

An audio file of this meeting may be found here

<https://www.dhp.virginia.gov/audio/BHP/FullBoardMeeting01212021.mp3>

CALL TO ORDER - Dr. Jones, Jr.

Dr. Jones, Jr. called the virtual meeting to order at 10:00 a.m. Quorum was established with 17 members in attendance.

EMERGENCY EGRESS - Dr. Carter

Dr. Carter provided evacuation procedures for members in physical attendance.

ROLL CALL

VIRTUAL ATTENDEES: BOARD OF HEALTH PROFESSIONS

Dr. Alison King, Board of Audiology & Speech-Language Pathology
Dr. Kevin Doyle, Board of Counseling
Dr. Sandra Catchings, Board of Dentistry
Derrick Kendall, Board of Long-Term Care Administrators
Dr. Brenda Stokes, Board of Medicine
Louise Hershkowitz, Board of Nursing
Dr. Helene Clayton-Jeter, Board of Optometry
Ryan Logan, Board of Pharmacy
Dr. Herb Stewart, Board of Psychology
John Salay, Board of Social Work
Dr. Steve Karras, Board of Veterinary Medicine
Sheila Battle, Citizen Member
Sahil Chaudhary, Citizen Member
Dr. Martha Rackets, Citizen Member
Carmina Bautista, Citizen Member
James Wells, Citizen Member

BOARD MEMBERS ABSENT:

Louis Jones, Board of Funeral Directors and Embalmers

VIRTUAL ATTENDANCE: DHP STAFF & GUESTS

Dr. Allison-Bryan, Agency Chief Deputy Director
Elaine Yeatts, Agency Senior Policy Analyst
Dr. Yetty Shobo, Deputy Executive Director for the Board
Rajana Siva, Research Analyst for the Board
Dr. William Harp, Executive Director for the Board of Medicine
Kim Small, VisualResearch, Inc.
Neal Kauder, Visual Research, Inc.
Sandra Reen, Executive Director for the Board of Dentistry

VIRTUAL ATTENDANCE: DHP STAFF & GUESTS cont'd

Corie Tillman-Wolf, Executive Director for the Boards of Funeral Directors & Embalmers, Long-Term Care Administrators and Physical Therapy

PHYSICAL ATTENDANCE AT PERIMETER CENTER:

Dr. Elizabeth Carter, Executive Director for the Board
Dr. Allen Jones, Jr., Board of Physical Therapy
Laura Jackson, Operations Manager for the Board
Matt Treacy, Media Production Specialist

VIRTUAL ATTENDANCE: PUBLIC

Christina Barrille
Jetty Gentile
Karen Winslow

WELCOME NEW BOARD MEMBERS - Dr. Jones, Jr.

Dr. Jones, Jr., welcomed Dr. Catchings, Dr. Stokes and Carmina Bautista to the Board.

THANK YOU TO OUTGOING BOARD MEMBERS - Dr. Jones, Jr.

Dr. Jones, Jr., thanked outgoing board members Dr. Watkins
Dr. O'Connor and Maribel Ramos.

MEETING AGENDA - JANUARY 21, 2021

The Meeting agenda was approved as presented. A motion was made and properly seconded with all member in favor, none opposed.

PUBLIC COMMENT - Dr. Jones, Jr.

Ms. Cindy Warriner provided comment on her concern of potential Board of Pharmacy censure.

APPROVAL OF AUGUST 20, 2020 FULL BOARD MEETING MINUTES - Dr. Jones, Jr.

The meeting minutes from the August 20, 2020 Full board meeting were approved as presented. A motion was made and properly seconded with all members in favor, none opposed.

DIRECTOR'S REPORT- Dr. Allison-Bryan

Dr. Allison-Bryan provided Dr. Brown's remarks as he was at a General Assembly committee meeting. The Board of Health Professions prepared two major studies in 2020, Diagnostic Medical Sonographers and Naturopathic Doctors. As of today, the naturopathic doctor House bills presently have been "passed by" at the General Assembly. Two Senate bills are pending. Dr. Allison-Bryan provided an update on the research she gathered for the follow-up on "keepsake" sonography. She advised that the research reflects that fetal ultrasounds, performed by non-sonography licensed individual poses little harm to the fetus. The practice of "keepsake" sonography is discourage by the FDA and several professional medical organizations.

LEGISLATIVE & REGULATORY REPORT - Ms. Yeatts

Assembly that directly impact DHP. This information is provided in the agenda meeting documents. (Attachment 1)

SANCTION REFERENCE POINTS UPDATE - Mr. Kauder

Mr. Kauder provide a presentation on the Sanctioning Reference Point system updates. The presentation is included in the agenda meeting documents.

