

VIRGINIA BOARD OF NURSING
BUSINESS MEETING
AGENDA *(second mailing)*

Department of Health Professions – Perimeter Center
9960 Mayland Drive, Conference Center 201 – **Board Room 2**
Henrico, Virginia 23233

DHP Mission – the mission of the Department of Health Professions 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.

Tuesday, November 14, 2023 at 9:00 A.M. – Quorum of the Board

CALL TO ORDER: Cynthia Swineford, RN, MSN, CNE; President

ESTABLISHMENT OF A QUORUM

ANNOUNCEMENT

Staff Update:

- **Beth Wright** has accepted the P-14 Nursing Program Inspector position and started on September 25, 2023

A. UPCOMING MEETINGS and HEARINGS:

- 2023 VONL Fall Conference is scheduled for November 17, 2023 in Glen Allen, VA. Ms. Douglas will provide presentation titled “*Opportunities and Challenges in Nursing Regulation*”. Ms. Morris will also attend the conference.
- NCSBN Board of Directors (BOD) is scheduled for December 5-6, 2023 in Chicago, IL. Ms. Douglas will attend as President of the NCSBN BOD.
- The Education Informal Conference Committee is scheduled for December 4, 2023 at 9 AM in Board Room 3.
- The Committee of the Joint Boards of Nursing and Medicine Business Meeting has been **CANCELLED** for December 13, 2023.
- The Massage Therapy Advisory Board Annual Meeting is scheduled for December 15, 2023 at 10 am in Training Room 1.
- NCSBN Midyear Meeting is scheduled for March 12-14, 2024 in Atlanta, GA. Interested Board Members please inform Ms. Swineford or Ms. Douglas.
- **Nursing and Nurse Aide Education Program Training Sessions:**
 - **TBD**

REVIEW OF THE AGENDA:

- Additions, Modifications
- Adoption of a Consent Agenda
- **CONSENT AGENDA**

***B1** September 12, 2023 Business Meeting
***B2** September 12, 2023 Nominating Committee Meeting
***B3** September 13, 2023 Formal Hearings
***B4** October 11, 2023 Formal Hearings
***B5** October 11, 2023 Telephone Conference Call
***B6** October 16, 2023 Formal Hearings

****C1** - Board of Nursing Monthly Tracking Log

***C2** - Agency Subordinate Recommendation Tracking Log

****C3** - Executive Director Report

***C4** – HPMP Quarter Report, June 1 – September 30, 2023

***C5** - National League for Nursing (NLN) Education Summit on September 28-30, 2023 in National Harbor, MD - **Dr. Mangrum**

****C6** – Joint Boards of Nursing and Medicine Discipline October 25, 2023 Meeting DRAFT minutes

DIALOGUE WITH DHP DIRECTOR – Mr. Owens

B. DISPOSITION OF MINUTES – None

C. REPORTS

- **TBD**

D. OTHER MATTERS:

- Board Counsel Update (**verbal report**)

Election of Officers for 2024 – Ms. Friedenber/Ms. Swineford

❖ ***D1** - Memo regarding Slate of Candidates for Officer Positions for 2024

❖ ***D2** - Board of Nursing Bylaws (Guidance Document 90-57)

❖ ***D3** - Duties and Functions of Board of Nursing Officers

- Special Conference Committee (SCC) Composition – **Ms. Swineford**
- Informal Conference Schedule from January to June 2024
- Proposal from PSI regarding the Medication Aide Exam – **Ms. Wilmoth**
 - ****D4** – Memorandum from Staff
 - ****D5** – PSI Executive Summary
 - ****D6** – PSI Confidential Information for consideration – **CLOSED MEETING**

E. EDUCATION:

- Nurse Aide, Medication Aide and Nursing Education Program Updates – **Ms. Wilmoth (verbal report)**
- ***E1** – Memo and NCSBN 2022 Nursing Education Annual Report Data Summary – **Ms. Wilmoth**
- **E2** – Combined Memo Board Member Added Questions – **Ms. Wilmoth**

F. REGULATIONS/LEGISLATION– Ms. Barrett

*F1 – Chart of Regulatory Actions

*F2 - Completion of Periodic Review of Public Participation Guidelines contained in 18VAC90-11

10:00 A.M. – PUBLIC COMMENT

CONSIDERATION OF CONSENT ORDERS

*G1 – Luxy Zhao, LMT

**G2 – Hwa SuKim, RN

12:00 P.M. – LUNCH – Recognition of the following former Board Members for their service

- James Hermansen-Parker, MSN, RN, PCCN-K
- Brandon Jones, MSN, RN, CEN, NEA-BC
- Dixie McElfresh, LPN
- Felisa Smith, PhD, MSA, RN, CNE

1:00 P.M. – CONSIDERATION OF POSSIBLE SUMMARY SUSPENSIONS

- TBD

1:30 P.M. - CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS

Board Members for **ODD** number recommendations in **BOARD ROOM 2:**

Presiding: Cynthia Swineford, RN, MSN, CNE; **President**
Delia Acuna, FNP-C
Carol Cartte, RN, BSN
Victoria Cox. DNP, RN
Pamela Davis LPN
Paul Hogan, Citizen Member
Helen Parke, DNP, FNP-BC

1	*Wendy Cotney Farr, RN*	3	*Tara Dawn Hammock, RN
5	*Heather Tallent, LPN	7	*Shauna Candacy Funderburk, LPN
9	*Heather L. Crowe, RN	11	*Danielle Marie Phares, LPN, RN
13	*Amanda Griffin Oakley, LPN	15	*Crystal Anna Sands McKinney, CNA
17	*Melinda S Vowell, CNA	19	*Chaidasha Jackson, CNA
21	*Chazzy Hunter, CNA	23	*Henry Edward Easton, Jr., RMA
25	*Laura Michelle Jolly, RN	27	*Tonya Renee Brandon, RMA
29	*Samantha M. Randall, CNA	31	**Deborah L. Thomas, LPN
33	**Lindsey Marie Greenwell, RN	35	**Elise Lim Tran, RN

Board Members for **EVEN** number recommendations in **BOARD ROOM 4:**

Presiding: A Tucker Gleason, PhD, Citizen Member; **First Vice-President**
 Laurie Buchwald, MSN, WHNP, FNP
 Yvette Dorsey, DNP, RN
 Margaret Friedenber, Citizen Member
 Shantell Kinchen, LPN
 Meenakshi Shah, BA, RN
 Robert Scott, RN

2	*Ashley F. Johnston, LPN	4	*Iyonna Kuchien Jackson, LPN
6	*Jill Lillian Myers, LPN	8	*Melody Lovelace, LPN
10	*Jill Denise Rives, RN	12	*Ashley Nicole Woodward, LPN
14	*Samone L. Boone, CNA	16	*Wanda Sanders, CNA
18	*Brittany Culotta, CNA	20	*Dianna Gordon, CNA
22	*Celenia Leann Sampson, RMA	24	*Hannah Nicole Hudson, LPN Applicant
26	*Chrischelle Reyes, CNA	28	*Samantha Lynn Maier, RMA
30	**Brittany Reed, CNA	32	**Tina Sanchez, RN
34	**Kathie Arella Adams, LPN		

ADJOURNMENT OF BUSINESS AGENDA

2:30 P.M. - BOARD MEMBER DEVELOPMENT

Administrative Proceedings Presentation - **Ms. Booberg** and **Ms. Douglas**
 ➤ Board Member Expectations

3:30 P.M. – 5:00 P.M. - REGULATORY REVIEW COMMITTEE MEETING to consider changes to nursing education regulations – in Board Room 4

Committee Members: Cynthia Swineford, RN, MSN, CNE, Chair
 Yvette Dorsey, DNP, RN, Board Member
 Shantell Kinchen, LPN, Board Member
 Robert Scott, RN, Board Member
 Shanna W. Akers, EdD, MSN/MBA-HC, RN, CNE, NEA-BC, Virginia Nurses Association (VNA)
 Christine Turner, PhD, RN, Virginia League for Nursing (VLN)
 Donna Wilmoth, MSN, RN, NE-BC, FACHE, Virginia Organization for Nurse Leaders (VONL)
 Cynthia Rubenstein, PhD, Virginia Association of Colleges of Nursing (VACN)
 Art Wells, State Council of Higher Education for Virginia (SCHEV)
 J. Anthony Williams, Ed.D., Virginia Department of Education (VDOE)

Staff: Jay Douglas, RN, MSM, CSAC, FRE, Executive Director
 Jacquelyn Wilmoth, RN, MSN, Deputy Executive Director
 Randall Mangrum, DNP, RN, Nursing Education Program Manager

(*1st mailing – 11/1) (**2nd mailing – 11/8)

**VIRGINIA BOARD OF NURSING
BUSINESS MEETING MINUTES
September 12, 2023**

TIME AND PLACE: The business meeting of the Board of Nursing was called to order at 9:01 A.M. on September 12, 2023, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Cynthia M. Swineford, RN, MSN, CNE; President

BOARD MEMBERS PRESENT: Delia Acuna, FNP-C
Laurie Buchwald, MSN, WHNP, FNP
Victoria Cox, DNP, RN
Yvette L. Dorsey, DNP, RN
Margaret J. Friedenberg, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
Paul Hogan, Citizen Member – **joined at 1:30 P.M.**
Shantell Kinchen, LPN
Helen Parke, DNP, FNP-BC
Robert Scott, RN

MEMBERS ABSENT: Carol Cartte, RN, BSN
Pamela Davis, LPN
Meenakshi Shah, BA, RN

STAFF PRESENT: Jay P. Douglas, RN, MSM, CSAC, FRE
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director
Claire Morris, RN, LNHA; Deputy Executive Director
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Jacquelyn Wilmoth; Deputy Executive Director
Stephanie Willinger, Deputy Executive Director
Randall Mangrum, DNP, RN; Nursing Education Program Manager
Christine Smith, RN, MSN; Nurse Aide/RMA Education Program Manager
Francesca Iyengar, MSN, RN; Discipline Case Manager
Huong Vu, Operations Manager
Ann Hardy, MSN, RN, Compliance and Case Adjudication Manager

OTHERS PRESENT: Laura Booberg, Senior Assistant Attorney General, Board Counsel
Arne Owens, DHP Director
James Jenkins, Jr., RN, DHP Chief Deputy
Erin Barrett, JD, Director of Legislative and Regulatory Affairs
Matthew Novak, DHP Policy Analyst

IN THE AUDIENCE: Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Brittany Whiting, Virginia Nurses Association (VNA)
Avi Efreom, Administrative Proceedings Division staff
Denise Pajda, Board of Nursing staff

ESTABLISHMENT OF A QUORUM:

Ms. Swineford welcomed new Board Members and asked Board Members and Staff to introduce themselves. With 10 members present, a quorum was established.

ANNOUNCEMENTS:

Ms. Swineford acknowledged the following:

New Board Members:

- **Victoria Cox, DNP, RN, of Roanoke** was appointed by the Governor on July 21, 2023 to replace James Hermansen-Parker, MSN, RN, PCCN-K to serve from July 1, 2023 to June 30, 2027
- **Pamela Davis, LPN, of Powhatan** was appointed by the Governor on July 21, 2023 to replace Brandon Jones, MSN, RN, CEN, NEA-BC to serve from July 1, 2023 to June 30, 2027
- **Robert Allen Scott, RN, of Hanover** was appointed by the Governor on July 21, 2023 to replace Felisa Smith, PhD, MSA, RN, CNE to serve from July 1, 2023 to June 30, 2027.
- **Shantell L. Kinchen, LPN, of Richmond** was appointed by the Governor on July 28, 2023 to replace Jennifer Phelps, BS, LPN, QMHP-A, CSAC to serve from July 1, 2021 to June 30, 2025.
- **Delia Acuna, FNP-C, of Quinton** was appointed by the Governor on August 18, 2023 to replace Dixie McElfresh, LPN to serve from July 1, 2023 to June 30, 2027.

Staff Update:

- **Denise Pajda** has accepted the Discipline Specialist position and started on August 25, 2023.

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

- NCSBN Board of Directors (BOD) is scheduled for September 26-27, 2023 in Chicago, IL. Ms. Douglas will attend as President of the NCSBN BOD.
- National League for Nursing (NLN) Education Summit is scheduled for September 28-30, 2023 in National Harbor, MD. Dr. Mangrum will attend.
- International Regulatory Nurse Collaborative meeting is scheduled for October 2-6, 2023 in Brisbane, Australia. Ms. Douglas will attend as President of the NCSBN BOD.

- Tri-Council Fall Meeting is scheduled for October 19, 2023 in Washington DC. Ms. Douglas will attend as President of the NCSBN BOD.
- NCSBN Board of Directors (BOD) Strategy is scheduled for October 23-24, 2023 in Charleston, SC. Ms. Douglas will attend as President of the NCSBN BOD.
- The Education Informal Conference Committee is scheduled for October 18, 2023 at 9 AM in Board Room 3.
- DHP New Board Member Orientation is scheduled for October 13, 2023 at DHP Office. All Board Members are welcome to attend – detail information will be available soon.
- **REMINDER** of Additional Formal Hearings in August 2023:
 - **Wednesday, 10/11/2023** – Board Members are Ms. Swineford (**Chair**), Ms. Acuna, Ms. Davis, Ms. Friedenber, Dr. Gleason and Ms. Shah
 - **Monday, 10/16/2023** – Board Members are Dr. Gleason (**Chair**), Ms. Acuna, Dr. Cox, Ms. Davis, Dr. Dorsey, and Ms. Kinchen
- **Nursing and Nurse Aide Education Program Training Sessions:**
 - **VIRTUAL** Orientation to Establish a Nurse Aide Education Program is scheduled for Thursday, October 5, 2023
 - Preparation and Regulation Review for Coordinators and Instructors of Nurse Aide Education Programs is scheduled on Thursday, October 12, 2023, at DHP – Conference Center from 9 am to 12 noon.
 - Orientation on Establishment of a PN or RN Pre-Licensure Nursing Program is scheduled on Tuesday, October 17, 2023 at DHP – Conference Center from 9 am to 12 noon.
 - Preparation and Regulation Review for Program Directors and Faculty of PN & RN Pre-Licensure Nursing Programs is scheduled on Tuesday, October 17, 2023, at DHP – Conference Center from 1 pm to 4 pm.
- Recognition Lunch is scheduled on Tuesday, October 14, 2023 for former Board Members.

