Virginia Department of
Health Professions
Board of Health Professions

Board of Health Professions
Full Board Meeting

August 20, 2020 at 11:00 a.m.
Virtual WebEx Meeting

DRAFT

9960 Mayland Dr, Henrico, VA 23233

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the provisions of Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda necessary for the board to discharge its lawful purposes, duties and responsibilities

An audio file of this meeting may be found here.

In Attendance

Virtual- Sahil Chaudhary, Citizen Member
Virtual- Helene Clayton-Jeter, OD, Board of Optometry
Virtual- Kevin Doyle, EdD, LPC, LSATP, Board of Counseling
Virtual- Louise Hershkowitz, CRNA, MSHA, Board of Nursing
In-Person- Allen Jones, Jr., DPT, PT, Board of Physical Therapy, Board Chair
Virtual- Derrick Kendall, NHA, Board of Long-Term Care Administrators
Virtual- Ryan Logan, RPh, Board of Pharmacy
Virtual- Kevin O'Connor, MD, Board of Medicine
Virtual- Martha Rackets, PhD, Citizen Member
Virtual- John Salay, MSW, LCSW, Board of Social Work
Virtual- Herb Stewart, PhD, Board of Psychology
In-Person- James Wells, RPh, Citizen Member

Absent

Sheila E. Battle, MHS, Citizen Member
Louis Jones, FSL, Board of Funeral Directors and Embalmers
Steve Karras, DVM, Board of Veterinary Medicine
Alison King, PhD, CCC-SLP, Board of Audiology & Speech-Language
Maribel Ramos, Citizen Member
Vacant-Board of Dentistry

DHP Staff

Virtual- Barbara Allison-Bryan, MD, Deputy Director DHP
Virtual- David Brown, DC, Director DHP
In-Person- Elizabeth A. Carter, PhD, Executive Director BHP
Virtual- Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing
In-Person- Laura Jackson, MSHSA, Operations Manager BHP
Virtual- Yetty Shobo, PhD, Deputy Executive Director BHP

DHP Staff Cont'd.

Virtual- Corie E. Tillman-Wolf, JD, Executive Director Boards of Funeral Directors and Embalmers, Long-Term Care Administrators and Physical Therapy

Virtual- Elaine Yeatts, Senior Policy Analyst DHP

OAG

Virtual- Charis Mitchell, Assistant Attorney General

Virtual Attendees

Ashley Wright
Baron Glassgow
Ben Traynham
C. Barrineau
James Pickral
Jo Twombly
Lauren Schmitt
Marie Rodgriguez
Mark
Melika Zand
Sarah Giardenelli
Sheila
Traci Hobson
Unidentified Call-in User 11
Unidentified Call-in User 12
Unidentified Call-in User 13
Unidentified Call-in User 7
Unidentified Call-in User 8

Call to Order

Dr. Jones, Jr., Board Chair
Time: 11:04 a.m.
Quorum: Established

Agenda

The agenda was approved by acclamation as presented.

Public Comment

No public comment was received by the Board office prior to the August 19, 2020 5:00 p.m. deadline.

Approval of Minutes

On properly seconded motion by Dr. Clayton-Jeter, the minutes from the June 25, 2020 meeting were approved as presented.

Director's Report

Dr. Brown stated that the Department has held several virtual meetings since the onset of COVID-19 and the closing of the Perimeter Center Building to the public. DHP is following government mandated protocols to keep individuals safe and leveraging teleworking to the extent possible. The Enforcement and APD divisions and the Boards are keeping abreast of the incoming cases and disciplinary hearings.

Legislative and Regulatory Report

Ms. Yeatts provided an overview of current legislative and regulatory actions. She also noted that the change made to the Boards Bylaws (Guidance document 75-4) are effective today.

Board Chair Report

Dr. Jones, Jr., thanked Dr. Stewart for filling in as Chair for the June 25, 2020 meeting. He thanked staff for all their efforts in keeping the boards up and running during this pandemic. He noted that the Fall election of officers will usher in the new position of 2nd Chair.

Board Study Into the Need to Regulate Diagnostic Medical Sonographer

Mr. Wells provided an overview of the Diagnostic Medical Sonographer study findings. He advised that after reviewing the study materials that the Regulatory Research Committee deemed that Criterion One: Risk for Harm to the Consumer was not met. There was insufficient evidence of harm attributable to the practice of diagnostic medical sonography by individuals credentialed to justify their regulation by the state. However, the Regulatory Research Committee did have concern about the use of 3-D ultrasound medical devices by unlicensed people taking "Keepsake" fetal sonograms. This matter is being referred to the full Board for further discussion.

Motion: Dr. Doyle moved and Dr. O'Connor seconded acceptance of the Regulatory Research Committee's findings.
Discussion and Amended Motion: Upon discussion, an amendment was made to the original motion to table the discussion of the fetal imaging concerns to the November 10, 2020 agenda. The motion was properly seconded, all members voted in favor, none opposed.

