

**VIRGINIA BOARD OF NURSING
BUSINESS MEETING MINUTES
July 20, 2021**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on July 20, 2021, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Marie Gerardo, MS, RN, ANP-BC; President

BOARD MEMBERS PRESENT:
Mark D. Monson, Citizen Member; First Vice-President
Margaret J. Friedenberg, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
James L. Hermansen-Parker, MSN, RN, PCCN-K
Louise Hershkowitz, CRNA, MSHA
Brandon A. Jones, MSN, RN, CEN, NEA-BC
Dixie L. McElfresh, LPN
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Meenakshi Shah, BA, RN
Felisa A. Smith, RN, MSA, MSN/Ed, CNE
Cynthia M. Swineford, RN, MSN, CNE

MEMBERS ABSENT: Yvette L. Dorsey, DNP, RN
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Lelia Claire Morris, RN, LNHA; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advance Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Jacquelyn Wilmoth; Deputy Executive Director for Education
Stephanie Willinger; Deputy Executive Director for Licensing
Jacquelyn Wilmoth, RN, MSN; Nursing Education Program Manager
Patricia L. Dewey, RN, BSN; Discipline Case Manager
Christine Smith, RN, MSN; Nurse Aide/RMA Education Program Manager
Randall Mangrum, DNP, RN; Nursing Education Program Manager
Huong Vu, Executive Assistant

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
David Brown, DO, Department of Health Professions Director
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

IN THE AUDIENCE: W. Scott Johnson, Hancock, Daniel & Johnson, PC
Kelsey Wilkinson, Medical Society of Virginia (MSV)
Andrew Durcell, MSV
Janet Wall, MS, CEO of the Virginia Nurses Association (VNA)/Virginia Nurses Foundation (VNF)
Michelle Satterlund, Virginia Association of Nurse Anesthetists (VANA)
Marjorie Smith, LNP, PMH, LLC
Kim Small, VisualResearch
Neal Kauder, VisualResearch

Sheri Delozie, Fortis College
Jennifer Martinez, Fortis College

ESTABLISHMENT OF A QUORUM:

Ms. Gerardo asked Board Members and Staff to introduce themselves. With 12 members present, a quorum was established.

ANNOUNCEMENTS:

Ms. Gerardo highlighted the announcements on the agenda.

- Staff Update
 - **Candis Stoll** accepted the P-14 Nursing Discipline Specialist position and started on May 25, 2021
 - **Brandi Wood** accepted the P-14 Licensing Specialist, Nurse Practitioner position and started on June 7, 2021
 - **Charlette Ridout, RN, MS, CNE**, accepted the P-14 Probable Cause Reviewer and Nurse Aide Education Program Inspector position and started on June 21, 2021
 - **Christina Bargdill, BSN, MHS**, accepted the Deputy Executive Director for Nurse Aide/Medication Aide and Massage Therapy Programs, and started on June 25, 2021 (**replacing Charlette Ridout**)

Ms. Douglas noted an additional staff update:

- **Bethany Fields** accepted the P-14 Nurse Aide Inspector position

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

- The **VIRTUAL** Nurse Licensure Compact (NLC) Annual meeting is scheduled for August 17, 2021 – Ms. Douglas will attend as Commissioner
- The **VIRTUAL** NCSBN Annual meeting is scheduled for August 18-19, 2021– Ms. Douglas will attend as President of NCSBN Board of Directors. Mr. Jones, Board Member, and Ms. Wilmoth, Deputy Executive Director for Education, will serve as Delegates on behalf of Virginia Board of Nursing. Dr. McQueen-Gibson, Board Member, and Dr. Hills, Deputy Executive Director for Advanced Practice, will serve as alternate Delegates on behalf of the Virginia Board of Nursing

Note - all NCSBN meetings are funded by NCSBN

- The Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for Wednesday, October 13, 2021 at 9:00 am

ORDERING OF AGENDA: Ms. Gerardo asked staff to provide updates of the Agenda.