Ms. Douglas congratulated Ms. Swineford on her role as Board President.

ORDERING OF
AGENDA:

Ms. Swineford asked staff if there are modifications to the agenda.

Ms. Douglas noted the following additional items:

Under Other Matters:

Add the discussion of changes to the education regulations – volunteers needed.

Ms. Douglas noted that there is no case for the consideration of possible summary suspensions scheduled for 12:45 pm today.

CONSENT AGENDA:

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

Ms. Buchwald moved to accept the items on consent agenda listed below as presented. The motion was seconded by Dr. Dorsey and carried unanimously.

Consent Agenda

B1 July 17, 2023	Formal Hearings
B2 July 18, 2023	Business Meeting
B3 July 19, 2023	BON Officer Meeting
B4 July 19, 2023	Panel A – Formal Hearings
B5 July 19, 2023	Panel B – Formal Hearings
B6 July 20, 2023	Formal Hearings
B7 August 2, 2023	Formal Hearings
B8 August 3, 2023	Formal Hearings
B9 August 3, 2023	Possible Summary Suspension Consideration
B10 August 30, 2023	Telephone Conference Call

C1 - Board of Nursing Monthly Tracking Log, July 2022 - July 2023

C2 - Agency Subordination Recommendation Tracking Log

C3 – Executive Director Report

C4 - Federation of Associations of Regulatory Boards (FARB) Innovation in Regulation Conference on July 20-21, 2023 in Alexandria, Virginia report - **Ms. Willinger**

C5 - The NCSBN 45th Anniversary and Annual Meeting on August 16-18, 2023 in Chicago report - **Ms. Wilmoth, Dr. Hills and Ms. Glazier**

DIALOGUE WITH DHP
DIRECTOR OFFICE:

Mr. Owen congratulated Ms. Swineford on her role as President for the Board and welcomed new Board Members.

Mr. Owen congratulated Ms. Douglas as a recipient of the 2023 Virginia Nurses Association (VNA)/Virginia Nurses Foundation (VNF) Champion of Nursing Award.

Mr. Owens provided the following information:

- Healthcare workforce remains a priority for the Governor and reports from the RAND study are expected by October 2023.
- DHP is preparing for 2024 General Assembly.
- Recruiting for the replacement of Enforcement Executive Director is in process.
- Digital case management transition is in process and will affect the Board of Nursing. Other boards within DHP have already implemented it.

Dr. Dorsey shared that she has the opportunity to be on the Workforce Development Workgroup and noted innovative approaches to enhancing workforce does not necessarily mean technology.

Mr. Owen thanked Dr. Dorsey for her participation on the workgroup.

Ms. Swineford congratulated Ms. Douglas on her award and thanked Ms. Douglas for all that she has contributed to Nursing and for the Commonwealth.

DISPOSITION OF
MINUTES:

None

REPORTS:

Virginia Nurses Association (VNA) Fall Conference and Virginia Nurses Foundation (VNF) Gala on September 8-9, 2023 in Chantilly, VA

Report:

Ms. Douglas reported the following:

- Collaboration is important in practice, education and regulation when dealing with current workforce issue.
- Excellent presentations.
- Healthcare systems encouraged to look at their policies which may be more strict than the current laws and regulations governing nursing.
- Ms. Douglas has been approached by Chief Nurse Executives (CNOs) who are interested in convening a workgroup for the discussion of workforce issues and scope of practice.

Ms. Wilmoth reported the following:

- Presentation regarding drama free nursing, one of the takeaways is to “consider your wins daily”
- Result of survey conducted showed that nurses want less documentation and more direct client care and educating each other.
- Centra Health’s diversified workforce initiatives has saved them two million dollars a month
- Phenomenal presentation “Examining Virginia’s Nursing Workforce: Trends, Numbers, and Implication” by Dr. Yetty Shobo, Director,

PhD, DHP Healthcare Workforce Data Center (HWDC). At the end of the presentation, Dr. Shobo provided four questions for all to respond and submit to VNA and one of the questions asked if the LPN role is needed. The response was overwhelmingly “yes”.

Ms. Hardy reported the following:

- Inspired by what Centra has done.
- Interactive session after Dr. Shobo’s presentation was great.
- Thank you for the opportunity to attend.

OTHER MATTERS:

Board Counsel Update:

Ms. Booberg stated that she has nothing to report. Ms. Booberg congratulated Ms. Douglas on her award and welcomed new Board Members.

D1 – National Practitioner Data Bank (NPDB) Reporting Resources:

Ms. Douglas noted that this is provided for information only and added that came about with discussion regarding Operation Nightingale at a national meeting.

Election of Interim First Vice-President Officer for the remainder of 2023:

Ms. Douglas stated that currently the Board has a vacancy position of First Vice-President for the remainder of 2023, according to the Bylaws, the Board needs to elect this position.

Ms. Douglas added that in addition to other responsibilities, the President and the First Vice-President preside over hearings.

Ms. Swineford noted that Dr. Gleason is willing to serve as the First Vice-President for the remainder of 2023.

Ms. Swineford asked for additional nominations from the floor. None were received.

Dr. Dorsey moved to elect Dr. Gleason as First Vice-President for the remainder of 2023. The motion was seconded by Dr. Parke and carried unanimously.

Discussion regarding Informal Conference (IFC) Schedule for the remaining of 2023:

Ms. Douglas noted that volunteer was needed for the Special Conference Committee (SCC)-D in December and Dr. Gleason has volunteered to serve on the Committee.

Ms. Douglas stated that new Board Members do not have to participate in IFCs for the remaining of 2023 but can come to observe if they wish to do so.

Ms. Douglas added that Ms. Swineford is working on the SCC compositions for 2024 and Board Members' assignments are forthcoming.

Discussion regarding changes to education regulations:

Ms. Douglas stated that volunteers are needed to serve on the Committee to look at changes to education regulations. Ms. Douglas added that the Committee will meet after the November Business Meeting and make recommendations to the Board.

Ms. Douglas noted that Board Members will be appointed by Ms. Swineford.

RECESS: The Board recessed at 9:47 A.M.

RECONVENED: The Board reconvened at 9:58 A.M.

PUBLIC COMMENT: None

EDUCATION: **Education Update:**
Ms. Wilmoth reported the following:

The Education Record DOMA Scanning Project is complete, more than 350,000 pieces of paper have been scanned. Staff is working to add the scanned files to the electronic file and perform quality control check to ensure records are complete.

Nurse Aide Education Program Updates

- Active applications – 12
- New programs in 2023 – 11
- Total Number of programs – 256 with 17 of those are inactive (no student enrolled currently)
- Instructional Personnel Exceptions this year - 1

Medication Aide Program Updates

- Board Staff continue to work with PSI on item development for the registration exam. Status: all items have been reviewed and scored (Angoff) with the average Angoff of 73% which is up 4% from the previous Angoff score. There is a total of 333 items. Next steps: evaluate the passing standard for the test. Additionally, new items will be added to the exam for use.
- Board Staff continue to verify active programs. Total number of programs, about 232, continues to fluctuate as staff make contact and receive information from programs.

- Active applications – 8
- New programs in 2023 - 8

Nursing Education Programs Updates

- Regulation requires all nursing education programs complete an annual report. The report will be sent to programs mid-October. Once results are received they are analyzed by the Healthcare Workforce Data Center (HWDC).
- Next Generation NCLEX (NGN) launched April 1, 2023, for RN and PN. NGN pass rates – first full quarter of testing ended June 30, 2023. Nursing programs with first-time test taker pass rate is below 80% per quarter of 2023 for RN (13) and PN (11) programs.
- Active application – there are 3 PN applications and 1 BSN application under review.
- New programs in 2023 – 1 PN program
- Total number of programs – 143 of which 59 PN programs and 84 RN programs (39 BSN, 43 ADN and 2 Masters)
- Faculty exceptions continues to be requested, mostly for clinical faculty positions. Year to date, there have been 48 initial faculty exceptions approved – 5 for ADN programs and 43 for BSN programs.
 - 2021 – there were 53 initial faculty exceptions approved
 - 2022 - there were 51 initial faculty exceptions approved

LEGISLATION/ REGULATION:

Ms. Barrett reported the following:

F1 Chart of Regulatory Actions

Ms. Barrett provided an overview of the regulatory actions found in the chart noting that the two regulations at the Governor’s Office are set to be published on October 29, 2023, for public comments for 30 days.

F2 - Consideration of Fast-Track Regulatory Changes to 18VAC90-30-240 to allow Agency Subordinate to hear credential cases concerning Advanced Practice Registered Nurses (APRN)

Dr. Parke moved to amend 18VAC90-30-240 as presented by fast-track action. The motion was seconded by Ms. Buchwald and carried unanimously.

Mr. Jenkins left the meeting at 10:20 A.M.

F3 – Adoption of Final Regulations for Licensed Certified Midwives

Ms. Barrett noted that 47 comments were received with 45 were in support of the regulations and two comments opposed the regulations regarding Professional Licensed Midwives which are regulated by the Board of

Medicine.

Dr. Dorsey moved to adopt the final regulations regarding licensure of Licensed Certified Midwives as presented. The motion was seconded by Ms. Friedenberg and carried unanimously.

F4 - Initiation of Periodic Review for 18VAC90-11, Public Participation Guidelines

Ms. Friedenberg moved to initiate periodic review of 18VAC90-11. The motion was seconded by Dr. Parke and carried unanimously.

Mr. Owen left the meeting at 11:05 A.M.

Review of the Agency Subordinate Recommendations Process

Ms. Douglas reviewed the process of how the Board comes to consider the agency subordinate recommendations to help new Board Members understanding.

Ms. Barrett and Mr. Novak left the meeting at 11:25 A.M.

CONSIDERATION OF CONSENT ORDERS:

G1 – Jill Grace Jefferson, LMT

0019-017420

Dr. Gleason moved that the Board of Nursing accept the consent order to indefinitely suspend the license of **Jill Grace Jefferson** to practice massage therapy in the Commonwealth of Virginia with suspension stayed upon Ms. Jefferson providing documentation satisfactory to the Board of successful completion of her continuing education requirements mandated by 18VAC90-50-75 of the Regulations Governing the Licensure of Massage Therapists for the renewal cycle ending on October 1, 2022. The motion was seconded by Dr. Parke and carried unanimously.

RECESS: The Board recessed at 12:00 P.M.

RECONVENTION: The Board reconvened at 1:30 P.M.

Mr. Hogan joined the meeting at 1:30 P.M.

CONSIDERATION OF August 22, 2023, EDUCATION INFORMAL CONFERENCE COMMITTEE RECOMMENDATIONS:

E1a – James Madison University Baccalaureate Nursing Education Program, US28508100

Ms. Buchwald moved that the Board of Nursing accept the recommendations of the Education Informal Conference Committee to approve the continuing faculty exception request for two faculty members. The motion was seconded by Dr. Parke and carried unanimously.

E1c – George Washington University Baccalaureate Nursing Education Program, US28501500

Ms. Buchwald moved that the Board of Nursing accept the recommendation of the Education Informal Conference Committee to approve the request for clinical exception to conduct greater than 20% of clinical experiences outside of Virginia and the program shall submit reports, on a template provided by the Board, prior to the start of each semester providing an update on progress towards compliance with 18VAC90-27-30(4)(e). The motion was seconded by Dr. Parke and carried unanimously.

E1d - Fast Track Healthcare, Salem, Medication Aide Training Program, 0030000005

Ms. Buchwald moved that the Board of Nursing accept the recommendation of the Education Informal Conference Committee to place the approval of Fast Track Healthcare Education, Salem, to operate a medication aide training program on CONDITIONAL APPROVAL, with terms. The motion was seconded by Dr. Parke and carried unanimously.

E1e - Fortis College, Richmond, Associate Degree Program, US28408900

Amanda Hyde, PhD, MSN, BSN, RN, Dean of Nursing, and Barry Brooks, PhD, Campus President were present but did not address the Board.

Ms. Buchwald moved that the Board of Nursing accept the recommendation of the Education Informal Conference Committee to withdraw the approval of Fortis College, Richmond Associate Degree Nursing Education Program to operate an associate degree nursing education program. The program shall be closed no later than October 31, 2024. The program shall halt admission of new students immediately. The program shall follow additional terms stated in the Order. The motion was seconded by Dr. Parke and carried unanimously.

E1b – Marymount University Baccalaureate Nursing Education Program, US28505500 and US28501600

There was no program's representative present, but written response was submitted.

Dr. Dorsey, Dr. Gleason, Dr. Hills, Ms. Bargdill, Ms. Iyengar, Ms. Morris and Ms. Willinger left the meeting at 1:34 P.M.

CLOSED MEETING:

Ms. Buchwald moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:34 P.M. for the purpose of considering the Education Informal Conference Committee recommendation regarding **Marymount University Baccalaureate Nursing Education Program, US28505500 and US28501600 (E1b)**. Additionally, Ms. Buchwald moved that Ms. Douglas, Ms. Wilmoth, Ms. Smith, Dr. Mangrum, Ms. Vu, and Ms. Booberg, Board Counsel, 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 Ms. Friedenbergh and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:56 P.M.

Dr. Dorsey, Dr. Gleason, Dr. Hills, Ms. Bargdill, Ms. Iyengar, Ms. Morris and Ms. Willinger re-joined the meeting at 1:56 P.M.

Ms. Buchwald moved that the Board of Nursing certify that it heard, discussed and 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 Ms. Kinchen and carried unanimously.

