

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

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

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

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

MEMBERS PARTICIPATING

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

STAFF PARTICIPATING

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

OTHERS PARTICIPATING

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

Tammie Jones, Adjudication Consultant, Administrative Proceedings
Division (APD)
James Schliessmann, Assistant Attorney General
Mandy Wilson, Adjudication Specialist, APD

**PUBLIC PARTICIPATING
VIRTUALLY:**

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

ESTABLISHMENT OF A QUORUM:

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

Staff and others were identified.

ANNOUNCEMENTS:

Ms. Gerardo noted the announcements on the agenda.

Staff Update

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

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

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

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

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

CONSENT AGENDA:

The following item was removed from the consent agenda:

- Ms. Douglas removed C9 Executive Director Report for discussion
- Ms. Hershkowitz removed Healthcare Workforce Data Center (HWDC) Report: Virginia’s Nursing Education Programs: 2019-2019 Academic Year for discussion

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

Consent Agenda

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

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

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

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

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

E3 March 10, 2021 Education Informal Conference Committee minutes

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

Discussion of item removed from the Consent Agenda:

Healthcare Workforce Data Center (HWDC) Report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIALOGUE WITH
DHP DIRECTOR:

Dr. Brown reported the following:

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

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

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

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

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

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

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

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

PUBLIC COMMENT:

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

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

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

REGULATIONS:

F1 Status of Regulatory Actions

F2 Report of the 2021 General Assembly

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

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

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

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

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

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

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

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

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

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

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

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

DISPOSITION OF
MINUTES:

None

RECESS:

The Board recessed at 10:15 A.M.

RECONVENTION:

The Board reconvened at 10:25 A.M.

PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

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

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

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

REPORTS:

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

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

Mary Marshall Scholarship Update:

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

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

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

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

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

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

OTHER MATTERS:

Board Counsel Update:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EDUCATION:

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

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

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

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

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

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

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

Education Update:

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

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

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

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

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

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

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

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

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

RECESS:

The Board recessed at 11:23 A.M.

RECONVENTION:

The Board reconvened at 12:57 A.M.

PRESENTATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION:

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

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

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

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

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

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

RECONVENTION:

The Board reconvened in open session at 3:24 P.M.

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

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

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

CLOSED MEETING:

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

RECONVENTION:

The Board reconvened in open session at 4:00 P.M.

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

#1 Jessica Daniel Martin, RN

0001-258421

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

#2 – Jessica Nicole Eastburn, RMA

0031-003479

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

#3 – Vanessa Yvette Johnson, RMA

0031-012500

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

#4 – Rukya A. Said, LPN

0002-085426

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

#5 – Lyrae S. Tinsley, CNA

1401-112199

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

#6 – Tseng Ling Chang, CNA

1401-181817

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

#7 – Marla Renee Depriest-Hubbard, LPN

0002-074752

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

#8 – Joshua Edward Frye Worley, RN

0001-275125

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

#9 – Christopher John Chimera, LPN

0002-093249

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

#10 – Edythe Sawyer, RN

0001-063032

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

#11 – Melissa Renee Everett, RN

0001-186521

Mr. Monson moved to accept the recommended decision of the agency subordinate to reprimand Melissa Renee Everett and extend Ms. Everett's

period of probation for an additional six months subject to terms and conditions. The motion was properly seconded by Ms. Phelps. A roll call was taken with eight (8) votes were in favor of the motion. Ms. Hershkowitz, Mr. Jones, Ms. Shah, Ms. Smith and Ms. Swineford opposed the motion.

#12 – Elaine A. Redcay, RN

0001-273912

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

#13 – Kristen Ann Fatigate, RN

0001-282886

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

#14 – Georgienne Castle Neale, RN

0001-182862

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

#15 – Shyena Wesson, LPN

0002-073354

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

#15 – Karen Roberts Turpin, RN

0001-192308

Ms. Hershkowitz moved to accept the recommended decision of the agency subordinate to require Karen Roberts Turpin to undergo a psychiatric evaluation and a chemical dependency evaluation, each conducted by a

Board-approved specialist who holds an unrestricted license, and have a written report of the evaluation, including diagnosis, recommended course of therapy, prognosis, and any other recommendations sent to the Board, within 90 days of the entry of the Order . The motion was properly seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

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

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

CONSENT ORDER CONSIDERATION:

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

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

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

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

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

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Martha Blair Hatfield to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Hatfield's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was properly

seconded by Mr. Monson. A roll call was taken and the motion was carried unanimously.

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

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

POSSIBLE SUMMARY SUSPENSION CONSIDERATION:

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

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

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

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

MEETING DEBRIEF:

Discussion regarding the business meeting process:

The following were well received by Board Members:

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

The following needs improvement per Board Members:

- Facilitate discussion on continuing use of virtual meetings beyond the pandemic

- Document take back day
- Board Members should use raise hand feature better

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

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

ADJOURNMENT:

The Board adjourned at 5:05 P.M.

Marie Gerardo, MS, RN, ANP-BC
President