

Virginia Board of Nursing

Instructions for Accessing May 18, 2021 at 9:00 A.M.

Virtual Business Meeting and Providing Public Comment

- ❖ **Access:** Perimeter Center building access remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- ❖ **Public comment:** Comments will be received during the public hearings and during the board meeting from those persons who have submitted an email to huong.vu@dhp.virginia.gov no later than 8 am on May 18, 2021 indicating that they wish to offer comment. Be sure to specify if the comment is associated with the public hearing or the board meeting. Comment may be offered by these individuals when their names are announced by the chairman.
- ❖ Public participation connections will be muted following the public comment periods.
- ❖ Should the Board enter into a closed session, public participants will be blocked from seeing or hearing the discussion. When the Board re-enters into open session, public participation connections to see and hear the discussions will be restored.
- ❖ Please call from a location without background noise.
- ❖ Dial (804) 367-4515 to report an interruption during the broadcast.
- ❖ FOIA Council *Electronic Meetings Public Comment* form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>.

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JOIN THE INTERACTIVE MEETING

<https://covaconf.webex.com/covaconf/j.php?MTID=mc52d58c641899ad4e02d52bb36b79ecc>

Meeting number (access code): 185 444 7073

Meeting password: h37WrRmRZ2x

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

VIRGINIA BOARD OF NURSING

VIRTUAL BUSINESS MEETING

Final Agenda

Department of Health Professions, Henrico, Virginia 23233

Tuesday, May 18, 2021 at 9:00 A.M. – Quorum of the Board

JOIN BY AUDIO ONLY

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JOIN THE INTERACTIVE MEETING

<https://covaconf.webex.com/covaconf/j.php?MTID=mbed335dafa16204e47334680df2d183>

Meeting number (access code): 185 226 0414

Meeting password: 3aaQGyXQX23

CALL TO ORDER: Marie Gerardo, MS, RN, ANP-BC; President

ESTABLISHMENT OF A QUORUM.

ANNOUNCEMENT

Staff Update:

- **Sylvia Tamayo-Suijk** accepted the Senior Discipline Specialist position (**replacing Darlene Graham**)

A. UPCOMING MEETINGS:

- The **VIRTUAL** NCSBN Board of Directors meeting is scheduled for June 9, 2021– Ms. Douglas will attend as president of NCSBN Board of Directors.
- The Committee of the Joint Boards of Nursing and Medicine **VIRTUAL** meeting is scheduled for Wednesday, June 16, 2021 at 9:00 am.
- The **VIRTUAL** NCSBN Board of Directors meeting is scheduled for July 12-14, 2021 – Ms. Douglas will attend as the President of NCSBN Board of Directors.

REVIEW OF THE AGENDA:

- Additions, Modifications
- Adoption of a Consent Agenda
- **CONSENT AGENDA**
 - B1** March 22, 2021 Formal Hearings*
 - B2** March 23, 2021 Business Meeting**

B3 March 24, 2021 Panel A – Formal Hearings*
B4 April 29, 2021 Possible Summary Suspension Consideration & Formal Hearings**

C1 Financial Report as of March 31, 2021*
C2 Board of Nursing Monthly Tracking Log*
C3 HPMP Report as of March 31, 2021*
C4 The Committee of the Joint Boards of Nursing and Medicine April 21, 2021 Business Meeting
DRAFT minutes**
C5 The Committee of the Joint Boards of Nursing and Medicine April 21, 2021 Informal Conference
DRAFT minutes**
C6 Executive Director Report

DIALOGUE WITH DHP DIRECTOR OFFICE– Dr. Brown and/or Dr. Allison-Bryan

B. DISPOSITION OF MINUTES – None

C. REPORTS

- Board of Health Professions May 13, 2021 Meeting – **Ms. Hershkowitz**

D. OTHER MATTERS:

- Board Counsel Update (**verbal report**)
- Informal Conferences for the second half of 2021 – **Ms. Morris**

E. EDUCATION:

- Education Update – **Ms. Wilmoth (verbal report)**

F. REGULATIONS/LEGISLATION– Ms. Yeatts

F1 Status of Regulatory Actions

F2 Chart of post – General Assembly Acts/Studies

F3 Adoption of Final Regulations for Prohibition on Conversion Therapy (18VAC90-19 and 30)

F4 Adoption of Final Regulations for Simulation in Nursing Education Programs (18VAC90-27)

F5 Revision of Guidance Documents (GDs) Cover Sheet

- **GD 90-4** *Opinion on how licensure as a nurse relates to service on a volunteer rescue squad**
- **GD 90-63** *Registered Nurses and Procedural Sedation***

10:00 A.M. – PUBLIC COMMENT

10:30 A.M. – PUBLIC HEARING on Proposed Regulations for Prescriptive Authority for Nurse Practitioners - Waiver of Electronic Prescribing (18VAC90-40-122)

- Proposed Regulations for Waiver for Electronic Prescribing**

11:00 P.M. – Changes to Certified Nurse Aide (CNA) and Nursing SRP Worksheet Presentation by Neal Kauder and Kim Small, VisualResearch

- Revised Sanctioning Reference Points for CNAs and Nurses Presentation**

1:00 P.M. – Presentation by Bonnie Price, DNP, RN, SANE-A, SANE-P, AFN-BC, Administrative Director, Bon Secours Richmond Health System, Community Health Advocacy

- Overview of the Human Trafficking Taskforce
- Massage Therapy Sexual Assault/Boundary Violation Cases – Understanding the Impact on Victims

2:00 P.M. – AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

- #1 – Sandra Fontana, LPN*
- #2 – Anne Coppedge Gill, RN*
- #3 – Melinda Faye Brown, RN**
- #4 – Adewumi Solomon Adesina, RN**
- #5 – Yasmine Aba Acquah, LPN**

How to

G. CONSENT ORDERS: (Closed Session)

- G1 – Xu Zhang, LMT*

3:30 P.M. - POSSIBLE SUMMARY SUSPENSION CONSIDERATION - TBD

MEETING DEBRIEF

ADJOURNMENT

(* mailed 4/28) (** mailed 5/6)

VIRGINIA BOARD OF NURSING
VIRTUAL FORMAL HEARINGS
March 22, 2021

TIME AND PLACE: The virtual Webex meeting of the Virginia Board of Nursing was called to order at 9:13 A.M. on March 22, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

**BOARD MEMBERS
PARTICIPATING
VIRTUALLY:**

Marie Gerardo, MS, RN, ANP-BC, President
Margaret J. Friedenberg, Citizen Member
A Tucker Gleason, PhD, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Felisa Smith, RN, MSA, MSN/Ed., CNE

**STAFF PARTICIPATING
VIRTUALLY:**

Jay Douglas, RN, MSM, CSAC, FRE, Executive Director
Claire Morris, RN, LNHA, Deputy Executive Director
Francesca Iyengar, RN, MSN, Discipline Case Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator
Sally Ragsdale, Discipline Specialist
Huong Vu, Executive Assistant

**OTHERS PARTICIPATING
VIRTUALLY:**

Charis Mitchell, Assistant Attorney General, Board Counsel
Krista Samuels, Assistant Attorney General
Lori Pound, Adjudication Consultant, Administrative Proceedings Division (APD)
Tammie Jones, Adjudication Consultant, APD
Grace Stewart, Adjudication Specialist, APD
Rebecca Ribley, Adjudication Specialist, APD
Julia Bennett, Deputy Executive Director, APD
David Robinson, Adjudication Specialist, APD
Ann Tiller, Compliance Manager, Board of Nursing
Jacquelyn Wilmoth, RN, MSN, Deputy Executive Director for Education
Randall Mangrum, RN, DNP; Nursing Education Program Manager
Cathy Hanchey, Senior Licensing/Discipline Specialist
Marcella Luna, Investigator Supervisor, DHP Enforcement
Madeline Holder, Investigator, DHP Enforcement
Casey Hawk
Troy Antoine

Lakeisha Proctor
Laura Vassel
Deana Valade
Etta Brutton
Janice R
Annie Humphry

ESTABLISHMENT OF A
PANEL:

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

FORMAL HEARING:

**Cassandra W. Gittens, LPN Reinstatement Applicant
0002-074995**

Ms. Gittens participated and was represented by Eileen M. Talamante, her legal counsel.

Lori Pound, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Katie Land, Senior Investigator, Department of Health Professions, participated and testified. Casey Hawk, former Facility Administrator for DaVita Princess Anne and Troy Antoine, current Facility Administrator for DaVita Princess Anne, participated and testified.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:05 A.M., for the purpose of deliberation to reach a decision in the matter of Cassandra W. Gittens. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:48 A.M.

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

ACTION: Ms. Friedenbergr moved that the Board of Nursing reinstate the license of Cassaundra W. Gittens to practice as a practical nurse in the Commonwealth of Virginia, valid in Virginia only. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Gittens at her address of record. The motion was properly seconded by Ms. Phelps. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 11:51 A.M.

RECONVENTION: The Board reconvened in open session at 12:05 P.M.

FORMAL HEARING: **Tequila Rose Blackburn Rapp, CNA Reinstatement and LPN Applicant** **1401-183127**

Ms. Rapp participated.

Tammie Jones, Adjudication Consultant for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Amber Gray, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:50 P.M., for the purpose of deliberation to reach a decision in the matter of Tequila Rose Blackburn Rapp. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:19 P.M.

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

properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

ACTION:

Ms. Phelps moved that the Board of Nursing reinstate the certificate of Tequila Rose Blackburn Rapp to practice as a nurse aide in the Commonwealth of Virginia and place her on probation with terms for one year. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

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

Ms. Phelps moved that the Board of Nursing approve Tequila Rose Blackburn Rapp's application for exam to practice as a licensed practical nurse in the Commonwealth of Virginia and upon successful completion, issue the practical nurse license subject to probation with terms for one year. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Rapp at her address of record. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

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

RECESS:

The Board recessed at 1:22 P.M.

RECONVENTION:

The Board reconvened in open session at 2:00 P.M.

FORMAL HEARING:

Delayna A. Cregger, LPN Reinstatement Applicant 0002-080325

Ms. Cregger participated.

Grace Stewart and David Robinson, Adjudication Specialists for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Joyce Johnson, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING:

Mr. Hermansen-Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:39 P.M., for the purpose of deliberation to reach a decision in the matter of Delayna A. Cregger. Additionally, Mr. Hermansen-Parker moved that Ms.

Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:59 P.M.

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing approve the reinstatement application of Delayna A. Cregger to practice practical nursing in the Commonwealth of Virginia, valid in Virginia only. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Cregger at her address of record. The motion was properly seconded by Ms. Phelps. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 3:02 P.M.

RECONVENTION: The Board reconvened in open session at 3:11 P.M.

FORMAL HEARING: **Regina Beth Kanagy, RN Reinstatement Applicant** **0001-231671**

Ms. Kanagy participated.

Rebecca Ribley, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Katie Land, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:06

P.M., for the purpose of deliberation to reach a decision in the matter of Regina Beth Kanagy. Additionally, Dr. McQueen Gibson moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:44 P.M.

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

ACTION:

Mr. Hermansen-Parker moved that the Board of Nursing approve the reinstatement application of Regina Beth Kanagy to practice professional nursing in the Commonwealth of Virginia, and require Ms. Kanagy's successful completion the following two NCSBN courses within 90 days from the date of entry of the Order:

- *Documentation: A Critical Aspect of Client Care*, and
- *Professional Accountability & Legal Liability for Nurses*

The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Kanagy at her address of record. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

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

RECESS:

The Board recessed at 4:47 P.M.

RECONVENTION:

The Board reconvened in open session at 5:00 P.M.

FORMAL HEARING:

Leon Liverman, CNA Reinstatement Applicant 1401-176325

Mr. Liverman participated.

Tammie Jones, Adjudication Consultant for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal

counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Alexandra Aloba, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. McQueen-Gibson moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:47 P.M., for the purpose of deliberation to reach a decision in the matter of Leon Liverman. Additionally, Dr. McQueen-Gibson moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:23 P.M.

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

ACTION: Dr. McQueen-Gibson moved that the Board of Nursing reinstate the certificate of Leon Liverman to practice as a nurse aide in the Commonwealth of Virginia and place him on probation with terms for not less than one year. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Liverman at his address of record. The motion was properly seconded by Ms. Friedenbergl. A roll call was taken and the motion carried unanimously.

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

ADJOURNMENT: The Board adjourned at 6:26 P.M.

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

VIRGINIA BOARD OF NURSING
VIRTUAL BUSINESS MEETING MINUTES
March 23, 2021

TIME AND PLACE: The virtual meeting via Webex of the Board of Nursing was called to order at 9:00 A.M. on March 23, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

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

MEMBERS PARTICIPATING

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

STAFF PARTICIPATING

VIRTUALLY: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Claire Morris, RN, LNHA; Deputy Executive Director
Stephanie Willinger; Deputy Executive Director for Licensing
Jacquelyn Wilmoth, RN, MSN; Deputy Executive Director for Education
Patricia Dewey, RN, BSN; Discipline Case Manager
Francesca Iyengar, MSN, RN; Discipline Case Manager
Christine Smith, RN, MSN; Nurse Aide/RMA Program Manager
Randall Mangrum, RN, DNP; Nursing Education Program Manager
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant
Sally Ragsdale, Discipline Specialist

OTHERS PARTICIPATING

VIRTUALLY: Charis Mitchell, Assistant Attorney General, Board Counsel
Krista Samuels, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
David Brown, DO, Department of Health Professions Director
Barbara Allison-Bryan, MD, Department of Health Professions Chief Deputy

Wayne Halbleib, Senior Assistant Attorney General/Section Chief
Tammie Jones, Adjudication Consultant, Administrative Proceedings
Division (APD)
James Schliessmann, Assistant Attorney General
Mandy Wilson, Adjudication Specialist, APD

**PUBLIC PARTICIPATING
VIRTUALLY:**

Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Janet Wall, MS, CEO of the Virginia Nurses Association (VNA)/Virginia
Nurses Foundation (VNF)
Diane Smith-Levine, Arizona College of Nursing
Sydney Quin Green
Julianne Condrey
Catherine Hiler
Ann Menana
Valentina Vega
Debbie Hartman
Phone # 14436****66
Phone # 17575****51
Terri Gaffney
Cynthia Williamson, Faculty, Petersburg Public Schools Practical Nursing
Program
Phyllis Wyche, Program Coordinator, Petersburg Public Schools Practical
Nursing Program

ESTABLISHMENT OF A QUORUM:

Ms. Gerardo welcomed attendees and asked Ms. Vu to take a roll call of Board Members present. With 14 members present, a quorum was established.

Staff and others were identified.

ANNOUNCEMENTS:

Ms. Gerardo noted the announcements on the agenda.

Staff Update

- Christine Smith, RN, MSN, accepted the Nurse Aide/RMA Program Manager position and started on February 25, 2021.
- Randall Mangrum, RN, DNP, accepted the Nursing Education Program Manager position and started on March 10, 2021.
- Florence Smith accepted the Nursing Discipline Specialist position and started on March 10, 2021.
- Darlene Graham, Senior Discipline Specialist, retired effective March 2, 2021.
- Charlette Ridout, RN, MS, CNE, Deputy for Nurse Aide/Medication Aide and Massage Therapy Program, resigned effective March 5, 2021.

- UPCOMING MEETINGS: The upcoming meetings listed on the agenda:
- The VIRTUAL NCSBN APRN Roundtable is scheduled for April 6, 2021 – Ms. Douglas will attend.
 - The Committee of the Joint Boards of Nursing and Medicine VIRTUAL business meeting is scheduled for Wednesday, April 21, 2021 at 9:00 a.m.
 - The NCSBN Board of Directors VIRTUAL meeting is scheduled for May 11-13, 2021 – Ms. Douglas will attend as the NCSBN President of the Board of Directors.

ORDERING OF AGENDA: Ms. Gerardo asked if Board Members wished to add any items to the Agenda. There were no items added.

Ms. Gerardo asked staff to provide updates to the Agenda. There were no additional updates.

- CONSENT AGENDA: The following item was removed from the consent agenda:
- Ms. Douglas removed C9 Executive Director Report for discussion
 - Ms. Hershkowitz removed Healthcare Workforce Data Center (HWDC) Report: Virginia's Nursing Education Programs: 2019-2019 Academic Year for discussion

Mr. Monson moved to accept the consent agenda as presented. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion was carried unanimously.

Consent Agenda

- B1** December 2, 2020 Board of Nursing VIRTUAL Business Meeting
- B2** January 20, 2021 Telephone Conference Call
- B3** January 26, 2021 Panel A – Formal Hearings
- B4** January 26, 2021 Panel B – Formal Hearings
- B5** January 27, 2021 Formal Hearings
- B6** January 28, 2021 Formal Hearings
- B7** March 17, 2021 Telephone Conference Call

- C1** Financial Report as of January 31, 2021
- C2** Board of Nursing Monthly Tracking Log
- C3** HPMP Report as of December 31, 2020
- C4** Board of Nursing Criminal Background Check Report for CY2020
- C5** Board of Nursing Licensure, Autonomous, and Discipline Statistics for CY2020
- C6** The Committee of the Joint Boards of Nursing and Medicine December 9, 2020 DRAFT Business meeting minutes
- C7** The Committee of the Joint Boards of Nursing and Medicine February 8, 2021 DRAFT Formal Hearing minutes

C8 The Committee of the Joint Boards of Nursing and Medicine February 17, 2021 DRAFT Formal Hearing minutes

- ❖ February 19, 2021 Letter from the NCSBN President, Jay Douglas – Post-Board Meeting Update

E2 January 12, 2021 Education Informal Conference Committee minutes and recommendations

E3 March 10, 2021 Education Informal Conference Committee minutes

- ❖ 2020 NNAAP Pass Rates February 24, 2021 Memorandum
- ❖ 2020 NCLEX Pass Rates February 8, 2021 Memorandum

Discussion of item removed from the Consent Agenda:

Healthcare Workforce Data Center (HWDC) Report:

- Virginia’s Nursing Education Programs: 2018-2019 Academic Year

Ms. Hershkowitz stated that regarding RN programs, she previously requested that the breakdown include a category of Proprietary Programs, as already done in the PN Program section of the report.

