

**VIRGINIA BOARD OF NURSING
MINUTES
January 27, 2015**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on January 27, 2015 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, PhD; President
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; Vice-President
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
Mark D. Monson, Citizen Member
Jennifer Phelps, LPN, QMHPA
William Traynham, LPN, CSAC

BOARD MEMBERS ABSENT:

Guia Caliwagan, RN, MAN
Trula Minton, MS, RN; Secretary

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

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General, Board Counsel
Jaime Hoyle, Chief Deputy Director; Department of Health Professions
Elaine Yeatts, Policy Analyst; Department of Health Professions
Lori Finch, VCU School of Nursing Administration and Leadership Graduate Student

IN THE AUDIENCE: Lucy Smith, Fortis College, Richmond Campus

ESTABLISHMENT OF A QUORUM:

With 11 members present, a quorum was established.

ANNOUNCEMENTS:

- Introduction of Mark Monson, Citizen Member appointed to succeed Louise Hartz
- Lori Finch, VCU School of Nursing Administration and Leadership Graduate student will be working with the Board on Nursing Education Accreditation Committee
- Department of Health Professions Biennial Report is now available on the DHP website

UPCOMING MEETINGS:

- The February 11, 2015 Committee of the Joint Boards of Nursing and Medicine meeting has been cancelled due to a lack of business
- Nurse Licensure Compact Administrators Meeting and National Council of State Boards of Nursing Midyear Meeting is scheduled for March 15 – 18, 2015 in Louisville Kentucky. Board members that are interested in attending should let Dr. Ingalls or Ms. Douglas know today

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item from the consent agenda. Dr. Hahn moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

November 17, 2014 Panel – Dr. Hahn
November 18, 2014 Quorum – Dr. Ingalls
November 19, 2014 Panel – Dr. Hahn
November 20, 2014 Panel – Dr. Ingalls
December 10, 2014 Committee of the Joint Boards of Nursing and Medicine Business Meeting – Ms. Hershkowitz
December 10, 2014 Committee of the Joint Boards of Nursing and Medicine Formal Hearings – Dr. Reynolds
January 8, 2015 Telephone Conference Call – Dr. Ingalls

Reports:

Board of Nursing Monthly Tracking Log – Licensure & Disciplinary Statistics
Health Practitioners Monitoring Program Report
Agency Subordinate Tracking Log

Mr. Traynham moved to accept the minutes of November 19, 2014 as corrected. The motion was seconded and carried unanimously.

REPORTS:

Executive Director Annual Report:

Ms. Douglas reviewed items of interest from the written report for calendar year 2014 to include licensure information, discipline information, Board member appointments, meetings attended and staff activities.

Executive Director Report:

Ms. Douglas reported from the written report submitted information regarding:

- The audit of the Health Practitioners Monitoring Program by the Citizen Advocacy Center has begun.
- After extensive involvement with a media request from the Staunton News Leader, the articles have been printed. Ms. Douglas reported that although the Board voted to implement criminal background checks in 2008 and 2012, the Staunton News Leader takes credit for criminal background check legislation. The Board has not received any additional contact from the Staunton News Leader and no other related public inquires since the article was published. Dr. Ingalls expressed her appreciation of Board staff and DHP Communications office staff for their work on this.
- This General Assembly session is requiring heavy involvement from Board staff. Ms. Douglas and Ms. Power have been attending meetings regarding legislation relevant to the Board of Nursing.

LEGISTION/REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the pending regulatory action for the Board of Nursing as of January 21, 2015. Ms. Yeatts reported she does not anticipate any movement of items at the Governor's Office during the General Assembly.

Adoption of Final Regulations regarding Nurse Practitioners:

Ms. Yeatts reviewed the proposed amendments replacing the emergency regulations regarding nurse practitioners and for prescriptive authority for nurse practitioners. Ms. Hershkowitz moved that the Board adopt the proposed regulations as final regulations with no changes. The motion was seconded and carried. Mr. Monson abstained.

2015 General Assembly Report:

Ms. Yeatts reviewed items of interest from the written report to include HB 1390, HB 1395, HB 1435, HB 1458, HB 1476, HB 1583, HB 1647, HB 1660, HB 1695, HB 1802, HB 1841, HB 1963, HB 2063, HB 2358, SB 901, SB 928, SB 944, SB 1018, SB 1167, SB 1282 and SB 1398. Ms. Yeatts stated there are 13 Department of Health Professions bills in this session which is an unusually large number.

Dr. Ingalls and Ms. Douglas acknowledged the Board's appreciation of Ms. Yeatts' work during the legislative session. Ms. Douglas added that Dr. Brown has been utilizing DHP staff for content expertise and that his past experience has been very beneficial during this busy session.

RECESS: The Board recessed at 10:07 A.M.

RECONVENTION: The Board reconvened at 10:19 A.M.

BUDGET OVERVIEW AND NEW FISCAL REPORTS:

Charles Giles, DHP Budget Manager provided the Board with a copy of the new financial reports being generated by the new accounting system, Cardinal.

