

**VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
June 8, 2016**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:02 A.M., June 8, 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
Stuart Mackler, MD, FACS
Rebecca Poston, PhD, RN, CPNP

MEMBERS ABSENT: Lori D. Conklin, MD
Wayne Reynolds, DO

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
William Harp, MD; Executive Director, Board of Medicine
Gloria D. Mitchell-Lively, RN, MSN, MBA; Deputy Executive Director, Board of Nursing
Stephanie Willinger, Deputy Executive Director, Board of Nursing
Amy Davis, Executive Assistant; Board of Nursing

OTHERS PRESENT: Charis Mitchell, Assistant Attorney General; Board Counsel
David Brown, DC; Director; Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Ralph Orr, Director, Virginia Prescription Monitoring Program

IN THE AUDIENCE: Lynn Poole, FNP-BC
Andy Inge, Enforcement, Department of Health Professions
Antoinette Waller, Enforcement Intern
Ashley Rivera, Board of Nursing Intern
Mary Saxman, representing Virginia Association of Nurse Anesthetists
Robert Powell, FNP-BC; Virginia Commonwealth University, Community Memorial Hospital

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 April 13, 2016 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: **Prescription Monitoring Program (PMP) Update:**

Mr. Orr provided an overview of the program mission to promote the appropriate use of controlled substances for medical purposes while deterring the misuse, abuse and diversion of controlled substances. The program collects prescription data for Schedule II – IV drugs into a central database which can be used by authorized user to assist in deterring the illegal use of prescription drugs. Mr. Orr reviewed the following:

- As of January 2016, all newly licensed practitioners are automatically registered for the PMP.
- Legislation passed by the 2016 General Assembly requires doctors and other prescribers to check the PMP database before writing an opioid prescription for longer than 14 days.
- Approximately 80,000 requests for PMP information are processed weekly

The Committee expressed their appreciation to Mr. Orr for providing the information at today's meeting.

Dialogue with Agency Director:

Dr. Brown reported on the agency wide training that was held May 24 – 25, 2016 indicating positive feedback from DHP employee surveys. Items of interest from the training included educational sessions on how to deal with difficult customers, how to detect fraudulent documents and the legislative process. Investigators from the Enforcement office were able to meet with Board staff to discuss ways to improve the preparation of disciplinary cases. Dr. Brown also noted improvements to the DHP website are being explored with the assistance of the Communications staff.

Mr. Orr left the meeting.

OLD BUSINESS: **Separate Prescriptive Authority Licenses, Implications of Change:**

Ms. Douglas shared the preliminary information obtained related to the question that was raised at the April meeting regarding if a separate prescriptive authority license is needed. One of the various aspects to be further explored in the fiscal impact to the Board of Nursing. Ms. Douglas stated for the past two years, \$126,000 and \$143,000 in revenue was generated by prescriptive authority licensees. Ms. Douglas shared information from National Council of State Boards of Nursing indicating the majority of 27 states do have some separate mechanism for authorizing prescribing. Implementation of elimination of a separate prescriptive authority would require an agency decision based on positive and negative implications. Ms. Douglas added the Board of Nursing website can be

improved to be more clear regarding prescriptive authority requirements. Ms. Douglas will provide at the next meeting the number of licensed nurse practitioners that have prescriptive authority and the number that do not have prescriptive authority.

If additional information is desired, Ms. Douglas stated a workgroup should be formed for additional research on this topic. Dr. Mackler requested that a workgroup be formed to move forward with research. Ms. Hershkowitz added that those interested in participating the workgroup to let Ms. Douglas know.

Dr. Brown left the meeting.

NEW BUSINESS:

Nominations for Replacement of Physician and Nurse Practitioner Advisory Committee Members:

Ms. Douglas reviewed the regulations indicating the Committee of the Joint Boards and the Advisory Committee composition. Ms. Bruflat, Ms. Duggan and Mr. Watters have served two terms which end June 2016 and therefore need to be replaced. Ms. Hershkowitz and Ms. Douglas thanked them for their service to the Advisory Committee.

A recommendation for the vacant physician position on the Advisory Committee was submitted by the Medical Society of Virginia for David Ellington. Dr. Mackler nominated Dr. Ellington for the position to replace Ranjit Pullarkat. Dr. Harp endorsed Dr. Ellington and stated that Dr. Reynolds had informed him of his endorsement of Dr. Ellington. The motion was seconded and carried unanimously.

Recommendations for additional Advisory Committee nurse practitioner members were received from the Virginia Council of Nurse Practitioners for Mark Coles and Kevin Brigle. Ms. Gerardo nominated Mr. Coles for the position to replace Carola Bruflat. The motion was seconded and carried unanimously. Dr. Mackler nominated Mr. Brigle for the position to replace Mary Duggan. The motion was seconded and carried unanimously.

Ms. Douglas stated recommendations for a nurse practitioner are needed to fill the position currently held by Mr. Watters and for the physician position held by Dr. Karen Elmore who had to resign from the Advisory Committee.

Dr. Harp and Ms. Willinger left the meeting.

Regulatory Update:

Ms. Yeatts reviewed the information provided regarding regulatory/policy actions from the 2016 General Assembly to include:

- SB463 – Consultation practice by certified nurse midwives
- HB581/SB264 – Practice by nurse practitioners temporarily
- HB657 – Unsolicited reports to Enforcement
- HB829 – CME for prescribers
- SB513 – Requirement to query PMP

After discussion of these items, Ms. Douglas stated an email will be sent to licensed nurse practitioners regarding the information that will be effective July 1, 2016. The communication sent to nurse practitioners will include information on the new license type of volunteer restricted license.

Department of Veterans Affairs Proposed Rule:

Ms. Douglas reviewed the information from the Department of Veterans Affairs (VA) which is proposed to amend its requirements to permit full practice authority of all VA advanced practice registered nurses when they are acting within the scope of their VA employment. Ms. Douglas clarified this supersedes state board authority with the exception of prescriptive authority. No action from the Board is needed; this information was provided as information only.

National Board of Certification and Recertification of Nurse Anesthetists (NBCRNA):

Ms. Hershkowitz reviewed the information from NBCRNA regarding new processes for recertification of CRNA's. No action from the Board is needed; this information was provided as information only.

Secretary Hazel's Letter on CDC Guidelines:

Ms. Hershkowitz reviewed the information regarding the CDC's guideline for prescribing opioids for chronic pain. No action from the Board is needed; this information was provided as information only.

As there was no further business for the Advisory Committee, Ms. Hershkowitz and Ms. Douglas again expressed their appreciation to those members who have been replaced for their service.

RECESS: The Board recessed at 10:25 A.M. Ms. Yeatts and Advisory Committee members left the meeting.

RECONVENTION: The Board reconvened at 10:36 A.M.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATION:

CLOSED MEETING: Dr. Mackler 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 10:37 A.M., for the purpose of consideration of agency subordinate recommendation. Additionally, Dr. Mackler moved that Ms. Douglas, Ms. Mitchell-Lively, 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 10:45 A.M.

Dr. Mackler 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.

**Sharon S. Jessee, LNP 0024170123; Prescriptive Authority 0017140532
(Tennessee RN multistate privilege license 122285)**

Ms. Jessee 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 place Sharon Jesse on probation with terms and conditions for a period of 12 months of actual nurse practitioner practice, to include prescriptive authority. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 10:46 A.M.

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