

Board of Nursing Agency Subordinate
Virtual Education Informal Conference Committee
Instructions for Accessing June 8, 2021 at 9:00 A.M.

- ❖ **Access:** Perimeter Center building access remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- ❖ **Public comment:** Comments will be received during the public hearings and during the board meeting from those persons who have submitted an email to beth.yates@dhp.virginia.gov no later than 8 am on July 6, 2021 indicating that they wish to offer comment. Be sure to specify if the comment is associated with the public hearing or the board meeting. Comment may be offered by these individuals when their names are announced by the chairman.
- ❖ Public participation connections will be muted following the public comment periods
- ❖ Should the Committee enter into a closed session, public participants will be blocked from seeing or hearing the discussion. When the Committee re-enters into open session, public participation connections to see and hear the discussions will be restored.
- ❖ Please call from a location without background noise.
- ❖ Dial (804) 367-4515 to report an interruption during the broadcast.
- ❖ FOIA Council *Electronic Meetings Public Comment* form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>.

JOIN BY AUDIO ONLY

+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free

JOIN THE INTERACTIVE MEETING

<https://covaconf.webex.com/covaconf/j.php?MTID=m535115979f069707a39f5fac613a31ac>

Access code: 185 184 5787

Meeting password: QXqcrxKY633

*Please note → Type your real name upon entering the meeting. **Do not enter the meeting using the default username.** It is imperative that the meeting organizer be able to determine who is attending.*

VIRGINIA BOARD OF NURSING
VIRTUAL EDUCATION SPECIAL CONFERENCE COMMITTEE
Tuesday, June 8, 2021
Department of Health Professions
Henrico, Virginia

COMMITTEE MEMBERS: Ethlyn McQueen-Gibson, DNP, MSN, RN, BC, Chair
James L. Hermansen-Parker, MSN, RN

STAFF: Jacquelyn Wilmoth, MSN, RN, Deputy Executive Director
Christine Smith, MSN, RN, Nurse Aide/RMA Education Program Manager
Randall Mangrum, DNP, RN, Nursing Education Program Manager
Beth Yates, Nursing and Nurse Aide Education Coordinator

9:00 a.m. Public Comment

VERBAL UPDATES:

9:15 a.m. Education Program Updates, Randall Mangrum and Christine Smith

CONTINUED FACULTY EXCEPTION:

9:30. a.m. Stratford University, Woodbridge, BSN Program, US28502000

9:45 a.m. Eastern Mennonite University, BSN Program, Harrisonburg, US28509700

INFORMAL CONFERENCES:

10:00 a.m. Fortis College, Richmond, ADN Program, US28408900

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

Prepared by: Beth Yates



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4639
FAX (804) 527-4455

April 29, 2021

Rebecca Coffin, PhD, RN, CNE
Program Director
Stratford University
14349 Gideon Drive
Woodbridge, VA 22192

Program Code: US28502000

Dear Dr. Coffin:

This letter is sent as notification that the Education Informal Conference Committee of the Virginia Board of Nursing will consider the request for continued faculty exceptions received from the baccalaureate degree nursing education program listed above. The Committee will meet *VIRTUALLY* at 9:30 a.m. on June 8, 2021.

In an effort to facilitate a more complete review of educational programs, the Board of Nursing has established the procedure which is reflected in this letter. This procedure allows for a careful review of each request and for program representatives to participate in the process with the Committee. While your attendance is not required, you may be present when the information is considered by the Committee. Attending the meeting will give you the opportunity to make comments about the information and respond to questions from the Committee. Questions from the Committee that cannot be answered by the material provided may result in a deferral of the Board's decision in the absence of a representative from the program. Please let us know by June 1, 2021 if you plan to be present.

After the Committee reviews the information, it will make one of the following recommendations to the Board:

Approve the request for continued faculty exception; or
Deny the request.

The Board of Nursing will either accept or reject the recommendation from the Committee at its meeting on July 20, 2021.

Stratford University, Woodbridge
Baccalaureate Degree Program
April 29, 2021
Page 2

This procedure is consistent with the Nurse Practice Act, the Board of Nursing Regulations and the Virginia Administrative Process Act in that it provides for an informal conference for the initial decision while allowing for the Board or a panel thereof to consider the matter in a formal hearing if agreement is not reached informally.

In any instance where an adverse recommendation is accepted by the Board of Nursing, within thirty-three (33) days of the date of the order/action, the program director may request a hearing before the Board or a panel thereof, in accordance with Virginia Code §2.2-4020 and §54.1-2400 (11).

Please contact me if you have any questions.

Sincerely,

Randall S. Mangrum, DNP, RN

Randall Mangrum, DNP, RN
Nursing Education Program Manager

cc: Education IFC Committee
Teresa Walsh, PhD, RN NE-C, Dean of Nursing
Dr. Dutchie Reid, VP, Academic Affairs
Richard Shurtz, II, PhD, President
Benoit Cossart COO
Peter Blake, Director, SCHEV



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May 3, 2021

Melody M. Cash, RN, PhD
Department Head, Nursing
Eastern Mennonite University
1200 Park Road
Harrisonburg VA 22801

Program Code: US28509700

Dear Dr. Cash:

This letter is sent as notification that the Education Informal Conference Committee of the Virginia Board of Nursing will consider the request for continued faculty exceptions received from the baccalaureate degree nursing education program listed above. The Committee will meet *VIRTUALLY* at 9:30 a.m. on June 8, 2021.

In an effort to facilitate a more complete review of educational programs, the Board of Nursing has established the procedure which is reflected in this letter. This procedure allows for a careful review of each request and for program representatives to participate in the process with the Committee. While your attendance is not required, you may be present when the information is considered by the Committee. Attending the meeting will give you the opportunity to make comments about the information and respond to questions from the Committee. Questions from the Committee that cannot be answered by the material provided may result in a deferral of the Board's decision in the absence of a representative from the program. Please let us know by June 1, 2021 if you plan to be present.

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Approve the request for continued faculty exceptions; or
Deny the request.

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Eastern Mennonite University
Baccalaureate Degree Program
May 3, 2021
Page 2

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Please contact me if you have any questions.

Sincerely,

Randall S. Mangrum, DNP, RN

Randall Mangrum, DNP, RN
Nursing Education Program Manager

cc: Education IFC Committee
Dr. Susan Schultz Huxman, President
Dr. Fred Kniss, Provost
Dr. Laura Yoder, PhD, RN, Undergraduate Dean
Peter Blake, Director, SCHEV



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4639
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April 29, 2021

Certified Article Number

9414 7266 9904 2179 7526 93

SENDER'S RECORD

Jennifer Martinez, R.N., MHA, MSN/Ed.
Program Director
Fortis College
Associate Degree Nursing Education Program
2000 Westmoreland Drive, Suite A
Richmond, VA 23230

RE: Case Number 210737

Dear Jennifer Martinez:

Attached is a Notice of Informal Conference and Statement of Allegations.

Information regarding the following may be found at www.dhp.virginia.gov/nursing/hearings.htm:

- Frequently Asked Questions about Disciplinary Proceedings;
- Directions to the Department of Health Professions Conference Center;
- Instructions for Requesting Subpoenas;
- The text of the Administrative Process Act;
- The text of all statutes and regulations cited herein.

As further detailed in the Notice, this informal conference will be conducted electronically, via the Cisco WebEx Meetings platform. The Cisco WebEx Meetings application can be downloaded on your computer or phone and is free of charge. Once the application is downloaded, you will be allowed to participate by video in this informal conference. Alternatively, the meeting can be launched at the link below directly from your internet browser.

Join from the meeting link

<https://covaconf.webex.com/covaconf/j.php?MTID=m535115979f069707a39f5fac613a31ac>


The Board will provide you, by email, the above link to join the informal conference approximately four days in advance of the scheduled informal conference. Attached are instructions and helpful tips to assist you prior to and during the hearing.

If you are unable to appear by video conference, please contact Jacquelyn Wilmoth at (804) 367-4527 or Jacquelyn.wilmoth@dhp.virginia.gov for alternative instructions.

If you have any questions, you may contact Jacquelyn Wilmoth at (804) 367-4527 or Jacquelyn.wilmoth@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. For information regarding closings or delays, call (804) 367-4400 or go to dhrm.virginia.gov.

Sincerely,


for Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

cc: Grace Stewart, Adjudication Specialist, Administrative Proceedings Division
Julia Bennett, Deputy Director, Administrative Proceedings Division
Jacquelyn Wilmoth, MSN, R.N., Deputy Executive Director
Marsha Dubbe, MSN, R.N., Nursing Education Program Inspector
Sharon Zook, MSN, R.N., Nursing Education Program Inspector
Board Members
Sheryl Delozier, President
Peter Blake, Director, SCHEV

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: FORTIS COLLEGE
ASSOCIATE DEGREE NURSING EDUCATION PROGRAM
Program Code: US28408900
Case Number: 210737**

**NOTICE OF INFORMAL CONFERENCE BEFORE THE EDUCATION SPECIAL
CONFERENCE COMMITTEE AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before the Education Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) regarding the approval of Fortis College Associate Degree Nursing Education Program (“Respondent”) to operate an associate degree education program in the Commonwealth of Virginia.

This informal conference will be conducted electronically, via the Cisco WebEx Meetings platform, pursuant to Executive Order 51 (2020), as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth of Virginia. Executive Order 51 has no current end date and may be rescinded by the Governor at any time. In the event that Executive Order 51 is rescinded prior to the date of your informal conference, the informal conference may be rescheduled to another date and time when an in-person meeting may be held.