Board Study into the Need to Regulate Naturopathic Doctors

Mr. Wells provided an overview of the Naturopathic Doctor study findings. He stated that the Committee found sufficient evidence of all six criterion and recommended, under criterion seven, licensure of the profession. The Committee requested that the scope of practice include physical exams, ordering lab tests and interpretation of lab tests, ordering x-rays or other videography but with the interpretation by another qualified practitioner. Further, there should be no prescriptive authority for legend drugs. The profession should be regulated under the Board of Medicine. Also, lay practitioners who are not licensed under this chapter should not be precluded from (i) providing natural health consulting on Ayurvedic medicine, traditional naturopathic therapies, herbalism, nutritional advice, or homeopathy, or (ii) from selling vitamins and herbs, provided the person or lay practitioner does not use any title prohibited under § 54.1-2956.14.

A motion to approve the Committees recommendations was made by Mr. Salay and properly seconded.

After discussion and review of the Criteria, the Board voted on the Committee's recommendations. Five members (Dr. Doyle, Ms. Hershkowitz, Mr. Salay, Dr. Rackets, and Mr. Wells) were in favor of licensure, six members (Dr. O'Connor, Dr. Clayton-Jeter, Mr. Logan, Dr. Jones, Jr., Dr. Stewart, Mr. Chaudhary) opposed licensure. The motion failed.

Executive Director's Report

Due to time constraints, Dr. Carter requested that the Executive Director's Report be carried over to the November 10, 2020 meeting.

Healthcare Workforce Data Center

Due to time constraints, Dr. Carter requested that the Healthcare Workforce Data Center report also be carried over to the November 10, 2020 meeting.

Individual Board Reports

Board of Medicine - Dr. O'Connor stated that the Board cancelled all June meetings and had just recently begun board hearings. He provided that disciplinary hearings are stacking up so the October meeting
(hopefully to be held in person) will have a full schedule to include informal conferences. Dr. O'Connor commended Board staff for keeping up with credentialing of the boards professions.

Board of Nursing - Ms. Hershkowitz (Attachment 2)

Board of Optometry - Dr. Clayton-Jeter (Attachment 3)

Board of Audiology & Speech-Language Pathology - no report

Board of Counseling - Dr. Doyle (Attachment 4)

Board of Funeral Directors & Embalmers - no report

Board of Long-Term Care Administrators - no report

Board of Pharmacy - Mr. Logan reported that the Board of Pharmacy held a virtual meeting and public hearing on June 16, 2020. He stated that the Board is receiving approximately 100 applications for registered patients weekly.

Board of Psychology - Dr. Stewart (Attachment 5)

Board of Social Work - Mr. Salay (Attachment 6)

Board of Physical Therapy - Dr. Jones, Jr. (Attachment 7)

Board of Veterinary Medicine - no report

Board of Dentistry - vacant

New Business There was no new business.

Next Full Board Meeting Dr. Jones, Jr. advised the Board that the next meeting is scheduled for November 10, 2020 at 10:00 a.m.

Adjourned The meeting adjourned at 1:26 p.m.

Vice Chair Signature Allen Jones, Jr., DPT
_____ ____/____/____

Board Exec. Director Signature Elizabeth A. Carter, PhD
_____ ____/____/____

Legislation Assigned to DHP in the Special Session of the General Assembly

SB 5070 Nurse practitioners; practice without a practice agreement.

Introduced by: **Jennifer A. Kiggans** |

SUMMARY AS INTRODUCED:

Nurse practitioners; practice without a practice agreement. Reduces the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement from five years to two years.

HB 5057 Health care providers, certain; licensure or certification by endorsement.

Introduced by: **Nicholas J. Freitas** |

SUMMARY AS INTRODUCED:

Certain health care providers; licensure or certification by endorsement. Requires the Board of Health to issue a certification by endorsement to any applicant for certification as an emergency medical services provider who holds a valid, unrestricted licensure or certification as an emergency medical services provider under the laws of another state, the District of Columbia, or a United States possession or territory and, in the opinion of the Board of Health, meets the qualifications necessary for certification as an emergency medical services provider in the Commonwealth. The bill also requires the Board of Medicine to issue a license or certificate by endorsement to an applicant who holds a valid, unrestricted license or certificate under the laws of another state, the District of Columbia, or a United States territory or possession with which the Commonwealth has not established a reciprocal relationship upon endorsement by the appropriate board or other appropriate authority of such other states, the District of Columbia, or United States territory or possession and a determination by the Board of Medicine that the applicant's credentials are satisfactory to the Board of Medicine and the examinations and passing grades required by such other board or authority are fully equal to those required by the Board of Medicine.

