

VIRGINIA BOARD OF NURSING
BUSINESS MEETING
Preliminary Agenda

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

Tuesday, November 16, 2021 at 9:00 A.M. – Quorum of the Board

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

ESTABLISHMENT OF A QUORUM.

ANNOUNCEMENT

New Board Members:

- **Teri Crawford Brown, RNC, MSN**, was appointed to the Board of Nursing on September 17, 2021 to replace Ethlyn McQueen-Gibson. Ms. Crawford Brown's first term will expire on June 30, 2022.
- **Laurie Buchwald, MSN, WHNP, FNP**, was appointed to the Board of Nursing on September 17, 2021 to replace Lousie Hershkowitz. Ms. Buchwald's first term will expire on June 30, 2025. Ms. Buchwald was appointed by Ms. Gerardo, Board of Nursing President, to the Committee of the Joint Boards of Nursing and Medicine as a nurse practitioner Committee Member on September 20, 2021.

Staff Update:

- **Sally Radsgale**, Discipline Specialist for Nurse Aide Program, has accepted a position at the Board of Dentistry beginning October 12, 2021. The resignation leaves the Board of Nursing with 2 Discipline Specialist vacancies and another discipline staff vacancy due to extended leave.

A. UPCOMING MEETINGS:

- The Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for Wednesday, December 8, 2021 at 9:00 am in Board Room 2.
- The NCSBN Board of Directors (BOD) is scheduled for December 14 – 15, 2021 in Chicago, IL. Ms. Douglas will attend as the President of NCSBN BOD.

REVIEW OF THE AGENDA:

- Additions, Modifications
- Adoption of a Consent Agenda
- **CONSENT AGENDA**
 - B1** September 13, 2021 Formal Hearings*
 - B2** September 14, 2021 Business Meeting*
 - B3** September 14, 2021 Panel A – Formal Hearings*
 - B4** September 14, 2021 Panel B – Formal Hearings*
 - B5** September 15, 2021 Possible Summary Suspension Meeting*
 - B6** September 15, 2021 Panel A – Formal Hearings *

B7 September 15, 2021 Panel B – Formal Hearings *
B8 September 22, 2021 Telephone Conference Call*
B9 October 20, 2021 Telephone Conference Call*

C2 Board of Nursing Monthly Tracking Log as of September 30, 2021*

C3 Agency Subordination Recommendation Tracking Log*

C4 HPMP Quarterly Report as of September 30, 2021*

C5 Executive Director Report – **Ms. Douglas**

C6 - RMA Curriculum Committee September 22, 2021 Meeting Minutes – **Dr. Smith***

C7 - Report from NCLEX Item Review Subcommittee (NIRSC) September 21-23, 2021 *VIRTUAL* Meeting – **Mr. Jones***

C8 - The Federation of Associations of Regulatory Boards September 30 – October 3, 2021 *VIRTUAL* Law Seminar – **Ms. Morris***

C9 - The Committee of the Joint Boards of Nursing and Medicine October 13, 2021 Formal Hearing Minutes – **Dr. Gleason***

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

B. DISPOSITION OF MINUTES – None

C. REPORTS

- None

D. OTHER MATTERS:

- Board Counsel Update (**verbal report**)
- **D1** - Consideration of *Meetings Held with Electronic Participation Policy** – **Ms. Douglas**
- Election of Second Vice-President
- Election of Officers
 - ❖ **D2** - Nominating Committee October 5, 2021 Meeting minutes*
 - ❖ **D3** - Board of Nursing Bylaws (Guidance Document 90-57)*
 - ❖ **D4** - Duties and Functions of Board of Nursing Officers*
- NCSBN CE Courses – not available as of October 28, 2021 – **Ms. Morris (verbal report)**
- Status of DHP/Committee of the Joint Boards APRN Reports – **Ms. Douglas**

E. EDUCATION:

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

F. REGULATIONS/LEGISLATION– Ms. Douglas

F1 – Chart of Regulatory Actions as of October 29, 2021*

F2 – DHP Regulatory/Policy Actions – 2021 General Assembly*

10:00 A.M. – PUBLIC COMMENT

10:30 A.M. – Changes to Certified Nurse Aide (CNA) and Nursing SRP Worksheet Presentation by Neal Kauder and Kim Small, VisualResearch

- Revised Sanctioning Reference Points for LMTs

11:30 A.M. - CONSIDERATION OF CONSENT ORDERS

G1 – Hugh Joseph McLinden, IV, RN*

G2 – Gloria Jane Morman, RN*

G3 – Min Sun-Brown, LMT*

G4 – Da’Vonda Re’ Black, RMA*

11:30 A.M. - EDUCATION INFORMAL CONFERENCE COMMITTEE MINUTES AND RECOMMENDATIONS

- September 1, 2021 Education Informal Conference Committee Recommendations regarding:
 - ❖ ECPI University – Practical Nursing Program (US28103200), Northern Virginia*

E1 November 3, 2021 Education Informal Conference Committee minutes

- November 3, 2021 Education Informal Conference Committee Recommendations regarding:
 - ❖ **TBD**

12:00 P.M. – LUNCH

2:00 P.M. – POSSIBLE SUMMARY SUSPENSION CONSIDERATION

MEETING DEBRIEF

ADJOURNMENT

(* mailed 10/27) (** mailed 11/4)

Our mission is to assure safe and competent practice of nursing to protect the health, safety and we

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 13, 2021**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 12:45 P.M., on September 13, 2021 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: Marie Gerardo, MS, RN, ANP-BC; President
Margaret Friedenberg, Citizen Member
Tucker Gleason, PhD, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Louise Hershkowitz, CRNA, MSHA
Felisa Smith, RN, MSA, MSN/Ed, CNE, PhD

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director – **left at 12:51 P.M.**
Claire Morris, RN, LNHA; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP, Deputy Executive Director – **left at 12:51 P.M.**
Christina Bargdill, BSN, MHS, RN, Deputy Executive Director
Francesca Iyengar, MSN, RN, Discipline Case Manager
Patricia Dewey, RN, BSN, Discipline Case Manager
Cathy Hanchey, Senior Licensing/Discipline Specialist
Lakisha Goode, Discipline Team Coordinator

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Breana Renick, Administrative Support Specialist – **joined at 1:00 P.M.**
Julia K. Bennett, Administrative Proceedings Division
David Robinson, Administrative Proceedings Division
Christine Ludwig, Enforcement Division

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

CONSIDERATION OF CONSENT ORDER:

Jennifer McCarron Toler, RN **0001-264926**

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 12:46 P.M., for the purpose of deliberation to reach a decision in the matter of **Jennifer McCarron Toler**. Additionally, Mr. Hermansen-Parker moved that Ms. Douglas, Ms. Morris, Dr. Hills, Ms. Bargdill, Ms. Iyengar, Ms. Dewey, Ms. Hanchey, Ms. Goode, 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 seconded by Ms. Smith and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:50 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 seconded by Ms. Friedenberg and carried unanimously.

ACTION:

Ms. Hershkowitz moved to accept the consent order for suspension for a period of not less than two (2) years of her license to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

FORMAL HEARING:

Courtney Lynn Johnson, LPN

0002-089351

Ms. Johnson did not appear.

Claire Foley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Renee M. Cordero Larkin, court reporter with Veteran Reporters, recorded the proceedings.

Sandee Brandon, RN was present and testified. Meghan Wingate, Senior Investigator, Enforcement Division, testified via phone.

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 1:40 P.M., for the purpose of deliberation to reach a decision in the matter of **Courtney Lynn Johnson**. Additionally, Mr. Hermansen-Parker moved that Ms. Morris, Ms. Bargdill, Ms. Iyengar, Ms. Hanchey, Ms. Goode, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:56 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 seconded by Ms. Smith and carried unanimously.

ACTION:

Ms. Hershkowitz moved that the Board of Nursing indefinitely suspend the license of **Courtney Lynn Johnson** to practice practical nursing in the Commonwealth of Virginia, with the suspension stayed contingent upon entry into and compliance with HPMP. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

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

ADJOURNMENT:

The Board adjourned at 1:57 P.M.

Claire Morris, RN, LNHA
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
BUSINESS MEETING MINUTES
September 14, 2021**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on September 14, 2021, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

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

BOARD MEMBERS PRESENT:
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President
Yvette L. Dorsey, DNP, RN – **joined at 9:24 A.M.**
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
Felisa A. Smith, PhD, RN, MSA, MSN/Ed, CNE
Cynthia M. Swineford, RN, MSN, CNE

MEMBERS ABSENT: Mark D. Monson, Citizen Member; First Vice-President
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Meenakshi Shah, BA, RN

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

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel

IN THE AUDIENCE: Kassie Schroth, McGuire Woods Consulting
Janet Wall, MS, RN, CEO of the Virginia Nurses Association (VNA)/Virginia Nurses Foundation (VNF)

ESTABLISHMENT OF A QUORUM:
Ms. Gerardo asked Board Members and Staff to introduce themselves. With 11 members present, a quorum was established.

