

**VIRGINIA BOARD OF NURSING
MINUTES
September 16, 2014**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:02 A.M. on September 16, 2014 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jane R. Ingalls, RN, PhD; President

BOARD MEMBERS PRESENT:

Jane Ingalls, RN, RN, PhD; President
Joyce A. Hahn, PhD, APRN, NEA-BC; Vice-President
Trula Minton, MS, RN; Secretary
Guia Caliwagan, RN, MAN
Joana Garcia, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Evelyn Lindsay, LPN
Kelly McDonough, DNP, RN
Jennifer Phelps, LPN
William Traynham, LPN, CSAC

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell, RN, BSN, MBA; Deputy Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Paula B. Saxby, RN, PhD; Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Amy Davis, Executive Assistant

Board Staff Absent: Linda Kleiner, RN; Discipline Case Manager

OTHERS PRESENT: Erin Barrett, Assistant Attorney General
David Brown, D.C.; Director, Department of Health Professions
Dr. Lauren Goodloe, Virginia Nurses Association
James Pickral, Virginia Nurses Association Lobbyist
Nina Beaman, Virginia League for Nurses
Janet Wall, Virginia Nurses Association

ESTABLISHMENT OF A QUORUM:
With 12 members present, a quorum was established.

ANNOUNCEMENTS:

- Stephanie Keymont, Discipline Administrative Assistant left the Board of Nursing effective August 12, 2014 for employment in another state.

- New Board Member Appointments of Joana Garcia, Citizen Board Member replacing Karen Schultz; Marie Gerardo, RN Board Member replacing Allison Gregory; and Jennifer Phelps, LPN Board Member replacing John Horn. The Board will meet tonight at 5:30 to recognize board members for their service.
- Ms. Minton has been appointed to the Board of Health Professions

UPCOMING MEETINGS:

- NCSBN NCLEX Conference, September 29, 2014 in Charlotte NC. Ms. Ridout plans to attend.
- DHP New Board Member orientation is scheduled for October 10, 2014.
- The Conscious Sedation Committee meeting scheduled for October 6, 2014 will not take place that date, a new date is to be determined.
- The Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for October 8, 2014.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board did not remove any items from the consent agenda. Ms. Hershkowitz moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

July 14, 2014	Panel – Dr. Hahn
July 15, 2014	Quorum – Dr. Ingalls
July 16, 2014	Panel – Dr. Ingalls
July 17, 2014	Panel – Dr. Ingalls
August 18, 2014	Panel – Dr. Hahn
August 18, 2014	Telephone Conference Call – Dr. Ingalls

Reports:

Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics
Finance Report
Agency Subordinate Tracking Log

REPORTS:

Executive Director Report:

Ms. Douglas did not have additional information to add to the report; board members did not have questions regarding the report.

NCSBN Annual Meeting and Delegate Assembly:

Ms. Caliwagan attended the meeting as a voting delegate and expressed her appreciation for being able to represent the Board at the meeting. She added it was enlightening to learn first-hand how other states operate and their challenges. She stated conference speakers were very inspirational regarding the future of nursing. Ms. Ridout attended the meeting as an alternate delegate and appreciated the opportunity to attend and network with nursing educators from other states and that most states are facing similar challenges as Virginia. Ms. Ridout stated the speakers were informative and inspirational. Ms.

Douglas attended the meeting as a voting delegate and reported at least 50% of delegates were participating for the first time as a result of a high turnover employment rate with boards of nursing. Ms. Douglas agreed with the comments made by Ms. Caliwagan and Ms. Ridout regarding the conference.

NLC Meeting:

Ms. Douglas attended the NLC meeting held the day before the NCSBN Annual meeting. Ms. Douglas reported the Executive Committee voted to amend the NLC model rules and act. The Committee also decided not to move forward with presenting the APRN compact until the RN/LPN compact revisions have been made.

NCSBN National Simulation Study:

Ms. Ridout reviewed the information from NCSBN. Ms. Ridout stated this is the most comprehensive study to date regarding the use of simulation in nursing education. 10 states participated in the study, in which there was no significant difference in first time NCLEX test takers and entry level practice with up to 50% simulation used in pre-licensure nursing education.

HPMP Report:

Ms. Douglas reported on the information provided by Peggy Wood, which indicates the number of licensees of the Board of Nursing remains steady.

NLC Revision:

Ms. Douglas provided information from NCSBN regarding the revisions being considered for the NLC. Revisions are being considered in an effort to have more states join the NLC. Ms. Douglas reviewed the revisions, obtained input from the Board that will be provided to NCSBN later this week. Board counsel advised Board staff to clarify “case by case basis” regarding licensure of applicants with misdemeanor convictions.