Department of Health Professions
Current Regulatory Actions

Board | **Board of Audiology and Speech-Language Pathology**

Chapter		Action / Stage Information
[18 VAC 30 - 21]	Regulations Governing the Practice of Audiology and Speech-Language Pathology	Handling fee [Action 5491] Fast-Track - *Register Date: 8/31/20* [Stage 8909]

Board | **Board of Counseling**

Chapter		Action / Stage Information
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	Unprofessional conduct - conversion therapy [Action 5225] Proposed - *Register Date: 8/31/20* [Stage 8743]
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	Periodic review [Action 5230] Proposed - *At Secretary's Office* [Stage 8872]
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	Resident license [Action 5371] Proposed - *Register Date: 9/14/20* [Stage 8897]
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	Handling fee - returned check [Action 5436] Fast-Track - *Register Date: 8/31/20* [Stage 8832]
[18 VAC 115 - 40]	Regulations Governing the Certification of Rehabilitation Providers	Periodic review [Action 5305] Proposed - *Register Date: 9/14/20* [Stage 8908]
[18 VAC 115 - 80]	Regulations Governing the Registration of Qualified Mental Health Professionals	Registration of QMHP-trainees [Action 5444] Fast-Track - *Register Date: 9/14/20* [Stage 8843]

Board | **Board of Dentistry**

Chapter		Action / Stage Information

[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Waiver for e-prescribing [Action 5382] Emergency/NOIRA - *Register Date: 12/23/19* [Stage 8755]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Amendment to restriction on advertising dental specialties [Action 4920] Proposed - *At Governor's Office* [Stage 8500]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Administration of sedation and anesthesia [Action 5056] Proposed - *Register Date: 9/14/20* [Stage 8502]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Technical correction [Action 5198] Fast-Track - *At Governor's Office* [Stage 8622]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Handling fee/returned check [Action 5451] Fast-Track - *Register Date: 8/31/20* [Stage 8855]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Change in renewal schedule [Action 4975] Final - *Register Date: 7/20/20* [Stage 8853]
[18 VAC 60 - 25]	Regulations Governing the Practice of Dental Hygiene	Protocols for remote supervision of VDH and DBHDS dental hygienists [Action 5323] Proposed - *Register Date: 9/14/20* [Stage 8854]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Training in infection control [Action 5505] NOIRA - *At Secretary's Office* [Stage 8932]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Education and training for dental assistants II [Action 4916] Proposed - *Register Date: 1/20/20* [Stage 8508]

Board **Board of Funeral Directors and Embalmers**

Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Results of periodic review [Action 5165] Final - *At Secretary's Office* [Stage 9020]
[18 VAC 65 - 30]	Regulations for Preneed Funeral Planning	Periodic review 2018 [Action 5220] Final - *At Secretary's Office* [Stage 9021]
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	Periodic review 2019 [Action 5221] Proposed - *At Governor's Office* [Stage 8787]

Board **Board of Long-Term Care Administrators**

Chapter		Action / Stage Information
[18 VAC 95 - 15]	Regulations Governing Delegation to an Agency Subordinate [under development]	Replacement of section from Chapter 20 on delegation to an agency subordinate [Action 5465] Fast-Track - *At Governor's Office* [Stage 8873]
[18 VAC 95 - 30]	Regulations Governing the Practice of Assisted Living Facility Administrators	Recommendations of RAP on qualifications for licensure [Action 5471] NOIRA - *At Secretary's Office* [Stage 8883]

Board **Board of Medicine**

Chapter		Action / Stage Information
[18 VAC 85 - 20]	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic	Conversion therapy [Action 5412] NOIRA - *Register Date: 8/31/20* [Stage 8797]
[18 VAC 85 - 21]	Regulations Governing Prescribing of Opioids and Buprenorphine	Waiver for e-prescribing of an opioid [Action 5355] Proposed - *Register Date: 9/14/20* [Stage 8840]
[18 VAC 85 - 40]	Regulations Governing the Practice of Respiratory Therapists	CE credit for specialty examination [Action 5486] Fast-Track - *Register Date: 8/31/20* [Stage 8902]
[18 VAC 85 - 50]	Regulations Governing the Practice of Physician Assistants	Practice with patient care team physician [Action 5357] Proposed - *Register Date: 8/31/20* [Stage 8839]
[18 VAC 85 - 160]	Regulations Governing the Registration of Surgical Assistants and Surgical Technologists	Licensure of surgical assistants [Action 5580] Final - *AT Attorney General's Office* [Stage 9039]

Board **Board of Nursing**

Chapter		Action / Stage Information
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	Unprofessional conduct - conversion therapy [Action 5430] NOIRA - *Register Date: 8/31/20* [Stage 8826]
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	Name tag requirement for foreign graduates [Action 5479] Fast-Track - *Register Date: 8/31/20* [Stage 8891]