ANNOUNCEMENTS: Ms. Gerardo acknowledged **Louise Hershkowitz, CRNA, MSHA** and presented a plaque to Ms. Hershkowitz for her services on the Board of

Nursing, the Committee of the Joint Boards of Nursing and Medicine and Board of Health Professions.

Ms. Gerardo acknowledged Felisa Smith for the successful completion of her PhD program at Capella University

Ms. Gerardo highlighted the remainder announcements on the agenda.

- Staff Update
 - **Ofelia Solomon** accepted the full time Nurse Aide Licensing Specialist position (replaced Cheryl Garland) and started on July 26, 2021
 - **Teresa Walsh, RN, PhD**, accepted the Nursing Education Program Inspector position and started on August 2, 2021
 - **Jane Best, RN, MSN** accepted the Nurse Aide Education Program Inspector position and started on August 2, 2021
 - **Breana Renick** accepted the P-14 Administrative Support Specialist position and started on August 16, 2021

Ms. Douglas noted an additional staff update:

- **Lakisha Goode** has accepted the Discipline Team Coordinator position (replaced Sylvia Tamayo-Suijk) and will start on September 25, 2021

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

- The NCSBN Board of Directors (BOD) meeting is scheduled for September 21-22, 2021 in Chicago. Ms. Douglas will attend as President of the NCSBN BOD (Note: all NCSBN meetings are funded by NCSBN)
- The RMA Curriculum Committee meeting is scheduled for Wednesday, September 22, 2021 at 10:00 am in Board Room 1
- The Federation of State Massage Therapy Boards (FSMTB) Annual meeting is scheduled *VIRTUALLY* for October 6-9, 2021. Ms. Hanchey, Senior Licensing/Discipline Specialist, will attend
- The Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for Wednesday, October 13, 2021 at 9:00 am
- The Nursing Education Seminar is scheduled for Wednesday, October 20, 2021, in Board Room 3. The first session starts at 9:00 am and will provide information for establishing a new education program. The second session starts at 1:00 pm and will provide information regarding regulatory review.

- The Nurse Aide Education Seminar is scheduled for Thursday, October 27, 2021 at 9:00 am in Board Room 3. The Seminar will cover the review of nurse aide education regulations.

Ms. Douglas noted the additional upcoming meeting:

- The Nominating Committee meeting is scheduled for Tuesday, October 5, 2021 at 8:15 am in Board Room 1

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

Ms. Douglas provided the following:

- Both Dr. Brown and Dr. Allison-Bryan will not be in attendance
- The recommendation for ECPI University – Practical Nursing Program (US281003200), Northern Virginia currently scheduled for consideration at 10:30 am today has been moved to November 16, 2021 meeting
- The formal hearing of Jennifer Toler, RN on Wednesday, September 15, 2021 at 10 am with Panel A has been removed from the schedule as the Board accepted Ms. Toler's Consent Order on Monday, September 13, 2021.

CONSENT AGENDA:

The Board removed the following items from the consent agenda for discussion:

- Ms. Hershkowitz removed **HWDC Report** - Virginia's Nursing Education Programs: 2019-2020 Academic Year
- Ms. Douglas removed **C4** Executive Director Report
- Ms. Willinger removed **C2** Board of Nursing Monthly Tracking Log as of July 31, 2021

Mr. Hermansen-Parker moved to accept the remaining items on consent agenda as presented. The motion was seconded by Dr. Smith and carried unanimously.

Consent Agenda

B1 July 19, 2021	Formal Hearings
B2 July 20, 2021	Business Meeting
B3 July 21, 2021	Panel A – Formal Hearings
B4 July 21, 2021	Panel B – Formal Hearings
B5 July 22, 2021	Formal Hearings
B6 August 12, 2021	Telephone Conference Call
B7 August 23, 2021	Telephone Conference Call

C1 Financial Reports as of June 30, 2021

C3 Agency Subordination Recommendation Tracking Log

C5 - RMA Curriculum Committee July 8, 2021 Meeting Minutes

C6 - RMA Curriculum Committee August 16, 2021 Meeting Minutes

The ***VIRTUAL*** August 18-19, 2021 NCSBN Annual meeting Report

- ❖ **C7** - Brandon Jones' report
- ❖ **C8** - Jacquelyn Wilmoth's report

Discussion of item removed from the Consent Agenda:

C2 - Board of Nursing Monthly Tracking Log as of July 31, 2021

Ms. Willinger noted that the tracking log needs to be revised because, as of July 1, 2021, clinical nurse specialists (CNSs) are now licensed as nurse practitioners.

Ms. Hershkowitz moved to break out the nurse practitioner group into four advanced practice registered nurse (APRN) roles, which are CNS, CRNA, CNM and NPs (traditional NPs). The motion was seconded by Mr. Hersmansen-Parker and carried unanimously.

Dr. Dorsey joined the meeting at 9:24 A.M.

C4 - Executive Director Report

Ms. Douglas stated that she has additional information to add to her report:

- ❖ The ***VIRTUAL*** August 17, 2021 Nurse Licensure Compact (NLC) Annual Meeting – Virgin Islands passed legislation to join the Compact; once enacted, there will be 39 states/territories in the Compact. Due to the pandemic, the benefits of the Compact were realized as the need for nurse mobility increased. The Department of Defense (DOD) also has a great interest in the Compact and has in place grant money for the development of compacts as a means to assist military families with professional mobility.
- ❖ Massage Therapy Compact Technical Assistance Group September 1, 2021 Meeting – Ms. Douglas attended virtually. The purpose of the group was to discuss the benefits of the compact model on public protection and to initiate an exchange between licensure and discipline. The work will then be turned over to the legal team for drafting. The goal is for the model to be developed by 2023 and ready for introduction to state legislatures that are interested. The DOD provides the money to fund the work of this compact. Additional meetings are being planned.
- ❖ DMAS Nurse Aide Role meeting – the purpose of this meeting was for DMAS to share their proposal and possible options for a new CNA-type caregiver role to assist pediatric patients receiving long term private duty benefits through Medicaid. Dr. Brown, Ms. Yeatts and Ms. Douglas are part of this workgroup and additional meetings are being planned.
- ❖ Workforce issues – Board staff is aware of workforce and faculty shortages.

Healthcare Workforce Data Center (HWDC) Report:

- Virginia's Nursing Education Programs: 2019-2020 Academic Year

Ms. Hershkowitz stated that when the Education Program Report was last presented, she requested that the report of the RN Programs have Propriety Programs broken out as is done with the PN Programs.

Ms. Douglas stated that Drs. Carter or Shobo are not available today but they sent their response stating that *"the analysis you suggested can be done; However, to include that with the current report would make the work onerous. Dr. Shobo suggests doing the propriety versus non-proprietary program breakdown for **certain indicators of interest (or relevance).**"*

Ms. Hershkowitz suggested a few specific indicators from the current report:

- Program type breakout of Proprietary RN Programs (page 25)
- Number of students enrolled in Propriety RN Programs (page 32)
- Attrition and Graduation rates of Proprietary RN Programs (page 33 & 34)
- Use of Comprehensive Exams in these programs, including:
 - Allowing students to reattempt the exam;
 - Number of students who did not graduate after failing the exam (page 40)
- Faculty appointments and resignations (page 41)

Ms. Hershkowitz commented that if the Board can see the information on these specific indicators, it may be able to identify whether or not to pursue this line of inquiry moving forward.

Ms. Wilmoth noted that the NCSBN conducted a survey of quality indicators, thereport of which will be available soon and will likely contain the Proprietary information regarding the RN Programs.

Mr. Hermansen-Parker suggested obtaining data at least one time for review by the Board to determine if the information gleaned from the report is useful. All agreed.

Ms. Hershkowitz moved to accept the report as presented. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

Mr. Hershowitz moved to include specific indicators as suggested to the next report for review by the Board. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

DIALOGUE WITH DHP
DIRECTOR OFFICE:

Ms. Douglas reported the following on behalf of Dr. Brown:

- DHP has extended remote teleworking for staff from October 1st to January 1st, 2022 due to current COVID status.
- Midwifery Workgroup meeting – HB1953 which directs DHP to convene a work group to study and determine the appropriate entity to license and regulate all categories of midwives: Certified Professional Midwife (CPM), Certified Nurse Midwife (CNM) and Certified Midwife (CM). Dr. Brown convened the meeting of the workgroup. In attendance were two CNMs, two CPMs, two CMs, two Lobbyists, Dr. Harp, Executive Director for the Board of Medicine, Ms. Douglas and Dr. Vanessa Walker Harris, Deputy Secretary of Health and Human Resources. The group discussed the three options:
 - Maintain the status quo
 - Solely regulated by a single board (either Board of Nursing and Midwifery or separate Board of Midwifery)
 - Formation of an Advisory Board

The Workgroup asked for more information and one more meeting will be scheduled to finalize the recommendation. The report of the workgroup is due to the General Assembly on November 1, 2021.

DISPOSITION OF
MINUTES:

None

REPORTS:

None

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell stated that she has nothing to report.

EDUCATION:

Education Staff Report:

Ms. Wilmoth said that she has nothing to report.

