

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
BUSINESS MEETING MINUTES
April 20, 2022**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:00 A.M., April 20, 2022 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; Board of Nursing - **Chair**
Laurie Buchwald, MSN, WHNP, FNP; Board of Nursing
Ann Tucker Gleason, PhD; Board of Nursing
David Archer, MD; Board of Medicine
Blanton Marchese; Board of Medicine
Ryan Williams, MD; Board of Medicine

MEMBERS ABSENT: None

ADVISORY COMMITTEE

MEMBERS PRESENT: Kevin E. Brigle, RN, NP
Sarah Hobgood, MD
Stuart Mackler, MD
Komkwuan P. Parachabutr, DNP, FNP-BC, WHNP-BC, CNM
Jean Snyder, DNaP, CRNA

STAFF PRESENT: Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing
Claire Morris, RN, LNHA – **joined at 11:00 A.M.**
Huong Vu, Operations Manager; Board of Nursing

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel
David Brown, DO, DHP Director – **joined at 9:10 A.M.**
Erin Barrett, DHP Policy Analyst

IN THE AUDIENCE: Kassie Schroth, McGuireWoods Consulting
Ben Traynham, Hancock Daniel & Johnson
Kelsey Wilkinson, Medical Society of Virginia (MSV)
Becky Bowers-Lanier, Lobbyist for Virginia Association of Clinical Nurse Specialists (VACNS)
Karen Kelly, President Elect, Virginia Chapter of American College of Nurse Midwives
Lisa Armstrong, Adjudication Specialist, DHP Administrative Proceedings Division (APD)

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

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine – Business Meeting
April 20, 2022

ESTABLISHMENT OF A QUORUM:

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

ANNOUNCEMENT:

Ms. Gerardo noted the announcements as presented on the Agenda:

- **Olivia Mansilla, MD**'s nomination to the Advisory Committee of the Joint Boards of Nursing and Medicine was accepted on February 16, 2022 serving the first term ends through December 2026.
- **Jean Snyder, DNaP, CRNA**'s nomination to the Advisory Committee of the Joint Boards of Nursing and Medicine was accepted on February 16, 2022 serving the first term ends through December 2026.

Ms. Gerardo noted that Dr. Mansilla had other commitments so she is unable to attend this meeting.

Dr. Snyder shared her professional background and stated her appreciation for being selected to serve on the Advisory Committee.

Ms. Gerardo asked staff if there are any additional announcements. Dr. Hills stated that the Business meeting scheduled for June 15, 2022 has been cancelled but the Committee of the Joint Boards will conduct its disciplinary proceeding(s) and she will poll Committee of Joint Boards Members for their availability.

REVIEW OF MINUTES:

The minutes of the February 16, 2022 Business Meeting, February 16, 2022 Informal Conference, and the March 31, 2022 Regulatory Advisory Workgroup Meeting – Licensed Certified Midwife were reviewed. Dr. Archer moved to accept the minutes as presented. The motion was seconded by Dr. Williams and passed unanimously.

PUBLIC COMMENT:

No public comments were received.

LEGISLATION/
REGULATIONS:

B1 Chart of Regulatory Actions:

Ms. Barrett reviewed the Chart provided in the agenda noting that the new certified midwife profession proposed regulations will be considered by the Committee of the Joint Boards later on today.

B2 Report of the 2022 General Assembly (GA):

Ms. Barrett reviewed the 2022 GA report provided in the agenda noting that most of these bills have been passed and there is no action needed by the Committee.

Ms. Barrett clarified that the use of the pronoun “he” in the Code is required by the statute.

Dr. Brown joined the meeting at 9:10 A.M.

Ms. Barrett highlighted the following bills:

HB192 (prescription of opioids) – the Governor amended the law to sunset in 2027

HB1245 (Nurse practitioners; practice without a practice agreement, repeals sunset provision) – This bill did not get resolved during the regular session so it is slated to be considered again during the upcoming special session called by the Governor.

Dr. Brown added that the marijuana bill as passed in 2021 for adult recreational use of non-medical marijuana will require 2-3 years to become fully implemented; consequently, implementation of the bill may be modified due to the change in control of the House. Dr. Brown noted that medical program is planned for implementation in 2023.

DIALOGUE WITH
AGENCY DIRECTOR:

Dr. Brown reported the following:

- Dr. Allison-Bryan has retired from DHP.
- COVID update – numbers have settled down tremendously and as of April 19, 2022, masks are not required on flights.
- DHP – staff has returned to the building as of April 4 with the option of working remotely up to three days a week. It is anticipated that the new Administration will provide further guidance.
- New Security – feedback regarding the new security team for the building has been positive. The building is also moving toward stricter visitor security screening.
- Conference Center update – Although supply chain issues have slowed down obtaining audio equipment, installation of the new system is anticipated in late summer.

NEW BUSINESS:

C1 Licensed Certified Midwife DRAFT Regulations (4/14/2022 VERSION)

- Attachments:** 1) ACNM Standards for the Practice of Midwifery
2) Va. Code §§54.1-2957.04 and 54.1-2900 (Definitions)

Ms. Gerardo invited Ms. Barrett to proceed.

Ms. Barrett noted that the proposed draft regulations basically mirror the nurse practitioner regulations. A significant variation is that the section on Buprenorphine prescribing was omitted because LCMs are not included in

the list of providers who may obtain a SAMHSA waiver at the federal level.

