.M.

DIALOGUE WITH AGENCY DIRECTOR:
Dr. Brown was present and introduced Lisa Hahn as the Chief Deputy Director, replacing Jamie Hoyle who accepted a position with the Behavioral Health Boards. Ms. Hahn will continue to act as Executive Director of the boards of Funeral Directors and Embalmers; Long Term Care Administrators; and Physical Therapy until the position is filled. Dr. Brown also addressed the following topics:

- Appreciation to Mr. Monson for attending the Citizen Advocacy Center meeting and encouraged other citizen members to attend future meetings.
- Nurse Licensure Compact and criminal background check functions are beneficial to Department of Health Professions as other boards explore enacting compacts that have criminal background checks as requirement.
- Board member training in October was well attended, 9 out of 13 Board of Nursing members attended.
- Healthcare Workforce Data Center reports are available, and would encourage use of reports in high schools, community colleges and career centers as a guide for possible healthcare career choices. 20 professions currently being reported.
- Appreciation to Board staff for efforts in increased challenges due to staffing and system changes. Ms. Douglas added her appreciation to Dr.

Brown attending a recent Board of Nursing staff meeting where he expressed his appreciation to staff for the work.

- Department of Health Professions is forming a response to the recommendations from the Health Practitioners Monitoring Program audit provided by the CAC. Dr. Brown stated Ms. Douglas has been selected as the lead person to follow-up on the recommendations of the CAC audit and provide a report to Dr. Brown. An example is to increase HPMP presence on the DHP website as a resource to assist licensees. The goal of any action items will be to strengthen the Program and the collaboration between DHP and VCU Department of Psychiatry. It is anticipated information if not a full report, will be provided to the Board at the January meeting.

REPORTS:

Federation of State Massage Therapy Boards (FSMTB) Annual Meeting:

Ms. Krohn attended the FSMTB annual meeting in October and reviewed the written information provided to the Board. Ms. Krohn stated a taskforce on human trafficking is being developed to investigate the impact of human trafficking on the massage profession and identify possible measures to curtail and/or eliminate its practice of using the massage profession as a front for illegal activity. The meeting also included a presentation on Professional-Client Boundaries in Health Care. A massage therapy licensure data base (MTLD) is being developed; it will enable states to share information on massage therapists and is anticipated to be implemented in Spring of 2016.

Massage Therapy Advisory Board Annual Meeting:

Ms. Krohn reported on the minutes of the Massage Therapy Advisory Board meeting held October 28, 2015. Joseph Schibner and Dawn Hogue were recently appointed to the Advisory Board. There is one vacant position at this time. Ms. Krohn reviewed the recommendation from the Advisory Board for a periodic review of the massage therapy regulations. Mr. Monson moved to move forward with the periodic review.

Ms. Yeatts stated the Virginia Chapter of the American Massage Therapy Association intends to propose legislation for licensure of massage therapists in 2016 with criminal background check requirements in 2017.

Commitment to Ongoing Regulatory Excellence (CORE) Committee:

Ms. Krohn provided an overview of the Committee on behalf of Ms. Minton who was not able to attend today's meeting. The 2014 CORE reports are now available from National Council of State Boards of Nursing and will be reviewed by the Committee when it meets in January 2016.

OTHER MATTERS:

Board of Nursing Appeals Update:

Ms. Mitchell, Board Counsel, reported on the current appeal information regarding Board of Nursing cases.

Election of Nominating Committee:

Dr. Hahn reviewed the information provided to Board members regarding the Nominating Committee which will prepare a slate of officers for President, Vice-President and Secretary for 2016. Ms. Garcia, Mr. Monson and Ms.

Phelps volunteered for the Committee. The Committee will meet to prepare a slate of officers and distribute to the Board 30 days in advance of the January 2016 meeting.

Informal Conference Committee Schedule for 2016:

A hard copy of the informal conference schedule for January through June 2016 was provided to Board members.

Medication Administration Training for Youth-Modules Program:

Ms. Krohn reviewed the curriculum proposed by the Virginia Council for Private Education for Medication Administration Training for Youth – Modules Program which would allow unlicensed individuals accompanying children in private schools on field trips and supervising children during school sponsored activities outside of the school day. Mr. Monson moved to approve the proposed curriculum. The motion was seconded and carried unanimously.

EDUCATION:

Education Special Conference Committee Minutes:

Dr. Hahn reviewed the minutes of November 10, 2015. Mr. Monson moved to accept the minutes of the Education Special Conference Committee and the minutes. The motion was seconded and carried unanimously.

Recommended decisions of the Education Special Conference Committee regarding the following nursing and nurse aide education programs were considered by the Board.

