

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
APRIL 9, 2008**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:13 A.M., in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N., Chairperson
Sandra Anderson Bell, M.D. (arrived at 9:20 a.m.)
Woody B. Hanes, R.N., M.S.N., F.N.P.
Robert T. Mosby, Jr., M.D.
Patricia M. Selig, R.N., F.N.P., Ph.D

MEMBERS ABSENT: Jane E. Piness, M.D.

ADVISORY COMMITTEE MEMBERS PRESENT: Elaine Ferrary, R.N., L.N.P.
Barbara Kirkland, R.N., L.N.P.
Lynn Poole, R.N., F.N.P. (arrived at 9:30 a.m.)
Chip Williams, M.D.

ADVISORY COMMITTEE MEMBERS ABSENT: Jennifer L. Bennett, M.D.
Peter Boling, M.D.
David O. Dick, R.N., C.R.N.A.
Steven B. Powers, 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
Brenda Krohn, R.N., M.S., Deputy Executive Director
Board of Nursing
Charlotte Creed, Office Manager, Board of Nursing
Donna M. Lee, Senior Discipline Specialist, Board of Nursing

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Sandra Whitley Ryals, Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
William Harp, M.D., Executive Director, Board of Medicine
Steven Bowen, Joint Commission on Healthcare
Karen Frye, Redi Clinic
Scott Johnson, Medical Society of Virginia
Michele Satterlund, Virginia Council of Nurse Practitioners

ESTABLISHMENT OF A QUORUM: With five (5) members of the Committee present, a quorum was established.

ORDERING OF
AGENDA:

Ms. Douglas informed the Committee that the consideration of Agency Subordinate Recommendations would be considered at 11:30 a.m. She further stated that the Agency Subordinate Recommendation for Weldon Davis would not be considered since his license was mandatorily suspended earlier in the week; and also that Joy Price would appear with her attorney to address the Committee. Ms. Douglas also stated that there would be disciplinary cases to present to the Committee for possible closure. The agenda was reviewed and ordered.

PUBLIC COMMENT:

No public comments were received at this time.

DISPOSITION OF
MINUTES:

A correction was made to the minutes of October 17, 2007, on page 1, to change the word "Absent" to "Present" in the heading Advisory Committee Members. The minutes were adopted as corrected.

OLD BUSINESS:

Guidance Document, Licensed Nurse Practitioner Protocols:

Ms. Douglas informed the Committee that the Guidance Document has been very helpful to the public and for staff to be able to refer them to the document on the website.

Report on Licensed Nurse Practitioner Audit:

Ms. Krohn stated that 19 audits were mailed; 17 returned and 2 no responses. There was an 89% return; 69% met regulations; 5% did not meet regulations. The ones that did not meet the regulations were sent Confidential Consent Agreements (CCA); four signed and returned the CCAs, and one submitted a statement that she was not practicing. Ms. Douglas stated that the audit appeared to have served as a valuable education tool for nurse practitioners as the audit notice resulted in many calls from nurse practitioners.

NEW BUSINESS:

2008 General Assembly Update:

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

Regulatory Action:

- Status of Regulations – Ms. Yeatts provided an update to the Committee.
- Periodic Review of Regulations Governing the Practice of Nurse Practitioners and Regulations Governing Prescriptive Authority – Ms. Yeatts stated that she did receive comments on both regulations. She suggested that a subcommittee be formed to review the comments, to finish the periodic review of the

regulations and to make a recommendation to the Boards of Nursing and Medicine. Ms. Douglas stated that some proposed changes would require legislative changes. Dr. Patricia Selig, Dr Sandra Bell, Elaine Ferrary and Lynn Poole volunteered to be a part of the subcommittee to review comments that were submitted pertaining to the regulations and assist in making a recommendation to the Boards of Nursing and Medicine.

- Petition for Rule-Making – Ms. Yeatts informed the Committee that there are three changes requested: (1) Change the definition of “Licensed Physician”; (2) remove the requirement for nurse practitioners to sign Practice Agreements and Collaborative Agreements; and (3) that a registered nurse must complete at least two years of work in a hospital or medical facility before applying to be a nurse practitioner.

