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PUBLIC HEARING

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IN RE:

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ESTABLISHING ADVANCED CERTIFICATION FOR NURSE AIDES

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PROPOSED REGULATIONS FOR LICENSED NURSE PRACTITIONERS

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Virginia Board of Nursing

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6606 West Broad Street, 5th Floor, Conference Room 2

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Richmond, Virginia

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September 24, 2002  
1:35 p.m.

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1 APPEARANCES:

2 BOARD MEMBERS

3 Janet B. Younger - President

Linda Ault - Vice President

4 Louise D. Hartz

Marion A. Alderman

5 Shelley F. Conroy

Lynne McNally Cooper

6 Carol E. King

Louisa Lief

7 Denise Oppenhagen

Julia C. Semple

8 Dawn M. Sykes

JoAnn Tillett

9 Diane Tramel

10 STAFF

11 Nancy K. Durrett

Jay P. Douglas

12 Grace Johnson

Jodi P. Power

13 Paula B. Saxby

Amy Davis

14 Elaine Yeatts

15 Howard M. Casway - Assistant Attorney General

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1 INDEX

2  
3 Beverley Soble 4  
3 Lorrene Maynard 6

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1                   NOTE: The public hearing proceeded as  
2 follows:

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4                   DR. YOUNGER: To the guests and the  
5 audience, good afternoon. I'm Dr. Janet Younger, President of  
6 the Virginia Board of Nursing.

7                   This is a public hearing. We're  
8 receiving comments on two sets of proposed amendments. First,  
9 we'll receive any comments on the proposed regulations  
10 establishing an advanced certification for nurse aides. Second,  
11 we will receive any comments on the proposed regulations for  
12 licensed nurse practitioners. Copies of the proposed  
13 regulations are available on the back table.

14                   At this time, I will call on persons  
15 who have signed up for comment on the advanced certification for  
16 nurse aides.

17                   Beverley Soble.

18                   MS. SOBLE: Thank you. Good  
19 afternoon.

20                   Members of the Board, I'm Beverley

21 Soble. I'm with the Virginia Health Care Association, which is  
22 a state-wide trade association that represents long-term care  
23 facilities. We represent approximately 90 percent of the  
24 nursing facilities in this state that are constituted of  
25 for-profit, not-for-profit, continuing care retirement

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1 communities, as well as governmental facilities.

2                   As you can tell from that, we are a  
3 major employer of certified nurse aides who are the backbone of  
4 these long-term care facilities. The association conducted a  
5 series of nurse aide focus groups, and at that time we talked to  
6 over a hundred nurse aides who told us exactly why they wished  
7 to remain in long-term care as well as what they thought their  
8 perceptions of why people left. As a result of those  
9 discussions, we, we asked a legislator to introduce legislation  
10 to create a career ladder for an advanced certification for  
11 nurse aides because the nurse aides told us that this would  
12 enhance their work in long-term care. We hope that this action  
13 will give nurse aides opportunities to become more skilled and  
14 give them options for advancement within the CNA certification.  
15 We also hope that the program would improve the retention  
16 problem which currently exists and accounts for an approximately  
17 85 percent turnover in nurse aides in a year. We think it will  
18 be a mutually beneficial opportunity for both the long-term care  
19 providers and the certified nurse aides. We actively  
20 participated with Board members and others in the development of

21 these regulations, and I'm here to tell you that we strongly  
22 support the regulations and the concept of an advanced  
23 certification.

24                               We will be submitting written comments  
25 that will barely be very minor items to amend the regulations

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1 and only for the purpose of enhancing them, not to offer any  
2 substantive changes. And we appreciate the opportunity to work  
3 with you on the creation of such an advanced career ladder.

4 Thank you.

5 Are there any questions?

6 DR. YOUNGER: Thank you very much,  
7 Ms. Soble.

8 Lorrene Maynard.

9 MS. MAYNARD: Good afternoon, Virginia  
10 State Board of Nursing.

11 My name is Lorrene Maynard. I'm a  
12 certified nursing assistant for 21 years. Currently --

13 DR. YOUNGER: Excuse me, ma'am.

14 You're going to need to have the mic very close to you --

15 MS. MAYNARD: I'm sorry.

16 DR. YOUNGER: -- for us to hear.

17 MS. MAYNARD: Is that better?

18 DR. YOUNGER: It's better.

19 MS. MAYNARD: Okay.

20 DR. YOUNGER: It may need to be closer

21 still.

22 MS. MAYNARD: How about I move up.

23 Okay.

24 Currently, I'm serving my sixth term

25 as the president of the Virginia Association of Professional

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1 Nursing Assistants, which is shortened by saying VAPNA. To my  
2 knowledge, we are the only organization in the state that truly  
3 represents the certified nursing assistants' voice, and the only  
4 nursing assistant organization in the country that is  
5 exclusively owned and -- by nursing assistants for nursing  
6 assistants, meaning at the present time we have no sponsorship  
7 by any other entity in health care.

8 I have served on the Direct Care  
9 Alliance since 1998 and have been appointed my second term to  
10 serve on the executive committee, and since the fall -- well,  
11 since the fall of 2000. I have just accepted a position to  
12 serve on the public policy committee of that same organization.

13 My purpose for requesting this time  
14 with you today is to address important issues that we have  
15 regarding the CNA Advanced Certification, and we appreciate you  
16 allowing us to speak.

17 While the history of nursing in the  
18 country dates back to the late 1800's, there were forerunners in  
19 this state who made sure Virginia would be one of the first  
20 states to establish the field of nursing that would give it its

21 credibility that it deserved, Miss Sadie Hampton Robb. With her  
22 unique vision, she formed the first nurse settlement that would  
23 provide a home for trained nurses and free instruction classes  
24 in home nursing and free medical and surgical services for the  
25 poor.

