

**BOARD OF HEALTH PROFESSIONS
EXECUTIVE COMMITTEE
NOVEMBER 29, 2007**

TIME AND PLACE: The meeting was called to order at 9:20 a.m. on Thursday, November 29, 2007, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 3, Richmond, VA 23233.

PRESIDING OFFICER: David R. Boehm, Chair

MEMBERS PRESENT: Susan Chadwick, Au.D.
Juan Montero, M.D.
Lucia A. Trigiani, Esq.

MEMBERS NOT PRESENT: Mary Smith, N.H.A.

STAFF PRESENT: Sandra Ryals, Agency Director
Emily Wingfield, Deputy Director
Elizabeth A. Carter, Ph.D., Executive Director
Amy Marshean, Esquire, Board Counsel
Mark Monson, Deputy Director for Administration
Charles Giles, Manager, Finance
Carol Stamey, Operations Manager

OTHERS PRESENT: Lee Germain, Virginia Association of Central Services (VACS)
Charlotte Jenkins, VACS
Karl W. Berling, VACS
Neal Kauder, VisualResearch, Inc.
Kim Langston, VisualResearch, Inc.

QUORUM: With four members of the Committee present, a quorum was established.

PUBLIC COMMENT: **Central Sterile Technicians**
Lee Germain, representing VACS, presented comment regarding the need for mandatory certification of central sterile technicians. Ms. Germain noted inconsistencies in the training and varied responsibilities of central sterile technicians among hospitals. Ms. Germain presented several examples of patient harm due to contaminated patient care instruments.

On properly seconded motion by Ms. Trigiani, the Committee voted unanimously to refer the matter to the Regulatory

Research Committee for study.

Laser Hair Removal

The Committee reviewed the written public comment regarding IPL Procedures (Intense Pulsed Light) and laser technologies.

On properly seconded motion by Dr. Montero, the Committee voted unanimously to refer the matter to staff to discuss with the Ad Hoc Committee of the Board of Medicine for the development of 2009 legislation with the inclusion of the Board of Medicine's guidance document regarding laser hair removal.

APPROVAL OF MINUTES:

On properly seconded motion by Ms. Trigiani, the Committee voted unanimously to approve the minutes of the September 8, 2005 meeting.

**SANCTION REFERENCE
UPDATE INCLUDING
CONFIDENTIAL CONSENT
AGREEMENT REVIEW:**

Neal Kauder presented an overview of the Confidential Consent Agreement Policy integrated within the Sanctions Reference Point Study. He stated that an analysis of prior CCA's of the Board of Medicine revealed that 99% of the cases involved no patient harm and only a few cases had multiple patients. Mr. Kauder also reviewed the draft worksheet for the Board of Optometry. The Board of Optometry's considerable use of CCAs was revealed in its own Sanctions Reference research and was what prompted the CCA review for Medicine. Optometry's worksheet provides a checklist of the factors which must be met for CCAs to be considered. Work is being finalized on a similar worksheet for Medicine.

On properly seconded motion by Dr. Montero, the Committee voted unanimously that Mr. Kauder present the study to the Boards of Medicine and expand the review of CCAs for the other boards with large caseloads, the Board of Nursing and Board of Dentistry

Mr. Kauder also reported that a formal evaluation of the efficacy of Sanctions Reference Points systems is being planned.

AGENCY BUDGET REVIEW: Ms. Ryals presented a brief overview of the agency's 2008-2010 budget. With a base budget of \$22.8 million, additional requests had been made to meet the agency's four major goals: Key Performance Measures, Governor's Health Reform Initiative, Prescription Monitoring Program and Risk Management and Internal Controls. With regard to the Key Performance Measures, Ms. Ryals noted that twenty (20) FTE's had been requested. She reported that a health care data workforce center, partially federally funded, was being established to meet the Governor's Health Reform initiative and housed within the Board of Health Professions. Concerning the Prescription Monitoring Program request, the issue is to be able to expend interest monies from the \$20 million Oxycontin plea agreement to address greater demands on the system's database and the need for additional education and outreach. Lastly, Ms. Ryals reported that a request had been made for an internal auditor regarding new Risk Management and Internal Controls established by the State Comptroller.

On properly seconded motion by Ms. Trigiani, the Committee voted unanimously to recommend its support of the budget as presented.

The Committee discussed the variety of approaches that had been used through the years in presenting the agency's budget to the Board. So that new members are informed, they recommended that standard review materials be developed which include the statutory authority, base budget, and informational background with the rationale for new funding or personnel requests.

WORKPLAN MODIFICATION: Dr. Carter presented an updated overview of the 2008 workplan. She noted that the Central Sterile Technician study would be included in a revised workplan. With regard to the request for a sunrise study on Medical Interpreters, Dr. Carter, reported that a formal sunrise review may not be the best approach. The Department of Health's Office of Minority Health and Health Policy has a program designed to assist health care practitioners and others on issues related to language and cultural differences, Cultural and Linguistically Appropriate Health Care Services (CLAS Act). Dr. Carter noted that a collaborative educational effort to help ensure that licensees were aware of the Health Department services may be useful. The Committee requested that the Chair discuss specific needs with Ms. Valencia and review the Board's mission and regulation.

Dr. Carter reported that the Joint Commission on Health Care had taken up the issue of the requirement of Criminal Background Checks for licensees of the Board of Medicine; however, it had not recommended legislation. It was noted that if criminal background checks were not required, it could impact participation in the Nurse Licensure Compact. The issue of barrier crimes was noted and a request was made for statutory authority and consistency across boards. The Committee requested that the boards review the issue and report back their findings and that staff work with the respective boards on appropriate legislative language

Dr. Carter reported that the proposed workforce data center, if approved by the General Assembly, would be involved with researching a wide variety of direct care personnel not currently regulated.

Dr. Carter noted that the Nominating Committee should meet prior to the next scheduled Board meeting so that elections could be held. Ms. Trigiani requested that the meeting be held on the morning of the full Board meeting.

Ms. Wingfield apprised the Committee of the Board of Medicine's statutory action (§ 54.1-2910.2) regarding requested removal of notices and orders prior to July 1, 2007 that did not result in disciplinary action.

On properly seconded motion by Ms. Cooper, the Committee voted unanimously to support a Directive from Ms. Ryals that would enable a similar process for all boards.

**KEY PERFORMANCE
MEASURE UPDATE:**

Dr. Carter presented a handout of the Key Performance Measures for the 1st quarter for review.

CALENDAR:

The Committee requested staff to develop proposed meeting dates for the months of February, April, September and November.

NEW BUSINESS:

The Committee commended Lynne Cooper, who was appointed to the Board of the National Council of State Boards of Nursing and Dr. Montero, whose dedicated service was recognized in a Virginia Pilot article.

ADJOURNMENT:

The Committee adjourned at 12:30 p.m.

David R. Boehm, Chair

Elizabeth A. Carter, Ph.D., Executive Director