

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
AUGUST 11, 2009**

TIME AND PLACE: The meeting was called to order at 1:08 p.m. on Tuesday, August 11, 2009, at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 4, Henrico, VA.

PRESIDING OFFICER: David R. Boehm, President

MEMBERS PRESENT: Susan G. Chadwick, Au.D.
Lynn M. Cooper, Citizen Member, Nursing
John A. Cutler, Citizen Member
Jennifer H. Edwards, Pharm.D
Damien Howell, P.T.
Billie W. Hughes, F.S.L.
Juan M. Montero, II, M.D.
Jonathan R. Noble, O.D.
Sandra Price-Stroble, Citizen Member
Mary M. Smith, N.H.A.
Demis L. Stewart, Citizen Member
Michael Stutts, Ph.D.
John T. Wise, D.V.M.
Paul N. Zimmet, D.D.S.

MEMBERS NOT PRESENT: Mary Lou Argow, L.P.C.
Fernando (Marty) Martinez, Citizen Member
Vilma Seymour, Citizen Member

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Emily Wingfield, Chief Deputy Director
Justin Crow, Research Assistant
Carol Stamey, Operations Manager
Laura Chapman

OTHERS PRESENT: Evelyn Brown, Board of Social Work

QUORUM: With fifteen (15) members present, a quorum was established.

AGENDA: No changes or additions were made to the agenda.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Mr. Howell moved to approve the full board's May 12, 2009 meeting. The motion was seconded and carried

unanimously.

**DEPARTMENT DIRECTOR'S
REPORT:**

Security Breach

Ms. Wingfield presented an update on the agency's security breach. She reported that the agency is almost fully recovered with all systems up and running with the exception of the Prescription Monitoring Program (PMP) and remote access. Further, it is anticipated that PMP and remote access will be restored shortly.

Key Performance Measures

Ms. Wingfield reported that the agency had beat the 250 day goal in closing 90% of its standard of care cases prior to the deadline of FY2010. Additionally, she reported that the agency is sustaining its case closure rate; however, there was room for more efficiency.

Budget

Ms. Wingfield reported that the agency had not been requested to turn in monies; however, restriction on travel and hiring remained in effect.

Ms. Wingfield provided an explanation of the per diem prohibition language that was included in the General Assembly's Appropriations Act. She stated that although the agency tracks legislation, including matters pertaining to the budget, this issue required interpretation as to its relevance to the agency. It was just recently deemed to be the case. Ms. Wingfield reported that the mandate is effective only through FY2010 unless taken up again as a future legislative issue.

Ms. Cooper requested a cost analysis of the savings to the Agency as a result of the prohibition on per diems. Ms. Wingfield responded that there was a savings of \$77,000 across all state agencies.

**LEGISLATIVE/REGULATORY
UPDATE:**

Ms. Wingfield informed the Board that the Agency had submitted eight (8) legislative proposals. She stated that the proposals were housekeeping matters and they were in keeping with the Governor's key initiatives. Additionally, she noted the required deadline of August 14, 2009 to submit proposed legislation.

COMMITTEE REPORT:

Regulatory Review Committee

Mr. Howell presented a report of the Committee's activities and actions regarding the study of Emerging Professions. The Committee's recommendations are listed as follows:

Genetic Counselors

Mr. Howell reported that the Committee had requested staff to begin the initial research and provide an update at the board's next meeting.

Kinesiotherapists

Mr. Howell reported that it was the consensus of the Committee to not pursue the study; however, staff was instructed to forward a letter to the petitioner to resubmit his request based upon the Criteria.

Medical Interpreters

Mr. Howell reported that the Committee had not received a response from the Department of Health regarding its possible oversight of the profession. He stated that staff had been directed to forward a follow-up letter to them requesting a response by the next meeting of the Board.

Polysomnographers

The Committee recommended that the profession be regulated and directed staff to develop a plan for licensure to include fiscal analysis and board organizational option. The motion of the Committee was seconded by Ms. Stewart and carried unanimously.

Board of Social Work's Study, HB1146

Ms. Evelyn Brown addressed the Board regarding its study and noted that there was no plan for legislation.

The Committee recommended that the Board endorse the recommendations of the Board of Social Work. The motion of the Committee was seconded by Dr. Montero; the motion carried unanimously with one abstention, Mr. Boehm.

Surgical Assistants and Surgical Technologists

Mr. Howell reported that the Committee had held an additional public hearing to receive comment. Further, that the Committee had deferred its decision on this issue to gather additional data on scope of practice, overlapping roles, and level of autonomy. Mr. Howell reported that the Committee will be holding an additional meeting to be scheduled in September or October as well as the regularly scheduled meeting in November prior to the full Board's next meeting.

EXECUTIVE DIRECTOR'S REPORT:

Sanction Reference Study

Dr. Carter provided an update on the Sanction Reference Study. Specifically, that the Board of Long Term Care was meeting today to establish an Ad Hoc Committee

and the Board of Physical Therapy will be taking action at its next full board meeting. Dr. Carter further reported that a review of board satisfaction need for change and outcome will be conducted. She stated that presently the overall rate of compliance among the boards with the recommendation of their Sanctions Reference systems is at 83 percent. This rate is monitored on a monthly basis and has consistently exceeded the 70-75% anticipated.

Workplan

Dr. Carter apprised the Board that a formal draft Workplan for calendar year 2010 will be forthcoming at the November 10, 2009 meeting.

Budget/Staffing

Dr. Carter reported that the Board's expenditures were slightly over budget; however, that changes in reorganization should bring the budget back in line.

NEW BUSINESS:

Ms. Cooper noted that the evaluation of the Sanction Reference Study revealed that there was no evidence of an increase in the number of requests for formal hearings for the Board of Nursing. Dr. Carter indicated that the rate for formal hearings overall for the agency has remained near only 5% consistently almost two decades.

Mr. Howell requested that the Education Committee be proactive in educating the public with regard to the disciplinary process. Additionally, he requested that Enforcement address the issue of mandatory reporting.

Ms. Wingfield provided an update on the search for a new communications director. She noted that interviews had been held, and it is anticipated that an incumbent will be in place by October 1, 2009.

Ms. Wingfield was asked about the role of the Board relative to Practitioner Self-Referral issues. She noted that Virginia statute was amended recently to coincide directly with the current federal "Stark Law." Because attorneys can readily research the federal statutes without having to further interpret state law, no new requests for Practitioner Self-Referral Advisory Opinions have been received subsequently.

Mr. Boehm requested that staff forward a list of Committee assignments to the Board members for their review.

Ms. Cooper encouraged the Citizen members to attend a disciplinary hearing to get an understanding of the disciplinary process and role of the Boards. Staff was directed to forward a schedule of the disciplinary hearing of the various Boards to the Citizen Members. Dr. Wise noted that the Board of Veterinary Medicine would be holding informal conferences and a formal hearing on Wednesday, August 19, 2009 and invited new members to attend.

ADJOURNMENT:

The meeting adjourned at 2:05 p.m.

David R. Boehm, L.C.S.W.
Board President

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