BREAK 11:20 -11:30 a.m.

BOARD CHAIR REPORT - Dr. Jones, Jr.

Dr. Jones, Jr. stated how much of an honor it was to serve as Chair for two consecutive years. He thanked those who attended in person and those who attended virtually for being such a wonderful team. He thanked the Board for their vote of confidence in his leadership and is looking forward to new leadership and how the next Chair will lead the Board through this pandemic.

NOMINATING COMMITTEE REPORT - Ms. Hershkowitz

Ms. Hershkowitz, Chair of the Nominating Committee, provided the Board with the slate of officers that was adopted at the 9:00 a.m. Nominating Committee meeting.

Chair: James Wells, RPh, Citizen Member

Dr. Steve Karras, Board of Veterinary Medicine

1st Vice Chair: Sahil Chaudhary, Citizen Member

2nd Vice Chair: Dr. Brenda Stokes, Board of Medicine

ELECTION OF OFFICERS - Dr. Jones, Jr.

The Board approved the slate of officers as presented and the vote was opened for Mr. Wells as Board Chair. Roll call voting provided 16 members in favor of Mr. Wells, with one member voting for Dr. Karras. With the majority vote, Mr. Wells was announced as Chair.

The Board agreed with the slate of officers provided by the Nominating Committee for Mr. Chaudhary to serve as 1st Vice Chair and Dr. Stokes to serve as 2nd Vice Chair.

Dr. Jones, Jr. congratulated the newly appointed officers of the Board.

EXECUTIVE DIRECTOR'S REPORT - Dr. Carter

Dr. Carter provided an overview of the Board's budget, along with the agencies statistics and performance measures. A link was provided in the meeting agenda for board members to review the agencies 2019-2020 Biennial Report.

HEALTHCARE WORKFORCE DATA CENTER - Dr. Shobo

Dr. Shobo provided an update of the workforce profession reports that were finalized in 2020, as well as ways that the Center is assisting various entities with workforce data.

INDIVIDUAL BOARD REPORTS

Board of Audiology & Speech-Language Pathology (Attachment 2)

Board of Counseling - Dr. Doyle

The Board will be considering the conversion therapy regulations at the next meeting, which is scheduled for February 15, 2021. A compact is emerging for counseling that is in the roll out phase. The Board is working on a guidance document for telehealth as many have moved their services online during the pandemic. Current regulations will need additional language to guide safe and ethical practice.

Board of Dentistry - Dr. Catchings

Due to COVID-19 dental students preparing for graduation and licensure by the Board of Dentistry were unable to perform a live patient exam. The Board came up with a way to allow students to perform an exam involving artificial teeth that would qualify them for licensure. The Board also arranged for graduating students to be trained on giving COVID-19 injections.

Formal hearings have been held virtually, while informal meetings are still in person. The Board is now in the beginning phase of developing emergency plans that will address how to function in a state of emergency. Such as the COVID-19 pandemic.

Board of Medicine - Dr. Stokes

Requests for waivers for electronic transmission of opioid prescriptions: As of July 1st, 2020, the regulations stated that all opiate prescriptions had to be transmitted electronically, with a stipulation that people could apply for a waiver for up to 1 year. There were 2,000 requests for waivers with some needing additional information. The statute does not allow the waiver to go past July 1, 2021.

A new licensed profession for the Board is surgical assistants. A surgical assistant advisory board has been created to develop regulations.

Every three years, the Board of Medicine is required to provide a list of professionals to the Supreme Court for malpractice panels. A big thank you to the executive directors and their staff that helped provided the names of professionals to be added to the list.

Reciprocity with continuous jurisdictions is currently under review. State boards were contacted by the executive directors with North Carolina, Tennessee, Kentucky and West Virginia showing no interest, while Maryland and D.C. we're open to the idea. Ongoing discussions continue.

Dr. Kevin O'Connor has been nominated for a leadership award that is given by the Federation of State Medical Boards.

The Board has held virtual board meetings, but the informal and formal hearings are still in person.

Board of Nursing - Ms. Hershkowitz

Ms. Hershkowitz provided an overview of the Board of Nursing's activities. (Attachment 3)

Board of Optometry - Dr. Clayton-Jeter

Dr. Clayton-Jeter provided an overview of the Board of Optometry activities. (Attachment 4)

Board of Pharmacy - Mr. Logan

Mr. Logan stated that the Board of Pharmacy voted to adopt language on the cultivation and production of cannabis oil to prohibit the production of an oil intended to be inhaled from containing vitamin E. acetate. The board also voted to adopt final regulations of cannabidiol scheduled 5 that by default places into schedule 6 for consistency. He stated that the next board meeting is scheduled on February 22, 2021.

