

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
OCTOBER 17, 2007**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:15 A.M. in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Patricia Selig, R.N., F.N.P., Ph.D., Board of Nursing, Acting Chairperson
Woody B. Hanes, R.N., M.S.N., F.N.P.

MEMBERS ABSENT: Judith E. Piersall, R.N., B.S.N.
Sandra Anderson Bell, M.D.
Robert T. Mosby, Jr., M.D.
Jane E. Piness, M.D.

ADVISORY COMMITTEE MEMBERS PRESENT: Peter Boling, M.D. (arrived 9:35 a.m.)
David O. Dick, R.N., C.R.N.A.
Elaine Ferrary, R.N., L.N.P.
Barbara Kirkland, R.N., L.N.P.
Lynn Poole, R.N., L.N.P.
Chip Williams, M.D.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Board of Nursing
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Board of Nursing
Linda Kleiner, R.N., Discipline Case Manager
Board of Nursing
Donna M. Lee, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Elaine Yeatts, Regulatory Analyst
William L. Harp, M.D., Executive Director, Board of Medicine
Scott Johnson, Medical Society of Virginia
Mary Duggan, Virginia Council of Nurse Practitioners
Michelle Satterlund, Virginia Council of Nurse Practitioners

ESTABLISHMENT OF A QUORUM: With two (2) members of the Committee present, a quorum was not established.

ORDERING OF AGENDA: Ms. Douglas amended the Agenda to add the updated version of the Guidance Document – Protocol’s for Nurse Practitioners, and removed the topic on the Agenda entitled “Online Continuing Education on Pain Management” as there was no information to discuss at the present time. The Agenda was reviewed as amended and ordered.

PUBLIC COMMENT: No public comments were received at this time.

DISPOSITION OF MINUTES: The April 11, 2007 minutes will be accepted at the next meeting of the Committee of the Joint Boards of Nursing and Medicine since there was not a quorum present.

OLD BUSINESS: Guidance Document – Protocol’s for Nurse Practitioners:

Ms. Douglas informed the Committee that the updated version of the Guidance Document was as a result of the changes discussed at the April 2007 meeting of the Committee of the Joint Boards of Nursing and Medicine. Ms. Douglas stated that since a quorum was not present, there could only be suggestions or questions discussed at the meeting. Ms. Yeatts advised the Committee that the Guidance Document provides a definition for “protocol” and states what should be included in a protocol and that it is applicable to any nurse practitioner in any category.

There was a discussion about whether or not the Guidance Document should include a reference to referral for physical therapy. Ms. Yeatts stated that a sentence could be added in the protocol regarding the authorization for referral of a patient for physical therapy. Ms. Casway reminded the Committee that a guidance document does not have the force of law, but is used to clarify a regulation or law to inform the public on how a regulatory board interprets the law and reinforces the regulations.

There was a question as to whether or not a different word could be used in the Guidance Document instead of “protocol” because nurse practitioners may have the required documents that defines their collaborative practice, but they may be called a different name and there could be confusion about using the word “protocol”. Ms. Douglas stated that if the documents met the definition of the protocol in the regulations, they would be acceptable for purposes of an audit. Ms. Yeatts further reiterated that if it is entitled job description, clinical privileges, etc., this would not matter as long as the documents met the definition of a protocol. She further stated that the law would have to be changed in order to change the word “protocol”.

Ms. Hanes motioned to accept the draft Guidance Document for Protocol Requirements for Licensed Nurse Practitioners, as revised, to include the authorization to refer a patient to a physical therapist. (Attached)

Use of Agency Subordinates for Informal Conferences:

Ms. Douglas informed the Committee that the regulations allowing for delegation to agency subordinates to conduct informal conferences are now in process. She stated that informal conferences would have been scheduled for today’s meeting; however, insufficient Committee of the Joint Boards members were available to conduct an informal conference, and this may have been an occasion when an agency subordinate could

have been utilized to conduct the informal conferences. The public hearing on these regulations will be held on November 14, 2007. Since it is Fast-Track legislation, if there is no opposition, the regulations will go into effect on November 29, 2007. (Attached)