LEGISLATION/
REGULATION:

Ms. Douglas reported the following on behalf of Ms. Yeatts:

F1 Chart of Regulatory Action as of August 25, 2021:

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

F2 Adoption of Final Regulations for Waiver of Electronic Prescribing (18VAC90-40-122)

Ms. Douglas noted that the proposed amendments are identical to the emergency regulations that became effective on December 23, 2019. Ms. Douglas added that there were no comments on the proposed regulations to

replace the emergency regulations.

Ms. Hershkowitz moved to adopt the final regulations for eprescribing of opioids by nurse practitioners that replace the emergency regulations for a temporary waiver for e-prescribing of opioids as presented. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

Consideration of Guidance Documents (GDs) Memo

- ❖ **GD 90-13** – *Application for Initial Approval of Nursing Education Program*
- ❖ **GD 90-14** – *Continued Full Approval of Nursing Education Program*

Ms. Douglas stated that these two GDs are due for review. Ms. Douglas added that staff completed the review and recommends that the Board re-adopt with no changes.

Mr. Hermansen-Parker moved to re-adopt GD 90-13 and GD 90-14 with no changes as presented. The motion was seconded by Dr. Smith and carried unanimously.

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

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

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

- Environmental scan – there is a dire mental health situation as there has been an increase in nurse suicides
- VNA is in support of the current vaccination in process
- Nurse staffing discussion is scheduled for next week to discuss tangible and actionable items
- Youth mental health pilot project – VNA will partner with Richmond public schools
- Conference registration model – variability in pricing and will be focusing on moral resilience and healing of the nursing community.
- Nurse Leadership Academy – it is a 1-year leadership development program and will be held virtually. The cost is \$1,295/person or, if an employer registers three or more individuals, the cost is \$1,195/person. Currently there are 38 people signed up, with a VNA goal of 50 participants
- Virginia Nurses Today –any board members interested in writing an article for VNA’s quarterly newspaper is invited to email Ms. Wall to share their idea, jwall@virginiannurses.com

Ms. Wall said that she will email Ms. Vu the link about Nurse Leadership Academy that can be shared with board members.

**EDUCATION INFORMAL CONFERENCE COMMITTEE MINUTES AND
RECOMMENDATIONS**

E1 – September 1, 2021 Education Informal Conference Committee minutes
Mr. Hermansen-Parker moved to accept the September 1, 2021 Education Informal Conference Committee minutes as presented. The motion was seconded by Ms. Hershkowitz and carried unanimously.

MEETING DEBRIEF:

The following were well received by Board Members:

- Appreciated shorter business meeting and formal hearings to follow
- Appreciated staff for checking on board members during the pandemic
- Appreciated electronic version of the business meeting materials

The following needs improvement per Board Members:

- No improvements were noted

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:35 A.M. for the purpose of considering the Consent Orders. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Bargdill, Ms. Willinger, Ms. Iyengar, Dr. Mangrum, Ms. C. Smith, Ms. Renick, 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. Hermansen-Parker and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:40 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 Dr. Smith and carried unanimously.

**G1 Sherrie Stanbery Baez, RN Reinstatement Applicant
0001-138530**

Mr. Hermansen-Parker moved to accept the consent order to reprimand **Sherrie Stanbery Baez**, and to approve her application for reinstatement of her license to practice professional nursing for single-state licensure in Virginia only, to suspend her license to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Baez's entry into a contract with the Virginia Health Practitioners' Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Dr. Smith and carried unanimously.

G2 Beverly Stone McFarlane, LPN 0002-052849

Mr. Hermansen-Parker moved to accept the consent order to revoke the license of **Beverly Stone McFarlane** to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Smith and carried unanimously.

ADJOURNMENT:

The Board adjourned at 10:41 A.M.

Marie Gerardo, MS, RN, ANP-BC
President

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Panel A
September 14, 2021**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:06 A.M., on September 14, 2021 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS
PRESENT:**

Marie Gerardo, MS, RN, ANP-BC; President
Yvette L. Dorsey, DNP, RN
Margaret Friedenberg, Citizen Member
James Hersmansen-Parker, MSN, RN, PCCN-K
Dixie L. McElfresh, LPN

STAFF PRESENT:

Claire Morris, RN, LNHA; Deputy Executive Director
Christina Bargdill, BSN, MHS, RN, Deputy Executive Director
Francesca Iyengar, MSN, RN, Discipline Case Manager
Cathy Hanchey, Senior Licensing/Discipline Specialist
Lakisha Goode, Discipline Team Coordinator – **left at 11:30 A.M.**

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Julia K. Bennett, Administrative Proceedings Division
Sherry Gibson, Enforcement Division
Ka Yu-Cheng, Enforcement Division
Christine Ludwig, Enforcement Division – **joined at 1:00 P.M.**

**ESTABLISHMENT OF
A PANEL:**

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

FORMAL HEARING:

Dena Ann Spruill, RMA, CNA **0031-011198, 1401-066711**

Ms. Spruill did not appear.

Tammie Jones, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Tammy S. Keckley, court reporter with Veteran Reporters, recorded the proceedings.

Anna Badgley, Senior Investigator, Enforcement Division, was present and testified. Ashleigh Davis, ALFA, was present 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 11:23 A.M., for the purpose of deliberation to reach a decision in the matter of **Dena Ann Spruill**. Additionally, Mr. Hermansen-Parker moved that Ms. Morris, Ms.

Bargdill, Ms. Iyengar, Ms. Hanchey, Ms. Goode, 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 seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:30 AM.

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 seconded and carried unanimously.

ACTION: Ms. McElfresh moved that the Board of Nursing revoke the certificate of **Dena Ann Spruill** to practice as a nurse aide in the Commonwealth of Virginia with a Finding of Abuse. Additionally, Ms. McElfresh moved that the Board of Nursing revoke the registration of **Dena Ann Spruill** to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

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

RECESS: The Board recessed at 11:30 A.M.

RECONVENTION: The Board reconvened in open session at 1:10 P.M.

FORMAL HEARING: **Lyrae S. Tinsley, CNA** **1401-112199**

Ms. Tinsley appeared.

David Kazzie, Adjudication Consultant, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Tammy S. Keckley, court reporter with Veteran Reporters, recorded the proceedings.

Kevin Wolfe, Senior Investigator, Enforcement Division, was present and testified. Maria Ira Santos, RN, testified by phone. Sarah Lindsey Gerner, CNA, testified by phone. Kyle Anthony Wagner, Prince William County Police Officer, testified by phone.

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 3:06 P.M. for the purpose of deliberation to reach a decision in the matter of **Lyrae S. Tinsley**. Additionally, Mr. Hermansen-Parker moved that Ms. Morris, Ms. Bargdill, Ms. Iyengar, Ms. Hanchey, 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 seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:35 P.M.

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

ACTION: Mr. Hermansen-Parker moved that the Board of Nursing issue a reprimand and place the certificate of **Lyrae S. Tinsley** to practice as a nurse aide in the Commonwealth of Virginia on probation with terms for not less than one year. The motion was seconded by Ms. Dorsey and carried unanimously.

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

FORMAL HEARING: **Lavonna C. Harrell, LPN**

0002-087289

Ms. Harrell appeared.

David Robinson, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Tammy S. Keckley, court reporter with Veteran Reporters, recorded the proceedings.

Katie Land, Senior Investigator, Enforcement Division, was present 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 4:32 P.M. for the purpose of deliberation to reach a decision in the matter of **Lavonna C. Harrell**. Additionally, Mr. Hermansen-Parker moved that Ms. Morris, Ms. Bargdill, Ms. Iyengar, Ms. Hanchey, 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 seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:45 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 seconded and carried unanimously.

ACTION: Ms. Dorsey moved that the Board of Nursing approve the application of **Lavonna C. Harrell** for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia only. The motion was seconded by Ms. Friedenbergl and carried unanimously.

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

ADJOURNMENT: The Board adjourned at 4:45 P.M.

Claire Morris, RN, LNHA
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Panel B
September 14, 2021**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:08 A.M., on September 14, 2021 in Training Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President
Ann T. Gleason, PhD, Citizen Member
Louise Hershkowitz, CRNA, MSHA
Brandon A. Jones, MSN, RN, CEN, NEA-BC
Felisa A. Smith, RN, MSA, MSN/Ed, CNE, PhD
Cynthia M. Swineford, MSN, RN, CNE

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin L Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Huong Vu, Executive Assistant
Breana Renick, Administrative Support Specialist

OTHERS PRESENT: Erin Barrett, Assistant Attorney General
Renee Larkin, Court Reporter, Veteran Reporters
Nina Taylor, Administrator, Hilton Plaza Inc (**Goldstone case only**)

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

FORMAL HEARINGS: **Sonja Peeples Goldstone, CNA (1401-109384) RMA (0031-000963)**

Ms. Goldstone appeared.

Rebecca Ripley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Renee Larkin, court reporter with Veteran Reporters, recorded the proceedings.

Maria Joson, Senior Investigator, Enforcement Division, and Jason Curtz, RMA, Shift Supervisor, HR Director at Hilton Plaza Incorporated in Newport News, VA were present and testified.

