

*Draft*  
**Virginia Board of Health Professions**  
**Department of Health Professions**  
**FULL BOARD MEETING**  
**February 25, 2014**

**TIME AND PLACE:** The meeting was called to order at 11:05 a.m. on Tuesday, February 25, 2014 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, VA, 23233

**PRESIDING OFFICER:** Jonathan Noble, Chair

**MEMBERS PRESENT:** Allison Gregory, Nursing  
Irene V. Farquhar, Medicine  
Charlotte Markva, Counseling  
Robert Maroon, Physical Therapy  
Jonathan Noble, Optometry  
Wanda Pritekel, ASLP  
Robert Rhodes, Pharmacy  
Virginia Van de Water, Psychology  
Yvonne Haynes, Social Work  
Robert Catron, Citizen Member

**MEMBERS NOT PRESENT:** Jeffrey Levin, Dentistry  
Constance Pozniak, Veterinary Medicine  
Maureen Clancy, Citizen Member  
Paul T. Conway, Citizen Member  
Amanda Gannon, Long Term Care Administrators  
Blair Nelsen, Funeral Directors & Embalmers

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Dianne Reynolds-Cane, MD, DHP Director  
Elaine Yeatts, DHP Senior Policy Analyst  
Diane Powers, DHP Director of Communications  
Ralph Orr, PMP Director  
Teresa Garbee, Communications  
Justin Crow, Research Assistant  
Laura Jackson, Operations Manager

**BOARD COUNSEL:** Not present.

**OTHERS PRESENT:** No signatures on sign-in sheet.

**QUORUM:** With 10 members present a quorum was established.

**EMERGENCY EGRESS:** Dr. Carter provided meeting attendees with the evacuation routes should the need arise.

**WELCOME NEW MEMBER:** Dr. Noble congratulated the Board's newest citizen member, Mr. Robert J. Catron, on his appointment and introduced the other members.

**PUBLIC COMMENT:** There was no public comment.

<b>APPROVAL OF MINUTES:</b>	On properly seconded motion by Ms. Markva, the meeting minutes from May 14, 2013 were unanimously approved
<b>DEPARTMENT DIRECTOR'S REPORT:</b>	Dr. Reynolds-Cane informed the Board that her four-year term as Director of the Department of Health Professions has come to an end. Her last day will be February 28, 2014. She thanked the Board for their hard work and dedication and wished them all well. She stated that it has been an honor to serve the Commonwealth.
<b>LEGISLATIVE/REGULATORY UPDATE:</b>	Ms. Yeatts reviewed DHP's bills and regulations.
<b>AGENCY COMMUNICATIONS &amp; EDUCATION:</b>	Ms. Powers provided the Board with information regarding communications efforts to launch the PMP program in a new format. Brochures, a stand-alone presentation banner, and YouTube tutorial videos have been created. Ms. Powers provided handout materials referencing standard operating procedures for media relations, the 2014 media relations log and 2014 video teleconferencing log.
<b>SRP PRESENTATION:</b>	Neal Kauder of Visual Research, Inc. provided a PowerPoint presentation which includes the background of the SRP effectiveness study, agreement monitoring, training and the new automated worksheets. (Attachment 1)
<b>EXECUTIVE DIRECTOR'S REPORT:</b>	<p>Dr. Carter discussed the Board's budget, stating that the Board is within budget.</p> <p>She noted that Mr. Crow has been promoted and is now the Deputy Executive Director of the Board of Health Professions and Deputy Director of the Healthcare Workforce Data Center. The Board members congratulated Mr. Crow.</p> <p>Dr. Carter discussed the progress being made with the National Governors' Association grant. Additional information will be provided as progress is made.</p> <p>The 2014 Work Plan was provided as a handout.</p> <p>Dr. Carter noted that the DHP Healthcare Workforce Data Center (HWDC) now has 23 survey up and running. Mr. Crow provided additional information regarding the Center which included, data products ranging from profession reports, CareForce snapshots, regional reports and workforce briefs. This information is published on the HWDC website.</p>
<b>COMMITTEE REPORTS:</b>	<p><b>Regulatory Research</b></p> <p>Dr. Farquhar reported that the Committee voted to table the discussion of regulatory the Pharmacy Technician Scope of Practice Barriers to Effective Team Delivery review until 2015 due to developments underway to better standardize profession requirements. Staff will continue to monitor the profession's progression in the interim.</p> <p>Dr. Farquhar also reported that the Committee received an update on the Dental Hygienist and Dental Assistant Scope of Practice Barriers to</p>

Effective Team Delivery review. She noted that the Joint Commission on Health Care (JCHC) will be conducting a targeted study of the dental capacity and educational priorities of Virginia's oral health care safety net providers. Since the Board's study will provide information of direct relevance to dental workforce, the Committee directed staff to offer assistance to JCHC for this study.