TYPE OF PROCEEDING:	This is an informal conference before the Education Special Conference Committee of the Board.
DATE AND TIME:	June 8, 2021 at 10:00 a.m.
PLACE:	Electronically, from: Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. After consideration of all information, the Committee is authorized by Virginia Code § 54.1-3007(5) and 18 VAC 90-27-230(B) of the Regulations for Nursing Education Programs to recommend that the Board take any of the following actions:
 - Continue Respondent on conditional approval subject to terms and conditions;

- Withdraw Respondent's approval to operate an associate degree nursing education program;
- Restore Respondent's full approval status to operate an associate degree nursing education program without restriction;

Board's Review of Committee's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Committee will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Committee will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the Committee's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you and/or your counsel do not appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the following rights:

- The right to the information on which the Committee will rely in making a decision;
- The right to be represented by counsel at this proceeding;
- The right to subpoena witnesses and/or documents;
- The right to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

- The informal conference materials (documents) serve as the basis for the allegations against you. The Committee will consider these materials at the informal conference.
 - **These materials have been sent to you via certified mail/UPS. You may be required to sign for these documents at the post office.**
 - **Bring this Notice and the documents with you to the informal conference.**

FILING DEADLINES:

- The deadline for filing any materials you wish to have considered at the informal conference is **May 25, 2021. Please submit 8 copies. Your documents may not be submitted by facsimile or email.**

- **Submit all correspondence to Jacquelyn Wilmoth at the Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.**
- **Include the case number in all correspondence.**

REQUEST FOR A CONTINUANCE

- **Deadline for requesting a continuance: May 25, 2021**
- **Must be made in writing to Jacquelyn Wilmoth at 9960 Mayland Drive, Suite 300, Henrico, Virginia, 23233**
- **Will be granted only for good cause shown**

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. Respondent violated 18 VAC 90-27-210(A) of the Regulations for Nursing Education Programs (“Regulations”) in that its passage rate for first-time test takers on the NCLEX (“passage rate”) was less than 80% for three consecutive years. Specifically, its 2017 passage rate was 50%, its 2018 passage rate was 68.42%, its 2019 passage rate was 72.22%, and its 2020 passage rate was 52.17%. On February 25, 2019, Respondent was placed on conditional approval status by the Board after two consecutive years with a passage rate below 80%.

2. On March 8, 2020, inspectors from the Board of Nursing (“Inspectors”) conducted a survey visit (“Survey Visit”) in accordance with 18 VAC 90-27-150(A)(3). At that time, Respondent was unable to provide evidence of compliance with all nursing education program requirements, as set forth more fully below:

a. Respondent violated 18 VAC 90-27-60(A)(2) of the Regulations in that during the Survey Visit, it was unable to provide documentation showing that all faculty are oriented at all their clinical sites.

b. Respondent violated 18 VAC 90-27-90(B)(5)(d) of the Regulations in that during the Survey Visit, it was unable to provide documentation showing that its curriculum covered education in the topic of professional responsibility, including role of the practical nurse.

c. Respondent violated 18 VAC 90-27-90(B)(8)(c) of the Regulations in that during the Survey Visit, it was unable to provide documentation showing that its curriculum covered education in the topics of supervision of certified nurse aides and registered medication aides outside of simulation.

d. Respondent violated 18 VAC 90-27-100(A) of the Regulations in that during the Survey Visit, it was unable to provide documentation showing that it tracked students' clinical hours, including documentation showing 500 direct client care clinical hours for graduating students.

e. Respondent violated 18 VAC 90-27-100(B) of the Regulations in that during the Survey Visit, it had no stated, clear policy for awarding clinical hours to licensed practical nurses transitioning into its program.

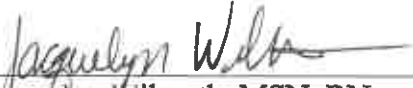
f. Respondent violated 18 VAC 90-27-100(A) and (D)(2) of the Regulations in that during the Survey Visit, Inspectors determined that students' 21 pediatric clinical hours were observation-only, and, as a result, the 9 hours of simulation constituted 100% of experience hours.

g. Respondent violated 18 VAC 90-27-110(C) of the Regulations in that during the Survey Visit, Inspectors determined that there were inconsistencies regarding whether a clinical site was a precepted experience or observation-only.

h. Respondent violated 18 VAC 90-27-110(F)(1) of the Regulations in that during the Survey Visit, Inspectors determined that at one clinical site, only one faculty member would be present with twelve to fifteen students.

i. Respondent violated 18 VAC 90-27-180(D)(1) of the Regulations in that during the Survey Visit, Inspectors determined that it failed to publish, post on its website, and distribute to current students and applicants NCLEX pass rates for the prior four years.

j. Respondent violated 18 VAC 90-27-190(B) of the Regulations in that during the Survey Visit, it was unable to provide documentation showing that any annual review of clinical contracts was completed.



Jacquelyn Wilmoth, MSN, RN
Deputy Executive Director
Virginia Board of Nursing

4/29/2021

Date