

Board of Nursing Agency Subordinate
Virtual Education Informal Conference Committee
Instructions for Accessing March 10, 2021 at 8:45 A.M.

- ❖ **Access:** Perimeter Center building access remains restricted to the public due to the COVID-19 pandemic. To observe this virtual meeting, use one of the options below. Participation capacity is limited and is on a first come, first serve basis due to the capacity of CISCO WebEx technology.
- ❖ Should the Committee enter into a closed session, public participants will be blocked from seeing or hearing the discussion. When the Committee re-enters into open session, public participation connections to see and hear the discussions will be restored.
- ❖ Please call from a location without background noise.
- ❖ Dial (804) 367-4515 to report an interruption during the broadcast.
- ❖ FOIA Council *Electronic Meetings Public Comment* form for submitting feedback on this electronic meeting may be accessed at <http://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm>.

JOIN BY AUDIO ONLY

+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free

JOIN THE INTERACTIVE MEETING

<https://covaconf.webex.com/covaconf/j.php?MTID=m4105b90b921187b508b4351712c27f1a>

Access code: 185 512 7435

Meeting password: 2PjryCum4c3

*Please note → Type your real name upon entering the meeting. **Do not enter the meeting using the default username.** It is imperative that the meeting organizer be able to determine who is attending.*

VIRGINIA BOARD OF NURSING
EDUCATION INFORMAL CONFERENCE COMMITTEE
Wednesday, March 10, 2021
Department of Health Professions - Henrico, Virginia
Virtual Meeting

COMMITTEE MEMBERS: Cynthia Swineford, RN, MSN, CNE, Chair
Louise Hershkowitz, CRNA, MSHA

STAFF: Jacquelyn Wilmoth, MSN, RN, Deputy Executive Director
Robin L. Hills, DNP, RN, Deputy Executive Director
Beth Yates, Nursing and Nurse Aide Education Coordinator

8:45 a.m. Public Comment

INFORMAL CONFERENCE SCHEDULE:

9:00 a.m. Piedmont Virginia Community College, Practical Nursing Program, Charlottesville, US28203800

10:30 a.m. Petersburg Public Schools, Practical Nursing Program, Petersburg, US28109400

DISCUSSION ITEMS:

2020 NCLEX Pass Rates
Verbal Updates

JOIN BY AUDIO ONLY

+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free

JOIN THE INTERACTIVE MEETING

<https://covaconf.webex.com/covaconf/j.php?MTID=m4105b90b921187b508b4351712c27fla>

Access code: 185 512 7435

Meeting password: 2PjryCum4c3

*Please note → Type your real name upon entering the meeting. **Do not enter the meeting using the default username.** It is imperative that the meeting organizer be able to determine who is attending.*

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

February 17, 2021

Louise M. Schwabenbauer, R.N., MSN, MEd
Associate Dean of Nursing Programs
Ms. Schwabenbauer
501 College Drive
Charlottesville, VA 22902

RE: Case Number 202451

Certified Article Number
9414 7266 9904 2169 4213 56
SENDER'S RECORD

Dear Ms. Schwabenbauer:

Attached is a Notice of Informal Conference and Statement of Allegations.

Information regarding the following may be found at www.dhp.virginia.gov/nursing/hearings.htm:

- Frequently Asked Questions about Disciplinary Proceedings;
- Instructions for Requesting Subpoenas;
- The text of the Administrative Process Act;
- The text of all statutes and regulations cited herein.

Due to ongoing concerns with COVID-19, the Informal Conference will be held virtually in accordance with Amendment 28 to HB29, which requires us to record the Informal Conference and post the audio recording on our website.

In order to participate in the virtual Informal Conference, you will be required to appear by video, via WebEx. The Cisco WebEx Meetings application can be downloaded on your computer or phone and is free of charge. You should not have to set up an account since you will join the meeting via the link below.

<https://covaconf.webex.com/covaconf/j.php?MTID=m4105b90b921187b508b4351712c27f1a>

Meeting Number (access code): 185 512 7435

Meeting Password: 2PjryCum4c3

The Board will also email you the link prior to the meeting.