NEW BUSINESS:

Status of Regulations:

Ms. Yeatts provided the Committee with an update on the regulations pertaining to the Committee of Joint Boards of Nursing and Medicine and distributed a handout outlining the updates. (Attached)

Review of Draft Regulations for Pain Management, 18VAC90-40-121

Ms. Yeatts directed the Committee to the Ad-Hoc Committee Minutes on Opioids and stated that the Ad-Hoc Committee was established to develop the regulatory language related to the management of pain with opioids. There was a concern expressed by the Committee about mandatory drug screens because it may serve as a barrier to appropriate pain management, laboratory services may not be offered off-site, and also the urine drug screen may not be covered under Medicaid. Dr. Harp stated that there is a concern in some states about the cost of the urine drug screen. He also reminded the Committee that prescribers should be aware of a patient's history and that there can be pitfalls, but the process was put in place to protect the public. He further stated to the Committee that the Prescription Monitoring Program (PMP) was established to assist physicians to ascertain whether or not their patients are seeing other physicians for the same pain management issues. It was also stated by a Committee member that some patients may be taking other medications off the street, but there is no requirement to report those findings if it shows up on the urine drug screen. Dr. Williams stated that he believes the contract and urine drug screen is necessary for protection of the public.

Ms. Yeatts stated that the regulations are currently in the review process and that she anticipated that they will not be ready for comment until after the General Assembly.

Licensed Nurse Practitioner Scope of Practice Issue – Do Not Resuscitate Orders:

Ms. Douglas informed the Committee that the issue was raised with Board staff as to whether or not nurse practitioners have authority to write Do Not Resuscitate Orders (DNR Orders). Members present discussed the current practice in the environment as well as the Code cites and the pertinent regulations, §54.1-2957.02, §54.1-2987.1 and 18 VAC90-30-120.

It was the consensus of the members of the Committee of the Joint Boards present, Advisory Members present, staff and Board Counsel that DNR Orders could be written by a licensed nurse practitioner if that delegated

act was included in the Nurse Practitioner's written protocol and performed in consultation with the supervising/collaborating physician.

Nurse Practitioner DMAS Reimbursement for Additional Specialties:

Ms. Douglas explained that the memorandum was attached from DMAS for information purposes only.

Prescription Monitoring Program Conference – November 6, 2007:

Ms. Douglas informed the Committee that the Prescription Monitoring Program Conference would be held on November 16, 2007 at the Department of Health Professions and she invited all to participate in the workshop.

Meeting Date:

The next meeting is scheduled for December 5, 2007.

ADJOURNMENT:

The meeting adjourned at 11:15 A.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Board of Nursing

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE OF THE
COMMITTEES OF THE JOINT BOARD OF NURSING AND MEDICINE
MINUTES
October 17, 2007**

TIME AND PLACE: The meeting of the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine was convened at 11:20 A.M., in Conference Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D., Acting Chairperson
Woody B. Hanes, R.N., M.S.N., F.N.P.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.N., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Linda Kleiner, R.N., Discipline Case Manager

PRESENTED FOR CLOSURE:

CLOSED MEETING: Ms. Hanes moved that the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 11:20 A.M. for the purpose of deliberation regarding case disposition. Additionally, Ms. Hanes moved that Ms. Douglas, Ms. Mitchell and Ms. Kleiner attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 12:45 P.M.

Ms. Hanes moved that the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine 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.

Investigative reports regarding fourteen (14) licensed nurse practitioners were reviewed.

ACTION: Dr. Selig moved to close twelve (12) of the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.
The motion was seconded and carried unanimously.

Ms. Hanes moved to offer one (1) of the above individuals a pre-hearing consent order, in lieu of further administrative proceedings.
The motion was seconded and carried unanimously.

Dr. Selig moved to offer one (1) of the above individuals a letter of warning.
The motion was seconded and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 12:50 Noon.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline