

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
April 15, 2016**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:05 A.M., April 15, 2016 in Board Room 4, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

MEMBERS PRESENT: Louise Hershkowitz, CRNA, MSHA; Chair
Marie Gerardo, MS, RN, ANP-BC
Kelly S. McDonough, DNP, RN
Stuart Mackler, MD, FACS
Wayne Reynolds, DO

MEMBERS ABSENT: Lori D. Conklin, MD (excused)

ADVISORY COMMITTEE MEMBERS PRESENT:
Joseph F. Borzelleca, Jr., MD, MPH
Carola Bruflat, MSN, WHNP, FNP
Wendy Dotson, CNM, MSN
Mary Duggan, MS, ACNP-BC
Sarah E. Hobgood, MD
Tom Watters, RN, CRNA

STAFF PRESENT: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
David Brown, DC; Director; Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Amy Davis, Executive Assistant; Board of Nursing

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel

IN THE AUDIENCE: Tyler Cox, representing Medical Society of Virginia
Sara Heisler, Associate General Counsel, Virginia Hospital and Healthcare Association
Scott Johnson, General Counsel, Medical Society of Virginia
Kirsten Roberts, representing Medical Society of Virginia
Michele Satterlund, representing Virginia Association of Nurse Anesthetists

ESTABLISHMENT OF A QUORUM:
Ms. Hershkowitz called the meeting to order and established a quorum was present.

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

REVIEW OF MINUTES: The minutes of June 10, 2015 were reviewed. Dr. Mackler moved to accept the minutes as presented. The motion was seconded and carried unanimously.

PUBLIC COMMENT:

There was no one present that wished to address the Board.

NEW BUSINESS:

Advisory Committee Vacancies:

Ms. Douglas reported there are two physician positions vacant on the Advisory Committee, and nominations are needed.

Report of the National Council of State Boards of Nursing (NCSBN) Advanced Practice Registered Nurse (APRN) Roundtable:

Ms. Hershkowitz attended the NCSBN APRN meeting held on April 5, 2016 and reported on the topics covered at the meeting that included telehealth, compact legislation and trends and clinical education for APRN's. Ms. Hershkowitz added the meeting was very educational and she was grateful for the opportunity to attend.

General Assembly Update:

Ms. Yeatts reviewed the written information regarding the 2016 General Assembly Session. She reported on HB 319, HB 330, HB 580, HB 581, HB 586, HB 657, HB 825, HB 829, HB 1044, SB 212, SB 265, SB 287, SB 369, SB 463 and SB 513.

DEA Numbers Issued Without Prescriptive Authority in Virginia:

Ms. Douglas reported that Prescription Monitoring Program staff has discovered the DEA numbers have been issued to nurse practitioners without prescriptive authority in Virginia that is resulting in disciplinary cases. Ms. Douglas has met with a DEA representative in Virginia by conference call to discuss the matter of DEA numbers being issued to nurse practitioners in Virginia without prescriptive authority. A face-to-face meeting is to be scheduled. Ms. Douglas reported she is aware of this occurring in two other states. Increased education to new nurse practitioner graduates and certifying organizations may be needed to assist in preventing practitioners prescribing without appropriate authorization.

Dr. Reynolds raised the question as to whether the issuance of a separate prescriptive authority license was redundant. Staff will research other state practice and present information at the next meeting.

National Council of State Boards of Nursing (NCSBN) Advanced Practice Registered Nurse (APRN) Compact Update:

Ms. Douglas reported that two states, Idaho and Wyoming have passed legislation to enter into an APRN Compact. Current Virginia statutes regarding advanced practice nurses do not allow for Virginia to be eligible to enter such a compact if legislation was contemplated.

Action Related to Law Changes:

Ms. Yeatts and Ms. Douglas referenced the following action is needed in the future regarding HB 581. The Board will need to setup a process for receipt of notification by a nurse practitioner that there has been a sudden loss of collaborating physician. Regulations changes are needed regarding SB 463

Executive Director Report:

Ms. Douglas reported the enhanced Nurse Licensure Compact will be adopted by 16 states by the end of 2016 and includes some states that have not been a part of the Nurse Licensure Compact in the past.

Ms. Douglas provided information regarding a pilot program of DHP to standardize discipline documents such as notices and orders. The Board of Nursing is participating in the pilot. Other changes include if the agency subordinate recommendation is approved by the Board, an order will be developed from the recommendation, eliminating a step to create a new order document.

Ms. Douglas provided an update on the number of complaints regarding nurse practitioners stating there were 105 cases docketed in fiscal year 2014 resulting in 20 sanctions; 118 cases docketed in fiscal year 2015 resulting in 13 sanctions. Ms. Douglas suggested that a presentation on the Prescription Monitoring Program be added to the agenda for the next meeting.

NCSBN Midyear Meeting – Update on Regulating APRN Education Programs:

Ms. Douglas reported the National Council of State Boards of Nursing is conducting a study to review how nurse practitioner education programs are regulated. There was no recommendation from the Joint Board to regulate nurse practitioner education programs.

Dialogue with Agency Director:

Dr. Brown provided information from a national conference he recently attended regarding a focus on opiate prescribing. Dr. Brown stated the issue is nationwide, and that a number of items considered at the 2016 session of the General Assembly were regarding this issue.

RECESS: The Board recessed at 10:14 A.M. Dr. Brown, Ms. Yeatts and Advisory Committee members left the meeting.

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

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING: Dr. McDonough moved that the Committee of the Joint Board of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:30 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Gerardo moved that Ms. Douglas, Ms. Davis 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 10:34 A.M.

Ms. Gerardo moved that the Committee of the Joint Board of Nursing and Medicine certify that it heard, discussed or considered only public business

matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Julie Hall Megaro, RN 0001217867; LNP 0024168815; Authorization to Prescribe 0017139743

Ms. Megaro did not appear.

Dr. Mackler moved that the Committee of the Joint Board of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand Julie Megaro and to indefinitely suspend the registered nurse license, nurse practitioner license and authorization to prescribe of Ms. Megaro, but stay the suspension contingent upon her entry into and compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Suzanne E. Richardson, LNP 0024168612

Ms. Richardson did not appear.

Dr. Mackler moved that the Committee of the Joint Board of Nursing and Medicine accept the recommended decision of the agency subordinate to indefinitely suspend the nurse practitioner license of Suzanne Richardson until such time as she can provide the Committee of the Joint Boards of Nursing and Medicine with proof of completion of the required continuing education hours or that she hold a current professional certificate in the area of her specialty practice from a certifying agency. The motion was seconded and carried unanimously.

Maneika D. Shifflett, RN 0001137754; LNP 0024171646; Authorization to Prescribe 0017141576

Ms. Shifflett did not appear.

Dr. Mackler moved that the Committee of the Joint Board of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand Maneika Shifflett. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 10:34 a.m.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director