Prior to the Informal Conference, please provide Beth Yates with the following:

- **Contact number to reach you on the day of the Informal Conference;**
- **Name of your attorney, if you have one;**
- **Name of witnesses who will provide information on your behalf during the conference, if any; and**
- **Your intent to attend the Informal Conference. Failure to attend may result in a decision based on the investigation only.**

Please review the tips below:

- **Participants in the Informal Conference must appear by video.**
- **Download and install the WebEx Meetings application on your mobile device, tablet, or laptop from the Apple or Google Play Stores. You do not need to create an account with WebEx, you may use the application to join the meeting. This process seems to work better if you click on the link directly from your email/calendar, which should open the application automatically.**
- **On the day of the Informal Conference, we will contact you when we are ready to start your Informal Conference as we may be running a little late from prior hearings. However, we cannot start earlier than your scheduled time. If we are running considerably behind schedule, we will contact you to keep you updated. Once you are notified that we are ready to begin, click the link provided to join the virtual meeting.**
- **Type your full name upon entering the virtual meeting. Do not enter the virtual meeting using the default username. It is imperative that the meeting organizer be able to determine who is attending.**
- **After the Informal Conference has ended, we will contact you by phone to answer any questions you may have.**
- **If you wish to appear, please let us know by contacting Beth Yates at 804-367-4473.**
- **If you have any connection issues during the proceeding, please contact Jacquelyn Wilmoth at 804-367-4527.**
- **In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. For information regarding closings or delays, call (804) 367-4400 or go to dhrm.virginia.gov.**

Ms. Schwabenbauer – NOTICE OF INFORMAL CONFERENCE


Case Number 202451

February 17, 2021

PAGE 3 OF 3

If you have any other questions regarding the Informal Conference, you may contact me at robin.hills@dhp.virginia.gov or 804-367-4634.

Sincerely,


for Robin L. Hills, DNP, RN, WHNP
Deputy Executive Director
Virginia Board of Nursing

cc: Grace Stewart, Adjudication Specialist, Administrative Proceedings Division
Julia Bennett, Deputy Director, Administrative Proceedings Division
Committee Members
Kimberly Martin, Senior Investigator, Division of Enforcement
Noelle L. Shaw-Bell, Counsel for Piedmont Virginia Community College Practical Nursing Education Program
Dr. Frank Friedman, President
Dr. John Donnelly, Vice President of Instruction & Student Services
Nicole Winkler, Dean, Health & Life Sciences
Dr. Sharon E. Morrissey, Vice Chancellor for Academic Services & Research, Virginia Community College System
Peter Blake, Director, State Council of Higher Education for Virginia

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: PIEDMONT VIRGINIA COMMUNITY COLLEGE
 PRACTICAL NURSING EDUCATION PROGRAM
 Program Code: US28203800
 Case Number: 202451**

**NOTICE OF INFORMAL CONFERENCE BEFORE THE EDUCATION SPECIAL
CONFERENCE COMMITTEE AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a VIRTUAL Informal Conference has been scheduled before the Education Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) regarding the approval of Piedmont Virginia Community College Practical Nursing Education Program (“PVCC-PN”) to operate a practical nursing education program in the Commonwealth of Virginia.

The Informal Conference will be conducted electronically, via the Cisco WebEx Meeting Platform pursuant to Executive Order 51 (2020) as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth of Virginia. Executive Order 51 has no current end date and may be rescinded by the Governor at any time. In the event that Executive Order 51 is rescinded prior to the date of your Informal Conference, the Informal Conference may be rescheduled to another date and time when an in person hearing may be held

TYPE OF PROCEEDING:	This is a virtual Informal Conference before the Education Special Conference Committee of the Board.
DATE AND TIME:	March 10, 2021 at 9:00 a.m.
PLACE:	VIRTUAL Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor – Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. After consideration of all information, the Committee is authorized by Virginia Code § 54.1-3007(5) and 18 VAC 90-27-230(B) of the Regulations for Nursing Education Programs to recommend that the Board take any of the following actions:

- Continue PVCC-PN on conditional approval subject to terms and conditions;
- Withdraw PVCC-PN's approval to operate a practical nursing education program;
- Restore PVCC-PN's full approval status to operate a practical nursing education program without restriction;
- Modify a prior Order.

Further, the Committee may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If PVCC-PN fails to appear at the informal conference, the Committee may proceed to hear this matter in its absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

PVCC-PN has the following rights:

- The right to the information on which the Committee will rely in making a decision;
- The right to be represented by counsel at this proceeding;
- The right to subpoena witnesses and/or documents;
- The right to present relevant evidence on its behalf.

