

VIRGINIA BOARD OF NURSING
MINUTES
May 15, 2018

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:03 A.M. on May 15, 2018, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Louise Hershkowitz, CRNA, MSHA; President

BOARD MEMBERS PRESENT:

Jennifer Phelps, LPN, QMHPA; First Vice President
Laura Freeman Cei BS, LPN, CCRP
Margaret J. Friedenberg, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Ann Tucker Gleason, PhD, Citizen Member
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Michelle D. Hereford, MSHA, RN, FACHE
Trula Minton, MS, RN
Mark D. Monson, Citizen Member
Grace Thapa, BSN, RN

BOARD MEMBERS ABSENT:

Ethlyn McQueen-Gibson, DNP, MSN, RN, BC

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN JD; Senior Deputy Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Paula B. Saxby, RN, PhD; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Stephanie Willinger; Deputy Executive Director for Licensing
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, DC, Department of Health Professions Director
Barbara Allison-Bryan, MD, Department of Health Professions Chief Deputy
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Lisa Speller-Davis, BSN, RN; Policy Assistant

IN THE AUDIENCE:

Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Ryan LaMira, Virginia Hospital and Healthcare Association (VHHA)

ESTABLISHMENT OF A QUORUM:

Ms. Hershkowitz asked Board Members and Staff to introduce themselves.
With 11 members present, a quorum was established.

ANNOUNCEMENTS:

Ms. Hershkowitz welcomed Dr. Gleason to her first meeting as a Board Member.

Ms. Hershkowitz shared that Governor Northam has appointed Meenakshi Shah, BA, RN to the Board. Ms. Shah will attend her first meeting in July 2018. Ms. Hershkowitz also shared that Mark Monson and Marie Gerardo, MA, RN, ANP-BC have been reappointed to serve for a second term.

Ms. Hershkowitz highlighted the announcements on the agenda.

UPCOMING MEETINGS: Ms. Hershkowitz noted the upcoming meetings on the agenda.

Ms. Douglas shared that there would be no formal hearings on May 17, 2018, noting that the Committee of the Joint Boards of Nursing and Medicine will convene a Regulatory Advisory Ad Hoc Committee meeting regarding HB 793- Autonomous practice for certain nurse practitioners.

DIAGLOGUE WITH DHP
DIRECTOR:

Dr. Brown reported the following information:

- The 1st phase of moving IT, Front Desk, and Business Administration to the first floor was successful. The 2nd phase will address expansion of space for overcrowded Boards, moving the CBC Unit to a more secure space, and defragmenting some of the Boards so that people are grouped accordingly.
- Over the next year, security badges will be changed out. The new badges will display the new DHP logo and will identify the Board members by Board.
- Legislative bills that passed and significantly affect DHP:
 - ❖ The Nurse Practitioner bill HB793
 - ❖ Medical use of marijuana bill (Cannabidiol (CBD) Oil or THC-A Oil).
- Bills that did not pass but require DHP to take some sort of action:
 - ❖ Community Health Workers- work with VDH to look at need for regulating their practice.
 - ❖ Physician cost reporting- work with VDH to develop regulations requiring physicians to inform patients what their services cost.
 - ❖ Inform MD's of potential dangers of cobalt in implants- look at drafting a letter.
 - ❖ Conversion therapy on minors- convene a workgroup with the Boards of Nursing, Medicine, and Behavioral Health to propose regulations to prohibit the practice.
 - ❖ ER providers to notify prescribers when narcan is used to revive patient in the ER- work with vendors, PMP and VDH to identify data sets to push out information.
- Dr. Hahn thanked and complimented Dr. Brown for his presentation at the Virginia Nurses Association/Foundation Opioid Conference.

- Ms. Douglas noted that Lisa Hahn and Dr. Allison-Bryan are looking into security issues in the conference center and during evening hours.

ORDERING OF AGENDA: Ms. Hershkowitz asked staff to provide additions and/or modifications to the Agenda.

Ms. Douglas indicated the following items have been added and/or modified to the agenda for Board consideration:

- Three additional Consent Orders have been added.
- Informal Conference schedule for July through December 2018.
- A photograph will be taken of the Virginia Board of Nursing members and key staff and will be sent to NCSBN for their 40th year anniversary.

CONSENT AGENDA: The Board did not remove any items from the consent agenda.

Mr. Monson moved to accept the consent agenda as presented. The motion was seconded and carried unanimously.