Ms. Douglas stated that Drs. Carter or Shobo are not available today but they sent their response stating that a “*We would like to keep this report the same for consistency but we can run the tables or analysis for the information that the Board is interested in by program types and provide that breakdown. We can provide in a separate report if the full Board would like to request that*”

Mr. Hershkowitz requested an additional report regarding RN program breakdown including a category of Proprietary Programs. Ms. Douglas stated staff will request the supplemental report from HWDC to be provided to the Board. Mr. Monson suggested that the supplemental report to be added on either as Appendix or Addendum to the current report so it would be one report. All agreed.

Dr. Dorsey asked why NCLEX pass rates are not included in the report. Ms. Douglas noted that NCLEX pass rates reports are provided by the Education staff throughout the year. Ms. Wilmoth stated that the Board does not monitor the NCLEX pass rates beyond the first attempt as the Board only looks for regulations at the first attempt NCLEX success. Ms. Douglas added that there will be more critical analysis of NCLEX pass rates at the national level by NCSBN, particularly in relation to COVID-19 and the changes that were made in the education programs in terms of percentages of simulation. Ms. Douglas stated that NCSBN is doing some researches regarding this, so far there has not been nationally any appreciable differences, but there has been a slight-decrease in NCLEX pass rates.

C9 – Executive Director Report - Ms. Douglas stated that she has two additional information to add to her report.

Executive Order (EO) 57 – Ms. Douglas said that EO 57 was amended on March 11, 2021 to allow temporary nurse aides (TNAs) practicing in long term care facilities under the federal COVID-19 waiver to be deemed eligible by the Board of Nursing to take the National Nurse Aide Assessment Program (NNAAP) examination upon submission of a completed certified nurse aide (CNA) application to address the Commonwealth's health professional workforce need.

Ms. Douglas noted that during the pandemic, 1700 TNAs were hired to work in a long term care facilities and it has been working well. Ms. Douglas said that conversation has started to permanently certify these TNAs so they can work in long term care facilities as CNAs. Ms. Douglas added staff are working with facilities and professional associations in developing process that will provide a pathway for these TNAs to sit for the NNAAP exam. Ms. Douglas noted that the training that the TNAs are undergoing currently is online training follow by a set amount of time in facility training specifically designed for this role plus the training that all persons who work in long term care facilities are undergo. Ms. Douglas commented that the majority of the 1700 TNAs, currently working in long term care facilities, are developing competencies as they work.

Ms. Douglas noted that key staff met with two organizations, Virginia Health Care Associations and LeadingAge, that deal closely with long term care facilities, to discuss the process for these TNAs to be added to long term care facilities permanently which will involve the facilities deeming the person competent and providing verification of employment. TNAs eligible that the employer's written verification of competency and employment as a TNA are required for a completed CNA application. Ms. Douglas stated that no all NCSBN Boards regulate CNAs.

Dr. Gleason asked if the minimum number of practice hours would be required for these TNAs. Ms. Douglas stated that it is up to the facilities to determine if the TNA is deem competent to sit for the exam and the result of the exam will be the competency assessment. Ms. Mitchell added that the EO57 directs functional process instead of competency rules to sit for exam.

NCSBN Midyear meeting – Ms. Douglas said that there were many informational presentations on Leadership Day regarding individual and structural racism and bias. In addition, a discussion occurred about board, regulatory, and disciplinary activity and how bias may play out. Boards who have disciplinary guidelines in place such as SRP's were looked upon favorably.

Ms. Douglas stated that the Tri-Council presentation was a collaborative effort of American Association of College of Nursing (AACN), American Nurses Association (ANA), National League for Nursing, NCSBN and American Organization for Nursing Leadership (AONL) regarding the immeasurable impact of COVID-19 on global society and as well as lessons learned. Ms. Douglas noted that 120 people attended the presentation.

Ms. Gerardo stated that the bias presentation was excellent and well organized. Ms. Gerardo noted that the bias homework prior to the presentation was well developed and educational and might be a good exercise for Board Members. Ms. Hershkowitz asked if Ms. Gerardo would share the bias exercise link. Ms. Gerardo replied she will send to Ms. Vu.

Ms. Smith commented appreciation of Dr. Dickinson's presentation of the next Generation NCLEX which includes clinical judgment and critical thinking components. Ms. Smith stated that the next Generation NCLEX is an effort in changing to adjust to the current needs. Mr. Jones added that the presentation was very informational and very well done.

Ms. Hershkowitz moved to accept the both reports as presented and amended. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

DIALOGUE WITH
DHP DIRECTOR:

Dr. Brown reported the following:

- **EO57 regarding TNAs** - is a good example of how much work the DHP Boards have done during the pandemic to ensure sufficient workforce. Dr. Brown thanked the Office of Attorney General for providing good guidance
- **Diversity, Equity and Inclusion (PEI)** – DHP has hired a consultant this year who conducted focus group to help with developing DEI Committee. Dr. Brown anticipates that DHP will provide training and awareness to Board Members regarding PEI.
- **Virtual 2021 General Legislation (GA) Update** – it was time consuming in Zoom environment and many Nursing and marijuana bills were considered.
 - Midwife bill was promoted by Nurse Midwife Association creating a new category for midwives resulting DHP will study how midwives are regulated in Virginia with the goal that all midwives should be regulated by the same Board (professional midwives are regulated by the Board of Medicine)
 - Budget amendment was passed to conduct study of advanced practice nursing to align with national best practices and standards
 - Marijuana bill was passed for adult use of non-medical marijuana to be regulated by an Agency, not yet determined.

- Effective July 1, 2021, possession of marijuana in Virginia will be legal. The 2021 General Assembly (GA) also passed the bill allowing marijuana flowers to be distributed in Virginia.

Dr. Allison-Bryan reported on COVID-19 vaccines as follows:

- Last week, Virginia has opened up phase 1C in several areas
- 25% of Virginians have received the first dosage, children are not eligible to receive the vaccine
- Three (3) millions dosages were administered, with about 50,000 dosages per day

Mr. Monson asked how the study of advanced practice nursing to be conducted. Dr. Brown replied that the bill was directed to DHP, not at specific board, and Dr. Brown will facilitate the meeting to include a manageable number of representatives.

Dr. Dorsey thanked Dr. Brown for the PEI information. Dr. Dorsey stated that she has participated in the Diversity and Inclusion training at Hospital Corporation of America (HCA) and it was alarming and informative to be aware of the lack of diversity in leadership positions in healthcare as well as professional associations. Dr. Dorsey noted that she has enrolled in the 14-hour diversity and inclusion course at University of South Florida and will be happy to provide the link for anyone who are interested. Dr. Dorsey added that she would help out to bring the awareness to others. Dr. Brown asked that Dr. Dorsey share the link to Ms. Vu so it can be shared with Board Members and staff.

Ms. Phelps asked with increase in marijuana bills being passed, how boards are looking at regulations for the use of marijuana. Dr. Brown deferred this to Ms. Douglas for response. Ms. Douglas said that in Virginia no change will be necessary as the status and regulations currently permit the board to protect the public from impaired practice.

Mr. Monson noted that if someone tested positive for alcohol (0.08 in blood test), it is determined impairment and action can be take regarding practicing. Mr. Monson added that there is no defined base line regarding impairment when someone uses marijuana. Mr. Douglas responded that each case is evaluated based on multiple factors and a positive drug test alone does not necessarily meant there has been a violation. Each case is reviewed on an individual basis and all evidence is considered in determining the decision. Ms. Mitchell commented that the Board has opportunity to take actions and speaks through Orders by looking at circumstances of each case.

PUBLIC COMMENT:

Ms. Gerardo indicated that, per the meeting notice on the Regulatory Townhall and the agenda package, comments will be received during the

public comment period from those persons who submitted an email to Huong Vu no later than 8 a.m. on March 23, 2021 indicating that they wish to offer comment.

Ms. Gerardo asked if anyone has signed up to comment. Ms. Vu reported that there were no requests to offer public comment as of 8 a.m. today and no one was present on the call to make comment.

REGULATIONS:

F1 Status of Regulatory Actions

F2 Report of the 2021 General Assembly

Ms. Gerardo stated that staff has provided the these documents electronically and asked Ms. Yeatts to proceed.

Ms. Yeatts reviewed the provided Status of Regulatory Actions (F1) noting that the Regulations for Nurse Aide Education Programs have been approved by the Governor with the effective date of May 12, 2023. Ms. Yeatts added that the major changes of the regulations are:

- The change in number of hours required for nurse aide education program from 120 to 140 clock hours
- Programs are required to use Board-approved curriculum
- Increasing the instructor training course to a minimum of 12 hours to be completed by all prospective nurse aide education program instructors

Ms. Yeatts reviewed the provided Report of the 2021 General Assembly (F2) noting the following:

HB 1737 Nurse practitioners; practice without a practice agreement – reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written practice agreement. The bill has an expiration date of July 1, 2022.

HB 1747 Clinical nurse specialist; licensure of nurse practitioners as specialists – effective July 1, 2021. Changes from the requirement of registration as clinical nurse specialists to the licensure of nurse practitioners as clinical nurse specialists by the Boards of Medicine and Nursing. Practice Agreement is required.

HB 1817 Certified nurse midwives; practice – eliminated the requirement that certified nurse midwives practice pursuant to a practice agreement who has practiced 1,000 hours or more.

HB 1953 Licensed certified midwives; clarifies definition, licensure – directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires

licensed certified midwives to practice in consultant with a license physician in accordance with a practice agreement. The bill also directs DHP to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives, and to submit its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

HB 2061 VIIS; any health care provider in the Commonwealth that administers immunizations to participate – the bill will be effective on January 1, 2022. Requires any health care provider in the Commonwealth that administers immunizations to participate in the Virginia Immunization Information System (VIIS) and report patient immunization history and information to VIIS.

SB 1189 Occupational therapists; licensure – Authorizes Virginia to become a signatory to the Occupational Therapy Interjurisdictional Licensure Compact. The bill will be effective on January 1, 2022 and Virginia is one of the first states to join the Occupational Therapy Compact.

Chapter 1 (H 2333) An Act to facilitate the administration of the COVID-19 vaccine; emergency – approved on February 15, 2021 and to include allowing license practical nurses (LPNs) to administer COVID-19 vaccine to citizens of the Commonwealth without be under supervision of an RN or other practitioners

DISPOSITION OF
MINUTES:

None

RECESS:

The Board recessed at 10:15 A.M.

RECONVENTION:

The Board reconvened at 10:25 A.M.

PUBLIC HEARINGS:

Ms. Gerardo said that this are two public hearings today.

The first hearing is to receive comments on proposed amendments relating a **Prohibition on Conversion Therapy (PH1)**

Ms. Gerardo added that as indicated in the meeting notice on Regulatory Townhall and in the agenda package, comments will be received from those persons who submitted an email to huong.vu@dhp.virginia.gov no later than 8 am on March 23, 2021 indicating that they wish to offer comment.

Ms. Gerardo asked if anyone has signed up to comment. Ms. Vu said no emails with request for comment were received as of 8 am today.

Ms. Phelps reminded everyone that electronic comment can be posted on the Virginia Regulatory Townhall at www.townhall.virginia.gov or sent by email until April 16, 2021 and comments should be directed to Elaine Yeatts, DHP Policy Analyst.

Ms. Gerardo added that all comments will be considered before the Board adopts final regulations at its meeting scheduled for May 18, 2021.

The second hearing is to receive comments proposed amendments relating the **Use of Simulation in Nursing Education (PH2)**

Ms. Gerardo added that as indicated in the meeting notice on Regulatory Townhall and in the agenda package, comments will be received from those persons who submitted an email to huong.vu@dhp.virginia.gov no later than 8 am on March 23, 2021 indicating that they wish to offer comment.

Ms. Gerardo asked if anyone has signed up to comment. Ms. Vu said no emails with request for comment were received as of 8 am today.

Ms. Phelps reminded everyone that electronic comment can be posted on the Virginia Regulatory Townhall at www.townhall.virginia.gov or sent by email until April 30, 2021 and comments should be directed to Elaine Yeatts, DHP Policy Analyst.

Ms. Gerardo added that all comments will be considered before the Board adopts final regulations at its meeting scheduled for May 18, 2021.

REPORTS:

C10 Board of Health Professions Draft January 21, 2021 Minutes:

Ms. Gerardo stated that C10 has been provided in advanced and asked Ms. Hershkowitz to proceed. Ms. Hershkowitz said that including with the minutes is the report she has prepared regarding the activities that the Boards has worked on and she has no additional information to provide and will be happy to answer any questions that Board Members have. No questions were raised.

Mary Marshall Scholarship Update:

Ms. Gerardo asked Ms. Douglas to proceed with the update. Ms. Douglas provided the update since December 2, 2020:

- Olivette Burroughs, Health Care Workforce Manager, Office of Health Equity at Virginia Department of Health (VDH), oversees the administration of the scholarship. VDH is the lead Agency even though the funds come from the Board of Nursing
- Advisory Committee was established and in support of increasing the amount
- SB1147 was passed in the 2021 General Assembly which adds to the Code section a nurse loan repayment and language which would

included certified nurse aides, practical nurses and registered nurses who might be eligible for the scholarship. \$35,000 of the scholarship are set aside for nurse aides

- Brochures and flyers regarding the scholarship are being revised to include nurse aides. They will be provided to the Board for distributing to nursing and nurse aide education programs to raise awareness of the scholarship to the students
- Award will be given in July 2021. No date has been set for the meeting to discuss about the application for the scholarship by the Advisory Committee

Ms. Douglas noted that per Mr. Giles at DHP Budget Office, the Board did not have to through the General Assembly to increase the amount; there is a process that Mr. Giles just has to go through the Planning and Budget Department.

Dr. Dorsey stated that she can help out as a resource. Dr. McQueen-Gibson said that she is ready to step up to help out. Dr. McQueen-Gibson commented that the Board needs to increase diversity in applicants and be the “trusted messengers”

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell thanked Dr. Brown for acknowledging the Office of Attorney General for the work on the Executive Orders and reported the following:

- Krista Samuel, Assistant Attorney General, primarily supporting other agencies, will be the backup for Ms. Mitchell, Ms. Erin Barrett and Mr. James Rutkowski.
- The Board did have an appeal that was file due to notice issue. The attorney who filed the appeal contacted Ms. Mitchell and agreed to settle the appeal out of court with the Board President’s agreement.

Ms. Douglas thanked Ms. Mitchell for her work and quick responsiveness dealing with matters arising over the last few months.

Federation of State Massage Therapy Boards (FSMTB) Massage Therapy (MT) License Database update:

Ms. Gerardo asked Ms. Douglas to proceed with the update regarding FSMTB – MT license database.

Ms. Douglas said that this work has been delayed since Ms. Ridout, who was the lead staff on this matter, resigned but the Board is continuing to pursue the FSMTB – MT license database.

Ms. Douglas stated that Ms. Mitchell raised concerns about some of the documents presented and staff are asking for clarification. Ms. Douglas

noted that staff is hoping to bring this back for Board's consideration in participating.

Ms. Douglas added that a statewide Human Trafficking Task Force met with board staff to seek out the understanding related to licensure and fraud. As result, Ms. Douglas invited them to present at the May meeting regarding human trafficking activities.

Ms. Douglas commented that the Department of Defense has set aside grants and funds to assist additional professions (Social Works, Teachers, and Massage Therapists) in the establishment of licensure compacts, which is similar to NCSBN nursing licensure compact. Ms. Douglas noted that Virginia Board of Nursing is the only Board of Nursing in the country that regulates massage therapists directly.

Informal Conferences (IFCs) for the second half of 2021:

Ms. Gerardo asked Ms. Douglas to speak about IFCs for the second half of 2021. Ms. Douglas said that staff always try to plan IFCs in advance prior to Board Members' term ended, noting that Ms. Hershkowitz and Ms. Phelps' second term will end June 30, 2021 plus several Board Members' first term will also end June 30, 2021.

Ms. Douglas was informed by the Secretary of Commonwealth Office that both Ms. Hershkowitz and Ms. Phelps can continue to serve until they are replaced and they both have agreed to do so. Ms. Douglas added that she and Ms. Gerardo met to look at the Special Conference Committees (SCC) and make least changes possible for the second half of 2021 and Ms. Morris will follow up with Board Members soon regarding availability.

Ms. Gerardo requested Board Members to respond to staff's request for dates in prompt fashion so that the arrangement can be made to schedule for the second half of 2021.

EDUCATION:

The Impact of COVID-19 on Nurse Aide Education Program Report:

Ms. Gerardo asked Ms. Douglas to address this report since Dr. Hills absent.

Ms. Douglas noted that Dr. Hills is out on medical leave for undetermined length of time. Ms. Douglas added that Dr. Hills did lots of heavy lifting on this report in her previous role as Deputy for Education looking at nurse aide education issues. Ms. Douglas reported the following:

- Collaboration between nursing staff (Ms. Douglas and Dr. Hills) and HWDC staff (Drs. Carter and Shobo).
- Surveyed nurse aide education programs during the pandemic to report on issues they have been facing

Ms. Douglas added that an Article is being developed related to this report and will be submitted for public. The Impact of COVID on nurse aide education program report will be posted on website.

Ms. Gerardo commented that it is an impressive report that was put together in short period of time.

Ms. Douglas added that she will provide this report to NCSBN since they are in communication at the federal level regarding guidelines for certified nurse aides and the need for change in regulations that were established in 1989..