Ms. Yeatts explained that the first two requests would be statutory in nature and the third request could be applied by regulation. Ms. Yeatts stated that the Committee would be responsible for making a recommendation to the Boards of Nursing and Medicine to deny or accept the Petition for Rule-making.

Dr. Bell motioned to deny the Petition for Rule-making. The motion was seconded and carried unanimously.

Executive Director’s Report:

- Lynne Cooper, Citizen Board Member, became President of the Board of Nursing in January. Dr. Selig has been appointed and agreed to serve as Chair of the Committee of the Joint Boards of Nursing and Medicine beginning at the next meeting.
- The Board of Nursing has been receiving notifications from national certification bodies when they take disciplinary action against a nurse practitioner or massage therapist and that the Board will also notify the appropriate certification body when action is taken in Virginia against a license.
- Board staff receives daily questions pertaining to nurse practitioners practicing with regular supervision of doctors; clarification about nurse practitioners seeing patients that are not within their scope of practice; and questions about sedation, which the Board does have a guidance document about this process.

Vacancies on Advisory Committee of the Joint Boards of Nursing and Medicine:

Ms. Douglas explained that pursuant to regulations, Advisory Committee Members can serve a four year term and then a second four year term. Ms. Douglas stated that Tom Watters, who is a CRNA, has submitted his

name for consideration to replace David Dick, whose term will end in June 2008. Ms. Douglas also advised that the terms for Ms. Ferrary, Ms Kirkland and Ms. Poole will expire in June 2008; and that in the future a physician will need to be appointed to replace Dr. Powers. Ms. Douglas requested assistance from the Executive Director of the Board of Medicine in identifying potential candidates.

Dr. Selig motioned to accept the nomination of Mr. Watters as a member of the Advisory Committee to replace David Dick.

The motion was seconded and carried unanimously.

Dr. Williams stated that he would be willing to be appointed to serve on the Advisory Committee and Ms. Douglas expressed her appreciation for his years of service and expertise, which has been very helpful on issues discussed at meetings of the Committee of Joint Boards of Nursing and Medicine. His term expired on June 30, 2004.

National Council of State Boards of Nursing (NCSBN) Advanced Practice Advisory Group Update:

Ms. Douglas explained that the draft document was presented for everyone to review, but that it is not finalized, and intensive work is still going on involving looking at future regulations pertaining to nurse practitioners. She stated that the Rules and Regulations can be used as a guideline for individual states to use to regulate nurse practitioners and can use portions that apply to their specific requirements. Ms. Douglas also stated that this document is intended to act as a good resource for states. The Delegate Assembly of NCSBN will act on a final draft of these documents at the August meeting.

The National Certification Corporation (NCC) Fall 2007 Newsletter:

The newsletter was distributed for information purposes only.

AACN Acute Care Nurse Practitioner Certification Exam:

Ms. Douglas informed the Committee that the Board of Nursing received a request from the American Association of Critical-Care Nurses (AACN) Certification Corporation for the Board's approval of their company as an authorized certification body acceptable to the Board for the certification of the Acute Care Nurse Practitioner (ACNP).

Ms. Douglas stated that she was not aware of a definite ruling from the National Council of State Boards of Nursing regarding the exam.

Dr. Mosby motioned approval contingent upon National Council of State Boards of Nursing's approval.

The motion was seconded and carried unanimously.

Ms. Douglas will provide further information at the next meeting.

Closing Disciplinary Cases by Staff Authorization or Agency Subordinate:

Ms. Douglas informed the Board that there are times when there are nurse practitioner disciplinary cases to be presented for closure, but Committee members are not available. Ms. Douglas explained that there is no official delegated authority from the Committee for staff or an agency subordinate to close cases.

Dr Harp informed the Committee that the Board of Medicine gave staff authority in June of 2007 to close category C and D cases without consultation with Board members; category A and B cases can be closed with Board member approval in person or by telephone; and that staff can move any case forward to an informal conference, offer a Confidential Consent Agreement or any administrative proceeding.

Ms. Douglas stated that the Board of Nursing has delegated authority to professional disciplinary staff to close all categories and priorities of cases and make probable cause determinations.