Board of Physical Therapy - Dr. Jones, Jr.

The Board of Physical Therapy met virtually on November 7, 2020. The board updated its telehealth guidance document based upon some questions and concerns identified during the pandemic. Physical therapy licensure compact implementation has been smooth for the board and the compact became effective January 1, 2021.

Board of Psychology - Dr. Stewart

The Board of Psychology board brief is available on the agencies website. Following are a few highlights: Psychology licensee total is roughly 5,700, of which three quarters are clinical psychologist, with the remaining spread among school psychology, sex offender treatment providers, applied psychologists and trainees.

Dr. Stewart provided an update on PsyPact, noting that 15 states are participating with another nine on board. He stated that about half of the states, including most of the surrounding states around Virginia, will be on board.

There has also been a periodic review of regulations governing the practice of psychology. These regulations are in the final stage and under review by the Office of the Governor. Similarly, the Board is updating the certification of sex offender treatment provider regulations which are on the fast track for authorization.

Board of Veterinary Medicine (Attachment 5)

Board of Social Work (Attachment 6)

NEW BUSINESS - Dr. Jones, Jr.

There was no new board business brought forward.

NEXT FULL BOARD MEETING

The next Full Board meeting will be held March 4, 2021 at 10:00 a.m.

ADJOURNMENT

The meeting adjourned at 12:36 p.m.

CHAIR

SIGNATURE _____

James Wells, RPh

____/____/____

BHP EXECUTIVE DIRECTOR

SIGNATURE _____

Elizabeth A. Carter, PhD

____/____/____

Report of Regulatory Actions

January, 2021

Board		Board of Counseling
Chapter	Action / Stage Information	
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	<u>Unprofessional conduct - conversion therapy</u> [Action 5225] Proposed - Register Date: 8/31/20 [Stage 8743]
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	<u>Periodic review</u> [Action 5230] Proposed - At Governor's Office [Stage 8872]
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	<u>Resident license</u> [Action 5371] Proposed - Register Date: 9/14/20 [Stage 8897]
[18 VAC 115 - 40]	Regulations Governing the Certification of Rehabilitation Providers	<u>Periodic review</u> [Action 5305] Proposed - Register Date: 9/14/20 [Stage 8908]
[18 VAC 115 - 90]	Regulations Governing the Licensure of Art Therapists (under development)	<u>New chapter for licensure</u> [Action 5656] NOIRA - At Governor's Office [Stage 9145]
Board		Board of Dentistry
Chapter	Action / Stage Information	
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	<u>Training and supervision of digital scan technicians</u> [Action 5600] NOIRA - At Governor's Office [Stage 9069]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	<u>Amendment to restriction on advertising dental specialties</u> [Action 4920] Proposed - At Governor's Office [Stage 8500]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	<u>Waiver for e-prescribing</u> [Action 5382] Proposed - At Governor's Office [Stage 9068]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	<u>Technical correction</u> [Action 5198] Fast-Track - At Governor's Office [Stage 8622]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	<u>Administration of sedation and anesthesia</u> [Action 5056] Final - Register Date: 2/15/21 [Stage 9177]

[18 VAC 60 - 25]	Regulations Governing the Practice of Dental Hygiene	Protocols for remote supervision of VDH and DBHDS dental hygienists [Action 5323] Final - At Governor's Office [Stage 9176]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Training in infection control [Action 5505] NOIRA - At Governor's Office [Stage 8932]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Education and training for dental assistants II [Action 4916] Final - At Governor's Office [Stage 9067]

Board		Board of Funeral Directors and Embalmers
Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Licenses for funeral directors and embalmers [Action 5635] Emergency/NOIRA - Register Date: 2/1/21 [Stage 9107]
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Results of periodic review [Action 5165] Final - Register Date: 2/1/21 [Stage 9020]
[18 VAC 65 - 30]	Regulations for Preneed Funeral Planning	Periodic review 2018 [Action 5220] Final - Register Date: 2/1/21 [Stage 9021]
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	Periodic review 2019 [Action 5221] Proposed - At Governor's Office [Stage 8787]

Board		Board of Long-Term Care Administrators
Chapter		Action / Stage Information
[18 VAC 95 - 15]	Regulations Governing Delegation to an Agency Subordinate [under development]	Replacement of section from Chapter 20 on delegation to an agency subordinate [Action 5465] Fast-Track - Register Date: 2/15/21 [Stage 8873]
[18 VAC 95 - 30]	Regulations Governing the Practice of Assisted Living Facility Administrators	Recommendations of RAP on qualifications for licensure [Action 5471] NOIRA - At Governor's Office [Stage 8883]

