

**VIRGINIA BOARD OF HEALTH PROFESSIONS  
DEPARTMENT OF HEALTH PROFESSIONS  
FULL BOARD MEETING  
JULY 15, 2004**

**TIME AND PLACE:** The meeting was called to order at 12:25 p.m. on Thursday, July 15, 2004, 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, LCSW  
Lynne M. Cooper, Citizen Member, Board of Nursing  
Michelle R. Easton, R. Ph.  
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.  
Michael W. Ridenhour, Au.D.  
Harry S. Seigel, D.D.S.  
Mary M. Smith, L.N.H.A.  
Demis L. Stewart, Citizen Member  
John T. Wise, D.V.M.

**MEMBERS NOT PRESENT:** Janet Payne, Citizen Member  
Joanne Taylor, Citizen Member  
Lucia Anna Trigiani, Esq., Citizen Member  
Natale A. Ward, L.P.C.

**STAFF PRESENT:** Robert A. Nebiker, Agency Director  
Gail Jaspens, Deputy Agency Director  
Emily Wingfield, Assistant Attorney General  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Elaine Yeatts, Senior Regulatory Analyst  
Susan Stanbach, Senior Management Analyst  
Faye Lemon, Enforcement Division Director  
Sammy Johnson, Deputy Director of Enforcement  
Scotti Russell, R. Ph., Executive Director, Board of Pharmacy  
Ralph Orr, Board of Pharmacy  
William Harp, M.D., Board of Medicine  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** Beverley Soble, Virginia Health Care Association (VHCA)

**QUORUM:** With fourteen (14) members present, a quorum was established.

**BOARD MEMBER  
INTRODUCTION:**

The board members and staff introduced themselves.

**PUBLIC COMMENT:**

No public comment was presented.

**APPROVAL OF MINUTES:**

On properly seconded motion by Dr. Hettler, the Board voted unanimously to approve the minutes of the April 15, 2004 meeting as amended.

**DEPARTMENT  
DIRECTOR'S REPORT:**

Mr. Nebiker reported that three agency accomplishments for this administration had been posted to the Secretary's website. The three specific areas of accomplishment were: reform to the disciplinary process for healthcare practitioners, speedy investigation and adjudication of alleged misconduct and digital regulation for consumers and practitioners. The agency accomplishment information is incorporated into the minutes as Attachment 1.

Mr. Nebiker reported that the administration had begun the process of consolidating a number of systems for tracking agency accomplishments. In the future, all state agencies will be required to include their accomplishment information with their budget requests to the General Assembly. Mr. Nebiker stated that he had been asked to revise the agency mission statement and provide quantifiable objectives and measures for performance of the agency. The agency mission statement and its quantifiable objectives are incorporated into the minutes as Attachment 2.

Mr. Mayer requested that the Enforcement Committee review the issue of the Board of Medicine's case load and its resolution timeframe.

**EXECUTIVE DIRECTOR'S  
REPORT:**

Dr. Carter reported that she had conducted a brief new member board orientation prior to the meetings of the Board.

Dr. Carter requested that the Board members provide Carol Stamey with contact information for the Board roster.

Dr. Carter overviewed the Board's budget. It is incorporated into the minutes as Attachment 3.

**REVIEW OF  
LEGISLATION &  
REGULATORY  
PROPOSALS:**

Ms. Yeatts reported that the work had begun on the 2005 Legislative Proposals with a deadline of August 16, 2004 for submitting proposed legislation to the Secretary's Office. Further, that the proposed legislation must meet the Governor's priorities as well as meet the agency's initiatives and priorities.

Ms Yeatts also overviewed the current actions on regulations of the Department of Health Professions. A copy is incorporated into the minutes as Attachment 4.

**REGULATORY  
RESEARCH COMMITTEE:**

Assisted Living Directors

Ms. Smith reported that the Regulatory Research Committee had reviewed and approved the workplan with amendment to study the need to regulate assisted living administrators. The amendment expanded the workplan to review the relationship of the various state agencies who deal with assisted living-related issues in determining possible conflicts in roles. A public hearing is scheduled to be held on August 18, 2004.

Dialysis Patient Care Technicians

Ms. Smith reported that the Regulatory Research Committee had conducted a public hearing for the certification of dialysis technicians. No public comment was received.

**REPORT ON AGENCY  
PERFORMANCE &  
REVISIONS TO PRIORITY  
SYSTEM:**

Ms. Stanbach presented a review of the agency's performance in meeting case standards. A copy of the report is incorporated into the minutes as Attachment 5. Mr. Mayer requested that the report consist of raw numbers along with percentages.

Dr. Carter reported that the agency statistical reports were now posted on the agency's website.

Dr. Carter presented a brief overview of the revised case priority review system. A copy of the slide presentation is incorporated into the minutes as Attachment 6.