- Bryant and Stratton College Associate Degree Registered Nursing Education Program – Mr. Monson moved to accept the recommended decision of the Education Special Conference Committee to rescind the withdrawal of approval of Bryant and Stratton Associate Degree Program to operate a registered nursing education program in Virginia and to grant the program full approval. The motion was seconded and carried unanimously.
- South University Virginia Beach Baccalaureate Degree Nursing Education Program – Mr. Traynham moved to accept the recommended decision of the Education Special Conference Committee to continue South University Virginia Beach Baccalaureate Degree Education Program on provisional approval with terms and conditions. The motion was seconded and carried unanimously.
- Star College Nurse Aide Education Program – Ms. Hershkowitz moved to accept the recommended decision of the Education Special Conference Committee to withdraw the approval of Star College Nurse Aide to operate a nurse aide education program. The program shall close no later than December 31, 2015. The motion was seconded and carried unanimously.
- Breckinridge School of Nursing and Health Sciences at ITT Technical Institute – Mr. Traynham moved to accept the recommended decision of the Education Special Conference Committee to rescind the stay of withdrawal of approval of ITT Associate Degree Registered Nursing Program. The program shall close no later than June 30, 2016.

Update on Changes to the Education Regulations Effective November 18, 2015:

Dr. Saxby provided a review of the nursing education regulations effective November 18, 2015 regarding initial approval of programs, denial/withdrawal of initial approval of programs, full approval, denying full approval and maintaining program. All nursing education programs will be receiving notification regarding the new regulations. Dr. Hahn expressed her appreciation to Dr. Saxby and Ms. Ridout for guiding the Board through the changes and providing an overview of the new processes.

POLICY FORUM: Captain Susan Orsega, Senior Program Management Consultant Officer, United States Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases, Division of Clinical Research Collaborative Clinical Research Branch was present and provided a presentation on National Institute of Health Research Response to Ebola.

RECESS: The Board recessed at 12:30 P.M.

RECONVENTION: The Board reconvened at 1:15 P.M.

LEGISLATION/REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the regulatory actions for the Board of Nursing as of November 4, 2015.

Adoption of Guidance Document on the Registered Nurses and Procedural Sedation:

During the report of the Procedural Sedation Committee, the Board adopted the recommendations of the Procedural Sedation Committee to:

- Delete Guidance Document 90-5 Administration of Neuromuscular Blocking Agents for Conscious Sedation
- Adoption of September 15, 2015 version of Guidance Document 90-63 Procedural Sedation by Registered Nurses

The revised document will be posted on the Board on Nursing website.

Recommendation from the Massage Therapy Advisory Board:

During the report of the Massage Therapy Advisory Board meeting, the Board of Nursing approved the recommendation from the Advisory Board for a periodic review of the massage therapy regulations.

CONSIDERATION OF REQUEST FOR NCLEX ACCOMMODATION, RECOMMENDATION REGARDING AN APPLICANT AND CONSENT ORDERS:

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:20 P.M. for the purpose of deliberation to consider a request for NCLEX accommodation, recommendation regarding an applicant and consent orders. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, Dr. Saxby Ms. Ridout, Ms. Willinger, Ms. Kleiner, Ms. Tiller, Ms. Davis and

Ms. Mitchell 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 1:45 P.M.

Ms. Holmes 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.

Jemanesh Belete, NCLEX-RN Accommodation Request

Ms. Ridout reviewed the request submitted by Ms. Belete for double time and a private room to take the NCLEX-RN examination. Ms. Garcia moved to grant the request for double time and a private room for Jemanesh Belete to take the NCLEX-RN examination. The motion was seconded and carried. Ms. Gerardo, Dr. Poston, Ms. Phelps, Ms. Garcia, Mr. Traynham, Dr. Hahn and Ms. Caliwagan were in favor of the motion. Ms. Gilliam, Ms. Hershkowitz, Mr. Monson, Ms. Holmes and Dr. McDonough opposed the motion.

Tiara M. Wilkins, CNA Applicant

Mr. Monson moved to accept the recommended decision of the agency subordinate to deny the application of Tiara Wilkins for certification by examination to practice as a nurse aide in Virginia. The motion was seconded and carried unanimously.

Joyce Leshore, LPN 0002-076435

Mr. Monson moved to deny the consent order regarding Joyce Leshore and submit a revised consent order to Ms. Leshore after corrections have been made. The motion was seconded and carried unanimously.

Kelly Conn, RN, 0001-256220

Ms. Hershkowitz moved to deny the consent order and to move forward with the formal hearing scheduled for Kelly Conn on November 19, 2015. The motion was seconded and carried unanimously.

Natalie Smeelie, RN 0001-239316

Mr. Traynham moved to accept the consent order to reprimand Natalie Smeelie and to indefinitely suspend the registered nursing license of Ms. Smeelie, until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

Grace I. Johnson, RN 0001-118026

Mr. Traynham moved to accept the consent order to reprimand Grace Johnson and to indefinitely suspend the registered nursing license of Ms. Johnson until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

Abigail Abboud, LPN 0002-074240

Mr. Traynham moved to accept the consent order to reprimand Abigail Abboud and to indefinitely suspend the practical nursing license of Ms. Abboud until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

Jessica Lynn Topping, CMT 0019-013164

Mr. Traynham moved to accept the consent order to indefinitely suspend the massage therapy certificate of Jessica Topping until such time as she can appear before the Board and demonstrate she is safe and competent to practice. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 1:48 P.M.

Jeanne E. Holmes, Citizen Member
Secretary

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