Minutes:

March 26, 2018	Board of Nursing Officer Meeting – Ms. Hershkowitz
March 26, 2018	Panel – Ms. Phelps
March 27, 2018	Quorum – Ms. Hershkowitz
March 28, 2018	Possible Summary Suspension - Quorum – Ms. Hershkowitz
March 28, 2018	Panel – Ms. Phelps
March 28, 2018	Panel – Ms. Hershkowitz
March 29, 2018	Panel – Ms. Hershkowitz

Reports:

Agency Subordinate Tracking Log
Finance Report
Board of Nursing Monthly Tracking Log

REPORTS:

Executive Director Report:

Ms. Douglas highlighted items on her written report and added the following:

- Ms. Douglas provided a presentation at Sentara Norfolk General Hospital on Tuesday, May 8, 2018 for "The Week of The Nurse Celebration". Approximately 80 nurses attended the celebration both on site and remotely.
- Licensing Paperless Workgroup:
 - ❖ An email will be sent out to licensees informing them that primary source verification is available via License Lookup.

- ❖ A law has passed allowing renewal notices to be sent electronically. If email is not available or is kicked back, a paper renewal will be sent.
- ❖ The use of Nursys e-Notify is being encouraged. It is a free service that will provide electronic licensure renewal notifications and license status changes.
- ❖ The workgroup is considering not to issue an initial paper license.
- Linda Kleiner, Discipline Case Manager, is currently out on medical leave and will not be returning due to ongoing health issues. Ms. Douglas thanked Ms. Kleiner for her dedication and contribution to BON. She stated that Ms. Kleiner has expressed that it was an honor and a privilege for her to work at BON.
- Huong Vu, Executive Assistant, is out on medical leave and recovering well. She did a great job preparing for her absence. Sylvia Tamayo-Suijk is filling in for her until she returns.

CORE Committee March 27, 2018 Meeting Minutes:

Ms. Minton reviewed the minutes as provided in the Agenda package. With the discipline section complete, the Committee will review the education section next.

Ms. Minton stated that the committee is looking for a replacement for the vacancy created by Dr. Ross' departure. She encouraged those not serving on other committees to volunteer.

Mr. Monson moved to accept the CORE Committee report and recommendations as presented. The motion was seconded and carried unanimously.

Nurse Aide Curriculum Committee March 27, 2018 Meeting Minutes:

Dr. Hahn indicated that the Committee is half way through reviewing the curriculum and regulations and thanked the committee members and stakeholders for their long and tedious work. The committee is suggesting changes to the Nurse Aide Education Program regulations, as noted in the March 27, 2018 minutes.

Dr. Saxby will be out on leave so feedback should be sent to Vivienne McDaniel and Charlette Ridout in her absence.

Ms. Gerardo moved to accept the Nurse Aide Curriculum Committee report and recommendations as presented. The motion was seconded and carried unanimously.

The Committee of the Joint Boards of Nursing and Medicine April 11, 2018 Business Meeting Minutes:

Ms. Hershkowitz highlighted the minutes as presented in the agenda. She noted that Dr. Carter and Dr. Shobo's response to the Committee's request to separate out the most recent data, similarities and differences, into the three categories of LNPs (CRNAs, CNMs, and NPs) was very specific and very useful.

Ms. Hershkowitz stated that the Committee will convene a special regulatory meeting on May 17, 2018 regarding regulations related to Nurse Practitioner bill (HB793).

Ms. Gerardo moved to accept the Committee of the Joint Boards of Nursing and Medicine minutes as presented. The motion was seconded and carried unanimously.

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell shared that the appeal of Frederick Yeboah, RN is pending in Prince William County and she is waiting to see if the appeal was filed in a timely manner.

Proposed 2019 Board of Nursing Meeting Dates

This was provided for information only.

Informal Conference (IFC) Schedules for July thru December 2018:

Ms. Hershkowitz asked Board members to review the schedule. She noted that there may be pending changes upon the appointment of a new Board member.

Election of Second Vice President:

Ms. Hershkowitz stated that Ms. Gerardo, Mr. Monson, and Dr. McQueen-Gibson expressed interest in running for this vacant position and asked if there were any other nominations. None were offered.

Ms. Hershkowitz called for a vote for Ms. Gerardo for the office of Second Vice President and received seven votes. Ms. Hershkowitz called for a vote for Mr. Monson for the office of Second Vice President and received one vote. Ms. Hershkowitz called for a vote for Dr. McQueen-Gibson for the office of Second Vice President and none was received. Ms. Gerardo was elected as Second Vice President.

Criminal Background Check Unit Update:

Ms. Willinger provided the following information:

- The Request for Applications for Pharmaceutical Processors has been posted on the Board of Pharmacy website. It is projected that 25-100 initial applications requiring a CBC will be received.

- The Board of Physical Therapy proposed entering the compact. This would require legislative action. It is estimated that 1,000 CBC's will be processed in 2019 if the Board of Physical Therapy entered the Compact.

Ms. Hershkowitz noted that DHP is benefiting from Stephanie Willinger's expertise and the work of the CBC Unit within the Board of Nursing.

