

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
BUSINESS MEETING MINUTES
October 16, 2019**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:05 A.M., October 16, 2019 in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Marie Gerardo, MS, RN, ANP-BC; Chair
Louise Hershkowitz, CRNA, MSHA
Ann Tucker Gleason, PhD
Kevin O'Connor, MD
Kenneth Walker, MD

MEMBERS ABSENT: Lori Conklin, MD

ADVISORY COMMITTEE

MEMBERS PRESENT: Kevin E. Brigle, RN, NP
Mark Coles, RN, BA, MSN, NP-C
Wendy Dotson, CNM, MSN
David Alan Ellington, MD
Sarah E. Hobgood, MD
Thokozeni Lipato, MD
Stuart F. Mackler, MD
Janet L. Setnor, CRNA

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Terri Clinger, DNP, RN, CPNP-PC; Deputy Executive Director for Advanced Practice; Board of Nursing
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Education; Board of Nursing
Stephanie Willinger; Deputy Executive Director for Licensing; Board of Nursing
Huong Vu, Executive Assistant; Board of Nursing

OTHERS PRESENT: Erin Barrett, Assistant Attorney General; Board Counsel
David E. Brown, DO; Department of Health Professions Director
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine

IN THE AUDIENCE: Ben Traynham, Hancock & Daniel
Jonathan Yost, Community Care Network of Virginia (CCNV)
Kassie Schroth, McGuireWoods Consulting LLC (MWC)
Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Annette Graham, Board of Nursing Staff

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine – Business Meeting
October 16, 2019

PUBLIC HEARING –
at 9:05 A.M.

To receive comments on Proposed Regulations relating to Autonomous Practice for Nurse Practitioners.

No public comments were received.

INTRODUCTIONS:

Committee members, Advisory Committee members and staff members introduced themselves.

ESTABLISHMENT OF A QUORUM:

Ms. Gerardo called the meeting to order and established that a quorum was present.

ANNOUNCEMENT:

Ms. Gerardo noted the announcement as presented in the Agenda: Terri Clinger, DNP, MSN, CPNP-PC, started the Deputy Executive Director for Advanced Practice position on June 25, 2019

Ms. Gerardo added that this will be Dr. O'Connor's last meeting. He is replaced by Dr. Nathaniel Ray Tuck, Jr., DC, who is the current President for the Board of Medicine. Ms. Gerardo thanked Dr. O'Connor for his service on the Committee.

REVIEW OF MINUTES:

The minutes of the February 13, 2019 Business Meeting and Formal Hearing and the April 10, 2019 Formal Hearing were reviewed. Dr. O'Connor moved to accept the minutes as presented. The motion was seconded and passed unanimously.

PUBLIC COMMENT:

No public comments were received.

DIALOGUE WITH
AGENCY DIRECTOR:

Dr. Brown reported the following:

- DHP has implemented more stringent security measures at the Perimeter Center:
 - All employees will be required to wear their state issued identification badge while in the building
 - Public visitors will receive temporary visitor badge and will be required to wear the badge while in the building
 - A metal detector, bag scan screening machine, and wand are on order and will be installed upon receipt
 - Panic buttons will be installed in hearing rooms
- DHP continues to implement a new and improved website to address the needs of applicants. The Board of Nursing was the first Board to implement the new website.

LEGISLATION/
REGULATIONS:

B1 Regulatory Update:

Ms. Yeatts reviewed the chart of regulatory actions as of October 3, 2019 provided in the Agenda.

B2 Adoption of Regulation for Waiver of Electronic Prescribing by Emergency Action – Nurse Practitioners

Ms. Yeatts reported that the legislation, HB2559, passed in 2018 and was amended this year to require electronic prescribing of an opioid by July 1, 2020. Ms. Yeatts added that the enactment clause on HB2559 requires adoption of regulations within 280 days so the Board must amend by an emergency action by the end of 2019. Ms. Yeatts noted that the Executive Committee adopted identical language for prescribers licensed by the Board of Medicine and the Board of Nursing adopted these amendments for nurse practitioners on September 17, 2019.

Ms. Hershkowitz moved to recommend adoption of proposed regulations to the Boards of Medicine and Nursing as presented and to issue a Notice of Intended Regulatory Action (NOIRA). The motion was seconded and passed unanimously.

B3 Regulatory Action – Prescriptive Authority

Ms. Yeatts stated that the comment period on this regulatory action ended September 20, 2019, and there were no public comments received. Ms. Yeatts added that the Board of Nursing will adopt the final at its November meeting.