Board		Board of Medicine
Chapter		Action / Stage Information
[18 VAC 85 - 20]	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic	Conversion therapy [Action 5412] Proposed - Register Date: 2/15/21 [Stage 9121]

[18 VAC 85 - 21]	Regulations Governing Prescribing of Opioids and Buprenorphine	<u>Waiver for e-prescribing of an opioid</u> [Action 5355] Final - At Governor's Office [Stage 9156]
[18 VAC 85 - 50]	Regulations Governing the Practice of Physician Assistants	<u>Practice with patient care team physician</u> [Action 5357] Final - Register Date: 2/15/21 [Stage 9158]
[18 VAC 85 - 160]	Regulations Governing the Licensure of Surgical Assistants and Registration of Surgical Technologists	<u>Amendments for surgical assistants consistent with a licensed profession</u> [Action 5639] NOIRA - At Governor's Office [Stage 9122]

Board	Board of Nursing
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Chapter		Action / Stage Information
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	<u>Unprofessional conduct - conversion therapy</u> [Action 5430] Proposed - Register Date: 2/15/21 [Stage 9119]
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	<u>Registration of clinical nurse specialists</u> [Action 5306] Final - Register Date: 2/1/21 [Stage 9023]
[18 VAC 90 - 26]	Regulations for Nurse Aide Education Programs	<u>Implementing Result of Periodic Review</u> [Action 5157] Final - At Governor's Office [Stage 9157]
[18 VAC 90 - 27]	Regulations Governing Nursing Education Programs	<u>Use of simulation</u> [Action 5402] Proposed - At Governor's Office [Stage 9024]
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	<u>Unprofessional conduct/conversion therapy</u> [Action 5441] Proposed - Register Date: 2/15/21 [Stage 9120]
[18 VAC 90 - 40]	Regulations for Prescriptive Authority for Nurse Practitioners	<u>Waiver for electronic prescribing</u> [Action 5413] Proposed - At Governor's Office [Stage 9038]

Board	Board of Optometry
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Chapter		Action / Stage Information
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Waiver for e-prescribing</u> [Action 5438] Proposed - At Governor's Office [Stage 9108]

Board	Board of Pharmacy
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Chapter		Action / Stage Information
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	<u>Reporting of immunizations to VIIS</u> [Action 5598] Emergency - Register Date: 10/12/20 [Stage 9064]

[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Implementation of legislation for pharmacists initiating treatment [Action 5604] Emergency/NOIRA - Register Date: 2/1/21 [Stage 9074]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Use of medication carousels and RFID technology [Action 5480] NOIRA - Register Date: 9/14/20 [Stage 8892]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Handling fee [Action 5519] Fast-Track - Register Date: 2/1/21 [Stage 8953]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Prohibition against incentives to transfer prescriptions [Action 4186] Final - At Governor's Office [Stage 7888]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Brown bagging and white bagging [Action 4968] Final - At Governor's Office [Stage 8947]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	 Scheduling of chemicals in Schedule I [Action 5666] Final - Register Date: 2/1/21 [Stage 9167]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	 De-scheduling of drug to conform to DEA [Action 5667] Final - Register Date: 1/18/21 [Stage 9168]
[18 VAC 110 - 21]	Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians	Implementation of legislation for registration of pharmacy technicians [Action 5603] Emergency/NOIRA - Register Date: 2/1/21 [Stage 9137]
[18 VAC 110 - 21]	Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians	CE credit for volunteer hours [Action 5546] Fast-Track - Register Date: 2/1/21 [Stage 8986]
[18 VAC 110 - 30]	Regulations for Practitioners of the Healing Arts to Sell Controlled Substances	Limited license for prescribing Schedule VI drugs in non-profit clinics [Action 5605] Emergency/NOIRA - Register Date: 2/1/21 [Stage 9075]
[18 VAC 110 - 50]	Regulations Governing Wholesale Distributors, Manufacturers and Warehouse	Delivery of Schedule VI prescription devices [Action 5084] Final - Register Date: 2/1/21 [Stage 8950]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Amendments resulting from SB976 of the 2020 General Assembly [Action 5629] Emergency/NOIRA - At Governor's Office [Stage 9100]

[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Response to petition for rulemaking [Action 5611] NOIRA - <i>At Governor's Office</i> [Stage 9081]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Registered agents and wholesale distribution [Action 5398] Proposed - <i>At Governor's Office</i> [Stage 8948]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Prohibition of products for vaping or inhalation with vitamin E acetate [Action 5452] Proposed - <i>DPB Review in progress</i> [Stage 9166]
[18 VAC 110 - 60]	Regulations Governing Pharmaceutical Processors	Acquisition of industrial hemp [Action 5602] Fast-Track - <i>Register Date: 2/1/21</i> [Stage 9072]

