

VIRGINIA BOARD OF NURSING

MINUTES

January 29, 2019

- TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:00 A.M. on January 29, 2019, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Louise Hershkowitz, CRNA, MSHA; President
- BOARD MEMBERS PRESENT:**
Jennifer Phelps, BS, LPN, QMHPA; First Vice President
Marie Gerardo, MS, RN, ANP-BC; Second Vice President
Laura Freeman Cei BS, LPN, CCRP
Margaret J. Friedenberg, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, FAAN
Dixie L. McElfresh, LPN
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark D. Monson, Citizen Member
Meenakshi Shah, BA, RN
- MEMBERS ABSENT:** Trula Minton, MS, RN
Michelle D. Hereford, MSHA, RN, FACHE – **resigned as of 12/31/2019**
Grace Thapa, DNP, FNP-BC, AE-E – **resigned as of 12/31/2019**
- STAFF PRESENT:** Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Senior Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Charlette Ridout, RN, MS, CNE; Deputy Executive Director
Paula B. Saxby, PhD, RN; Deputy Executive Director for Education
Stephanie Willinger; Deputy Executive Director for Licensing
Patricia L. Dewey, RN, BSN; Discipline Case Manager
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant
- OTHERS PRESENT:** Charis Mitchell, Assistant Attorney General, Board Counsel
Barbara Allison-Bryan, MD, Department of Health Professions Chief Deputy – **joined the meeting at 12:17 P.M.**
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
- IN THE AUDIENCE:** Sarah Heisler, Virginia Hospital and Healthcare Association (VHHA)
Jerry J. Gentile, Department of Planning Budget (DPB)
- ESTABLISHMENT OF A QUORUM:**
Ms. Hershkowitz asked Board Members and Staff to introduce themselves. With 11 members present, a quorum was established.
- Ms. Hershkowitz noted that Dr. Daniel Carey, Secretary of Health and Human Resources will visit and address the Board later on. She added that Dr. Brown and Dr. Allison-Bryan are not available due to General Assembly.

Ms. Douglas stated that Ms. Heisler is leaving the Virginia Hospital and Healthcare Association (VHHA) and thanked Ms. Heisler for her help and support by convening Chief Nursing Officers (CNOs) to meet with Board staff regarding licensing processes.

- UPCOMING MEETINGS: The upcoming meetings listed on the agenda:
- The NCSBN Board of Directors Meeting is scheduled for February 11-12, 2019 in Chicago. Ms. Douglas will attend the meeting.
 - The Committee of the Joint Boards of Nursing and Medicine business meeting is scheduled for Wednesday, February 13, 2019 at 9:00 am in Board Room 2, Discipline proceedings will follow the meeting.
 - Special Called Meeting of the NLC Commission on February 22 & 23, 2019 in Dallas Texas. Stephanie Willinger to attend.
 - The NLC Commission Meeting and NCSBN Midyear Meeting are scheduled for March 26-28, 2019 in San Antonio, TX – Attendees for the Midyear Meeting to be determined.

ORDERING OF AGENDA: Ms. Hershkowitz asked staff to provide additions and/or modifications to the Agenda.

Ms. Douglas noted that Dr. Saxby's retirement celebration is set for Friday, March 22, 2019. All Board members are invited.

Ms. Douglas reminded all Board members to complete the Conflict of Interest which is due February 1, 2019.

Ms. Douglas noted the following items on the Agenda:

Under Other Matters – additional items:

- Badges for Board members
- Security assistance

Under Consent Orders:

G6 Deborah Faye Barrack, RN – revised version

Additional Consent Orders:

G9 Christine Marie Harper, RN

G10 Toni Brewster Adams, RN

G11 Nicole Renee Cofer, RN

G12 James Jackson Warner, RN

G13 Kaitlyn Elizabeth Bruce, RN

G14 Timothy Michael O'Donnell, Jr., RN

Wednesday, January 30, 2019:

Panel A:

Andrea Rebecca Crigger, RN (#3) has submitted written response.
Tiffany Snell, RN (#7) has submitted written response
19 should be Hannah Lockhart, RMA instead of Nicholas Turner, CNA

The formal hearing for Kelly Crowell, LMT Applicant has been continued.
Board members on this panel will do probable cause review.

