

VIRGINIA BOARD OF NURSING
MINUTES
September 19, 2017

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:10 A.M. on September 19, 2017 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President
Laura Freeman Cei BS, LPN, CCRP
Alice Clark, Citizen Member
Margaret J. Friedenberg, Citizen Member
Michelle D. Hereford, MSHA, RN, FACHE
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
Rebecca Poston, PhD, RN, CPNP-PC
Dustin Ross, DNP, MBA, RN, NE-BC

BOARD MEMBERS ABSENT:

Marie Gerardo, MS, RN, ANP-BC; Secretary
Regina Gilliam, LPN
Trula Minton, MS, RN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Jodi P. Power, RN, JD; Senior Deputy Executive Director
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Stephanie Willinger; Deputy Executive Director
Linda Kleiner, RN, Discipline Case Manager
Paula B. Saxby, RN, PhD; Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
Lisa Hahn, Department of Health Professions Chief Deputy
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

IN THE AUDIENCE:

W. Scott Johnson, Medical Society of Virginia (MSV)

ESTABLISHMENT OF A QUORUM:

With 11 members present, a quorum was established.

ANNOUNCEMENTS:

Dr. Hahn welcomed four New Board Members to the Board, they are:

- Laura F. Cei, BS, LPN, CCRP
- Margaret Joan Friedenberg, Citizen Member

- Michelle D. Hereford, MSHA, RN, FACHE
- Ethlyn McQueen-Gibson, DNP, MSN, RN, BC

Dr. Hahn also welcomed Dr. Hills as new Deputy Executive Director for Advanced Practice to the Board. Dr. Hahn then asked Board Members and Staff to introduced themselves.

Dr. Hahn acknowledged that Ms. Douglas was honored as a recipient of the 15 Year Executive Officer Recognition Award and for three years of service to Executive Committee of the NLCA. Additionally, Ms. Douglas was elected as Vice Chair of the New NLC Commission.

UPCOMING MEETINGS: Ms. Douglas noted the upcoming meetings on the agenda and added that if anyone is interest in attending the 2017 NCSBN Leadership and Public Policy Conference to let her or Dr. Hahn know.

DIAGLOGUE WITH DHP DIRECTOR:

Lisa Hahn, DHP Chief Deputy, welcomed new Board Members and Staff. She then provided the following information on behalf of Dr. Brown:

- DHP has acquired new space on the first floor where the Copy Center, Reception, IT, and DHP Call Center staff will be located. DHP anticipated the move to be completed by Thanksgiving. Phase I will be the moving of 23 – 25 staff to the first floor. Phase II will be the moving of Board of Dentistry (BOD) staff to the Data area and reconfigure small Boards into BOD space. Phase III will be expanding Board of Nursing space. There are Customer Service and Copy/Mailroom Workgroups currently discussing the implications of the move.
- Continuance requests have impacted the Virginia Performs results through the Key Performance Measures (KPMs) of DHP. Beginning October 2017, once the continuance is granted, the clock will stop in the DHP case tracking system. This will ensure that Boards are not penalized for the variables that are outside of their control. Ms. Douglas explained further that KPMs are ways to measure disciplinary processes related to and patient care cases which are to be processed within 250 business days.
- DHP is developing Board training videos such Sanction Reference Points (SRPs) and probable cause (PC) review, which will be available on DHP website.
- From the 2017 Legislative session, two statewide workgroups were convened, Opioid Curriculum for healthcare providers and ePrescribing.
- DHP has added “File Complaint” icon to the DHP website as easy method to file complaints electronically. This was implemented September 1, 2017.

Lisa Hahn thanked Board Members for their service.

ORDERING OF AGENDA: Dr. Hahn asked staff to provide additions and/or modifications to the Agenda.

Ms. Douglas indicated the following items have been added and/or modified to the agenda for Board consideration:

- Guidance Document 90-6 (PICC Line Insertion and Removal) Committee July 18, 2017 Meeting Minutes and Proposed Amendments to GD 90-6 has been removed
- Special Conference Committee Composition has been added
- Education Informal Conference Committee September 13, 2017 Minutes and Recommendations has been added
- Education Special Conference Committee 2018 dates has been added
- Five additional Consent Orders have been added
- Board Development Workshop REVISED Agenda and Materials have been added

Ms. Power added the following:

- On Wednesday, September 20, Panel A – written response has been received from Monika Betty Lane, RN (# 17) and Erika Nicole Lam, RMA (#45) has been added for consideration of the Agency Subordinate recommendations. The Formal Hearings of Tangela Davis has been continued. Ryan Hypes, CNA has signed Consent Order (CO), if the Board accepts his CO, then his Formal Hearing scheduled for 2 pm will be cancelled.
- On Wednesday, September 20, Panel B – written response has been received from Ethel Elayne Beatty Shipp, CNA (#28) for consideration of the Agency Subordinate recommendations. Dr. Poston is removed and Ms. Friedenbergl is scheduled to leave at 4 pm.
- Shiane Overstreet, CNA has signed Consent Order (CO), if the Board accepts his CO, then his Formal Hearing scheduled for 9 am on Thursday, September 21, will be cancelled.