Education Update:

Ms. Gerardo asked Ms. Wilmoth to provide Education update. Ms. Wilmoth welcomed Ms. Smith, Nurse Aide/RMA Education Program Manager, and Dr. Mangrum, Nursing Education Program Manager, to the Board.

Ms. Wilmoth added that staff have received information from a fellow board that Excelsior College is updating their curriculum to now include clinical to some of their courses and staff do not have official information yet. Ms. Wilmoth noted that NCSBN is working to obtain official information regard to the changes and board staff will update the board when it is available.

Ms. Douglas noted that for the first time in the history of the Board that the Board has two Education Program Manager positions that provide oversight over 500 education programs.

Ms. Gerardo asked if Ms. Wall, CEO of the Virginia Nurses Association (VNA)/Virginia Nurses Foundation (VNF), can provide the Board with some updates. Ms. Wall provided the following:

- Worker's compensation presumption for nurses who have worked on COVID's frontlines
- Inclusion of "nursing" in legislation to ensure the health and well-being of nurses through peer-to-peer support. The Medical Society of Virginia (MSV) developed this program with Employee Assistance Program (EAP) firm, Vital Work Life for physicians, it was successful in having legislation passed in 2020 to ensure confidentiality and liability waivers, and subsequently convened meetings with VNF, the VA Pharmacists Association, and Physician Assistants to offer to partner on similar, profession-specific programs
- Spring virtual Conference in the third week of April focusing on Diversity with registration fees have been slashed to \$59 for members and \$79 for nonmembers
- Fall virtual Conference will be one day only focusing on Resilience
- VNA now has a new website – www.virginianurses.com
- A microsite for VNF is in work

- In October, 2021, VNA will be launching developing campaign to support Nurse Leadership Academy intended for nurse managers or emerging nurse leaders, Ms. Douglas sits on the Steering Committee along with variety nurse leaders across the Commonwealth.
- Instead of quarterly mental health roundtable meetings, VNF will conduct free webinars related to Maternal Mental Health, five different programs in April 2021 and they will be recorded
- There are plans for webinars related to Youth and Adolescence mental health soon.

Ms. Hershkowitz asked for more detailed information regarding Health & Wellness program. Ms. Walls stated that the program was launched about a year ago by MSV in partnership with EAP firm called Vital Work Life in helping nurses who are struggled with mental health issues or needing a business coaching, resilience and burn out. Ms. Wall added that the nurses who provide coaching are paid by Vital Work Life. Ms. Wall noted that this will be separate from EAP.

Dr. Allison-Bryan provided that the name of the program is SafeHaven and more information, specifically for physicians, can be obtain from MSV website www.msv.org/about-safehaven

Dr. Allison-Bryan added that there is cost associated with this program and the reason for MSV to set up SafeHaven is the change in mandatory reporting laws

RECESS:

The Board recessed at 11:23 A.M.

RECONVENTION:

The Board reconvened at 12:57 A.M.

PRESENTATION:

Germanna Community College (GCC) and Mary Washington Healthcare Center (MWHC) Academic Practice/Partnership Presentation – Patti Lisk, DACCE, MS, BSN, RN, Dean of Nursing & Health Technologies, Germanna Community College, and Eileen Dohmann, MBA, BSN, RN, NEA-BC, Senior Vice President/Chief Nursing Officer, Mary Washington Healthcare

Ms. Douglas thanked Dr. Lisk and Dohmann for participating. Ms. Douglas also recognized Dr. Terri Gaffney, who is a former Board of Nursing Member and who Ms. Douglas has been working closely related to clinical issues during COVID.

Ms. Douglas noted that the State has Clinical Workgroup meetings facilitated by healthcare workforce staff at the Governor's Office to look at clinical issues related to all professions affected by the pandemic and nursing tends to be the lead in those issues. As aside, Ms. Douglas and Dr. Gaffney

brainstormed about clinical innovations in time of pandemic and long term, what adjustments needed to be made to be beneficial to the professions. A workgroup was convened, Ms. Douglas noted that at one of the meetings, Dr. Lisk shared an example of the practice academic partnership between GCC and MWHC and Ms. Douglas thought that the Board would want to hear the example. Ms. Douglas then introduced Dr. Lisk and Ms. Dohmann

Dr. Lisk and Ms. Dohmann provided the following information in the presentation:

- MWHC as major clinical partner
- The need for the partnership was due to CNA needs/vacancies, RN and CNA turnover, challenges with access to CNA certification exam, and limitations on GCC RN student clinical rotations in hospital during the 2020 pandemic
- Strategies are to increase MWHC CNAs and defining Nursing Assistant role as “Pilot” between GCC & HWHC
- Outcomes of the partnership – Cohort I (30 GCC students) started December 2020 and Cohort II (15 GCC students) started March 15, 2021. Students provided positive feedback that what they learned in school is making sense. MWHC RN & CNA acceptance of role of the Nursing Assistants (NAs)
- Lessons Learned/Next Steps – RN/CNA acceptance/fostering. MWHC is to hire two NA cohorts/year (June & December). Pilot Joint Appointment Faculty

Dr. Lisk and Ms. Dolmann thanked for the opportunity to present and would answer any questions Board Members have.

Mr. Jones asked if there has been any appreciable different in patient safety indicator quality outcome on the unit where these NAs are being utilized. Ms. Dohmann replied that it is too soon to track official records, will continue to monitor on a regular basis. Ms. Dohmann noted that it has improved staffing ratio.

Ms. Hershkowitz asked how this program intergrades with the advancement of these NAs in term of becoming CNAs. Dr. Lisk replied that once they complete their first semester, they are eligible to sit for CNA exam, but because of the pandemic, some of the students have not tested due to availability

Mr. Monson commented that the collaboration is very impressive and suggested that this should be shared with all community colleges. Dr. Lisk stated that they are writing an abstract to present at the national conferences.

Dr. Dorsey thanked for the outstanding and informative presentation and asked what the perception/feedback of the hospital staff were regarding these

non-experienced NAs on the unit. Ms. Dohmann said that staff were informed that many these NAs are first semester nursing students who just finished one semester of clinical. Ms. Dohmann added that CNAs on the unit were offered to be preceptors to NAs and many CNAs have agreed to be preceptors.

Ms. Phelps commented that the experiences this program provides to students will change their whole perspective in their career. Ms. Phelps added that when she was in LPN school, she was working as CNA in the hospital which helped her to be more critical nurse because of the experience.

Ms. Gerardo commented that it is a great partnership that brings better staffing and better education for many. Ms. Gerardo thanked both Dr. Lisk and Ms. Dohmann for outstanding presentation.

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

RECONVENTION: The Board reconvened at 2:01 P.M.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION:

Ms. Gerardo asked if there are Respondents who would like to address the Board regarding their Agency Subordinate Recommendation.

Ms. Vu reported that there are no Respondents who would like to address the Board regarding their Agency Subordinate Recommendation.

March 10, 2021 Recommendation of the Education Informal Conference Committee regarding Petersburg Public Schools (PPS) Practical Nursing (PN) Education Program (US28109400)

Ms. Gerardo instructed Phyllis Wyche, Program Coordinator, PPS PN Education Program, that she has five minutes to address the Board regarding the recommendation and no new information can be provided.

CLOSED MEETING: Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:07 P.M. for the purpose of considering the Agency Subordinate Recommendation regarding Petersburg Public Schools (PPS) Practical Nursing (PN) Education Program (US28109400). Additionally, Ms. Shah moved that Ms. Douglas, Ms. Morris, Ms. Ragsdale, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

Due to technical difficulties, the Board could not conduct its closed meeting via Webex. The Board decided to conduct its closed meeting via telephone conference call at 3:12 P.M.

RECONVENTION:

The Board reconvened in open session at 3:24 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 properly seconded by Ms. Smith. A roll call was taken and the motion was carried unanimously.

Mr. Monson moved to accept the recommended decision of the Education Informal Conference Committee to withdraw the approval of PPS PN Education Program to operate a practical nursing education program with withdrawal of approval stayed with terms and conditions and to amend the Findings of Fact #1 to specify the appropriate date when the PPS PN was placed on conditional approval. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion was carried unanimously.

Dr. Dorsey left the meeting at 3:28 P.M.

CLOSED MEETING:

Ms. Shah moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 3:32 P.M. for the purpose of considering the Agency Subordinate Recommendation, the Education Informal Conference Committee Recommendation, and the Consent Orders. Additionally, Ms. Shah moved that Ms. Douglas, Ms. Morris, Ms. Ragsdale, Ms. Vu, and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion was carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:00 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 properly seconded by Ms. Smith. A roll call was taken and the motion was carried unanimously.

#1 Jessica Daniel Martin, RN

0001-258421

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of Jessica Daniel Martin's license to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#2 – Jessica Nicole Eastburn, RMA

0031-003479

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the registration of Jessica Nicole Eastburn to practice as a medication aide in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Eastburn's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#3 – Vanessa Yvette Johnson, RMA

0031-012500

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to reprimand Vanessa Yvette Johnson and to indefinitely suspend her registration to practice as a medication aide in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Johnson's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#4 – Rukya A. Said, LPN

0002-085426

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Rukya A. Said to practice practical nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#5 – Lyrae S. Tinsley, CNA

1401-112199

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the certificate of Lyrae S. Tinsley to practice as a nurse aide in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#6 – Tseng Ling Chang, CNA

1401-181817

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to revoke the certificate of Tseng Ling Chang to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against Tseng Ling Chang in the Virginia Nurse Aide Registry. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#7 – Marla Renee Depriest-Hubbard, LPN **0002-074752**

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of Marla Renee Depriest-Hubbard to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#8 – Joshua Edward Frye Worley, RN **0001-275125**

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of Joshua Edward Frye Worley to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#9 – Christopher John Chimera, LPN **0002-093249**

Ms. Hershkowitz moved to modify the recommended decision of the agency subordinate to revoke the right of Christopher John Chimera to renew his license to practice practical nursing in the Commonwealth of Virginia. The motion was properly seconded by Ms. Shah. A roll call was taken and the motion was carried unanimously.

#10 – Edythe Sawyer, RN **0001-063032**

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the right of Edythe Sawyer to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#11 – Melissa Renee Everett, RN **0001-186521**

Mr. Monson moved to accept the recommended decision of the agency subordinate to reprimand Melissa Renee Everett and extend Ms. Everett's period of probation for an additional six months subject to terms and conditions. The motion was properly seconded by Ms. Phelps. A roll call was taken with eight (8) votes were in favor of the motion. Ms. Hershkowitz, Mr. Jones, Ms. Shah, Ms. Smith and Ms. Swineford opposed the motion.

#12 – Elaine A. Redcay, RN

0001-273912

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of Elaine A. Redcay to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#13 – Kristen Ann Fatigate, RN

0001-282886

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to take no action at this time contingent upon Kristen Ann Fatigate's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) within 30 days of the date the Order is entered and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#14 – Georgienne Castle Neale, RN

0001-182862

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of Georgienne Castle Neale to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#15 – Shyena Wesson, LPN

0002-073354

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to take no action at this time contingent upon of Shyena Wesson's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) within 60 days of the date the Order is entered and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

#15 – Karen Roberts Turpin, RN

0001-192308

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to require Karen Roberts Turpin to undergo a psychiatric evaluation and a chemical dependency evaluation, each conducted by a Board-approved specialist who holds an unrestricted license, and have a written report of the evaluation, including diagnosis, recommended course of therapy, prognosis, and any other recommendations sent to the Board, within 90 days of the entry of the Order . The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

March 10, 2021 Recommendation of the Education Informal Conference Committee regarding Piedmont Virginia Community College (PVCC) Practical Nursing (PN) Education Program (US28203800)

Ms. Hershkowitz moved to accept the recommended decision of the Education Informal Conference Committee to remain PVCC-PN Education Program on conditional approval with terms and conditions. A roll call was taken and the motion was carried unanimously.

CONSENT ORDER CONSIDERATION:

**G1 - Carmen Cassandra Gomez Borges, RN Reinstatement Applicant
0001-191588**

Ms. Hershkowitz moved to accept the consent order to approve the application of Carmen Cassandra Gomez Borges for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia and suspend her license with suspension stayed upon proof of Ms. Borges' entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

**G2 - Vicky Lu Mitchell, RN
A/K/A Vicky Mitchell Fisher, RN** **0001-059113**

Ms. Hershkowitz moved to accept the consent order to voluntary surrender for indefinite suspension of Vicky Lu Mitchells' license to practice professional nursing in the Commonwealth of Virginia. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

Martha Blair Hatfield, RN **0001-165714**

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Martha Blair Hatfield to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Hatfield's entry into a Contract with the Virginia Health Practitioners'

Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

RECESS: The Board recessed at 4:05 P.M.

RECONVENTION: The Board reconvened at 4:17 P.M.

POSSIBLE SUMMARY SUSPENSION CONSIDERATION:

Wayne Halbleib, Senior Assistant Attorney General/Section Chief, presented evidence that the continue practice as a nurse aide by **Latisha Adams Day, CNA (1401-204272)** may present a substantial danger to the health and safety of the public.

Mr. Monson moved to summarily suspend the certificate to practice as a nurse aide of Latisha Adams Day pending a formal administrative hearing and to offer a consent order for revocation of her certificate in lieu of formal hearing. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion was carried unanimously.

James Schliessmann, Assistant Attorney General, presented evidence that the continue practice as a nurse aide by **Frits Brady, CNA (1401-002947)** may present a substantial danger to the health and safety of the public.

Ms. Hershkowitz moved to summarily suspend the certificate to practice as a nurse aide of Frits Brady pending a formal administrative hearing and to offer a consent order for revocation of his certificate and enter a Finding of Abuse against him in the Virginia Nurse Aide Registry in lieu of formal hearing. The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

MEETING DEBRIEF:

Discussion regarding the business meeting process:

The following were well received by Board Members:

- How well Board Members adapt with technical difficulties
- Great presentation by GCC and MWHC
- Great support from Board Staff and Counsel with the on the fly decision
- Great problem solving in short amount of time

The following needs improvement per Board Members:

- Facilitate discussion on continuing use of virtual meetings beyond the pandemic
- Document take back day
- Board Members should use raise hand feature better

Ms. Douglas stated that she will explore the options for document take back day.

Ms. Mitchell noted that virtual meetings can be conducted during state of emergency only.

ADJOURNMENT:

The Board adjourned at 5:05 P.M.

Marie Gerardo, MS, RN, ANP-BC
President

VIRGINIA BOARD OF NURSING
VIRTUAL FORMAL HEARINGS
March 24, 2021 - Panel A

TIME AND PLACE: The virtual Webex meeting of the Virginia Board of Nursing was called to order at 10:14 A.M. on March 24, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

**BOARD MEMBERS
 PARTICIPATING
 VIRTUALLY:**

Marie Gerardo, MS, RN, ANP-BC, President
 Margaret J. Friedenberg, Citizen Member
 A Tucker Gleason, PhD, Citizen Member
 James Hermansen-Parker, MSN, RN, PCCN-K
 Jennifer Phelps, BS, LPN, QMHP-A, CSAC
 Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
 Maria Mercedes Olivieri, LMT (**LMT case only**)

**STAFF PARTICIPATING
 VIRTUALLY:**

Jay Douglas, RN, MSM, CSAC, FRE, Executive Director
 Claire Morris, RN, LNHA, Deputy Executive Director
 Patricia Dewey, RN, BSN, Discipline Case Manager
 Sylvia Tamayo-Suijk, Discipline Team Coordinator
 Sally Ragsdale, Discipline Specialist
 Huong Vu, Executive Assistant

**OTHERS PARTICIPATING
 VIRTUALLY:**

Charis Mitchell, Assistant Attorney General, Board Counsel
 Krista Samuels, Assistant Attorney General
 David Kazzie, Adjudication Consultant, Administrative Proceedings
 Division (APD)
 Grace Stewart, Adjudication Specialist, APD
 David Robinson, Adjudication Specialist, APD
 Cynthia Gaines, Adjudication Specialist, APD
 Tammie Jones, Adjudication Consultant, APD
 Rebecca Ribley, Adjudication Specialist, APD
 Mandy Wilson, Adjudication Specialist, APD
 Julia Bennett, Deputy Executive Director, APD
 Ann Tiller, Compliance Manager, Board of Nursing
 Christine Smith, Education Program Manager, Board of Nursing
 Sarah King, Senior Investigator, DHP Enforcement
 Deborah DiFalco, Regional Manager, DHP Enforcement
 Amber Gray, Senior Investigator, DHP Enforcement

Marcella Luna, Investigator Supervisor, DHP Enforcement
Matthew Halphen, Senior Investigator, DHP Enforcement
Francis Johnson
Etta Brutton
Client A
Amanda
Tanisha Lawrence

ESTABLISHMENT OF A
PANEL:

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

FORMAL HEARING:

Andrew Preston Rainey, LMT **0019-015296**

Mr. Rainey participated and was represented by William Tunner, his legal counsel.

Grace Stewart and David Robinson, Adjudication Specialists for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Sarah King, Senior Investigator, Department of Health Professions, participated and testified. Shaunna Keller, Psy.D., participated and testified.

RECESS:

The Board recessed at 10:27 A.M.

RECONVENTION:

The Board reconvened in open session at 10:30 A.M.

RECESS:

The Board recessed at 11:08 A.M.

RECONVENTION:

The Board reconvened in open session at 11:17 A.M.

RECESS:

The Board recessed at 12:17 P.M.

RECONVENTION:

The Board reconvened in open session at 12:31 P.M.

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:44 P.M., for the purpose of deliberation to reach a decision in the matter of Andrew Preston Rainey. Additionally, Dr. Gleason moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Friedenbergl. A roll call was taken and the motion carried unanimously.

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

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing issue an order of reprimand to Andrew Preston Rainey. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Rainey at his address of record. The motion was properly seconded by Dr. Gleason. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 2:26 P.M.

Dr. McQueen-Gibson and Ms. Olivieri left the meeting at 2:26 P.M.