CLOSED MEETING: Ms. Gleason moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia at 12:45 P.M., for the purpose of deliberation to reach a decision in the matter of **Sonja Peeples Goldstone**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Vu, Ms. Renick and Ms. Barrett, Board Counsel, attend

the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded by Ms. Hershkowitz and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:26 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 seconded by Ms. Hershkowitz and carried unanimously.

ACTION: Mr. Jones moved that the Board of Nursing dismiss the case against **Sojna Peeples Goldstone**. The motion was seconded by Dr. Gleason and carried unanimously.

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

RECESS: The board recessed at 1:28 P.M.

RECONVENED: The board reconvened at 2:09 P.M.

FORMAL HEARINGS: **Sandy Annette Vincent Varzmanesh, LPN Reinstatement Applicant 0002-066466**

Ms. Varmanesh appeared.

Emily Tatum, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Renee Larkin court reporter with Veteran Reporters, recorded the proceedings.

Joyce Johnson, Senior Investigator, Enforcement Division, was present 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 2:49 P.M., for the purpose of deliberation to reach a decision in the matter of **Sandy Annette Vincent Varmanesh**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Vu, Ms. Renick and Ms. Barrett, Board Counsel, attend the closed meeting because their presence in the closed

meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded by Ms. Hershkowitz and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:19 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 seconded by Ms. Hershkowitz and carried unanimously.

ACTION: Dr. Smith moved that the Board of Nursing reprimand **Sandy Annette Vincent Varzmanesh** and approve her application for reinstatement of her practical nurse license, valid in Virginia only. The motion was seconded by Ms. Hershkowitz and carried unanimously.

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

FORMAL HEARINGS: **Elise Conforte, RN Reinstatement Applicant** **0001-198005**

Ms. Conforte did not appear.

Grace Stewart, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Renee Larkin, court reporter with Veteran Reporters, recorded the proceedings.

Me-Lien Chung, Senior Investigator, Enforcement Division, testified via phone.

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 3:51 P.M., for the purpose of deliberation to reach a decision in the matter of **Elsie Conforte**. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Vu, Ms. Renick and Ms. Barrett, Board Counsel attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded by Ms. Swineford and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:02 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 seconded by Ms. Hershkowitz and carried unanimously.

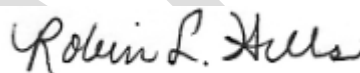
ACTION:

Ms. Swineford moved that the Board of Nursing deny the application for reinstatement of **Elsie Conforte** to practice professional nursing in the Commonwealth of Virginia. The motion was seconded by Ms. Smith and carried unanimously.

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

ADJOURNMENT:

The Board adjourned at 4:06 P.M.



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

**VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION MEETING
September 15, 2021**

A possible summary suspension meeting of the Virginia Board of Nursing was called to order at 9:27 A.M. on September 15, 2021, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233.

The Board of Nursing members participating in the meeting were:

Marie Gerardo, MS, RN, ANP-B; Chair
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Yvette Dorsey, DNP, RN
Margaret Joan Friedenber, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K

Dixie L. McElfresh, LPN
Louise Hershkowitz, CRNA, MSHA
Brandon A. Jones, MSN, RN, CEN, NEA-BC
Felisa Smith, RN, MSA, MSN/Ed., CNE, PhD
Cynthia Swineford, RN, MSN, CN

Others participating in the meeting were:

Charis Mitchell, Assistant Attorney General, Board Counsel
James Schliessmann, Senior Assistant Attorney General
Mandy Wilson, Adjudication Specialist
Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Claire Morris, RN, LNHA; Deputy Executive Director
Robin Hills, RN, DNP, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Patricia Dewey, RN, BSN; Discipline Case Manager
Francesca Iyengar, MSN, RN; Discipline Case Manager
Huong Vu, Executive Assistant
Cathy Hanchey; Senior Licensing/Discipline Specialist
Lakisha Goode; Discipline Specialist

The meeting was called to order by Ms. Gerardo. With 11 members of the Board of Nursing participating, a quorum was established.

James Schliessmann, Senior Assistant Attorney General, presented evidence that the continued practice of professional nursing by **Aaron Shepherd Hendrickson Remick, RN (0001-073239)** may present a substantial danger to the health and safety of the public.

CLOSED MEETING: Dr. Smith moved that the Board of Nursing convene a closed meeting pursuant to 2.2-3711(A)(27) of the *Code of Virginia* at 9:37 A.M. for the purpose of deliberation to reach a decision in the matter of Ms. Remick. Additionally, Ms. Smith moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Bargdill, Ms. Hanchey, Ms. Goode, 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 seconded by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:41 A.M.

Dr. 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 seconded by Ms. Hermansen-Parker and carried unanimously.

Ms. Hershkowitz moved to summarily suspend the license of **Aaron Shepherd Hendrickson Remick** to practice as a professional nurse pending a formal administrative hearing and to offer a consent order for suspension of her license for not less than two years in lieu of a formal hearing. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

The meeting was adjourned at 9:42 A.M.

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

**VIRGINIA BOARD OF NURSING
CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS
MINUTES**

September 15, 2021

Panel - A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:15 A.M. on September 15, 2021, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Marie Gerardo, MS, RN, ANP-BC, President
Yvette L. Dorsey, DNP, RN
James Hermansen-Parker, MSN, RN, PCCN-K
Ann Tucker Gleason, PhD, Citizen Member
Felisa A. Smith, RN, MSA, MSN/Ed, CNE, PhD

STAFF PRESENT:

Robin L. Hills, DNP, RN, WHNP, Deputy Executive Director
Claire Morris, RN, LNHA, Deputy Executive Director
Cathy Hanchey, Senior Licensing/Discipline Specialist
Lakisha Goode, Discipline Specialist

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel

**ESTABLISHMENT OF
A PANEL:**

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

#1 Victoria Elizabeth Briggs, CNA

1401-199737

Ms. Briggs did not appear.

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 9:15 A.M., for the purpose of consideration of the agency subordinate recommendation regarding Ms. Briggs. Additionally, Ms. Smith moved that Dr. Hills, Ms. Morris, Ms. Hanchey, Ms. Goode, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:21 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 seconded and carried unanimously.

ACTION:

Dr. Gleason moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the right to renew the certificate of Victoria Elizabeth Briggs to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

#3 – Toni Bridgett Hall, CNA

1401-181763

Ms. Hall did not appear.

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 9:15 A.M., for the purpose of consideration of the agency subordinate recommendation regarding Ms. Hall. Additionally, Ms. Smith moved that Dr. Hills, Ms. Morris, Ms. Hanchey, Ms. Goode, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:21 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 seconded and carried unanimously.

ACTION:

Dr. Gleason moved that the Board of Nursing modify the recommended decision of the agency subordinate to revoke the right to renew the certificate of Toni Bridgett Hall to practice as a nurse aide with a Finding of Abuse in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 10:46 A.M.

Claire Morris, RN, LNHA
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
PANEL A
September 15, 2021**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:00 P.M., on September 15, 2021 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

BOARD MEMBERS PRESENT: Marie Gerardo, MS, RN, ANP-BC; President
Yvette L. Dorsey, DNP, RN
Ann Tucker Gleason, PhD, Citizen Member
James Hersmansen-Parker, MSN, RN, PCCN-K
Felisa Smith, RN, MSA, MSN/Ed, CNE, PhD

STAFF PRESENT: Claire Morris, RN, LNHA; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP, Deputy Executive Director for Advanced Practice
Patricia Dewey, RN, BSN, Discipline Case Manager
Cathy Hanchey, Senior Licensing/Discipline Specialist
Lakisha Goode, Discipline Team Coordinator

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Julia K. Bennett, Administrative Proceedings Division
Ka Yu-Cheng, Enforcement Division

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

FORMAL HEARING: **Vera Komarova, RMA** **0031-001218**

Ms. Komarova did not appear.

Mandy Wilson, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Mitchell was legal counsel for the Board. Tammy S. Keckley, court reporter with Veteran Reporters, recorded the proceedings.

Ann Hardy, Senior Investigator, Enforcement Division, Kim Newton-Sage, Kristy Smith, and Detective Michael Tedeshchi, City of Richmond Police Department, were present 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 1:29 P.M., for the purpose of deliberation to reach a decision in the matter of **Vera Komarova**. Additionally, Ms. Smith moved that Dr. Hills, Ms. Morris, Ms. Hanchey, Ms.

Goode, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:38 P.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 seconded by Ms. Smith and carried unanimously.

ACTION:

Mr. Hermansen-Parker moved that the Board of Nursing revoke the registration of **Vera Komarova** to practice as a medication aide in the Commonwealth of Virginia. The motion was seconded by Ms. Dorsey and carried unanimously.

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

ADJOURNMENT:

The Board adjourned at 1:39 P.M.

Claire Morris, RN, LNHA
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS
MINUTES
September 15, 2021
Panel - B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:04 A.M. on September 15, 2021 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS
PRESENT:**

Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President –
joined at 9:13 A.M.
Margaret Friedenberg, Citizen Member
Louise Hershkowitz, CRNA, MSHA
Brandon Jones, MSN, RN, CEN, NEA-BC
Dixie L. McElfresh, LPN
Cynthia Swineford, RN, MSN, CNE

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Francesca Iyengar, MSN, RN; Discipline Case Manager
Huong Vu, Executive Assistant

OTHERS PRESENT:

Erin Barrett, Assistant Attorney General, Board Counsel

ESTABLISHMENT OF A PANEL:

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

#2 – Whitney Dawn Whitt, CNA

1401-201533

Ms. Whitt did not appear.