Ms. Douglas provided the following:

- **Under Other Matters** – there will be an additional item of Discussion - volunteers needed for the Nominating Committee

- One additional Consent Order has been added for consideration
- No possible summary suspension consideration at 3:30 pm

CONSENT AGENDA: The Board did not remove any items from the consent agenda.

Mr. Monson moved to accept the consent agenda as presented. The motion was seconded by Ms. McElfresh and carried unanimously.

Consent Agenda

B1	May 17, 2021	Formal Hearings
B2	May 18, 2021	Business Meeting
B3	May 19, 2021	Panel A – Formal Hearings
B4	May 19, 2021	Panel B – Formal Hearings
B5	May 20, 2021	Formal Hearings
B6	June 22, 2021	Telephone Conference Call
B7	June 29, 2021	Telephone Conference Call
B8	July 12, 2021	Telephone Conference Call

- C1** Financial Reports as of May 31, 2021
- C2** Board of Nursing Monthly Tracking Log
- C3** Agency Subordination Recommendation Tracking Log
- C4** HPMP Report as of June 30, 2021
- C5** Executive Director Report
 - ❖ NCSBN Letter from the President May 24, 2021

DIALOGUE WITH DHP DIRECTOR OFFICE:

Dr. Brown reported the following:

- The State of Emergency ended on June 30, 2021 and with that the ability to conduct meetings/hearings virtually also ended
- Benefits of virtual meetings – easier for public to attend, and no travel by Board members and the public required
- There may be legislation in the future permitting DHP to conduct select meetings virtually i.e., due to inclement weather
- The Perimeter Center will be re-opened to the public on August 2, 2021 for normal business
- DHP has extended remote teleworking for staff to October 1, 2021 in order to accommodate staff with young children
- Lessons learned through the pandemic continue to be identified. We do know that teleworking works especially for selected jobs at DHP. The goal is to balance collaboration with effective telework. Boards that had transitioned to electronic process (licensing and discipline) pre-pandemic had easier time becoming fully remote during the pandemic.
- Signage and policies for masking is in process
- DHP is working toward digital processing for disciplinary cases particularly to streamline the investigative process. A search for a

case record management package that meets the needs of DHP is underway.

Ms. Douglas added that Ms. Willinger is the lead staff regarding efficient online licensing process.

Mr. Monson applauded Dr. Brown for considering the sensitivity of DHP employees who are working parents and asked if he had a sense of how receptive the legislature is to moving select meeting to the virtual format. Dr. Brown replied that the legislature is looking at the big picture with an eye to the unintended consequences regarding the public's ability to participate.

Ms. Phelps stated that virtual meetings are still conducted at her employment. Ms. Phelps added that telehealth in clinical practice has increased productivity and stability.

Ms. Hershkowitz applauded Dr. Brown's leadership in enhancing the ability for staff to live and work.

Ms. Smith thanked Dr. Brown for considering the whole employee so that employee self-care is maintained as decisions are made.

Dr. Gleason asked what recommendations are for people who have been vaccinated but who acquire COVID. Dr. Brown replied that it is a low chance but not unexpected. Dr. Brown added that vaccinated people are less likely to be contagious.

Mr. Monson asked if there is consideration for creating a mixed world in which the meetings are conducted in-person but the public can participate virtually particularly for high-interest meetings. Dr. Brown replied that it is doable but technology is limited regarding public comment ability.

DISPOSITION OF
MINUTES:

None

REPORTS:

C6 RMA Curriculum Committee June 9, 2021 Meeting Minutes:

Ms. Smith provided the following:

- The RMA Curriculum has not been revised since 2013
- The current curriculum is a bit prescriptive
- NCSBN information will be distributed to Committee Members

Ms. Smith acknowledged Ms. Friedenber and Ms. McElfresh are on the Committee. Additionally, several interested stakeholders provided input regarding updated practice at the meeting. Ms. Smith acknowledged Board

staff for their significant contributions. Ms. Smith added that the next meeting is scheduled in August.