Panel B:

Rebecca Marie Bowen, RMA (#20) has submitted written response
Rebecca Marie Bowen, CNA (#21) has submitted written response

Possible cancellation of the formal hearing for Kaitly Bruce, RN if the Board accepts the consent order.

Thursday, January 31, 2019:

The formal hearings for Amanda Pagan, LPN and Asha Hite, LPN have been continued.

Possible cancellation of the formal hearing for Timothy Michael O'Donnell, Jr., RN if the Board accepts the consent order.

CONSENT AGENDA:

The Board did not remove any items from the consent agenda.

Mr. Monson moved to accept the consent agenda as presented. The motion was seconded and carried unanimously.

Consent Agenda

- | | | |
|------------|--|--|
| B1 | November 13, 2018 | Board of Nursing Business Meeting |
| B2 | November 13, 2018 | Nurse Aide Curriculum Meeting |
| B3 | November 13, 2018 | CORE Committee Meeting |
| B5 | November 14, 2018 | Board of Nursing Officer Meeting |
| B6 | November 14, 2018 | Nominating Committee Meeting |
| B7 | November 14, 2018 | Panel A |
| B8 | November 14, 2018 | Panel B |
| B9 | November 15, 2018 | Panel A |
| B10 | November 15, 2018 | Panel B |
| B11 | November 5, 2018 | Massage Therapy Advisory Board Meeting |
| B12 | December 19, 2018 | Summary Suspension Telephone Conference Call |
| C1 | Agency Subordinate Tracking Log | |
| C3 | Board of Nursing Monthly Tracking Log | |
| C5 | Criminal Background Check Unit Annual Report | |
| C6 | HPMP Quarterly Report | |

MINUTES:

B4 - November 13, 2018 Discipline Committee Meeting Minutes

Ms. Gerardo thanked the Committee members for their participation and deferred the review of recommendations to Ms. Power.

Ms. Power stated the Discipline Committee met to discuss monetary penalties as a sanction, to review existing Guidance Documents (GDs) that contemplate the use of monetary penalties and GDs that are due for periodic review.

Imposing Monetary Penalties pursuant to Va. Code §54.1-2401

Recommendation # 1 and # 2 – Ms. Power said that the Committee recommended imposing monetary penalties, the range may be from \$2,000 - \$5,000 depending on the severity of noncompliance/violation, on nursing education programs in cases of:

- Noncompliance with prior Board Order,
- Violations of regulations involving fraudulent activities

Ms. Power noted that if the Board adopts these recommendations, a GD will be developed in accordance and a revision made to existing *GD 90-35 (Non-compliance with Prior Board Orders)*. However, Ms. Power added that the Board will first need to consider a legislative amendment to Va. Code §54.1-2401 per advice of Board Counsel which only states that the Board has authority to impose monetary penalties to individual licensees, not the nursing education program.

Dr. Hahn moved to request legislative amendment to Va. Code §54.1-2401 to authorize the Board to assess monetary penalties on education programs. The motion was seconded and carried unanimously.

Recommendation # 3 and # 4 – Ms. Power said that the Committee recommended imposing a monetary penalty in cases of:

Intentional conduct determined to be abuse by a licensee that does not result in the suspension or revocation of the license, certificate or registration.

Intentional conduct determined to be neglect by a licensee that does not result in the suspension or revocation of the license, certificate or registration.

Ms. Power noted that if the Board adopts these recommendations, a GD will be developed in accordance and a revision made to existing *GD 90-12 (Delegation of Authority to Board of Nursing RN Education and Discipline Staff)*

Mr. Monson moved to adopt Recommendation # 3 and # 4 as presented. The motion was seconded and carried unanimously.

Review and Consideration of Existing GDs

Ms. Yeatts reminded the Board that 2018 legislation requires any revisions of the GDs will be subject to a 30-day public comment period and will require approval beyond the Board effective January 1, 2019. She added that she will further ask for clarification if editorial changes are subject to the same requirement.