ACTION:

Ms. McElfresh moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the certificate of Whitney Dawn Whitt to practice as a nurse aide in the Commonwealth of Virginia and enter a Finding of Abuse against her in the Virginia Nurse Aide Registry. The motion was seconded by Mr. Jones and carried unanimously.

Dr. McQueen-Gibson joined the meeting at 9:13 A.M.

#4 – Tiffany Ann D’Angelo, RN

**Florida License No.: 9512275
with Multistate Privileges**

Ms. D’Angelo did not appear.

ACTION: Mr. Jones moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the multi-state privilege of Tiffany Ann D’Angelo to practice professional nursing for a period of not less than two years from the date of entry of the Order and to indefinitely suspend her right to renew her license to practice professional nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of the Order. The motion was seconded by Ms. Swineford and carried unanimously.

ADJOURNMENT: The Board adjourned at 9:16 A.M.

Christina Bargdill, BSN, MHS, RN
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Panel B
September 15, 2021**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:26 A.M., on September 15, 2021 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**BOARD MEMBERS
PRESENT:** Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President
Margaret J. Friedenberg, Citizen Member
Brandon A. Jones, MSN, RN, CEN, NEA-BC
Dixie L. McElfresh, LPN
Cynthia M. Swineford, MSN, RN, CNE
Louise Hershkowitz, CRNA, MSHA
Shaunte Peterson, LMT

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Lelia Claire Morris, RN, LNHA; Deputy Executive Director – **joined
11:55 A.M.**
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Huong Vu, Executive Assistant
Francesca Iyengar, MSN, RN; Discipline Case Manager

OTHERS PRESENT: Erin Barrett, Assistant Attorney General

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

FORMAL HEARINGS: **Wassel Ltifi, LMT** **0019-016938**

Mr. Ltifi appeared.

David Kazzie, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Renee Larkin court reporter with Veteran Reporters, recorded the proceedings.

Cheryl Strait, Senior Investigator, Enforcement Division, testified via phone. Client A and Client B were present and testified.

Ms. Douglas left the hearing at 11:54 A.M.

Ms. Morris joined the hearing at 11:55 A.M.

RECESS: The board recessed at 12:38 P.M.

RECONVENED: The board reconvened at 12:50 P.M.

Ms. Morris left the hearing at 12:57 P.M.

Ms. Douglas re-joined the hearing at 12:57 P.M.

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 1:14 P.M., for the purpose of deliberation to reach a decision in the matter of **Wassel Ltifi**. Additionally, Mr. Jones moved that Ms. Douglas, Ms. Bargdill, Ms. Vu, Ms. Iyengar 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 seconded by Ms. McElfresh and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:57 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 seconded by Ms. McElfresh and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing indefinitely suspend the license of **Wassel Ltifi** to practice massage therapy in the Commonwealth of Virginia for a period of not less than one year. The motion was seconded by Ms. Swineford and carried unanimously.

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

RECESS: The board recessed at 1:59 P.M.

RECONVENED: The board reconvened at 2:30 P.M.

FORMAL HEARINGS: **Wendy Katherine Smith, LMT**

0019-003161

Ms. Smith did not appear.

Claire Foley, Adjudication Specialist, Administrative Proceedings Division, represented the Commonwealth. Ms. Barrett was legal counsel for the Board. Renee Larkin, court reporter with Veteran Reporters, recorded the proceedings.

Amy Ressler, Health Practitioners' Monitoring Program (HPMP) Administrative Director, testified via phone.

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 2:42 P.M., for the purpose of deliberation to reach a decision in the matter of **Wendy Katherine Smith**. Additionally, Mr. Jones moved that Ms. Douglas, Ms. Bargdill, Ms. Iyengar, 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 seconded by Ms. Hershkowitz and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:54 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 seconded by Ms. McElfresh and carried unanimously.

ACTION: Ms. Hershkowitz moved that the Board of Nursing reprimand Wendy Katherine Smith and indefinitely suspend her license to practice massage therapy in the Commonwealth of Virginia. The motion was seconded by Ms. Swineford and carried unanimously.

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

ADJOURNMENT: The Board adjourned at 2:55 P.M.

Christina Bargdill, BSN, MHS, RN
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION TELEPHONE CONFERENCE CALL
September 22, 2021**

A possible summary suspension telephone conference call of the Virginia Board of Nursing was held September 22, 2021 at 4:39 P.M.

The Board of Nursing members participating in the call were:

Marie Gerardo, MS, RN, ANP-BC, President; **Chair**
Margaret Friedenberg, Citizen Member
A Tucker Gleason, PhD, Citizen Member
Dixie McElfresh, LPN
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Meenakshi Shah, BA, RN
Felisa Smith, RN, MSA, MSN/Ed., CNE, PhD
Cynthia Swineford, RN, MSN, CNE

Others participating in the meeting were:

Charis Mitchell, Assistant Attorney General, Board Counsel
Wayne Halbleib, Senior Assistant Attorney General/Section Chief
Julia Bennett, Deputy Director, Administrative Proceedings Division
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Claire Morris, RN, LNHA; Deputy Executive Director
Christina Bargdill, BSN, MHS; Deputy Executive Director
Patricia Dewey, MSN, RN; Discipline Case Manager
Huong Vu, Executive Assistant
Breana Renick, Administrative Support Specialist

The meeting was called to order by Ms. Gerardo. With 8 members of the Board of Nursing participating, a quorum was established. A good faith effort to convene a meeting at the Board of Nursing offices within the week failed.

Wayne Halbleig, Assistant Attorney General, presented evidence that the continue practice of message therapy by **Hongsub Song, LMT (0019-005420)** may present a substantial danger to the health and safety of the public.

Ms. McElfresh moved to summarily suspend the massage therapy license of **Hongsub Song** pending a formal administrative hearing and to offer a consent order for indefinite suspension of his license for a period of not less than two years in lieu of a formal hearing. The motion was seconded by Dr. Gleason and carried unanimously.

Virginia Board of Nursing
Possible Summary Suspension Telephone Conference Call
September 22, 2021

The meeting was adjourned at 5:10 P.M.

Christina Bargdill, BSN, MHS
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
POSSIBLE SUMMARY SUSPENSION TELEPHONE CONFERENCE CALL
October 20, 2021**

A possible summary suspension telephone conference call of the Virginia Board of Nursing was held October 20, 2021 at 4:31 P.M.

The Board of Nursing members participating in the call were:

Marie Gerardo, MS, RN, ANP-BC; **Chair**
Margaret Friedenberg, Citizen Member
Dr. A Tucker Gleason, PhD, Citizen Member
James Hermansen-Parker, MSN, RN, PCCN-K
Brandon Jones, MSN, RN, CEN, NEA-BC
Dixie L. McElfresh, LPN
Mark Monson, Citizen Member
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Cynthia Swineford, RN, MSN, CNE

Others participating in the meeting were:

Charis Mitchell, Assistant Attorney General, Board Counsel
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bardill BSN, MHS; Deputy Executive Director
Breana Renick, Administrative Support Specialist
Lakisha Goode, Discipline Team Coordinator
Tammie Jones, Adjudication Consultant, Administrative Proceedings Division
Sean Murphy, Assistant Attorney General

The meeting was called to order by Ms. Gerardo. With 9 members of the Board of Nursing participating, a quorum was established. A good faith effort to convene a meeting at the Board of Nursing offices within the week failed.

Sean Murphay, Assistant Attorney General, presented evidence that the continue practice of message therapy by **Zachary Nelson Guzman, LMR (0019-008138)** may present a substantial danger to the health and safety of the public.

Ms. Gleason moved to summarily suspend the Massage Therapy license of **Zachary Nelson Guzman** pending a formal administrative hearing and to offer a consent order for indefinite suspension of his license in lieu of a formal hearing. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

The meeting was adjourned at 4:41 P.M.