Ms. Buchwald moved that the Board of Nursing accept the recommendation of the Education Informal Conference Committee to deny the request to decrease the regulatory requirement as stated in 18VAC90-27-30(4)(e) from 80% of clinical conducted in Virginia to 50% for the Program and to deny the request for clinical exception for some students to complete 100% clinical experience in Washington D.C. or Maryland. The motion was seconded by Dr. Parked and carried with eight (8) votes in favor of the motion. Mr. Hogan opposed the motion.

E1 – August 22, 2023 Education Informal Conference Committee DRAFT Minutes

Ms. Buchwald moved to accept the August 22, 2023 Education Informal Conference Committee DRAFT minutes as presented. The motion was seconded by Dr. Parke and carried unanimously.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

#3 – Shiek Ansumana Jah, CNA

1401-122509

Mr. Jah appeared and addressed the Board.

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 2:05 P.M. for the purpose of considering the agency subordinate recommendation regarding **Shiek Ansumana Jah**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Bargdill, Ms. Vu, and Ms. Booberg, Board Counsel, 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 Dr. Dorsey and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:10 P.M.

Dr. Gleason moved that the Board of Nursing certify that it heard, discussed and 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 Ms. Buchwald and carried unanimously.

Dr. Dorsey moved that the Board of Nursing accept the recommendation of the agency subordinate to revoke the certificate of **Shiek Ansumana Jah** to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against him in the Virginia Nurse Aide Registry. The motion was seconded by Ms. Buchwald and carried unanimously.

#17 – Jacob Bohnhoff, LPN

0002-096774

Mr. Bohnhoff appeared and addressed the Board.

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 2:14 P.M. for the purpose of considering the agency subordinate recommendation regarding **Jacob Bohnhoff**. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Bargdill, Dr. Hills, Ms. Vu and Ms. Booberg, Board Counsel, 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 Dr. Parke and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:24 P.M.

Dr. Gleason moved that the Board of Nursing certify that it heard, discussed and 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 Dr. Parke and carried unanimously.

Dr. Dorsey moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the license of **Jacob Bohnhoff** to practice practical nursing in the Commonwealth of Virginia with suspension stayed contingent upon Mr. Bohnhoff's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the time specified by the HPMP. The motion was seconded by Ms. Buchwald and carried unanimously.

#5 – Christina Carrie Noss, RN

0001-238890

Ms. Noss did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Christina Carrie Noss** to practice professional nursing in the Commonwealth of Virginia for a period of not less than one year from the date of entry of the Order. The motion was seconded by Dr. Parke and carried unanimously.

#6 – Brianna Cofield, CNA

1401-161854

Ms. Cofield did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Brianna Cofield** and to require her, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of a minimum of three contact hours in each of the subjects of (i) ethics and professionalism; and (ii) patient rights. The motion was seconded by Dr. Parke and carried unanimously.

#7 – Jordan L. Banks, CNA

1401-199443

Ms. Banks did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Jordan L. Banks** and to indefinitely suspend his certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#8 – Stephanie Ann Smith, LPN

0002-081812

Ms. Smith did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Stephanie Ann Smith** and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Smith's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) within 60 days of the date of entry of the Order and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Dr. Parke and carried unanimously.

#9 – Meeka Joel Thomas-Paramore, LPN

0002-074301

Ms. Thomas-Paramore did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Meeka Joel Thomas-Paramore** to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#10 – Bernard Schipper, LPN

0002-070521

Mr. Schipper did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Bernard Schipper** and to indefinitely suspend his license to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#11 – Rebecca Gross, CNA

1401-211331

Ms. Gross did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of **Rebecca Gross** to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#13 – Victor Photos, RN

**Florida License # RN9347809
With Multistate Privileges**

Mr. Photos did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose no sanction against **Victor Photos**. The motion was seconded by Dr. Parke and carried unanimously.

#14 – Jessica Ann Van Dunk, LPN
Ms. Van Dunk did not appear.

0002-091821

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Jessica Ann Van Dunk** to practice practical nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Van Dunk's entry into a contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Dr. Parke and carried unanimously.

#15 – Mary Allyson Justus, RN
Ms. Justus did not appear.

0001-208378

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Mary Allyson Justus** and to require Ms. Justus, within 90 days from the date of entry of the Order, to provide written proof of successful completion of Board-approved courses of at least three contact hours in each of the subjects of (i) professional accountability and legal liability for nurses, (ii) ethics and professionalism in nursing and (iii) sharpening critical thinking skills. The motion was seconded by Dr. Parke and carried unanimously.

#16 – Carly Bokanyi, RMA
Ms. Bokanyi did not appear.

0031-013394

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Carly Bokanyi** and to require Ms. Bokanyi, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved courses of at least three contact hours in each of the subjects of (i) professional accountability & legal liability for nurses, (ii) proper handling & documentation of medication, and (iii) sharpening critical thinking skills. The motion was seconded by Dr. Parke and carried unanimously.

#18 – Judy Rickmond McClary, RN
Ms. McClary did not appear.

0001-111488

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Judy Rickmond McClary** to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#19 – Kourtney Michelle Cheatum, CNA

1401-211716

Ms. Cheatum did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **Kourtney Michelle Cheatum** to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#20 – Kisha S. Anderson, CNA

1401-118880

Ms. Anderson did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Kisha S. Anderson** and to require her, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board successful completion of Board - approved courses of at least three contact hours in each of the subjects of ethics & professionalism in patient care and professionalism. The motion was seconded by Dr. Parke and carried unanimously.

#21 – Wendie Lynn Peirce, LPN

0002-079455

Ms. Peirce did not appear.

Dr. Peirce moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of **Wendie Lynn Peirce** to practice practical nursing in the Commonwealth of Virginia with suspension stayed contingent upon Ms. Bloomer's continues 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 Dr. Parke and carried unanimously.

#23 – Sarah Ashleigh Goad, RMA

0031-012229

Ms. Goad did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Sarah Ashleigh Goad**. The motion was seconded by Dr. Parke and carried unanimously.

#24 – Consuela Denise Holloway, RMA

0031-011756

Ms. Holloway did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Consuela Denise Holloway** and to require her, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board successful completion of Board -approved courses of at least three contact hours in each of the subjects of disciplinary actions for RMA's, RMA scope of practice, and critical

thinking skills in RMA practice. The motion was seconded by Dr. Parke and carried unanimously.

#25 – Consuela Denise Holloway, CNA

1401-106157

Ms. Holloway did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Consuela Denise Holloway** and to require her, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of a Board-approved courses of at least three contact hours in each of the subjects of ethics and professional accountability in CNA practice, CNA scope of practice, and critical aspects of documentation in CNA practice. The motion was seconded by Dr. Parke and carried unanimously.

#26 – Morgan LeighAnne Moore, CNA

1401-210998

Ms. Moore did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Morgan LeighAnne Moore** and to require her, within 60 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved courses of at least three contact hours in each of the subjects of professional accountability and legal liability for nurses aides and patient rights related to nurse CNA practice. The motion was seconded by Dr. Parke and carried unanimously.

#27 – La’Sean Harrison, CNA

1401-212964

Ms. Harrison did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **La’Sean Harrison** to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against her in the Virginia Nurse Aide Registry. The motion was seconded by Dr. Parke and carried unanimously.

#28 – Dercia Powell Green, CNA

1401-177119

Ms. Green did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Dercia Powell Green** and to require her, within 60 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved courses of at least three contact hours each in the subject of ethics & professional accountability for CNA practice. The motion was seconded by Dr. Parke and carried unanimously.

#29 – Tiffany Dawn Self, CNA

1401-109414

Ms. Self did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of **Tiffany Dawn Self** to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried unanimously.

#30 – Tiffany Dawn Self, RMA

0031-003895

Mr. Self did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Tiffany Dawn Self** and indefinitely suspend her registration to practice as a medication aide in the Commonwealth of Virginia for a period of not less than one year from the date of entry of the Order. The motion was seconded by Dr. Parke and carried unanimously.

#31 – Reneita Larichiuta, CNA

1401-210630

Ms. Larichiuta did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of **Renietta Larichiuta** to practice as a nurse aide in the Commonwealth of Virginia and to enter a Finding of Abuse against her in the Virginia Nurse Aide Registry. The motion was seconded by Dr. Parke and carried unanimously.

#32 – Meredith Jean Moran Doss, RN

0001-214091

Ms. Doss did not appear but submitted a written response.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate and to require that **Meredith Jean Moran Doss**, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved courses of at least three contact hours in each of the subjects of professional accountability and legal liability for nurses and ethics and professionalism in nursing. The motion was seconded by Dr. Parke and carried unanimously.

#33 – Haley Danielle Seagle, RN

0001-259222

Ms. Seagle did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to require that **Haley Danielle Seagle**, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved courses of at least three contact hours in each of the subjects of (i) professional

accountability and legal liability for nurses and (ii) ethics and professionalism in nursing. The motion was seconded by Dr. Parke and carried unanimously.

#34 – Nicole Lafave, RN

**North Carolina License # 198691
With Multistate Privileges**

Ms. Lafave did not appear.

Dr. Gleason moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the privilege of **Nicole Lafave** to practice professional nursing in the Commonwealth of Virginia with the suspension stayed contingent upon Ms. Lafave's continued compliance with all the terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP), an alternative to discipline for healthcare practitioners with substance use disorders, mental health disorders, or physical conditions that may be impairing their ability to effectively practice, for the period specified by the HPMP. The motion was seconded by Dr. Parke and carried unanimously.

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 2:30 P.M. for the purpose of considering the remainder agency subordinate recommendations regarding **#1, 2, 4, 12, 22 and 35**. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Bargdill, Dr. Hills, Ms. Vu and Ms. Booberg, Board Counsel, 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 Dr. Parke and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:38 P.M.

Dr. Gleason moved that the Board of Nursing certify that it heard, discussed and 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 Ms. Buchwald and carried unanimously.

#1 – Susan Lamb Marcussen, RN

0001-136938

Ms. Marcussen did not appear but submitted a written response.

Ms. Buchwald moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand **Susan Lamb Marcussen** and to place her license to practice professional nursing in the Commonwealth of Virginia on probation for a period of not less than one year with terms. The motion was seconded by Dr. Parke and carried unanimously.

#2 – Angela Emerson, CNA

1401-197076

Ms. Emerson did not appear.

Ms. Buchwald moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand **Angela Emerson** and to require her that, within 90 days from the date of entry of the Order, to provide written proof satisfactory to the Board of successful completion of Board-approved course on reporting abuse and neglect. The motion was seconded by Dr. Cox and carried unanimously.

#4 – Kendra Nicole Buckner, RMA

0031-012809

Ms. Buckner did not appear.

Ms. Acuna moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand **Kendra Nicole Buckner**. The motion was seconded by Dr. Gleason and carried with nine votes in favor of the motion. Dr. Dorsey and Ms. Kinchen opposed the motion.

#12 – Agnes Bertheline Simb, LPN

0002-091149

Ms. Simb did not appear.

Dr. Gleason moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand **Agnes Bertheline Simb**, and to assess a monetary penalty of \$300.00 to be paid to the Board within 60 days from the date of entry of the Order. The motion was seconded by Ms. Buchwald and carried with ten votes in favor of the motion. Mr. Hogan opposed the motion.

#22 – Cynthia Burch, CNA

1401-197636

Ms. Burch did not appear.

Ms. Buchwald moved that the Board of Nursing take no action on the recommendation at this time. The motion was seconded by Dr. Dorsey and carried unanimously.

#35 – Karen Sue Riggins Abner, LPN

0002-073609

Ms. Abner did not appear.

Mr. Scott moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the license of **Karen Sue Riggins Abner** to practice practical nursing in the Commonwealth of Virginia with suspension stayed if the Board receive, within 60 days of entry of the Order, evidence that Ms. Abner has successfully completed 30 credited hours of continuing education, the Board will terminate the suspension imposed on Ms. Abner's license and reinstate the license by issuing an unrestricted license. The motion was seconded by Dr. Gleason and carried unanimously.

RECESS: The Board recessed at 3:39 P.M.

RECONVENTION: The Board reconvened at 3:54 P.M.

Ms. Douglas announced that the Board Member Development regarding Administrative Proceedings Presentation will be deferred to November Business meeting.

The Nominating Committee still meets after the business meeting today.

Inquiry from the Media:

Ms. Douglas reminded Board Members to forward all inquiries from Media to Board staff for further assistance and to not respond.

MEETING DEBRIEF:

Board Members listed the following positive aspects of the meeting:

- Refreshing to have new board member perspective
- Great environment of participation for new board members
- Appreciative of shared information by new board members
- Great verbal reports from staff

Board Members made the following suggestions for improvement:

- Dividing the agency subordinate recommendations into two panels for consideration with the understanding there was not enough Board Members present at this meeting to divide into two panels.

ADJOURNMENT: The Board adjourned at 4:14 P.M.

Cynthia M. Swineford, RN, MSN, CNE
President

**Virginia Board of Nursing
Nominating Committee
September 12, 2023
Minutes**

Time and Place: The Board of Nursing Officer meeting was convened at 4:15 P.M. on September 12, 2023, in Hearing Room 5, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

Board Members Present: Margaret Friedenberg, Citizen Member- Chairperson
Laurie Buchwald, MSN, WHNP, FNP
Yvette Dorsey, DNP, RN

Staff Members Present: Jay P. Douglas, RN, MSM, CSAC, FRE

Ms. Friedenberg opened the meeting with all committee members present. The Committee reviewed the officer responsibilities and the list of current Board Members.

Ms. Douglas and Ms. Friedenberg shared that as a result of communication sent to Board Members regarding interest in serving as an officer, several responses were received. It was also noted that with five new Board Members being recently appointed, that there were some length of service factors that impacted the readiness and the number of Board Members that could assume the officer duties at this time.

Following that discussion, there was a consensus to recommend a slate of officers to the full Board that included:

- Cynthia Swineford, MSN, RN, CNE; President
- A. Tucker Gleason, PhD, Citizen Member; First Vice President
- Yvette Dorsey, DNP, RN; Second Vice President

Ms. Douglas informed the committee that the slate would be distributed to the Board in advance of the November meeting when elections will occur.