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

FORMAL HEARING: **Mary Elton Milby Self, RN Reinstatement Applicant 0001-138705**

Ms. Self participated.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Amber Gray, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:55 P.M., for the purpose of deliberation to reach a decision in the matter of Mary Elton Milby Self. Additionally, Dr. Gleason moved that Ms. Douglas, Ms.

Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Friedenber. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:23 P.M.

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing approve Mary Elton Milby Self's application for reinstatement to practice as a professional nurse in the Commonwealth of Virginia, suspend the license, stay the suspension contingent upon continued compliance with the Health Practitioners' Monitoring Program (HPMP), issue a reprimand, require completion of a Board approved refresher course within 180 days of entry of Order and provide proof of completion to the Board of Nursing and HPMP. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Self at her address of record. The motion was properly seconded by Dr. Gleason. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 4:24 P.M.

RECONVENTION: The Board reconvened in open session at 4:31 P.M.

FORMAL HEARING: **Amy Elizabeth Chittum, RN Reinstatement Applicant 0001-227730**

Ms. Chittum participated.

David Kazzie, Adjudication Consultant for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Andrea Pegram, court reporter with Andrea Pegram Court Reporting, recorded the proceeding.

Amber Gray, Senior Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Mr. Hermansen-Parker moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:26 P.M., for the purpose of deliberation to reach a decision in the matter of Amy Elizabeth Chittum. Additionally, Mr. Hermansen-Parker moved that Ms. Douglas, Ms. Morris, Ms. Tamayo-Suijk, Ms. Vu, Ms. Ragsdale, and Ms. Mitchell, 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. Friedenberg. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:44 P.M.

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing approve Amy Elizabeth Chittum's application for reinstatement to practice as a professional nurse in the Commonwealth of Virginia, suspend the license, stay the suspension contingent upon entry into and compliance with the Health Practitioners' Monitoring Program (HPMP), issue a reprimand, require completion of a Board approved refresher course within 180 days of entry of Order and provide proof of completion to the Board of Nursing and HPMP. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Chittum at her address of record. The motion was properly seconded by Ms. Friedenberg. A roll call was taken and the motion carried unanimously.

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

ADJOURNMENT: The Board adjourned at 5:46 P.M.

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

VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION *VIRTUAL* MEETING
April 29, 2021

The virtual Webex possible summary suspension meeting of the Virginia Board of Nursing was held April 29, 2021 at 8:15 A.M.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

The Board of Nursing members participating in the meeting were:

Mark Monson, Citizen Member, First Vice-President – Chair
Yvette Dorsey, DNP, RN
Margaret J. Friedenbergl, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Louise Hershkowitz, CRNA, MSHA
Brandon Jones, MSN, RN, CEN, NEA-BC
Dixie McElfresh, LPN
Felisa Smith, RN, MSA, MSN/Ed, CNE

Others participating in the meeting were:

Charis Mitchell, Assistant Attorney General, Board Counsel
Sean Murphy, Assistant Attorney General
Wayne Halbleib, Senior Assistant Attorney General/Chief
Julia Bennett, Deputy Director, Administrative Proceedings Division
Cynthia Gaines, Adjudication Specialist, Administrative Proceedings Division
David Kazzie, Adjudication Specialist, Administrative Proceedings Division
Jay P. Douglas, RN, MSM, CSAC, FRE; Executive Director
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Claire Morris, RN, LNHA; Deputy Executive Director
Patricia L. Dewey, RN, BSN; Discipline Case Manager
Francesca Iyengar, MSN, RN; Discipline Case Manager
Sylvia Tamayo-Suijk, Senior Discipline Specialist
Sally Ragsdale, Discipline Specialist
Huong Vu, Executive Assistant

The meeting was called to order by Mr. Monson. With 8 members of the Board of Nursing participating, a quorum was established.

Sean Murphy, Assistant Attorney General, presented evidence that the continued practice of nurse aide by **Lisa Michelle Hill, CNA (1401-100634)** may present a substantial danger to the health and safety of the public.

Virginia Board of Nursing
Possible Summary Suspension Meeting – virtual via Webex
April 29, 2021

Ms. Herhskowitz moved to summarily suspend the nurse aide certificate of **Lisa Michelle Hill** pending a formal administrative hearing and to offer a consent order for revocation of her certificate with a Finding of Misappropriation in lieu of formal hearing. The motion was seconded by Mr. Hermansen-Parker. A roll call was taken and the motion carried unanimously.

Wayne Halbleib, Senior Assistant Attorney General/Chief, presented evidence that the continued practice of massage therapy by **Ryan Joseph Greene, LMT (0019-012371)** may present a substantial danger to the health and safety of the public.

Ms. Hershskowitz moved to summarily suspend the massage therapy license of **Ryan Joseph Greene** pending a formal administrative hearing. The motion was seconded by Mr. Jones. A roll call was taken and the motion carried unanimously.

The meeting was adjourned at 8:50 A.M.

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

VIRGINIA BOARD OF NURSING
VIRTUAL FORMAL HEARINGS
April 29, 2021

TIME AND PLACE: The virtual Webex meeting of the Virginia Board of Nursing was called to order at 9:01 A.M. on April 29, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Board to discharge its lawful purposes, duties, and responsibilities.

**BOARD MEMBERS
PARTICIPATING
VIRTUALLY:**

Mark Monson, Citizen Member; First Vice-President
Yvette Dorsey, DNP, RN
Margaret J. Friedenbergl, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Brandon Jones, MSN, RN, CEN, NEA-BC
Felisa Smith, RN, MSA, MSN/Rd, CNE

**STAFF PARTICIPATING
VIRTUALLY:**

Jay Douglas, RN, MSM, CSAC, FRE, Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advance Practice
Claire Morris, RN, LNHA, Deputy Executive Director
Francesca Iyengar, MSN, RN; Discipline Case Manager
Sylvia Tamayo-Suijk, Discipline Team Coordinator
Sally Ragsdale, Discipline Specialist
Huong Vu, Executive Assistant

**OTHERS PARTICIPATING
VIRTUALLY:**

Charis Mitchell, Assistant Attorney General, Board Counsel
David Kazzie, Adjudication Consultant, Administrative Proceedings Division (APD)
Grace Stewart, Adjudication Specialist, APD
Deborah Greenberg, Adjudication Specialist, APD
Cynthia Gaines, Adjudication Specialist, APD
Rebecca Ribley, Adjudication Specialist, APD
David Robinson, Adjudication Specialist, APD
Julia Bennett, Deputy Executive Director, APD
Stephanie Willinger, Deputy Executive Director, Board of Nursing
Gayle Miller, Senior Investigator, DHP Enforcement

Amy Stewart Ressler, HPMP Administrative Director
Investigator Holder
Etta Brutton

ESTABLISHMENT OF A
PANEL:

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

FORMAL HEARING:

Mary Hortense Cook Goodman, CNA Reinstatement Applicant
1401-048154

Ms. Goodman participated.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cherryl Maddox, court reporter, recorded the proceeding.

CLOSED MEETING:

Ms. Smith moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:46 A.M., for the purpose of deliberation to reach a decision in the matter of Mary Hortense Cook Goodman. Additionally, Ms. Smith moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Vu, and Ms. Mitchell, 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 Mr. Hermansen-Parker. A roll call was taken and the motion carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:01 A.M.

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

ACTION:

Mr. Jones moved that the Board of Nursing deny the application for reinstatement of Mary Hortense Cook Goodman to practice as a certified nurse aide. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Goodman at her address of record. The motion was properly seconded by Ms. Friedenber. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 10:02 A.M.

RECONVENTION: The Board reconvened in open session at 10:12 A.M.

FORMAL HEARING: **Morgan Laney Harrell, LPN** **0002-098008**

Ms. Harrell participated.

Deborah Greenberg and Grace Stewart, Adjudication Specialists for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cherryl Maddox, court reporter, recorded the proceeding.

Amy Stewart Ressler, Administrative Director for the Health Practitioners' Monitoring Program, participated and testified.

CLOSED MEETING: Ms. Smith moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:26 A.M., for the purpose of deliberation to reach a decision in the matter of Morgan Laney Harrell. Additionally, Ms. Smith moved that Ms. Douglas, Dr. Hills, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Vu, and Ms. Mitchell, 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 Mr. Hermansen-Parker. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:58 A.M.

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

ACTION: Mr. Jones moved that the Board of Nursing suspend the license of Morgan Laney Harrell to practice as a practical nurse in the Commonwealth of Virginia, stay the suspension contingent upon re-entry into the Health Practitioners' Monitoring Program (HPMP), and remain in compliance with all the terms and conditions of the HPMP. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Harrell at her

address of record. The motion was properly seconded by Ms. Friedenbergl. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 11:59 AM.
Dr. Dorsey left the meeting.

RECONVENTION: The Board reconvened in open session at 12:05 P.M.

FORMAL HEARING: **Andres Chaparro Bosque, LPN Applicant**

Mr. Bosque participated.

Julia Bennett, Deputy Executive Director, Administrative Proceedings Division for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cheryl Maddox, court reporter, recorded the proceeding.

Stephanie Willinger, Deputy Executive Director for Licensing, Board of Nursing, participated and testified.

CLOSED MEETING: Ms. Smith moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:57 P.M., for the purpose of deliberation to reach a decision in the matter of Andres Chaparro Bosque. Additionally, Ms. Smith moved that Ms. Douglas, Ms. Morris, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Vu, and Ms. Mitchell, 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 Mr. Hermansen-Parker. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:24 P.M.

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing considers the LPN license by endorsement issued by the Board to Mr. Bosque null and void.

Upon receipt of a completed application for licensure by examination, the Board will authorize Mr. Bosque to take the LPN NCLEX and upon successful completion of the LPN NCLEX, will issue an appropriate license. Further the Board will waive the fee for the application for licensure by examination. The basis for this decision will be set forth in a final Board Order which will be sent to Mr. Bosque at his address of record. The motion was properly seconded by Ms. Smith. A roll call was taken and the motion carried unanimously.

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

RECESS: The Board recessed at 1:27 P.M.

RECONVENTION: Dr. Dorsey joined the meeting.
The Board reconvened in open session at 2:04 P.M.

FORMAL HEARING: **Stephanie C. Vance, LPN Reinstatement Applicant** **0002-052427**

Ms. Vance did not participate.

Cynthia Gaines, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Cherryl Maddox, court reporter, recorded the proceeding.

Gayle Miller, Investigator, Department of Health Professions, participated and testified.

CLOSED MEETING: Mr. Jones moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:27 P.M., for the purpose of deliberation to reach a decision in the matter of Stephanie C. Vance. Additionally, Mr. Jones moved that Ms. Douglas, Ms. Morris, Ms. Iyengar, Ms. Tamayo-Suijk, Ms. Vu, and Ms. Mitchell, 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. Smith. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:43 P.M.

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

by Ms. Friedenberg. A roll call was taken and the motion carried unanimously.

ACTION:

Mr. Jones moved that the Board of Nursing deny the application for reinstatement of Stephanie C. Vance's license to practice as a practical nurse in the Commonwealth of Virginia and continue on indefinite suspension for a period of not less than two years. The basis for this decision will be set forth in a final Board Order which will be sent to Ms. Vance at her address of record. The motion was properly seconded by Ms. Friedenberg. A roll call was taken and the motion carried unanimously.

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

ADJOURNMENT:

The Board adjourned at 2:44 P.M.

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

Virginia Department of Health Professions
Cash Balance
As of March 31, 2021

C1

	Nursing	
Board Cash Balance as June 30, 2020	9,306,557	
YTD FY21 Revenue	10,283,407	
Less: YTD FY21 Direct and Allocated Expenditures	<u>10,530,574</u>	*
Board Cash Balance as March 31, 2021	<u><u>9,059,390</u></u>	

* Includes \$49,604 deduction for Nurse Scholarship Fund

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10100 - Nursing
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	1,728,175.00	2,488,425.00	760,250.00	69.45%
4002406	License & Renewal Fee	7,152,416.50	9,192,645.00	2,040,228.50	77.81%
4002407	Dup. License Certificate Fee	19,780.00	23,750.00	3,970.00	83.28%
4002408	Board Endorsement - In	44,370.00	64,790.00	20,420.00	68.48%
4002409	Board Endorsement - Out	415.00	18,270.00	17,855.00	2.27%
4002421	Monetary Penalty & Late Fees	135,060.00	231,415.00	96,355.00	58.36%
4002432	Misc. Fee (Bad Check Fee)	620.00	1,750.00	1,130.00	35.43%
	Total Fee Revenue	<u>9,080,836.50</u>	<u>12,021,045.00</u>	<u>2,940,208.50</u>	<u>75.54%</u>
4003000	Sales of Prop. & Commodities				
4003002	Overpayments	390.00	-	(390.00)	0.00%
4003020	Misc. Sales-Dishonored Payments	2,395.00	-	(2,395.00)	0.00%
	Total Sales of Prop. & Commodities	<u>2,785.00</u>	<u>-</u>	<u>(2,785.00)</u>	<u>0.00%</u>
4009000	Other Revenue				
4009060	Miscellaneous Revenue	27,900.00	26,500.00	(1,400.00)	105.28%
	Total Other Revenue	<u>27,900.00</u>	<u>26,500.00</u>	<u>(1,400.00)</u>	<u>105.28%</u>
	Total Revenue	<u>9,111,521.50</u>	<u>12,047,545.00</u>	<u>2,936,023.50</u>	<u>75.63%</u>
5011110	Employer Retirement Contrib.	191,283.87	323,005.00	131,721.13	59.22%
5011120	Fed Old-Age Ins- Sal St Emp	131,823.45	167,833.00	36,009.55	78.54%
5011140	Group Insurance	19,072.80	29,933.00	10,860.20	63.72%
5011150	Medical/Hospitalization Ins.	251,641.25	476,466.00	224,824.75	52.81%
5011160	Retiree Medical/Hospitalizatn	15,986.48	25,018.00	9,031.52	63.90%
5011170	Long term Disability Ins	8,678.53	13,626.00	4,947.47	63.69%
	Total Employee Benefits	<u>618,486.38</u>	<u>1,035,881.00</u>	<u>417,394.62</u>	<u>59.71%</u>
5011200	Salaries				
5011230	Salaries, Classified	1,443,400.00	2,233,782.00	790,382.00	64.62%
5011250	Salaries, Overtime	21,345.62	-	(21,345.62)	0.00%
	Total Salaries	<u>1,464,745.62</u>	<u>2,233,782.00</u>	<u>769,036.38</u>	<u>65.57%</u>
5011300	Special Payments				
5011310	Bonuses and Incentives	998.00	-	(998.00)	0.00%
5011380	Deferred Compnstn Match Pmts	5,402.00	17,640.00	12,238.00	30.62%
	Total Special Payments	<u>6,400.00</u>	<u>17,640.00</u>	<u>11,240.00</u>	<u>36.28%</u>
5011400	Wages				
5011410	Wages, General	288,510.29	290,916.00	2,405.71	99.17%
5011430	Wages, Overtime	198.00	-	(198.00)	0.00%
	Total Wages	<u>288,708.29</u>	<u>290,916.00</u>	<u>2,207.71</u>	<u>99.24%</u>
5011600	Terminatn Personal Svce Costs				
5011620	Salaries, Annual Leave Balanc	19,673.28	-	(19,673.28)	0.00%
5011640	Salaries, Cmp Leave Balances	195.04	-	(195.04)	0.00%
5011660	Defined Contribution Match - Hy	14,017.43	-	(14,017.43)	0.00%
	Total Terminatn Personal Svce Costs	<u>33,885.75</u>	<u>-</u>	<u>(33,885.75)</u>	<u>0.00%</u>
5011930	Turnover/Vacancy Benefits		-	-	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10100 - Nursing
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Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
	Total Personal Services	2,412,226.04	3,578,219.00	1,165,992.96	67.41%
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	-	4,395.00	4,395.00	0.00%
5012120	Outbound Freight Services	4,255.13	10.00	(4,245.13)	42551.30%
5012140	Postal Services	108,600.83	85,633.00	(22,967.83)	126.82%
5012150	Printing Services	90.27	1,322.00	1,231.73	6.83%
5012160	Telecommunications Svcs (VITA)	12,574.07	21,910.00	9,335.93	57.39%
5012170	Telecomm. Svcs (Non-State)	427.50	-	(427.50)	0.00%
5012190	Inbound Freight Services	267.76	17.00	(250.76)	1575.06%
	Total Communication Services	126,215.56	113,287.00	(12,928.56)	111.41%
5012200	Employee Development Services				
5012210	Organization Memberships	6,000.00	8,764.00	2,764.00	68.46%
5012220	Publication Subscriptions	-	120.00	120.00	0.00%
5012240	Employee Trainng/Workshop/Conf	812.00	482.00	(330.00)	168.46%
	Total Employee Development Services	6,812.00	9,366.00	2,554.00	72.73%
5012300	Health Services				
5012360	X-ray and Laboratory Services	-	4,232.00	4,232.00	0.00%
	Total Health Services	-	4,232.00	4,232.00	0.00%
5012400	Mgmnt and Informational Svcs				
5012420	Fiscal Services	135,597.28	197,340.00	61,742.72	68.71%
5012440	Management Services	1,442.75	370.00	(1,072.75)	389.93%
5012460	Public Infrmtl & Relatn Svcs	-	49.00	49.00	0.00%
5012470	Legal Services	4,975.00	5,616.00	641.00	88.59%
	Total Mgmnt and Informational Svcs	142,015.03	203,375.00	61,359.97	69.83%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	3,557.50	-	(3,557.50)	0.00%
5012530	Equipment Repair & Maint Srvc	15,703.02	3,001.00	(12,702.02)	523.26%
5012560	Mechanical Repair & Maint Srvc	-	369.00	369.00	0.00%
	Total Repair and Maintenance Svcs	19,260.52	3,370.00	(15,890.52)	571.53%
5012600	Support Services				
5012630	Clerical Services	174,474.54	317,088.00	142,613.46	55.02%
5012640	Food & Dietary Services	4,997.17	-	(4,997.17)	0.00%
5012660	Manual Labor Services	27,211.40	38,508.00	11,296.60	70.66%
5012670	Production Services	147,238.60	158,515.00	11,276.40	92.89%
5012680	Skilled Services	602,999.47	1,164,774.00	561,774.53	51.77%
	Total Support Services	956,921.18	1,678,885.00	721,963.82	57.00%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	613.01	5,260.00	4,646.99	11.65%
5012830	Travel, Public Carriers	-	1.00	1.00	0.00%
5012840	Travel, State Vehicles	-	2,454.00	2,454.00	0.00%
5012850	Travel, Subsistence & Lodging	117.82	6,635.00	6,517.18	1.78%
5012880	Trvl, Meal Reimb- Not Rprtbl	72.75	3,597.00	3,524.25	2.02%