The Committee recommended the following:

Recommendation # 5 – re-adopting *GD 90-3 (Continuing Competency Violations for Nurses)* – Ms. Power stated that the Committee recommended replacing the word “Continuing” with the word “Continued” to be consistent with terminology used in the Board regulations. Mr. Monson moved to re-adopt GD 90-3 as recommended. The motion was seconded and carried unanimously.

Recommendation # 6 – re-adopting *GD 90-38 (Disposition of Disciplinary Cases against Nurses and Massage Therapists Practicing on Expired Licenses)* – Ms. Power stated that the Committee recommended doubling the amount of each monetary penalty per time frame cited and making massage therapist(s) plural in the title and stem sentence. Ms. Gerardo moved to re-adopt GD 90-38 as recommended. The motion was seconded and carried unanimously.

Recommendation # 7 – re-adopting *GD 90-61 (Disposition of Disciplinary Cases against Certified Nurse Aides and Registered Medication Aides Practicing on Expired Certificates or Registrations)* as is with no changes. Ms. Gerardo moved to re-adopt GD 90-61 as recommended. The motion was seconded and carried unanimously.

Recommendation # 8 – revising *GD 90-12 (Delegation of Authority to Board of Nursing RN Education and Discipline Staff)*. Ms. Power stated that the Committee recommended authorizing staff to offer prehearing consent orders (PHCOs) to impose monetary penalties for existing case types as contained in GDs #90-3, #-38, #90-61 and new case types. Dr. Hahn moved to revise GD 90-12 as recommended. The motion was seconded and carried unanimously.

Recommendation # 9 – revising GD 90-12 (section II.E.4). Ms. Power stated that the Committee recommended authorizing staff to offer PHCO for reprimand in cases of failure to provide acceptable standard of care with patient injury (removing any reference to “one time” failure) and authorizing staff to offer a Confidential Consent Agreement (CCA) when there is “little to no injury” or related to a system issue (section II.G.2). Dr. Hahn moved to revise GD 90-12 in # 9 as recommended. The motion was seconded and carried unanimously.

VISIT FROM
DR. CAREY:

Dr. Daniel Carey, Secretary of Health and Human Resources, joined the meeting at 9:50 A.M.

Ms. Hershkowitz welcomed Dr. Carey and asked him to introduce the himself and provide comments to the Board.

Dr. Carey shared his background including:

- Worked for over 20 years as cardiologist in Lynchburg
- Served as Senior Vice President and Chief Medical Officer of Centra Health

Dr. Carey noted that in his current role he missed clinical practice and staff but feels blessed to be working for the Commonwealth. He added that he appreciates Board members for their time and works.

Dr. Carey stated the philosophy of the Northam Administration is:

- Care of individual – quality and service
- Care of population
- Per capital cost to care

Dr. Carey said the three priorities of the Administration are:

1. Strengthen economic foundation
2. Ensure every child/individual has a chance for safe healthy life
3. Maximize the impact of taxpayer money

Dr. Carey then added the five focus areas of the Administration:

- A. **Medicaid expansion and implementation** – cutting insurance rate in half and whole family approach
- B. **Behavioral Health Care System** – not a true system in place yet. By the end of first quarter in 2019, same day access will be in place in all 40 Community Service Boards (CSB)
- C. **Addiction Crisis** – ARTS benefit as of 2017 with Medicaid from 15,000 to 26,000. Opioid prescribing is down by 50% and number of narcotic prescription for Medicaid patient is down by 25%
- D. **Women Health** – 65% of Medicaid expansion are women with chronic condition. Long acting and reversible contraception are available (TAANF)
- E. **Children Care and Services** – Children’s Cabinet will develop solutions to address early childhood development and school readiness.

Ms. Hershkowitz asked Board members and staff to introduce themselves.

Dr. Carey thanked Board members for their service.

Dr. Carey left the meeting at 10:25 A.M.

RECESS: The Board recessed at 10:25 A.M.

RECONVENTION: The Board reconvened at 10:40 A.M.

DISPOSITION OF
MINUTES (cont.): The Board continued discussion.

