



Board of Health Professions Full Board Meeting

August 31, 2017
10:00 a.m. - Board Room 4
9960 Mayland Dr, Henrico, VA 23233

In Attendance

- Helene D. Clayton-Jeter, OD, Board of Optometry
- Kevin Doyle, EdD, LPC, LSATP, Board of Counseling
- Yvonne Haynes, LCSW, Board of Social Work
- Mark Johnson, DVM, Board of Veterinary Medicine
- Allen R. Jones, Jr., DPT, PT, Board of Physical Therapy
- Ryan Logan, RPh, Board of Pharmacy
- Trula E. Minton, MS, RN, Board of Nursing
- Herb Stewart, PhD, Board of Psychology
- Laura P. Verdun, MA, CCC-SLP, Board of Audiology & Speech-Language Pathology
- James Wells, RPh, Citizen Member
- Junius Williams, Jr., MA, Board of Funeral Directors and Embalmers

Absent

- Barbara Allison-Bryan, MD, Board of Medicine
- Marvin Figueroa, Citizen Member
- Derrick Kendall, NHA, Board of Long-Term Care Administrators
- Martha S. Perry, MS, Citizen Member
- Jacquelyn M. Tyler, RN, Citizen Member
- James D. Watkins, DDS, Board of Dentistry

DHP Staff

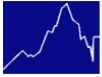
- Lisa R. Hahn, MPA, Chief Deputy DHP
- Elizabeth A. Carter, Ph.D., Executive Director BHP
- Elaine Yeatts, Senior Policy Analyst DHP
- Jay Douglas, Executive Director Board of Nursing
- Matt Treacy, Communications Associate DHP
- Laura L. Jackson, BHSA, Operations Manager BHP

Presenters

Neal Kauder, VisualResearch, Inc.

Speakers

- Maxine Lee, MD, Virginia Society of Anesthesiologists
- Swen Laser, MD, Augusta Anesthesia Associates
- Michael Jawer, CAE, Alliance for Natural Health
- Jerrold Wallace, VANA
- Michele Satterlund, McGuire Woods Consulting



Leila Saadeh, MS, ATR-BC, VATA
Gretchen Graves, MS, ATR-BC, CDATA, VATA
Carol Olson, VATA

Observers

Cathy Harrison, CRNA, VANA
Adrienne Hartgerink, CRNA, VANA
Ashleigh Harris, SRNA, VANA
Tressie Turner, SRNA, VANA
Kayla Katz, SRNA, VANA
W. Scott Johnson, Medical Society of Virginia
Sarah Anderson, SRNA, VANA
Anna Lenczyk, SRNA, VANA
Joseph Biscardi, SRNA, VANA
Kevin Pyne, SRNA, VANA
Katie Payne, Virginia Society of Anesthesiologists
Patricia Diefenbach, VAANP
Sara Heisler, VHHA
Christina Wingate, VANA
Kyu Kim, SRNA, VANA
Nadia Cefton, VANA
Amber Coleman, SRNA, VANA
Lee Bakhxar, SRNA, VANA
Eric Fries, SRNA, VANA
Julie Garces, SRNA, VANA
Mark Wallu, VANA
Erin Grimm, VANA
Rebekah Pipp, VANA
Mark Hickman, CSG

Emergency Egress

Dr. Carter

Call to Order

Chair: Dr. Clayton-Jeter **Time** 10:01 a.m.

Quorum Established



Public Comment

Discussion

Maxine Lee, MD, stated that she is the immediate past president of the Virginia Society of Anesthesiologists (VSA) and is from the southwestern area of the state. She said that VSA represents more than 900 physician anesthesiologist in Virginia and supports licensure of CAAs. Dr. Lee stated that there is a shortage of anesthesiology providers and that licensing CAAs would provide an additional workforce that could be utilized. Dr. Lee asked that the Board either reject the recommendation of the Regulatory Research Committee or send the issue back to the Committee for further study.

Swen Laser, MD stated he was with Anesthesiologist Associates of Augusta and has been practicing anesthesiology for 17 years. He noted that Augusta Health currently offers CAA rotation. Dr. Laser stated that the CAAs are superbly trained and are exported out of the state for employment even though they live in Virginia. Dr. Laser recommends licensure of CAAs.

Michael Jawer, CAE reported that he is the Deputy Director at Alliance for Natural Health. Mr. Jawer submitted a request for a Board study of the value of licensing Naturopathic Doctors (NDs).

