

**VIRGINIA BOARD OF NURSING  
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE  
BUSINESS MEETING MINUTES  
April 12, 2017**

**TIME AND PLACE:** The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:30 A.M., April 12, 2017 in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**MEMBERS PRESENT:** Louise Hershkowitz, CRNA. MSHA; Chair  
Marie Gerardo, MS, RN, ANP-BC  
Kenneth Walker, MD

**MEMBERS ABSENT:** Lori D. Conklin, MD  
Rebecca Poston, PhD, RN, CPNP  
Wayne Reynolds, DO

**ADVISORY COMMITTEE MEMBERS PRESENT:**  
Joseph F. Borzelleca, Jr., MD, MPH  
Kevin E. Brigle, RN, NP  
Mark Coles, RN, BA, MSN, NP-C  
Wendy Dotson, CNM, MSN  
David A. Ellington, MD  
Cathy A. Harrison, DNAP, CRNA  
Sarah E. Hobgood, MD  
Stuart F. Mackler, MD

**STAFF PRESENT:** Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing  
Stephanie Willinger, Deputy Executive Director; Board of Nursing  
Darlene Graham, Senior Discipline Specialist; Board of Nursing

**OTHERS PRESENT:** Erin Barrett, Assistant Attorney General; Board Counsel  
David Brown, DC; Director; Department of Health Professions  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
William L. Harp, MD, Executive Director; Board of Medicine

**IN THE AUDIENCE:** W. Scott Johnson, Medical Society of Virginia (MSV)  
Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)  
Lynn Poole, FNP-BC  
Mary Duggan, American Association of Nurse Practitioners (AANP) State Representative  
Sarah Heisler, Virginia Hospital and Healthcare Association (VHHA)

**INTRODUCTIONS:** Committee members, Advisory Committee members and staff members introduced themselves.

**ESTABLISHMENT OF A QUORUM:** Ms. Hershkowitz noted that there was not enough Committee members to establish a quorum. She added that the following items are deferred at the next meeting for action:

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- Adoption of February 8, 2017 Business meeting and Formal Hearings minutes
- Appointment of Joint Boards Advisory Committee Member, Dr. Thokozeni Lipato
- Ms. Barrett's discussion of establishing a standard for expert witnesses will go directly to Board of Medicine and Board of Nursing with a recommendation from the Committee of the Joint Boards of Nursing and Medicine.

PUBLIC COMMENT: There was no one present that wished to address the Board.

DIALOGUE WITH  
AGENCY DIRECTOR:

**Opioid Crisis** – Dr. Brown reported the followings:

- Virginia has a 30% increase from 2015 in deaths due to heroin and fentanyl overdoses.
- 80% heroin users reported starting journey with prescription.
- 2017 General Assembly many opioid related bills such as:  
Requiring prescribers to obtain information from Prescription Monitoring Program (PMP) if anticipating prescribing of opioids more than seven consecutive days  
Mandating electronic prescription of opioids by 2020 to help eliminate prescription fraud (technology issues require delay)  
Authorizing the registration of Peer Recovery Specialist  
Facilitating Naloxone distribution and training by the Department of Behavioral Health and Development Services (DBHDS)  
Convening workgroups by Secretary to educate health care practitioners;  
Limiting Buprenorphine for pain management

Dr. Walker noted that the BOM has approved regulations on opioid and buprenorphine prescribing and the BOM has established a task force.

Dr. Harp said that the basis for pain management regulations was from CDC Guidelines.

Dr. Brown stated that prescribers need to review regulations and best practice techniques for dealing with overprescribing through pain management. Dr. Ellington questioned who determines "best practices" for licensed specialists and recommended that when regulations are distributed, it would be helpful to explain the background. Ms. Douglas stated that all nurse practitioners will be notified of new regulations via e-mail once they are effective. Both Dr. Harp and Dr. Brown stated that regulations/guidelines are in place and forthcoming along with education for health care providers and establishing guidelines for training health care providers in the safe prescribing and appropriate use of opioids. Dr. Harp stated he has begun to receive telephone calls regarding concerns of referrals to pain management specialist.

Dr. Hobgood stated that her experience is that the pain management regulations for physicians (identical to nurse practitioner regulations) have been beneficial so far.

Dr. Walker stated that he was aware that in some practices the strategy is to “hand off” pain management to nurse practitioners and physician assistants.