CONSENT AGENDA: The Board did not remove any items from the consent agenda.

Mr. Monson moved to accept the consent agenda as presented. The motion was seconded and carried unanimously.

Minutes:

July 17, 2017 Panel – Dr. Hahn
July 18, 2017 Quorum – Dr. Hahn
July 19, 2017 Panel – Dr. Hahn
July 19, 2017 Panel – Ms. Hershkowitz
July 20, 2017 Panel – Ms. Hershkowitz

Reports:

Agency Subordinate Tracking Log
Finance Report as of June 30, 2017
Board of Nursing Monthly Tracking Log
Health Practitioners Monitoring Program Reports

REPORTS:

Executive Director Report:

Ms. Douglas noted that Board staff attended various meetings and highlighted the following from her written report:

- Meeting with Virginia Hospital and Health Care Association (VHHA) regarding processing of nursing licensure applications – the first meeting was on March 28, 2017. The second meeting was on September 14, 2017, 12 Chief Nursing Officers (CNO) attended as well as VHHA Leadership who acknowledged improvement in application processing time.
- Ms. Douglas will be presenting the Enhanced Nurse Licensure Compact (eNLC) and NURSYS information at Virginia Organization of Nurse Executives & Leaders (VONEL) on November 17, 2017.

Nurse Licensure Compact (NLC) Commission August 15, 2017 Meeting Report

Ms. Douglas stated that it was an interesting meeting where the old/current NLC meeting was convened in the morning and the new eNLC Commission meeting was convened in the afternoon with 120 people attending. She noted that most states will be in new Compact and there was discussion what to do with states that are not in the new Compact. She added that the new Compact went into effect on July 20, 2017 and is scheduled to be implemented on January 19, 2018. She said that more information will be provided at the Board Development Workshop this afternoon.

NCSBN August 16-18, 2017 Annual Meeting Report:

Dr. Ross reported the following:

- It was great and organized conference.
- Canada and its provinces are expanding their relationship with NCSBN.
- Nursing Simulation was also a topic discussed - a pre-licensure nursing education program may use simulation as a substitute for traditional clinical experiences, not to exceed 50% of its clinical hours.
- Lecture about Mercy's Virtual Nursing which is basically a tele call center that coordinates healthcare providers.
- Dr. John Edward Hasse gave a very informative lecture about the dynamics of partnerships using celebrity musicians.

Mr. Monson reported the following:

- It was very well organized conference.
- Presentations were very interesting but more focused on nursing practice versus regulation.

Mr. Monson thanked the Board for the opportunity to attend the meeting.

Ms. Douglas reported the following:

- Bylaw discussion referencing allowing Canada with full membership since they have been using NCLEX since 2010. For those who don't use NCLEX exam, they can have associate membership.
- Some States don't want global approach/involvement
- NURSYS facilitates communication between states regarding licensees. NURSYS is a coordinated Licensure and Discipline data base. States not participating in NURSYS are being encouraged to join.
- Mary Wakefield, PhD, RN, Former Acting Deputy Secretary, US Department of Health and Human Services (HHS) provided an informative presentation regarding when to engage external partners in the regulatory process, noting that the Board may want to consider the following when convening Committees or Workgroups:
 - Who has the stake in the process?
 - Who has the stake in the work because of their expertise?
 - What is the value added?
 - What do the stakeholders hope to gain?

PUBLIC HEARING:

To receive comments on Proposed Amendment to the Name Tag Requirement, 18VAC90-19-50, and Proposed Accreditation of RN Educational Programs, 18VAC90-27-10.

The Board received no comment.

Dr. Hahn stated that written comments should be submitted Ms. Yeatts and the public comment period will end on September 22, 2017.

REPORTS (Cont.):

Guidance Document (GD) 90-57, Bylaws, Committee July 18, 2017

Meeting minutes:

Ms. Hershkowitz reviewed the minutes and reported that the Committee will meet again tomorrow, Wednesday, September 20, 2017. She asked Board members to make aware of any comments in areas identified in the minutes.