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10100 - Nursing
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Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over)	
	Total Transportation Services	803.58	17,947.00	17,143.42	4.48%
	Total Contractual Svs	1,252,027.87	2,030,462.00	778,434.13	61.66%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	159.98	-	(159.98)	0.00%
5013120	Office Supplies	14,956.12	11,696.00	(3,260.12)	127.87%
5013130	Stationery and Forms	65.02	3,790.00	3,724.98	1.72%
	Total Administrative Supplies	15,181.12	15,486.00	304.88	98.03%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	99.00	99.00	0.00%
	Total Manufctrng and Merch Supplies	-	99.00	99.00	0.00%
5013400	Medical and Laboratory Supp.				
5013420	Medical and Dental Supplies	23.49	-	(23.49)	0.00%
	Total Medical and Laboratory Supp.	23.49	-	(23.49)	0.00%
5013500	Repair and Maint. Supplies				
5013510	Building Repair & Maint Materl	61.92	-	(61.92)	0.00%
5013520	Custodial Repair & Maint Matrl	8.54	29.00	20.46	29.45%
	Total Repair and Maint. Supplies	70.46	29.00	(41.46)	242.97%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	145.75	408.00	262.25	35.72%
5013630	Food Service Supplies	-	1,108.00	1,108.00	0.00%
5013640	Laundry and Linen Supplies	-	22.00	22.00	0.00%
	Total Residential Supplies	145.75	1,538.00	1,392.25	9.48%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	825.00	182.00	(643.00)	453.30%
	Total Specific Use Supplies	825.00	182.00	(643.00)	453.30%
	Total Supplies And Materials	16,245.82	17,334.00	1,088.18	93.72%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015120	Automobile Liability	-	163.00	163.00	0.00%
5015160	Property Insurance	-	504.00	504.00	0.00%
	Total Insurance-Fixed Assets	-	667.00	667.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	10,140.37	9,014.00	(1,126.37)	112.50%
5015350	Building Rentals	526.20	-	(526.20)	0.00%
5015360	Land Rentals	-	275.00	275.00	0.00%
5015390	Building Rentals - Non State	154,362.61	195,501.00	41,138.39	78.96%
	Total Operating Lease Payments	165,029.18	204,790.00	39,760.82	80.58%
5015400	Service Charges				
5015450	DGS Parking Charges	-	5.00	5.00	0.00%
5015460	SPCC And EEI Check Fees	-	5.00	5.00	0.00%
5015470	Private Vendor Service Charges:	50.75	-	(50.75)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10100 - Nursing
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
	Total Service Charges	50.75	10.00	(40.75)	507.50%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	1,897.00	1,897.00	0.00%
5015540	Surety Bonds	-	112.00	112.00	0.00%
	Total Insurance-Operations	-	2,009.00	2,009.00	0.00%
	Total Continuous Charges	165,079.93	207,476.00	42,396.07	79.57%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	791.36	-	(791.36)	0.00%
	Total Computer Hrdware & Sftware	791.36	-	(791.36)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	1,123.00	1,123.00	0.00%
	Total Educational & Cultural Equip	-	1,123.00	1,123.00	0.00%
5022300	Electrnc & Photographic Equip				
5022380	Electronic & Photo Equip Impr	-	1,666.00	1,666.00	0.00%
	Total Electrnc & Photographic Equip	-	1,666.00	1,666.00	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	202.00	202.00	0.00%
5022620	Office Furniture	4,754.50	-	(4,754.50)	0.00%
5022630	Office Incidentals	-	75.00	75.00	0.00%
	Total Office Equipment	4,754.50	277.00	(4,477.50)	1716.43%
5022700	Specific Use Equipment				
5022710	Household Equipment	-	133.00	133.00	0.00%
5022740	Non Power Rep & Maint- Equip	13.90	-	(13.90)	0.00%
	Total Specific Use Equipment	13.90	133.00	119.10	10.45%
	Total Equipment	5,559.76	3,199.00	(2,360.76)	173.80%
	Total Expenditures	3,851,139.42	5,836,690.00	1,985,550.58	65.98%
	Allocated Expenditures				
20400	Nursing / Nurse Aid	31,683.83	107,104.00	75,420.17	29.58%
30100	Data Center	1,137,635.97	2,003,610.03	865,974.06	56.78%
30200	Human Resources	135,624.45	163,887.68	28,263.23	82.75%
30300	Finance	649,250.40	920,415.00	271,164.60	70.54%
30400	Director's Office	221,383.07	330,712.88	109,329.81	66.94%
30500	Enforcement	1,892,191.70	2,594,922.12	702,730.42	72.92%
30600	Administrative Proceedings	527,925.53	694,701.51	166,775.98	75.99%
30700	Impaired Practitioners	64,125.16	117,466.76	53,341.59	54.59%
30800	Attorney General	160,588.10	173,388.26	12,800.15	92.62%
30900	Board of Health Professions	184,911.74	248,934.15	64,022.42	74.28%
31100	Maintenance and Repairs	2,360.94	14,748.58	12,387.63	16.01%
31300	Emp. Recognition Program	783.20	11,013.89	10,230.69	7.11%
31400	Conference Center	7,473.22	2,136.89	(5,336.33)	349.72%
31500	Pgm Devlpmnt & Implmentn	87,490.66	148,273.05	60,782.39	59.01%

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 10100 - Nursing
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Account Number	Account Description	Amount	Budget	Amount	% of Budget
				Under/(Over)	
				Budget	
31800	CBC (Criminal Background Checks)	177,750.38	254,145.24	76,394.87	69.94%
	Total Allocated Expenditures	<u>5,281,178.35</u>	<u>7,785,460.02</u>	<u>2,504,281.67</u>	<u>67.83%</u>
	Net Revenue in Excess (Shortfall) of Expenditures	<u>\$ (20,796.27)</u>	<u>\$ (1,574,605.02)</u>	<u>\$ (1,553,808.75)</u>	<u>1.32%</u>

Virginia Department of Health Professions
 Revenue and Expenditures Summary
 Department 11200 - Certified Nurse Aides
 For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	3,850.00	300.00	(3,550.00)	1283.33%
4002406	License & Renewal Fee	835,700.00	1,200,800.00	365,100.00	69.60%
4002421	Monetary Penalty & Late Fees	-	330.00	330.00	0.00%
4002432	Misc. Fee (Bad Check Fee)	205.00	700.00	495.00	29.29%
	Total Fee Revenue	839,755.00	1,202,130.00	362,375.00	69.86%
4003000	Sales of Prop. & Commodities				
4003007	Sales of Goods/Svces to State	331,980.51	536,395.00	204,414.49	61.89%
4003020	Misc. Sales-Dishonored Payments	150.00	-	(150.00)	0.00%
	Total Sales of Prop. & Commodities	332,130.51	536,395.00	204,264.49	61.92%
4009000	Other Revenue				
	Total Revenue	1,171,885.51	1,738,525.00	566,639.49	67.41%
5011110	Employer Retirement Contrib.	9,974.19	10,664.97	690.78	93.52%
5011120	Fed Old-Age Ins- Sal St Emp	13,980.70	14,938.92	958.22	93.59%
5011140	Group Insurance	1,130.32	988.32	(142.00)	114.37%
5011150	Medical/Hospitalization Ins.	14,718.00	16,488.00	1,770.00	89.26%
5011160	Retiree Medical/Hospitalizatn	947.03	826.06	(120.97)	114.64%
5011170	Long term Disability Ins	515.32	449.91	(65.41)	114.54%
	Total Employee Benefits	41,265.56	44,356.17	3,090.61	93.03%
5011200	Salaries				
5011230	Salaries, Classified	84,611.54	73,755.00	(10,856.54)	114.72%
5011250	Salaries, Overtime	1,418.98	-	(1,418.98)	0.00%
	Total Salaries	86,030.52	73,755.00	(12,275.52)	116.64%
5011300	Special Payments				
5011380	Deferred Compnstn Match Pmts	-	960.00	960.00	0.00%
	Total Special Payments	-	960.00	960.00	0.00%
5011400	Wages				
5011410	Wages, General	98,931.25	121,525.00	22,593.75	81.41%
5011430	Wages, Overtime	295.92	-	(295.92)	0.00%
	Total Wages	99,227.17	121,525.00	22,297.83	81.65%
5011600	Terminatn Personal Svce Costs				
5011660	Defined Contribution Match - Hy	2,204.14	-	(2,204.14)	0.00%
	Total Terminatn Personal Svce Costs	2,204.14	-	(2,204.14)	0.00%
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	228,727.39	240,596.17	11,868.78	95.07%
5012000	Contractual Svcs				
5012100	Communication Services				
5012140	Postal Services	29,584.58	32,117.00	2,532.42	92.12%
5012150	Printing Services	5.86	276.00	270.14	2.12%
5012160	Telecommunications Svcs (VITA)	899.54	2,500.00	1,600.46	35.98%
5012190	Inbound Freight Services	2.08	-	(2.08)	0.00%
	Total Communication Services	30,492.06	34,893.00	4,400.94	87.39%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11200 - Certified Nurse Aides
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
5012300	Health Services				
5012360	X-ray and Laboratory Services	-	125.00	125.00	0.00%
	Total Health Services	-	125.00	125.00	0.00%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	15,495.06	24,920.00	9,424.94	62.18%
5012440	Management Services	247.71	530.00	282.29	46.74%
5012460	Public Infrmtnl & Relatn Svcs	-	10.00	10.00	0.00%
	Total Mgmnt and Informational Svcs	15,742.77	25,460.00	9,717.23	61.83%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	554.40	-	(554.40)	0.00%
5012530	Equipment Repair & Maint Srvc	2,130.97	-	(2,130.97)	0.00%
5012560	Mechanical Repair & Maint Srvc	-	72.00	72.00	0.00%
	Total Repair and Maintenance Svcs	2,685.37	72.00	(2,613.37)	3729.68%
5012600	Support Services				
5012660	Manual Labor Services	1,305.62	2,454.00	1,148.38	53.20%
5012670	Production Services	6,325.11	10,300.00	3,974.89	61.41%
5012680	Skilled Services	7,289.82	48,303.00	41,013.18	15.09%
	Total Support Services	14,920.55	61,057.00	46,136.45	24.44%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	73.03	6,893.00	6,819.97	1.06%
5012840	Travel, State Vehicles	-	310.00	310.00	0.00%
5012850	Travel, Subsistence & Lodging	-	912.00	912.00	0.00%
5012880	Trvl, Meal Reimb- Not Rprtbl	-	528.00	528.00	0.00%
	Total Transportation Services	73.03	8,643.00	8,569.97	0.84%
	Total Contractual Svcs	63,913.78	130,250.00	66,336.22	49.07%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013110	Apparel Supplies	25.62	-	(25.62)	0.00%
5013120	Office Supplies	1,617.53	1,092.00	(525.53)	148.13%
5013130	Stationery and Forms	-	1,203.00	1,203.00	0.00%
	Total Administrative Supplies	1,643.15	2,295.00	651.85	71.60%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	20.00	20.00	0.00%
	Total Manufctrng and Merch Supplies	-	20.00	20.00	0.00%
5013400	Medical and Laboratory Supp.				
5013420	Medical and Dental Supplies	3.66	-	(3.66)	0.00%
	Total Medical and Laboratory Supp.	3.66	-	(3.66)	0.00%
5013500	Repair and Maint. Supplies				
5013510	Building Repair & Maint Materl	9.65	-	(9.65)	0.00%
5013520	Custodial Repair & Maint Matr	1.33	-	(1.33)	0.00%
	Total Repair and Maint. Supplies	10.98	-	(10.98)	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	80.00	80.00	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11200 - Certified Nurse Aides
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5013630	Food Service Supplies	-	226.00	226.00	0.00%
	Total Residential Supplies	-	306.00	306.00	0.00%
	Total Supplies And Materials	1,657.79	2,621.00	963.21	63.25%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	106.00	106.00	0.00%
	Total Insurance-Fixed Assets	-	106.00	106.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	15.76	-	(15.76)	0.00%
5015350	Building Rentals	46.80	-	(46.80)	0.00%
5015360	Land Rentals	-	50.00	50.00	0.00%
5015390	Building Rentals - Non State	23,564.16	30,203.00	6,638.84	78.02%
	Total Operating Lease Payments	23,626.72	30,253.00	6,626.28	78.10%
5015400	Service Charges				
5015470	Private Vendor Service Charges:	129.85	-	(129.85)	0.00%
	Total Service Charges	129.85	-	(129.85)	0.00%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	399.00	399.00	0.00%
5015540	Surety Bonds	-	24.00	24.00	0.00%
	Total Insurance-Operations	-	423.00	423.00	0.00%
	Total Continuous Charges	23,756.57	30,782.00	7,025.43	77.18%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	123.33	-	(123.33)	0.00%
	Total Computer Hrdware & Sftware	123.33	-	(123.33)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	162.00	162.00	0.00%
	Total Educational & Cultural Equip	-	162.00	162.00	0.00%
5022600	Office Equipment				
5022680	Office Equipment Improvements	-	4.00	4.00	0.00%
	Total Office Equipment	-	4.00	4.00	0.00%
5022700	Specific Use Equipment				
5022740	Non Power Rep & Maint- Equip	2.17	-	(2.17)	0.00%
	Total Specific Use Equipment	2.17	-	(2.17)	0.00%
	Total Equipment	125.50	166.00	40.50	75.60%
	Total Expenditures	318,181.03	404,415.17	86,234.14	78.68%
	Allocated Expenditures				
20400	Nursing / Nurse Aid	4,379.86	34,904.36	30,524.50	12.55%
30100	Data Center	88,857.51	165,265.70	76,408.19	53.77%
30200	Human Resources	11,967.08	12,801.61	834.53	93.48%
30300	Finance	149,846.19	202,579.54	52,733.35	73.97%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11200 - Certified Nurse Aides
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account				Amount	
Number	Account Description	Amount	Budget	Under/(Over)	% of Budget
30400	Director's Office	51,223.19	72,788.54	21,565.35	70.37%
30500	Enforcement	574,535.86	870,305.25	295,769.38	66.02%
30600	Administrative Proceedings	81,824.96	176,122.15	94,297.20	46.46%
30700	Impaired Practitioners	646.56	2,498.17	1,851.61	25.88%
30800	Attorney General	2,720.00	55,054.77	52,334.77	4.94%
30900	Board of Health Professions	42,571.27	54,789.38	12,218.11	77.70%
31100	Maintenance and Repairs	364.74	2,278.49	1,913.75	16.01%
31300	Emp. Recognition Program	91.11	860.32	769.20	10.59%
31400	Conference Center	1,154.53	330.13	(824.40)	349.72%
31500	Pgm Devlpmnt & Implmentn	20,288.24	32,634.29	12,346.05	62.17%
Total Allocated Expenditures		<u>1,030,471.09</u>	<u>1,683,212.68</u>	<u>652,741.58</u>	<u>61.22%</u>
Net Revenue in Excess (Shortfall) of Expenditures		<u>\$ (176,766.61)</u>	<u>\$ (349,102.85)</u>	<u>\$ (172,336.23)</u>	<u>50.63%</u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 20400 - Nursing / Nurse Aide
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account				Amount	
Number	Account Description	Amount	Budget	Under/(Over)	% of Budget
5011120	Fed Old-Age Ins- Sal St Emp	1,025.99	5,693.36	4,667.37	18.02%
	Total Employee Benefits	1,025.99	5,693.36	4,667.37	18.02%
5011300	Special Payments				
5011340	Specified Per Diem Payment	6,150.00	-	(6,150.00)	0.00%
	Total Special Payments	6,150.00	-	(6,150.00)	0.00%
5011400	Wages				
5011410	Wages, General	13,411.51	74,423.00	61,011.49	18.02%
	Total Wages	13,411.51	74,423.00	61,011.49	18.02%
5011930	Turnover/Vacancy Benefits		-	-	0.00%
	Total Personal Services	20,587.50	80,116.36	59,528.86	25.70%
5012000	Contractual Svcs				
5012400	Mgmt and Informational Svcs				
5012470	Legal Services	-	4,110.00	4,110.00	0.00%
	Total Mgmt and Informational Svcs	-	4,110.00	4,110.00	0.00%
5012600	Support Services				
5012640	Food & Dietary Services	-	10,598.00	10,598.00	0.00%
5012680	Skilled Services	-	10,000.00	10,000.00	0.00%
	Total Support Services	-	20,598.00	20,598.00	0.00%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	6,389.91	16,757.00	10,367.09	38.13%
5012830	Travel, Public Carriers	508.37	39.00	(469.37)	1303.51%
5012850	Travel, Subsistence & Lodging	5,931.41	13,828.00	7,896.59	42.89%
5012880	Trvl, Meal Reimb- Not Rprtle	2,646.50	6,546.00	3,899.50	40.43%
	Total Transportation Services	15,476.19	37,170.00	21,693.81	41.64%
	Total Contractual Svcs	15,476.19	61,878.00	46,401.81	25.01%
5013000	Supplies And Materials				
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	14.00	14.00	0.00%
	Total Residential Supplies	-	14.00	14.00	0.00%
	Total Supplies And Materials	-	14.00	14.00	0.00%
5022800	Stationary Equipment				
	Total Expenditures	36,063.69	142,008.36	105,944.67	25.40%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 31800 - CBC (Criminal Background Checks)
For the Period Beginning July 1, 2020 and Ending March 31, 2021