Christina Bardill, BSN, MHS, RN
Deputy Executive Director

BON 2021 Monthly Licensing Discipline Report

C2

<i>License Count</i>	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												
Practical Nurse	28,259	28,300	28,300	28,290	28,256	28,218	28,209	28,071	28,077			
Registered Nurse	112,895	113,170	113,297	113,412	113,288	113,776	114,776	114,717	115,450			
Massage Therapy	8,407	8,426	8,443	8,430	8,360	8,371	8,375	8,348	8,372			
Medication Aide	6,667	6,669	6,732	6,732	6,636	6,659	6,668	6,637	6,760			
Clinical Nurse Specialist	405	406	408	406	403	394	Effective 7/1/2021 CNSs are now included in NP count					
Nurse Practitioner Total	13,817	13,913	14,040	14,133	14,209	14,708	15,011	15,110	15,489			
Autonomous Practice - NP	1,134	1,164	1,197	1,224	1,252	1,289	1,502	1,551	1,778			
Clinical Nurse Specialist - NP							393	393	395			
Certified Nurse Midwife - NP	396	404	404	404	404	404	404	404	413			
Certified Registered Nurse Anesthetist - NP	2,174	2,178	2,178	2,181	2,184	2,195	2,213	2,206	2,223			
Other Nurse Practitioners	10,113	10,167	10,261	10,324	10,369	10,820	10,499	10,556	10,680	0	0	0
Total for Nursing	170,450	170,884	171,220	171,403	171,152	172,126	173,039	172,883	32,794	0	0	0

Nurse Aide	50,894	50,929	51,129	50,990	50,053	49,688	50,486	49,103	49,201			
Advanced Nurse Aide	26	26	28	29	25	26	26	24	27			
Total for Nurse Aide	50,920	50,955	51,157	51,019	50,078	49,714	49,696	49,127	49,228	0	0	0
License Count Grand Total	221,370	221,839	222,377	222,422	221,230	221,840	222,735	222,010	82,022	0	0	0

BON 2021 Monthly Licensing Discipline Report

Open Cases 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	1566	1599	1520	1582	1650	1622	1569	1435	1438			
Nurse Aide	449	466	460	479	509	550	585	571	473			
Open Cases Total	2,015	2,065	1,980	2,061	2,159	2,172	2,154	2,006	1,911	0	0	0

Case Count by Occupation													
Rec'd RN	82	70	70	65	64	54	87	77	56				Total
Rec'd PN	20	29	57	42	45	37	40	31	34				625
Rec'd NP, AP, CNS	21	20	15	19	28	29	38	35	28				335
Rec'd LMT	6	1	6	8	9	2	7	3	3				233
Rec'd RMA	8	6	10	12	7	9	10	9	12				45
Rec'd Edu Program	0	3	2	2	3	7	4	4	2				83
Total Received Nursing	137	129	160	148	156	138	186	159	135	0	0	0	27
Closed RN	43	38	107	77	15	78	123	81	108				1,348
Closed PN	31	21	51	36	13	52	69	46	80				670
Closed NP, AP, CNS	12	8	27	16	6	19	58	18	24				399
Closed LMT	3	7	4	4	1	5	4	2	8				188
Closed RMA	10	5	10	6	0	6	1	9	4				38
Closed Edu Program	2	3	2	0	1	0	10	2	1				51
Total Closed Nursing	101	82	201	139	36	160	265	158	225	0	0	0	21
													1,367

Case Count - Nurse Aides													
Received	44	41	58	42	47	50	55	50	50				Total
Rec'd Edu Program	0	1	1	0	1	0	0	0	0				437
Total Received CNA	44	42	59	42	48	50	55	50	50	0	0	0	3
Closed	69	12	75	21	18	8	13	42	25				440
Closed Edu Program	2	0	1	0	0	0	3	0	0				283
Total Closed CNA	71	12	76	21	18	8	16	42	25	0	0	0	6
													289

All Cases <u>Closed</u>	172	94	277	160	54	168	281	200	250	0	0	0	
All Cases <u>Received</u>	181	171	219	190	204	188	241	209	185	0	0	0	1,656
													1,788

Agency Subordinate Recommendation Tracking Trend Log - 2010 to Present – Board of Nursing

Considered		Accepted		Modified*					Rejected					Final Outcome:** Difference from Recommendation				
Date	Total	Total	Total %	Total	Total %	# present	# ↑	# ↓	Total	Total %	# present	# Ref to FH	# Dis-missed	↑	↓	Same	Pend-ing	N/A
Total to Date:	2298	2116	92.1%	144	6.3%	13	67	23	40	1.7%	8	21	5	46	57	60	0	
CY2021 to Date:	36	35	97.2%	3	8.3%	0	1	0	0	0.0%	0	0	0	2	4	0	0	
Sep-21	4	4	100.0%	2	50.0%	0	0	0	0	0.0%	0	0	0	2	1	0	0	
Jul-21	11	11	100.0%	0	0.0%	0	0	0	0	0.0%	0	0	0	0	1	0	0	
May-21	5	5	100.0%	0	0.0%	0	0	0	0	0.0%	0	0	0	0	0	0	0	
Apr-21	0	0	0.0%	0	0.0%	0	0	0	0	0.0%	0	0	0	0	1	0	0	
Mar-21	16	15	93.8%	1	6.3%	0	1	0	0	0.0%	0	0	0	0	0	0	0	
Jan-21	0	0	0.0%	0	0.0%	0	0	0	0	0.0%	0	0	0	0	1	0	0	
Annual Totals:																		
Total 2020	77	69	89.6%	6	7.8%	5	6	0	2	2.6%	0	2	0	4	0	0	N/A	
Total 2019	143	129	90.2%	12	8.4%	0	10	2	2	1.4%	2	0	2	0	0	1	N/A	
Total 2018	200	172	86.0%	24	12.0%	4	17	7	4	2.0%	0	4	0	4	10	7	N/A	
Total 2017	230	220	95.7%	8	3.5%	0	5	3	2	0.9%	0	2	0	2	4	6	N/A	
Total 2016	238	226	95.0%	8	3.4%	0	8	0	4	1.7%	2	4	0	4	8	2	N/A	
Total 2015	238	217	91.2%	14	5.9%	2	12	2	7	2.9%	3	6	1	9	6	5	N/A	
Total 2014	257	235	91.4%	17	6.6%	2	8	9	5	1.9%	1	3	2	3	3	7	N/A	
Total 2013	248	236	95.2%	10	4.0%				2	0.8%				3	6	2	N/A	
Total 2012	229	211	92.1%	15	6.6%				3	1.3%				4	6	9	N/A	
Total 2011	208	200	96.2%	6	2.9%				2	1.0%				4	1	12	N/A	
Total 2010	194	166	85.6%	21	10.8%				7	3.6%				7	9	9	N/A	

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

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

HPMP Quarterly Report (July 1, 2021 - September 30, 2021)

Board	License	Admissions ¹		Stays ²	Comp ³	Vacated Stays ⁴		Dismissals ⁵				
		Req.	Vol.			Vac. Only	Vac. & Dism.	N/C	Inel.	Dism. Resig.	Resig.	Death
	LNP	1			2							
	LPN	2						2		1		
	RN	9	1	2	13			10				
	Massage Ther											
	CNS											
Nursing Total		12	1	2	15			12		1		
	DC		1									
	DO	1			1							
	DPM											
	Intern/Resident	1							1			
	LAT											
	LBA											
	Lic Rad Tech	1										
	MD	4	2	3	6						1	
	OT											
	PA											
	RT							1		1		
	LM											
	OTA											
	SA											
Medicine Total		7	3	3	7			1	1	1	1	
	Pharmacist	2			1							
	Pharm Tech	1										
	Intern											
Pharmacy Total		3			1							
	DDS		2									
	DMD							1				
	RDH							1				
Dentistry Total			2					2				
	LPC											
	CSAC											
	Post Graduate Trainee											
	QMHP-Adult											
	QMHP-Child											
	Resident in Counseling	1										
Counseling Total		1										
	DVM				1			1				
	Vet Tech											
Veterinary Medicine Total					1			1				
	PT							1				
	PTA							1				
Physical Therapy Total								2				
TOTALS		23	6	5	24	0	0	18	1	2	1	0

Admissions¹: Req=Required (Board Referred, Board Ordered, Investigation); Vol=Voluntary (No known DHP involvement at time of intake)Stays²: Stays of Disciplinary Action GrantedComp³: Successful CompletionsVacated Stays⁴: Vac Only=Vacated Stay Only; Vac &Dism=Vacated Stay &DismissalDismissals⁵: N/C=Dismissed Non-Compliant; Inel=Dismissed Ineligible; Dism Resig=Dismissed due to Resignation; Resig=Resignation

VIRGINIA BOARD OF NURSING
Meeting of the Medication Aide Curriculum Committee
September 22, 2021

Department of Health Professions – Perimeter Center
9960 Mayland Drive, Conference Center 201 – **Board Room 3**
Henrico, Virginia 23233

TIME & PLACE: The meeting of the Medication Aide Curriculum Committee was convened by Ms. Felisa Smith, Chair at 10:10 a.m. on September 2, 2021 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia,

BOARD MEMBERS Felisa A. Smith, RN, MSA, MSN/Ed, CNE, RN Board Member (Chair)

PRESENT: Margaret J. Friedenberg, Citizen Member
Dixie McElfresh, LPN, LPN Board Member

STAKEHOLDERS Dana Parsons, leading Age of Virginia

PRESENT: Vonnie Adams, Administrator, Williamsburg Landing
Karen Mittura, Germanna Community College, Medication Aide Education Program
Krystal Lotts, Wellness Concepts
Jennifer Perez, A&J Total Care Enterprises, Medication Aide Education Program
Jennifer Haden, Representing Judy Hackler, Virginia Assisted Living Association
Catina King, Representing Dawn Ellis, Omnicare/CVS
Theresa Mason, Fresh Start

STAKEHOLDERS April Payne, Virginia Health Care Association

ABSENT: Rhonda Whitmer, Department of Social Services

DHP STAFF Jacquelyn Wilmoth, MSN, RN, Deputy Executive Director

PRESENT: Christine Smith, MSN, RN, Nurse Aide/RMA Education Program Manager
Beth Yates, Nursing and Nurse Aide Education Coordinator

PUBLIC COMMENT: There was no one present for public comment.