Dr. Farquhar also noted that Dr. Carter provided the Committee with an overview of the Military Credentialing Review and advised on Virginia's selection to participate in the National Governors' Association Center for Best Practices' *Veterans' Licensing and Certification Demonstration Policy Academy*. The objective of the grant is to streamline credentialing and licensing by creating a model pathway from medic to EMT, AEMT, and Paramedic; LPN, and PTA as a means of decreasing unemployment among veterans' and service members.

**BOARD REPORTS**

There were no Board reports.

**NEW BUSINESS**

There was no new business to discuss.

**ADJOURNMENT:**

The meeting adjourned at 2:08 p.m.

---

Jonathan Noble, OD  
Board Chair

---

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

# Sanctioning Reference Points Progress Report

February 25, 2014

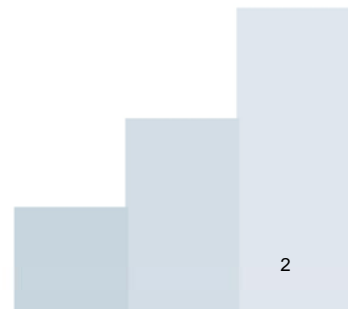
Prepared for:  
Department of Health Professions  
Board of Health Professions

Neal Kauder, President  
804.794.3144  
vis-res.com



## Topics for Discussion

- SRP Background
- Effectiveness Study
  - Progress
  - New worksheets
  - Veterinary Medicine
- Agreement Monitoring
- Training
- Automated Worksheets



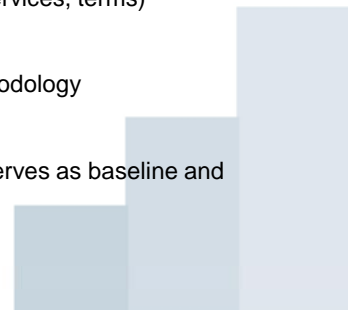
## Sanctioning Reference Points Development

Empirical information unavailable on factors that effect sanction decisions – aggravating or mitigating factors, etc.

SRPs have multiple goals and purposes:  
make sanctioning more predictable  
reduce unwarranted disparity  
education tool for new board members  
add empirical element to a process  
help 'predict' future caseloads (need for services, terms)

Comprehensive qualitative and quantitative methodology

Descriptive model/normative adjustment - data serves as baseline and boards modify to serve goals



## SRP - Key Features

Voluntary - maintain complete discretion

Accommodate full array of mitigating and aggravating factors

Operate within existing statutes and regulations

Recommendations not too specific or narrow

Allow multiple sanctioning goals to be considered





## New Worksheets

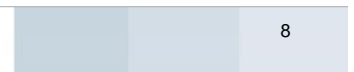
- Nursing (3 worksheets)
- CNA
- Registered Medication Aides (RMA)
- Medicine (3 worksheets)
- Dentistry (3 worksheets)
- Pharmacists
- Pharmacy Technicians

*Red indicates new material since the last BHP update.*



## RMA Worksheet

SRP Worksheet for RMAs Only		Board of Nursing	
<b>Case Type Score</b> (score only one)		Points	Score
a. Impairment		30	_____
b. Abuse, Abandonment or Neglect		20	_____
c. Standard of Care		20	_____
d. Misappropriation of Patient Property/Fraud		10	_____
		Case Type Score	<input type="text"/>
<b>Offense and Respondent Score</b> (score all that apply)			
a. Patient injury with intent		50	_____
b. Past difficulties (substances, mental/physical)		50	_____
c. Financial or material gain		40	_____
d. Any patient involvement		30	_____
e. Three or more employers in past 5 years		30	_____
f. Concurrent criminal conviction		10	_____
g. Act of commission		10	_____
		Offense and Respondent Score	<input type="text"/>
		<b>Total Worksheet Score</b> (Case Type + Offense and Respondent)	<input type="text"/>
<b>Score</b>			
0-65	No Sanction/Reprimand		
66-90	Stayed Suspension, Probation, Terms/Recommend Formal		
91+	Recommend Formal Hearing		