OLD BUSINESS:

**Nurse Practitioners Regulations on Pain Management and Prescribing of Buprenorphine:**

Ms. Yeatts reviewed the regulations that have been adopted by BOM and BON. She indicated that no additional changes were made after the March BON meeting as anticipated. She added that the regulations are now in the Governor’s office for approval.

**Expert Witness:**

Ms. Barrett stated there will be no action on this item due to lack of a quorum and will be deferred to the next meeting.

**Final Report on 2017 General Assembly Legislation:**

Ms. Yeatts reported of Bills affecting nurse practitioners to include:

- HB 2119 (**Laser hair removal, limits practice**)
- HB 2301 (**Nurses, licensed practical; administration of vaccinations**) – the “*immediate and direct*” requirement of supervision of LPNs by RNs for PPD and vaccine administration was.

**Update on Board Counsel review of Statutory limitations related to proposal of eliminating prescriptive authority license:**

Ms. Douglas stated that a full report will be presented at the next meeting, Ms. Mitchell, Board Counsel, is currently reviewing the matters.

**CARA Waiver from SAMHSA:**

Ms. Herhkowitz stated that this is provided as information only.

NEW BUSINESS:

**Report of the March 9, 2017 “Addiction Disease Management” training provided by Virginia Department of Health (VDH):**

Ms. Herhkowitz provided a summary of the training and stated that it was beneficial. She added that her written report was sent to Ms. Douglas via e-mail on April 11, 2017.

**Report of National Council State Board of Nursing (NCSBN) Advance Practice Registered Nurses (APRN) Roundtable on April 4, 2017:**

Ms. Herhkowitz provided a brief summary of the meeting.

Written report submitted.

**Board of Nursing Executive Director Report:**

Ms. Douglas reported the followings:

**March 13-15, 2017 NCSBN Mid-Year Meeting** - attention and focus on the opioid epidemic/crisis and more research and collaboration with the U.S. Public Health Service. The U.S. Surgeon General is engaged in a public awareness campaign regarding the opioid crisis in the U.S., “Turn the Tide RX” and more information is available on their website.

**NURSYS Update** - working to implement data on advance practice licensee’s in our data system, to include information regarding national certifications issued to licensee’s by recognized credentialing agencies.

**APRN Compact** - 3 states have adopted the consensus model and passed legislation: Iowa, North Dakota, West Virginia.

**Veteran’s Affairs New Rule** - NCSBN is doing work with Veteran’s Affairs Administration regarding expanding the scope of practice of APRNs and Board’s access to information necessary for investigations.

**2018 Proposed Meeting Dates** - Ms. Hershkowitz noted the schedule of meeting dates for 2018.

Ms. Hershkowitz appointed BON members to serve as Joint Boards Committee members for purpose of consideration of Agency Subordinate recommendations.

Ms. Jeanne Holmes, BON Citizen Member, and Dr. Dustin Ross, BON Board Member, joined the meeting at 11:30 A.M.

**RECOMMENDATIONS FOR CONSIDERATION**

CLOSED MEETING: Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:35 A.M. for the purpose of deliberation to consider Agency Subordinate recommendations. Additionally, Ms. Gerardo moved that Ms. Holmes, Dr. Ross, Ms. Douglas, Ms. Willinger, Ms. Graham, and Ms. Barrett 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 11:37 P.M.

Ms. Gerardo moved that the Committee of the Joint Boards of Nursing and Medicine and 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

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matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

**Ann Cibuzar McTernan, LNP 0024-075991**

Mr. Gerardo moved to accept the Agency Subordinate recommendation to indefinitely suspend the license of Ann Cibuzar McTernan to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Dr. Ross left the meeting at 11:12 A.M.

**Traci M. Colley, LNP 0024-165103**

Ms. Gerardo moved to modify the Agency Subordinate recommendation as follow:

- To reprimand Traci M. Colley;
- To indefinitely suspend her license to practice as a nurse practitioner in the Commonwealth of Virginia;
- Said suspension is stayed upon proof of Ms. Colley's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with terms and conditions of the HPMP for the period specified by the HPMP;
- To require Ms. Colley to provide to the Board proof of current professional certification in nurse anesthesia from a certifying agency designated in 18VAC90-30-90 or to complete at least 40 hours of continuing education in the area of nurse anesthesia approved by one of the certifying entities designated in 18VAC90-30-90 prior to her suspension being stayed or prior to reinstatement.

The motion was seconded and carried unanimously.

Ms. Hershkowitz reminded available Board Members that assistance was needed with probable cause review following the meeting.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 11:14 A.M.

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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director