Ms. Ryals stated that this is an agency wide process to look at prioritization in order to meet the goal of resolving patient care cases within the 250 day timeframe as mandated by the Governor. She stated that the agency is looking at different ways to move cases forward and that the Board of Nursing is successfully using the agency subordinate process and delegated authority for closure to assist in resolving cases.

Dr. Bell motioned that the Committee delegate staff or an agency subordinate authorization to close disciplinary cases pertaining to nurse practitioners.

The motion was seconded and carried unanimously.

Meeting Dates:

- Remaining Meeting Dates for 2008:
Wednesday, June 18, 2008 9:00 AM
Wednesday, October 15, 2008 9:00 AM
Wednesday, December 3, 2008 9:00 AM

RECESS: The business meeting concluded at 10:20. The Committee recessed until 11:30 for consideration of the agency subordinate recommendations.

RECONVENTION: The Committee reconvened at 11:40 a.m.

Consideration of Agency Subordinate Recommendations:

Joy Price, R.N., L.N.P – 0001-075667; 0024-075667

Ms. Piersall advised Ms. Price and Ms. Queen that Ms. Hanes is personally familiar with Ms. Price, however, not aware of this case. Ms.

Hanes stated that she could render a fair and impartial decision in this matter. Ms. Price and Ms. Queen noted no objection to Ms. Hanes participating in this matter.

Ms. Price appeared with her attorney, Barbara Queen, and addressed the Committee.

CLOSED MEETING:

Ms. Hanes moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 11:50 A.M., for the purpose of consideration of an agency subordinate recommendation pertaining to Joy Price. Additionally, Ms. Hanes moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee and Mr. Casway 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 11:56 A.M.

Ms. Hanes moved that 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.

Dr. Selig moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand Joy Price in her practice as a professional nurse and as a licensed nurse practitioner.

The motion was seconded and carried unanimously.

Dawn Muth, R.N., L.N.P. – 0001-138400, 0024-165057

Ms. Muth did not appear.

Janet Blackwood, R.N., L.N.P. – 0001-147864, 0024-147864

Ms. Blackwood did not appear.

CLOSED MEETING:

Ms. Hanes moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:02 PM., for the purpose of consideration of agency subordinate recommendations pertaining to Dawn Muth and Janet Blackwood. Additionally, Ms. Hanes moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Lee and Mr. Casway 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 12:10 P.M.

Ms. Hanes moved that 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.

Dr. Selig moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to Take No Action against the professional nursing license and nurse practitioner license of Ms. Muth contingent expressly upon her continued compliance with her contract with the Health Practitioners' Intervention Program (HPIP) and all addenda thereto for the period specified by HPIP.

The motion was seconded and carried unanimously.

Dr. Bell moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to Take No Action against the professional nursing license and nurse practitioner license of Ms. Blackwood contingent upon her remaining in compliance with her HPIP contract.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting adjourned at 12:15 P.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 BOARDS OF NURSING AND MEDICINE
MINUTES
April 9, 2008**

TIME AND PLACE: The meeting of the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine was convened at 11:00 A.M., in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

MEMBERS PRESENT: Sandra A. Bell, M.D.
Woody B. Hanes, R.N., M.S.N., F.N.P.
Robert T. Mosby, Jr., M.D.
Patricia M. Selig, R.N., F.N.P., Ph.D.

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
Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing

PRESENTED FOR CLOSURE:

CLOSED MEETING: Dr. Selig 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)(27) of the *Code of Virginia* at 11:00 A.M. for the purpose of deliberation regarding case disposition. Additionally, Dr. Selig moved that Ms. Douglas, Ms. Mitchell and Ms. Krohn 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 12:15 P.M.

Dr. Bell 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 licensed nurse practitioners were reviewed.

ACTION: Ms. Hanes moved to close ten 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.

Dr. Bell moved to offer two of the above individuals a pre-hearing consent order, in lieu of further administrative proceedings.

The motion was seconded and carried unanimously.

Dr. Mosby moved that two of the above individuals should be scheduled for an informal conference.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 12:30 P.M.

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