Ms. Douglas noted that nurse practitioners with prescriptive authority licenses will receive one nurse practitioner license with the prescriptive authority designation on it. Ms. Douglas added that Ms. Willinger has started working with IT staff on this matter. Ms. Douglas stated that this will reduce the burden on the Board and practitioners.

Ms. Hershkowitz asked if nurse practitioners with prescriptive authority licenses have to do anything prior to this change. Ms. Douglas replied that no action is needed from current nurse practitioners with prescriptive authority licensure. Ms. Douglas added that staff plan to inform the Drug Enforcement Agency (DEA) of this change.

Ms. Hershkowitz moved to recommend the proposed amendments as final for adoption by the Boards of Nursing and Medicine.

NEW BUSINESS:

C1 Reconsideration of Guidance Document (GD) 90-53: Treatment by Women’s Health Nurse Practitioners of Male Clients for Sexually Transmitted Diseases

Ms. Yeatts stated that the Committee of the Joint Boards of Nursing and Medicine reviewed and reaffirmed GD 90-53 on February 13, 2019. The

GD was approved by the Board of Medicine, but has not been considered by the Board of Nursing due to subsequent questions raised by the Certified Nurse Midwives (CNM) in the Virginia Chapter of the Association of Certified Nurse Midwives as noted in the email dated March 6, 2019 provided in the Agenda.

Ms. Yeatts presented the revised GD with the addition of CNM for the Committee's consideration.

Dr. Hills reminded the Committee that the patient populations of the Women Health Nurse Practitioner (WHNP) and CNM are gender specific to women. Dr. Hills stated that the WHNP scope of practice includes providing care for male patients regarding STD status because the health of their female patients is directly affected by. Dr. Hills believe this GD originated at the request of the Virginia Department of Health (VDH) as VDH clinics offer Family Planning, Perinatal, and STD care throughout Virginia. Dr. Hills said that it would be appropriate for CNMs be included in this GD.

Dr. Ellington questioned the need for this GD as these competencies are included in the educational preparation and certification of WHNP and CNM scopes of practice.

Ms. Hershkowitz moved to recommend that the Boards repeal GD 90-53. The motion was seconded and carried with four votes in favor of the motion. Dr. Walker opposed the motion.

Board of Nursing Executive Director Report:

- **NCSBN APRN Roundtable on April 9, 2019** – Ms. Douglas said that topics discussed at the meeting included:
 - CNS demonstration project related to APRN Education
 - Global trends as social demographics are changing and an increasing number of providers needed
 - Update on Licensure, Accreditation Certification and Education (LACE)
 - Competency evaluations
- **NCSBN APRN Consensus Forum on April 10, 2019** – Ms. Douglas and Ms. Hershkowitz attended the Forum. There was much discussion but no changes were recommended. Ms. Douglas noted that the Model was put together in 2008 but not by the NCSBN.
- **NCSBN APRN Compact Update** – Ms. Douglas said that three states have passed legislation regarding the APRN Compact but have not implemented. She added that the NCSBN Board of Directors established a task force to review the APRN Compact due to conflicting state laws with compact language. Ms. Douglas

noted that the Delegates at the NCSBN Assembly did not vote on the changes recommended as more work is needed.

HB793 – Workforce Data Collection Planning Discussion:

Ms. Douglas said that HB793 requires DHP to submit a report the process by which nurse practitioners with autonomous practice licenses may be included in the online Practitioner Profile maintained by DHP by November 1, 2020 to the General Assembly .

Ms. Douglas added that HB793 also requires the Boards of Medicine and Nursing to report the number of NPs who have autonomous practice licenses accompanied by the geographic and specialty areas in which these NPs are practicing to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2020.

Ms. Douglas noted that Board of Nursing staff has started to collect this data in the autonomous licensure application profile.

Autonomous Practice Application Status:

Ms. Willinger reported that as of October 4, 2019, the Board received 621 applications and 556 licenses were issued. Ms. Willinger added that the geographic data indicates a state wide distribution with the majority in the category of family. Ms. Willinger noted that there have been no application denials to date.

Ms. Douglas stated that one applicant requested a hearing regarding her application and the Committee of the Joint Boards of Nursing and Medicine is scheduled to hear the case.

Review of Terms of Members of Advisory Committee:

Ms. Douglas reviewed the regulations of the Advisory Committee composition and noted that Dr. Hobgood and Ms. Dotson have completed their first term and are eligible for reappointment.

Ms. Dotson stated that she was previously reappointed for the second term after her first term ended. Ms. Douglas said that staff will check record for confirmation.

Dr. Walker moved to reappoint Dr. Hobgood on the Advisory Committee. The motion was seconded and carried unanimously.

C2 2020 Meeting Dates:

Ms. Gerardo stated that this is provided for information only.