Account		Amount			
Number	Account Description	Amount	Budget	Under/(Over)	% of Budget
5011110	Employer Retirement Contrib.	15,192.41	20,330.00	5,137.59	74.73%
5011120	Fed Old-Age Ins- Sal St Emp	8,787.16	12,063.00	3,275.84	72.84%
5011140	Group Insurance	1,411.23	1,884.00	472.77	74.91%
5011150	Medical/Hospitalization Ins.	24,985.75	35,274.00	10,288.25	70.83%
5011160	Retiree Medical/Hospitalizatn	1,184.08	1,575.00	390.92	75.18%
5011170	Long term Disability Ins	324.62	858.00	533.38	37.83%
	Total Employee Benefits	51,885.25	71,984.00	20,098.75	72.08%
5011200	Salaries				
5011230	Salaries, Classified	105,445.86	140,595.00	35,149.14	75.00%
	Total Salaries	105,445.86	140,595.00	35,149.14	75.00%
5011300	Special Payments				
5011380	Deferred Compnstrn Match Pmts	765.00	1,080.00	315.00	70.83%
	Total Special Payments	765.00	1,080.00	315.00	70.83%
5011400	Wages				
5011410	Wages, General	12,097.15	17,080.00	4,982.85	70.83%
	Total Wages	12,097.15	17,080.00	4,982.85	70.83%
5011930	Turnover/Vacancy Benefits		-	-	0.00%
	Total Personal Services	170,193.26	230,739.00	60,545.74	73.76%
5015000	Continuous Charges				
5015300	Operating Lease Payments				
5015390	Building Rentals - Non State	21,886.17	44,073.00	22,186.83	49.66%
	Total Operating Lease Payments	21,886.17	44,073.00	22,186.83	49.66%
	Total Continuous Charges	21,886.17	44,073.00	22,186.83	49.66%
5022800	Stationary Equipment				
	Total Expenditures	192,079.43	274,812.00	82,732.57	69.89%

2020 Monthly Tracking Log

License Count	21-Jan	21-Feb	21-Mar	21-Apr	21-May	21-Jun	21-Jul	21-Aug	21-Sep	21-Oct	21-Nov	21-Dec
Nursing												
Massage Therapy	8,407	8,426	8,443									
Medication Aide	6,667	6,669	6,732									
Clinical Nurse Spec	405	406	408									
Nurse Practitioner	13,817	13,913	14,040									
Autonomous Practice	1,134	1,164	1,197									
Practical Nurse	28,259	28,291	28,300									
Registered Nurse	113,895	113,170	113,297									
Total for Nursing	172,584	172,039	172,417	0	0	0	0	0	0	0	0	0

Nurse Aide	50,894	50,929	51,129									
Advanced Nurse Aide	26	26	28									
Total for Nurse Aide	50,920	50,955	51,157	0	0	0	0	0	0	0	0	0
License Count Grand Total	223,504	222,994	223,574	0	0	0	0	0	0	0	0	0

Open Cases Count												
Nursing	1569	1599	1520									
Nurse Aide	449	466	460									
Open Cases Total	2,018	2,065	1,980	0	0	0	0	0	0	0	0	0

Case Count by Occupation													Total
Rec'd RN	82	70	70										222
Rec'd PN	20	29	57										106
Rec'd NP, AP, CNS	21	20	15										56
Rec'd LMT	6	1	6										13
Rec'd RMA	8	6	10										24
Rec'd Edu Program		3	2										5
Total Received Nursing	137	129	160	0	0	0	0	0	0	0	0	0	426
Closed RN	43	38	107										188
Closed PN	31	21	51										103
Closed NP, AP, CNS	12	8	27										47
Closed LMT	3	7	4										14
Closed RMA	10	5	10										25
Closed Edu Program	2	3	2										7
Total Closed Nursing	101	82	201	0	0	0	0	0	0	0	0	0	384

Case Count - Nurse Aides													Total
Received	44	41	58										143
Rec'd Edu Program	0	1	1										2
Total Received CNA	44	42	59	0	0	0	0	0	0	0	0	0	145
Closed	69	12	75										156
Closed Edu Program	2	0	1										3
Total Closed CNA	71	12	76	0	0	0	0	0	0	0	0	0	159

All Cases Closed	172	94	277	0	0	0	0	0	0	0	0	0	543
All Cases Received	181	171	219	0	0	0	0	0	0	0	0	0	571

HPMP Quarterly Report (January 1, 2021 - March 31, 2021)

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	3			1			3		1		
	` RN	9	2	1	12	2		7		3		
	` Massage Ther											
	` CNS											

Nursing Total 13 3 1 13 2 10 4

	` CNA											
	` RMA							1				

CNA Total 1

	` DC											
	` DO	1	1						1			
	` DPM				1							
	` Intern/Resident		1	1								
	` LAT											
	` LBA											
	` Lic Rad Tech											
	` MD	4	3		2			1				
	` OT	1										
	` PA	1	1		1			1				
	` RT											
	` LM											
	` OTA	1										
	` SA											

Medicine Total 7 6 4 2 1

	` Pharmacist											
	` Pharm Tech											
	` Intern		1					1				

Pharmacy Total 1 1

	` DDS	1						1				
	` DMD							1				
	` RDH											

Dentistry Total 1 2

	` DVM	2										
	` Vet Tech							1		1		

Veterinary Medicine Total 2 1 1

	` PT		1									
	` PTA		1									

Physical Therapy Total 1

TOTALS 23 11 1 17 2 0 17 1 5 0 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 BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
VIRTUAL BUSINESS MEETING
MINUTES
April 21, 2021

TIME AND PLACE: The virtual meeting of the Committee of the Joint Boards of Nursing and Medicine via Webex was called to order at 9:00 A.M., April 21, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Committee convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Committee to discharge its lawful purposes, duties, and responsibilities.

**COMMITTEE MEMBERS
PARTICIPATED**

VIRTUALLY: Marie Gerardo, MS, RN, ANP-BC; Chair
Ann Tucker Gleason, PhD
Louise Hershkowitz, CRNA, MSHA
David Archer, MD
Lori Conklin, MD
Karen Ransone, MD

MEMBERS ABSENT: None

**ADVISORY COMMITTEE
MEMBERS
PARTICIPATED**

VIRTUALLY: Kevin E. Brigle, RN, NP
Mark Coles, RN, BA, MSN, NP-C
David Alan Ellington, MD
Sarah Hobbgood, MD
Stuart Mackler, MD
Janet L. Setnor, CRNA

STAFF PARTICIPATED

VIRTUALLY: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing
Huong Vu, Executive Assistant; Board of Nursing
Sally Ragsdale, Discipline Specialist

OTHERS PARTICIPATED

VIRTUALLY: Erin Barrett, Assistant Attorney General; Board Counsel
David Brown, DO, Director; Department of Health Professions
Barbara Allison-Bryan, MD; Chief Deputy, Department of Health Professions

Elaine Yeatts, Policy Analyst; Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine
Ann Tiller, Board of Nursing Compliance Manager
Patricia Dewey, RN, BSN; Board of Nursing Case Manager
Christine Smith, RN, MSM; Nurse Aide/RMA Education Program
Manager
Randall Mangrum, DNP, RN; Nursing Education Program Manager

**PUBLIC PARTICIPATED
VIRTUALLY:**

W. Scott Johnson, Esquire/Hancock, Daniel & Johnson, PC
Clark Barrineau, Assistant Vice President of Government Affairs, Medical
Society of Virginia (MSV)
Gerald C. (Jerry) Canaan, II, Esq. Byrne Legal Group
Julianne Condrey, Lobbyist, Virginia Public Access Project (VPAP)
Kassie Schroth, Virginia Association of Nurse Anesthetists (VANA)
Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Becky Bower-Lanier,
Cynthia Ward
Sarah W. Taylor
Lisa Jamerson
Erin M. Smith
Cindy Difrancio
Komkwuan Paruchabutr
14349****16
17032****20
18048****27
18048****30
18043****59
14436****66
18048****77

**ESTABLISHMENT OF
A QUORUM:**

Ms. Gerardo called the meeting to order and established that a quorum consisting of six members was present.

ANNOUNCEMENT:

Ms. Gerardo noted the announcement as stated in the Agenda that was provided electronically:

- Resignation of CNM Advisory Committee Member, Kathleen Bailey, RN, CNM, MA, MS due to relocation

There were no additional announcements.

REVIEW OF MINUTES:

Ms. Gerardo stated that staff provided the following document electronically:

- **A1** December 9, 2020 Business Meeting
- **A2** February 8, 2021 Formal Hearing
- **A3** February 17, 2021 Formal Hearing

Ms. Gerardo asked of the Committee have any questions regarding the minutes. None was noted.

Dr. Ransone moved to accept the minutes as presented. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

PUBLIC COMMENT:

Ms. Gerardo said that as indicated in the meeting notice on Regulatory Townhall and in the agenda package, comments will be received during this public comment period from those persons who submitted an email to Huong Vu no later than 8 am on April 21, 2021 indicating that they wish to offer comment.

Ms. Gerardo noted that written comment from Medical Society of Virginia was received via email and the Committee will take into consideration. Ms. Gerardo asked if any additional email requests had been received. Ms. Vu reported that no additional email requests for public comment were received as of 8 am today and no one is present on the call to make comment.

DIALOGUE WITH
AGENCY DIRECTOR:

Dr. Brown reported the following:

Marijuana – effective July 1, 2021, possession of marijuana in Virginia will be legal. The 2021 General Assembly (GA) also passed the bill allowing marijuana flowers to be distributed in Virginia.

The 2022 Session of the General Assembly (GA) will consider the new cannabis authority to regulate recreational and medical marijuana with the anticipation that Board of Pharmacy will turn the authority over to the new administration in 2023.

Dr. Allison-Bryan reported on the COVID-19 vaccines as follows:

- Virginia is now in Phase 2
- 25% plus of adult Virginians have received vaccination
- 5.5 millions dosages were administered
- Vaccine hesitancy was noted from political and not racial discrepancy

Dr. Archer asked who will take the lead in educating practitioners about marijuana's dosage and how it can be used.

Dr. Brown said that he is not certain but anticipating that pharmacists will take the lead.

LEGISLATION/
REGULATIONS:

Ms. Gerardo stated that staff have provided the following documents electronically:

- **B1** Regulatory Update
- **B2** Report of the 2021 General Assembly
- **B3** Unprofessional Conduct/Conversion Therapy (18VAC-90-30)

Ms. Gerardo invited Ms. Yeatts to proceed.

Ms. Yeatts noted that **B1** and **B3** are provided for information only, no action needed.

Ms. Hershkowitz inquired if the Conversion Therapy regulations are consistent with other boards. Ms. Yeatts replied yes.

Ms. Yeatts reviewed the report of 2021 General Assembly (**B2**) that was provided in the agenda noting the following bills:

HB 1737 (Nurse practitioners; practice without a practice agreement) - reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written practice agreement. The bill has an expiration date of July 1, 2022.

HB 1747 Clinical nurse specialist; licensure of nurse practitioners as specialists – effective July 1, 2021. Changes from the requirement of registration as clinical nurse specialists to the licensure as nurse practitioners in the category of clinical nurse specialists by the Boards of Medicine and Nursing and authorize prescriptive authority. Practice Agreement is required.

HB 1817 Certified nurse midwives; practice – eliminated the requirement that certified nurse midwives practice pursuant to a practice agreement who has practiced 1,000 hours or more.

HB 1953 Licensed certified midwives; clarifies definition, licensure – directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultant with a license physician in accordance with a practice agreement. The bill also directs DHP to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives, and to submit its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

SB 1189 Occupational therapists; licensure – Authorizes Virginia to become a signatory to the Occupational Therapy Interjurisdictional

Licensure Compact. The bill will be effective on January 1, 2022 and Virginia is one of the first states to have Occupational Therapy Compact.

Dr. Archer inquired as if Virginia plans to issue identification card for COVID-19 vaccination. Dr. Allison-Bryan replied that she has not heard of such plan.

Ms. Gerardo inquired if CNS has to have practice agreement even without prescriptive authority. Ms. Yeatts replied yes.

Dr. Archer asked if there is a table available that lists all the categories of nurse practitioners that can be shared. Ms. Douglas said that it will be shared once it is updated by the new legislation. Ms. Douglas added that the Board plans to communicate to all CNSs regarding the change on July 1, 2021

Ms. Hershkowitz inquired about the DHP study will be conducted regarding regulation of Midwifery in Virginia. Dr. Brown responded that the workplan is still being developed.

Dr. Ransone asked why CNMs are only required to have 1000 hours in order to practice without the practice agreement while other categories of NPs are required 2 years. Dr. Brown responded this was the negotiated position.

NEW BUSINESS:

Board of Nursing Executive Director Report:

- ❖ Board staff receive increased inquiries regarding advanced practice registered nurses (APRNs).
- ❖ Tthe Compact for APRN was voted on at the NCSBN in August 2020. North Dakota has passed legislation to join. Delaware is in the process.
- ❖ Guam becomes First US Territory to enact Nurse Licensure Compact (NLC).
- ❖ Grants for compact development are available by the Department of Defense for selected professions such as teaching, social work and massage therapy

Virtual NCSBN APRN Roundtable April 6, 2021 Report:

Ms. Douglas reported that the Roundtable focused heavily on the educational preparation of APRN's.

Dr. Hills reported that the new edition of the National Task Force NP program criteria were presented as well as the AACN Essentials

Ms. Hershkowitz reported that the Roundtable also discussed about the effects of COVID pandemic on APRN education.

**Future Regulatory & Administrative Process related to 2021
Legislation** – table provided in B2

**C1 – Licensure Statistics related to Advanced Practice Registered
Nurses:**

Ms. Douglas noted that this is provided for information only. Ms. Douglas added that about 260 waivers related to electronic prescribing were approved.

**Appointment of CNM Advisory Committee Member to replace
Kathleen J. Bailey, RN, CNM, MA, MS – Recommendation of
Komkwuan P. Paruchabutr, DNP, FNP-BC, WHNP-BC, CNM from
Virginia Affiliate of ACNM:**

Ms. Gerardo noted that Ms. Bailey has informed staff of her resignation effective on April 1, 2021, a recommendation of Dr. Paruchabutr from the Virginia Affiliate of ACNM to replace Ms. Bailey for the unexpired term ends 2024, and the CV was provided to Committee Members in advance.

Ms. Gerardo noted that pursuant to 18VAC90-30-30.B, appointment to the Advisory Committee shall be for four years; members may be appointed for one additional four-year period.

Ms. Gerardo asked Ms. Barrett about Dr. Paruchabutr's eligibility to the Advisory Committee since Dr. Paruchabutr only holds a VA registered nurse license, not a VA nurse practitioner license.

Ms. Barrett replied that the Committee can view Dr. Paruchabutr eligible since she does not vote or participate in disciplinary matters.

Ms. Hershkowitz moved to appoint Dr. Paruchabutr as CNM Member to the Advisory Committee. The motion was properly seconded by Dr. Archer. A roll call was taken and the motion carried unanimously.

ENVIRONMENTAL SCAN: Ms. Gerardo asked for the updates from the Advisory Committee Members.

None was shared.

Mr. Coles asked in regard to HB 1737 for nurse practitioners who are coming up with two years of clinical, can they apply now for autonomous practice? Ms. Douglas replied that there will be an opportunity to apply prior to July 1, 2021, however, the Board cannot issue licenses prior to that date. Information will be communicated to licensees.

Mr. Coles noted that regarding the report due on November 1, 2021 as required by HB 793, the VCNP would share data as needed. Ms. Douglas

stated that the Board has to report specific data referenced in the enactment clause. However, recommendations will be discussed at the June meeting.

Ms. Gerardo thanked Advisory Committee Members for their participation in the meeting and reminded everyone that the next meeting is scheduled for Wednesday, June 16, 2021.

The Advisory Committee Members, Dr. Brown, Dr. Allison-Bryan, Dr. Harp and Ms. Yeatts, left the meeting at 10:23 A.M.

RECESS: The Committee recessed at 10:23 A.M.

RECONVENTION: The Committee reconvened at 10:32 A.M.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

CLOSED MEETING: Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 10:33 A.M., for the purpose to reach a decision in the matter of Agency Subordinate Recommendations. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Vu, and Ms. Barrett 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. Ransone. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:01 A.M.

Dr. Gleason 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 properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#1 – Linda Q. Morrill, LNP

0024-053267

Ms. Morrill did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to

reprimand Linda Q. Morrill. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#2 – April Jae Stein Brittain, LNP **0024-134372**

Ms. Brittain did not participate.

Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine modify the recommended decision of the agency subordinate to reprimand April Jae Stein Brittain and to require Ms. Brittain to complete 10 hours of Board approved continuing education (CE) regarding documentation and proper prescribing within 90 days from entry of the Order. These CEs are above the requirement of licensure renewal. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

#3 – Georgienne Castle Neale, LNP **0024-166304**

Ms. Neale did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to indefinitely suspend the license of Georgienne Castle Neale to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#4 – Stacy Lee Smith Riedt, LNP **0024-168687**

Ms. Riedt did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand Stacy Lee Smith Riedt. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#5 – Kimberly Dawn Washbourne, LNP **0024-166086**

Ms. Washbourne did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine reject the recommended decision of the agency subordinate and refer the matter of Kimberly Dawn Washbourne to a formal hearing. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 11:06
A.M.