B4 - November 13, 2018 Discipline Committee Meeting Minutes

Recommendation # 10 – revising *GD 90-35 (Noncompliance with Board Orders)*. Ms. Power reviewed the Committee’s recommendations presented in GD 90-35. Ms. Friedenbergl moved to revised GD 90-35 as recommended. The motion was seconded and carried unanimously.

Ms. Willinger asked if the term “*chemical dependency*” is still appropriate. Dr. Hills noted that the term “**substance misuse**” is used in the opioid regulations. Dr. Hahn added that the “*probation*” should be stricken from #9 in Typical Board Actions. Mr. Monson moved to further amend the GD 90-35 to replace “*chemical dependency*” with “**substance misuse**” and strike the word “*probation*” from #9 in Typical Board Actions. The motion was seconded and carried unanimously.

Recommendation # 11 – re-adopting *GD 90-39 (Indefinite Suspension Timeframes)* as is with no change. Mr. Monson moved to re-adopt GD 90-39 as recommended. The motion was seconded and carried unanimously.

Mr. Monson moved to accept the November 13, 2018 Discipline Committee Meeting Minutes as presented. The motion was seconded and carried unanimously.

REPORTS: **Executive Director Report:**

Ms. Douglas highlighted her written report noting:

- NURSUS Discipline data entry by Board staff begins on February 1, 2019. Melvina Baylor, Discipline staff, will assume these duties with Sylvia Tamayo-Suijk, Discipline Coordinator, assigned as back up staff
- Ms. Douglas stated that she met with Michelle Schmitz, Enforcement Director, to discuss duplicate copies of evidence and , noting she is taking a methodical approach to quality improvement and training
- Badges/Security issues- Ms. Douglas advised that there is a new policy regarding badges as a result of a security assessment being conducted. DHP is no longer issuing permanent badges to Board

members. Temporary badges will be issued to Board members on the day that they are here to conduct business. Board staff will collect these badges back at the end of the day. Dr. McQueen-Gibson comments that it is inconvenient for Board member since they have to carry cases to meeting. Ms. Douglas said she will relay the comment back to Dr. Brown.

ANNOUNCEMENTS:

Ms. Hershkowitz highlighted the announcements on the agenda.

- New Staff
 - Ms. Power announced that Lelia “Claire” Morris has accepted the RN Discipline Case Manager position and will start on February 11, 2019. Ms. Power added that Patricia Dewey started on October 1, 2018 as Discipline Case Manager RN for the Nurse Aide, Medication Aide and Massage Therapy Program position.
 - Dr. Saxby announced that Jacquelyn Wilmoth has accepted the Nursing Education Program Manager, Ms. Ridout’s former position, and she will start on February 11, 2019. Dr. Saxby added that Rosa Wilson started on January 7, 2019 as Nursing Education Program Evaluator and she will evaluate nurse aide education programs.
- Board Member Resignations – Ms. Douglas stated that Lana Westfall has retired as Director of the Appointments to Boards and Commission. She noted that the replacement for Board members will be delayed for:
 - Michelle Hereford, MSHA, RN, FACHE
 - Grace Thapa, DNP, FNP-BC, AE-C

PUBLIC COMMENT:

There was no public comment made.

REPORTS (cont.):

C7 NLC Commission Strategic Planning Meeting, November 27-29, 2018, Report:

Ms. Douglas highlighted issues raised with the enhanced NLC implementation as listed in C7. She added that Ms. Willinger will attend the NLC Commissioner Summit on her behalf in Dallas, TX on February 22-23, 2019.

C4 NCSBN Board of Directors Meeting, December 3-4, 2018, Report:

Ms. Douglas highlighted the letter from the President.

Status of Implementation HB793 Nurse Practitioner Autonomous Practice Process:

Ms. Willinger reported the following:

- Applications went live on January 7, 2019, along with link to laws and regulations
- The Board sent blast email to nurse practitioners (NPs) and

stakeholders in advance

- 74 applications received since January 7, 2019, no issues noted yet
- 4000 NPs are eligible based on years of licensure so staff anticipate more applications will be submitted
- Not many questions received regarding the “how to” complete the process
- Good feedback received so far
- Virginia Council of Nurse Practitioners (VCNP) held two meetings to encourage NPs to apply

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell reported that she represented the Board at the appeal hearing on December 14, 2018 in Fairfax County Circuit Court. The Board denied the application for licensure because the applicant did not have LPN education in the U.S. She noted that the Judge voted in favor of the Board’s decision. The applicant’s lawyer filed a motion for reconsideration. The Judge suspended the Order and the case is still under review.