The meeting was adjourned at 4:45 P.M.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Wednesday September 13, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:13 A.M., on September 13, 2023, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS
PRESENT:**

Ann T. Gleason, PhD, Citizen Member, Chair
Delia Acuna, FNP-C
Laurie Buchwald, MSN, WHNP, FNP
Victoria Cox, DNP, RN
Margaret Friedenberg, Citizen Member
Paul Hogan, Citizen Member
Shantell Kinchen, LPN
Helen Parke, DNP, FNP-BC
Robert Scott, RN
Dawn Hogue, LMT - **2pm case only**

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC, FRE; Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for
Advanced Practice – **9 am and 11 cases only**
Lelia Claire Morris, RN, LNHA; Deputy Executive Director - **1 pm case
only**
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director – **2 pm
case only**
Sylvia Tamayo-Suijk, Senior Nursing Discipline Specialist

OTHERS PRESENT:

Laura Booberg, Assistant Attorney General

**ESTABLISHMENT OF
A PANEL:**

With nine members of the Board present, a panel was established.

FORMAL HEARINGS:

**Lucricia Marie Smith, CNA, RMA Reinstatement Applicant
1401-099668, 0031-005506**

Ms. Smith appeared.

Lori Pound, Adjudication Consultant, Administrative Proceedings
Division represented the Commonwealth. Ms. Booberg was legal counsel
for the Board. Dina Lotito, court reporter, recorded the proceedings.

Marissa Snyder, Senior Investigator, Enforcement Division, was present
and testified.

CLOSED MEETING: Mr. Hogan moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 9:53 A.M., for the purpose of deliberation to reach a decision in the matter of **Lucricia Marie Smith**. Additionally, Mr. Hogan moved that Ms. Douglas, Dr. Hills, Ms. Tamayo-Suijk and Ms. Booberg, Board Counsel, 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 seconded by Dr. Cox and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:31 A.M.

Mr. Hogan 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 seconded by Mr. Scott and carried unanimously.

ACTION: Ms. Buchwald moved that the Board of Nursing approve the application for reinstatement of the certificate of **Lucricia Marie Smith** to practice as a nurse aide in the Commonwealth of Virginia and approve the application for reinstatement of the registration of **Lucricia Marie Smith** to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded by Dr. Cox and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:32 A.M.

RECONVENTION: The Board reconvened at 11:01 A.M.

FORMAL HEARINGS: **William Alvis James, III, RN** **0001-296613**

Mr. James appeared.

Grace Stewart, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Beatrice Shaw, Senior Investigator, Enforcement Division, was present and testified.

CLOSED MEETING: Ms. Kinchen moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 11:54 A.M., for the purpose of deliberation to reach a decision in the matter of **William Alvis James, III**. Additionally, Ms. Kinchen moved that Ms. Douglas, Dr. Hills, Ms. Tamayo-Suijk, and Ms. Booberg, Board Counsel, 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 seconded by Ms. Friedenberg and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:26 P.M.

Ms. Kinchen 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 seconded by Ms. Friedenberg and carried unanimously.

ACTION: Ms. Buchwald moved that the Board of Nursing deny the application for **William Alvis James, III** to reinstate his license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Mr. Scott and carried with seven votes in favor. Dr. Cox and Ms. Kinchen opposed the motion.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

Dr. Hills left the meeting at 12:27 P.M.

Ms. Morris joined the meeting at 1:13 P.M.

FORMAL HEARINGS: **Sandrika Datrece Taylor, LPN 0002-080064**

Ms. Taylor did not appear.

Michael Parsons, Adjudication Consultant, Administrative Proceedings Division, and David Robinson, Assistant Attorney General, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Brittany Kitchen, Senior Investigator, Enforcement Division, Kimberly Martin, Senior Investigator, Enforcement Division, Brian Stevenson, NHA, former administrator at Signature Healthcare, Cyre Frederick, LPN, at Signature Healthcare, Rheanna Laughlin, CNA at Waverly Rehab and Healthcare Center were present and testified.

RECESS: The Board recessed at 1:51 P.M.

RECONVENTION: The Board reconvened at 2:05 P.M

CLOSED MEETING: Mr. Scott moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 2:44 P.M., for the purpose of deliberation to reach a decision in the matter of **Sandrika Datrece Taylor**. Additionally, Mr. Scott moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk and Ms. Booberg Board Counsel, 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 seconded by Ms. Acuna and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:06 P.M.

Mr. Scott 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 seconded by Ms. Acuna and carried unanimously.

ACTION: Dr. Parke moved that the Board of Nursing indefinitely suspend the license of **Sandrika Datrece Taylor** to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Cox and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

Ms. Morris and Ms. Buchwald left the meeting at 3:07 P.M.

Ms. Hogue and Ms. Bargdill joined the meeting at 3:24 P.M.

FORMAL HEARINGS: **Mohamed Bhana, LMT** **0019-017283**

Mr. Bhana appeared, accompanied by Bruce Fickley, his legal counsel.

Anne Joseph, Adjudication Consultant, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Alan Burton, Senior Investigator, Enforcement Division, Client "A" and Client "B" were present and testified.

RECESS: The Board recessed at 4:49 P.M.

RECONVENTION: The Board reconvened at 4:59 P.M.

RECESS: The Board recessed at 5:48 P.M.

RECONVENTION: The Board reconvened at 6:04 P.M.

CLOSED MEETING: Dr. Cox moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 7:02 P.M., for the purpose of deliberation to reach a decision in the matter of **Mohamed Bhana**. Additionally, Dr. Cox moved that Ms. Douglas, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg, Board Counsel, 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 seconded by Ms. Friedenberg and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:40 P.M.

Dr. Cox 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 seconded by Ms. Friedenberg and carried unanimously.

ACTION: Ms. Hogue moved that the Board of Nursing revoke the license of **Mohamed Bhana** to practice massage therapy in the Commonwealth of Virginia. The motion was seconded by Dr. Parke and carried with eight votes in favor. Ms. Kinchen opposed the motion.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 7:41 P.M.

Jay P. Douglas, RN, MSM, CSAC, FRE
Executive Director

DRAFT

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Wednesday October 11, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M., on October 11, 2023, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: Cynthia M. Swineford, RN, MSN, CNE; President
Delia Acuna, FNP-C
Pamela Davis, LPN
Margaret Friedenberg, Citizen Member
A Tucker Gleason, PhD, Citizen Member
Meenakshi Shah, RN

STAFF PRESENT: Lelia Claire Morris, RN, LNHA; Deputy Executive Director
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Sylvia Tamayo-Suijk, Senior Nursing Discipline Specialist

OTHERS PRESENT: Laura Booberg, Assistant Attorney General
Students from Paul DeCampo Community College, RN Program

ESTABLISHMENT OF A PANEL: With six members of the Board present, a panel was established.

FORMAL HEARINGS: **Tammy Lynn Sonier, LPN** **0002-083712**
Ms. Sonier, appeared.

David Kazzie, Adjudication Specialist, Administrative Proceedings Division represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Meghan Wingate, Senior Investigator, Enforcement Division, Brittany Kitchen, Senior Investigator, Sargent Alecia Driscoll, Virginia Beach Sheriff's Office, Catherine Cartwright, Physician Assistant, was present and testified.

RECESS: The Board recessed at 10:26 A.M.

RECONVENTION: The Board reconvened at 10:35 A.M.

RECESS: The Board recessed at 11:17 A.M.

RECONVENTION: The Board reconvened at 11:50 A.M.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:40 P.M., for the purpose of deliberation to reach a decision in the matter of **Tammy Lynn Sonier**. Additionally, Ms. Shah moved that Ms. Bargdill, Ms. Morris, Ms. Tamayo-Suijk and Ms. Booberg, Board Counsel, 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 seconded by Ms. Acuna and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:23 P.M.

Ms. Shah 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 seconded by Ms. Davis and carried unanimously.

ACTION: Ms. Shah moved that the Board of Nursing Indefinitely suspend the license of **Tammy Lynn Sonier** to practice professional nursing in the Commonwealth of Virginia stayed contingent upon entry into and compliance with Health Practitioners' Monitoring Program (HPMP). The motion was seconded by Ms. Davis and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:24 P.M.

RECONVENTION: The Board reconvened at 1:41 P.M.

FORMAL HEARINGS: **Mitchell James William, CNA** **1401-015859**

Mr. William appeared.

Grace Stewart, Adjudication Specialist, Administrative Proceedings Division and Amanda Wilson, Assistant Attorney General, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Christopher Moore, Senior Investigator, Enforcement Division, and William Russel, RN, was present and testified.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 2:22 P.M., for the purpose of deliberation to reach a decision in the matter of **Mitchell William**. Additionally, Ms. Shah moved that Ms. Morris, Ms. Bargdill, Ms. Tamayo-Suijk, and Ms. Booberg, Board Counsel, 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 seconded by Ms. Friedenbergs and carried unanimously.

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

Ms. Acuna 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 seconded by Ms. Shah and carried unanimously.

ACTION: Ms. Davis moved that the Board of Nursing revoke the certificate of **Mitchell William** to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against him in the Virginia Nurse Aide Registry. The motion was seconded by Dr. Acuna and carried with five votes in favor. Ms. Shah opposed the motion.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

RECESS: The Board recessed at 3:01 P.M.

RECONVENTITION: The Board reconvened at 3:11 P.M.

FORMAL HEARINGS: **Dimon Solomon, CNA** **1401-174073**

Ms. Solomon did not appear.

Rebecca Ribley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.

Diana Marsh, Senior Investigator, Enforcement Division, was present and testified.

CLOSED MEETING: Ms. Acuna moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 3:41 P.M., for the purpose of deliberation to reach a decision in the matter of **Dimon Solomon**. Additionally, Ms. Acuna moved that Ms. Morris, Ms. Bargdill, Ms. Tamayo-Suijk and Ms. Booberg Board Counsel, 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 seconded by Ms. Shah and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:48 P.M.

Ms. Acuna 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 seconded by Ms. Shah and carried unanimously.

ACTION: Ms. Shah moved that the Board of Nursing revoke the certificate of **Dimon Solomon** to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded by Ms. Acuna and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 3:50 P.M.

Christina Bargdill, BSN, MHS, RN
Deputy Executive Director

VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION and CONSENT ORDER CONSIDERATION via
TELEPHONE CONFERENCE CALL
October 11, 2023

A possible summary suspension telephone conference call of the Virginia Board of Nursing was held October 11, 2023, at 11:30 A.M.

The Board of Nursing members participating in the call were:

Cynthia Swineford, RN, MSN, CNE; **Chair**
Delia Acuna, FNP-C
Carol Cartte, RN, BSN
Victoria Cox, DNP, RN
Pamela Davis, LPN
Margaret Friedenberg, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
Paul Hogan, Citizen Member
Meenakshi Shah, BA, RN
Robert Scott, RN

Others participating in the meeting were:

Laura Booberg, Assistant Attorney General, Board Counsel
Christine Andreoli, Adjudication Specialist, Administrative Proceedings Division
David Robinson, Assistant Attorney General
Claire Morris, RN, LNHA; Deputy Executive Director
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Sylvia Tamayo-Suijk, Senior Nursing Discipline Specialist
Huong Vu, Operations Manager

The meeting was called to order by Ms. Swineford. With 10 members of the Board of Nursing participating, a quorum was established.

David Robinson, Assistant Attorney General, presented evidence that the continued practice as a practical nurse by **Kristin Hope Rhody, LPN (0002-078966)** may present a substantial danger to the health and safety of the public.

Ms. Shah moved to summarily suspend the license of **Kristin Hope Rhody** to practice as a practical nurse in the Commonwealth of Virginia and to offer a consent order for revocation of her license in lieu of a formal hearing. The motion was seconded by Ms. Davis and carried unanimously.

Mr. Robinson and Ms. Andreoli left the meeting at 11:46 A.M.

CONSIDERATION OF CONSENT ORDER:

Kimberly Diane Cole, RN

0001-186314

Dr. Gleason moved that the Board of Nursing accept the voluntary surrender for indefinite suspension of **Kimberly Diane Cole's** license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Shah and carried unanimously.

The meeting was adjourned at 11:48 A.M.

Claire Morris, RN, LNHA
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Wednesday October 16, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M., on October 16, 2023, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: A Tucker Gleason, PhD, Citizen Member; **Chair**
Delia Acuna, FNP-C
Victoria Cox, DNP, RN
Pamela Davis, LPN
Yvette Dorsey, DNP, RN
Shantell Kinchen, LPN

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Sylvia Tamayo-Suijk, Senior Nursing Discipline Specialist

OTHERS PRESENT: Laura Booberg, Assistant Attorney General
Students from Henrico County, St. Mary's School of Practical Nursing

ESTABLISHMENT OF A PANEL: With six members of the Board present, a panel was established.

FORMAL HEARINGS: **Lavonna Harrell, LPN** **0002-087289**
Ms. Harrell appeared, represented by Taylor Brewer, Esq., legal counsel.
David Kazzie, Adjudication Specialist, Administrative Proceedings Division represented the Commonwealth. Ms. Booberg was legal counsel for the Board. Dina Lotito, court reporter, recorded the proceedings.
Heather Dean, RMA, CNA, former employee of Harrisonburg Health and Rehab Center, was present and testified. Charles Propst, CNA, former employee of Harrisonburg Health and Rehab Center, testified via telephone.

RECESS: The Board recessed at 10:29 A.M.

RECONVENTITION: The Board reconvened at 10:38 A.M.

CLOSED MEETING: Dr. Cox moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:03 P.M., for the purpose of deliberation to reach a decision in the matter of **Lavonna Harrell**. Additionally, Dr. Cox moved that Ms. Bargdill, Dr. Hills, Ms. Tamayo-Suijk and Ms. Booberg, Board Counsel, 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 seconded by Dr. Dorsey and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:49 P.M.

Dr. Cox 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 seconded by Ms. Acuna and carried unanimously.