Board

Board of Physical Therapy

Chapter		Action / Stage Information
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Periodic review [Action 5228] Final - <i>At Governor's Office</i> [Stage 9053]
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	Implementation of the Physical Therapy Compact [Action 5362] Final - <i>At Governor's Office</i> [Stage 9175]

Board

Board of Psychology

Chapter		Action / Stage Information
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Implementation of Psychology Interstate Compact [Action 5567] Emergency/NOIRA - <i>Register Date: 2/1/21</i> [Stage 9019]
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Unprofessional conduct/conversion therapy [Action 5218] Proposed - <i>Register Date: 8/31/20</i> [Stage 8802]
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	Result of Periodic Review [Action 4897] Final - <i>At Governor's Office</i> [Stage 8899]
[18 VAC 125 - 30]	Regulations Governing the Certification of Sex Offender Treatment Providers	Amendments resulting from a periodic review [Action 5660] Fast-Track - <i>DPB Review in progress</i> [Stage 9149]

Board

Board of Social Work

Chapter		Action / Stage Information
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	Changes to endorsement and reinstatement; standards of practice [Action 5631]

		NOIRA - At Governor's Office [Stage 9102]
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	Changes to supervision requirements [Action 5632] Fast-Track - Register Date: 2/1/21 [Stage 9103]
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	Unprofessional conduct/practice of conversion therapy [Action 5241] Final - Register Date: 2/15/21 [Stage 9159]

Report of the 2021 General Assembly

Bills	Committee	Last action	<u>Date</u>
<u>HB 1737</u> - <u>Adams, D.M.</u> - Nurse practitioners; practice without a practice agreement.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health Professions	01/13/21
<u>HB 1747</u> - <u>Adams, D.M.</u> - Clinical nurse specialist; licensure of nurse practitioners as specialists, etc.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Read first time	01/15/21
<u>HB 1769</u> - <u>Freitas</u> - Health care providers, certain; licensure or certification by endorsement.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health Professions	01/13/21
<u>HB 1795</u> - <u>Cole, M.L.</u> - Counseling, Board of; licensure of professional counselors without examination.	<u>(H) Referral Pending</u>	(H) Committee Referral Pending	01/04/21
<u>HB 1815</u> - <u>Heretick</u> - Marijuana; legalization of cultivation, manufacture, sale, possession, and testing, penalties.	<u>(H) Referral Pending</u>	(H) Committee Referral Pending	01/06/21
<u>HB 1817</u> - <u>Adams, D.M.</u> - Certified nurse midwives; practice.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health Professions	01/13/21
<u>HB 1913</u> - <u>Hope</u> - Career fatigue and wellness in certain health care providers; programs to address, civil immunity.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Referred to Committee on Health, Welfare and Institutions	01/10/21
<u>HB 1953</u> - <u>Gooditis</u> - Licensed certified midwives; definition of practice, licensure, report.	<u>(H) Committee on Appropriations</u>	(H) Assigned App. sub: Health & Human Resources	01/15/21
<u>HB 1959</u> - <u>Fowler</u> - Medication abandonment and increasing patient medication adherence; options for reducing rates.	<u>(H) Committee on Rules</u>	(H) Referred to Committee on Rules	01/11/21
<u>HB 1987</u> - <u>Adams, D.M.</u> - Telemedicine; coverage of telehealth services by an insurer, etc.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health	01/15/21
<u>HB 1988</u> - <u>Adams, D.M.</u> - Cannabis oil; processing and dispensing by pharmaceutical processors.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health Professions	01/15/21
<u>HB 2005</u> - <u>Sickles</u> - Disposition of the remains of a decedent; persons to make arrangements for funeral.	<u>(H) Committee on Health, Welfare and Institutions</u>	(H) Assigned HWI sub: Health Professions	01/15/21