Mr. Monson moved to accept the RMA Curriculum Committee June 9, 2021 meeting minutes as presented. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

C7 The Committee of the Joint Boards of Nursing and Medicine June 16, 2021 Business Meeting DRAFT Minutes:

Ms. Gerardo reviewed the DRAFT minutes provided on the agenda.

Mr. Monson moved to accept the Committee of the Joint Boards of Nursing and Medicine June 16, 2021 Business Meeting DRAFT minutes as presented. The motion was seconded by Ms. Friedenbergl and carried unanimously.

C8 Nurse Practitioner Side-by-Side Comparison Table:

Dr. Hills stated the request for the table came from the Committee of Joint Boards of Nursing and Medicine members. Dr. Hills reviewed the table provided on the agenda.

Ms. Douglas stated that staff is in the process of selecting where to post the Side-by-Side Comparison Table on the Board of Nursing website.

C9 Communication sent to all CNSs on May 27, 2021

Ms. Douglas noted that this was provided as information only.

C10 Communication sent to all CNMs on June 24, 2021

Ms. Douglas noted that this was provided as information only.

C11 NCSBN NCLEX Review Sub Committee Report

Mr. Jones provided a brief explanation of the report noting that the work of the Sub Committee is confidential to ensure NCLEX is psychometrically sound and legally defensible.

Ms. Mitchell asked to strike the statement “*Ms. Mitchell noted that recommendations should align with national requirements*” on page 8 of the Committee of the Joint Boards of Nursing and Medicine June 16, 2021 Business Meeting DRAFT minutes since she only summarized what the Committee recommended. Mr. Monson moved to reopen the DRAFT minutes and to accept them as amended. The motion was seconded by Mr. Jones and carried unanimously.

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell reported that the Board currently has nothing pending with the Circuit Court.

Ms. Douglas commented that there has been an increase in Grand Jury subpoenas and FOIAs received, including a subpoena requiring Ms. Douglas' appearance in Williamsburg regarding an LMT case. Ms. Douglas thanked Ms. Mitchell for her expertise.

Ms. Hershkowitz asked if there is theme regarding the increase in subpoenas and FOIAs received. Ms. Mitchell reported that there is no particular theme but noted that there has been increased media interest in licensed massage therapists.

D1 2022 Board of Nursing Meeting Dates

Ms. Gerardo reminded Board Members to mark these dates on the calendar.

Ms. Gerardo thanked Ms. Hershkowitz and Ms. Phelps for their service on the Board their terms having expired on June 30, 2021.

D2 Summary of Recommendations to the 2021 NCSBN Delegate Assembly

Ms. Douglas advised that Mr. Jones and Ms. Wilmoth will serve as Delegates on behalf of the Virginia Board of Nursing at the 2021 NCSBN Annual meeting which will be conducted virtually. Ms. Douglas added that Dr. McQueen-Gibson and Dr. Hills will serve as alternate Delegates.

Ms. Douglas summarized the agenda noting that changes to regulatory language on education, advanced practice and preparing for future states of emergency will be recommended. Also on the agenda is the Next Generation NCLEX (NGN) with a 2023 target effective date for all states to approve.

Discussion of Volunteers needed for the Nominating Committee

Ms. Douglas said that volunteers are needed for the Nominating Committee which will present a slate of candidates for voting in November 2021.

Ms. Gerardo requested that Board Members who wish to serve on the Nominating Committee please inform Ms. Douglas by the end of the day. Ms. Gerardo noted that the Nominating Committee will meet in September 2021 to develop the slate of candidates.

Ms. Gerardo added that Board Members who are elected as Board Officers will serve effective in January 2022.

EDUCATION:

Education Staff Report:

Ms. Wilmoth reported the following:

- NCLEX pass rates dipped in 2020
- Nursing and Nurse Aide Education Program clinical site availability to students is increasing

RECESS: The Board recessed at 9:50 A.M.

RECONVENTION: The Board reconvened at 10:03 A.M.