D1 Presentation of Slate of Candidates and Election of Officers:

In the absence of Ms. Minton, Ms. Hershkowitz presented the Slate of Candidates for Officers for 2019 by the Nominating Committee:

President:	Louise Hershkowitz, CRNA, MSHA (2 nd term expires 2021)
First Vice President:	Jennifer Phelps, LPN, QMHPA (2 nd term expires 2021)
Second Vice President:	Marie Gerardo, MS, RN, ANP-BC (2 nd term expires 2022) Mark Monson, Citizen Member (2 nd term expires 2022) Ann Tucker Gleason, PhD, Citizen Member (2020 Unexpired Term)

Ms. Hershkowitz asked for nominations from the floor for the office of President, First Vice President and Second Vice President; none was received.

Ms. Hershkowitz called for a vote for Ms. Hershkowitz for the office of President and received 11 votes. Ms. Hershkowitz was elected as President.

Ms. Hershkowitz called for a vote for Ms. Phelps for the office of First Vice President and received 11 votes.

Ms. Hershkowitz called for a vote for Ms. Gerardo for the office of Second Vice President and received nine votes. Ms. Hershkowitz called for a vote for Mr. Monson for the office of Second Vice President and received two votes. Ms. Hershkowitz called for a vote for Dr. Gleason for the office of Second Vice President and received no vote. Ms. Gerardo was elected as Second Vice President.

Ms. Hershkowitz thanked the Nominating Committee for the work and contributions of all Board members.

Summary Suspension Process:

Ms. Power described anticipated changes in process regarding establishing a good faith effort to assemble a quorum of Board members to meet in person in Richmond, which must fail first in order to meet by telephone conference call according to VA Code §54.1-2408.1. When consulted about possible dates to consider possible summary suspensions, staff will need “yes” or “no” answer from each Board member in order to determine in advance that a good faith effort fails.

In response to concerns raised regarding difficulty establishing quorum to meet by telephone conference, Board member indicated various times for their availability. Ms. Hershkowitz asked Board members to provide to Ms. Vu the best days of the week and times of their availability.

Some Board members raised concerns regarding length and detail of presentation by the Assistant Attorneys General during possible summary suspensions consideration and wondered if they can get a written summary in advance to decrease the amount of time involved in the telephone conference call. Ms. Mitchell advised that any Board member can make a motion for summary suspension at any time they feel sufficient information was presented/heard instead of waiting to hear the entire presentation.

D2 NLC Memorandum – Letter to Employers: Compact Requirement of Acceptance of Multistate License:

Ms. Douglas said that this memo was in response to some situations where nurses are directed by employers in NLC member states to apply for new license in the state(s) where the employer is located, even though the nurse already holds a multistate license in another compact state.

Review of Guidance Documents (GD):

Ms. Douglas reviewed the GDs in the absence of Ms. Speller-Davis. Ms. Douglas noted that the Board of Pharmacy has reviewed and made recommendations on some of the GDs.

The Board reviewed and took action on the following GDs:

D3 90-2: Transmittal of Third Party Orders

- Replaced “third party” with “*authorized agent*” in the first paragraph and also in the title

Mr. Monson moved to adopt GD 90-2 as presented and amended. The motion was seconded and carried unanimously.

D4 90-22: Requests for Accommodations for NCLEX and NNAAP Testing and Medication Aide Examination for Registration

- Deleted the word “*consultant*” in the second paragraph.

Dr. Hahn moved to adopt GD 90-22 as presented. The motion was seconded and carried unanimously.

D5 90-28: Clinical Hours for LPN to pre-licensure RN Transition/Bridge Programs

Dr. Hahn moved to withdraw GD 90-28 because language already included in the Regulations for Nursing Education Programs at 18VAC90-27-100.B. The motion was seconded and carried unanimously.

