

**VIRGINIA BOARD OF HEALTH PROFESSIONS  
DEPARTMENT OF HEALTH PROFESSIONS  
FULL BOARD MEETING  
JANUARY 12, 2005**

- TIME AND PLACE:** The meeting was called to order at 12:10 p.m. on Wednesday, January 12, 2005, at the Department of Health Professions, 6603 W. Broad St., 5<sup>th</sup> Floor, Room 1, Richmond, VA.
- PRESIDING OFFICER:** Alan Mayer, Chair
- MEMBERS PRESENT:** Lynne M. Cooper  
Michelle R. Easton, R. Ph.  
David H. Hettler, O.D  
Damien Howell, P.T.  
Joseph Jenkins, Jr., F.S.L.  
Juan M. Montero, II, M.D.  
Janet Payne  
Michael W. Ridenhour, Au.D.  
Harry S. Seigel, D.D.S.  
Mary M. Smith, L.N.H.A.  
Demis L. Stewart  
Joanne Taylor  
Lucia Anna Trigiani, Esq.,  
Natale A. Ward, L.P.C.  
John T. Wise, D.V.M.
- MEMBERS NOT PRESENT:** David R. Boehm, L.C.S.W.  
Nadia B. Kuley, Ph.D.
- STAFF PRESENT:** Robert A. Nebiker, Agency Director  
Emily Wingfield, Assistant Attorney General  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Elaine Yeatts, Senior Regulatory Analyst  
Betty Jolly, Assistant Director for Policy Education  
Carol Stamey, Administrative Assistant
- OTHERS PRESENT:** Cathy Reiniers-Day, Board of Pharmacy  
William Harp, Board of Medicine
- QUORUM:** With sixteen (16) members present, a quorum was established.
- REVIEW OF AGENDA:** The agenda was revised to move the Update to the Bylaws from the Executive Director's report to an action item.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Ms. Stewart, the Board voted unanimously to approve the minutes of the October 21, 2004 meeting.

**DEPARTMENT  
DIRECTOR'S REPORT:**

Mr. Nebiker reported that he had submitted a request for a formal opinion to the Attorney Generals Office regarding board member participation in national examinations and travel reimbursement.

**EXECUTIVE DIRECTOR'S  
REPORT:**

Dr. Carter presented the draft workplan for 2005, and it is incorporated into the minutes as Attachment 1.

Dr. Carter apprised the Board of HJ587. This measure appears to be premised on the Institute of Medicine's study in 1999-2000 regarding medical errors. Ms. Yeatts reported that the agency will be advising Delegate Steve Landes of existing sources that have already collected the Virginia information sought and will provide him with information on how the outcome measures are garnered.

Dr. Carter introduced Ms. Betty Jolly, Assistant Director for Policy Education, who has agreed to assist the Education Committee with its annual Issues Forum. Ms Jolly reported that the Department had received a grant to study healthcare workforce issues and public access in the Commonwealth.

Mr. Mayer requested the Dr. Carter submit a draft statement for the Nominating Committee's duties for presentation at the next meeting.

On properly seconded motion by Ms. Easton, the Board voted unanimously to adopt the draft workplan as presented.

**ByLaws**

Ms. Trigiani presented the proposed amendments to the Bylaws. On properly seconded motion by Ms. Trigiani, the Board voted unanimously to approve the amendments to the Bylaws as presented (see Attachment 2).

**REVIEW OF  
LEGISLATION AND  
REGULATORY  
PROPOSALS:**

Ms. Yeatts provided a summary of the current regulatory actions of the Department of Health Professions and a summary of the 2005 legislation. The documents are incorporated into the minutes as Attachment 3.

Mr. Nebiker apprised the Board of each of the legislative bills introduced by the agency and the various boards.

**ENFORCEMENT  
COMMITTEE:**

Dr. Seigel reported that the Enforcement Committee had received an update on the Sanction Reference Study. He reported that the implementation for the Board of Medicine and study conduct for the Board of Pharmacy, Board of Dentistry, and Board of Nursing were moving along smoothly. Dr. Seigel reported that the issue of cost-effectiveness of the study was discussed and it was noted that the benefits should well outweigh costs because it would likely

result in a reduction in the number of informal conferences and hearings. An evaluation for this will be conducted.

**REPORT ON AGENCY PERFORMANCE:**

Dr. Carter presented board graphs reflecting each board's case performance within standards. The graphs are incorporated into the minutes as Attachment 4.

**UPDATE ON SANCTION REFERENCE STUDY:**

Covered by Dr. Seigel in the Enforcement Committee report.

**BOARD REPORTS:**

**Board of Veterinary Medicine**

Dr. Wise reported that the board had adopted emergency regulations on an agency subordinate and all of its members had attended the Conflict of Interest Training. The board's report is incorporated into the minutes under Attachment 5 - Board Reports.

**Board of Funeral Directors and Embalmers**

Mr. Jenkins presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports.

**Board of Pharmacy**

Ms. Easton presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports. Additionally, Ms. Easton shared the board's best practices with regard to closing cases in a timely manner.

**Board of Optometry**

Dr. Hettler presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports.

**Board of Dentistry**

Dr. Seigel presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports. Additionally, he reported that Faye Lemon of the Enforcement Division had met with the board to exchange information and ideas and will meet with them on a yearly basis. Dr. Seigel noted that several board members will be attending the Southern Conference of Dental Deans and Examiners in New Orleans.

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

Dr. Ridenhour presented the board's report, and it is incorporated into the minutes under Attachment 5 - Board Reports.

**Board of Nursing**

Ms. Cooper presented the board's report, and it is incorporated into the minutes under Attachment 5 - Board Reports. Additionally, she reported that the board had met to discuss the

financial issue of the Certified Nurse Aide Program should federal funding cease. Ms. Cooper reported that the board voted to revisit the amount of money from the administration, combine nursing and nurse aide funds and increase the renewal fees for nurse aides. Ms. Cooper also presented the board's case adjudication statistics.

**Board of Medicine**

Dr. Montero presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports

**Board of Nursing Home Administrators**

Mr. Nebiker informed the board that the board had not met since its last report.

**Board of Licensed Professional Counselors**

Ms. Ward presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports. With regard to case statistics, Ms. Ward noted that the board's case load was small and resolved fairly quickly.

**Board of Physical Therapy**

Mr. Howell presented the board's report and it is incorporated into the minutes under Attachment 5 - Board Reports. Additionally, he reported that the board had placed the issue of case statistics review on all future board meeting agendas to discuss performance standards.

**Board of Social Work**

The board's minutes are incorporated into the minutes under Attachment 5 - Board Reports.

**NEW BUSINESS:**

Dr. Seigel requested information regarding telemedicine.

Mr. Nebiker informed the board that it had conducted a review of this issue in the past, and it still remains as an unsettled issue. He noted that the profession of nursing had appeared to resolve the issue via the Nurse Compact Agreement. Mr. Nebiker further reported that a bill had been introduced by Delegate Armstrong regarding practice across state lines.

**ADJOURNMENT:**

On properly seconded motion by Dr. Seigel, the meeting adjourned at 2:00 p.m.

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Alan E. Mayer  
Chair

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