RECESS: The Board recessed at 10:12 A.M.

RECONVENTION: The Board reconvened at 10:30 A.M.

PUBLIC HEARING: **Regulations Governing Provisional Licensure as a Registered Nurse.**
There was no one present to address the Board. Dr. Ingalls stated the deadline for submitting written comment is October 24, 2014.

DIALOGUE WITH AGENCY DIRECTOR:

Dr. Brown congratulated Ms. Holmes on her reappointment to the Board and congratulated Ms. Garcia, Ms. Gerardo and Ms. Phelps on their appointment to the Board. Dr. Brown stated he is supportive of Board members and staff attending professional conferences such as NCSBN and encourages attending when possible. Dr. Brown provided information on the CLEAR conference he recently attended where he learned from other agencies regarding compact issues. Dr. Brown plans to attend a meeting later today with the Joint Commission on Healthcare where he will present information related to criminal background checks. Dr. Brown also plans to attend a meeting that is working on providing veterans with licensure and certification based on their

experience and education received while serving. This program includes LPN's and other license types of other boards.

REPORTS:

Taxonomy of Error, Root Cause Analysis Project (TERCAP):

Ms. Mitchell reported that 81 data collection tools have been sent to NCSBN related to standard of care cases. Currently there are 42 reports in process. After 200 data collection tools have been submitted to NCSBN, an analysis of the data collection tools will be provided by NCSBN.

VCU/BON study:

Ms. Mitchell provided background information on the study being conducted to determine level of nursing education for registered nurses and type of disciplinary cases. 155 reports have been submitted at this time.

International Council of Nursing Global Nursing Leadership Institute:

Ms. Douglas attended the ICN GNLI September 6 – 12, 2014. Ms. Douglas expressed her appreciation of support to Dr. Reynolds-Cane, former DHP Director; Dr. Brown, DHP Director and Dr. Ingalls, Board of Nursing President and to Dr. William Hazel, Secretary of Health and Human Services. Ms. Douglas provided information to the Board regarding the process to be selected as a participant included a double blind application which resulted in 35 attendees representing 32 countries. NCSBN sponsored Ms. Douglas' attending the program. Ms. Douglas reported the program included workforce issues, media training, governance and management information in an action learning format. Operational information of the United Nations and World Health Organization was provided as well as tours of the United Nations and World Health Organization. Attendees included nurse leaders from practice, education and regulatory background. As Ms. Douglas had only recently attended the institute, a full report will be provided at the next Board meeting.

Dr. Brown left the meeting to attend another meeting.

POLICY FORUM:

Virginia's Nursing Education Programs 2012 – 2013 Academic Year:

Justin Crow, MPA, Deputy Director, DHP Healthcare Workforce Data Center was present and provided the Board with information from the report which includes a background on the Workforce Data Center, a review of data products, and a review of education programs.

LEGISLATION/REGULATIONS:

Status of Regulatory Actions:

Ms. Yeatts reviewed the information on the chart regarding regulatory actions and stated the only changes are the Regulations Governing the Licensure of Nurse Practitioners and Regulations for Prescriptive Authority for Nurse Practitioners have been approved by the Governor. Regulations will remain in effect until November 6, 2014.

Legislative Proposal – Criminal Background Checks:

The information provided by Ms. Yeatts did not require Board action and the information was being provided as background information on the DHP proposal that would require the Board of Nursing to conduct pre-licensure

criminal background checks for RN and LPN applicants. Ms. Yeatts reminded Board members that they had voted in support of this proposal in the past.

Response to Petition for Rulemaking:

Ms. Yeatts reviewed the information regarding a petition for rulemaking received requesting that the Board accept paramedic hours of clinical experience towards the requirement of 500-hour requirement for licensure as a registered nurse, similar to the 150 hours of credit allowed for persons licensed as a practical nurse. Only one public comment was received which opposed the petition for rulemaking. Dr. Hahn moved to deny the request for amendments to regulations based on the substantive differences in both practice and education. Though both nurses and paramedics provide quality health care, paramedic education is not equivalent to LPN clinical experience and should not be considered toward RN licensure requirements. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Minton, Ms. Caliwagan, Ms. Garcia, Ms. Gerardo, Ms. Hershkowitz, Ms. Holmes, Ms. Lindsay, Dr. McDonough and Ms. Phelps were in favor of the motion. Mr. Traynham opposed the motion.