Patricia Diefenbach, ND, MS, CNC, CNS, CPT, president of the Virginia Association of Naturopathic Physicians (VAANP), had submitted a request for a board study into the need for licensure of Naturopathic Doctors. On August 17, 2017, she informed the Board office by email that the VAANP is no longer requesting the Board’s review because the organization is currently pursuing legislative action.

Jerrold Wallace from the Virginia Association of Nurse Anesthetists was accompanied by Michele Satterlund of McGuire Woods Consulting. Mr. Wallace acknowledged the attending Certified Registered Nurse Anesthetists (CRNAs) in the audience and stated that licensure of another anesthesia provider group would impact CRNAs and there is no proven shortage at this time. He also stated that CRNAs have some restrictions based on scope of practice. Ms. Satterlund stated that licensing another provider would be detrimental as there is no shortage and no need for another anesthesia provider. Ms. Satterlund asked that the Board support the recommendation of the Regulatory Research Committee.

Leila Saadeh, MS, ATR-BC from the Virginia Art Therapy Association spoke regarding the letter and application for study submitted to the Board for consideration of the need for regulation of the practice of art therapy in Virginia.

Approval of Minutes

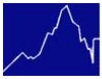
Presenter Dr. Clayton-Jeter

Discussion

The May 9, 2017 Full Board meeting minutes were approved with no revisions. All members in favor, none opposed.

Directors Report

Presenter Ms. Hahn



Discussion

Ms. Hahn provided an update on multiple activities related to addressing the opioid crisis and described DHP's evolving role and coordination with multiple partners. She provided an overview of proposed legislation along with information regarding the Board of Counseling's requirement to register Qualified Mental Health Professionals (QMHPs -Adult and Child) and Peer Recovery Specialists. She noted that workgroups have convened to discuss transforming the delivery system for community-based Substance Use Disorder services that leverage evidence based treatment approaches demonstrated to improve recovery rates substantially. The Department is also currently working with the Department of Behavioral Health and Developmental Services and the Attorney General's Office in establishing standards for mental health dockets. She further noted that the Board of Medicine has issued a letter to prescribers regarding the recently passed legislation and regulations on opioid prescribing and Buprenorphine.

Legislative and Regulatory Report

Presenter Ms. Yeatts

Discussion

Ms. Yeatts advised the Board of updates to the laws and regulations that affect DHP currently.

Communications Report

Presenter Dr. Carter

Discussion

Dr. Carter reviewed the meeting materials provided by the agency's Communications Department. These items included the July 14, 2017 *Virginian-Pilot* article regarding the Healthcare Workforce Data Center's *Health Care Occupation Roadmap*; collaboration with VCU in the redesign of DHPs logo; and Bayview Physicians Groups opting into Appriss Health's NarxCare Platform offered by the agency's Prescription Monitoring Program (PMP).

Sanction Reference Point Update

Presenter Mr. Kauder

Discussion

Mr. Kauder discussed the agency's Sanction Reference Point (SRP) agreement rates by board and provided a status report on SRP update research underway for the Boards of Long-Term Care Administrators, Funeral Directors and Embalmers, and Physical Therapy. He stated that some of the boards have requested more formal training on the SRP program as many board members feel that the "on the job" training they are currently getting is not adequate. The Board asked if Mr. Kauder would be willing to work with DHPs Communications Department to create a training video. He agreed. This information will be forwarded to the Board's Education Committee and Communications Department for further discussion.



Break 11:11 a.m. to 11:16 a.m.

Executive Directors Report

Presenter Dr. Carter

Board Budget

Dr. Carter stated that the Board is operating under budget.

Agency Performance

Dr. Carter reviewed the agencies performance measures in relation to clearance rate, age of pending caseload and time to disposition. She noted that while the key performance measures for patient care cases meet the goals, the length of time to resolve overall cases is on the rise. The agency is instituting a new internal tracking to assess the relative impact on performance of down time due to continuances.

Virginia Association of Naturopathic Physicians (VAANP)

Dr. Carter provided information regarding VAANP wish to rescind their original request for a study to evaluate the need for regulation of naturopathic physicians, received May 31, 2017.

Dr. Diefenbach noted that VAANP is currently pursuing legislative action directly.

Mr. Jawer from the Alliance for Natural Health (ANH) discussed his association's request for the Board's study, and provided an overview of the rationale for the request.