PUBLIC COMMENT: Ms. Gerardo noted that the Board received three (3) letters (see below) regarding the report required by the enactment clause in HB 793; the letters were shared with Board Members:

- Letter received by the Board on July 16, 2021 from the Medical Society of Virginia
- Letter received by the Board on July 16, 2021 from the Virginia Academy of Family Physicians
- Letter received by the Board on July 17, 2021 from Virginia College of Emergency Physicians

Kelsey Wilkinson, Senior Manager of Government Affairs for the Medical Society of Virginia, provided comment on behalf of MSV and a number of Virginia's physician specialties that the preliminary data does not demonstrate that nurse practitioners (NPs) with five (5) years of full-time clinical experience who are practicing independently have expanded geographically throughout the Commonwealth and subsequently have not increased patient access to a provider. Therefore, Ms. Wilkinson, on behalf of MSV and stakeholders, asked the Board of Nursing to consider recommending maintenance of five (5) years of clinical experience for NP autonomous practice.

Janet Wall, Chief Executive Officer (CEO) of the Virginia Nurses Association (VNA)/ Virginia Nurses Foundation (VNF), provided the following:

- VNA is in support of the report required by HB 793 as presented.
- Fall virtual VNA Conference will be one day only focusing on "*Fostering Recovery by Creating Moral Community in the Wake of a Pandemic*". Registration will open next week.
- Spring Conference will be 2-day event.
- Lesson learned – legislative receptions are more effective when conducted virtually – more legislator participation
- VLN Alliance – leaders from nursing organizations across the Commonwealth meet to discuss priorities and create a policy platform
- Virginia Healthcare Workforce Development Authority conducted its first meeting on July 19, 2021 with 21 participants throughout the Commonwealth to discuss the NP preceptor financial incentive. The next meetings are planned for in August and September 2021.

- A Mental Health First Aid training pilot was conducted which included one nurse, 4 training sessions (1 with administration and 3 with school counselors)

LEGISLATION/
REGULATION:

F1 Chart of Regulatory Action as of June 6, 2021:

Ms. Yeatts provided an overview of the regulatory actions found in the chart.

F2 Regulatory/Policy Actions – 2021 General Assembly:

Ms. Yeatts reviewed the chart directing the Board to 1) the Budget bill that directs DHP to study and make recommendations regarding regulatory oversight for APRNs, and 2) HB1953 which directs DHP to convene a work group to study and determine the appropriate entity to license and regulate all categories of midwives.

F3 Adoption of Exempt Regulations Pursuant to 2021 Legislation

Ms. Yeatts advised that these Exempt Regulations were written solely to conform the NP regulations to the Code. She highlighted the following key points of the legislative changes that influenced these draft exempt regulations:

- HB1737 – This bill reduced the number of years of clinical experience NPs must acquire to be eligible to apply for the autonomous practice designation from 5 to 2 years. This change reflects a temporary continuation of the Executive Order 57 waiver as it is set to expire on July 1, 2022 in the absence of any further legislation by the General Assembly. The General Assembly anticipates the report from the Boards of Nursing and Medicine on HB 793.
- HB 1747 – The most significant legislative change in this bill was that the status of all CNSs went from registration by the Board of Nursing in 54.1-3000 to Nurse Practitioners in the category of CNS jointly licensed by the Boards of Nursing and Medicine in 54.1-2957(J). This change resulted in:
 - all CNSs being required to enter into a practice agreement with a licensed physician
 - CNSs having the ability to obtain prescriptive authority upon submission of evidence of educational preparation
- HB1817 – This bill provided a seasoned CNM, in addition to a licensed physician, the ability to enter into a practice agreement with a CNM who possessed fewer than 1,000 hours of clinical experience.

Ms. Hershkowitz asked if CNMs can now apply for autonomous practice.

Ms. Yeatts advised that there is no autonomous practice application process in the bill for CNMs.

Mr. Monson asked if evidence of clinical hours is required for autonomous CNM practice. Ms. Yeatts advised that there is no requirement in the bill for

proof of hours, just an attestation by the collaborating CNM or MD.