ACTION: Dr. Dorsey moved that the Board of Nursing dismiss the case of **Lavonna Harrell** and impose no sanction. The motion was seconded by Ms. Kinchen and carried unanimously.

This decision shall be effective upon entry by the Board of a written Order stating the findings, conclusion, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 12:50 P.M.

Robin L. Hills, DNP, RN, WHNP
Executive Director for Advanced Practice

Board of Nursing - Monthly Tracking Log - September 1, 2022 - September 30, 2023

<i>License Count</i>	22-Sep	22-Oct	22-Nov	22-Dec	23-Jan	23-Feb	23-Mar	23-Apr	23-May	23-Jun	23-Jul	23-Aug	23-Sep
Nursing													
Practical Nurse	27,661	27,560	27,557	27,508	27,487	27,465	27,415	27,319	27,269	27,240	27,265	27,280	27,285
Registered Nurse	118,346	118,392	118,464	118,597	118,901	119,252	119,372	119,068	118,981	119,811	120,575	120,723	120,752
Massage Therapy	8,189	8,163	8,154	8,136	8,156	8,141	8,135	8,133	8,142	8,135	8,130	8,149	8,158
Medication Aide	6,770	6,743	6,759	6,749	6,783	6,822	6,841	6,860	6,863	6,898	6,883	6,911	6,922
Advanced Practice Registered Nurse (APRN) Total (effective 7/1/2023 --> NPs are now APRNs)	17,284	17,434	17,638	17,747	18,001	18,155	18,309	18,383	18,567	18,693	18,848	19,121	19,398
Autonomous Practice	2,707	2,654	2,776	2,793	2,833	2,882	2,921	2,949	2,994	3,019	3,043	3,081	3,114
Clinical Nurse Specialist	400	396	395	393	396	395	393	390	390	387	385	381	380
Certified Nurse Midwife	443	445	453	451	456	459	460	461	464	465	467	468	472
Certified Registered Nurse Anesthetist	2,290	2,288	2,301	2,306	2,357	2,379	2,386	2,386	2,401	2,419	2,427	2,437	2,451
Other APRNs	11,444	11,651	11,713	11,804	11,959	12,040	12,149	12,197	12,318	12,403	12,526	12,754	12,981
Total for Nursing	178,250	178,292	178,572	178,737	179,328	179,835	180,072	179,763	179,822	180,777	181,701	182,184	182,515

Nurse Aide	49,271	49,073	49,278	48,903	49,046	49,185	49,329	49,576	49,769	49,919	50,388	50,381	50,676
Advanced Nurse Aide	34	35	34	38	39	40	43	42	43	44	51	52	51
Total for Nurse Aide	49,305	49,108	49,312	48,941	49,085	49,225	49,372	49,618	49,812	49,963	50,439	50,433	50,727
License Count Grand Total	227,555	227,400	227,884	227,678	228,413	229,060	229,444	229,381	229,634	230,740	232,140	232,617	233,242

<i>Open Cases Count</i>	22-Sep	22-Oct	22-Nov	22-Dec	23-Jan	23-Feb	23-Mar	23-Apr	23-May	23-Jun	23-Jul	23-Aug	23-Sep
Nursing	1,265	1,281	1,319	1,378	1,431	1,459	1,511	1,481	1,434	1,455	1,410	1,474	1,513
Nurse Aide	420	420	446	457	484	492	496	519	486	458	423	446	422
Open Cases Total	1,685	1,701	1,765	1,835	1,915	1,951	2,007	2,000	1,920	1,913	1,833	1,920	1,935

Board of Nursing - Monthly Tracking Log - September 1, 2022 - September 30, 2023

<i>Case Count by Occupation</i>	22-Sep	22-Oct	22-Nov	22-Dec	23-Jan	23-Feb	23-Mar	23-Apr	23-May	23-Jun	23-Jul	23-Aug	23-Sep
Rec'd RN	36	47	50	56	60	60	87	56	67	72	88	68	116
Rec'd PN	24	33	39	31	29	22	40	28	26	36	33	45	47
Rec'd ARPN	11	11	18	26	20	25	29	33	21	20	36	45	32
Rec'd LMT	2	1	1	1	6	15	3	4	34	4	5	9	4
Rec'd RMA	7	8	7	3	5	8	12	5	9	21	9	19	10
Rec'd Edu Program	0	1	1	0	1	1	1	0	2	1	2	2	2
Total Received Nursing	80	101	116	117	121	131	172	126	159	154	173	188	211
Closed RN	70	39	71	54	45	65	67	111	66	94	68	70	53
Closed PN	45	23	30	21	31	33	38	59	64	44	30	25	41
Closed ARPN	29	29	30	16	39	20	27	22	28	77	43	27	38
Closed LMT	3	2	7	1	1	6	4	2	2	4	7	15	7
Closed RMA	11	10	11	3	5	16	8	4	4	18	7	20	15
Closed Edu Program	1	1	1	3	8	2	9	0	0	2	1	1	3
Total Closed Nursing	159	104	150	98	129	142	153	198	164	239	156	158	157

<i>Case Count - Nurse Aides</i>													
Received	29	47	39	33	39	42	55	40	36	43	41	71	57
Rec'd Edu Program	0	0	0	0	0	0	0	0	0	0	1	0	0
Total Received CNA	29	47	39	33	39	42	55	40	36	43	42	71	57
Closed	48	45	39	34	24	46	25	53	53	95	58	85	85
Closed Edu Program	0	1	0	3	1	0	0	0	0	0	0	0	1
Total Closed CNA	48	46	39	37	25	46	25	53	53	95	58	85	86

<i>All Cases Closed</i>	207	150	189	135	154	188	178	251	217	334	214	243	243
<i>All Cases Received</i>	109	148	155	150	160	173	227	166	195	197	215	259	268

Agency Subordinate Recommendation Tracking Trend Log - 2017 to Present – Board of Nursing

C2

Considered		Accepted		Modified*					Rejected					Final Outcome:** Difference from Recommendation				
Date	Total	Total	Total %	Total	Total %	# present	# ↑	# ↓	Total	Total %	# present	# Ref to FH	# Dis-missed	↑	↓	Same	Pend-ing	N/A
Total to Date:	1000	898	90%	82	8%	15	48	17	20	2%	2	17	3	19	20	19	0	
CY 2023 to Date:	147	128	87%	13	9%	4	6	3	6	4%	0	5	1	5	2	4	0	
Sep-23	35	32	91%	3	9%	1	2	1	0	0%	0	0	0	0	0	0	0	
Jul-23	27	24	89%	2	7%	1	1	0	1	4%	0	0	1	1	0	2	0	
May-23	32	27	85%	3	9%	2	0	2	2	6%	0	2	0	2	0	0	0	
Mar-23	24	21	88%	2	8%	0	0	0	1	4%	0	1	0	2	2	2	0	
Jan-23	29	24	83%	3	10%	0	3	0	2	7%	0	2	0	0	0	0	0	
Annual Totals:																		
Total 2022	150	132	87%	14	9%	2	2	2	4	3%	0	4	0	1	0	0	0	
Total 2021	53	48	91%	5	9%	0	2	0	0	0%	0	0	0	3	4	1	0	
Total 2020	77	69	90%	6	8%	5	6	0	2	3%	0	2	0	4	0	0	N/A	
Total 2019	143	129	90%	12	8%	0	10	2	2	1%	2	0	2	0	0	1	N/A	
Total 2018	200	172	86%	24	12%	4	17	7	4	2%	0	4	0	4	10	7	N/A	
Total 2017	230	220	96%	8	3%	0	5	3	2	1%	0	2	0	2	4	6	N/A	

* Modified = Sanction changed in some way (does not include editorial changes to Findings of Fact or Conclusions of Law. ↑ = additional terms or more severe sanction. ↓ = lesser sanction or impose no sanction.

** Final Outcome Difference = Final Board action/ sanction after FH compared to original Agency Subordinate Recommendation that was modified (then appealed by respondent to FH) or was Rejected by Board (↪ referred to FH).

Virginia Board of Nursing

Executive Director Report

November 14, 2023

1 Presentations

- **10/5/2023**- Christine Smith, Nurse Aide/RMA Program Manager, hosted a virtual Orientation to establish a Nurse Aide Education program consisting of 35 attendees.
- **10/12/2023** - Christine Smith, Nurse Aide/RMA Program Manager hosted an in-person Survey Visit Preparation and Regulation Review for Coordinators and Instructors of Nurse Aide Education Programs.
- **10/17/2023** - Randall Mangrum, Nursing Program Manager hosted two education seminars to include an in-person Survey Visit Preparation and Regulation Review and an Orientation to Establish a pre-licensure program at the Board office.
- **10/18/2023**- Pamela Haskin-Robinson, Licensing Specialist, and Christina Bargdill, Deputy Executive Director, presented at the Virginia Assisted Living Association (VALA) Fall Conference. The topic will be on the application process and scope of practice for registered medication aides. The audience will be comprised of leaders in the assisted living community, including executive directors, assisted living facility administrators, and directors of nursing.

2 Meetings attended

- **9/8/2023** - Jacquelyn Wilmoth, Deputy Executive Director, virtually attended the Virginia Health Sciences & Human Services Talent Pathways Working Group (Claude Moore & Deloitte). During the meeting breakout groups discussed workforce challenges and current and prospective initiatives/solutions to promote a robust workforce.
- **9/8/2023** - Jay Douglas, Executive Director, and Randall Mangrum, Nursing Education Program Manager, attended a meeting at VCU with the Virginia Association of Colleges of Nursing (VACN) and The State Council of Higher Education of Virginia (SCHEV). The purpose of this meeting was to discuss the incorporation of the American Association of Colleges of Nursing Essentials in the baccalaureate level nursing education programs. VACN was seeking to identify if there would be regulatory barriers to this move to competency-based education. Following discussion, no barriers were identified for Virginia programs and the Board of Nursing approval process.
- **9/8-9/9/2023** – Jacquelyn Wilmoth, Deputy Executive Director, Jay Douglas, Executive Director, and Ann Hardy, Compliance and Case Adjudication Manager, attended the VNA Fall conference. The conference had a variety of presentations on healthcare workforce and ways to move forward in nursing supporting and enhancing the workforce. Jay Douglas, Executive Director, was the recipient of the Virginia Nurses Foundation (VNF) and the Virginia Nurses Association (VNA) 2023 Champion of Nursing award.

- **9/12/2023**- Patricia Dewey, Discipline Case Manager, attended the 2nd Annual Long Term Care Cross Collaboration Assembly. The Covid-19 pandemic illuminated difficulties with infection control and prevention in long term care facilities. This group is working to improve cross collaboration amongst state agencies to address infection prevention and control policies and practices more effectively in residential and long-term care settings across the state. The topic of this year's meeting was Advancing the Long-Term Care Landscape for a Better Tomorrow.
- **9/18/2023**—Jay Douglas, Executive Director, and Jacquelyn Wilmoth, Deputy Executive Director, virtually attended a meeting hosted by VCCS to discuss corpsmen credit for prior learning. It was shared there are three community colleges who are considering initiating a program to assist in the corpsmen transition to nursing licensure. Representatives from Department of Veterans Services and the Claude Moor Foundation were also in attendance.
- **9/21/2023** - Jacquelyn Wilmoth, Deputy Executive Director, virtually attend the NCSBN NCLEX Conference. During this webinar, NCSBN representatives provided an overview of exam development, scoring, and strategies to assist in teaching clinical judgement to students.
- **9/26/2023** - At the request of Jim Jenkins, DHP Chief Deputy, Robin Hills, Deputy Executive Director for Advanced Practice, and Jacquelyn Wilmoth, Deputy Executive Director for Education Programs, attended a meeting between leadership from Virginia HHR and Education and JMU leadership. Discussion topics included possible funding for a new “Fast Flex” BSN program, a new BSN to DNP program, expansion of the College of Health and Behavioral Studies building, admissions increase in physician assistant program, and permanent funding for the student TimelyCare online counseling center.
- **9/26-27/2023**- Jay Douglas, Executive Director, in her role as President of the NCSBN Board of Directors, attended the NCSBN Board of Directors' meeting in Chicago.
- **9/27/2023**—Robin Hills, Deputy Executive Director for Advanced Practice, met telephonically with Denise Daly Konrad, Virginia Health Care Foundation, to discuss Psych-Mental Health nurse practitioner trends and APRN regulation in general.
- **9/28/2023**—Jacquelyn Wilmoth, Deputy Executive Director attended a meeting hosted by the Virginia Foundation of Community Colleges where the Chancellor, David Doré shared his vision for Virginia Community Colleges regarding student success and the workforce needs of Virginia.
- **9/28-30/2023** – Randall Mangrum, Nursing Education Program Manager attended the 2023 National League for Nursing Education Summit.
- **10/2 – 6/2023** – Jay Douglas, Executive Director, in her role as President of the NCSBN Board of Director, attended the International Nurse Regulatory Collaborative (INRC) meeting in Brisbane, Australia. Members of the INRC include British Columbia College of Nurses and Midwives, College of Nurses of Ontario, Nursing and Midwifery Board of Australia, Nursing Council of New Zealand, Nursing and Midwifery Board of Ireland, Singapore Nursing Board, Nursing & Midwifery Council (UK), Consejo General de Enfermeria

Virginia Board of Nursing
Executive Director Report
November 14, 2023

(Spain), and National Council of State Boards of Nursing (NCSBN). Common nursing regulatory issues and international mobility were discussed.