DISCUSSION OF CURRICULUM REVISIONS:

The committee continued from the last meeting discussing suggested revisions from committee members. The group discussed and agreed upon several changes to the curriculum to include but not limited to:

- Add a section called Rules to Remember for recurring steps such as putting on gloves, etc.;
- Add the language “per facility policy” to any reference to documentation;
- Remove the names of specific drugs with the exception of Coumadin in Section 7.4;
- Remove references to color in regards to the EpiPen® and remove the step by step directions and add “per manufacturer’s directions;”
- Numbered steps could become bullet points for consistency, and step by step directions could be moved to Rules to Remember or the add the language “per manufacturer’s directions” as applicable;
- Remove the Introductions throughout the curriculum as they are not objectives;
- Remove reference to Marijuana as an illegal drug, add the language “or illegal substances;”
- Remove reference to Byetta in Chapter 8.

The committee agreed upon a template for the revised curriculum.

PLAN FOR FOLLOWUP: Dr. Smith advised there would be no meeting scheduled for the remainder of the year. Staff will begin the process of developing the curriculum in the new format and the draft will be sent to the committee member for review and feedback.

NEXT MEETING: The next meeting will be scheduled in 2022 following staff’s receipt of feedback from the stakeholders.

ADJOURNMENT: The meeting adjourned at 3:10 p.m.

Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

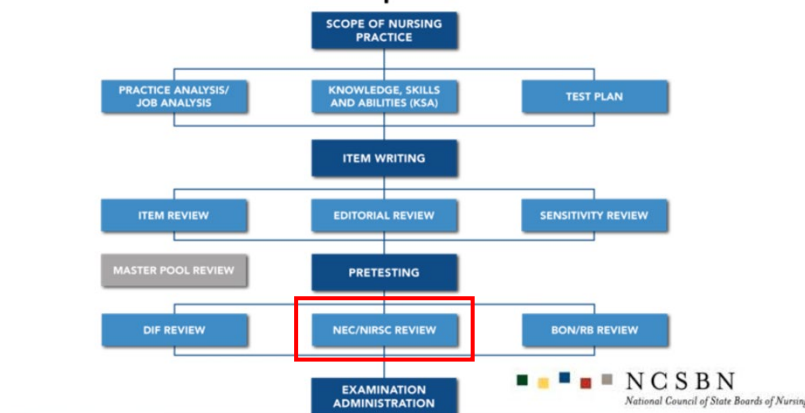
Report from NCLEX Item Review Subcommittee (NIRSC)
 Virtual Meeting
 September 21-23, 2021
 Submitted to Virginia Board of Nursing by Brandon Jones

It was a privilege to serve as part of the NCLEX Item Review Subcommittee (NIRSC) for the September 2021 meeting. As I reported in July, while much of the work of the NIRSC is confidential, I am reporting those aspects of the meeting I can.

Background

As a reminder, the NIRSC is a subcommittee of the NCLEX Examination Committee (NEC). The charge of the NIRSC is to assist the NEC with item review examining items to ensure they are accurate, current, and comply with nurse practice acts. This rigorous review is part of NCSBN's assurance of a psychometrically sound and legally defensible exam. Below is a graphic displaying how the work of the NIRSC fits into the NCLEX Item Development Process:

NCLEX® Item Development Process



September NIRSC Meeting Summary

Nine Board of Nursing representatives from different regions throughout the country comprised the September NIRSC team, with an NEC member acting as chair. Additionally, two other NEC members

assisting with observing. We also had four fantastic NCSBN staff members supporting us. This group also represented diverse clinical experiences and backgrounds that enhanced the review process and boosted the group discussion and review. After three days of work, around 1500 questions were reviewed by this group.

I am thankful for the opportunity to serve again on the NIRSC and look forward to continuing to be involved in FY22'. In addition to accomplishing our primary objective of reviewing NCLEX items, this meeting was an opportunity to network and interact with other nurse regulators across the USA and Canada and contribute to the continued excellence in the nursing profession.

Respectfully submitted,
Brandon Jones, MSN, RN, CEN, NEA-BC

FARB 29TH ANNUAL REGULATORY LAW SEMINAR

On September 30, 2021 – October 3, 2021 Claire Morris, RN, LNHA, Deputy Executive Director, attended virtually the Federation of Associations of Regulatory Boards (FARB) 29th Annual Regulatory Law Seminar.

Attendees included lawyers from attorney general offices around the country, members of professional organizations and representatives from regulatory agencies. The seminar's focus was primarily on how the pandemic has affected the regulatory landscape.

Key agenda items included but were not limited to: pandemic effects on administrative law process to include regulatory waivers and hearings; occupational licensing and its effects on the marketplace to include the concept of Universal Licensing, limiting criminal background consideration and reviewing test integrity for inclusiveness and review of recent top regulatory cases. Recreational marijuana and drug decriminalization legislation effects on regulation was also a focal point.

VIRGINIA COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
FORMAL HEARING
MINUTES
October 13, 2021

TIME AND PLACE: The formal hearing of the Committee of the Joint Boards of Nursing and Medicine was convened at 10:02 A.M., in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Ann Tucker Gleason, PhD; Board of Nursing, Chairperson
Blanton L. Marchese; Board of Medicine
David Archer, M.D.; Board of Medicine
Ryan Williams, M.D.; Board of Medicine

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advance Practice
Charlette N. Ridout, RN, MS, CNE; Nursing Probable Cause Reviewer/Education Program Inspector
Cathy Hanchey, Senior Licensing/Discipline Specialist

OTHER PRESENT: Erin Barrett, Assistant Attorney General, Committee Counsel

ESTABLISHMENT OF A QUORUM: With four members of the Committee present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Mark-Allen Clark, LNP

0024-166868

Mr. Clark submitted a written response.

CLOSED MEETING: Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:07 A.M., for the purpose of consideration of the agency subordinate recommendations. Additionally, Mr. Marchese moved that Ms. Douglas, Ms. Ridout, Ms. Hanchey, and Ms. Barrett, Committee counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded by Dr. Williams and carried unanimously.

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

Virginia Committee of the Joint Boards of
Nursing and Medicine – Formal Hearing
October 13, 2021

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

Mr. Marchese moved the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate and issue an Order of Reprimand to Mark-Allen Clark. The motion was seconded by Dr. Williams and carried unanimously.

Dolores Lorraine Williams Johnson, LNP

0024-164367

Ms. Williams submitted a written response.

CLOSED MEETING:

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:07 A.M., for the purpose of consideration of the agency subordinate recommendation. Additionally, Mr. Marchese moved that Ms. Douglas, Ms. Ridout, Ms. Hanchey, and Ms. Barrett, Committee counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded by Dr. Williams and carried unanimously.

RECONVENTION:

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

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

Mr. Marchese moved the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate and issue an Order of Reprimand to **Dolores Lorraine Williams Johnson**. The motion was seconded by Dr. Williams and carried unanimously.

Nakeshia Lynn Mouzon, LNP
Ms. Mouzon did not appear.

0024-170001

CLOSED MEETING: Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:07 A.M., for the purpose of consideration of the agency subordinate recommendation. Additionally, Mr. Marchese moved that Ms. Douglas, Ms. Ridout, Ms. Hanchey, and Ms. Barrett, Committee counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded by Dr. Williams and carried unanimously.

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

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

Mr. Marchese moved the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate and issue an Order of Reprimand to **Nakeshia Lynn Mouzon**. The motion was seconded by Dr. Williams and carried unanimously.

CONSIDERATION OF CONSENT ORDER:

David Peter Young, LNP

0024-073770

Dr. Williams moved that the Committee of the Joint Boards of Nursing and Medicine accept the consent order for Voluntary Surrender for Indefinite Suspension of David Peter Young's right to renew his license to practice as a nurse practitioner in the category of certified registered nurse anesthetist in the Commonwealth of Virginia. The motion was seconded by Mr. Marchese, and the motion carried unanimously.

FORMAL HEARING:

Michael Scott Addair, LNP Reinstatement Applicant 0024-167226

Mr. Addair appeared and was accompanied by his attorney, Brian Vieth, and Ashley Blevins.

David Kazzie, Adjudication Specialist for the Department of Health Professions, represented the Commonwealth. Ms. Barrett was legal counsel for the Committee. Racheal Steck, court reporter with Veteran Reporters, recorded the proceeding.

Marcella Luna, Investigator Supervisor, Department of Health Professions, participated and testified.

CLOSED MEETING:

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:30 A.M. for the purpose of deliberation to reach a decision in the matter of Michael Scott Addair. Additionally, Mr. Marchese moved that Ms. Ridout, Ms. Hanchey, and Ms. Barrett, Committee Counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded by Dr. Williams and carried unanimously.

RECONVENTION:

The Committee reconvened in open session at 11:46 A.M.