# Dentistry Standard of Care Worksheet

Offense Score	Points	Score
More than one patient involved .....	60	_____
Patient vulnerable .....	30	_____
Act of commission .....	25	_____
One or more teeth involved .....	10	_____
Patient injury .....	10	_____
Patient required subsequent treatment .....	10	_____
Multiple respondents involved .....	10	_____
Self prescribing or prescribing beyond scope .....	10	_____
<b>Total Offense Score</b>		<input type="text"/>

Prior Record Score	Points	Score
License previously lost .....	60	_____
Previous finding of a violation .....	20	_____
Previous violation with a sanction imposed .....	20	_____
Previous violation similar to current .....	10	_____
Criminal activity conviction .....	10	_____
<b>Total Prior Record Score</b>		<input type="text"/>

Sanction Grid									
Prior Record Score	Offense Score								
	0-40      41-65      66 and over								
0	<table border="1"> <tr> <td>No Sanction/ Reprimand/Education</td> <td>No Sanction/ Reprimand/ Education</td> <td>Monetary Penalty</td> <td>Treatment</td> </tr> <tr> <td>No Sanction/ Reprimand/ Education</td> <td>Monetary Penalty</td> <td>Treatment</td> <td>Recommend Formal or Accept Surrender</td> </tr> </table>	No Sanction/ Reprimand/Education	No Sanction/ Reprimand/ Education	Monetary Penalty	Treatment	No Sanction/ Reprimand/ Education	Monetary Penalty	Treatment	Recommend Formal or Accept Surrender
No Sanction/ Reprimand/Education	No Sanction/ Reprimand/ Education	Monetary Penalty	Treatment						
No Sanction/ Reprimand/ Education	Monetary Penalty	Treatment	Recommend Formal or Accept Surrender						
1-20	<table border="1"> <tr> <td>Monetary Penalty</td> <td>Treatment</td> <td>Treatment</td> <td>Recommend Formal or Accept Surrender</td> </tr> <tr> <td>Monetary Penalty</td> <td>Treatment</td> <td>Treatment</td> <td>Recommend Formal or Accept Surrender</td> </tr> </table>	Monetary Penalty	Treatment	Treatment	Recommend Formal or Accept Surrender	Monetary Penalty	Treatment	Treatment	Recommend Formal or Accept Surrender
Monetary Penalty	Treatment	Treatment	Recommend Formal or Accept Surrender						
Monetary Penalty	Treatment	Treatment	Recommend Formal or Accept Surrender						
21 and over	<table border="1"> <tr> <td>Treatment</td> <td>Treatment</td> <td>Treatment</td> <td>Recommend Formal or Accept Surrender</td> </tr> <tr> <td>Treatment</td> <td>Treatment</td> <td>Treatment</td> <td>Recommend Formal or Accept Surrender</td> </tr> </table>	Treatment	Treatment	Treatment	Recommend Formal or Accept Surrender	Treatment	Treatment	Treatment	Recommend Formal or Accept Surrender
Treatment	Treatment	Treatment	Recommend Formal or Accept Surrender						
Treatment	Treatment	Treatment	Recommend Formal or Accept Surrender						

Respondent: \_\_\_\_\_ License Number: \_\_\_\_\_



# Pharmacy Technician Worksheet

SRP Worksheet for Pharmacy Technicians		Board of Pharmacy Adopted 9/10/2013	
Case Type (score only one)	Points	Score	
A. Inability to Safely Practice	35	_____	
B. Standard of Care	25	_____	
C. Professional Practice Issues	5	_____	
Offense and Respondent Factors (score all that apply)			
A. Financial/Material gain	70	_____	
B. Respondent impaired during incident	55	_____	
C. Any Patient Involvement	35	_____	
D. DCA Violation	30	_____	
E. Case involved any type of drug	25	_____	
F. Case involved opioids	30	_____	
G. Any prior violations	15	_____	
<b>Total Respondent Score</b>		<input type="text"/>	

Score	Sanctioning Recommendations	Fine Amounts
0-60	No Sanction/Reprimand/Monetary Penalty	\$50-\$250
61-90	Treatment/Monitoring	N/A
91 and up	Loss of License/Refer to Formal	N/A