Ms. Yeatts then reviewed the suggested changes to 18VAC 90-30 (Regulations Governing the Licensure of Nurse Practitioners) and 18VAC 90-40 (Regulations for Prescriptive Authority for LNPs). In addition, a recommendation was made to strike 18VAC90-19-210 and -220 along with 18VAC-19-230(A)(2)(g) & (h) regarding CNSs from the BON regulations. Ms. Mitchell stated that these documents were also reviewed by counsel to the BOM who is in agreement with the exempt changes.

Mr. Monson moved to adopt the documents as an exempt action. The motion was seconded by Ms. Hershkowitz and carried unanimously.

F4 Adoption of Proposed Regulations for CNS Registration as a Fast-Track Action

Ms. Yeatts advised that the suggested changes for fast-track action primarily pertain to CNS licensure renewal requirements.

Ms. Hershkowitz moved to adopt the draft document as a fast-track action. The motion was seconded by Mr. James Hermansen-Parker and carried unanimously.

F5 Adoption of Notice of Intended Regulatory Action (NOIRA) – Licensed Certified Midwives

Ms. Yeatts began by describing the categories of midwives that are regulated by DHP Boards:

- Licensed Midwives – non-nurses, also known as lay midwives, who receive on-the-job training and are supervised. This category includes Certified Professional Midwives. Regulated by the BOM.
- Certified Nurse Midwives – nurses who have completed a graduate midwifery program and hold national certification, and are jointly regulated by the BON and BOM.
- Licensed Certified Midwives – a new category requiring a NOIRA. These midwives will also be jointly regulated by the BON and BOM. These midwives are non-nurses who have completed a graduate midwifery program identical to CNMs and take the identical certification exam.

Mr. Monson asked why this comes in the form of NOIRA instead of exempt regulations. Ms. Yeatts advised that this is a new licensure category and will therefore be a new chapter in the Code which is entirely discretionary.

Ms. Yeatts reminded the Board that there is a DHP study in process to determine the appropriate body to regulate all midwifery professions. She continued with providing further information on the LCM, to include that

LCMs will be required to have a practice agreement with a licensed physician, and that they will have prescriptive authority.

Ms. Hershkowitz moved to accept the NOIRA as written. The motion was seconded by Mr. Monson and carried unanimously.

F6 Adoption of Proposed Draft Guidance Document (GD) 90-56 – Practice Agreement Requirements for Licensed Nurse Practitioners (recommendation from the Committee of the Joints Boards of Nursing and Medicine)

Ms. Hershkowitz asked if the title could be amended to include “APRN” beneath the official title which will provide the needed clarity to internal and external users.

Ms. Gerardo also recommended that the 4th bullet point under Key points be clarified by amending it to read as follows:

- Nurse Practitioner (“NP”) – A practice agreement with a patient care team physician is required for nurse practitioners with less than 2 years of clinical experience (does not apply to CNM, CRNA, or CNS)

Mr. Monson moved to amend the document with the 2 changes noted by Ms. Hershkowitz and Ms. Gerardo. The motion was seconded by Ms. Smith and carried unanimously.

RECESS: The Board recessed at 11:01 A.M.

RECONVENTION: The Board reconvened at 11:10 A.M.

Dr. Allison-Bryan joined the meeting at 11:10 A.M.

Ms. Douglas introduced Christina Bargdill, new Deputy Executive Director

HB 793 – Consideration of DRAFT Report regarding Autonomous Practice Designation

Ms. Gerardo opened the floor for discussion of the draft report.

Ms. Hershkowitz observed that the Report does not include data regarding the E.O. 57 waiver decreasing the clinical experience requirement to 2 years. She also highlighted the complaint/violation rates appreciating the presentation of the data. She noted that the 3 letters from the physician groups focused on the data regarding expanded access to care. She suggested that presenting the data on a per-capita basis in the tableau maps may more accurately represent access to care by NPs throughout the Commonwealth.

Mr. Monson noted that the context of the nature of the complaints/violations on page 6 is missing and recommends that be included for comparison. Ms. Douglas responded that this presentation is typical for the biennial report and that the context is included on page 7.

