

**VIRGINIA BOARD OF HEALTH PROFESSIONS  
DEPARTMENT OF HEALTH PROFESSIONS  
FULL BOARD MEETING  
APRIL 18, 2006**

**TIME AND PLACE:** The meeting was called to order at 12:50 p.m. on Tuesday, April 18, 2006, at the Department of Health Professions, 6603 W. Broad St., 5<sup>th</sup> Floor, Room 1, Richmond, VA.

**PRESIDING OFFICER:** Michael W. Ridenhour, Au.D., Vice Chair

**MEMBERS PRESENT:** David R. Boehm, L.C.S.W.  
Lynne M. Cooper, Citizen Member, Nursing  
Mary Gregerson, Ph.D.  
David H. Hettler, O.D.  
Damien Howell, P.T.  
Joseph Jenkins, Jr., F.S.L.  
Juan M. Montero, II, M.D.  
Harold S. Seigel, D.D.S.  
Mary M. Smith, N.H.A.  
Demis L. Stewart, Citizen Member  
Joanne Taylor, Citizen Member  
Lucia Anna Trigiani, Esq., Citizen Member  
Natale A. Ward, L.P.C.  
John T. Wise, D.V.M.

**MEMBERS NOT PRESENT:** Toni A. Aust, R.Ph.  
Alan E. Mayer, Citizen Member  
Janet Payne, Citizen Member

**STAFF PRESENT:** Robert A. Nebiker, Agency Director  
Emily Wingfield, Assistant Attorney General  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Elaine Yeatts, Senior Regulatory Analyst  
Cathy Reiniers-Day, Deputy Executive Director, Board of Pharmacy  
Susan Stanbach, Senior Management Analyst  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** There were no others present.

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

established.

**PUBLIC COMMENT:**

No public comment was presented.

**APPROVAL OF MINUTES:**

On properly seconded motion by Dr. Hettler, the Board voted unanimously to adopt the minutes of the January 17, 2006 meeting.

**DEPARTMENT DIRECTOR'S REPORT:**

Mr. Nebiker reported that the auditors would be conducting an agency audit through June 2006. A review of the results of the audit will be slated as an agenda item in the near future.

Mr. Nebiker noted that the Administration had requested that every agency review its strategic plan for possible revision in light of the Governor's initiatives.

Mr. Nebiker advised the Board that the General Assembly had expanded the agency's Prescription Monitoring Program to address all regions of the state, not just the southwestern portion, and to expand from Schedule II only to Schedule II through IV controlled substances. The program's expanded functions should become operational in June.

He also informed the Board about an educational conference on controlled substance use, misuse, and abuse to be held on April 29, 2006 in Blacksburg. The program is sponsored jointly by the Department and Lewis-Gale CME Organization and the Edward Via Virginia College of Osteopathy. The session is designed to educate physicians and pharmacists concerning controlled substance use, misuse, and abuse. He noted that 50 persons had already signed up.

**INTRODUCTION OF SANDRA RYALS:**

Dr. Ridenhour introduced the Department's new Chief Deputy Director, Sandra Ryals. Ms. Ryals, most recently with the Virginia Tobacco Settlement Foundation, has served as the Chief Deputy Director of the Department of Professional and Occupational Regulation.

**EXECUTIVE DIRECTOR'S REPORT:**

**Budget**

Dr. Carter reported that the Board remained within its budget and there is sufficient funding for existing projects.

## **Workplan**

### **Historical Discipline Reporting**

Dr. Carter reported that the Regulatory Research Committee had requested that the Board review the feasibility of making confidential minor disciplinary action against licensees that occurred many years ago. The rationale was that these same minor actions today would most likely result in confidential consent agreements. In addition to the fact that this information is known to exist elsewhere (i.e., with credentialing organizations, the press, and in minutes), Ms. Wingfield advised the Board that there are tremendous hurdles inherent in attempting to amend the Freedom of Information Act, the Administrative Process Act, and other statutes that make expungement of minor disciplinary actions infeasible.

### **Telehealth Update**

Dr. Carter stated that updates have been requested from each of the boards on advancements relating to the regulation of telehealth practices. They are due by August 1. From informal discussions with the Board Executive Directors, it appears that the Board of Pharmacy will have the most information.