VAANP and ANH are acting independently from each other.

Dr. Carter stated that it would take approximately 18 months for a study to be conducted given the existing workload. She noted the previous evaluation study was done in 2005. At that time, the Board concluded the criteria to justify regulation were not met.

Upon further discussion, Chair Dr. Clayton-Jeter proposed a motion to be made on moving forward with the request made by Alliance for Natural Health to perform the study of Naturopathic Doctors (NDs) in Virginia.

Motion

No motion was made. Failing a motion, the Board concluded that no study would be conducted at this time.

Virginia Art Therapy Association

Dr. Carter provided information regarding the request from the Virginia Art Therapy Association to perform a sunrise review. Ms. Graves, Ms. Saadeh and Ms. Olson all provided information regarding the profession and the need for some form of regulation to distinguish them from other professions. After much discussion, Chair Dr. Clayton-Jeter proposed that the matter be tabled until later in the meeting to allow Board members more time to review the information provided before making a decision.

Motion



A motion was made to table the decision concerning the review of Art Therapists until later in the meeting. The motion was properly seconded. Eight (8) members were in favor, three (3) opposed.

Practitioner Self-Referral – AnuVa Diagnostics, LLC

Presenter Dr. Carter

Dr. Carter provided information regarding the Practitioner Self-Referral (PSR) request made by AnuVa Diagnostics, LLC on May 26, 2017. The request was reviewed and accepted by Mr. Wells, Agency Subordinate on August 10, 2017. Details are provided in the meeting documents and the request is being presented to the Full Board for consideration and ratification today.

Motion

A motion was made to ratify the Practitioner Self-Referral request presented by AnuVa Diagnostics, LLC. The motion was made and properly seconded by Ms. Haynes. All members were in favor, none opposed.

Regulatory Research Committee

Presenter Mr. Wells

Mr. Wells provided information regarding the Committee’s recommendation to not license Certified Anesthesiology Assistants (CAAs) in Virginia. He stated that the burden of regulation was not justified due to the lack of proof of a statewide shortage of anesthesia providers, the fact that AA students would be competing for already limited training sites and slots needed by Anesthesiologist and Nurse Anesthetist students, and since they cannot practice without on-site direct Anesthesiologist supervision, it was deemed unlikely that they could meaningfully address the needs of medically underserved and other rural areas. The burden on the Board of Medicine to establish a regulatory program and administer the licensure program was also taken into consideration.

Motion

A motion was made to accept the recommendation of the Regulatory Research Committee to not license Certified Anesthesiology Assistants (CAAs) in Virginia. The motion was made and properly seconded by Ms. Minton. All members in favor, none opposed.

Lunch break 12:30 p.m. – 1:01 p.m.

Virginia Art Therapy Association

Discussion regarding regulation of Art Therapists in Virginia resumed and a motion offered.

Motion

A motion to accept the Virginia Art Therapy Associations request for a sunrise review was made and properly seconded by Mr. Stewart. All members in favor, none opposed.

Healthcare Workforce Data Center

Dr. Carter provided an update on the Data Center. She described work being done with Virginia Commonwealth University (VCU), Virginia Longitudinal Data System (VLDS) and the Federal of State Boards of Physical Therapy (FSBPT) in regards to the use of Virginia’s healthcare workforce data.



Board Reports

Presenter Dr. Clayton-Jeter

Board of Nursing

Ms. Minton stated that the Board of Nursing is currently seeking changes to regulations and that the Board has four (4) newly appointed members. The board is taking action on the opioid crisis by providing education outreach and working with the Board of Medicine on opioid prescribing. The Interstate Nurse Licensure Compact is in transition to a new version in 2018. Once completed, there could be 30 states participating.

Board of Pharmacy

Mr. Logan reported that the Board of Pharmacy is supporting the legislative proposal to require the dispensing of Schedule V drugs and naloxone to be reported to the PMP. He advised that the Board has requested that the Healthcare Workforce Data Center amend question #22 within the pharmacist healthcare workforce survey to read "Do you provide any of the following services at this location?" as it relates to better assessing pharmacist involvement in collaborative practice agreements. Mr. Logan was appointed Board Chairman and Mr. Elliott Vice-Chairman at the June 27, 2017 meeting.

Board of Veterinary Medicine

Dr. Johnson stated that teaching schools were previously not required to have a license to practice veterinary medicine and that a new facility/intern resident license is being proposed. Regulations affecting the prescribing of opioids are also under review.