Respondent Name: \_\_\_\_\_ Date: \_\_\_\_\_





# Veterinary Medicine SRP Evaluation

## Original SRP Database

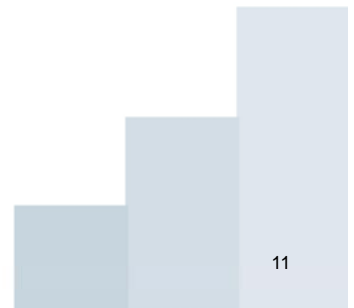
All violations 1999-2005 -- 6 year "window"

208 Orders

## SRP Worksheet Database

All completed SRP worksheets 2007 to 2013

75 Orders



## Vet Med's Current SRP Worksheet

Case Type (score only one)	Points	Score	
Failure to Obtain CE .....	50	_____	score only one
Drugs or Impairment .....	20	_____	
Inspections/Records .....	10	_____	
Standard of Care .....	10	_____	
Unlicensed Activity .....	5	_____	
<b>Case Type Score</b>		<input type="text"/>	
<b>Patient Injury (score only one)</b>			
Death of the patient resulted .....	40	_____	score only one
Physical injury to the patient resulted .....	10	_____	
<b>Patient Injury Score</b>		<input type="text"/>	
<b>Offense Factors (score all that apply)</b>			
Act of commission .....	50	_____	score all that apply
Financial or material gain by the respondent .....	30	_____	
Respondent took no corrective action .....	30	_____	
Pain difficulties (substances, mental/physical) .....	30	_____	
One or more prior violations .....	20	_____	
Previous violations similar to instant offense .....	20	_____	
Multiple respondents associated with case .....	10	_____	
<b>Offense Factor Score</b>		<input type="text"/>	
<b>Total Worksheet Score</b> (case type + patient injury + offense factors)		<input type="text"/>	

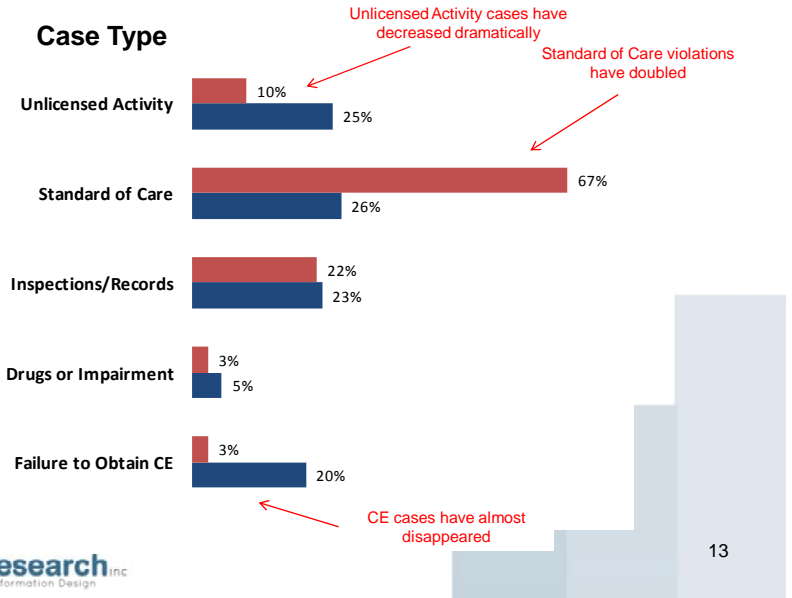
  

SCORE	Sanctioning Recommendations	Monetary Penalty Recommendations
0-49	No Sanction/Reprimand/Monetary Penalty/CE	Up to \$500
50-79	Monetary Penalty/CE/Inspection	\$200 to \$1000
80-129	Monetary Penalty/Inspection/Treatment/Monitoring	\$300 to \$2000
130-199	Treatment/Monitoring/Recommend Formal or Accept Surrender	\$1000 to \$2000
200 or more	Recommend Formal or Accept Surrender	\$2000 or more