INFORMAL CONFERENCE MATERIALS:

- The informal conference materials (documents) serve as the basis for the allegations against PVCC-PN. The Committee will consider these materials at the informal conference.
- **These materials have been sent to PVCC-PN via certified mail/UPS. You may be required to sign for these documents at the post office.**
- **Have this Notice and the documents available during the Informal Conference.**

FILING DEADLINES:

- The deadline for filing any materials you wish to have considered at the informal conference is **February 26, 2021. Please submit 8 copies. Documents may not be submitted by facsimile or email.**
- Submit all correspondence to Beth Yates at the Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.
- Include the case number in all correspondence.

REQUEST FOR A CONTINUANCE

- Deadline for requesting a continuance: **February 26, 2021**
- Must be made in writing to Robin Hills at robin.hills@dhp.virginia.gov
- Will be granted only for good cause shown

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Piedmont Virginia Community College Practical Nursing Education Program held conditional approval to operate a practical nursing education program in the Commonwealth of Virginia.
2. By Order entered October 16, 2019 ("Board's Order"), PVCC-PN was allowed to continue to operate on conditional approval subject to certain terms and conditions following four successive years of NCLEX passage rates for first-time test takers below 80%. The Board's Order required that PVCC-PN provide certain records and documentation at a survey visit, which would occur no later than December 31, 2019. Inspectors from the Department of Health Professions ("Inspectors") conducted their survey visit on November 14 and 15, 2019 ("Survey Visit"); at that time, PVCC-PN was unable to provide evidence of compliance with all nursing education program requirements or with the Board's Order, as set forth more fully below.
3. The Board's Order was not the first time PVCC-PN was placed on conditional approval status; the Board also entered an Order on May 26, 2016, allowing PVCC-PN to continue to operate on conditional approval after finding that the program had had two successive years of NCLEX passage rates for first-time test takers below 80%. Following that Order, on July 21, 2017, the Board entered another Order allowing PVCC-PN to continue to operate on conditional approval, after finding that the program had had three successive years of NCLEX passage rates for first-time test takers below 80%.
4. PVCC-PN violated 18 VAC 90-27-90(B)(1), 18 VAC 90-27-180(C)(3) and (4), and 18 VAC 90-27-100(A) and (C) of the Regulations for Nursing Education Programs ("Regulations") and Term Number 1(e) of the Board's Order, which required it to comply with all of the Board's regulations

for maintaining an approved practical nursing education program in Virginia, in that it could not provide documentation showing that all students who graduated in 2018 and 2019 successfully completed 400 hours of direct client care supervised by qualified faculty, as evidenced by the following:

a. In an interview with an investigator from the Department of Health Professions (“Investigator”) on March 26, 2020, a former program director admitted that even though she signed letters of attestation to indicate that students had completed 400 clinical hours, she never reviewed documentation of those hours. Further, on or about January 3, 2019, she attested that Individual A completed 400 clinical hours; however, Individual A was never enrolled in the program.

b. In an email to the Investigator, dated on or about May 18, 2020, the current PVCC-PN program director indicated that all students’ Clinical Evaluation Tools (“CET’s”) from the summer 2018 Practical Nurse Education (“PNE”) 187 course were lost when the website storing these documents was shut down; there were no backups or printed copies.

c. In an attachment to an email sent to the Investigator on or about April 26, 2020, a former interim program director wrote that during her tenure, from or about August 2017 to June 2018, she passively relied on the clinical instructors to report if a student had not met their clinical hours; she did not indicate that she personally reviewed students’ CET’s to ensure successful completion of the required number of clinical hours.

d. In a letter to the Board, dated January 21, 2020, the current program director attested that the following students completed 400 hours of clinical care; however, PVCC-PN’s records contradict that letter, as follows:

- i. PVCC-PN records show that Student B completed only 394 hours.
- ii. PVCC-PN records show that Student C completed only 394 hours.

- iii. PVCC-PN records regarding Student D contain conflicting information as to whether or not she completed 400 hours.
 - iv. PVCC-PN records show that student E completed only 397 hours.
 - v. PVCC-PN records show that Student F completed only 395 hours.
 - vi. PVCC-PN records show that Student G completed only 395 hours.
- e. In addition to the missing summer 2018 CET's, *supra*, PVCC-PN lost other student records from its 2018 and 2019 students, as follows:
- i. All 2018 students' clinical hours checklists;
 - ii. Several students' summer 2019 PNE 187 CET's, to include Student H, Student B, Student I, Student J, Student K, Student L, Student M, Student E, Student N, and Student G.
 - iii. Student O's fall 2018 PNE 188 CET;
 - iv. Student P's spring 2019 PNE 186 CET;
 - v. Student Q's fall 2018 PNE 188 CET;
 - vi. Student R's fall 2018 PNE 188 CET;
 - vii. Student S's spring 2018 PNE 186 CET;
 - vii. Student T's fall 2019 PNE 186 CET; and
 - ix. Student U's spring 2018 PNE 186 CET and her fall 2018 PNE 188 CET.
- f. During the Survey Visit, Inspectors learned that several facilities did not allow students to perform hands-on care; students' clinical experiences at these facilities were observational only. In meetings with current students, students reported to the Inspectors that about half of their clinical hours in the current term so far had been observational. Further, student CET records indicate that many students had observational clinical experiences that were counted as hours of hands-on clinical care.