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1                   I understand the mission of this Board  
2 is to protect the public from unsafe practices of the  
3 professional health care worker. So I ask you, are nursing  
4 assistants not the public too? Do we not need protection? We  
5 shop in the community stores, we attend churches, our children  
6 attend community schools, and our loved ones also are living in  
7 the nursing home industry -- or the nursing home. I apologize  
8 for that.

9                   We believe that in order for us to  
10 grow to our fullest potential as part of the health care team,  
11 we need your acceptance and endorsement. Otherwise, additional  
12 training will only be just another way for us to take on more  
13 work and may never receive fair compensation. We need  
14 reciprocity in this state so our training will not be duplicated  
15 upon our decision to relocate. We need solid -- we need a solid  
16 curriculum that will give us a broad base for providing good  
17 care.

18                   If you research other states like  
19 Ohio, North Carolina, South Carolina, Arizona, and New  
20 Hampshire, and of course New York, you will see they have

21 identified good care for the patients that is derived only from  
22 a solid foundation in which the trained workers can -- which to  
23 train workers and that gives an individual a better chance to  
24 decide their own fate. New Hampshire has gone as far as having  
25 a nursing assistant serve on the Board of Nursing. Arizona used

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1 the experienced nursing assistant in training labs. Looking  
2 further, you will see that Ohio focuses on the leadership skills  
3 and mentoring. We ask the Board to please research these states  
4 so that your final recommendations will be inclusive of the  
5 protecting -- of the protection of nursing assistants in this  
6 state. You might also check with New York Association of Home  
7 Services, Cooperative Home Care and the Direct Care Alliance  
8 in -- Direct Care Association in Arizona.

9                   Finally, the renewal process can serve  
10 as a way to protect nursing assistants and help them gain the  
11 respect that all other professional health care workers already  
12 enjoy. Look at ways to -- number one, look at ways to keep the  
13 advanced certification fee at a minimum so it will not be much  
14 of a burden on our low wages. Number two, upon renewal of  
15 advance certification, apply only \$10 to the basic CNA fee that  
16 already exists at \$45. Treat our fees as you do the registered  
17 nurse and the licensed practical nurse. Apply an additional  
18 dollar to fund this advance. Apply an additional dollar to our  
19 certification fees to help fund this advanced training. Then  
20 ask the federal and state government to match these funds to

21 create a resource center that will be a central training site  
22 for the development of a stable workforce in long-term care for  
23 now and the future.

24                               As a body of people who have given the  
25 bulk of care, we need this Board to uplift the role of nursing

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1 assistants so that Virginia can begin to restore our self-esteem  
2 and dignity across all long-term and short-term care settings.  
3 Retention of these workers can be obtained in the form of  
4 selecting a desired number of nursing assistants across the  
5 state who will qualify and who can complete this specialized  
6 training, and repeat every six weeks until one half of the  
7 nursing assistants in this state are working as an advanced  
8 certified aide. An effort of this magnitude on your part will  
9 be a more realistic approach to resolve the huge problems that  
10 currently exist with an undertrained workforce. Recruitment of  
11 a stabilized workforce may also result in -- from your  
12 consideration of our proposal.

13 I want to leave you with this thought;  
14 a new century does yield new ideas.

15 I thank you and I hope you will take  
16 all of these ideas into consideration. And with all due respect  
17 to the Board of Nursing, I have made these copies available to  
18 Delegate Phillip Hamilton, Delegate Mary Christian, Mrs. Becky  
19 Rice, the Virginia Health Care Association, and Governor Mark  
20 Warner. And we have references of the Virginia Nursing -- our

21 references was the Virginia Nursing -- I apologize. Our  
22 references was the Virginia History of Nursing dating from 1900  
23 to 2000, and also the Virginia Association of Professional  
24 Nursing Assistants from 1997 to 2002.

25 Thank you.

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1                   If there are any questions, I would  
2 appreciate if you would ask them or either write them and submit  
3 them to us. If we cannot answer them now, we will certainly get  
4 back with you within a reasonable amount of time.

5                   I thank you.

6                   DR. YOUNGER: Thank you, Ms. Maynard.

7                   MS. MAYNARD: You're welcome.

8                   DR. YOUNGER: Is there anyone else who  
9 wishes to speak to the advanced certification for nurse aides?

10                  AUDIENCE: (No response.)

11                  DR. YOUNGER: I'll remind you that  
12 written comments on the advanced certification of nurse aides  
13 may be received through October 11th, 2002, and should be  
14 directed to Nancy Durrett, Executive Director of the Board.

15                  Now I call on persons who have signed  
16 up to comment on the proposed regulations for licensed nurse  
17 practitioners. Is anyone here to comment on the proposed  
18 regulations for licensed nurse practitioners?

19                  AUDIENCE: (No response.)

20                  DR. YOUNGER: Hearing none, I'll

21 remind everyone that written comments on the proposed amendments  
22 to regulations for nurse practitioners may be received through  
23 November 22nd, 2002, and should be directed to Nancy Durrett,  
24 Executive Director of the Board.

25                                   The Board will consider all comments

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1 prior to final adoption of the regulations.

2                   Again, thank you for taking time to

3 participate, and this concludes our hearing.

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5                   NOTE: The proceeding was concluded.

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CERTIFICATE OF COURT REPORTER

I, Susan C. Sweet, hereby certify that I was the Court Reporter in the Public Hearing held at the Virginia Board of Nursing Conference Room Number 2, 6606 West Broad Street, 5th Floor, Richmond, Virginia, on September 24, 2002, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the hearing herein to the best of my ability.

Given under my hand this 30th day of September, 2002.

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Susan C. Sweet, Court Reporter

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