HB 2039 - Rasoul - Physician assistant; eliminates certain requirement for practice.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health Professions	01/15/21
HB 2044 - Rasoul - Naturopathic doctors; Board of Medicine to license and regulate.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health Professions	01/15/21
HB 2061 - Willett - VIIS; any health care provider in the Commonwealth that administers immunizations to participate.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health	01/15/21
HB 2079 - Rasoul - Pharmacists; initiation of treatment with and dispensing and administering of drugs and devices.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health Professions	01/15/21
HB 2116 - Mugler - Declared states of emergency, certain; funeral service licensees designated as essential workers.	(H) Committee on Health, Welfare and Institutions	(H) Referred to Committee on Health, Welfare and Institutions	01/12/21
HB 2218 - Hayes - Pharmaceutical processors; permits processors to produce & distribute cannabis products.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health Professions	01/15/21
HB 2220 - Hayes - Surgical technologist; certification, use of title.	(H) Committee on Health, Welfare and Institutions	(H) Assigned HWI sub: Health Professions	01/15/21
HB 2241 - LaRock - Unborn child protection from dismemberment abortion; penalties.	(H) Referral Pending	(H) Committee Referral Pending	01/13/21
HB 2259 - Scott - Governor; issuance of licenses to persons denied by regulatory board.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/13/21
HB 2272 - Fowler - Naturopathic doctors; Department of Health Professions to amend its regulations.	(H) Committee on Health, Welfare and Institutions	(H) Referred to Committee on Health, Welfare and Institutions	01/14/21
HJ 531 - Helmer - Study; Joint Commission on Health Care.	(H) Referral Pending	(H) Committee Referral Pending	01/09/21
SB 1107 - Stanley - Medical malpractice; limitation on recovery.	(S) Committee on the Judiciary	(S) Referred to Committee on the Judiciary	12/02/20
SB 1115 - Peake - Industrial hemp; increases maximum THC concentration.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Referred to Committee on Agriculture, Conservation and Natural Resources	12/21/20

SB 1167 - Kiggans - Board of Nursing; licensure or certification by endorsement for members of the U.S. military.	(S) Committee on Education and Health	(S) Assigned Education sub: Health Professions	01/13/21
SB 1178 - Ebbin - Genetic counseling; conscience clause.	(S) Committee on Education and Health	(S) Assigned Education sub: Health Professions	01/13/21
SB 1187 - Hashmi - Department of Health Professions; practice of physical therapy.	(S) Committee on Education and Health	(S) Assigned Education sub: Health Professions	01/13/21
SB 1189 - Hashmi - Licensure of occupational therapists; Occupational Therapy Interjurisdictional Licensure Compact.	(S) Committee on Education and Health	(S) Assigned Education sub: Health Professions	01/13/21
SB 1192 - Kiggans - Naturopathic doctors; Department of Health Professions to amend its regulations.	(S) Committee on Education and Health	(S) Senate subcommittee amendments and substitutes offered	01/15/21
SB 1205 - Barker - Programs to address career fatigue and wellness in certain health care providers; civil immunity.	(S) Committee on Education and Health	(S) Assigned Education sub: Health Professions	01/13/21
SB 1218 - Petersen - Naturopathic doctors; license required.	(S) Committee on Education and Health	(S) Senate subcommittee amendments and substitutes offered	01/15/21
SB 1268 - Deeds - Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/11/21
SB 1320 - Lucas - Licensed certified midwives; licensure; practice.	(S) Committee on Education and Health	(S) Referred to Committee on Education and Health	01/12/21
SB 1333 - Lucas - Pharmaceutical processors; permits processors to produce & distribute cannabis products.	(S) Committee on Education and Health	(S) Referred to Committee on Education and Health	01/12/21
SB 1408 - Barker - Joint Commission on Health Care; sunset.	(S) Committee on Rules	(S) Referred to Committee on Rules	01/13/21
SB 1424 - Cosgrove - Funeral service establishments; manager of record.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/13/21

**Virginia Board of Audiology and Speech-Language Pathology
Board of Health Professions Meeting
January 21, 2021**

Statistics

Last board meeting held on February 25, 2020. The next board meeting is scheduled for February 9, 2021.

Complaints

FY2017 Received - 30	FY2018 Received - 17	FY2019 Received - 43	FY2020 Received - 12
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Licenses

Audiologist	546
SLP	4556
School SLP	405
Total	5,507

Activities of the Board:

- Board staff is mostly teleworking and coming into the office as needed.
- Professional association now has a certification for assistants, but the Board does not have authority to license, register or certify assistants at this time.
- Board continues in a holding position with the licensure compact. There has been no response to requests for how the compact commission will be funded. This is problematic because the compact states that the members of the compact will be responsible for ensuring that the compact is fully funded. There are currently not enough states that have signed onto the compact to activate it.

Virginia Board of Nursing
Report to the Board of Health Professions Meeting
January 21, 2021

The Board of Nursing continues to move forward despite the complications of the COVID-19 pandemic and the obstacles it has provided. The Board resumed its many disciplinary hearings in July 2020 in person, with noteworthy staff management of the infection control and social distancing requirements to keep all participants safe. Since October 2020, Business Meetings have been conducted virtually and disciplinary hearings are moving to the virtual WebEx platform effective January 2021. The Board staff has continued with the work of the Board through largely virtual means, supporting in-person meetings as required. This has created many challenges through the past year and the staff has, as always, risen to the many challenges with strength and efficiency.