g. During the Survey Visit, Inspectors could not determine whether or not students' site orientations were counted as hours of clinical care. Student CET records indicated that they were.

h. In Student K's records documenting her clinical care hours is a handwritten note on her summer 2019 schedule indicating that she completed 4 hours with a "case study." As Student K's PNE 187 CET is missing, *supra*, there is no documentation as to what hands-on clinical care the case study involved, if any. Further, the case study occurred on the same day that Student K completed a 12-hour clinical rotation.

i. In Student P's summer 2019 PNE 187 CET, she listed the following assignment: "PVCC/Take Home Events from the day: Case Studies for 4 hours with Gale." This entry contains no other description of what hands-on clinical care this involved, if any.

5. PVCC-PN violated 18 VAC 90-27-90(B)(1) of the Regulations and Term Number 1(e) of the Board's Order in that it could not provide documentation showing that all students who graduated in 2018 and 2019 were provided the opportunity to gain experience in clinical care of clients across the lifespan, as evidenced by the following:

a. During the Survey visit, Inspectors spoke to full-time faculty, who indicated that there were no newborn or labor and delivery clinicals for the program.

b. During the Survey Visit, Inspectors also spoke to students, who indicated that at one of their clinical sites, there often were not enough patients in OB and pediatrics, therefore, students had few to no clinical hours in these specialties.

c. PVCC-PN's records for Student I indicate that he did not complete clinical care hours in mental health/psychiatric nursing.

d. PVCC-PN's records for Student P indicate that she did not complete clinical care hours in mental health/psychiatric nursing, pediatrics, or maternal/infant nursing.

6. PVCC-PN violated Term Number 1(e) of the Board's Order and the following regulations in that, during the course of the Survey Visit, it failed to provide evidence of compliance with nursing education program requirements, as follows:
 - a. PVCC-PN violated 18 VAC 90-27-30(3)(a) of the Regulations in that it failed to provide evidence of its business license.
 - b. PVCC-PN violated 18 VAC 90-27-40(D) of the Regulations in that an interim director told an Inspector that she was informed upon acceptance of the interim position that she just "needed to maintain things as they were" until a full-time replacement was hired.
 - c. PVCC-PN violated 18 VAC 90-27-40(E) of the Regulations in that it failed to provide evidence of its organizational plan, to include lines of authority and communication to its controlling body, other departments within its controlling institution, cooperating agencies, and its advisory committee.
 - d. PVCC-PN violated 18 VAC 90-27-40(F) of the Regulations in that it failed to provide evidence of financial support and resources sufficient to meet its goals.
 - e. PVCC-PN violated 18 VAC 90-27-60(A)(3) of the Regulations in that it failed to provide evidence that all faculty members had maintained documentation of professional competence.
 - f. PVCC-PN violated 18 VAC 90-27-60(C)(6) of the Regulations in that, from approximately May 2018 to June 2019, it failed to regularly document actions taken in faculty and committee meetings using a systematic plan of evaluation for total program review.
 - g. PVCC-PN violated 18 VAC 90-27-70(A)(1) and 18 VAC 90-27-180(C)(2) of the Regulations in that it failed to provide documentation that all students possessed a GED or other high school equivalent certificate and that those records were kept in students' files.

h. PVCC-PN violated 18 VAC 90-27-90(B)(4)(b) of the Regulations in that it failed to provide evidence that conflict resolution was addressed in its curriculum.

i. PVCC-PN violated 18 VAC 90-27-110(B) of the Regulations in that it failed to provide evidence that faculty are involved in ensuring that students perform only skills or services in direct client care for which they are adequately prepared and approved to perform; students told Inspectors that their updated Skills Checklists were not provided to preceptors and other staff.