Introduction of New DHP Staff:

Ms. Douglas introduced Valeria S. Ribeiro-Quimpo as the new Procurement Manager for DHP.

PUBLIC COMMENT: There was no comment received.

RECESS: The Board recessed at 9:56 A.M.

Dr. Brown left the meeting.

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

EDUCATION: **Education Informal Conference Committee May 2, 2018 Minutes and Recommendation:**
Dr. Hahn reviewed the minutes provided in the Agenda package. Ms. Minton moved to accept the minutes and recommendations as presented. The motion was seconded and carried unanimously.

Education Staff Report:

Ms. Ridout will present this report to the Education Committee and Simulation Regulation Committee Meeting to be held in the afternoon.

NNAAP 2018 Blood Pressure Skill Administration

Ms. Saxby shared that administration of the new NNAAP exam will begin July 1, 2018. Training was provided to 250 providers at three locations in late April.

The candidate handbook is currently being updated.

Ms. Hershkowitz encouraged all Board members to attend the Education Committee Meeting this afternoon, as part of ongoing BON training.

LEGISLATION/
REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions as provided on the Agenda.

Review of Comments Received for Periodic Review of Four Regulations:

Ms. Yeatts provided a handout and reviewed the Notice of Periodic Review for:

- ❖ Regulations Governing Delegation to an Agency Subordinate
- ❖ Regulations Governing Certified Nurse Aides
- ❖ Regulations for Nurse Aide Education Program
- ❖ Regulations Governing the Registration of Medication Aides

Two comments were received from the public. Staff will convene a workgroup and submit a draft for Board review in July. If there is no potential opposition, the review will be fast tracked and then a NOIRA will be initiated.

Revision of 18VAC90-110.F.3 – Licensure by Examination:

Ms. Yeatts stated that applicants may be approved to practice for a period of 90 days between successful completion of a nursing education program and publication of the results of the first licensing examination. Subsection F (3) seems to indicate that the 90-day approval for practice begins with the receipt of the authorization letter from the Board.

Ms. Yeatts suggested the language in 18VAC90-110.F.3 should state, *“The designations “RN Applicant” and “LPN Applicant” shall not be used by applicants beyond the 90-day period of authorized practice or by applicants who have failed the examination.”*

Dr. Hahn moved to adopt a fast-track action to amend 18VAC90-110.F.3 as proposed. The motion was seconded and carried unanimously.

Review of 18VAC90-19-210 and 18VAC90-19-220 regarding Clinical Nurse Specialist (CNS) registration:

Ms. Yeatts stated that the law and regulation for clinical nurse specialist are inconsistent and are in need of clarification and/or reconciliation.

Discussion regarding amendments ensued and it was proposed that the word “specialty” should be replaced with “national clinical nurse specialist”.

18VAC90-19-210 (A)(2) should be amended to read, *“Submit evidence of current national clinical nurse specialist certification as required by §54.1-3018.1 of the Code of Virginia or has an exception available from March 1, 1990, to July 1, 1190; and”*

18VAC90-19-210 (B)(2) should be amended to read, *“The clinical nurse specialist shall complete the renewal form and submit it with the required fee. An attestation of current national clinical nurse specialist certification is required unless registered in accordance with an exception.”*

18VAC90-19-210 (B)(3)(c) should be amended to read, “*Submission of evidence of continued national clinical nurse specialist certification unless registered in accordance with an exception.*”

18VAC90-19-220 (B) should be amended to read, “*The clinical nurse specialist shall provide those advanced nursing services that are consistent with the standards of specialist practice as established by a national certifying organization for clinical nurse specialists and in accordance with the provisions of Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.*”

Ms. Gerardo moved to adopt a fast-track action to amend 18VAC90-19-210 and 18VAC90-19-220 as proposed. The motion was seconded and carried unanimously.

Dr. Allison-Bryan left the meeting.

Discussion regarding possible 2019 General Assembly Proposals:

- Proposal to amend §54.1-3002- Board of Nursing; membership; terms; meetings; quorum; administrative officer.

Ms. Yeatts stated that the Board should consider an amendment to change the composition of the Board due to the Secretary of the Commonwealth’s difficulty in filling and maintaining three slots on the Board for LPNs, as there is often little support from employers for their time away from the jobs. Ms. Yeatts suggested an amendment to mandate two LPN slots, but allow for a third to be filled by an LPN or RN. In addition, Ms. Yeatts reviewed the proposal to delete the requirement in law for an annual meeting in January and require the Board to meet at least annually. Ms. Yeatts noted that obtaining annual reports for a January meeting and inclement weather can be an issue at that time of year. The particular meeting at which election of officers occurs can be specified in the Bylaws.

Mr. Monson offered a third change to §54.1-3002 and proposed that word “officers” should replace “president, a vice-president, and a secretary” in paragraph 2 of §54.1-3002.

