

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
BUSINESS MEETING
MINUTES
October 21, 2020**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:00 A.M., October 21, 2020 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
Karen Ransone, MD
Nathaniel Ray Tuck, Jr., DC
Kenneth Walker, MD

MEMBERS ABSENT: None

ADVISORY COMMITTEE

MEMBERS PRESENT: Kevin E. Brigle, RN, NP
Kathleen Bailey, RN, CNM, MA, MS
David Alan Ellington, MD
Sarah E. Hobgood, MD
Thokozeni Lipato, MD
Janet L. Setnor, CRNA

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

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel
Elaine Yeatts, Policy Analyst, Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine

IN THE AUDIENCE: Benjamin Traynham, Hancock, Daniel & Johnson

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

Ms. Gerardo welcomed Ms. Bailey as a new Advisory Committee Member to the Committee of the Joint Boards of Nursing and Medicine. Ms. Bailey shared her background information with the Committee.

ESTABLISHMENT OF A QUORUM:

Ms. Gerardo called the meeting to order and established that a quorum consisting of 6 members was present.

ANNOUNCEMENT:

Ms. Gerardo noted the announcement as presented in the Agenda:

- New Member of Advisory Committee to the Committee of the Joint Boards – Kathleen J. Bailey, RN, CNM, MA, MS.
- Robin Hills, RN, DNP, WHNP, transferred to the Deputy Executive Director for Advanced Practice position effective June 1, 2020 (**replacing Terri Clinger**).

REVIEW OF MINUTES:

The minutes of the February 12, 2020 Business Meeting, February 12, 2020 Informal Conferences, July 21, 2020 Agency Subordinate Recommendation Consideration and August 18, 2020 Telephone Conference Call were reviewed. Ms. Hershkowitz 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:

Ms. Gerardo noted that Drs. Brown and Allison-Bryan are not available to attend the meeting.

LEGISLATION/
REGULATIONS:

B1 Regulatory Update:

Ms. Yeatts reviewed the chart of Regulatory Actions provided in the agenda noting that Regulations for Prescriptive Authority for Nurse Practitioners (18VAC90-40) are now at the Secretary's Office for review.

B2 Legislation Passed by the 2020 General Assembly (GA) Report:

Ms. Yeatts reviewed the report of the Legislation passed by the 2020 General Assembly that was provided in the agenda.

Dr. Ellington asked for clarification of the phrase "*expediting the issuance of credentials*" stated in **HB967 (Military service members and veterans; expediting the issuance of credentials to spouses)**.

Ms. Yeatts said it means licensing credentials.

Dr. Ellington questioned whether the five-year range for screening for post-partum depression should be required as stated in **HB42 (Prenatal and postnatal depression, etc.; important of screening patients)**

Ms. Yeatts replied that full assessment of screening rather than specific is required.

Dr. Ellington asked how would the Board address a complaint?

Dr. Harp stated that since it is a disciplinary matter, the Board will look at the facts in the complaint and make a determination on a case-by-case basis.

Ms. Yeatts reminded the Committee that the Board of Medicine is mandated to send a communication annually.

Dr. Harp added that the annual communication is a reminder regarding predisposing factors and available screening instruments and tools to encourage providers to screen

Ms. Douglas noted that Boards receive a wide range of cases and information provided might not rise to the level of disciplinary action.

NEW BUSINESS:

Board of Nursing Executive Director Report:

- ❖ **C1 Committee of the Joint Boards Update** sent to Nurse Practitioners in July 2020 – Ms. Douglas highlighted the written report provided in the agenda noting:
 - ✓ Effective July 1, 2020, Certified Registered Nurse Anesthetists (CRNAs) have the authority to prescribe Schedule II through VI and they do not have to apply for nor will they receive a separate *Rx Authority* designation. Verification of a nurse practitioner license number that begins with 0024 combined with the CRNA specialty category indicates that the CRNA is eligible to apply for a DEA number.
 - ✓ Effective March 4, 2020, the NP Prescriptive Authority license (beginning with 0017) was eliminated. Nurse practitioners (categories other than CRNAs) now practice on a single license (beginning with 0024). These authority to prescribe designation is on the NP license viewable through License Lookup
- ❖ **E-Prescribing Waivers Update** – Ms. Douglas reported that the Board approved 233 waivers.
- ❖ **Autonomous Practice Update** – Ms. Douglas reported the Board issued 1,039 autonomous practice designations. Ms. Douglas added that only one application was referred to informal conference due to insufficient documentation to support the issuing of the license and was ultimately granted the designation.