[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	Registration of clinical nurse specialists [Action 5306] Final - *At Secretary's Office* [Stage 9023]
[18 VAC 90 - 26]	Regulations for Nurse Aide Education Programs	Implementing Result of Periodic Review [Action 5157] Proposed - *Register Date: 9/14/20* [Stage 8837]
[18 VAC 90 - 27]	Regulations Governing Nursing Education Programs	Use of simulation [Action 5402] Proposed - *DPB Review in progress* [Stage 9024]
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	Unprofessional conduct/conversion therapy [Action 5441] NOIRA - *Register Date: 8/31/20* [Stage 8838]
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	Autonomous practice [Action 5132] Final - *Register Date: 6/22/20* [Stage 8907]
[18 VAC 90 - 40]	Regulations for Prescriptive Authority for Nurse Practitioners	Waiver for electronic prescribing [Action 5413] Proposed - *AT Attorney General's Office* [Stage 9038]
[18 VAC 90 - 50]	Regulations Governing the Licensure of Massage Therapists	(E) Conformity to 2020 legislation [Action 5569] Final - *Register Date: 8/31/20* [Stage 9025]

Board **Board of Optometry**

Chapter		Action / Stage Information
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	Waiver for e-prescribing [Action 5438] Emergency/NOIRA - *Register Date: 9/14/20* [Stage 8834]
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	Repeal of professional designation rules and fees [Action 5426] Fast-Track - *Register Date: 9/14/20* [Stage 8819]

Board **Board of Pharmacy**

Chapter		Action / Stage Information
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Use of medication carousels and RFID technology [Action 5480] NOIRA - *Register Date: 9/14/20* [Stage 8892]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Delivery of dispensed prescriptions; labeling [Action 5093] Proposed - *Register Date: 2/3/20* [Stage 8779]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Handling fee [Action 5519] Fast-Track - *At Secretary's Office* [Stage 8953]

[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Prohibition against incentives to transfer prescriptions [Action 4186] Final - *At Governor's Office* [Stage 7888]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Increase in fees [Action 4938] Final - *At Governor's Office* [Stage 8777]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Brown bagging and white bagging [Action 4968] Final - *At Secretary's Office* [Stage 8947]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Placement of chemicals in Schedule I [Action 5517] Final - *Register Date: 7/6/20* [Stage 8951]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Scheduling for conformity to DEA scheduling [Action 5518] Final - *Register Date: 7/6/20* [Stage 8952]
[18 VAC 110 - 21]	Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians	CE credit for volunteer hours [Action 5546] Fast-Track - *At Secretary's Office* [Stage 8986]
[18 VAC 110 - 50]	Regulations Governing Wholesale Distributors, Manufacturers and Warehousers	Delivery of Schedule VI prescription devices [Action 5084] Final - *At Secretary's Office* [Stage 8950]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Prohibition of products for vaping or inhalation with vitamin E acetate [Action 5452] Emergency/NOIRA - *Register Date: 8/31/20* [Stage 8856]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Registered agents and wholesale distribution [Action 5398] Proposed - *At Secretary's Office* [Stage 8948]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Conforming to 2020 legislation [Action 5545] Final - *Register Date: 8/31/20* [Stage 8985]

Board **Board of Physical Therapy**

Chapter		Action / Stage Information
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Implementation of the Physical Therapy Compact [Action 5362] Proposed - *Register Date: 8/31/20* [Stage 8898]

[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Practice of dry needling [Action 4375] Final - *Register Date: 9/14/20* [Stage 8723]
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Renewal fee reduction [Action 5589] Final - *AT Attorney General's Office* [Stage 9052]
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Periodic review [Action 5228] Final - *At DPB* [Stage 9053]

Board **Board of Psychology**

Chapter		Action / Stage Information
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Implementation of Psychology Interstate Compact [Action 5567] Emergency/NOIRA - *At Secretary's Office* [Stage 9019]
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Unprofessional conduct/conversion therapy [Action 5218] Proposed - *Register Date: 8/31/20* [Stage 8802]
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Result of Periodic Review [Action 4897] Final - *At Governor's Office* [Stage 8899]

Board **Board of Social Work**

Chapter		Action / Stage Information
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	Unprofessional conduct/practice of conversion therapy [Action 5241] Proposed - *Register Date: 8/31/20* [Stage 8763]
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	Correction to qualification for LBSW licensure [Action 5494] Fast-Track - *Register Date: 8/31/20* [Stage 8912]

VIRGINIA BOARD OF HEALTH PROFESSIONS

BYLAWS

ARTICLE I. Name.

This body shall be known as the Virginia Board of Health Professions as set forth in the *Code of Virginia* Chapter 25, Title 54.1, Subtitle III, hereinafter referred to as the Board.

ARTICLE II. Powers and Duties.