A number of issues were raised during the December 2020 Board meeting of interest to the Board of Health Professions, including the following:

1. The Board of Nursing has had, since the early 1990s, a scholarship fund for RN and LPN students called the “Mary Marshall Scholarship” to which Virginia students may apply. It is funded through \$1.00 from each licensure fee and pays out up to \$65,000.00 per year. That number is the original cap that was placed upon creation of the fund. The Scholarship, though funded by fees paid to and through the Board of Nursing, is administered by the Virginia Department of Health.

As a result of the current financial hardships for students created by the pandemic, the Board of Nursing voted to request an increase in the cap on scholarship funds available each year and also to seek to develop a Task Force (with VDH) that would consider expanding eligibility for funding to Nurse Aide students.

2. The Board received the report on the proposed revisions to the Sanction Reference Points for Certified Nurse Aides. Two areas of concern were raised:

a. The “failure to participate with DHP” was listed for scoring. Since the respondent has no obligation to participate, although it is their due process right to do so, it was requested that that item be removed from the scoring.

b. The issue of patient injury included a statement “for instance a patient injury resulting from a fall would not be scored.” The Board requested that that modifier be removed.

It should be noted that the SRPs for Certified Nurse Aides, as presented to the BHP today, have both those items removed.

3. The Final Regulations for Nurse Aide Educational Programs were presented, as part of a periodic review. Two major revisions are highlighted:

- a. The number of hours required for approval was increased from 120 to 140, including at least 20 additional hours for clinical education.
- b. Instructor training of at least 12 hours is required for all Nurse Aide instructors.

The Board of Nursing staff participated in a number of significant efforts during the last quarter of 2020. Included, among many others, were:

1. Project First Line – an initiative, with DHP and VDH, to expand and ensure infection control education to all health care providers.
2. The Clinicals Workgroup, convened with the Governor’s staff, to discuss the impact of COVID-19 on educational programs.
3. Adding APRNs to NURSYS, the national licensure and disciplinary database, which already lists RNs and LPNs. This system centralizes the information sources required.
4. As part of its approval process for pre-licensure educational programs, the Board staff participated in the provision of waivers related to licensure and education by making recommendations to the Director of DHP. These waivers posted on the BON website and communicated to stakeholders provided relief and increased flexibility while maintaining educational standards and work to assure adequate workforce in the Commonwealth.

It is difficult to overstate the accomplishments of the staff of the Board of Nursing during the last difficult year. While handling increasing numbers of licensees, educational programs and disciplinary actions, they have continued to adapt through serious challenges to serve the needs of the Department and of the citizens of the Commonwealth. Board Members, many of whom are involved in the delivery of care, have remained available for meetings and hearings and continued to carry out their duty to protect the public during an unprecedented and difficult time.

Respectfully submitted,

Louise Hershkowitz, CRNA, MSHA

**Virginia Board of Optometry
Board of Health Professions Meeting
January 21, 2021**

Statistics

Last board meeting held on October 16, 2020. The February 12, 2021, board meeting is cancelled. The next board meeting is scheduled for July 16, 2021.

Complaints

FY2018 Received - 42	FY2019 Received - 29	FY2020 Received - 35	July – November FY2021 Received - 18
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Licenses

Y-T-D as of 02/20/19

Total – 2,023	TPA – 1,676	DPA – 87
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Activities of the Board:

- Board staff is mostly teleworking and coming into the office as needed.
- Regulatory action to repeal Professional Designations became effective on 10/29/2020.
- Regulatory action for e-prescribing waiver is in the Governor’s office awaiting review. To date only six waiver requests have been received and granted. The waivers expire on June 30, 2021.
- During the Board’s October meeting, the following actions were taken:
 - o Voted to adopt Proposed Regulations for Waiver of Electronic Prescribing.
 - o Voted to adopt Exempt Action on Addition to the TPA-Formulary.
 - o Discussed the issue of continuing education and took no action to make any changes because there are numerous opportunities for licensees to attend online courses where the licensee and the lecturer may communicate with one another as required by regulations.
- Amendments to the Federal Contact Lens Rule became effective on October 16, 2020. After discussion, the Board took no regulatory action, but will continue to monitor for possible regulatory changes.