Ms. Barrett reviewed each section of the proposed draft regulations and suggested additional amendments in order to be alignment with the statute:

18VAC90-70-70 (on page 4 of the draft regulations)

- Item 1 → deleting “*or certificate*”
- Item 1 → deleting “*and*”

18VAC90-70-100.B (on page 6 of the draft regulations)

Item c → deleting “*or certificate*”

Dr. Williams motioned to recommend the proposed draft regulations for licensed certified midwives as amended to the Board of Nursing and the Board of Medicine for adoption. The motion was seconded by Ms. Buchwald and carried unanimously.

RECESS:

The Committee recessed at 10:03 A.M.

RECONVENTION:

The Committee reconvened at 10:19 A.M.

NCSBN APRN Roundtable on April 12, 2022 (verbal report):

Dr. Hills stated that she attended the meeting virtually and reported 3 Takeaways from the meeting:

1. Results of a survey of 7,500 APRNs on the Impact of COVID-19 Pandemic on APRN Practice conducted by the Associate Dean for Clinical Scholarship at Vanderbilt University were presented.
 - All 50 states & all 4 APRN roles represented
 - APRN workforce took on an expanded leadership role and was deployed in unique ways during the pandemic
 - What was of particular interest was that institutional restrictions were reported by APRNs during the COVID crisis even in states where no practice agreement is required.
2. “The Great Resignation” or “The Great Awakening”, like the healthcare workforce in general, has had a significant nationwide impact on the APRN workforce
3. Strategies for addressing the lack of diversity in the APRN workforce were presented

Dr. Hills notes that the National Task Force (NTF) on Quality Nurse Practitioner Education has developed a new set of standards designed to ensure quality in graduate programs that prepare nurse practitioners. She added that she will forward the information to interested Committee Members. Ms. Buchwald said she would like the information.

APRN Compact Update (verbal report):

Dr. Hills provided background including that the APRN Compact was adopted by the NCSBN membership in August 2020

- 2021 Legislative Session
 - APRN Compact bills were introduced in Delaware and North Dakota
 - Both bills were enacted into law with nearly unanimous legislative support
- 2022 Legislative Session
 - APRN Compact bills were introduced and passed in Maryland and Utah
- Seven state legislative enactments needed for the compact to become effective

ENVIRONMENTAL SCAN – ADVISORY COMMITTEE MEMBERS

Ms. Gerardo asked for updates from the Advisory Committee Members.

Dr. Parachabutr thanked the Committee for moving quickly on the Licensed Certified Midwife regulations

Dr. Snyder reported that many Virginia CRNAs moved to NY and NJ to work during the pandemic due to fewer regulatory barriers to practice.

Mr. Brigle is awaiting the outcome of HB1245

C2 Nurse Practitioners – CY2021 Statistics:

Ms. Gerardo asked if anyone has any questions regarding the CY2021 statistics. No questions were raised.

Dr. Hills notes that as April 14, 2021, the total number of autonomous practice designations that have been issued is 2037.

Ms. Gerardo thanked Advisory Committee Members for their participation.

The Members of the Advisory Committee, Dr. Brown, Ms. Barrett and the public left the meeting at 10:31 A.M.

RECESS: The Committee recessed at 10:31 A.M.

RECONVENTION: The Committee reconvened at 11:00 A.M.

Ms. Morris joined the meeting at 11:00 A.M.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

Dr. Hills left the meeting at 11:01 AM

CLOSED MEETING: Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:01 A.M., for the purpose of consideration of the agency subordinate recommendations. Additionally, Dr. Gleason moved that Ms. Morris, Ms. Vu, and Ms. Mitchell, Board counsel, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded by Dr. Archer and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:28 A.M.

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

Dr. Hills rejoined the meeting at 11:28 A.M.

Amy Elizabeth Kubler, LNP **0024-175068**
Ms. Kubler did not appear but submitted a written response.

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand **Amy Elizabeth Kubler**. The motion was seconded by Dr. Williams and carried unanimously.

Ann Marie Smoot, LNP **0024-177208**
Ms. Smoot did not appear but submitted a written response.

Dr. Archer moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand **Ann Marie Smoot**, to require Ms. Smoot to provide written proof satisfactory to the Committee of the Joint Boards of successful completion of approved courses of at least five contact hours each in the subjects of 1) chronic pain management/prescribing of opioids, 2) ethical, legal and professional issues and 3) medical recordkeeping within 90 days from the date of entry of the Order, and to read and provide a written summary of Drug Laws for Practitioners, Regulations for Prescriptive Authority for Nurse Practitioners: Part VI Management of Chronic Pain

Virginia Board of Nursing
Committee of the Joint Boards of Nursing and Medicine – Business Meeting
April 20, 2022

(18VAC90-40-180 through -240), and Board of Nursing Guidance Document 90-56: Practice Agreement Requirements for Licensed Nurse Practitioners within 90 days from the date of entry of the Order. The motion was seconded by Ms. Buchwald and carried unanimously.

Amy Austin Dickenson, LNP

0024-172952

Ms. Dickenson did not appear.

Mr. Marchese moved that the Committee of the Joint Boards of Nursing and Medicine modify the recommended decision of the agency subordinate to reprimand **Amy Austin Dickenson** and to require Ms. Dickenson to enter into a Contract within 60 days from the date of entry of the Order with the Virginia Health Practitioners' Monitoring Program (HPMP) and remain in compliance with terms and conditions of the HPMP for the time specified by the HPMP. The motion was seconded by Dr. Williams and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 11:31 A.M.

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