- **10/4/2023** – Randall Mangrum, Nursing Education Program Manager, and Claire Morris, Deputy Executive Director, attended the Claude Moore Charitable Foundation and Virginia Government, Business, Healthcare, and Education Leaders for a Solutions-focused Health Care Workforce Meeting. The group’s focus is on strategic recommendations to strengthen the state’s healthcare workforce by prioritizing immediate actions for solution.
- **10/19/2023** – Jay Dougals, in her role as President of the NCSBN Board of Directors, attended the Tri-Council for Nursing Fall meeting in Washington, DC.
- **10/20/2023-** Jacquelyn Wilmoth, Deputy Executive Director, virtually attended the LEARN Collaborative meeting where an update on Earn While you Learn (EWL) dyads was shared. Additionally, it was shared the governor’s budget included 5 million dollars for EWL that needs to be used prior to June 30th; VDH has been tasked with defining criteria for receipt of the monies.
- **10/23-24, 2023** - Jay Douglas, in her role as President of the NCSBN Board of Directors, attended NCSBN Board of Directors Strategy meeting in Charleston, SC. The purpose of the meeting was to review the ongoing work related to NCSBN Strategic objectives and associated plans for future for the 2023-2025 Strategic Plan. Four objectives were targeted and discussed Workforce Modeling and Data Exchange, Support Worker Regulatory Model, Licensure Process Reform and Governance Review and Modernization.

In addition to Ms. Douglas participation in the above meeting key BON staff have been involved in NCSBN related Focus Groups offering valuable Virginia feedback as well as obtaining ideas and information helpful to the ongoing work of the Va BON

- **11/2/2023-** Christine Smith, Program Manager, hosted a virtual education seminar with 28 attendees for medication aide training programs to review regulatory requirements.
- **11/6/2023**—Jay Douglas, Executive Director, Jacquelyn Wilmoth, Deputy Executive Director, Randall Mangrum, Program Manager, virtually attended a meeting hosted by VACN with SCHEV to discuss regulation in regard to the new AACN Essentials.
- **11/6/2023-** Jay Douglas, Executive Director, and Jacquelyn Wilmoth, Deputy Executive Director, virtually attended the VDH workgroup charged with determining criteria for use of the Earn While you Learn funds in the governor’s budget.

OTHER:

The Board of Nursing has been made aware that VDOE had updated their licensure requirements to align with the Board’s regulatory requirements. This change will allow instructors to teach in a nursing program without possessing the requirements to teach in nurse aide programs.

DISCIPLINE:

Cases related to Operation Nightingale continue to be investigated and processed.

The Board has thus far received 70 Operation Nightingale cases for probable cause review.

HPMP Quarterly Report (July 1, 2023 - September 30, 2023)

Board	License	Admissions ¹		Stays ²	Comp ³	Vacated Stays ⁴		Dismissals ⁵				
		Req.	Vol.			Vac. Only	Vac. & Dism.	N/C	Incl.	Dism. Resig.	Resig.	Death
	LNP				1			1				
	LPN	2	1		2		1	2	1			1
	RN	14	2	1	6		1	2				3
	Massage Ther	1										
	APRN		1		2							
	CNS											
Nursing Total		17	4	1	11		2	5	1			4
	DC											
	DO											
	DPM											
	Intern/Resident		1						1			
	LAT											
	LBA											
	Lic Rad Tech											
	MD	2	2		7		1	2	1			
	OT											
	PA	4	1									
	RT											
	LM											
	OTA											
	SA											
	Surgical Tech	1										
Medicine Total		7	4		7		1	2	2			
	Pharmacist		1		1			2				
	Pharm Tech											
	Intern											
Pharmacy Total			1		1			2				
	LCSW	1										
Social Work Total		1										
	DVM		1									
	Vet Tech											
Veterinary Medicine Total			1									
	PT	1										
	PTA	1										
Physical Therapy Total		1										
	Acting ALF-Admin-In-Training											1
	NHA											
Long Term Care Total												1
TOTALS		26	10	1	19	0	3	9	3	0	5	0

Admissions¹: Req=Required (Board Referred, Board Ordered, Investigation); Vol=Voluntary (No known DHP involvement at time of intake)

Stays²: Stays of Disciplinary Action Granted

Comp³: Successful Completions

Vacated Stays⁴: Vac Only=Vacated Stay Only; Vac &Dism=Vacated Stay &Dismissal

Dismissals⁵: N/C=Dismissed Non-Compliant; Incl=Dismissed Ineligible; Dism Resig=Dismissed due to Resignation; Resig=Resignation

**VIRGINIA COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
DISCIPLINE MEETING MINUTES
October 25, 2023**

TIME AND PLACE: The discipline meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 10:00 A.M., October 25, 2023 in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Laurie Buchwald, MSN, WHNP, FNP; Board of Nursing – **Chair**
Helen M. Parke, DNP, FNP-BC; Board of Nursing
Joel Silverman, MD; Board of Medicine
Blanton L. Marchese, Citizen Member; Board of Medicine

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Claire Morris, RN, LNHA; Deputy Executive Director
Tamika Claiborne, Senior Discipline and Licensing Specialist

OTHERS PRESENT: Laura Booberg, Senior Assistant Attorney General; Board Counsel

INTRODUCTIONS: Committee members and staff members introduced themselves.

ESTABLISHMENT OF A QUORUM: Ms. Buchwald called the meeting to order and established that a quorum was present.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS

Dale Collier, APRN

0024-178139

Ms. Collier did not appear.

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to place **Dale Collier** on Probation for not less than ONE YEAR with terms and conditions. The motion was seconded by Dr. Parke and carried unanimously.

Dr. Hills left the meeting at 10:02 AM

CLOSED MEETING: Dr. Parke moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:02 A.M., for the purpose of consideration of the agency subordinate recommendations for Karen Beatty and Elisabeth Taurino. Additionally, Dr. Parke moved that Ms. Morris, Ms. Claiborne, and Ms. Booberg, Board counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded by Mr. Marchese and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:14 A.M.

Dr. Parke moved that the Committee of the Joint Boards of Nursing and Medicine 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 seconded by Mr. Marchese and carried unanimously.

Karen Beatty, APRN

0024-16880

Ms. Beatty did not appear.

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine reject the recommended decision of the agency subordinate regarding **Karen Beatty, APRN** and refer to a formal hearing. The motion was seconded by Dr. Parke and carried unanimously.

Elisabeth Taurino, APRN

0024-172180

Ms. Taurino did not appear.

Dr. Parke moved that the Committee of the Joint Boards of Nursing and Medicine reject the recommended decision of the agency subordinate regarding **Elisabeth Taurino, APRN** and refer to a formal hearing. The motion was seconded by Mr. Marchese and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 10:20 A.M.

Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director for Advanced Practice



C5

COMMONWEALTH of VIRGINIA

Arne W. Owens
Director

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

www.dhp.virginia.gov
PHONE (804) 367-4400

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

Board of Nursing (804) 367-4515
www.dhp.virginia.gov/Boards/Nursing

MEMORANDUM

TO: Board Members

FROM: Randall S. Mangrum, DNP, RN
Nursing Education Program Manager

Date: October 18, 2023

Subject: 2023 National League for Nursing Education Summit

The National League for Nursing Education Summit was held on September 28-30, 2023 in National Harbor, Maryland. The theme for this year's event was *Extraordinary Nurse Educators Leading in Extraordinary Times*. The NLN Education Summit brings together nurse educators from around the world to explore trending and emerging topics impacting the nursing education profession and to discover innovative strategies and solutions that address day-to-day challenges.

There were over 100 concurrent education sessions available to conference participants. The sessions I selected to attend centered on the following topics:

- Simulation Debriefing
- Nurse Educator Competencies
- Engaging and Receiving Feedback from Learners in the University Classroom – Classroom Assessment Techniques
- Using Online Platforms to Teach Critical Thinking
- Academic Rigor
- Brain-Based Learning – Learning Guides
- Maryland's Next Generation NCLEX Case Study and Test Bank Project
- Effective Strategies to Promote Clinical Judgement and Health Equity
- Creating a Climate of Success for Nursing Students
- Next Generation NCLEX Classroom Strategies

In addition to the concurrent sessions, there were general workshop sessions that focused on workforce challenges, climate change and health, human health and equity, how simulation can

be used to advance health equity, social determinants of health, and preventing burnout and enhancing well-being in faculty and nursing students.

Several key talking points/take-a-ways/conversation starters for nursing education programs to consider were:

- Good teaching doesn't just happen.
- During the pandemic, many nursing education programs lost experienced educators. Programs have experienced a variety of challenges in filling these positions. Those programs that have filled many of their vacancies with experienced clinicians expressed the role transition challenges these individuals have faced as the majority of them have no experience in pedagogy, curriculum development, and student assessment. There were several discussions around expanding post-master's nursing education certificates to address this faculty development need.
- In order to increase student competencies, programs must examine nurse educator competencies and provide necessary professional development.
- Orientation and peer mentoring programs are necessary for educator retention.
- Incivility is on the rise – there is a need to create and promote a psychologically safe organizational culture.
- There is a lot of work to be done with curriculum; however, there is also a lot of work to be done with those that deliver the curriculum.
- There is a need to create pathway programs for underserved populations – these individuals will be our future healthcare providers.
- Nursing programs should spend time examining the student experience and address microaggressions, inequitable policies and practices (particularly admission and progression policies), financial challenges, and inadequate support (emotional, academic advising and tutoring, and financial).
- Avoiding the “terrible too's” – too much stress, too little time, too many tasks.
- Nursing education programs should look to include resilience strategies (decision making, self care, diet, exercise, sleep, gratitude, mindfulness, positive self-talk) into their orientation programs or early in the curriculum.

While at the conference, I had the opportunity to speak with many of the exhibitors that were present. I have taken their information and added resource links for educational services and products to our educational seminar presentations (orientation on establishing a nursing education program and regulatory review) for programs to consider and evaluate suitability for their program.

The updates and information gained by attending the NLN Summit will be of benefit to the Nursing Education Program Inspector team as we work with our 143 pre-licensure nursing education programs.



D1

COMMONWEALTH of VIRGINIA

Arne W. Owens
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
PHONE (804) 367-4400

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

Board of Nursing (804) 367-4515
www.dhp.virginia.gov/Boards/Nursing

MEMO

To: Board Members

From: BON Nominating Committee
Margaret Friedenberg, Citizen Member, Chair
Laurie Buchwald, MSN, WHNP, FNP
Yvette Dorsey, DNP, RN

Re: Slate of Candidates for 2024 Officers

Date: October 12, 2022

The Nominating Committee offers the following slate of candidates for Board of Nursing Officer positions for 2024:

President: Cynthia Swineford, RN, MSN, CNE
(2nd term expires 2025)

First Vice-President: A Tucker Gleason, PhD, Citizen Member
(1st term expires 2024)

Second Vice-President: Yvette Dorsey, DNP, RN
(1st term expires 2024)

Pursuant to the Bylaws, Guidance Document 90-57, nominations will be accepted from the floor at the Board November 14, 2023 meeting.

D2

VIRGINIA BOARD OF NURSING
BY LAWS

Adopted: May 23, 1988
Last amended: January 28, 2020
Effective: March 18, 2020

Guidance Document: 90-57

BYLAWS
OF THE
VIRGINIA BOARD OF NURSING

Article I – Name.

This body shall be known as the Virginia Board of Nursing as set forth in § 54.1-3002 of the *Code of Virginia* and hereinafter referred to as the Board.

Article II – Powers and Duties.

The general powers and duties of the Board shall be those set forth in § 54.1-2400 of the *Code of Virginia* and the specific powers and duties shall be those set forth in § 54.1-3005 of the *Code of Virginia*.

Article III - Mission Statement.

To assure safe and competent practice of nursing to protect the health, safety and welfare of the citizens of the Commonwealth.

Article IV – Membership.

A. The Board shall consist of 14 members as follows: eight registered nurses, at least two of whom are licensed nurse practitioners; two licensed practical nurses; three citizen members; and one member who shall be a registered nurse or a licensed practical nurse. The terms of office of the Board shall be four years.

B. All members shall be appointed by the Governor for terms of four years. No member shall be eligible to serve more than two successive terms in addition to the portion of any unexpired term for which he may have been appointed.

C. Each member shall participate in all matters before the Board.

D. Members shall attend all regular, discipline and special meetings of the Board unless prevented from doing so by unavoidable cause.

E. The Governor may remove any Board member for cause, and the Governor shall be sole judge of the sufficiency of the cause for removal pursuant to § 2.2-108.

Article V – Nominations and Elections.

A. The officers of the Board shall be a President, First Vice-President and Second Vice-President elected by the members.

B. The Nominating Committee shall:

1. Be comprised of three members of the Board to be elected at a meeting preceding the annual meeting;
2. Elect its chair;
3. Prepare a slate of at least one candidate for each office to be filled;
4. Distribute the slate of candidates to all members in advance of the annual meeting;
5. Present the slate of nominees to the Board for election at the annual meeting;
and
6. Be governed by *Robert's Rules of Order* (current edition) on nominations by a committee in all cases not provided for in this section.

C. Election

1. The President shall ask for nominations from the floor by office.
2. The election shall be by voice vote with the results recorded in the minutes. In the event of only one nominee for an office, election may be by acclamation.
3. The election shall occur in the following order: President, First Vice President, Second Vice President.
4. The election shall be final when the President announces the official results.

D. Terms of office

1. All terms will commence January 1.
2. The term of office shall be for the succeeding twelve months or until the successor shall be elected. No officer shall serve more than two consecutive twelve-month terms in the same office unless serving an unexpired term.
3. A vacancy in the office of President shall be filled by the First Vice-President. The Board shall fill a vacancy in the office of First Vice-President or Second Vice-President by election at the next meeting after which the vacancy occurred.

Article VI – Duties of Officers.

A. The President shall:

1. Preserve order and conduct of Board meetings according to these bylaws, Robert’s Rules, the Administrative Process Act and other applicable laws and regulations;
2. Preside at Formal Hearings
3. Call special meetings;
4. Appoint all committees, except the nominating committee;
5. Appoint annually three members of the Board of Nursing to the Committee of the Joint Boards of Nursing and Medicine; and
6. Review and approve non-routine applications for licensure, certification or registration as referred by Board staff.

B. The First Vice-President shall:

1. Preside in the absence of the President;
2. Succeed to the office of President for the unexpired term in the event of a vacancy in the office of President;
3. Assume such functions or responsibilities as may be delegated by the President or the Board; and
4. Preside at Formal Hearings.