Finance staff will use the previous system, CARS and Cardinal until July 1, 2016 at which time Cardinal will be fully implemented as the only accounting system. Ms. Douglas added this process has resulted in a delay in travel expense reimbursement to Board members. Mr. Giles acknowledged this and stated the process is improving as staff becomes more proficient in using both systems at the same time.

Mr. Giles reviewed the current budget and provided information on how the budget is developed which involves DHP staff, Department of Planning and Budget, Governor's Office and the General Assembly. He added salaries are the largest portion of expenditures and VITA charges are a concern as increases can occur at any time.

Dr. Ingalls thanked Mr. Giles for providing the information to the Board and for his continued work with budget issues.

Ms. Hoyle and Dr. Saxby joined the meeting.

POLICY FORUM:

Health Practitioners Monitoring Program:

Janet Knisely, PhD, Administrative Director and Sherman Master, MD, Medical Director of the Health Practitioners Monitoring Program were present and provided information regarding the program. Topics addressed included intake, monitoring and case management.

Board members asked questions about informing participants about cost of monitoring, normal screening panels, return to practice and dismissal from and re-entry into the program.

RECESS:

The Board recessed at 12:05 P.M.

RECONVENTION:

The Board reconvened at 12:51 P.M.

REPORTS:

National Council of State Boards of Nursing (NCSBN) Taxonomy of Error Root Cause Analysis (TERCAP) Report:

Ms. Douglas reviewed the information provided by NCSBN. TERCAP is a national nursing adverse event reporting system developed by NCSBN as a tool to investigate the causes of nursing practice errors. Since 2008 25 State Boards of Nursing have contributed over 3,000 cases to TERCAP. NCSBN will provide a report specific to Virginia cases when additional cases are submitted.

2014 Non-Routine Applicant Report:

Ms. Power reviewed the written report which contained information on non-routine applications for licensure in 2014 with cause for denial self-reported by applicants. Out of 21,791 applications received in the Board of Nursing, 1,402 contained self reported cause for denial information. Ms. Power reported while the percentage of non-routine applications remained the same from 2013 at 6.4%, there was an increase from 31% to 38% for registered nurse applicants. Criminal convictions account for the vast majority of non-routine applications at 84%.

Of the 84% reporting criminal convictions, 49% were reported by registered nurses and licensed practical nurses; 37% by certified nurse aides; 9% by registered medication aides; and 6% by certified massage therapists. Additionally, 28.7% reported one conviction with 12% felonies and 88% misdemeanors. The most frequently reported conviction types are DUI, petit larceny and shoplifting, with drug/alcohol offenses being the most common offenses for registered nurses and certified massage therapists, while theft related offenses were most commonly reported by certified nurse aides, registered medication aides and licensed practical nurses.

Institute of Regulatory Excellence (IRE) Conference:

Ms. Krohn provided a verbal summary of the conference that she attended January 12 – 15, 2015. Ms. Krohn is near completion of the four-year fellowship program offered by National Council of State Boards of Nursing to increase professional development of nursing leaders. At the conference, Ms. Krohn presented her research project concerning “The Perception of Continued Competence” by surveying nurses in Virginia in an effort to provide the Board more information on standards of care and reinstatement cases and whether Board ordered continued competency helps determine competence. Materials from the conference were made available to Board members for review.

DIALOGUE WITH AGENCY DIRECTOR:

Ms. Hoyle provided the Board with information on the following topics:

- Criminal background check legislation is moving forward in the 2015 General Assembly.
- Citizen Advocacy Center staff are on-site to conduct the first phase of the Health Practitioners Monitoring Program audit. Initial interviews are being conducted now, case review is scheduled to take place in March 2015 with the report to the Board expected sometime during the summer of 2015.

OTHER MATTERS:

Board of Nursing Appeals Update:

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

Election of 2015 Board of Nursing Officers:

Dr. Ingalls provided an overview of the bylaws regarding election of officers and reported on the slate of officers presented by the Nominating Committee for 2015:

- President – Joyce Hahn, Trula Minton
- Vice President – Louise Hershkowitz, William Traynham
- Secretary – Jeanne Holmes

Dr. Ingalls asked for nominations from the floor for the office of President and none were received. Dr. Ingalls called for a vote for Dr. Hahn for the office of President and received eight votes. Dr. Ingalls called for a vote for Ms. Minton for the office of President and received two votes. Dr. Hahn was elected as President. Mr. Monson abstained from voting.

Dr. Ingalls asked for nominations from the floor for the office of Vice President and none were received. Dr. Ingalls called for a vote for Ms.

Hershkowitz for the office of Vice President and received four votes. Dr. Ingalls called for a vote for Mr. Traynham for the office of Vice President and received six votes. Mr. Traynham was elected as Vice President. Mr. Monson abstained from voting.

Dr. Ingalls asked for nominations from the floor for the office of Secretary and none were received. Mr. Traynham moved Ms. Holmes be elected as Secretary by acclamation. The motion was seconded and carried. Mr. Monson abstained from voting.

July 2015 Business meeting – Possible alternative as Board Development Day:

Ms. Douglas addressed the Board to consider the possibility of using the normal business meeting in July as a Board development and training day. If Board members are interested, please provide ideas for the agenda by March.