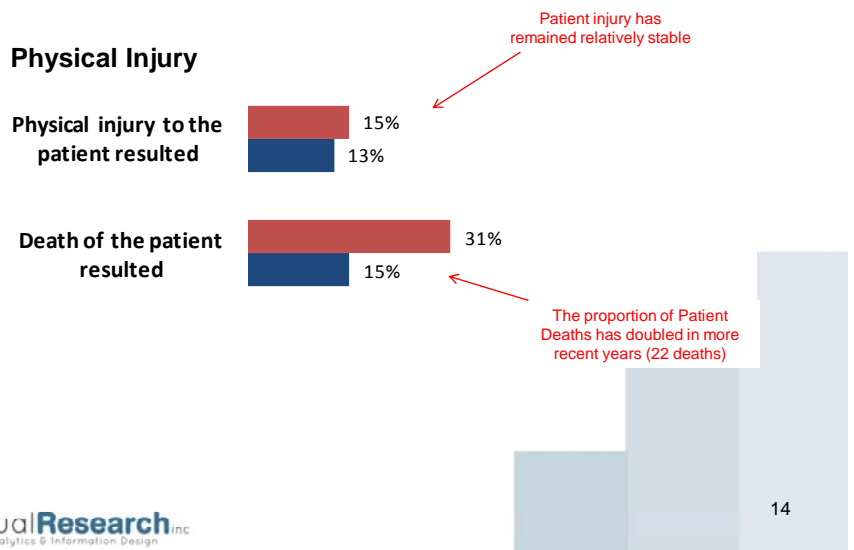
## A Comparison of Case Type

Completed SRP Worksheets  
2008 Sample



## A Comparison of Case Type

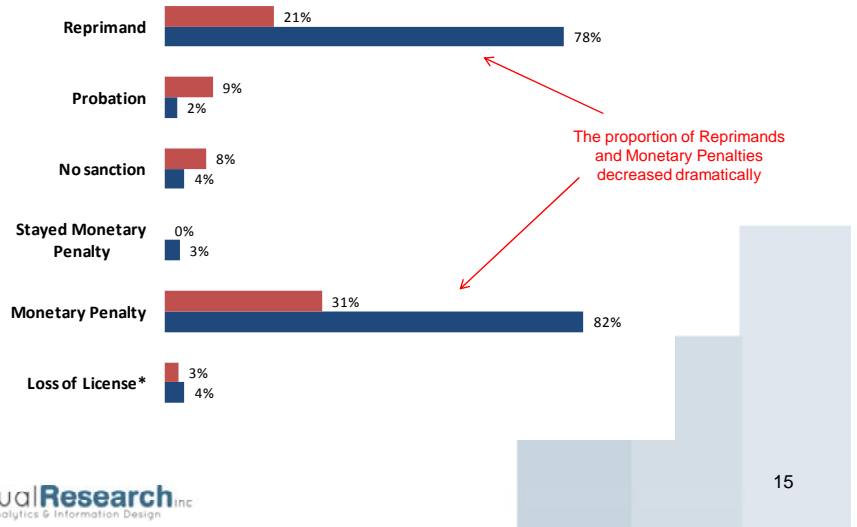
Completed SRP Worksheets  
2008 Sample



## A Comparison of Case Type

Completed SRP Worksheets  
2008 Sample

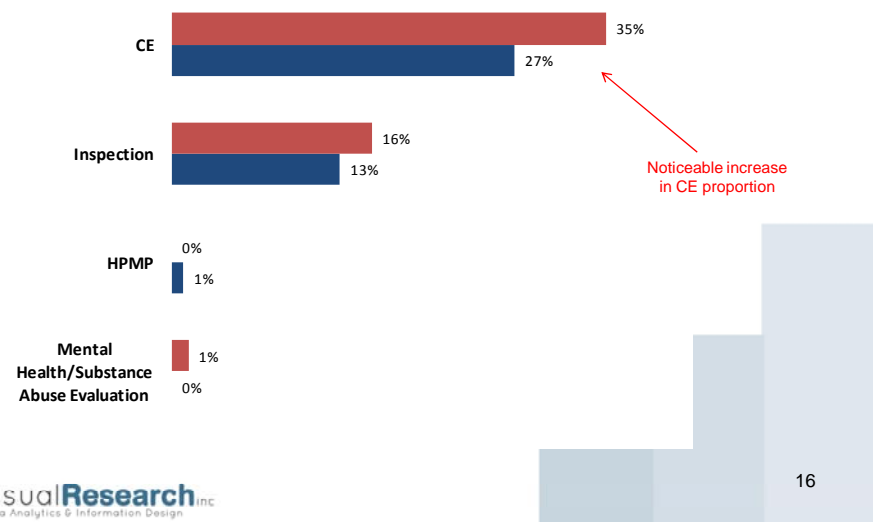
### Vet Med Sanctions Handed Down



## A Comparison of Case Type

Completed SRP Worksheets  
2008 Sample

### Terms Handed Down



# New Guidance on Vet Case Discipline

1. Guidance document: 150-8 , Adopted: May 17, 2012

Establishes pre-defined sanctions for Practicing on an Expired License

2. Guidance Document: 150-11, Revised: June 3, 2013

Establishes pre-defined sanctions for Failure to Complete CE

What effect did these changes have on Sanctioning Reference Points?