C. The Second Vice-President shall:

1. Perform all other duties pertaining to this office and not otherwise delegated to staff; and
2. Assume such functions or responsibilities as may be delegated by the President or the Board.

Article VII – Committees.

A. Executive Committee:

The Officers of the Board shall constitute the Executive Committee, which shall represent the interests of the Board in meetings within the Department of Health Professions, with other agencies of the Commonwealth or other organizations as directed by the Board. The Executive Committee may review matters pending before the Board and make recommendations to the Board for action.

B. Standing Committees

1. Members of the standing committees shall be appointed by the President following the election of the officers for a term of twelve months.
2. Standing Committees shall include:
 - Committee of the Joint Boards of Nursing and Medicine
 - Education Committee

C. Special Conference Committees shall be comprised of at least two members of the Board and shall:

1. Review investigative reports resulting from complaints against licensees.
2. Recommend appropriate proceedings for complaint resolution.
3. Conduct informal proceedings pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the *Code of Virginia*.

D. Advisory Committees

1. Advisory Committees shall consist of three or more persons appointed by the President who are knowledgeable in a particular area of practice or education under consideration by the Board.
2. Such committees shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

E. Ad-Hoc Committees

1. Ad-Hoc Committees comprised of Board members and/or staff may be appointed by the President to assist in fulfilling the powers and duties of the Board.
2. Such committees shall be advisory to the Board and shall make recommendations to the Board for action.

3. A Committee shall be appointed by the Board every three years to review Board of Nursing guidance documents and make recommendations for revisions and/or deletions.

Article VIII – Meetings.

A. The Board shall meet in regular session for its annual meeting and at such other times as the Board may determine.

B. Special meetings shall be called by the president or by written request to the President from any three members, provided there is at least seven days' notice given to all members.

C. A telephone conference call meeting may be held to consider suspension of a license pursuant to § 54.1-2408.1 pending a hearing when the danger to the public health or safety warrants such action and when a good faith effort to convene a regular meeting has failed.

D. An affirmative vote of a majority of those serving on the Board who are qualified to vote or those serving on a panel of the Board convened pursuant to § 54.1-2400 shall be required for any action to suspend or revoke a license, certificate, or registration or to impose a sanction, except an affirmative vote of a majority of a quorum of the Board shall be sufficient for the summary suspension of a license. An affirmative vote of three-fourths of the members of the Board at the hearing shall be required to reinstate an applicant's license or certificate suspended by the Director of the Department of Health Professions pursuant to § 54.1-2409. An affirmative vote of a quorum of the Board shall determine all other matters at any regular or special meeting.

Article IX – Quorum.

A. A quorum for any Board or committee meeting shall consist of a majority of the members.

B. No member shall vote by proxy.

Article X – Parliamentary Authority.

Roberts' Rules of Order (current edition) shall govern the proceedings of the Board in all cases not provided for in these bylaws, the *Code of Virginia* and the Regulations of the Board.

Article XI – Amendment of Bylaws.

These bylaws may be amended at any meeting of the Board by a two-thirds vote of the members present and voting provided copies of the proposed amendments shall have

been presented in writing to all members at least 30 days prior to the meeting at which time such amendments are considered.

Article XII –Discipline.

When the Board of Nursing receives an investigative report from the Enforcement Division, a preliminary review of the case is made to determine whether probable cause exists to proceed with an administrative proceeding on charges that one or more of the Board’s statutes or regulations may have been violated. The Board of Nursing staff has delegated authority for certain disciplinary activities pursuant to Guidance Document # 90-12.

Article XIII – Nurse Licensure Compact.

A. Pursuant to § [54.1-3040.7](#) of the *Code of Virginia* the Executive Director of the Board of Nursing shall be the Virginia Administrator of the Interstate Commission of the Nurse Licensure Compact and shall perform the duties of the Administrator according to the requirements of the Commission.

B. The Board of Nursing shall comply with the Rules of the Interstate Commission of the Nurse Licensure Compact as outlined in the current manual.

Officers of the Virginia Board of Nursing serve in both leadership and administrative roles.

Leadership Roles

The President of the Virginia Board of Nursing leads the Board in its functions in full cooperation with the Executive Director of the Board.

Positive leadership requires that officers serve as role models for all Board members by being respectful of time and responsibilities each holds as a Board member, as well as in their other roles in the larger community, and expecting that same respect from each member in regard to their service on the Board. It further requires modeling positive and respectful relationships with Board staff, as well as with members of the public. Establishing strong working relationships with the Executive Director and staff, the officers, and all Board members is essential to the work of the Board.

The leadership activities required of the President of the Board of Nursing (preferably in collaboration with the First and Second Vice-Presidents) include developing a vision to support the mission of the Board as well as to strengthen Board members and the Board as a whole. This requires identification of Board members' strengths and needs and provision of training activities that move the Board – members and staff together – forward. Leadership development is an important component of assuring Board effectiveness in the longer term.

Administrative Roles

The administrative functions of Board leaders require understanding of the functions of the Board, which include licensure functions, approval of educational programs and discipline/ enforcement.

The **Virginia Board of Nursing By Laws** (Guidance Document 90-57) delineate the Duties of Officers and of the Executive Committee as follows:

Article VI – Duties of Officers.

A. The President shall:

1. Preserve order and conduct of Board meetings according to these bylaws, Robert's Rules, the Administrative Process Act and other applicable laws and regulations;
2. Preside at Formal Hearings
3. Call special meetings;
4. Appoint all committees, except the nominating committee;
5. Appoint annually three members of the Board of Nursing to the Committee of the Joint Boards of Nursing and Medicine; and

6. Review and approve non-routine applications for licensure, certification or registration as referred by Board staff.

B. The First Vice-President shall:

1. Preside in the absence of the President;
2. Succeed to the office of President for the unexpired term in the event of a vacancy in the office of President;
3. Assume such functions or responsibilities as may be delegated by the President or the Board; and
4. Preside at Formal Hearings.

C. The Second Vice-President shall:

1. Perform all other duties pertaining to this office and not otherwise delegated to staff; and
2. Assume such functions or responsibilities as may be delegated by the President or the Board.

A. Executive Committee:

The Officers of the Board shall constitute the Executive Committee, which shall represent the interests of the Board in meetings within the Department of Health Professions, with other agencies of the Commonwealth or other organizations as directed by the Board. The Executive Committee may review matters pending before the Board and make recommendations to the Board for action.

Additional Requirements

Not included in the By Laws, but important to the function of the Board, are skills that may be outside of the officer's prior experience. In order to fulfill the requirements of the By Laws, all Officers should develop confidence in their preparation to lead formal hearings, following the **Administrative Process Act** and all guidelines set forth in DHP Guidance Document 76-20 (**The Adjudication Process**). The role of the Chair of a formal hearing may entail several challenging actions, including:

- Ruling on objections to evidence before and during the hearing in consultation with Counsel;
- Participating in the negotiation of Consent Orders;
- Intervening in questioning, as needed, to avoid repetition or inappropriate questions;
- Weighing the advice given by Counsel while remaining cognizant of the public nature of the proceeding;
- Assuring that all Board members and the Respondent are provided with appropriate opportunity to participate in the proceedings.
- In the course of deliberations, the Chair must be able to facilitate discussion among Board members, playing a particularly important role in helping to resolve conflicts during those discussions.

Additionally, the President (and Vice-Presidents in addition, or in the President's absence), fulfills a number of other roles which include but are not limited to:

- Preserve Order and Conduct all business meetings according to parliamentary rules, Administrative Process Act and other applicable law and regulations
- Utilize board meeting script and follow advice of Board Counsel regarding procedural matters.
- Ensure availability for Board Week on the odd months of the year, presiding at Formal Hearings on Tuesdays or Thursdays and every Wednesday.
- Interact collaboratively with Executive Director
- Refer Public inquiries regarding regulatory matters and request for speaking engagements to Executive Director.
- Call Special Meetings
- Appoint all Committees to include SCC's, Standing Committees, and Ad Hoc Committees. (exception is Nominating Committee)
- Appoint Annually Members of Joint Boards of Nursing and Medicine
- Preside over Formal Hearings
- Assign Mentors for New Board Members
- Determine Board member attendance at NCSBN meetings
- Determine in conjunction with Executive Director Board member attendance at Interagency and Professional Association meetings as necessary.
- Represent the Board in meetings with the Director of the Agency, outside entities and the Secretary's office as made aware by Executive Director.
- Seek Advice of Board Counsel
- Review and act upon non routine licensure, certification and registration applications weekly.
- Enter Consent Orders for Suspension and Revocation following action by the full Board
- Review and approve drafts of Prehearing Consent Orders related to Formal hearings
- Consider and act upon requests for continuances related to Formal Hearings
- Consider and rule upon respondent, APD and Attorney objections and request for telephone testimony prior to Formal Hearings, following advice from legal counsel.
- Consult with Executive Director regarding content and ordering of Business meeting agenda.
- Communicate with Executive Director regarding any staff concerns for the Executive Director to act upon.
- Communicate directly with Board Members individually or as a group regarding any issues related to Board Member Conduct.



COMMONWEALTH of VIRGINIA

Arne W. Owens
Director

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

www.dhp.virginia.gov
PHONE (804) 367-4400

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

Board of Nursing (804) 367-4515
www.dhp.virginia.gov/Boards/Nursing

MEMORANDUM

To: Members of the Board of Nursing

From: Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

Date: October 23, 2023

Subject: Proposal to Increase Passing Standard for Medication Aide Examination

The current passing standard for the 80-question exam is 70%. The attached proposal from PSI outlines the rationale for the suggested 1% increase of the passing standard.

It is noted the 1% passing standard increase may impact the annual results by a decrease of up to 5%. It's important to note that with the anticipated cut-score adjustments, given that we are introducing new items and making minor changes to the allocation of items on the test, the anticipated number might not be accurate.



Cut-Score Proposal for Virginia Medication Aide Examination

Technical Report

Version 1.0

Date

October 19, 2023

Information Classification

Confidential

Author(s)

Oscar Rios
Psychometrician

Project/Client

VA Registered Medication Aide

Where people meet potential

Revision History

Version	Date	Comments
1.0	October 19, 2023	Document creation.

Approval Section

Name	Position	Signature	Date

Contents

1. Executive Summary	4
<i>Minimal Competence</i>	4
<i>Standard Setting Methodology</i>	4
<i>Standard Setting Results</i>	4
2. Registered Medication Aide Examination Overview	5
3. Item Bank Development and Maintenance	6
<i>Item Bank Review</i>	6
<i>Item Bank Summaries</i>	6
<i>Cut-Score Recommendation</i>	6

1. Executive Summary

The standard setting process for the Registered Medication Aide examination was conducted to ensure the examination continues to accurately assess the competence of candidates. The following key steps were undertaken during the process:

Minimal Competence

“Minimal competence” was defined in terms of those candidates who have just enough knowledge to be licensed and to safely practice in the profession. The discussion laid a cognitive foundation for subject matter experts as they rated items for relevance and item difficulty (Angoff ratings).

Standard Setting Methodology

“Standard setting is the methodology used to define levels of achievement or proficiency and the cut-scores corresponding to those levels.” (Bejar, 2008, *Standard Setting: What Is it? Why is it Important?*) It is a critical step in the test construction of valid and reliable exams. PSI used the Modified Angoff Standard Setting method to establish a difficulty level for the Virginia Registered Medication Aide examination.

Following the discussion of minimal competence, subject matter experts reviewed each item and estimated the percentage of minimally competent candidates who would answer the item correctly. Items were rated independently. Next, the SME panel was given the opportunity to discuss their ratings and adjust the value of their individual rating for an item if the SME felt it was necessary. Special attention was given to items with a wide range of ratings. Summaries of average Angoff ratings by topic are located in Table 2.

Standard Setting Results

The results of the standard setting were used to create a recommended cut-score of 57 points or 71% a 1-point increase from 56 points or 70%. Historical data suggests that this adjustment in the cut-score could result in a decrease in the passing rate from approximately 55% to 50%.

2. Registered Medication Aide Examination Overview

The Registered Medication Aide Examination consists of 80 test items. Candidates are allowed 120 minutes to complete the exam and must answer 70% (i.e., 56) of the questions correctly in order to pass. Table 1 provides pass rates for the examination from 2021, 2022, and 2023.

Table 1. Registered Medication Aide Examination Pass Rates

Year	Cut-Score	First Time Test Takers Pass Rate	Number of First Time Test Takers	All Candidate Pass Rate	Number of All Candidates
2023	56 (70%)	57%	788	55%	1084
2023*	57 (71%)			50%	
2022	56 (70%)	56%	896	54%	1270
2021	56 (70%)	54%	1018	52%	1457

***Indicates the projected pass rates of test takers if the cut-score is increased.**

In 2023, our primary objectives centered on enhancing Registered Medication Aide examination. We dedicated significant efforts to developing new exam items, adjusting test weighting, and conducting a standard setting study.

Specifically, we aimed to expand and improve the existing question bank by reviewing and revising items as needed. With a critical focus placed on the development of new examination items to ensure the relevance and accuracy of the examination.

A pivotal milestone in 2023 was the completion of a comprehensive standard setting process for the Virginia Registered Medication Aide examination. This process aimed to set appropriate difficulty levels for these exams, aligning passing scores with the minimum competence required to safely and effectively practice as medication aide professional in Virginia.



COMMONWEALTH of VIRGINIA

Arne W. Owens
Director

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

www.dhp.virginia.gov
PHONE (804) 367-4400

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

Board of Nursing (804) 367-4515
www.dhp.virginia.gov/Boards/Nursing

MEMORANDUM

To: Board Members

From: Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

Date: October 13, 2023

Subject: 2022 NCSBN Nursing Education Annual Report Data Summary

Virginia Board of Nursing has participated in the NCSBN Annual Report since its inception in 2020. While not required in regulation for programs to complete, many of our approved nursing programs complete the survey providing valuable information to both NCSBN and the Virginia Board of Nursing.

Attached is a summary of the results from the survey completed by programs in January 2023, including a summary of the responses to the questions provided by board members.