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

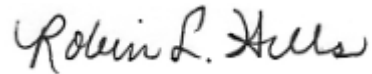
ACTION:

Dr. Williams moved to approve the application of **Michael Scott Addair** for reinstatement to practice as a nurse practitioner in the category of certified registered nurse anesthetist in the Commonwealth of Virginia. The basis for this decision will be set forth in a final Order which will be sent to Mr. Addair at his address of record. The motion was seconded by Mr. Marchese and carried unanimously.

Virginia Committee of the Joint Boards of
Nursing and Medicine – Formal Hearing
October 13, 2021

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 quorum.

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

A handwritten signature in black ink that reads "Robin L. Hills". The signature is written in a cursive, flowing style.

Robin Hills, DNP, RN, WHNP
Deputy Executive Director for Advance Practice
Virginia Board of Nursing



D1

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

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

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

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

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

MEMO

To: Board Members

From: Jay P. Douglas, MSM, RN, CSAC, FRE 

Re: Meeting Held with Electronic Participation

Date: October 26, 2021

DHP has developed the attached policy **Meetings Held with Electronic Participation** for consideration and adoption on a board by board basis.

Action needed:

Motion to adopt

Or

Motion to deny

Virginia Board of _____

Meetings Held with Electronic Participation

Purpose:

To establish a written policy for holding meetings of a health regulatory board within the Department of Health Professions with electronic participation by some of its members and the public.

Policy:

This policy for conducting a meeting with electronic participation shall be in accordance with § 2.2-3708.2 of the Code of Virginia.

Authority:

§ [2.2-3708.2](#). Meetings held through electronic communication means.

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

- b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;

- c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and

- d. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.

2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at one primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § [2.2-3707.01](#), state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § [30-179](#).

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § [2.2-3707](#). Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
 - i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.
- E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

Procedures:

1. In order to conduct a meeting with electronic participation, a quorum of the board or a committee of the board must be physically present at a central location.
2. If a quorum is attained, one or more members of the board or committee may participate electronically if, on or before the day of a meeting, the member notifies the chair and the executive director that he/she is unable to attend the meeting due to: 1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; 2) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or 3) a personal matter, identifying with specificity the nature of the personal matter. Attendance

by a member electronically for personal reasons is limited to two meetings per calendar year or no more than 25% of meetings held.

3. Participation by a member through electronic communication means must be approved by the board chair or president.
4. The board or committee holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location does not need to be open to the public.
5. The board or committee shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance or if the member participated electronically due to a personal matter, the minutes shall state the specific nature of the personal matter cited by the member.
6. If a board or committee holds a meeting through electronic communication, it must also hold at least one meeting annually where members are in attendance at the central location and no members participate electronically.
7. Notice of a meeting to be conducted electronically, along with the agenda, should be provided to the public contemporaneously with such information being sent to board members at least three working days in advance of such meeting. Notice of special, emergency, or continued meetings must be given contemporaneously with the notice provided to members.
8. Meeting notices and agendas shall be posted on the Virginia Regulatory Townhall (which sends notice to Commonwealth Calendar and the Board's website). They should also be provided electronically to interested parties on the Board's public participation guidelines list.
9. The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary meeting location; shall include notice as to the electronic communication means by which members of the public may participate in the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.
10. The agenda shall include a link to a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179 to allow members of the public to assess their experience with participation in the electronic meeting.
11. Members of the public must be given substantially equal access to the electronic communication available to the members. Public comment on the agenda item(s) may be

requested for submission in advance to be included in the agenda package or may be received at the beginning of the meeting.

12. The meeting may be conducted via teleconferencing or videoconferencing. If a telephonic meeting without video is held, members should have an opportunity to speak individually and should identify themselves as they do.
13. Minutes of meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted with electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.
14. A board or committee that meets by electronic communication means must make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:
 - a. The total number of meetings held that year in which there was participation through electronic communication means;
 - b. The dates and purposes of each such meeting;
 - c. A copy of the agenda for each such meeting;
 - d. The primary or central meeting location of each such meeting;
 - e. The types of electronic communication means by which each meeting was held;
 - f. If possible, the number of members of the public who participated in each meeting through electronic communication means;
 - g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
 - h. The identity of any members of the public body who were recorded as absent at each meeting;
 - i. . If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
 - j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
 - k. A written summary of the Board's experience conducting meetings through electronic communication means, including its logistical and technical experience.

Form:

Link to Public comment form from the Freedom of Information Council

<http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>

Adopted on (date): _____

VIRGINIA BOARD OF NURSING
Nominating Committee
October 5, 2021
Minutes

TIME AND PLACE: The meeting of the Nominating Committee was called to order at 8:15 am on November 18, 2020, at Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 1, Henrico, Virginia.

MEMBERS PRESENT: Margaret Friedenbergl, Chair
Meenakshi Shah, BA, RN

MEMBER ABSENT: Dixie McElfresh, LPN

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director

DISCUSSION: Ms. Friedenbergl has been elected as Chair of the Nominating Committee.

The Committee reviewed the current board listing noting board member terms. Specifically it was noted that Ms. Gerardo President and Mr. Monson First Vice-President second terms would expire June 2022. To avoid changes to officers mid 2022 they would not be included in the slate.

The Committee further noted the benefit of having experienced Board members on the board to mentor and assist for the first half of 2022. The new officers will begin January 1, 2022.

The vacancy of the second Vice-President was noted due to Dr. McQueen-Gibson's departure from the board. According to the bylaws "The Board shall fill a vacancy in the office of First Vice-President or Second Vice-President by election at the next meeting after which the vacancy occurred" The election to fill the vacancy will need to take place at the November meeting.

The Committee and staff discussed the various responsibilities of the officer roles, competencies and leadership traits necessary for the positions.

The Committee reported being aware of certain board members who have expressed a desire to serve and acknowledged that there has not been a discussion with each board member. Ms. Shah and Ms. Friedenbergl indicated they would follow up with members interested in serving.

Ms. Douglas was instructed to send a communication to all Board members informing them of the upcoming elections and encouraging them to contact the nominating committee or Ms. Douglas is interested.

Nominating Committee members will confirm with Ms. Douglas the names of the Board members to be placed on the draft slate which will be approved by the committee before the slate is provided to the Board in advance of the November meeting.

Second Vice-President position:
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC

Virginia Board of Nursing
Nominating Committee Meeting
October 5, 2021

Prior to publishing the slate, all persons on the draft slate will be informed of the slate and any changes in board member interest will be communicated to Ms. Douglas.

ADJOURNMENT: The meeting adjourned at 8:41 A.M.

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

VIRGINIA BOARD OF NURSING

BY LAWS

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

Guidance Document: 90-57

BYLAWS
OF THE
VIRGINIA BOARD OF NURSING

Article I – Name.

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

Article II – Powers and Duties.

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

Article III - Mission Statement.

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

Article IV – Membership.

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

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

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

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

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

Article V – Nominations and Elections.

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

B. The Nominating Committee shall:

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

C. Election

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

D. Terms of office

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

Article VI – Duties of Officers.

A. The President shall:

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

B. The First Vice-President shall:

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

C. The Second Vice-President shall:

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

Article VII – Committees.

A. Executive Committee:

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

B. Standing Committees

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

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

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

D. Advisory Committees

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

E. Ad-Hoc Committees

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

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

Article VIII – Meetings.

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

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

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

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

Article IX – Quorum.

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

B. No member shall vote by proxy.

Article X – Parliamentary Authority.

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

Article XI – Amendment of Bylaws.

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

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

Article XII –Discipline.

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

Article XIII – Nurse Licensure Compact.

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

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

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**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
As of October 29, 2021**

Chapter		Action / Stage Information
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	<u>Unprofessional conduct - conversion therapy</u> [Action 5430] Final - At Secretary's Office for 129 days
[18 VAC 90 - 19]	Regulations Governing the Practice of Nursing	 <u>Repeal of provisions for registration of clinical nurse specialists</u> [Action 5789] Final - Register Date: 10/11/21 Effective: 11/10/21
[18 VAC 90 - 27]	Regulations Governing Nursing Education Programs	<u>Use of simulation</u> [Action 5402] Final - At Secretary's Office for 129 days
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	<u>Changes relating to clinical nurse specialists as nurse practitioners</u> [Action 5800] Fast-Track - At Secretary's Office for 9 days
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	<u>Unprofessional conduct/conversion therapy</u> [Action 5441] Final - At Secretary's Office for 97 days
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	 <u>Conforming to 2021 legislation</u> [Action 5799] Final - Register Date: 10/11/21 Effective: 11/10/21
[18 VAC 90 - 40]	Regulations for Prescriptive Authority for Nurse Practitioners	<u>Waiver for electronic prescribing</u> [Action 5413] Final - At Secretary's Office for 23 days
[18 VAC 90 - 70]	Regulations Governing the Practice of Licensed Certified Midwives	<u>New regulations for licensed certified midwives</u> [Action 5801] NOIRA - At Governor's Office for 69 days

**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	11/10/21
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	11/10/21
HB1817	Autonomous practice for CNMs with 1,000 hours	Nursing & Medicine	N – 7/20/21 M – 8/6/21	11/10/21

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
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	November 1, 2021

		(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.	
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

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**.