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

DRAFT

VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
VIRTUAL INFORMAL CONFERENCE
MINUTES
April 21, 2021

TIME AND PLACE: The virtual Webex informal conference of the Committee of the Joint Boards of Nursing and Medicine was called to order at 11:27 A.M., on April 21, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Committee convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Committee to discharge its lawful purposes, duties, and responsibilities.

COMMITTEE MEMBERS PARTICIPATED

VIRTUALLY: Marie Gerardo, MS, RN, ANP-BC, Chairperson
 Louise Hershkowitz, CRNA, MSHA;
 Lori Conklin, MD

STAFF PARTICIPATED

VIRTUALLY: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
 Robin Hills, RN, DNP, WHNP; Deputy Executive Director for Advanced Practice
 Huong Vu, Executive Assistant
 Sally Ragsdale, Discipline Specialist

OTHERS PARTICIPATED

VIRTUALLY: Anne Joseph, Adjudication Consultant, Administrative Proceedings Division (APD)
 Michael Scott Addair, LNP Reinstatement Applicant
 Sylvia Tamayo-Suijk, Senior Discipline Specialist
 Henry Fisher, DHP Video Conference Specialist
 18046****27

CONFERENCE SCHEDULED:

Michael Scott Addair, LNP Reinstatement Applicant
0024- 167226

Mr. Addair participated.

CLOSED MEETING:

Ms. Hershkowitz moved that the Informal Conference Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 12:38 P.M. for the purpose of deliberation to reach a decision in the matter of **Michael Scott Addair**. Additionally, Ms. Hershkowitz moved that Ms. Douglas, Dr. Hills, Ms. Vu and Ms. Joseph, 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 properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Committee reconvened in open session at 1:02 P.M.

Ms. Hershkowitz moved that the Informal Conference 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 properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

ACTION: Ms. Hershkowitz moved to deny the application of Michael Scott Addair for reinstatement of his license to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

An Order will be entered. As provided by law, this decision shall become a Final Order thirty days after service of such Order on Mr. Addair, unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Addair within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the Order shall be vacated.

ADJOURNMENT: The meeting was adjourned at 1:05 P.M.

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

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
As of May 3, 2021**

Chapter		Action / Stage Information
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	<p><u>Unprofessional conduct - conversion therapy</u> [Action 5430]</p> <p>Proposed - Register Date: 2/15/21 Comment ended 4/16/21 Board to adopt final regulations: 5/18/21</p>
[18 VAC 90 - 26]	Regulations for Nurse Aide Education Programs	<p><u>Implementing Result of Periodic Review</u> [Action 5157]</p> <p>Final - Register Date: 4/12/21 Effective: 5/12/21 (delayed effective date for requirement of 140 hours)</p> <p>By May 12, 2023, the program shall be at least 420 140 clock hours in length, at least 20 hours of which shall be specifically designated for skills acquisition in the laboratory setting.</p>
[18 VAC 90 - 27]	Regulations Governing Nursing Education Programs	<p><u>Use of simulation</u> [Action 5402]</p> <p>Proposed - Register Date: 3/1/21 Comment ended 4/30/21 Board to adopt final regulations: 5/18/21</p>
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	<p><u>Unprofessional conduct/conversion therapy</u> [Action 5441]</p> <p>Proposed - Register Date: 2/15/21 Comment ended 4/16/21 Board of Nursing to adopt final regulations: 5/18/21 Board of Medicine to adopt final regulations: 6/24/21</p>
[18 VAC 90 - 40]	Regulations for Prescriptive Authority for Nurse Practitioners	<p><u>Waiver for electronic prescribing</u> [Action 5413]</p> <p>Proposed - Register Date: 5/10/21 Comment period 5/10/21 to 7/9/21 Public hearing: 5/18/21</p>

**Department of Health Professions
Regulatory/Policy Actions – 2021 General Assembly**

Nursing

EXEMPT REGULATORY ACTIONS

Legislative source	Mandate	Promulgating agency	Adoption date	Effective date
HB1737	Revise autonomous practice reg consistent with 2 years	Nursing & Medicine	N – 7/20/21 M – 8/6/21	
HB1747	Licensure of CNS as nurse practitioners – Amend Chapters 30 and 40 Delete sections of Chapter 20 with reference to registration of CNS	Nursing & Medicine	N – 7/20/21 M – 8/6/21	
HB1817	Autonomous practice for CNMs with 1,000 hours	Nursing & Medicine	N – 7/20/21 M – 8/6/21	

APA REGULATORY ACTIONS

Legislative source	Mandate	Promulgating agency	Adoption date	Effective date
HB1953	Licensure of certified midwives	Nursing & Medicine	NOIRA Nursing – 7/20/21 Medicine – 8/6/21	Unknown

NON-REGULATORY ACTIONS

Legislative source	Affected agency	Action needed	Due date
HB1747	Nursing	Notification to registered certified nurse specialists that they must have a practice agreement with a physician before licensure as a nurse practitioner as of July 1, 2021	After March 31, 2021
HB793 (2018)	Medicine & Nursing	To report data on the number of nurse practitioners who have been authorized to practice without a practice agreement, the geographic and specialty areas in which nurse practitioners are practicing without a practice agreement, and any complaints or disciplinary actions taken against such nurse practitioners, along with any recommended modifications to the requirements of this act including any modifications to the clinical experience requirements for practicing without a practice agreement	November 1, 2021

Budget bill	Department	To study and make recommendations regarding the oversight and regulation of advanced practice registered nurses (APRNs). The department shall review recommendations of the National Council of State Boards of Nursing, analyze the oversight and regulations governing the practice of APRNs in other states, and review research on the impact of statutes and regulations on practice and patient outcomes.	November 1, 2021
HB1953	Department	To convene a work group to study and report on the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals.	November 1, 2021
HB1987	Boards with prescriptive authority	Revise guidance documents with references to 54.1-3303	As boards meet after July 1

Future Policy Actions:

HB2559 (2019) - requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances that contain an opioid and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by **November 1, 2022**.

Agenda Item: Regulatory Action –Final rules for Prohibition on Practice of Conversion therapy

Included in your package:

- Copy of proposed announcement on Townhall
- There were no comments on Nursing or Nurse Practitioner proposed regulations
- Copy of Code of Virginia, as amended in the 2020 General Assembly
- Copy of proposed regulations for Nursing and Nurse Practitioners

Board Action:

Motion to adopt final amendments for 18VAC90-19 (Practice of Nursing)

Motion to adopt final amendments for 18VAC90-30 (Nurse Practitioners)

Or



Other action as determined by the Board


Department of Health Professions

Board
Board of Nursing

Chapter
Regulations Governing the Practice of Nursing [18 VAC 90 - 19]

Action:
Unprofessional conduct - conversion therapy
Action 5430 / Stage 9119

Documents		
 Proposed Text	2/10/2021 8:06 am	Sync Text with RIS
 Agency Background Document	10/27/2020	Upload / Replace
 Attorney General Certification	10/30/2020	
 DPB Economic Impact Analysis	12/11/2020	
 Agency Response to EIA	1/15/2021	Upload / Replace
 Governor's Review Memo	1/15/2021	
 Registrar Transmittal	1/15/2021	

Status	
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i>
Attorney General Review	Submitted to OAG: 10/27/2020 Review Completed: 10/30/2020 Result: Certified
DPB Review	Submitted on 10/30/2020 Economist: Jini Rao Policy Analyst: Jeannine Rose Review Completed: 12/11/2020
Secretary Review	Secretary of Health and Human Resources Review Completed: 1/4/2021
Governor's Review	Review Completed: 1/15/2021 Result: Approved
Virginia Registrar	Submitted on 1/15/2021 The Virginia Register of Regulations Publication Date: 2/15/2021  Volume: 37 Issue: 13
Public Hearings	03/23/2021 10:30 AM
Comment Period	Ended 4/16/2021 0 comments

§ 54.1-2409.5. Conversion therapy prohibited.

A. As used in this section, "conversion therapy" means any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

B. No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

2020, cc. [41](#), [721](#).

Action:

Unprofessional conduct - conversion therapy

Stage: Proposed

18VAC90-19-10 Definitions

In addition to words and terms defined in §§ 54.1-3000 and 54.1-3030 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means activities performed, whether or not for compensation, for which an active license to practice nursing is required.

"Board" means the Board of Nursing.

"CGFNS" means the Commission on Graduates of Foreign Nursing Schools.

"Contact hour" means 50 minutes of continuing education coursework or activity.

"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area.

"NCLEX" means the National Council Licensure Examination.

"NCSBN" means the National Council of State Boards of Nursing.

"Primary state of residence" means the state of a person's declared fixed, permanent, and principal home or domicile for legal purposes.

18VAC90-19-230 Disciplinary provisions

A. The board has the authority to deny, revoke, or suspend a license or multistate licensure privilege issued, or to otherwise discipline a licensee or holder of a multistate licensure privilege upon proof that the licensee or holder of a multistate licensure privilege has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in procuring or maintaining a license means, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial license, reinstatement, or renewal of a license; or
- c. Giving or receiving assistance in the taking of the licensing examination.

2. Unprofessional conduct means, but shall not be limited to:

- a. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;
- b. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
- c. Obtaining supplies, equipment, or drugs for personal or other unauthorized use;
- d. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;

e. Falsifying or otherwise altering patient, employer, student, or educational program records, including falsely representing facts on a job application or other employment-related documents;

f. Abusing, neglecting, or abandoning patients or clients;

g. Practice of a clinical nurse specialist beyond that defined in 18VAC90-19-220 and § 54.1-3000 of the Code of Virginia;

h. Representing oneself as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the board;

i. Delegating nursing tasks to an unlicensed person in violation of the provisions of Part VI (18VAC90-19-240 et seq.) of this chapter;

j. Giving to or accepting from a patient or client property or money for any reason other than fee for service or a nominal token of appreciation;

k. Obtaining money or property of a patient or client by fraud, misrepresentation, or duress;

l. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the nurse uses his professional position to take advantage of the vulnerability of a patient, a client, or his family, to include actions that result in personal gain at the expense of the patient or client, or a nontherapeutic personal involvement or sexual conduct with a patient or client;

m. Violating state laws relating to the privacy of patient information, including § 32.1-127.1:03 the Code of Virginia;

n. Providing false information to staff or board members in the course of an investigation or proceeding;

o. Failing to report evidence of child abuse or neglect as required in § 63.2-1509 of the Code of Virginia or elder abuse or neglect as required in § 63.2-1606 of the Code of Virginia; ~~or~~

p. Engaging in conversion therapy with a person younger than 18 years of age; or

q. Violating any provision of this chapter.

B. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

Agenda Item: Regulatory Action – Adoption of Final Regulations

Simulation in nursing education programs

Included in agenda package:

Copy of comment on proposed regulations

Proposed amendments to Chapter 27 – Nursing Education Programs

Staff Note:

This final action does not become effective until approved by the Department of Planning & Budget, the Secretary, and the Governor, which will likely take several more months.

There is a waiver in place for simulation requirements that remains in effect for 90 days after emergency has expired.

Board action:

Adoption of final regulations identical to proposed regulations, or

Adoption of final regulations as amended by the Board

Department of Health Professions

Board

Board of Nursing

Chapter

Regulations Governing Nursing Education Programs [18 VAC 90 - 27]

Action	Use of simulation
Stage	<u>Proposed</u>
Comment Period	Ends 4/30/2021

[Back to List of Comments](#)

4/23/21 2:21 pm

Commenter: Louise Schwabenbauer

concerns

Hello:

As a program director I do have some concerns about making this a proposed regulation as opposed to just a recommendation. We are currently still in a pandemic state and adding the need for all educators that teach simulation to be certified right now and for the lab to be certified as a simulation center will put further strain on budgets for small programs during the pandemic. It will take time for faculty to obtain proper education and certification in simulation especially when no face to face classes are being held nor mannequin training due to the pandemic. I disagree with the board's analysis of financial impact. It states that there is not any due to this being a choice to provide simulation. It is **not a choice when the program is displaced** from all clinical sites like PVCC was from March 2020 to May 2021 for our three major clinical providers. Simulation activities for clinical were needed to provide clinical hours to meet the clinical objectives. The VBON needs to reconsider this until the pandemic is fully subsided. We still do not know what the variants of Covid-19 strain will do and facilities still may impose restrictions in 2021 to 2022. This is not over yet. Why restrict nursing programs and make it more difficult to educate nurses to help? Let's think this over.....please do not tie each program's hands and eliminate our options!

Action:

Use of simulation

Stage: Proposed

18VAC90-27-10 Definitions

In addition to words and terms defined in § 54.1-3000 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Accreditation" means having been accredited by an agency recognized by the U.S. Department of Education to include the Accreditation Commission for Education in Nursing, the Commission on Collegiate Nursing Education, the Commission for Nursing Education Accreditation, or a national nursing accrediting organization recognized by the board.

"Advisory committee" means a group of persons from a nursing education program and the health care community who meets regularly to advise the nursing education program on the quality of its graduates and the needs of the community.

"Approval" means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by SCHEV.

"Baccalaureate degree nursing program" or "prelicensure graduate degree program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate or a graduate degree with a major in nursing, provided that the institution is authorized to confer such degree by SCHEV.

"Board" means the Board of Nursing.

"Clinical setting" means any location in which the clinical practice of nursing occurs as specified in an agreement between the cooperating agency and the school of nursing.

"Conditional approval" means a time-limited status that results when an approved nursing education program has failed to maintain requirements as set forth in this chapter.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide clinical or observational experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"Direct client care" means nursing care provided to patients or clients in a clinical setting supervised by qualified faculty or a designated preceptor.

"Initial approval" means the status granted to a nursing education program that allows the admission of students.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area.

"NCLEX" means the National Council Licensure Examination.

"NCSBN" means the National Council of State Boards of Nursing.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma, or certificate.

"Nursing faculty" means registered nurses who teach the practice of nursing in nursing education programs.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure that leads to a diploma or certificate in practical nursing, provided the school is authorized by the Virginia Department of Education or by an accrediting agency recognized by the U.S. Department of Education.

"Preceptor" means a licensed nurse who is employed in the clinical setting, serves as a resource person and role model, and is present with the nursing student in that setting, providing clinical supervision.

"Program director" means a registered nurse who holds a current, unrestricted license in Virginia or a multistate licensure privilege and who has been designated by the controlling authority to administer the nursing education program.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved or maintain approval.

"SCHEV" means the State Council of Higher Education for Virginia.

"Simulation" means an evidence-based teaching methodology utilizing an activity in which students are immersed into a realistic clinical environment or situation and in which students are required to learn and use critical thinking and decision-making skills.

"Site visit" means a focused onsite review of the nursing program by board staff, usually completed within one day for the purpose of evaluating program components such as the physical location (skills lab, classrooms, learning resources) for obtaining initial program approval, in response to a complaint, compliance with NCLEX plan of correction, change of location, or verification of noncompliance with this chapter.

"Survey visit" means a comprehensive onsite review of the nursing program by board staff, usually completed within two days (depending on the number of programs or campuses being reviewed) for the purpose of obtaining and maintaining full program approval. The survey visit includes the program's completion of a self-evaluation report prior to the visit, as well as a board staff review of all program resources, including skills lab, classrooms, learning resources, and clinical facilities, and other components to ensure compliance with this chapter. Meetings with faculty, administration, students, and clinical facility staff will occur.

18VAC90-27-60 Faculty

A. Qualifications for all faculty.

1. Every member of the nursing faculty, including the program director, shall (i) hold a current license or a multistate licensure privilege to practice nursing in Virginia as a registered nurse without any disciplinary action that currently restricts practice and (ii) have had at least two years of direct client care experience as a registered nurse prior to employment by the program. Persons providing instruction in topics other than nursing shall not be required to hold a license as a registered nurse.

2. Every member of a nursing faculty supervising the clinical practice of students, including simulation in lieu of direct client care, shall meet the licensure requirements of the jurisdiction in which that practice occurs. ~~Faculty and~~ shall provide evidence of education or experience in the specialty area in which they supervise student clinical experience for quality and safety. Prior to supervision of students, the faculty providing supervision shall have completed a clinical orientation to the site in which supervision is being provided. Faculty members who supervise clinical practice by simulation shall also demonstrate simulation knowledge and skills in that methodology and shall engage in ongoing professional development in the use of simulation.

3. The program director and each member of the nursing faculty shall maintain documentation of professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects, and professional writing. Documentation of annual professional development shall be maintained in employee files for the director and each faculty member until the next survey visit and shall be available for board review.

4. For baccalaureate degree and prelicensure graduate degree programs:

- a. The program director shall hold a doctoral degree with a graduate degree in nursing.
- b. Every member of the nursing faculty shall hold a graduate degree; the majority of the faculty shall have a graduate degree in nursing. Faculty members with a graduate degree with a major other than in nursing shall have a baccalaureate degree with a major in nursing.

5. For associate degree and diploma programs:

- a. The program director shall hold a graduate degree with a major in nursing.
- b. The majority of the members of the nursing faculty shall hold a graduate degree, preferably with a major in nursing.
- c. All members of the nursing faculty shall hold a baccalaureate or graduate degree with a major in nursing.

6. For practical nursing programs:

- a. The program director shall hold a baccalaureate degree with a major in nursing.
- b. The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

B. Number of faculty.

1. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and to ensure safety for clients to whom students provide care.
2. When students are giving direct care to clients, the ratio of students to faculty shall not exceed 10 students to one faculty member, and the faculty shall be on site solely to supervise students.
3. When preceptors are utilized for specified learning experiences in clinical settings, the faculty member may supervise up to 15 students.