**Virginia Board of Veterinary Medicine
Board of Health Professions Meeting
January 21, 2021**

Statistics

Last board meeting held on July 28, 2020. The October 29, 2020, board meeting was cancelled. The next board meeting is scheduled for March 11, 2021.

Complaints

FY2018 Received - 217	FY2019 Received - 247	FY2020 Received - 463	1 st QTR FY2021 Received – 82
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Licenses

Type of Licensee	Total # of Licensees
Veterinarian	4,647
Faculty Veterinarian	93
Intern/Resident Veterinarian	57
Veterinary Technician	2,448
Equine Dental Technician	24
Veterinary Establishment – Ambulatory	300
Veterinary Establishment - Stationary	890

Activities of the Board:

- Board staff is mostly teleworking and coming into the office as needed.
- Board held several informal conferences virtually.
- Veterinary Establishment Inspection Committee met virtually on 9/30/20 and 12/17/20 to discuss possible changes to the regulations related to veterinary establishments.
- Board recently sent out a mass emails with information from the U.S. Fish and Wildlife Service regarding stolen falcons a federally protected bird and information from VDH about the first confirmed Virginia cat testing positive for SARS-CoV-2.



Virginia Department of Health Professions

Board of Social Work

Social Work Monthly Snapshot for November 2020

Social Work has closed more cases in November than received. Social Work has closed 4 patient care cases and 5 non-patient care cases for a total of 9 cases.

Cases Closed	
Patient Care	4
Non-Patient Care	5
Total	9

Social Work has received 4 patient care cases and 2 non-patient care cases for a total of 6 cases.

Cases Received	
Patient Care	4
Non-Patient Care	2
Total	6

As of November 30, 2020 there were 34 patient care cases open and 6 non-patient care cases open for a total of 40 cases.

Cases Open	
Patient Care	34
Non-Patient Care	6
Total	40

There were 11,387 Social Work licensees as of December 1, 2020. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Associate Social Worker	1
Licensed Baccalaureate Social Worker	25
Licensed Clinical Social Worker	7,701
Licensed Master's Social Worker	886
LSW Supervision	7
Registered Social Worker	8
Registration of Supervision	2,759
Total for Social Work	11,387

There were 137 licenses issued for Social Work for the month of November. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Licensed Baccalaureate Social Worker	1
Licensed Clinical Social Worker	63
Licensed Master's Social Worker	10
Registration of Supervision	63
Total for Social Work	137

Regulatory Changes

Section	Change	Stage
18VAC140-20	<p>Unprofessional Conduct/Practice of Conversion Therapy</p> <p>The Board intends to specify in regulations that the requirement for persons licensed or registered by the Board to conduct "one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public " precludes the provision of conversion therapy and to define what conversion therapy is and is not. The goal is to align regulations of the Board with the stated policy and ethics for the profession of social work.</p>	Final: Register Date: 2/15/21
18VAC140-20	<p>Changes to Supervision Requirements</p> <p>The Board proposes amendments to clarify that the definition of "face-to-face" may include the use of technology in the contact between a supervisee and a client and to add a definition for a "supervisory contract." Other amendments will: (1) clarify that the educational requirements must be completed before persons begin their post-graduate supervised experience; (2) eliminate the requirement that a supervisee notify the Board whenever there is a change of location or supervised experiences; and (3) reiterate that a person must remain under supervision until issued a license.</p>	Fast Track: Register Date: 2/1/21
18VAC 140-20	<p>Changes to endorsement and reinstatement; standards of practice</p> <p>The Board will consider amendments to the regulations for: 1) licensure by endorsement to eliminate all requirements for either supervised experience or active practice in another jurisdiction; 2) reinstatement or reactivation of licensure to eliminate requirements for a person whose license has been lapsed for 10 or more years to provide evidence of either active practice in another jurisdiction or in an exempt setting, or supervised practice of no less than 360 hours in a 12-month period; and 3) additions to the standards of practice to specify that persons licensed by the board shall not engage in physical contact with a client when there is a likelihood of psychological harm to the client and shall not sexually harass a client.</p>	NOIRA – at the Governor's Office

News Update:

The Board wants to focus on workforce issues and ensuring that any regulatory and policy changes protect the public but also ensure that the workforce needs are met. The Board is also discussing the LMSW in more detail to determine that it is in line with the ASWB model Act and promotes mobility. Additionally, the board is working on a Supervisor Registry which should go live very soon. Please check the website for further details.

Also will be adding Music Therapists and an Advisory Board this year pursuant to recent legislation. The Advisory Board on Music Therapy will hold its first meeting on February 19, 2021.

The Board will also publish a newsletter that should be sent to all licensees and applicants next week.

Next Board Meeting: March 12, 2021