NCSBN Leader to Leader:

Ms. Douglas reviewed the publication from NCSBN and stated it will continue to be shared with Board members.

EDUCATION:

Education Special Conference Committee Minutes:

Dr. Ingalls reviewed the minutes of November 21, 2015. Mr. Traynham moved to accept the minutes as corrected. The motion was seconded and carried unanimously.

http://www.dhp.virginia.gov/nursing/minutes/2015/EducationIFC_final_01212015.doc

NNAAP Report:

Dr. Saxby reviewed the written report regarding NNAAP results which remain consistent. Training sessions are scheduled for April 2015 for nurse aide programs to assist nurse aide students to increase the NNAAP skills exam results.

Education Staff Report:

- Dr. Saxby informed the Board of the opportunity to attend a NCLEX exam process review April 13 – May 4, 2015. This provides staff and Board members an opportunity to experience the test taking process. If anyone is interested, please let Dr. Saxby know by February 11, 2015.
- Ms. Ridout reported the NCLEX pass rate for 2014 from NCSBN will be provided in March and that four practical nursing programs and 10 registered nursing programs will be in their second year of having an NCLEX pass rate of less than 80%. Ms. Ridout reported that historically a NCLEX survey visit after the second year and she wants to consider including items identified in research as impacting NCLEX pass rates in addition to the usual evaluation of law and regulation compliance.

Ms. Hoyle, Ms. Yeatts, Dr. Saxby and Ms. Ridout left the meeting.

CONSIDERATION OF RECOMMENDATIONS REGARDING APPLICANTS AND CONSENT ORDERS:

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 1:44 P.M. for the purpose of deliberation to consider recommendations regarding applicants and consent orders. Additionally, Ms. Holmes moved that Ms. Douglas, Ms. Mitchell-Lively, Ms. Krohn, Ms. Power, Ms. Kleiner, Ms. Tiller, Ms. Davis, Ms. Finch 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 2:18 P.M.

Ms. Holmes 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.

Arnecie R. Jones, CNA 1401-098563; RMA Applicant

Ms. Lindsay moved that the Board accept the recommended decision of the agency subordinate to deny the application of Arnecie Jones for registration by examination as a medication aide. The motion was seconded and carried unanimously.

Patrice Austin, CNA Applicant

Mr. Monson moved that the Board accept the recommended decision of the agency subordinate to approve the application of Patrice Austin for certification by endorsement as a nurse aide be approved and to issue Ms. Austin a reprimand. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Hershkowitz, Ms. Lindsay, Mr. Monson, Ms. Garcia, Ms. Holmes and Ms. Phelps were in favor of the motion. Dr. McDonough, Mr. Traynham and Ms. Gerardo opposed the motion.

Diana D. Dillard, RN 0001-082019

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nurse license of Diana Dillard. The motion was seconded and carried unanimously.

Reana House, LPN 0002-043635

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the practical nurse license of Reana House. The motion was seconded and carried unanimously.

Phyllis Crotzer, RN 0001-065237

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nurse license of Phyllis Crotzer. The motion was seconded and carried unanimously.

Joyce Ellis, RN 0001-089777

Ms. Hershkowitz moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nurse license of Joyce Ellis. The motion was seconded and carried unanimously.

Julie Elizabeth Leary Schnoor, RN 0001-221403

Mr. Monson moved to accept the consent order to reinstate the registered nurse license of Julie Schnoor. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Hershkowitz, Ms. Lindsay, Mr. Monson, Ms. Garcia, Ms. Holmes, Dr. McDonough, Ms. Gerardo and Ms. Phelps were in favor of the motion. Mr. Traynham opposed the motion.

Christine Helen Walsh Devoy, RN 0001-209233

Ms. Lindsay moved to accept the consent order to reinstate the registered nurse license of Christine Devoy. The motion was seconded and carried unanimously.

Erin Everitt, RN 0001-208301

Ms. Lindsay moved to accept the consent order to indefinitely suspend the registered nurse license of Erin Everitt, but stay the suspension upon proof of Ms. Everitt's re-entry into the Health Practitioners Monitoring Program and continued compliance thereafter and to reprimand Ms. Everitt. The motion was seconded and carried. Dr. Ingalls, Dr. Hahn, Ms. Hershkowitz, Ms. Lindsay, Mr. Traynham, Ms. Garcia, Ms. Holmes, Dr. McDonough, Ms. Gerardo and Ms. Phelps were in favor of the motion. Mr. Monson opposed the motion.

Erica Brown, LPN 0002-057894

Ms. Holmes moved to deny the consent order to indefinitely suspend the practical nurse license of Erica Brown, but stay the suspension contingent upon Ms. Brown remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried. Dr. Hahn, Ms. Hershkowitz, Mr. Traynham, Mr. Monson, Ms. Holmes, Dr. McDonough, and Ms. Phelps were in favor of the motion. Ms. Lindsay, Ms. Gerardo, Dr. Ingalls and Ms. Garcia opposed the motion.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 2:20 P.M.

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Vice President

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