The powers and duties of the Board (§54.1-2510 *Code of Virginia*) are:

1. To evaluate the need for coordination among the health regulatory boards and their staffs and report its findings and recommendations to the Director (of the Department of Health Professions) and the boards (within the Department of Health Professions);

2. To evaluate all health care professions and occupations in the Commonwealth, including those regulated and those not regulated by other provisions of Title 54.1, Subtitle III, *Code of Virginia*, to consider whether each such profession or occupation should be regulated and the degree of regulation to be imposed. Whenever the Board determines that the public interest requires that a health care profession or occupation which is not regulated by law should be regulated, the Board shall recommend to the General Assembly a regulatory system to establish the appropriate degree of regulation;

3. To review and comment on the budget for the Department;

4. To provide a means of citizen access to the Department;

5. To provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities;

6. To monitor the policies and activities of the Department, serve as a forum for resolving conflicts among the health regulatory boards and between the health regulatory boards and the Department and have access to Departmental information;

7. To advise the Governor, the General Assembly and the Director on matters relating to the regulation or deregulation of health care professions and occupations;

8. To make bylaws for the government of the Board of Health Professions and the proper fulfillment of its duties under Chapter 25 of the *Code of Virginia*;

9. To promote the development of standards to evaluate the competency of the professions and occupations represented on the Board of Health Professions;

10. To review and comment, as it deems appropriate, on all regulations promulgated or proposed for issuance by the health regulatory boards under the auspices of the Department. At least one member of the relevant Board shall be invited to present during any comments by the Board on proposed board regulations;

11. To review periodically the investigatory, disciplinary and enforcement processes of the Department and the individual boards to ensure the protection of the public and the fair and equitable treatment of health professionals;

12. To examine the scope of practice conflicts involving regulated and unregulated professions and advise the health regulatory boards and the General Assembly of the nature and degree of such conflicts;

13. To receive, review, and forward to the appropriate health regulatory board any departmental investigative reports related to complaints of violations by practitioners to Chapter 24.1 (§54.1-2410 et seq.) of the *Code of Virginia*, entitled "Practitioner Self-Referral Act.";

14. To determine compliance with and violations of and grant exceptions to the prohibitions set forth in the "Practitioner Self-Referral Act" (Chapter 24.1 §54.1-2410 et seq. of the *Code of Virginia*); and

15. To take appropriate actions against entities, other than practitioners as defined in §54.1-2410 et seq. of the *Code of Virginia*, for violations of the "Practitioner Self-Referral Act."

ARTICLE III. Members.

1. The membership of the Board shall be the persons appointed by the Governor of the Commonwealth as set forth in the *Code of Virginia* (§54.1-2507).

2. Members of the Board shall attend all regular and special meetings of the Board unless prevented by illness or other unavoidable cause.

ARTICLE IV. Officers and Election.

1. The Officers of the Board shall be the Chair, the First Vice Chair, and the Second Vice Chair.

2. The Officers shall be elected by the Board members at the Annual Meeting of the Board

each fall.

3. The term of office shall be for the next calendar year following the election, or until the successor shall be elected as herein provided.

4. A vacancy occurring in any elected position shall be filled by the Board at the next meeting.

ARTICLE V. Duties of Officers.

1. The Chair shall preside at all meetings of the Board; appoint all committees, except as where specifically provided by law; call special meetings; and perform duties as prescribed by parliamentary authority.

2. The First Vice Chair shall act as Chair in the absence of the Chair, and the Second Vice Chair shall act in the absence of both the Chair and the First Vice Chair.

ARTICLE VI. Executive Committee.

1. This Committee shall consist of the Officers.

2. The Committee shall review matters of interest to the Board and may make recommendations to the Board.

3. The Chair of the Board shall be the Chair of the Committee.

ARTICLE VII. Committees.

1. The Chair may appoint committees as necessary to assist in fulfilling the duties of the Board.

2. The committees shall be advisory to the Board and shall offer recommendations to the Board for final action.

ARTICLE VIII. Meetings.

1. The Board shall meet at least one time per year on a date at the discretion of the Board.

2. Special meetings shall be called by the Chair or by written request to the Chair of any three members of the board, provided that there is at least seven days' notice given to Board members.

3. A quorum for any Board meeting shall consist of a majority of the members of the board. A quorum for any committee shall consist of a majority of committee members. No member shall vote by proxy.

4. A majority vote of the members present shall determine all matters at any meeting, regular or special, unless otherwise provided herein.

5. Members shall attend all scheduled meetings of the Board and committees to which they serve. In the event of two consecutive absences at any meeting of the Board or its committees, the Chair shall make a recommendation to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

ARTICLE IX. Parliamentary Authority.

The rules contained in the current edition of Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules the Board may adopt and any statutes applicable to the Board.

ARTICLE X. Amendment of Bylaws.

The bylaws may be amended at any meeting of the Board by an affirmative vote of two-thirds of the members present, provided the proposed amendment was distributed to all members of the Board at least 30 days in advance.

Virginia Board of Nursing
Report to the Board of Health Professions Meeting
August 20, 2020

The Board of Nursing resumed "in person" hearings July 21, 2020. It continues to conduct hearings in person, with carefully managed public health precautions. The Board will initiate virtual Business Meetings in October.