D6 90-31: Whether a Nurse May Administer a Medication That Has Been transmitted Orally Or In Writing By a Pharmacist Acting as the Prescriber’s Agent

- Replaced “third party” with “*authorized agent*” in the last paragraph

Mr. Monson moved to adopt GD 90-31 as presented and amended. The motion was seconded and carried unanimously.

EDUCATION:

Education Staff Report:

Dr. Saxby reported that in addition to new staff reported earlier, her position has been advertised with a close date of February 1, 2019.

E1 Status of Nurse Aide Exam Contract:

Dr. Saxby stated that due to previous concern raised regarding significant increase in fees for National Nurse Aide Assessment Program (NNAAP), the fees have been renegotiated and will be effective on February 1, 2019. The new fees for the exam will be:

- Written Examination & Skills Evaluation (both) \$120
- Oral Examination & Skills Evaluation (both) \$120
- Written Examination Only \$45
- Oral Examination Only \$45
- Skills Evaluation Only \$95

Dr. Saxby added that emails have been sent to Nurse Aide Education Programs and this information is posted on the Board's website.

LEGISLATION/
REGULATION:

F1 Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions provided in the agenda with update that Elimination of Separate License for Prescriptive Authority is now at the Secretary's Office for review.

F2 Adoption of Final Regulatory for Nurse Practitioners – Direction and Supervision of Laser Hair Removal by Nurse Practitioners(18VAC90-30-124):

Ms. Yeatts stated that no comment was received between October 29, 2018 to December 28, 2018 regarding the final proposed regulations as provided in the handout. Ms. Yeatts noted that the Board's action is not an exempt action.

Mr. Monson motioned to adopt the final regulations as presented. The motion was seconded and carried unanimously.

General Assembly 2019 Update:

Ms. Yeatts reviewed the 2019 Legislative Report provided in the handout noting that DHP followed 75 bills.

EDUCATION (cont.):

E2 Revised Nurse Aide Education Curriculum:

Dr. Saxby reviewed activities of the Nurse Aide Education (NAEP) Curriculum Committee as result of Delegate Robert D. Orrock's bill. She noted that eight meetings were held from July 2016 to 2018 with broad participation of stakeholders. She stated that NOIRA for NAEP regulations indicates this curriculum be required for approved NAEP.

Dr. Hahn added new format lays out the regulations it relates to and allows programs to tailor it to them. Dr. Hahn noted that Department of Education and other stakeholders support changes in format and its use.

Ms. Hershkowitz thanked the Committee and stakeholders for extraordinary work on the curriculum.

Mr. Monson moved to accept the Revised Nurse Aide Curriculum as presented. The motion was seconded and carried unanimously.

RECESS:

The Board recessed at 12:29 P.M.

RECONVENTION:

The Board reconvened at 12:40 P.M.

Dr. Allison-Bryan and Ms. Yeatts left the meeting at 12:40 P.M.

E3 NCSBN Member Board Feedback Draft 2020 NCLEX-PN Test Plan:

CLOSED MEETING: Ms. Friedenberg moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:40 P.A.M. for the purpose of considering the NCSBN Member Board Feedback Draft 2020 NCLEX-PN Test Plan. Additionally, Ms. Friedenberg moved that Ms. Douglas, Dr. Hills, Ms. Power, Dr. Saxby, Ms. Ridout, Ms. Willinger, Ms. Dewey, Ms. Tiller, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:42 P.M.

Mr. Monson moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Hahn moved to accept the proposed 2020 NCLEX-PN Test Plan and Timeline for Implementation. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 12:43 P.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

Dr. Allison-Bryan rejoined the meeting at 1:30 P.M.