## **REVIEW OF LEGISLATION AND REGULATORY PROPOSALS:**

Ms. Yeatts updated the Board on the legislation from the 2006 General Assembly session that may impact the Department. Her report is incorporated into the minutes as Attachment 1.

## **COMMITTEE REPORTS:**

### **Education Committee**

Ms. Smith reported that the Committee had received an update from Ms. Jolly on two new agency brochures in the developmental stages: (1) the Board of Medicine's licensure application process and compliance, (2) continuing education session targeting physicians and pharmacists on addiction and the risk of controlled substance diversion, just described by Mr. Nebiker.

Additionally, Ms. Smith reported that the Committee had reviewed a draft agenda and potential topics for the upcoming Citizen Advocacy Center (CAC) national annual meeting to be held in conjunction with the BHP Issues Forum, October 17-20, 2006 in Williamsburg.

The theme of the meeting is "Accountability through Transparency." We are coordinating with CAC on presentations and speakers for their meeting and BHP's Issues Forum. It is anticipated that each board will have two representatives, one in addition to their BHP member. Topics to be addressed at the Issues Forum relate to board member training needs and general discussions on cross-cutting topics for Virginia. Ms. Smith stated that details are still preliminary, but the agenda should be finalized by July. A request to each board for potential topics will be sent out by Dr. Carter to each board. The final agenda will be provided as soon as it becomes available.

### **Enforcement Committee**

Dr. Seigel informed the Board that the Committee had received an update on the Sanction Reference Study and conveyed the need for on-going training regarding the Sanction Reference Study, enforcement, the adjudication process, and new laws. It was suggested that additional training sessions be implemented upon request and held during regular board meetings. Dr. Seigel also reported that Ms. Lemon had requested feedback from the various boards regarding the quality of disciplinary cases and suggested areas of improvement.

Dr. Seigel reported that the Committee had also received updates on the agency's disciplinary performance and agency employee positions to address increased caseload. Further, the Committee received a report from Mr. Nebiker and Dr. Carter regarding the study into the need for criminal background checks. The matter is the subject of a roundtable discussion scheduled at the annual meeting of the Council on Licensure Enforcement and Regulation (CLEAR) in September. A report on the findings will be provided to the Board thereafter.

Additionally, Dr. Carter briefed the Committee on the potential benefits of uniform sanctioning across the various boards for minor disciplinary offenses such as continuing education. The Committee voted to proceed first with an analysis of dispositions of continuing education disciplinary cases across boards.

## **BOARD REPORTS:**

### **Board of Medicine**

Dr. Montero apprised the Board of "specialty" physicians

who open up a family practice. He stated that the public may not be aware that these physicians are specialty trained. Dr. Montero noted that this issue was before the Board of Medicine and that the issue had not been previously addressed by any state.

#### **Board of Social Work**

Mr. Boehm reported that due to HB 1446, the number of board members had increased from seven to nine.

The various boards' written reports are incorporated into the minutes as Attachment 2.

#### **NEW BUSINESS:**

#### **Pandemic Planning**

Mr. Nebiker reported that a survey of all DHP employees was being conducted to determine who had computers with high speed internet service. The employees who have high speed internet service could be set up to work from home. The Health Department is stockpiling vaccines and collecting emergency information from healthcare practitioners willing to serve during a pandemic.

#### **Farewells**

Dr. Carter advised the Board that the Honorable Alan Mayer's term ends on June 30, 2006 and that he is not seeking reappointment. Dr. Carter shared that a plaque honoring his devoted service will be forwarded to his home.

Dr. Ridenhour reported that his term, also, would end on June 30, 2006. Technically, his term on BHP was not slated to end until 2008 but his second term on the Board of Audiology and Speech-Language Pathology ends this year.

The Board members and staff expressed their sincere appreciation to both Mr. Mayer to Dr. Ridenhour. Dr. Ridenhour thanked all the board members and staff for their dedication and Mr. Nebiker for his effective leadership of the Department.

Dr. Carter will present a plaque honoring Dr. Ridenhour's service on the Board of Health Professions at the next Board of Audiology and Speech-Language Pathology meeting in May.

**ADJOURNMENT:**

The meeting adjourned at 2:15 p.m.

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David H. Hettler, O.D.  
Presiding Board Member

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