j. PVCC-PN violated 18 VAC 90-27-110(D) of the Regulations in that it failed to provide evidence that during on-site supervision of clinical care, faculty are responsible for the designation of preceptors for each student and that they communicate such assignment with preceptors, as evidenced by the following information students shared with Inspectors during the Survey Visit:


i. Students were told, "See the DON for assignment to a nurse" when they arrived at a facility for clinical, instead of being assigned a preceptor by faculty. Sometimes the DON was not there.

ii. Often, staff at the facility was unaware when students would be on-site for clinical hours. Further, students reported being denied entry to a facility at the beginning of the fall 2019 term because PVCC-PN had not sent the facility the required information.

k. PVCC-PN violated 18 VAC 90-27-180(C)(4) of the Regulations in that it failed to provide evidence that it maintains records of all student transcripts.

See Confidential Attachment for the names of the individuals and students referenced above.


Robin L. Hills, D.N.P., R.N., W.H.N.P.
Deputy Executive Director
Virginia Board of Nursing


Date



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

February 17, 2021

Phyllis Wyche, R.N.
Program Coordinator, Practical Nursing
Petersburg Public Schools
3101 Johnson Road
Petersburg, VA 23805



**RE: Petersburg Public Schools Practical Nursing Program
Case Number 209514**

Dear Ms. Wyche:

Attached is a Notice of Informal Conference and Statement of Allegations.
Information regarding the following may be found at www.dhp.virginia.gov/nursing/hearings.htm:

- Frequently Asked Questions about Disciplinary Proceedings;
- Instructions for Requesting Subpoenas;
- The text of the Administrative Process Act;
- The text of all statutes and regulations cited herein.

Due to ongoing concerns with COVID-19, the Informal Conference will be held virtually in accordance with Amendment 28 to HB29, which requires us to record the Informal Conference and post the audio recording on our website.

In order to participate in the virtual Informal Conference, **you will be required to appear by video**, via WebEx. The Cisco WebEx Meetings application can be downloaded on your computer or phone and is free of charge. You should not have to set up an account since you will join the meeting via the link below.

<https://covaconf.webex.com/covaconf/j.php?MTID=m4105b90b921187b508b4351712c27f1a>

Meeting Number (access code): 185 512 7435
Meeting Password: 2PjryCum4c3

The Board will also email you the link prior to the meeting.

Prior to the Informal Conference, please provide Beth Yates with the following:

- **Contact number to reach you on the day of the Informal Conference;**
- **Name of your attorney, if you have one;**
- **Name of witnesses who will provide information on your behalf during the conference, if any; and**
- **Your intent to attend the Informal Conference. Failure to attend may result in a decision based on the investigation only.**

Please review the tips below:

- **Participants in the Informal Conference must appear by video.**
- **Download and install the WebEx Meetings application on your mobile device, tablet, or laptop from the Apple or Google Play Stores. You do not need to create an account with WebEx, you may use the application to join the meeting. This process seems to work better if you click on the link directly from your email/calendar, which should open the application automatically.**
- **On the day of the Informal Conference, we will contact you when we are ready to start your Informal Conference as we may be running a little late from prior hearings. However, we cannot start earlier than your scheduled time. If we are running considerably behind schedule, we will contact you to keep you updated. Once you are notified that we are ready to begin, click the link provided to join the virtual meeting.**
- **Type your full name upon entering the virtual meeting. Do not enter the virtual meeting using the default username. It is imperative that the meeting organizer be able to determine who is attending.**
- **After the Informal Conference has ended, we will contact you by phone to answer any questions you may have.**
- **If you wish to appear, please let us know by contacting Beth Yates at 804-367-4473.**
- **If you have any connection issues during the proceeding, please contact Jacquelyn Wilmoth at 804-367-4527.**
- **In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. For information regarding closings or delays, call (804) 367-4400 or go to dhrm.virginia.gov.**

Petersburg Public Schools – NOTICE OF INFORMAL CONFERENCE


Case Number 209514

February 17, 2021

PAGE 3 OF 3

If you have any other questions regarding the informal conference, you may contact Jacquelyn Wilmoth at (804) 367-4527 or Jacquelyn.Wilmoth@dhp.virginia.gov.