C. Functions. The principal functions of the faculty shall be to:

1. Develop, implement, and evaluate the philosophy and objectives of the nursing education program;
2. Design, implement, teach, evaluate, and revise the curriculum. Faculty shall provide evidence of education and experience necessary to indicate that they are competent to teach a given course;
3. Develop and evaluate student admission, progression, retention, and graduation policies within the framework of the controlling institution;
4. Participate in academic advisement and counseling of students in accordance with requirements of the Financial Educational Rights and Privacy Act (20 USC § 1232g);
5. Provide opportunities for and evidence of student and graduate evaluation of curriculum and teaching and program effectiveness; and
6. Document actions taken in faculty and committee meetings using a systematic plan of evaluation for total program review.

18VAC90-27-100 Curriculum for direct client care

A. A nursing education program preparing a student for licensure as a registered nurse shall provide a minimum of 500 hours of direct client care supervised by qualified faculty. A nursing education program preparing a student for licensure as a practical nurse shall provide a minimum of 400 hours of direct client care supervised by qualified faculty. Direct client care hours shall include experiences and settings as set forth in 18VAC90-27-90 B 1.

B. Licensed practical nurses transitioning into prelicensure registered nursing programs may be awarded no more than 150 clinical hours of the 400 clinical hours received in a practical nursing program. In a practical nursing to registered nursing transitional program, the remainder of the clinical hours shall include registered nursing clinical experience across the life cycle in adult medical/surgical nursing, maternal/infant (obstetrics, gynecology, neonatal) nursing, mental health/psychiatric nursing, and pediatric nursing.

C. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives. Observational experiences shall not be accepted toward the 400 or 500 minimum clinical hours required. Observational objectives shall be available to students, the clinical unit, and the board.

D. Simulation for direct client clinical hours.

1. No more than 25% of direct client contact hours may be simulation. For prelicensure registered nursing programs, the total of simulated client care hours cannot exceed 125 hours (25% of the required 500 hours). For prelicensure practical nursing programs, the total of simulated client care hours cannot exceed 100 hours (25% of the required 400 hours).

2. No more than 50% of the total clinical hours for any course may be used as simulation. If courses are integrated, simulation shall not be used for more than 50% of the total clinical hours in different clinical specialties and population groups across the life span.

3. Skills acquisition and task training alone, as in the traditional use of a skills laboratory, do not qualify as simulated client care and therefore do not meet the requirements for direct client care hours.

4. Clinical simulation must be led by faculty who meet the qualifications specified in 18VAC90-27-60. Faculty with education and expertise in simulation and in the applicable subject area must be present during the simulation experience.

5. Documentation of the following shall be available for all simulated experiences:

- a. Course description and objectives;
- b. Type of simulation and location of simulated experience;
- c. Number of simulated hours;
- d. Faculty qualifications; ~~and~~
- e. Methods of pre-briefing and debriefing;
- f. Evaluation of simulated experience; and
- g. Method to communicate student performance to clinical faculty.

Agenda Item: Revisions to Guidance Documents

Included in the agenda package:

Guidance document 90-4 – Service with an EMS agency

Guidance document 90-63 – Registered nurses and procedural sedation

Staff Note:

Guidance document 90-4 was reviewed by the Office of Emergency Management Services and amendments are recommended for the Board's adoption.

Guidance document 90-63 has been reviewed, and staff recommends amendments

Action:

Motion to revise 90-4 and 90-63 as amended and included in the agenda package

Virginia Board of Nursing

Service on a Volunteer Rescue Squad with an EMS Agency

When licensees serve as volunteers or employed providers with ~~aan rescue squad~~ EMS agency licensed by the Virginia Department of Health, Office of Emergency Medical Services (OEMS), they become subject to the requirements for certification of the ~~Division of Emergency Medical Services~~ OEMS regardless of what other licensure or certification they hold. Licensees' actions with ~~a-an rescue squad~~ EMS agency must be consistent with the level of EMS certificate that they holds, licensure level of the EMS agency they are affiliated with, and the Operational Medical Director (OMD) of the EMS agency must grant the licensee a privilege to practice. ~~Licensees would are not authorized to not be practicing practice nursing when carrying out their duties as squad members~~ members of a licensed EMS agency. The ~~Division of Emergency Medical Services~~ OEMS, under its statutory authorization to prescribe the qualifications for certification, has established procedures and guidelines to be followed by registered nurses and licensed practical nurses who wish to become certified as an EMS provider in Virginia. ~~The Board of Nursing urges licensees to follow the established procedures to become properly certified in order to provide a valuable lifesaving service to the community.~~

Guidance document: 90-4

Revised: ~~November 18, 2003~~ April 20, 2021

Reviewed: August 22, 2012

Revised: November 18, 2003

Reviewed: August 22, 2012

Virginia Board of Nursing

Registered Nurses and Procedural Sedation

Background

~~Procedural sedation is a continuum. As it is difficult to predict each patient's reaction, care must be individualized with patient safety being the primary concern.~~

Sedation has four identified levels: minimal (anxiolysis); moderate (conscious sedation); deep sedation; and general anesthesia. Definitions of the levels of sedation/anesthesia¹ are

Minimal sedation means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and physical coordination may be impaired, airway reflexes, and ventilator and cardiovascular functions are unaffected.

Moderate sedation means a drug-induced depression of consciousness, during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Reflex withdrawal from a painful stimulus is not considered a purposeful response. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

Deep sedation means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. Reflex withdrawal from a painful stimulus is not considered a purposeful response. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

General anesthesia means a drug induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

It is important to first identify the level of *sedation/anesthesia* intended. With the acknowledgement that individuals react differently to sedation, the *registered nurse practitioner* must be prepared to handle a deeper level of sedation. ~~than intended. If the purpose is to achieve a level of deep sedation or anesthesia, there must be a qualified physician or certified registered nurse anesthetist involved.~~

¹ American Society of Anesthesiologists, Continuum of Depth of Sedation: Definition of General Anesthesia and Levels of Sedation/Analgesia, October 15, 2014

*Replaces Guidance document 90-5: Board opinion of the administration of neuromuscular blocking agents by nurses, adopted November 1990, revised by Board motion, November 18, 2003

Registered nurses may administer mild to moderate sedation under certain conditions *according to a prescriber's order*. Administration must be in the presence of a ~~prescriber~~ ~~health care professional~~ appropriately credentialed and privileged for sedation. *If the purpose is to achieve a level of deep sedation or anesthesia, there must be a qualified physician or certified registered nurse anesthetist directing the administration of the deep sedation or anesthesia.* ~~The health care professional selects and orders the sedation and is available during the entire procedure.~~

Education and Training

In order to administer sedation, certain competencies should be demonstrated:

~~Sedation administration is considered an advanced skill for a registered nurse that requires demonstrated competencies:~~

- Knowledge of the purpose, actions and side effects of sedating medications;
- Knowledge of the respiratory system and oxygen delivery;
- Demonstrated airway management competency;
- Understanding of cardiovascular system, medication pharmacology and antidotes, dysrhythmia recognition and sedation complications;
- Ability to initiate emergency rescue procedures and resuscitation;
- Identification and differentiation of levels of sedation and common patient assessment risk scales; and
- Competency in pre, intra and post procedural nursing care from initial assessment to discharge.

~~Advanced~~ Training for the registered nurse administering medications for procedural sedation should include advanced training in airway management, treatment of cardio-respiratory complications, and advanced pharmacology training in the medications utilized.

Monitoring and documentation

The registered nurse ~~should~~ ~~must~~ understand standards of monitoring and documentation, ~~including to include:~~

- Pre-sedation assessment – airway, NPO status, pregnancy, medical history, medication history, allergies, previous complications with sedation and history and physical;
- Collaboration with physician to develop sedation plan;
- Continuous monitoring to include heart rate, respiration, blood pressure, EKG, oxygenation via pulse oximetry and level of sedation; and
- Continuous monitoring into the recovery phase as the patient returns to baseline until discharge.

Document source:

Research and presentation on “RN Administered Sedation” by Ruth Williams, BSN,RN, RN-BC, VCU Schools of Nursing, taken from a literature review, information from other states, and key reference articles.

Public Hearing

Proposed Regulations - Waiver for Electronic Prescribing

No Board action

18VAC90-40-122 Waiver for electronic prescribing

A. Beginning July 1, 2020, a prescription for a controlled substance that contains an opioid shall be issued as an electronic prescription consistent with § 54.1-3408.02 of the Code of Virginia, unless the prescription qualifies for an exemption as set forth in subsection C of § 54.1-3408.02.

B. Upon written request, the boards may grant a one-time waiver of the requirement of subsection A of this section for a period not to exceed one year, due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber.

Revised Sanctioning Reference Points for CNAs and Nurses

May 18, 2021

Prepared for:
Board of Health Professions
Board of Nursing

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Revising SRPs Includes:

Conducting board member & staff interviews

Identifying a sample & collecting data

Account for Advisory Letters and Pre-defined sanctions

Analysis to Identify relevant factors, both new and historic

 Translate factors into new SRP worksheet

Maintaining SRP training opportunities

CNA Proposed Worksheet

This worksheet correctly predicts **80%** of cases

Case Type Score (score only one)	Points	Score
a. Abuse/Inappropriate Relationship	70	_____
b. Misappropriation of Patient Property	60	_____
c. Inability to Safely Practice	50	_____
d. Neglect	40	_____
e. Verbal Violations	30	_____
f. Abandonment/Standard of Care	10	_____

Case Type Score

Offense and Respondent Score (score all that apply)

a. Act of commission	60	_____
b. Patient injury	50	_____
c. Impaired while practicing	45	_____
d. Failure to initiate corrective action	40	_____
e. More than one patient involved	30	_____
f. <u>Failure to participate with DHP</u>	20	_____

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Offense and Respondent Score

Total Worksheet Score (Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-100	No Sanction Monetary Penalty Probation Take No Action Stayed Suspension Terms
101-149	Reprimand
150 and up	Revocation Suspension Surrender Finding of Abuse Finding of Neglect Finding of Misappropriation

CNA Proposed Worksheet with Change

This worksheet correctly predicts **80%** of cases

Case Type Score (score only one)	Points	Score
a. Abuse/Inappropriate Relationship	70	_____
b. Misappropriation of Patient Property	60	_____
c. Inability to Safely Practice	50	_____
d. Neglect	40	_____
e. Verbal Violations	30	_____
f. Abandonment/Standard of Care	10	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. Act of commission	60	_____
b. Patient injury	50	_____
c. Impaired while practicing	45	_____
d. Failure to initiate corrective action	40	_____
e. More than one patient involved	30	_____
Offense and Respondent Score		<input type="text"/>

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Total Worksheet Score (Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-100	No Sanction Monetary Penalty Probation Take No Action Stayed Suspension Terms
101-149	Reprimand
150 and up	Revocation Suspension Surrender Finding of Abuse Finding of Neglect Finding of Misappropriation

Current Inability to Safely Practice Worksheet for Nurses & LMTs

Adopted 2002

Inability to Safely Practice Worksheet

Board of Nursing
Adopted 3/22/11

Offense Score	Points	Score
a. Two or more concurrent founded cases	20	_____
b. Concurrent sanction by employer	20	_____
c. Impaired at the time of the incident	20	_____
d. Patient injury	20	_____
e. Patient especially vulnerable	20	_____
f. Any patient involvement	15	_____
g. Injury to self	10	_____
h. Act of commission	10	_____
Total Offense Score		<input type="text"/>

Respondent Score	Points	Score
a. Concurrent criminal conviction	30	_____
b. Any prior Board violations	20	_____
c. License ever taken away	20	_____
d. Been sanctioned by another state/entity	20	_____
e. Past difficulties (substances, mental/physical)	10	_____
f. Three or more employers in past 5 years	5	_____
Total Respondent Score		<input type="text"/>

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		Offense Score		
		0-25	26-45	46 or more
Respondent Score	0-5	No Sanction ... to > Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty ... to > Treatment/Monitoring	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation
	6-40	Reprimand/CE/ Monetary Penalty ... to > Treatment/Monitoring	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation
	41 or more	Treatment/Monitoring	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation	Recommend Formal/ Suspension or Revocation

Grid cells give a single recommendation or a range of recommendations for imposing sanctions.

Proposed Drug Related Worksheet for Nurses

This worksheet correctly predicts **70%** of cases

↑ Not LMTs

Different Drug Related Case Types receive different points

Case Type Score (score only one)	Points	Score
a. Inability to Safely Practice	40	_____
b. Drug Related with Patient Care	20	_____
c. Drug Related without Patient Care	10	_____
Case Type Score		<input type="text"/>

Offense and Respondent factors have been combined

Offense and Respondent Score (score all that apply)	Points	Score
a. License ever taken away	50	_____
★ b. Case involved a mental health admission (TDO or voluntary)	40	_____
c. Act of commission	30	_____
d. Any prior Board violations	20	_____
e. Past difficulties (substances, mental/physical)	15	_____
★ f. Evidence of drug diversion	10	_____
★ g. Respondent failed to initiate corrective action	10	_____
★ h. Any action against the respondent (employer, criminal, civil)	10	_____
Offense and Respondent Score		<input type="text"/>

★ New/different factors

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Total Worksheet Score
(Case Type + Offense and Respondent)

A simpler sanctioning table replaces previous matrix

Score	Sanctioning Recommendations
0-20	No Sanction Monetary Penalty
21-60	Reprimand
61-140	Probation Stayed Suspension Terms
141 and up	Revocation Suspension Surrender

Current Standard of Care Worksheet for Nurses & LMTs

Adopted 2002

Offense Score	Points	Score
a. Sexual Abuse/Inappropriate Relationship	55	_____
b. Patient injury	20	_____
c. Patient especially vulnerable	20	_____
d. Concurrent sanction by employer	20	_____
e. Act of commission	10	_____
f. Any patient involvement	10	_____
Total Offense Score		<input style="width: 50px; height: 20px;" type="text"/>

Respondent Score	Points	Score
a. Concurrent criminal conviction	30	_____
b. Significant and substantial danger to the public	30	_____
c. Any prior Board violations	20	_____
d. License ever taken away	20	_____
e. Been sanctioned by another state/entity	20	_____
f. Past difficulties (substances, mental/physical)	10	_____
g. Three or more employers in past 5 years	10	_____
Total Respondent Score		<input style="width: 50px; height: 20px;" type="text"/>

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		Offense Score		
		0-40	41-70	71 or more
Respondent Score	0-29	No Sanction ... to > Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty ... to > Treatment/Monitoring
	30 or more	Reprimand/CE/ Monetary Penalty	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation

Grid cells give a single recommendation or a range of recommendations for imposing sanctions.



Proposed Patient Care Worksheet for Nurses

This worksheet correctly predicts **75%** of cases

Case Type Score (score only one)



- a. Inappropriate Relationship
- b. Standard of Care
- c. Neglect

Points Score

50 _____

45 _____

30 _____

Case Type Score

Offense and Respondent Score (score all that apply)

- a. License ever taken away
- b. Act of commission
- c. Past difficulties (substances, mental/physical)
- d. Patient injury
- ★ e. Evidence of drug diversion
- ★ f. Any action against the respondent (employer, criminal, civil)
- g. Any prior Board violations

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40 _____

35 _____

30 _____

25 _____

20 _____

20 _____

15 _____

★ New/different factors

Offense and Respondent Score

Total Worksheet Score (Case Type + Offense and Respondent)

Score	Sanctioning Recommendations
0-40	No Sanction Monetary Penalty
41-70	Reprimand
71-140	Probation Stayed Suspension Terms
141 and up	Revocation Suspension Surrender

Current Fraud Worksheet for Nurses & LMTs

Adopted 2002

Unlicensed Activity/Fraud Worksheet Board of Nursing Adopted 3/22/11

Offense Score	Points	Score
a. Concurrent sanction by employer	20	_____
b. Patient injury	20	_____
c. Patient especially vulnerable	20	_____
d. Any patient involvement	15	_____
e. Financial/material gain	10	_____
f. Act of commission	10	_____
Total Offense Score		<input style="width: 50px; height: 20px;" type="text"/>

Respondent Score	Points	Score
a. Concurrent criminal conviction	30	_____
b. Any prior Board violations	20	_____
c. License ever taken away	20	_____
d. Been sanctioned by another state/entity	20	_____
e. Past difficulties (substances, mental/physical)	10	_____
f. Three or more employers in past 5 years	10	_____
Total Respondent Score		<input style="width: 50px; height: 20px;" type="text"/>

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_____ Offense Score _____

		0-30	31-50	51 or more
Respondent Score	0-29	No Sanction ... to > Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty ... to > Treatment/Monitoring
	30 or more	Reprimand/CE/ Monetary Penalty	Reprimand/CE/ Monetary Penalty ... to > Treatment/Monitoring	Treatment/Monitoring ... to > Recommend Formal/ Suspension or Revocation

Grid cells give a single recommendation or a range of recommendations for imposing sanctions.

Proposed Fraud Worksheet for Nurses

This worksheet correctly predicts **71%** of cases

Case Type Score (score only one)	Points	Score
a. Misappropriation of Patient Property	30	_____
b. Other Fraud	20	_____
Case Type Score		<input type="text"/>

Offense and Respondent Score (score all that apply)	Points	Score
a. Act of commission	40	_____
b. License ever taken away	35	_____
c. Any patient involvement	30	_____
★ d. Respondent failed to initiate corrective action	30	_____
★ e. Any action against the respondent (employer, criminal, civil)	25	_____
f. Any prior Board violations	25	_____
g. Patient especially vulnerable	10	_____
★ h. Evidence of drug diversion	10	_____
Offense and Respondent Score		<input type="text"/>

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★ New/different factors

Total Worksheet Score (Case Type + Offense and Respondent)	<input type="text"/>
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Score	Sanctioning Recommendations
0-50	No Sanction Monetary Penalty
51-85	Reprimand
86-135	Probation Stayed Suspension Terms
136 and up	Revocation Suspension Surrender

Project tasks:

- 1. Adopt CNA worksheet change requested by the BON**
- 2. Adopt or make changes to three revised Nursing worksheets as presented today**
- 3. VRI to develop LMT and RMA worksheets**
- 4. VRI to draft manuals for SRP worksheets**