Board of Health Professions (BHP) August 31, 2017 Meeting report:

In the absence of Ms. Minton, Ms. Yeatts reported that BHP is an advisory Board to the Department and it conducts studies on the need for regulation of professions. She reviewed the following actions taken by BHP at its August 31 meeting:

- The Board declined a request for a study of the value of licensing Naturopathic Doctors (NDs) from the Alliance of Natural Health.

- The Board agreed to study the need for regulations of the practice of art therapy from the Virginia Art Therapy Association.
- The Board accepted the recommendation of the Regulatory Research Committee to not license Certified Anesthesiology Assistants (CAAs).

CORE Committee May 16, 2017 Meeting Minutes:

Dr. Poston noted that the CORE Discipline Report will be presented at the Board November 2017 meeting.

Mr. Monson moved to accept the CORE Committee May 16, 2017 minutes. The motion was seconded and carried unanimously.

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell stated that the Board has no appeals pending and reviewed the following:

- Mandatory Suspension, §54.1-2409, is an action of the DHP Director under certain circumstances outlined in the law. Ms. Douglas added that the Board has not taken action against the licensee yet.
- Summary Suspension, §54.1-2408.1, is an action of the Board. Ms. Douglas added that this action can be conducted through telephone conference call if the Board is not able to convene in person.
- Members of the Board are here to serve the Commonwealth and to protect the public so be mindful of maintaining neutrality and appearances at all time.

Ms. Douglas stated that the Board speaks through its minutes and Orders. She reminded Board members not to engage with the public about items on the agenda that the Board will discuss at its meeting. Ms. Douglas encouraged Board Members to refer the matters to Board staff.

American Nurses Credentialing Center (ANCC) and CGFNS International, Inc. Announcement Exclusive Strategic Partnership for international Credentialing

Dr. Hahn stated that this is provided for information only.

RECESS: The Board recessed at 10:20 AM

RECONVENTION: The Board reconvened at 10:35 AM

EDUCATION: **Education Special Conference Committee August 31, 2017 Recommendations:**

Ms. Phelps chaired the meeting.

Representatives from South University BSN Program at Virginia Beach accompanied by Anthony Troy, legal counsel, appeared and addressed the

recommendations of the Education Special Conference Committee to the Board.

Dr. Hahn, Ms. Hershkowitz, Dr. Saxby, Ms. Ridout, and Ms. Power left the meeting at 10:45 A.M.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:45 A.M. for the purpose of deliberation to consider the recommendations of the Education Special Conference Committee regarding South University BSN Program at Virginia Beach. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Ms. Willinger, Ms. Kleiner, Ms. Tiller, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:00 A.M.

Mr. Monson 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.

Dr. Ross moved to accept the August 31, 2017 recommended Order of the Education Special Conference Committee to continue South University BSN Program at Virginia Beach on initial approval with terms and conditions. The motion was seconded and passed unanimously.

Dr. Hahn, Ms. Hershkowitz, Dr. Saxby, Ms. Ridout, and Ms. Power re-joined the meeting at 11:00 A.M.

Dr. Hahn resumed as Chair.

OTHER MATTERS

Cont.:

Special Conference Committee (SCC) Composition

Ms. Douglas stated that the SCCs meet on the even months for informal conferences. Dr. Hahn noted that the handout SCC Composition will be effective for December 2017.

Ms. Krohn noted that volunteers are needed for four dates in October 2017 and a handout will be passed out for Board members' consideration.

Ms. Douglas said that Ms. Krohn will e-mail each SCC with dates for the first half of 2018 for consideration. She added that Ms. Vu will be polling Board

members for availability of telephone conference call for possible summary suspension on October 3, 4, or 10, 2017.

Simulation Guidance Document 90-24 (The Use of Simulation in Nursing Education in Lieu of Direct Client Care) Committee Report

Dr. Hahn stated that the guidance document (GD) was updated with input from stakeholders to make it relevant and current. Dr. Saxby added that the GD includes comprehensive review from stakeholders and is presented for Board consideration.

Ms. Hershkowitz noted that *Virtual Computer Based Simulation* in defined terms are not referenced in the GD. Dr. Saxby said that it is a recognized technology in simulation education.

Ms. Hershkowitz moved to accept the revision of GD 90-24 as presented. The motion was seconded and carried unanimously.

EDUCATION (Cont.):

Education Special Conference Committee August 31, 2017 Minutes:

Mr. Monson moved to accept the Education Special Conference Committee August 31, 2017 minutes as presented. The motion was seconded and carried unanimously.

Education Informal Conference Committee September 13, 2017 Minutes and Recommendation:

Mr. Monson moved to accept the Education Special Conference Committee September 13, 2017 minutes as presented. The motion was seconded and carried unanimously.