The National Council of State Boards of Nursing (NCSBN) held a virtual Delegate Assembly on August 12, 2020. Marie Gerardo, First Vice-President of the Board and I served as Virginia's Delegates. The Assembly approved a revised APRN (Advanced Practice Registered Nurse) Compact, with the hope of having seven states approve it, which will allow it to move forward. As BHP members may be aware, the Nurse Licensure Compact, which provides for multi-state licensure of RNs and LPNs is currently in effect in 33 states, including Virginia, with more states pending legislative approval.

Of significant note, Jay P. Douglas, Executive Director of the Virginia Board of Nursing was elected President-Elect of NCSBN, taking office on August 12, 2020 for a two-year term before becoming President. Ms. Douglas has previously served on the NCSBN Board of Directors as Region III Director.

Respectfully submitted,

Louise Hershkowitz, CRNA, MSHA

Attachment 3

Virginia Board of Optometry
Board of Health Professions Meeting
August 20, 2020

Statistics

Last board meeting held on July 17, 2020. Next board meeting scheduled for October 16, 2020.

Complaints

FY2017	FY2018	FY2019	FY2020
Received - 36	Received - 42	Received - 29	Received - 35

Licenses

Y-T-D as of 02/20/19

Total – 1,989	TPA – 1,642	DPA – 87	Professional Designations - 260

Activities of the Board:

- Board staff is 100% teleworking. Licensing staff shifted to paperless licensure files. Discipline staff has shifted to paperless activities wherever possible and just implemented SharePoint. Board members are now able to access electronic case discipline files on a shared, secure platform.
- Regulatory action to repeal Professional Designations is awaiting publication for public comment.
- Regulatory action for e-prescribing waiver is awaiting publication for public comment. To date only four waiver requests have been received and granted.
- During the Board's July meeting, the following actions were taken:
    - Voted to forgo CE audit for previous licensure period due to the pandemic and staff resources. The Board took no action to adjust the CE requirements for the current licensure period. Although the regulations require real-time, interactive activities where the presenter and the licensee must be able interact, the Board discussed that the requirements are written in a manner to permit virtual activities.
    - Voted to resubmit legislation to "clean-up" Optometry statue to remove outdated language.
    - Voted to handle requests for waiver of experience requirements for the spouse of active duty military or veteran on a case-by-case basis by the Executive Director in consultation with the Board's President.
    - Voted to adopt the 2020 Healthcare Workforce Data Center Survey.
    - Voted to adopt a telemedicine guidance document which will be published for public comment before becoming effective.
    - Voted to convene the TPA-Formulary Committee to review 18VAC105-20-47(A)(2), Topically Administered Schedule VI Agents, of the regulations and make recommendations to the Board at its next meeting.
- The Federal Contact Lens Rule is being amended to require documentation that a patient received a copy of his/her contact lens prescription. In addition, new requirements will apply to contact lens sellers. Once an effective date is known, the Board will need to review the amendments for possible regulatory changes.

Virginia Department of
Health Professions
Board of Counseling

Attachment 4

Counseling Monthly Snapshot for June 2020

Counseling has closed more cases in June than received cases. Counseling has closed 21 patient care cases and 9 non-patient care cases for a total of 30 cases.

Cases Closed	
Patient Care	21
Non-Patient Care	9
Total	**30**

The board has received 15 patient care cases and 11 non-patient care cases for a total of 26 cases.

Case Received	
Patient Care	15
Non-Patient Care	11
Total	26

As of June 31, 2020 there are 119 patient care cases open and 71 non-patient care cases open for a total of 190 cases.

Case Open	
Patient Care	119
Non-Patient Care	71
Total	**190**

There are 35823 Counseling licensees as of July 1, 2020. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Certified Substance Abuse Counselor	1972
Licensed Marriage and Family Therapist	938
Licensed Professional Counselor	6562
Qualified Mental Health Prof-Adult	7924
Qualified Mental Health Prof-Child	7042
Registered Peer Recovery Specialist	313
Rehabilitation Provider	192
Resident In Counseling	4181
Resident in Marriage and Family Therapy	224
Resident in Substance Abuse Treatment	9
Substance Abuse Counseling Assistant	280
Substance Abuse Trainee	2034
Substance Abuse Treatment Practitioner	307
Trainee for Qualified Mental Health Prof	3845
Total for Counseling	**35823**

There were 555 licenses issued for Counseling for the month of June. The number of licenses issued are broken down by profession in the following chart.