Mr. Monson suggested that additional analysis be included. Ms. Douglas reminded the Board that a further analysis was not included in the Enactment Clause of HB793. Dr. Brown added that further analysis of the small dataset would be statistically insignificant and would delay timely submission of the Report by the November 1, 2021 deadline.

Mr. Jones noted that this Report is just a snapshot in time. Regarding the assumption by the physician groups that the data do not support increased access, he pointed out that we do not have data before the enactment of HB793 to compare it to.

Mr. Hermansen-Parker noted that the data do not include telehealth information.

Ms. Douglas noted that there was an increase in NPs outside the state who sought licensure in Virginia, and that the Board may consider additional questions on the renewal survey to address this issue.

Ms. Gerardo recommended that the information on pages 8 and 9 (beginning at “The following information enables comparison . . . “ on page 8 through the list of Medicine & Surgery categories at the bottom of page 9) be moved to the appendix in the final Report to the General Assembly.

Ms. Hershkowitz moved to approve the draft Report as written with the addition of the per capita data and moving the categories of disciplinary actions to the appendix in the final Report. The motion was seconded by Mr. Monson and carried unanimously.

The Board adjourned for lunch at 11:36 A.M.

The Board resumed the meeting at 1:00 P.M.

Revised Sanctioning Reference Points (SRP) Worksheets for Certified Nurse Aides (CNAs), Nurses and Registered Medication Aides (RMAs) by Neal Kauder and Kim Small, VisualResearch

Ms. Gerardo invited Mr. Kauder and Ms. Small to proceed with the presentation.

The LMTs will be separated out from the Nurses and the LMT SRP is in

process. There are not many cases and minimal sanction variability making statistical analysis difficult. It is hoped that the draft LMT SRP will be ready to present to the BON at its September business meeting.

Ms. Small reminded the Board that the CNA SRP worksheet and the Nurse SRP for Inability to Safely Practice and Fraud worksheets were approved in May 2021.

Ms. Small explained that, on the Nurse SRP Patient Care worksheet, the addition of Abuse/Abandonment to the Case Type Score, the addition of “Virginia” to g. and the addition of “h. Respondent failed to initiate corrective action” on the Offense and Respondent Score moved the prediction rate from 75% to 72%.

Ms. Hershkowitz moved to adopt the Nurse SRP Patient Care worksheet as presented. The motion was seconded by Mr. Monson and carried unanimously.

Ms. Small presented the proposed RMA SRP worksheet. A discussion ensued regarding the definition of “Unlicensed Activity” to include practicing on an expired registration. Dr. Hills suggested that e. be changed to “Unregistered Practice”. Mr. Monson noted that the loss of misappropriation of property and fraud is problematic and suggested that it be added back as f. Regarding the Offense and Respondent Score, Ms. Small noted that “Patient Injury” changed from with intent only to include both with and without intent. She also brought to the Board’s attention the cutoff box at the bottom was changed from 3 cutoffs to 4.

Ms. Hershkowitz moved to accept the RMA SRP worksheet as presented revising Case Type Score from 5 to 6. The motion was seconded by Mr. Monson and carried unanimously.

CONSIDERATION OF CONSENT ORDERS:

G1 Diana Daves Horton, RN

0001-138530

Ms. Shah moved to accept the consent order of voluntary surrender for suspension of Diana Daves Horton’s right to renew her license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

G2 Charmayne L. Lanier-Eason, RN

0001-212961

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Charmayne L. Lanier-Eason to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Smith and carried unanimously.

G3 Heather D. Riggleman, LMT **0019-017269**

Ms. Shah moved to accept the consent order to reprimand Heather D. Riggleman and to indefinitely suspend her license to practice as a massage therapist in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Riggleman's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Ms. Smith and carried unanimously.

G4 Melissa Miller, RN Applicant **0028-000360**

Ms. Shah moved to accept the consent order to approve the application of Melissa Miller for licensure to practice professional nursing in the Commonwealth of Virginia, to reprimand Melissa Miller, and to suspend her license with suspension stayed contingent upon Ms. Miller's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded by Ms. Smith and carried unanimously.