Board of Psychology

Dr. Stewart stated that a few more states have joined the Psychology Interjurisdictional Compact (PSYPACT) bringing the total to four (4). The Board of Psychology's Regulatory Committee will recommend items identified and reviewed for inclusion in a Notice of Intended Regulatory Action (NOIRA). The Association of State and Provincial Psychology Boards (ASPBD) is reviewing standards of practice, as well. The Board of Psychology also voted to support DHP introducing legislation that would allow requiring up to 2 hours per annual renewal cycle in a specific continuing education area. Dr. Stewart has also been reappointed Chair of the Board of Psychology.

Board of Counseling

Dr. Doyle announced that the Board of Counseling had four (4) new board members appointed. He stated that it had passed emergency regulations for registering Qualified Mental Health Professionals (QMHPs -Adult and Child) and Peer Recover Specialists and had proposed education program accreditation be done through the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

Board of Social Work

Ms. Haynes stated that the Board of Social Work's July meeting was canceled. The Board of Social Work's Regulatory Review Committee is reviewing the definition of "social work" and also revising the requirements for reactivation and reinstatement.



Board of Physical Therapy

Dr. Jones provided a written report that was read by Dr. Carter. The Board of Physical Therapy's Regulatory Advisory Panel (RAP) met on June 29, 2017 to discuss "dry needling". This information was shared with the Full Board August 22, 2017 and the board agreed to reconvene the RAP to discuss the number of training hours for dry needling. Dr. Jones and Ms. Tillman-Wolf, Executive Director for the Board, attended a leadership forum in Alexandria, VA in June that was held by FSBPT that focused on compact licensure and telehealth continuing competence. The Board has three (3) newly appointed board members. Election of Officers was held and Dr. Jones was reelected President and Dr. Dailey reelected Vice President. The annual meeting and delegate assembly of FSBPT will be held in November in New Mexico. Elected delegates include Dr. Jones and alternate delegate Dr. Locke. Dr. Dailey will attend as a member of the Education Task Force.

Board of Optometry

Dr. Clayton-Jeter reported that at the July Board of Optometry meeting an overview of the draft emergency regulations on Prescribing Opioids were considered and approved. An amendment to the regulations was made that a prescription for Naloxone should be considered for any risk factor of prior overdose, substance abuse, or concomitant use of benzodiazepine present. Dr. Clayton-Jeter was appointed Board Vice-President. At the August meeting regulations were reviewed and more specific language was added.

Board Committee Structures

Presenter Dr. Carter

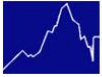
Dr. Carter provided an overview of the Board's Committees and their purpose. Dr. Clayton-Jeter asked for two Board members to volunteer for the vacancies on the Education Committee. Dr. Stewart and Mr. Logan agreed to fill those vacancies. The Enforcement Committee added Mr. Williams.

Dr. Clayton-Jeter asked the Education Committee to assist in the Agency's logo branding. She also asked that the Education Committee aid in creating a Sanction Reference Point (SRP) video to be added to new board member training. She also asked that Boards be identified that need SRP training and have webinars or vignettes created. Mr. Wells recommended that "refresher" training should also be provided to existing board members.

Dr. Carter advised that the Board of Health Professions Policies and Procedures for the Evaluation of the Need to Regulate Health Occupations and Professions manual be revised (last revised in 1998). She requested that more time needs to be added to the time-line for the completion of a study; the recommendation was for 12 to 18 months. Dr. Clayton-Jeter asked for a motion to have the Full Board review and comment on the draft policy and procedure manual.

Motion

A motion was made to have the Full Board review the Board of Health Professions Policies and Procedures for the Evaluation of the Need to Regulate Health Occupations and Professions manual. The motion was made and properly seconded by Mr. Stewart. All in favor, none opposed.



New Business

Presenter Dr. Clayton-Jeter

The proposed 2018 meeting dates were discussed and agreed upon.

December 7, 2017 Full Board Meeting

Presenter Dr. Clayton-Jeter

Chair and Vice Chair elections will be held at this meeting. The Nominating Committee will meet to propose a slate of officers.

Adjourned

Adjourned 1:57 p.m.

Chair Helene Clayton-Jeter, OD

Signature: _____ Date: ____/____/____

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

Signature: _____ Date: ____/____/____