

**DRAFT**  
**VIRGINIA BOARD OF HEALTH PROFESSIONS**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**FULL BOARD MEETING**  
**APRIL 13, 2005**

**TIME AND PLACE:** The meeting was called to order at 1:10 p.m. on Wednesday, January 12, 2005, at the Department of Health Professions, 6603 W. Broad St., 5<sup>th</sup> Floor, Room 1, Richmond, VA.

**PRESIDING OFFICER:** Alan Mayer, Chair

**MEMBERS PRESENT:** David R. Boehm, L.C.S.W.  
Lynne M. Cooper, Citizen Member, Nursing  
David H. Hettler, O.D  
Damien Howell, P.T.  
Joseph Jenkins, Jr., F.S.L.  
Nadia B. Kuley, Ph.D.  
Juan M. Montero, II, M.D.  
Janet Payne, Citizen Member  
Michael W. Ridenhour, Au.D.  
Harry S. Seigel, D.D.S.  
Mary M. Smith, L.N.H.A.  
Joanne Taylor, Citizen Member  
Lucia Anna Trigiani, Esq., Citizen Member  
John T. Wise, D.V.M.

**MEMBERS NOT PRESENT:** Michelle R. Easton, R. Ph.  
Demis L. Stewart  
Natale A. Ward, L.P.C.

**STAFF PRESENT:** Robert A. Nebiker, Agency Director  
Emily Wingfield, Assistant Attorney General  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Elaine Yeatts, Senior Regulatory Analyst  
Betty Jolly, Assistant Director for Policy Education  
Susan Stanbach, Senior Management Analyst  
Sammy Johnson, Deputy Director, Enforcement  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** Neal Kauder, Visual Research, Inc.  
W. Scott Johnson, Medical Society of Virginia

**QUORUM:** With fifteen (15) members present, a quorum was established.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** On properly seconded motion by Dr. Siegel, the Board voted unanimously to adopt the minutes of the January 12, 2005 meeting.

**DEPARTMENT DIRECTOR'S REPORT:** Mr. Nebiker reported that a new budget process and structuring had been adopted by state government. He stated that the Department will be receiving preliminary information and training. Further, he reported that the Executive Committee will need to meet July 14<sup>th</sup> to review and comment on the budget for presentation to the full board in September.

Mr. Nebiker provided a brief summary of a series of recent news articles in the *Washington Post* regarding impaired practitioners in Virginia, Maryland and DC who were repeat offenders.

**EXECUTIVE DIRECTOR'S REPORT:** Dr. Carter presented an update to the 2005 draft workplan and noted that two new studies had been added to the Regulatory Research Committee. A copy of the revised 2005 workplan is incorporated into the minutes as Attachment 1.

On properly seconded motion by Dr. Siegel, the Board voted unanimously to approve the 2005 workplan as presented.

Dr. Carter reported on the budget summary for BHP July 1, 2004 through January 31, 2005. She indicated that there is adequate funding for the Board's current projects through the fiscal year.

**REVIEW OF LEGISLATION AND REGULATORY PROPOSALS:** Ms. Yeatts apprised the Board of the 2005 legislation that applies to the Department. A copy of the legislation is incorporated into the minutes as Attachment 2.

Mr. Nebiker noted that as a result of this legislation, additional resources would be required to handle the workload. Further, Mr. Nebiker stated that an additional executive director along with staff may be required to handle the workload.

Ms. Yeatts overviewed the summary of current regulatory actions of the Department. The summary of actions is incorporated into the minutes as Attachment 3.

**REPORT ON AGENCY PERFORMANCE:** Ms. Susan Stanbach presented the results of the agency's disciplinary case standards analysis. She stated that the report reflected a slight increase in meeting case closure standards. Mr. Mayer requested that an indication of the specific case standard and case backlog be included in future graphs. The report is incorporated into the minutes as Attachment 4.

**UPDATE ON SANCTION  
REFERENCE STUDY:**

Mr. Kauder provided a brief summary of the various boards' activities involved in the sanction reference study.

Dr. Carter reported that an article regarding the sanction reference study had been published in the Journal of Medical Licensure and Discipline. The article is incorporated into the minutes as Attachment 5. She also reported that as a part of its current study of U.S. medical boards, the Urban Institute asked for a briefing on this BHP study. She further reported that the Federation of State Medical Boards recently conducted a conference call meeting to discuss the study and the Board of Medicine's experiences to date.

**REQUEST FOR UPDATED  
STUDY ON  
TELEHEALTH:**

Mr. Nebiker briefed the board of Delegate Armstrong's HB 2005 regarding practice across state lines and internationally. He noted that the board had conducted a study in 1998; however, because telehealth continues to be an issue, the board will conduct an additional study of the matter. Mr. Nebiker stated that the study should be complete by early fall.

**REQUEST FOR STUDY  
INTO THE NEED TO  
REGULATE  
NATUROPATHS:**

On properly seconded motion by Dr. Seigel, the board voted unanimously to conduct the studies on telehealth and naturopaths. and that the studies be conducted by the Regulatory Research Committee as provided in the 2005 Workplan.

**EDUCATION COMMITTEE:**

Ms. Smith reported that the Committee had reviewed and recommended minor changes to the informal conference brochure and will be reviewing licensure brochures as they develop for the Board of Medicine this year. The Committee also discussed the upcoming fall issues forum topic titled *Regulating Healthcare in Virginia, Up to the Job?* scheduled in early October.

**BOARD REPORTS:**

The Boards of Audiology, Counseling, Funeral, Medicine, Pharmacy, Physical Therapy, Psychology, Social Work, Nursing, Optometry and Veterinary Medicine presented written reports and they are incorporated into the minutes as Attachment 6.

Dr. Seigel reported that the Board of Dentistry had received updates on the Sanction Reference Study and 2005 legislation. Further, that the Board had discussed expanded duties of dental assistants and the development of a national examination versus a regional examination.

Ms. Smith reported that the Board of Nursing Home Administrators is reviewing the assisted living regulations and changes affecting the board. She noted that the board had

received an overview of the investigative process by Ms. Lemon. Further, that the Board will continue to approve and license people through on an application-by-application basis and not automatically by training program.

Mr. Mayer requested that all the boards' format their minutes to include a listing of members not present at the meetings as well as those present.

Mr. Mayer again requested that a Board of Health Professions report be presented at each of the respective meetings of the boards.

**NEW BUSINESS:**

Dr. Seigel made an inquiry regarding whether or not the Prescription Monitoring Program had included tracking drugs in Southwest Virginia.

Mr. Nebiker noted that the expanded prescription monitoring study would most likely address tracking issues. He stated that the majority of drug diversion was in Schedule III medications, and it appeared that most drugs were from out-of-state and off-shore pharmacies.

Mr. Nebiker apprised the Board that the Department audit report for the preceding three (3) physical years had been published. He reported that there was one (1) adverse finding dealing with internal control weakness and a correction plan will be completed by the end of the month. The audit report will be presented to the Executive Committee at its next meeting.

The Board revised its October meeting date to September 8, 2005 to accommodate the workplan and a revised calendar will be disseminated.

**ADJOURNMENT:**

On properly seconded motion by Mr. Howell, the meeting adjourned at 2:30 p.m.

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Alan E. Mayer  
Chair

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Elizabeth A. Carter, Ph.D.  
Executive Director for the Board