Mr. Monson moved to initiate a Fast Track amendment to regulation 18VAC90-27-70 (D) to delete the word "*admission*" and substitute "*clinical experience involving direct patient care*"; and add a definition of "*full approval*" to the definition section 18VAC90-27-10 to read "*Compliance with regulations pertaining to nursing education programs can be verified.*" he motion was seconded and carried unanimously.

Dr. Hahn noted that staff will be asking Board members to serve on Education Special Conference Committee for 2018. She added that the 2018 dates are in the handout of the Agenda.

Education Staff Report:

Ms. Ridout stated that she has no additional information to report.

Mary Marshal Scholarship Fund:

Dr. Saxby reviewed the program funds for the Board and noted that the Board has a cap of \$65,000 per year to distribute.

LEGISLATION/
REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions, as provided in written handout, noting Emergency Regulations for Prescribing of Opioids went in effect as of September 18, 2017.

Massage Therapy Proposed Regulatory Action:

Ms. Yeatts stated following a Period Review of regulations by the Advisory Board on Massage Therapy, the Board adopted proposed regulations to amend Chapter 50, Regulations Governing the Licensure of Massage Therapists. She noted that a public hearing was conducted at the Board July 2017 meeting and one comment was received. She added that the final proposed amendments to 18VAC90-50-10 are presented for Board consideration and action.

Ms. Hershkowitz moved to adopt the final amendments to 18VAC90-50-10 as proposed. The motion was seconded and carried unanimously.

Ms. Yeatts and Lisa Hahn left the meeting at 11:42 A.M.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:42 A.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, Dr. Hills, Ms. Krohn, Ms. Willinger, Dr. Saxby, Ms. Ridout, Ms. Kleiner, Ms. Tiller, 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 seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:00 P.M.

Ms. Phelps 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.

Alexandria Denise Blackmon, RN 0001-240305

Mr. Monson moved to accept the consent order to reinstate the license of Alexandria Denise Blackmon to practice professional nursing in the Commonwealth of Virginia but to continue her license on indefinite suspension, said suspension applies to any multistate privilege. The suspension is stayed and shall remain stayed contingent upon Ms. Blackmon's continued compliance with all terms and conditions of the Virginia Health Practitioners'

Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

Melony J. Blake, RN 0001-206881

Mr. Monson moved to accept the consent to reinstate the license of Melony J. Blake to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

Daniel John Braia, Jr., RN 0001-195637

Ms. Hershkowitz moved to accept the consent order to reinstate the license of Daniel John Brai, Jr. to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

George Wilson Cobbler, III, RN 0001-239984

Mr. Monson moved to accept the consent order to indefinitely suspend the license of George Wilson Cobbler, III, to practice professional nursing in the Commonwealth of Virginia, said suspension applies to any multistate privilege. The suspension shall be stayed upon proof of Mr. Cobbler's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and he shall comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Amanda Michelle Deguel, RN 0001-256141

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Amanda Michelle Deguel, to practice professional nursing in the Commonwealth of Virginia, said suspension applies to any multistate privilege. The suspension shall be stayed upon proof of Ms. Deguel's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and he shall comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Ryan Hypes, CNA 1401-160101

Mr. Monson moved to accept the consent order to indefinitely suspend the certificate of Ryan Hypes to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Laurie Ann Jesz, RN 0001-161023

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Laurie Ann Jesz, to practice professional nursing in the Commonwealth of Virginia, said suspension applies to any multistate privilege. The suspension shall be stayed upon proof of Ms. Jesz's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP)

and he shall comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Shiane M. Overstreet, CNA 1401-183050

Mr. Monson moved to accept the consent order to indefinitely suspend the certificate of Shiane M. Overstreet to practice as a nurse aide in the Commonwealth of Virginia. The suspension shall be stayed upon proof of Ms. Overstreet's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and she shall comply with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 12:05 P.M.

RECONVENTION: The Board reconvened at 1:00 P.M. to consider an additional Consent Order.

PRESIDING: Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; Vice President
Laura Freeman Cei BS, LPN, CCRP
Alice Clark, Citizen Member
Margaret J. Friedenberg, Citizen Member
Michelle D. Hereford, MSHA, RN, FACHE
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Senior Deputy Executive Director
Linda Kleiner, RN, Discipline Case Manager
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:00 P.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, Ms. Kleiner, Ms. Tiller, 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 seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:20 P.M.

Ms. Phelps 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.

Tammy Street Hall, RN 0001-134391

Mr. Monson moved to accept the consent to reinstate the license of Tammy Street Hall to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

ADJOURNMENT: The Board adjourned at 1:22 P.M.

Joyce Hahn, PhD, RN, NEA-BC, FNAP
President