Reconsideration of Fast-track Action:

Ms. Yeatts provided information regarding reconsideration of Fast-track action to adopt amendments to 18VAC90-30-10 et seq and 18VAC90-40-10 et seq as a proposed action to replace the emergency regulations currently in effect to change Epipen® to a general description of an auto-injectable epinephrine. The motion was seconded and carried unanimously.

Action on Guidance Document 90-12:

Ms. Yeatts provided information regarding Board of Nursing Guidance Document 90-12 which was adopted before continued competency requirements for registered medication aides, registered nurses or licensed practical nurses were effective. The amendment is needed to add those professions to the delegation of Confidential Consent Agreements to professional staff for continued competency violations. Dr. Hahn moved to adopt the revisions as presented. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 11:52 A.M.

RECONVENTION: The Board reconvened at 1:00 P.M.

OTHER MATTERS: **Board of Nursing Appeals Update:**

Ms. Barrett provided information on the pending Board of Nursing appeals.

VDH Request for Board of Nursing Approval for Influenza Guidance Document:

Ms. Douglas reviewed the request from the VDH regarding administration of influenza vaccine to minors. Dr. Hahn moved to approve the updated guidance document regarding protocol for administration of influenza vaccine to minors as presented to incorporate CDC updates for 2014-2015 season. The motion was seconded and carried unanimously.

Special Conference Committee Revisions:

Dr. Ingalls reviewed the changes in special conference committee composition as a result of Board member appointments. Committee members are to provide dates for informal conferences for the first half of 2015 and provide the dates to Board staff.

EDUCATION:

Education Special Conference Committee Minutes:

Dr. Ingalls reviewed the minutes of September 10, 2014. Ms. Holmes suggested an amendment to the action regarding Saint Michael College of Allied Health, ADN Program, in Alexandria to grant full approval based on the NCLEX score above 80% for the May 2014 graduating class. Ms. Minton moved to accept the minutes as amended. The motion was seconded and carried unanimously.

http://www.dhp.virginia.gov/nursing/minutes/2014/EducationIFC_final_09102014.doc

Education Issues:

Dr. Saxby provided information on the subcontractor administering the NNAAP exam. The current provider, NACES, is experiencing difficulty in processing exam applicants efficiently. In addition, the process of having exam results faxed to the test site evaluator the same day as the exam is creating negative behavior from some of the test takers when they are notified of not passing the exam. Dr. Saxby presented information to the Board that we have the option of not participating in the fax back exam results at no delay in successful exam takers being added to the nurse aide registry. Ms. Hershkowitz moved to cease the fax back result process for same day results for NNAAP candidates in Virginia. The motion was seconded and carried unanimously.

Mary Marshall Scholarship Fund:

Dr. Saxby provided information based on a prior request from the Board regarding the amount of funds allocated each year, specifically if over the current amount of \$65,000 would be an option. Dr. Saxby consulted with Finance staff which suggested not increasing the amount being dispersed.

NNAAP Results:

Dr. Saxby reviewed the results of the NNAAP results distributed.

Request for Accommodation for NCLEX-RN Exam:

Ms. Ridout reviewed the information regarding an accommodation for Jenny Pallanez to take the NCLEX-RN exam which is outside the requests normally approved by Board staff as the request is for double time over 2 days.

CLOSED MEETING:

Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:32 P.M., for the purpose of consideration of NCLEX accommodation regarding Ms. Pallanez. Additionally, Ms. Minton moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell, Ms. Tiller, Ms. Ridout, Dr. Saxby, Ms. Davis and Ms. Barrett 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 1:50 P.M.

Ms. Minton 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.

ACTION: Dr. McDonough moved to deny the request of Ms. Pallanez for double time over two days and to grant time and a half over 1 day for her to take the NCLEX-RN. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Minton, Ms. Gerardo, Ms. Hershkowitz, Ms. Holmes, Ms. Lindsay, Dr. McDonough, Ms. Phelps and Mr. Traynham were in favor of the motion. Ms. Garcia and Ms. Caliwagan opposed the motion.

RECESS: The Board recessed at 1:51 P.M.

RECONVENTION: The Board reconvened at 1:57 P.M.

CONSIDERATION OF CONSENT ORDERS AND RECOMMENDATIONS REGARDING APPLICANTS:

CLOSED MEETING: Ms. Minton moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:58 P.M. for the purpose of deliberation to consider consent orders and recommendations regarding applicants. Additionally, Ms. Minton moved that Ms. Douglas, Ms. Ms. G. Mitchell, Ms. Power, Ms. Tiller, Ms. Davis and Ms. C. 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 2:01 P.M.

Ms. Minton 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.