G5 Ryan Joseph Greene, LMT **0019-012371**

Ms. Shah moved to accept the consent order to indefinitely suspend the license of Ryan Joseph Greene to practice as a massage therapist in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Smith and carried unanimously.

G6 Sarah Lynn Watson, RN **0001-255089**

Ms. Shah moved to accept the consent order of voluntary surrender for indefinite suspension of Sarah Lynn Watson's license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

G7 Marla Renee Depriest-Hubbard, LPN **0002-074752**

Ms. Shah moved to accept the consent order to reprimand Marla Renee Depriest-Hubbard and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

MEETING DEBRIEF:

The following were well received by Board Members:

- Ms. Yeatts did a great job on the legislative update
- Ms. Mitchell's brief explanation of the Exempt, Fast-Track and NOIRA was extremely helpful
- In-person meetings are beneficial particularly the conversations during breaks add to the collaborative effort

The following needs improvement per Board Members:

- The ability to review business meeting materials online versus receiving hard copy

Ms. Vu noted that before COVID, half of the Board Members wanted to receive a hard copy of the business meeting materials and Ms. Vu kept track of who those Board Members were.

The following Board Members stated that they wish to receive hard copy of the business meeting materials: Ms. Friedenber, Ms. Hershkowitz, Ms. McElfresh, Ms. Phelps, Ms. Shah and Ms. Swineford.

Ms. Mitchell, Board Counsel, indicated that she wants to receive a hard copy of the business meeting materials also.

Nominating Committee

Ms. Gerardo asked for volunteers to serve on the Nominating Committee. Ms. Friedenber, Ms. McElfresh and Ms. Shah volunteered.

Dr. Gleason inquired about the usage of the preferred pronoun movement in minutes and notices. Ms. Mitchell replied that it is a question for the Agency.

Dr. Gleason asked if the Respondents are asked what they preferred to be addressed as. Ms. Douglas said no.

RECESS: The Board recessed at 2:18 P.M.

Ms. Swineford left the meeting at 2:18 P.M.

RECONVENTION: The Board reconvened at 2:30 P.M.

EDUCATION INFORMAL CONFERENCE COMMITTEE MINUTES AND RECOMMENDATIONS

June 8, 2021 Education Informal Conference Committee Recommendations regarding **Fortis College – ADN Program (US28408900)**

Jennifer Martinez, MSN/ED, MHA, RN, Dean of Nursing, Fortis College, was present and addressed the Board.

ACTION: Mr. Jones moved to accept the recommendation of the June 8, 2021 Education Informal Conference Committee to withdraw the approval of

Fortis College Associate Degree Nursing Education Program (US28408900) with withdrawal of approval stayed contingent upon terms and conditions. The motion was seconded by Mr. Monson and carried unanimously with ten (10) votes in favor.

Mr. Hermansen-Parker did not participate in the voting.

E1 June 8, 2021 Education Informal Conference Committee minutes

Mr. Monson moved to accept the June 8, 2021 Education Informal Conference Committee minutes as presented. The motion was seconded by Ms. Smith and carried unanimously.

July 6, 2021 Education Informal Conference Committee Recommendations regarding **Salvation Academy – Nurse Aide Program (100689)**

Ms. Wilmoth, Ms. Smith, and Dr. Mangrum left the meeting at 2:36 P.M.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:36 P.M. for the purpose of considering the Education Informal Conference Committee Recommendation regarding **Salvation Academy – Nurse Aide Program (100689)**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Bargdill, Ms. Willinger, Ms. Iyengar, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was properly seconded by Mr. Monson and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:40 P.M.

Dr. Gleason moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was properly seconded by Mr. Monson and carried unanimously.

ACTION:

Ms. Shah moved to accept the recommendation of the July 6, 2021 Education Informal Conference Committee to withdraw the approval of **Salvation Academy Nurse Aide Education Program (100689)** with withdrawal of approval stayed contingent upon terms and conditions. The motion was seconded by Ms. Smith and carried unanimously.