Sincerely,


for Jacquelyn Wilmoth, MSN, RN
Deputy Executive Director
Virginia Board of Nursing

cc: Grace Stewart, Adjudication Specialist, Administrative Proceedings Division
Julia Bennett, Deputy Director, Administrative Proceedings Division
Committee Members
Jacquelyn Wilmoth, Nursing Education Program Manager
Marsha Dubbe, R.N., MSN, Nursing Education Program Inspector
Terrie Allsbrooks, CTE Director
Maria Pitre-Martin, Superintendent, Petersburg Public Schools
George Willcox, Director, Operations & Accountability, DOE

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: PETERSBURG PUBLIC SCHOOLS
PRACTICAL NURSING EDUCATION PROGRAM
Program Code: US28109400
Case Number: 209514**

**NOTICE OF INFORMAL CONFERENCE BEFORE THE EDUCATION SPECIAL
CONFERENCE COMMITTEE AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a VIRTUAL informal conference has been scheduled before the Education Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) regarding the approval of Petersburg Public Schools Practical Nursing Education Program (“PPS PN”) to operate a practical nursing education program in the Commonwealth of Virginia.

The Informal Conference will be conducted electronically, via the Cisco WebEx Meeting Platform pursuant to Executive Order 51 (2020) as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth of Virginia. Executive Order 51 has no current end date and may be rescinded by the Governor at any time. In the event that Executive Order 51 is rescinded prior to the date of your Informal Conference, the Informal Conference may be rescheduled to another date and time when an in person hearing may be held

TYPE OF PROCEEDING:	This is an informal conference before the Education Special Conference Committee of the Board.
DATE AND TIME:	March 10, 2021 at 10:30 am
PLACE:	VIRTUAL Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. After consideration of all information, the Committee is authorized by Virginia Code § 54.1-3007(5) and 18 VAC 90-27-230(B) of the Regulations for Nursing Education Programs to recommend that the Board take any of the following actions:
 - Continue PPS PN on conditional approval subject to terms and conditions;

- Withdraw PPS PN's approval to operate a practical nursing education program;
- Restore PPS PN's full approval status to operate a practical nursing education program without restrictions;

Further, the Committee may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If PPS PN fails to appear at the informal conference, the Committee may proceed to hear this matter in its absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

PPS PN has the following rights:

- The right to the information on which the Committee will rely in making a decision;
- The right to be represented by counsel at this proceeding;
- The right to subpoena witnesses and/or documents;
- The right to present relevant evidence on its behalf.

INFORMAL CONFERENCE MATERIALS:

- The informal conference materials (documents) serve as the basis for the allegations against PVCC-PN. The Committee will consider these materials at the informal conference.
- **These materials have been sent to PVCC-PN via certified mail/UPS. You may be required to sign for these documents at the post office.**
- **Have this Notice and the documents available during the Informal Conference.**

FILING DEADLINES:

- The deadline for filing any materials you wish to have considered at the informal conference is **February 26, 2021** . *Please submit 8 copies. Documents may not be submitted by facsimile or email.*
- Submit all correspondence to Beth Yates at the Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.
- Include the case number in all correspondence.

REQUEST FOR A CONTINUANCE

- Deadline for requesting a continuance: **February 26, 2021**
- Must be made in writing to Jacquelyn Wilmoth at [Jacquelyn.Wilmoth@dhp.virginia.gov
- Will be granted only for good cause shown

Petersburg Public Schools Practical Nursing Education Program – NOTICE OF INFORMAL CONFERENCE

Case Number 209514

February 17, 2021

Page 3 of 5

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. Petersburg Public Schools Practical Nursing Education Program (“PPS PN”) violated 18 VAC 90-27-100(D)(5)(c) and (e) of the Regulations for Nursing Education Programs (“Regulations”) in that it failed to maintain consistent documentation on the simulated components of its courses. Specifically:
 - a. PPS PN documented students’ total simulated hours for the spring 2020 semester, but failed to track the topics or specialties covered in those hours.
 - b. PPS PN’s stated curriculum, the Elsevier Evolve Resource documents, and documentation of students’ simulated hours completed in the spring 2020 semester show different amounts of simulated hours.
 - c. During the spring 2020 semester, PPS PN’s documentation indicates that its four graduating students completed materially different hours of clinical/simulation, ranging from 248 to 336 hours.
2. PPS PN violated 18 VAC 90-27-100(D)(2) of the Regulations in that one of its courses, PN 146, involves 42 hours of simulation, without any clinical hours.
3. PPS PN violated 18 VAC 90-27-210(A) of the Regulations in that its passage rate for first-time test takers on the NCLEX (“passage rate”) was less than 80% for three consecutive years. Its 2018 passage rate was 75%. Its 2019 passage rate was 50%. Its 2020 passage rate was 33.33%. On February 3, 2020, PPS PN was placed on conditional approval status after two consecutive years with a passage rate below 80%.
4. PPS PN violated 18 VAC 90-27-170(1) and 18 VAC 90-27-60 of the Regulations in that it failed to request timely Board approval for a faculty exception. Specifically, PPS PN hired Cynthia

Williamson, R.N., who does not hold a baccalaureate degree, on or about October 1, 2019, but did not submit its initial faculty exception request to the Board until on or about October 30, 2020. As a result of hiring Ms. Williamson, PPS PN no longer met the requirement that the majority of its nursing faculty hold a baccalaureate degree.