Brittany Smith – RMA Applicant

Mr. Traynham moved that the Board approve the recommended decision of the agency subordinate to deny the application of Brittany Smith for registration to practice as a medication aide. The motion was seconded and carried unanimously.

Josette Brown, CNA Reinstatement Applicant 1401-000506

Mr. Traynham moved that the Board approve the recommended decision of the agency subordinate to deny the application of Josette Brown for reinstatement of her certificate to practice as a nurse aide in Virginia. The motion was seconded and carried unanimously.

Tiara Wilkins, CNA Applicant

Mr. Traynham moved that the Board approve the recommended decision of the agency subordinate to deny the application of Tiara Wilkins for certification as a nurse aide by examination. The motion was seconded and carried unanimously.

Amy Gordon, LPN 0002-052366

Ms. Hershkowitz moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the practical nursing license of Amy Gordon. The motion was seconded and carried unanimously.

Dawn D. Wells, RN 0001-153747

Ms. Hershkowitz moved to accept the consent order to reprimand Dawn Wells and to accept the voluntary surrender for indefinite suspension of Ms. Wells' right to renew her license to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

Nancy A.W. Connor, RN 0001-136312

Ms. Hershkowitz moved to accept the consent order to reprimand Nancy Connor and to accept the voluntary surrender for indefinite suspension of Ms. Connor's license to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

Emily S. Bracy, CMT 0019-005476

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the certificate of Emily Bracy to practice as a massage therapist, but stay the suspension contingent upon proof of Ms. Bracy's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Sharon A. Bazemore, LPN 0002-031133

Ms. Hershkowitz moved to accept the consent order to reprimand Sharon Bazemore and to indefinitely suspend the license of Ms. Bazemore, but stay the suspension contingent upon proof of Ms. Bazemore's re-entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Cheryl Snow, LPN 0002-020947

Ms. Hershkowitz moved to accept the consent order to reprimand Cheryl Snow and to accept the voluntary surrender for indefinite suspension of Ms. Snow's license to practice practical nursing in Nursing. The motion was seconded and carried unanimously.

Andrita Williams, LPN 0002-081344

Ms. Hershkowitz moved to accept the consent order to reprimand Andrita Williams and to accept the voluntary surrender for indefinite suspension of Ms. Williams' license to practice practical nursing in Virginia. The motion was seconded and carried unanimously.

Victoria C. Cobb, RN 0001-221679

Ms. Hershkowitz moved to accept the consent order to reprimand Victoria Cobb and to accept the voluntary surrender for indefinite suspension of Ms. Cobb's license to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

David A. Cregger, RN 0001-204504

Ms. Hershkowitz moved to accept the consent order to reprimand David Cregger and to indefinitely suspend the right of Mr. Cregger to renew his professional nursing license. The motion was seconded and carried unanimously.

Diane Marie Grady Hake, RN 0001-173517

Ms. Hershkowitz moved to accept the consent order that the license of Diane Hake to practice professional nursing in Virginia is reinstated pursuant to the terms and conditions place on her as referenced in the Board's order of October 22, 2012. The motion was seconded and carried unanimously.

Neeka Deneen Barrow, RN 0001-223470

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the professional nursing license of Neeka Barrow, but stay the suspension contingent upon her continued compliance with the terms as referenced in the Board's order of August 5, 2013 and her recovery monitoring contract with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Tambi Smith, RN 0001-201184

Ms. Hershkowitz moved to accept the consent order to revoke the professional nursing license of Tambi Smith. The motion was seconded and carried unanimously.

Pamela Lester Toombs, RN 0001-095881

Ms. Hershkowitz moved to accept the consent order to reinstate the license of Pamela Toombs to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

Robert Lowry, Jr., RN 0001-120304

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Robert Lowry, but stay the suspension contingent upon proof of Mr. Lowry's entry into the Health Practitioners Monitoring Program and compliance with a recovery monitoring contract with the Health Practitioners Monitoring Program.

Kierra Maddox, CNA 1401-15604

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the nurse aide certificate of Kierra Maddox for a period of not less than one year

and to enter a finding of neglect based on a singular occurrence against Ms. Maddox into the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Tameka Denae Mitchell, RN 0001-233619

Ms. Hershkowitz moved to accept the consent order to reinstate the license of Tameka Mitchell to practice nursing in Virginia. The motion was seconded and carried unanimously.

Crystal Durrance, RN 0001-191052

Ms. Hershkowitz moved to accept the consent order to indefinitely suspend the license of Crystal Durrance to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

ADJOURNMENT: As there was no additional business, the meeting was adjourned at 2:05 P.M.

Trula Minton, MS, RN
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.