Mr. Monson moved that the Board adopt its support of amendments to §54.1-3002 as proposed. The motion was seconded and carried unanimously.

- Proposal to amend §54.1-2400.2- Confidentiality of information obtained during an investigation or disciplinary proceeding; penalty.

Ms. Yeatts stated that from a public safety standpoint, we need to be able to share information about educational programs with other entities (VDOE and SCHEV) involved in the regulation of education programs. Ms. Yeatts proposed amending §54.1-2400.2 to allow sharing information related to nursing or nurse aide education programs with the Virginia Department of Education and the State Council of Higher Education.

Mr. Monson moved that the Board adopt its support of amendments to §54.1-2400.2 as proposed. The motion was seconded and carried unanimously.

Ms. Douglas added that BON's support of the proposals will be presented to DHP for determination of which proposals will move forward to the Governor's office. The Board will be informed of the progress and of what the Agency will move forward.

Ms. Yeatts left the meeting at 10:58 A.M.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:59 AM. for the purpose of deliberation to consider consent orders. Additionally, Ms. Mr. Monson moved that Ms. Douglas, Ms. Krohn, Ms. Power, Dr. Saxby, Dr. Hills, Ms. Ridout, Ms. Willinger, Ms. Tiller, Ms. Speller-Davis, Ms. Tamayo-Suijk 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 11:09 A.M.

Mr. Monson 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.

Michelle Dee Hogge, LPN 0002-084705

Dr. Hahn moved to accept the consent order accept the voluntary surrender for indefinite suspension of Michelle Dee Hogge's right to renew her license to practice practical nursing in the Commonwealth of Virginia. The Order applies to Ms. Hogge's practice in Virginia, whether by Virginia licensure or

by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

Andrea Joelle Thomas, RN 0001-244879

Dr. Hahn moved to accept the consent order to reprimand Andrea Joelle Thomas and to indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia. The Order applies to Ms. Thomas' practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

Rebekah M. Hodges, LPN 0002-081706

Dr. Hahn moved to accept the consent order to reprimand Rebekah M. Hodges and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia. The Order applies to Ms. Hodges' practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

Stefanie Jo Proctor, RN 0001-142994

Dr. Hahn moved to accept the consent order to reinstate the license of Stefanie Jo Proctor to practice professional nursing in the Commonwealth of Virginia contingent upon Ms. Proctor's continued compliance with the terms and conditions of the Health Practitioners' Monitoring Program. The motion was seconded and carried unanimously.

Myra Jo Easter, RN 0001-159451

Dr. Hahn moved to accept the consent order to approve Ms. Easter's application for reinstatement, to indefinitely suspend the professional nursing license of Myra Jo Easter, but stay the suspension contingent upon Ms. Easter's entry into a contract with the Health Practitioners' Monitoring Program (HPMP) and remaining in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Janet Maka, CNA 1401-112419

Dr. Hahn moved to accept the consent order to dismiss the case of Janet Maka. The motion was seconded and carried unanimously.

Kelly Ann Dooley, LPN 0002-076943

Dr. Hahn moved to accept the consent order to indefinitely suspend the license of Kelly Ann Dooley to practice practical nursing in the Commonwealth of Virginia. The said suspension shall be stayed upon proof of Ms. Dooley's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions

of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Kelvin Lamont Thompson, RMA 0031-009169

Dr. Hahn moved to accept the consent order accept the voluntary surrender for indefinite suspension of Kelvin Lamont Thompson's right to renew his registration to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Kristi Anne Williams, RN 0001-225954

Dr. Hahn moved to accept the consent order accept the voluntary surrender for indefinite suspension of Kristi Anne Williams' license to practice professional nursing in the Commonwealth of Virginia. The Order applies to Ms. Williams' practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried with 10 votes. Ms. Hereford abstained.

REPORT:

ENLC Executive Committee Spring Meeting Report

Ms. Douglas provided an update on the new Compact which was implemented in January 2018. She shared that Florida, Georgia and Oklahoma were not previously in the compact but have now have joined. New rules are being worked on and are now open for public comment. Ms. Douglas attended a two day meeting to discuss implementation issues. NCSBN is assisting with education and training regarding ENLC implementation. They are currently modifying a training video for BON staff. Ms. Douglas reported that Virginia is still working through issues related to licensees in the Health Practitioners' Monitoring Program. Currently there are 30 states in the new ENLC with other states pending (including Louisiana).

Ann Tucker Gleason, Ph.D., newly appointed as a citizen Board member to the Board of Nursing shared her background.

ADJOURNMENT:

The Board recessed for lunch at 11:27 A.M.

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Louise Hershkowitz, CRNA, MSHA
President