## Virginia Department of Health Professions Sanctioning Reference Points (SRP) Agreement Analysis Data through December 31, 2014

Board	Start Date	Completed Worksheets	Agreement		Aggravating Departures		Mitigating Departures		Agreement by Board
			#	%	#	%	#	%	
Medicine	Aug-04	211	152	72%	8	4%	51	24%	Medicine  72%
Nursing	Jul-05	1196	907	76%	244	20%	45	4%	Nursing  76%
CNA	Jul-05	703	674	96%	16	2%	13	2%	CNA  96%
RMA	Jun-13	18	17	94%	1	6%			RMA  94%
Dentistry	Jun-06	171	141	83%	16	9%	14	8%	Dentistry  83%
Funeral	May-07	28	22	79%	1	4%	5	18%	Funeral  79%
Vet. Medicine	May-07	75	60	80%	11	15%	4	5%	Vet. Medicine  80%
Pharmacy	Nov-07	85	63	74%	3	4%	19	22%	Pharmacy  74%
Optometry	Dec-08	10	9	90%	1	10%			Optometry  90%
Social Work	Jun-09	9	4	44%	2	22%	3	33%	Social Work  44%
Psychology	Jun-09	8	6	75%			2	25%	Psychology  75%
Counseling	Jun-09	9	8	89%			1	11%	Counseling  89%
Physical Therapy	Nov-09	4	3	75%	1	25%			Physical Therapy  75%
Long-Term Care	Mar-10	6	3	50%			3	50%	Long-Term Care  50%
Audiology	Jun-10	1	1	100%					Audiology  100%
<b>DHP Total</b>		<b>2534</b>	<b>2070</b>	<b>82%</b>	<b>304</b>	<b>12%</b>	<b>160</b>	<b>6%</b>	<b>DHP Total  82%</b>

# Agency wide SRP Training

Consider public training seminar for attorneys or others

<u>Board</u>	<u>Last Trained</u>
Nursing	November 2013
Physical Therapy	August 2010
Vet Med	October 2010
Optometry	November 2010
Dentistry	December 2010
ASLP	October 2010
Pharmacy	December 2010
Funeral	April 2011
Medicine	February 2004
Behavioral Sciences	April & June 2009
LTC	Untrained
Public Training	September 2011
Enforcement/APD	-----

## Trainings to Come

March 25, 2014

May 2014

19

# Automated Worksheet Development

CNAs Only Worksheet		Board of Nursing - Adopted 3/22/11	
<b>Sanctioning Scoring Factors</b>		<b>Sanction Grid</b>	
<b>Case Type Score (auto fill)</b>	<b>Points</b>	<b>Score</b>	<b>Sanction</b>
a. Abuse or Neglect, With injury	70	0 - 49	No Sanction
b. Impairment	50		Reprimand
c. Inappropriate Relationship	50	50 - 79	Probation
d. Misappropriation of Property	30		Terms
e. Abuse or Neglect, Without Injury	30		Recommend Formal
f. Verbally Inappropriate	10		Finding of Abuse/Neglect/Misappropriation
g. Standard of Care	10	80 and up	Revocation or Suspension with or without Finding of Abuse/Neglect/Misappropriation
h. Fraud	10		Recommend Formal
	<b>Case Type Score</b>		Finding of Abuse/Neglect/Misappropriation
			Revocation or Suspension with or without Finding of Abuse/Neglect/Misappropriation
<b>Offense and Respondent Score (score all that apply)</b>	<b>Points</b>		
a. Significant and substantial danger to the public	30		
b. Impaired at the time of the incident	30		
c. Financial or material gain	20		
d. Certificate ever taken away by any jurisdiction (including VA)	10		
e. Concurrent criminal conviction	10		
f. Act of commission	10		
g. Two or more concurrent founded cases	10		
h. Patient especially vulnerable	10		
	<b>Offense and Respondent Score</b>		
	<b>Total Worksheet Score (Case Type + Offense and Respondent)</b>		
	<b>Respondent Name</b>		

Questions?

# Sanctioning Reference Points Progress Report

February 25, 2014

Prepared for:  
Department of Health Professions  
Board of Health Professions

Neal Kauder, President  
804.794.3144  
vis-res.com

 **VisualResearch** inc  
Data Analytics & Information Design