License Issued	
Certified Substance Abuse Counselor	8
Licensed Marriage and Family Therapist	27
Licensed Professional Counselor	154
Pre-Education Review-Counseling	3
Qualified Mental Health Prof-Adult	65

Qualified Mental Health Prof-Child	45
Registered Peer Recovery Specialist	4
Resident In Counseling	71
Resident in Marriage and Family Therapy	2
Resident in Substance Abuse Treatment	1
Substance Abuse Counseling Assistant	7
Substance Abuse Trainee	21
Substance Abuse Treatment Practitioner	6
Trainee for Qualified Mental Health Prof	141
Total for Counseling	555

Current Licenses as of August 20, 2020	
Profession	**Current Licensees**
Certified Substance Abuse Counselor	1855
Licensed Marriage and Family Therapist	901
Licensed Professional Counselor	6518
Certified Rehab Counselor	193
Qualified Mental Health Prof-Adult	7076
Qualified Mental Health Prof-Child	5663
Registered Peer Recovery Specialist	280
Resident In Counseling	4175
Resident in Marriage and Family Therapy	231
Resident in Substance Abuse Treatment	9
Substance Abuse Counseling Assistant	238
Substance Abuse Trainee	2040
Substance Abuse Treatment Practitioner	298
Trainee for Qualified Mental Health Prof	4064
Total for Counseling	**35,541**

Regulatory Changes

Section	Change	Stage
18VAC115-20	Handling Fee – Returned Check	Fast Track; Register date - 8/31/20
18VAC115-20	Periodic Review for Professional Counseling	Proposed: At the Secretary's Office
18VAC115-40	Periodic Review for Certified Rehab Providers	Proposed: Register Date – 9/14/2020
18VAC115-20	Resident License: Regulations implement the statutory mandate for issuance of a temporary license for a residency in counseling. The amendments set fees for initial and renewal of a resident license, qualifications for the issuance of a license and for its renewal, limitations on the number of times a resident may renew the temporary license, and a time limit for passage of the licensing examination. Amendments in Chapter 20 for professional counselors are duplicated in Chapter 50 for marriage and family therapists and in Chapter 60 of licensed substance abuse treatment practitioners.	Proposed: Register Date – 9/14/2020
18VAC115-20, 18 VAC115-30, 18VAC115-50, 18VAC115-60	Specify in Regulations that the standard of practice requiring persons licensed, certified or registered by the board to "Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare" precludes the provision of conversion therapy and to define what conversion therapy is and is not.	Proposed: Register Date: 8/31/2020
18VAC-115-80	Regulations governing the registration of QMHP trainees	Fast Track: Register Date -9/14/2020

Actions Taken in Response to Covid-19:
-Asked the Governor for a Waiver for the required internship hours as many of the sites were closed.

-We gave all licensees a one-year extension for CEs
-We began issuing Temporary licenses. As of today, we have issued 498 temporary LPC licenses and 131 LMFT licenses. The temporary license expire 9.8.2020 and the hope is that many of these individuals apply by endorsement.

On the horizon: The Secretary of the Commonwealth has appointed the Art Therapy Advisory Board so we will be planning to adopt regulations for the Governing of Art Therapists soon.

NEXT MEETING: August 21 2020

Virginia Department of
Health Professions
Board of Psychology

Psychology has closed more cases in June than received. Psychology has closed 10 patient care cases and 3 non-patient care cases for a total of 13 cases.

Cases Closed	
Patient Care	10
Non-Patient Care	3
Total	**13**

The board has received 6 patient care cases and 4 non-patient care cases for a total of 10 cases.

Cases Received	
Patient Care	6
Non-Patient Care	4
Total	10

As of June 30, 2020 there are 73 patient care cases open and 16 non-patient care cases open for a total of 89 cases.

Case Open	
Patient Care	73
Non Patient Care	16
Total	**89**

There were 131 licenses issued for psychology for the month of June. The number of licenses issued are broken down by profession in the following chart.

License Issued	
Clinical Psychologist	129
Resident in Training	1
School Psychology- Limited	1
Total for Psychology	**131**

Current Licenses as of August 20, 2020	
Profession	**Current Licenses**
Applied Psychologist	*28*
Clinical Psychologist	*3822*
Resident in School Psychology	*10*
Resident in Training	*798*
School Psychologist	*193*
School Psychologist-Limited	*569*
Sex Offender Treatment Provider	*426*
SOTP Trainee	*137*
Total for Psychology	***5883***