E2 July 6, 2021 Education Informal Conference Committee minutes
Ms. McElfresh moved to accept the July 6, 2021 Education Informal Conference Committee minutes as presented. The motion was seconded by Mr. Monson and carried unanimously.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

#1 Whitney Page Gibson, LPN **0002-091899**

Ms. Gibson did not appear.

ACTION: Ms. McElfresh moved to accept the recommended decision of the agency subordinate to reprimand **Whitney Page Gibson** and to suspend her right to renew her license to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Dr. Gleason and carried unanimously.

#2 Erin Lorayne Swanson, RN **0001-231637**

Ms. Swanson did not appear.

ACTION: Ms. McElfresh moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Erin Lorayne Swanson** to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Gleason and carried unanimously.

#3 Anissa Jo Neal Shotwell, CNA **1401-093490**

Ms. Shotwell did not appear.

ACTION: Ms. McElfresh moved to accept the recommended decision of the agency subordinate to reprimand **Anissa Jo Neal Shotwell**. The motion was seconded by Dr. Gleason and carried unanimously.

#5 Sherri L. Brown, LPN **0002-071111**

Ms. Brown did not appear.

ACTION: Ms. McElfresh moved to accept the recommended decision of the agency subordinate to reprimand **Sherri L. Brown** and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Dr. Gleason and carried unanimously.

#6 Selina Renee McCauley Payne, CNA **1401-136588**

Ms. Payne did not appear.

ACTION:

Ms. McElfresh moved to accept the recommended decision of the agency subordinate to reprimand **Selina Renee McCauley Payne** and to require Ms. Payne within 60 days from the date of entry of the Order to provide written proof satisfactory to the Board of successful completion of a Board-approved course in patient boundaries. The motion was seconded by Dr. Gleason and carried unanimously.

#7 Heather Tinnell, RN

0001-219237

Ms. Tinnell did not appear.

ACTION:

Ms. McElfresh moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Heather Tinnell** to practice professional nursing in the Commonwealth with suspension stayed contingent upon Ms. Tinnell's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP.

#10 Lisa England, RN

NC License No.: 133826 with Multistate Privilege

Ms. England did not appear.

ACTION:

Ms. McElfresh moved to accept the recommended decision of the agency subordinate to indefinitely suspend the privilege issued to **Lisa England** to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order.

#8 Christina M. Pye, CNA

1401-126215

Ms. Pye did not appear.

Ms. Hershkowitz recused from voting.

ACTION:

Mr. Hermansen-Parker moved to accept the recommended decision of the agency subordinate to reprimand **Christina M. Pye**. The motion was seconded by Ms. Smith and carried unanimously.

#9 Justin Blynt, LPN

0002-094309

Mr. Blynt did not appear.

Ms. Hershkowitz recused from voting.

ACTION: Mr. Hermansen-Parker moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right of Justin Blynt to renew his license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

Ms. Morris left the meeting at 2:46 P.M.

#4 Chavelle Denita Dickens, LPN **0002-086110**

Ms. Dickens did not appear.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:46 P.M. for the purpose of considering the Agency Subordinate Recommendation regarding **Chavelle Denita Dickens**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Wilmoth, Ms. Bargdill, Ms. Willinger, Ms. Iyengar, Ms. Christine Smith, Dr. Mangrum, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was properly seconded by Mr. Monson and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:00 P.M.

Ms. Morris re-joined the meeting at 3:00 P.M.

Dr. Gleason moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was properly seconded by Mr. Hermansen-Parker and carried unanimously.

ACTION: Mr. Monson moved to accept the recommended decision of the agency subordinate to place **Chavelle Denita Dickens** on probation with terms and conditions. The motion was seconded by Ms. Phelps and carried with seven (7) votes in favor of the motion. Ms. Hershkowitz, Mr. Hermansen-Parker, Ms. Shah and Ms. Smith opposed the motion.

ADJOURNMENT: The Board adjourned at 3:05 P.M.

Marie Gerardo, MS, RN, ANP-BC
President