**PRESCRIPTION  
MONITORING  
CONFERENCE/BHP FALL  
ISSUES FORUM:**

Ralph Orr, Deputy Executive Director for the Board of Pharmacy, presented an update on the prescription monitoring program. He stated that the database had received 330,000 records regarding Schedule II prescriptions, and it is anticipated the program will soon double in size. Mr. Orr reported that the Prescription Monitoring Program Advisory Committee had met in June to review policy issues. The Committee made the following recommendations:

- expand the program to cover the entire state;
- increase coverage of prescriptions from Schedule II only to Schedule II through IV;
- remove the requirement for prescribers to send a copy of the patient's written consent;
- expand access to pharmacists, out of state prescribers, medical examiners, drug enforcement agency and the Health Practitioners Intervention Program;

- change the Code of Virginia to allow the Department's investigators and Medicaid's fraud investigators to have access to the program.

Mr. Orr stated that the Advisory Committee had also discussed the analysis of data maintained by the program, future funding, practitioner education and articles for posting in the various boards' newsletters.

With regard to the Fall Conference, Mr. Orr stated that a federal grant had been awarded which would cover the costs. The conference is scheduled for October 7-8, 2004 at the Omni Hotel in downtown Richmond. He encouraged board member attendance and noted that registration will begin the end of July.

**UPDATE ON SANCTION  
REFERENCE STUDY:**

Dr. Carter reported that the Board of Medicine's portion of the Sanction Reference Study had been completed. She stated that a point factor system had been developed through an analysis of the Board of Medicine's sanction decisions over a six year period. Further, she stated that a training manual had been developed for Board member reference in determining appropriate sanctions that could also be used in Board member training. Dr. Carter informed the Board that there will be a training session for the Attorney General's Office, Administrative Proceedings Division and any interested attorneys involved in healthcare on July 22<sup>rd</sup>. Further, new Board member training will be conducted on July 23<sup>rd</sup> and a presentation of the sanction reference methodology will be made at the upcoming Council on Licensure Enforcement and Regulation annual meeting in September. The Board of Medicine will begin implementation in August for Pre-Hearing Consent Orders and Informal Conferences.

Dr. Carter stated that the Board of Pharmacy's study was 99% complete, awaiting an opportunity for the full Board's final review. She also reported that the Board of Dentistry was reviewing the statistical analyses to determine the primary factors involved in their sanction decision-making. Further, the Board of Nursing's review had begun, with interviews being conducted through July and August with members, staff, and others.

**GENERAL HEALTH  
REGULATORY BOARD  
ISSUES: CONTINUING  
EDUCATION:**

Dr. Carter apprised the Board that the report would be mailed out to the Board members by the end of the August for discussion at the next Board meeting.

**BOARD REPORTS:**

**Board of Social Work**

Mr. Boehm presented the Board's written report and it is incorporated into the minutes as Attachment 7.

**Board of Nursing**

Ms. Cooper presented the Board's written report and it is incorporated into the minutes as Attachment 8.

**Board of Pharmacy**

Dr. Easton presented the Board's written report and it is incorporated into the minutes as Attachment 9.

**Board of Physical Therapy**

Mr. Howell presented the Board's written report and it is incorporated into the minutes as Attachment 10. Further, that the amended regulations had received final approval.

**Board of Optometry**

Dr. Hettler reported that the Board of Optometry is currently working on proposed regulations to develop the list of oral pharmaceutical agents required by law passed this previous year in the General Assembly. He stated that two new board members had been appointed and he had been appointed to serve as Chair of the Board.

**Board of Funeral Directors and Embalmers**

Mr. Jenkins presented the Board's written report and it is incorporated into the minutes as Attachment 11.

**Board of Medicine**

Dr. Montero presented the Board's written report and it is incorporated into the minutes as Attachment 12.

**Board of Audiology & Speech-Language Pathology**

Dr. Ridenhour presented the Board's written report and it is incorporated into the minutes as Attachment 13.

**Board of Dentistry**

Dr. Seigel presented the Board's written report and it is incorporated into the minutes as Attachment 14. Further that the Board is involved in the Sanction Reference Study and also advancing regulations regarding the requirements of oral surgeons and general dentists involved in the various levels of sedation in their offices. Dr. Seigel also noted that the Board was involved in the contracting of testing agencies for licensure of dentists.

**Board of Nursing Home Administrators**

Ms. Smith reported that the Board had one new board appointee, Janice C. Clark, NHA. She stated that the Board had conducted a continuing education audit of 74 licensees and 23 of the licensees

did not meet the CE requirement. Ms. Smith reported that the most likely sanction would result in CCA's. She also reported that the Board is in the process of clarifying the healthcare administrator degree and comparable fields.

**Board of Veterinary Medicine**

Dr. Wise presented the Board's written report and it is incorporated into the minutes as Attachment 15.

Mr. Mayer requested that the Board members present updates to each of their respective Boards and to keep abreast of activities of the other boards.

**NEW BUSINESS:**

Mr. Alan requested that the members review the Committee assignment sheet and forward to Board office the Committee(s) they wish to serve on.

Mr. Alan requested that the By-Laws regarding the Executive Committee be revised.

On properly seconded motion by Dr. Ridenhour, the Board voted unanimously to issue a 30 day notice to revise the By-Laws of the Executive Committee Membership to consist of the Chair and Vice-Chair of the Board and the Chairs of each standing committee.

**ADJOURNMENT:**

On properly seconded motion by Dr. Hettler, the meeting adjourned at 2:25 p.m.

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Alan E. Mayer, Chair

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