BOARD MEMBER TRAINING: Health Practitioners' Monitoring Program (HPMP) overview to include incorporation of Medication-Assisted Treatment – Wendy Welch, MD, CPE, CHCQM, HPMP Medical Director and Janet Knisely, HPMP Administrative Director

Dr. Welch and Ms. Knisely provided the following information regarding HPMP:

- Has one full-time intake manager
- Determines who referred the licensee and why. Roughly, 7% - 8% referred themselves
- If the participant is practicing, HPMP will determine if they can still practice while they are in the program. About 15% of participants are practicing while in HPMP

- If the participant is readmitted, HPMP will determine why
- The Contract is for five years, but an overall review for each case is scheduled at the third year mark
- If participants relapse, it is typically within three or four years of entry
- Average cost of drug screening is \$900 per year for non-working participants and \$1100 per year for working participants
- Participants can request HPMP a change in Case Manager assigned and to start early completion

Dr. Welch provided the following information regarding Medication Assisted Treatment of Opioid Addiction:

- Three FDA approved options to treat opioid use disorder (OUD) that can impair cognition are vivitrol, suboxone and methadone.
- Less than 2% participants at HPMP are on Suboxone. These participants won't return to practice while on Suboxone unless full neuropsychological evaluation indicates no impaired cognition.
- Cognitive ability data is collected and used in determination if participant is safe to return to practice
- HPMP cannot use CBD Oil because sometimes participants reported use are tested positive for THC

Ms. Hershkowitz thanked Ms. Knisely and Dr. Welch for their presentation.

Dr. Allison-Bryan left the meeting at 2:41 P.M.

RECESS: The Board recessed at 2:46 P.M.

RECONVENTION: The Board reconvened at 2:51 P.M.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING: Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:58 P.M. for the purpose of considering the Consent Orders. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Power, Dr. Saxby, Ms. Ridout, Ms. Willinger, Ms. Dewey, Ms. Tiller, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:25 P.M.

Ms. Phelps moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and

only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

G1 Melisha Ann Scruggs, CNA **1401-168115**

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Melisha Ann Scruggs' certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G2 Cabria Sheron Banks, LPN **0002-077724**

Ms. Shah moved to accept the consent order to suspend the license of Cabria Sheron Banks to practice practical nursing in the Commonwealth of Virginia. The suspension is stayed upon proof of Ms. Banks' entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

G3 Yong Liu, LMT **0019-012866**

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Yong Liu to practice massage therapy in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G4 Emily Lauren Stone, RMA **0031-006089**

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Emily Lauren Stone's registration to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G5 Emily Lauren Stone, CNA **1401-146919**

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Emily Lauren Stone's certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G6 Deborah Faye Barrack, RN **0001-172807**

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Deborah Faye Barrack's license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G7 Sondra Marie Walters, RN **0001-218745**

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Sondra Marie Walters to practice professional nursing in the Commonwealth of Virginia. The suspension is stayed upon proof of Ms. Walters' re-entry into a Contract with the Virginia Health Practitioners'

Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

G8 Jason Catalan, RN

0001-258385

Ms. Shah moved to accept the consent order to reinstate the license of Jason Catalan to practice professional nursing in the Commonwealth of Virginia and to take no further action contingent on Mr. Catalan's compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

G9 Christine Marie Harper, RN

0001-078130

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Christine Marie Harper's license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G10 Toni Brewster Adams, RN

0001-128532

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Toni Brewster Adams' license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G11 Nicole Renee Cofer, RN

0001-218055

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Nicole Renee Cofer to practice professional nursing in the Commonwealth of Virginia. The suspension is stayed contingent upon Ms. Cofer's compliance all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

G12 James Jackson Warner, RN

0001-270194

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of James Jackson Warner's license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

G13 Kaitlyn Elizabeth Bruce, RN

0001-253250

Ms. Shah moved to accept the consent order to take no action against Kaitlyn Elizabeth Bruce at this time, contingent upon Ms. Bruce's continued compliance all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

G14 Timothy Michael O'Donnell, Jr., RN

0001-250363

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Timothy Michael O'Donnell, Jr, to practice practical nursing in the Commonwealth of Virginia. The suspension is stayed upon proof of Mr. O'Donnell's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

DEBRIEF:

The following were well received by Board Members:

- Visit from Dr. Carey
- HPMP Training
- Numbering system for the Business meeting package
- Information on thumb drive

The following needs improvement per Board Members:

- Temporary badges for Board Members
- Tabs in the cases

The Board suggested Agency Subordinate Process for the next training.

ADJOURNMENT:

The Board adjourned at 3:39 P.M.

Louise Hershkowitz, CRNA, MSHA
President