C2 2021 Joint Boards Meeting Dates:

Ms. Douglas stated that the Committee will look at conducting some meetings virtually. Ms. Douglas asked Members to hold those dates in their calendar.

C3 American Association of Nurse Anesthetists (AANA) Scope of Nurse Anesthesia Practice – Incorporated by references into 18VAC90-30:

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

Incorporating Nurse Practitioners (NPs) into online practitioner profile (report is due November 1, 2020): :

Ms. Douglas stated that HB793 requires the Boards of Medicine and Nursing to establish a mechanism for NPs to create profiles into the online practitioner profile and report it by November 1, 2020. This report has been submitted.

HB793 also requires that the Boards of Medicine and Nursing report the number of NPs who have the autonomous practice designation accompanied by the geographic and specialty areas in which these NPs are practicing in 2021. Ms. Douglas added that this report is in process.

Ms. Hershkowitz asked if all categories of NPs will be included in the profile creation. Ms. Douglas said yes.

Report of the NCSBN virtual Annual Meeting on August 12, 2020:

Ms. Gerardo asked Ms. Hershkowitz to report.

Ms. Hershkowitz reported that both she and Ms. Gerardo served as delegates at the meeting and 2/3 of the NCSBN delegates voted to approve the revised Advanced Practice Registered Nurse (APRN) Compact as follows:

- Decrease the number of states required for the compact to be in effect from ten to seven
- 2,080 hours of practice (equivalent to one-year full-time practice) as a requirement for a multistate license
- Incorporate the requirement of criminal background check

Ms. Douglas noted that three states have indicated they are going to begin legislative activity to authorize membership this year.

Ms. Hershkowitz stated that Ms. Douglas was elected as President-Elect of NCSBN Board of Directors to serve from 2020-2022. However, Ms. Hershkowitz noted that due to the resignation of the former president, Ms. Douglas is now serving as the President for the next 4 years (2020-2024)

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

Dr. Lipato shared that more questions received from sickle cell patients on medical marijuana and the recertification requirement for patients and

prescribers every six months. Dr. Hobgood stated that geriatric patients are asking the same questions.

Mr. Brigle shared that concerns were being raised by VCU nursing ambulatory staff who are being required to move into areas where they don't have expertise/certification.

Ms. Setnor shared that CRNAs are now authorized to prescribe and are reimbursed from Anthem and for Medicaid. Ms. Setnor added that many CRNAs are without jobs due to a decrease in elective surgeries, but have seamlessly moved into intensivist roles and taught other nurses how to care for COVID patients with respiratory distress.

Dr. Ellington shared that he is no longer practicing but still active on the American Medical Association (AMA) Current Procedural Terminology (CPT) Code Workgroup. Dr. Ellington noted that the workgroup is currently working on Long Term Care and Emergency Room code revisions to reduce paperwork.

Dr. Hobgood shared that there is an increased need throughout the state for mental health practitioners.

Ms. Gerardo shared that the MCV COVID has included providing care remotely through telemedicine. In addition, patients are being discharged with Kindle Fire devices to monitor patients during the 2-week post-operative period. Plans are in the works to do so with COVID and renal transplant patients.

Ms. Yeatts responded to the concerns raised by Drs. Lipato and Hobgood stating that the board registration issued to the practitioner is valid for one year and must be renewed annually to remain valid.

Ms. Bailey shared that Certified Nurse Midwives (CNM) association is tracking legislative issues and facing challenges such as getting personal protective equipment (PPE) and devices (Rh factor/IUDs) that require a physician signature.

The Advisory Committee Members, Dr. Harp and Ms. Yeatts left the meeting at 10:02 A.M.

RECESS:

The Committee recessed at 10:02 A.M.

RECONVENTION:

The Committee reconvened at 10:17 A.M.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

Alison Christine Ahrens Maddox, LNP 0024-169397

Ms. Maddox did not appear.

Dr. Walker moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to suspend the license of Alison Christine Ahrens Maddox to practice as a nurse practitioner in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Maddox’s entry into a Contract with the Virginia Practitioners’ Monitoring Program (HPMP) and in compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Ms. Mitchell noted that §54.1-3007(5) and (6) of the Code of Virginia referencing in Findings of Fact and Conclusions of Law #2 and #4 needed to be removed.

CONSENT ORDER CONSIDERATION

Kimberly A. Whalen Josephson, LNP 0024-164919

Ms. Hershkowitz moved that Committee of the Joint Boards of Nursing and Medicine to accept the consent order to indefinitely suspend the right of Kimberly A. Whalen Josephson to renew her license to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 10:19 A.M.

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