Jacquelyn Wilmoth
Deputy Executive Director
Virginia Board of Nursing



Date



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

MEMORANDUM

To: Education Informal Conference Committee

From: Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

Date: February 8, 2021

Subject: 2020 NCLEX Pass Rates

Practical Nursing Summary:

- There are fourteen (14) active practical nursing programs with NCLEX-PN pass rates less than 80% for one year.
- There is four (4) active practical nursing program with NCLEX-PN pass rates less than 80% for two years.
- There is one (1) active practical nursing program with NCLEX-PN pass rates less than 80% for three years.
- Virginia's NCLEX-PN pass rates continue to trend lower than the national average.

Registered Nursing Summary:

- There are nine (9) active registered nursing programs with NCLEX-RN pass rates less than 80% for one year.
- There is three (3) active registered nursing program with NCLEX-RN pass rates less than 80% for two years.

- There is one (1) active practical registered nursing program with NCLEX-RN pass rates less than 80% for four years.
- Virginia's NCLEX-RN pass rates continue to trend higher than the national average.

Nursing Programs one year of NCLEX
First-time test taker pass rates below 80% (2020)

Practical Nursing Programs:

Program Name	Program code	NCLEX Pass rate %
High School or Technical Center		
Chesterfield County Public Schools	US28104300	46.15% (6/13)
Fairfax County Public Schools	US28108600	75% (3/4)
Giles County Technical Center	US28100500	75% (6/8)
Page County Technical Center	US28102000	72.73% (8/11)
Prince William Public Schools	US28105900	78.57% (11/14)
Russell County Career and Technology Center	US28101600	69.23% (9/13)
Private/Proprietary Program		
Centra College	US28101100	76.92% (30/39)
Eastern Virginia Career College	US28102700	78.95% (15/19)
Fortis College-Norfolk	US28200500	54.55% (18/33)
Medical Solutions	US28110700	40% (2/5)
Community College		
Germanna	US28104000	78.57% (11/14)
New River	US28108000	68.42% (13/19)
Piedmont Virginia	US28203800	66.67% (12/18)
Virginia Highlands	US28110800	65% (13/20)

Registered Nursing Programs:

Program Name	Program Code	NCLEX Pass rate %	
Associate Degree			
Private/Proprietary Program			
Averett-Danville	US28501100	77.78% (7/9)	
Bryant & Stratton College – Hampton	US28409900	77% (21/27)	
Fortis College- Norfolk	US28409500	71.43% (21/28)	
Stratford – Falls Church	US28502100	51.92% (27/52)	
Community College			
J Sargent Reynolds	US28406300	67% (89/128)	
New River	US28406100	77.55% (38/49)	
Northern Virginia	US28407400	76.6% (72/94)	
Rappahannock	US28408800	76.3% (74/97)	
Virginia Western	US2846400	79.66% (47/59)	
Closed Programs			
Virginia Appalachian Tricollege	Closed May 31, 2020	US28406600	72.54% (140/93)
Norfolk State	Closed May 31, 2020	US28500100	0% (0/1)

Letters were sent to the program directors requesting the submission of a plan of correction as required in 18VAC90-27-210(B).

**Nursing Programs with two years of NCLEX
First-time test taker pass rates below 80% (2019 and 2020)**

Practical Nursing Programs:

Program Name	Program Code	NCLEX Pass Rate 2019	NCLEX Pass Rate 2020
High School or Technical Center			
Loudon County	US28104600	70% (7/10)	75% (3/4)
Private/Proprietary			
Fortis Richmond	US28202700	66.67 (6/9)	72.73 (8/11)
Community College			
Patrick Henry CC	US28200000	71.43 (15/21)	56.25% (9/16)
Dabney S Lancaster – Buena Vista	US28107600	78.95 (15/19)	78.57% (11/14)
Closed			
Chester Career College	Closed 8-31-2020	US28103000	75 (15/20)
Star College	Approval Withdrawn 09-2015	US28205500	0 (0/3)
National SON & Allied Health	Closed 06-30-2013	US28206500	12.2 (5/41)