The Board continues to have the opportunity to recommend additional questions for the NCSBN survey to obtain data that is not collected in the regulatory required annual report. Please consider question topics and provide them to me in advance of the November Business Meeting. The next NCSBN Annual Report will be sent to programs early 2024 for voluntary completion.

Note: The Annual Report that is required in regulation has a workforce focus. The data is compiled by the Healthcare Workforce Data Center (HWDC) and presented annually to the Board. The results are also posted on the [HWDC website](#).



E2

COMMONWEALTH of VIRGINIA

Arne W. Owens
Director

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

www.dhp.virginia.gov
PHONE (804) 367-4400

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

Board of Nursing (804) 367-4515
www.dhp.virginia.gov/Boards/Nursing

MEMORANDUM

To: Board Members

From: Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

Date: November 9, 2023

Subject: Board Member Suggested Questions/Topics for NCBSN Annual Survey

Attached are the questions/topics that were suggested to be added to Board section of the NCSBN Annual Survey.

Upon staff review, it is noted that #4 a-g may not be part of the admission criteria for programs and therefore not collected. It is also noted that #4 h-k represent data collected elsewhere in the NCSBN Annual Report or the Board Annual Report.

Board Member Suggested Questions/Topics for NCSBN Annual Survey

1. What is your program doing to promote the recruitment of faculty?
2. What is your program doing to promote faculty retention?
 - a. Health insurance stipend
 - b. Childcare stipend (or on-site daycare)
 - c. Tax exempt savings account
 - d. Other:
3. What are enrollment benefits your program is offering to prospective students?
 - a. Scholarships
 - b. work study programs
 - c. health insurance stipends
 - d. tutoring
 - e. on-site childcare
 - f. other:
4. Provide information regarding entry cohorts for those admitted in 2023. Please leave blank if you do not collect the information or it is not applicable.
 - a. Average GPA (I suggest GPA ranges be provided)
 - b. Percent GED (I suggest ranges be provided)
 - c. High school class rank – top 10% (I suggest ranges be provided)
 - d. High school class rake – top 50% (I suggest ranges be provided)
 - e. Average SAT score (I suggest ranges be provided)
 - f. Average ACT score (I suggest ranges be provided)
 - g. Percent HSDG (need to define what this stands for)
 - h. NCLEX pass current year
 - i. Number of graduates
 - j. Program type
 - k. Gender

Programs Completion Rates

95 (65.5%) programs in the Commonwealth completed the optional report

35 Practical Nursing Programs

30 Associate's Programs

25 Baccalaureate Programs

2 Masters Entry

6 Accelerated Bachelor's Programs

*some programs identified and completed survey for multiple program types

ESL Services

48 (51%) programs offer resources for ESL students to practice reading, listening, speaking and writing

Errors/Near Misses in Clinical

77 (81%) programs have formal remediation in place for students who commit errors/near misses in their clinical experiences

Learning Modalities

45 programs report an online component to their program ranging from 3% - 50%

Simulation

89 programs offer simulated clinical experiences

For the programs that utilize simulation, 1%-21% of total clinical hours are simulated

Formal remediation for students needing academic support

82 programs offer formal remediation to promote success for students who are "at risk" of failure

NCSBN Quality Indicators

1. Accreditation
2. Without full approval
3. Experience organizational changes
4. Younger than 7 years
5. Less than 50% direct client care
6. Director Turnover
7. Percentage of FTE Faculty ($\geq 35\%$)
8. Less than 70% graduation rates

*Programs younger than 7 years may need additional oversight

ACCREDITATION

36.8% programs do not hold national nursing accreditation

WITHOUT FULL APPROVAL

21.1% programs do not have full approval

EXPERIENCED ORGANIZATIONAL CHANGES

52.6% programs experienced organizational changes

DIRECTOR TURNOVER

15.8% programs experienced director turnover

PROGRAM LEADERSHIP

29 programs have a new program director in the last year

12 programs have a new assistant/associate director in the last year

15 programs have had 4 or more program directors in the past 5 years

19 programs have had 3 program directors in the past 5 years

15 programs have program directors who have administrative responsibilities over allied health programs in addition to nursing.

17 programs do not have dedicated administrative support

PROGRAM AGE

25.3% of programs are younger than 7 years

GRADUATION RATES

72.6% of programs have <70% graduation rates

DIRECT CLIENT CARE

1.1% programs have <50% direct client care

FACULTY

36 (38.9%) programs have less than 35% full-time (37.5 hours) faculty

8 programs do not offer formal orientation for part-time faculty

5 programs do not offer formal orientation for full time faculty

6 programs do not offer formal mentoring for new full-time faculty

SUMMARY OF QUALITY INDICATORS

31 programs do not meet 3 of the quality indicators

18 programs do not meet 4 of the quality indicators

6 programs do not meet 5 or more of the quality indicators

Quality indicators compared to program NCLEX success rates

24 programs do not meet 4 or more of the quality indicators:

9 of those programs are new and did not have NCLEX pass rates for 2017-2021

10 of those programs have at least one year of NCLEX pass rates <80% for 2017-2021

71 programs do not meet 1-3 of the quality indicators:

33 of those programs have at least one year of NCLEX pass rates <80% for 2017-2021

18 of the 33 programs (54%) do not meet 3 of the quality indicators

AGGREGATE DATA 2020-2021

NCSBN Summary of Data

- More time is needed in clinical experiences (skills labs, simulation and direct care clinical experiences);
- Director turnover is a concern;
- More simulation faculty should become certified and simulation centers should become accredited;
- Increased resources for students with ESL are needed;
- LPN/VN programs should be accredited at a higher level;
- At least 35% of faculty should be full time;
- Graduation rates should increase;
- Administrative support of nursing programs should increase.

Board of Nursing Questions

REMEDIAL SERVICES

- 39 programs do not offer remedial services to graduates who are unsuccessful on NCLEX
- 39 programs offer individualized NCLEX prep to graduates who are unsuccessful on NCLEX
- 70 programs offer remediation in skills lab for near misses
- 14 programs offer virtual remediation for near misses

SIMULATION

- 33 programs had 1-10% simulated experiences
- 40 programs had 11-20% simulated experiences
- 10 programs have 21-30% simulated experiences

Virtual Simulation

- 38 programs have no virtual simulation
- 52 programs have 1-25% virtual simulation
- 3 programs have 26-50% virtual simulation
- 2 programs have >50% virtual simulation

WORKFORCE

- 14 (15%) programs increased admissions to enhance workforce

“BURNOUT”

- 37 programs do not offer information on building resiliency
- 13 programs spoke to faculty support rather than student support/education

Board of Nursing
Current Regulatory Actions
October 30, 2023 update

F1

Regulations at the Governor’s office

None.

Regulations at the Secretary’s office

VAC	Stage	Subject Matter	Date submitted	Office; time in office	Notes
18VAC90-30	Fast-Track	Implementation of clinical nurse specialist practice agreement changes from 2022 General Assembly	9/15/2022	Secretary 318 days	Implements changes to existing regulations regarding CNS practice agreements.
18VAC90-19	NOIRA	Implementation of 2022 periodic review	3/22/2023	Secretary 209 days	Implementation of amendments of Chapter 19 resulting from the 2022 periodic review of regulations
18VAC90-21	NOIRA	Implementation of 2022 periodic review	3/22/2023	Secretary 209 days	Implementation of amendments of Chapter 21 resulting from the 2022 periodic review of regulations
18VAC90-70	Final	New regulations for licensure of licensed certified midwives	9/14/2023	Secretary 26 days	Once final stage completes executive branch review and public comment period has ended, the Board can issue licenses to licensed certified midwives.

At DPB/OAG

VAC	Stage	Subject Matter	Date submitted	Office; time in office	Notes
18VAC90-30	Fast-Track	Allows agency subordinates to hear credentials cases for APRNs	10/23/2023	OAG 7 days	Changes approved by Board of Nursing on 9/12/2023; approved by Board of Medicine on 10/19/2023

Recently effective or awaiting publication

VAC	Stage	Subject Matter	Publication date	Effective date
18VAC90-15	Exempt/ Final	Allows agency subordinates to hear credentials cases	10/9/2023	11/8/2023
18VAC90-30 18VAC90-40	Exempt/ Final	Name change from nurse practitioner to advanced practice registered nurse	10/9/2023	11/8/2023

Agenda Item: Completion of periodic review of public participation guidelines contained in 18VAC90-11

Included in your agenda packet:

- One comment received during public comment period that is unrelated to the chapter under periodic review

- 18VAC90-11

Staff Note: Agencies are required to conduct periodic reviews of regulatory chapters every four years. Although this particular chapter is only changed when the Department of Planning and Budget provides new model language, the Board was still required to conduct a periodic review. Now that the review is complete, the Board should not initiate any changes, but retain as is until DPB amends the model regulations.

Action Needed:

- Motion to retain 18VAC90-11 as is.



[Export to PDF](#) [Export to Excel](#)

Agency Department of Health Professions

Board Board of Nursing

Chapter Public Participation Guidelines [[18 VAC 90 - 11](#)]

1 comments

All good comments for this forum [Show Only Flagged](#)

[Back to List of Comments](#)

Commenter: Mary Marcum

10/14/23 12:00 am

LPN/RN

As a nurse that is regulated by this board of nursing, I would like to bring attention to the possibility of eliminating RN and LPN, and having RN only nursing licensures. Purpose is, plenty of LPNs saturate the work force, however are continuously told how they are not "real nurses" based on the verbage used even by CMS proposing mandates on RN staffing, however makes no mention of LPN. They take the same anatomy and physiology, dosage calculations, ob/gyn courses, essentially every class is the same, however the RN has more focus on Healthcare supervision (i.e. preparing to be in supervisor roles) - LPNs cannot in Virginia hang blood, yet they can run blood and maintain the infusion, access ports, however - not too long ago, they could, if trained. Point being, there is a separation in nursing that isn't necessary. LPNs delegate daily. In long term care facilities, LPNs work side by side with RNs doing the same work (medication administration,documentation, IVs, etc) medical surgical fields where some LPNs are deemed "desirable" they work side by side doing " RN" work all the while being told by the regulations, their license has less value. Point being, LPN licensure costs less than RN, even.

One might argue that an LPN could continue their education, while this means repeating most classes, going \$20,000 dollars in debt or more, all whilst working full time or part time for most and managing the new world after COVID and coming out of class simply making \$3 (if lucky) more on the hour while work load never changed from LPN to RN.

Most LPNs find this demeaning of current experience, time and money. So simply saying "go back to school" isn't the magical fix.

Perhaps an option would be like CEUs in place showing competency, or whatever this great board seems appropriate to help bridge the nursing profession together and remove RN/LPN verbiage and licensure separation. All while "saturating" the market with more Registered Nurses and helping alleviate the stress of "needing a RN on staff". LPNs and RNs continuing education is even the same -

"Practical Nursing" is the core of all nursing. Meaningful practice, care, doing no harm, keeping the patients and welfare of public health in mind with all tasks, knowing when to question "unsafe" practices.

I do apologize for the long comment , but seeing how many nurses left this great profession in droves during the pandemic, further adding stress onto an already fragile system, and such systems in place tell "LPNs" that they just aren't "Real Nurses".

Thank you

CommentID: **220439**

Commonwealth of Virginia



PUBLIC PARTICIPATION GUIDELINES

VIRGINIA BOARD OF NURSING

Title of Regulations: 18 VAC 90-11-10 et seq.

**Statutory Authority: §§ 54.1-2400 and 2.2-4007
of the *Code of Virginia***

Revised Date: January 12, 2017

9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

(804) 367-4515 (TEL)
(804) 527-4455 (FAX)
email: nursebd@dhp.virginia.gov

TABLE OF CONTENTS

Part I Purpose and Definitions	3
18VAC90-11-10. Purpose.....	3
18VAC90-11-20. Definitions.....	3
Part II Notification of Interested Persons	4
18VAC90-11-30. Notification list.....	4
18VAC90-11-40. Information to be sent to persons on the notification list.....	5
Part III Public Participation Procedures	5
18VAC90-11-50. Public comment.....	5
18VAC90-11-60. Petition for rulemaking.	6
18VAC90-11-70. Appointment of regulatory advisory panel.	6
18VAC90-11-80. Appointment of negotiated rulemaking panel.....	7
18VAC90-11-90. Meetings.....	7
18VAC90-11-100. Public hearings on regulations.	7
18VAC90-11-110. Periodic review of regulations.	8

Part I

Purpose and Definitions

18VAC90-11-10. Purpose.

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Board of Nursing. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

18VAC90-11-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Board of Nursing, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by §2.2-3707 C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the agency in accordance with the authority conferred on it by applicable laws.

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Department of Planning and Budget at www.townhall.virginia.gov, which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§2.2-4031 et seq.) of the Administrative Process Act.

Part II

Notification of Interested Persons

18VAC90-11-30. Notification list.

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

18VAC90-11-40. Information to be sent to persons on the notification list.

A. To persons electing to receive electronic notification or notification through a postal carrier as described in 18VAC90-11-30, the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to §2.2-4007.06 or 2.2-4013 C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

Part III Public Participation Procedures

18VAC90-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.

4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.

18VAC90-11-60. Petition for rulemaking.

A. As provided in §2.2-4007 of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;
2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and
3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to §2.2-4007 and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

18VAC90-11-70. Appointment of regulatory advisory panel.

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

18VAC90-11-80. Appointment of negotiated rulemaking panel.

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. An NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

18VAC90-11-90. Meetings.

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with §2.2-3707 D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

18VAC90-11-100. Public hearings on regulations.

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. An agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or
3. The agency receives requests for a public hearing from at least 25 persons during the public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

18VAC90-11-110. Periodic review of regulations.

- A. The agency shall conduct a periodic review of its regulations consistent with:
 1. An executive order issued by the Governor pursuant to §2.2-4017 of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
 2. The requirements in §2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses.
- B. A periodic review may be conducted separately or in conjunction with other regulatory actions.
- C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.