Regulatory Changes

Section	Change	Stage
18VAC125-20	The Board intends to specify in section 150 that the standard of practice requiring licensed psychologists to "avoid harming patients or clients, research participants, students and others for whom they provide professional services and minimize harm when it is foreseeable and unavoidable" includes the provision of conversion therapy and to define what conversion therapy is and is not. The goal is to align regulations of the Board with the stated policy and ethics for the profession.	Proposed Stage: Register Date: 8/31/2020
18VAC125-20	Periodic Review: The Board intends to update its regulations for consistency and clarity, reduce the regulatory hurdle for licensure by endorsement, increase the opportunities for continuing education credits, specify a time frame within which an applicant must have passed the national examination, and simplify the requirement for individual supervision in a residency. The Board will also consider requiring all psychology doctoral programs to be accredited by the American Psychological Association, the Canadian Psychologic Association or another accrediting body acceptable to the Board within three years of the effective date of the regulation. Finally, the Board intends to revamp its regulations on standards of conduct to emphasize rules for professionalism, confidentiality, client records, and prohibitions on dual relationships.	Final: At Governor's Office
18VAC125-20	Implementation of Psychology Interstate Compact Chapter 1162 of the 2020 Acts of the Assembly mandates membership of the Commonwealth of Virginia in the Psychology Interjurisdictional Compact and requires the Board to promulgate regulations to implement the provisions of the act to be effective within 280 days of enactment. Amendments add definitions consistent with the Compact and revise the standards of practice and the grounds for disciplinary action to ensure that they cover persons practicing with an E.Passport or temporary authorization to practice in Virginia through the Compact.	Emergency/NOIRA: At Secretary's Office

Actions Taken During Covid:

- Gave all licensees a one-year extension to complete CEs.
- We began issuing Temporary Licenses. As of today, we have issued 597 LCP licenses. These licenses expire on 9/8/2020 and we hope many will apply by endorsement.

On the Horizon:

- We are undergoing a periodic review of the Sex Offender Treatment Provider Regulations and will be holding a Regulatory Advisory Panel (RAP) on September 10, 2020 to discuss any changes to the regulations that will then be presented to the Regulatory Committee at its October 25, 2020 meeting.
- Changes to the EPPP

Next Meeting:
October 26, 2020

Social Work Monthly Snapshot for June 2020

Social Work has closed more cases in June than received. Social Work has closed 22 patient care cases and 11 non-patient care cases for a total of 33 cases.

Cases Closed	
Patient Care	22
Non-Patient Care	11
Total	**33**

The board has received 3 patient care cases and 4 non-patient care cases for a total of 7 cases.

Cases Received	
Patient Care	3
Non-Patient Care	4
Total	7

As of June 31, 2020 there are 41 patient care cases open and 12 non-patient care cases open for a total of 53 cases.

Case Open	
Patient Care	41
Non-Patient Care	12
Total	**53**

There were 182 licenses issued for social work for the month of June. The number of licenses issued are broken down by profession in the following chart.

License Issued	
Licensed Clinical Social Worker	131
Licensed Master's Social Worker	15
Registration of Supervision	36
Total for Social Work	**182**

Current Licenses as of August 20, 2020	
Profession	**Current Licenses**
Associate Social Worker	*1*
Licensed Baccalaureate Social Worker	*22*
Licensed Clinical Social Worker	*7359*
Licensed Master's Social Worker	*811*
LSW Supervision	*8*
Registered Social Worker	*8*
Registration of Supervision	*2608*
Total for Social Work	***10817***

Regulatory Changes

Section	Change	Stage
18VAC140-20	Unprofessional Conduct/Practice of Conversion Therapy	Proposed: Register Date: 8/31/2020
18VAC140-20	Correction to qualification for LBSW	Fast Track: Register Date: 8/31/2020

News Update:
The Board wants to focus on workforce issues and ensuring that any regulatory and policy changes protect the public but also ensure that the workforce needs are met. The Board is also discussing the LMSW in more detail to determine that it is in line with the ASWB model Act and promotes mobility.

Actions taken during Covid:

- Gave each licensee a year extension to complete CEs
- Issued Temporary licenses. As of today, we have issued 464 LCSW licenses. These licenses expire on 9/8/2020 and we hope many will apply by endorsement.

Also will be adding Music Therapists and an Advisory Board this year pursuant to recent legislation. As of today, the advisory board members have not been appointed.

Next Board Meeting:

September 25, 2020

Board of Physical Therapy

Last Meeting: August 11, 2020

Next Meeting: November 17, 2020

Updates:

- The Board convened a virtual business meeting on August 11, 2020. The Board discussed a number of issues and completed a number of action items:
    - The Board adopted final regulations resulting from a periodic review of the Board's practice regulations.
    - The Board considered revisions to two guidance documents as a result of some issues identified during the COVID pandemic. One of those guidance documents relating to Telehealth has been referred to the Legislative/Regulatory Committee for further review and recommendation.
    - The Board considered and approved a fee reduction for 2020 renewals.
    - The Board considered and approved an exemption to the CE requirements for licensees renewing in 2020.
    - The Board elected Dr. Allen R. Jones, Jr., PT, DPT, as President, and Dr. Mira Mariano, PT, PhD, as Vice President.

- The Board reviewed a Board Assessment Resource (BAR) tool created by the Federation of State Boards of Physical Therapy, which is a tool designed to help walk Boards through a self-assessment of their effectiveness in licensing and discipline operations and providing information to licensees and stakeholders.

- Since the Board's meeting on August 11th, there has been some movement on final regulations for the practice of dry needling by physical therapists. The regulations have been in process for the past 3.5 years. The regulations have a pending effective date of October 29, 2020, once the final comment period ends.