Registered Nursing Programs:

Program Name	Program Code	NCLEX Pass Rate 2019	NCLEX Pass Rate 2020
Private/Proprietary			
Bryant & Stratton College – VA Beach	US28409700	68.2 (15/22)	71.42% (35/49)
Community College			
Patrick Henry CC	US28406900	71.11 (32/45)	76.09% (35/46)
Baccalaureate			
Stratford University-Woodbridge	US28502000	78.05 (32/41)	69.7% (46/66)
Closed			
Global Health	Closed 12-31-2018	US28102900	73.9 (17/23)

Pursuant to 18 VAC 90-27-210(B), the above programs will be:

1. Placed on conditional approval with terms and conditions;
2. Requested to submit an updated NCLEX plan of correction;
3. Scheduled for an NCLEX Focused Site Visit to include required documents; and
4. Required to submit the fees for a NCLEX site visit.

**Nursing Programs with three or more years of NCLEX
First-time test taker pass rates below 80% (2018, 2019, and 2020)**

Practical Nursing Program:

Program Name	Program Code	NCLEX Pass Rate 2018	NCLEX Pass Rate 2019	NCLEX Pass Rate 2020
High School				
Petersburg Public Schools	US28109400	75% (3/4)	50% (3/6)	33.33% (1/3)

Registered Nursing Program:

Program Name	Program Code	NCLEX Pass Rate 2017	NCLEX Pass Rate 2018	NCLEX Pass Rate 2019	NCLEX Pass Rate 2020
Proprietary					
Fortis College – Richmond (ADN)	US28408900	50% (1/2)	68.42% (13/19)	72.22% (13/18)	52.17% (12/23)

Pursuant to 18VAC90-27-210 (B), the board may withdraw program approval.

**Five year NCLEX Pass Rates
2016-2020**

NCLEX-PN Pass Rates for 2016-2020		
Year	Virginia	National
2020	79.68%	82.74%
2019	84.28%	85.63%
2018	84.15%	85.93%
2017	80.50%	83.84%
2016	78.76%	83.73%
*Source: NCSBN NCLEX Year End Report		

NCLEX-RN Pass Rates for 2016-2020 (All Types of RN Programs Combined)		
Year	Virginia	National
2020	87.01%	83.73%
2019	89.47%	83.51%
2018	91.37%	88.30%
2017	89.16%	87.11%
2016	86.87%	84.57%
*Source: NCSBN NCLEX Year End Report		

NCLEX-RN Pass Rates for 2016-2020 (by program type)									
Year	Diploma		National	Associates		National	Bachelors		National
2020	N/A		N/A	Tested	Passed	82.82%	Tested	Passed	90.28%
				2429	2025		2274	2069	
				83.37%	90.99%				
2019	N/A		N/A	Tested	Passed	85.17%	Tested	Passed	92.22%
				2358	2031		2295	2132	
				86.13%	92.9%				
2018	N/A		N/A	Tested	Passed	85.14%	Tested	Passed	91.56%
				2130	1911		2065	1923	
				89.72%	93.12%				
2017	Tested	Passed	90.23%	Tested	Passed	84.24%	Tested	Passed	90.04%
	21	18		1818	1575		2055	1879	
	85.71%			86.6%			91.4		
2016	Tested	Passed	85.39%	Tested	Passed	81.68%	Tested	Passed	87.8%
	51	45		1864	1592		1963	1732	
	88.24%			85.41%			88.23%		
Source: NCSBN NCLEX Year End Report									



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

MEMORANDUM

To: Education Informal Conference Committee

From: Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director

Date: February 24, 2021

Subject: 2020 NNAAP Pass Rates

2020 NNAAP Results			
	No testers in 2020	Skills <80%	Written <80%
High School Programs	43.9% (40/91)	28.5% (26/91)	5% (5/91)
Nursing Home Programs	19.5% (8/41)	53.6% (22/41)	5% (3/41)
Hospital Programs	20% (1/5)	40% (2/5)	N/A
Community College Programs	36.1% (17/47)	36.1% (17/47)	4% (2/47)
Other Programs	16.4% (13/79)	59.4% (47/79)	20.2% (16/79)
ALL Programs	22.4% (59/263)	43.3% (114/263)	9.8% (26/263)