

VIRGINIA BOARD OF NURSING
MINUTES
November 15, 2016

- TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:05 A.M. on September 20, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President
- BOARD MEMBERS PRESENT:**
Kelly McDonough, DNP, RN; Vice President
Jennifer Phelps, LPN, QMHPA; Secretary
Guia Caliwagan, RN, MAN
Marie Gerardo, MS, RN, ANP-BC
Regina Gilliam, LPN
Louise Hershkowitz, CRNA, MSHA
Jeanne Holmes, Citizen Member
Trula Minton, MS, RN (joined at 9:43 am)
Mark D. Monson, Citizen Member
Rebecca Poston, PhD, RN, CPNP-PC
Dustin Ross, DNP, MBA, RN, NE-BC
William Traynham, LPN, CSAC
- BOARD MEMBERS ABSENT:**
Joana Garcia, Citizen Member
- STAFF PRESENT:**
Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Jodi P. Power, RN, JD; Deputy Executive Director
Huong Vu, Executive Assistant
Linda Kleiner, RN, Discipline Case Manager
Paula B. Saxby, RN, PhD; Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
- OTHERS PRESENT:**
Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, DC, Department of Health Professions Director
Elaine Yeatts, Policy Analyst; Department of Health Professions
- IN THE AUDIENCE:**
Dana Parson representing LeadingAge Virginia
Janet Wall representing the Virginia Nurses Association (VNA)
- ESTABLISHMENT OF A QUORUM:**
With 12 members present, a quorum was established.
- ANNOUNCEMENTS:**
Dr. Hahn noted the announcements on the agenda. Dr. Hahn added that she referenced her Board service in her remarks after receiving the Nancy Vance Award at the Virginia Nurses Foundation Gala on September 24, 2016.
- UPCOMING MEETINGS:** Dr. Hahn noted the upcoming meetings on the agenda.

ORDERING OF AGENDA:

Ms. Douglas asked Ms. Power to update the Board on the modifications of the Agenda .Ms. Power indicated:

- Staff will poll Board members for possible summary suspension conference call;
- Ms. Stevans has submitted a written response for consideration of Agency Subordinate Recommendations (#10 and #11)before Panel A on Wednesday, November 16, 2016;
- Ms. Salay (#4) and Ms. Norman (#6) plan to appear before Panel B for consideration of Agency Subordinate Recommendations on Wednesday, November 16, 2016; and
- Toni Hall Formal Hearing has been continued and removed from the agenda before Panel B on Wednesday, November 16, 2016.

CONSENT AGENDA:

The Board removed two items from the consent agenda. Dr. McDonough moved to accept the consent agenda which include the following:

Minutes:

September 19, 2016	Panel – Dr. Hahn
September 21, 2016	Panel – Dr. McDonough
September 22, 2016	Panel – Dr. McDonough

Reports:

Agency Subordinate Tracking Log
Finance Report
Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics
Health Practitioners Monitoring Program

The motion was seconded and carried unanimously.

Ms. Hershkowitz noted that she has submitted in advance grammatical corrections to the September 20th and 21st minutes. Mr. Monson moved to accept the minutes as corrected for the following:

September 20, 2016	Quorum – Dr. Hahn
September 21, 2016	Panel A– Dr. Hahn

The motion was seconded and carried unanimously.

DIAGLOG WITH DHP
DIRECTOR:

Dr. Brown shared the followings:

- **DHP Training in October** - Dr. Brown thanked the six Board of Nursing members who attended the training and noted that DHP plans to continue the training each year. Dr. Brown commented that the

Freedom of Information Act (FOIA) presentation was incredibly helpful and reminded the Board of the following:

- Three or more Board members gathering outside a Board meeting can constitute a public meeting if Board business is discussed. He suggested Board members remove themselves from any impromptu discussion that might be initiated by a member of the public.
- Communication by email is considered a public meeting even when personal email addresses are used.
- The Agency's convenience is not a factor to be considered when declining a FOIA request.
- **Opioid Addiction** - Dr. Brown stated that two Virginians per day die from Opioid overdose. He noted that overprescribing of opioids drives the problem but reduction in prescribing drives the addicts to the streets for access. He said that treatment for addiction is needed and commented that Peer Recovery Specialists as is used in Rhode Island has resulted in 70% of addicts accessing with treatment. He added that the VaAware.com website has been developed to offer resources for combating prescribing drug abuse.
- **Passport on prescription drugs** – Dr. Brown stated that Prescription Monitoring Program (PMP) is valuable resource for prescribers and pharmacies and recent legislation in place has increased access and usage of PMP. He added that DHP has made efforts to promote PMP and brand it.

Dr. Brown stated that he wishes to attend the Board Development Workshop this afternoon but is unable to do so.

LEGISLATION/
REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions.

Respond to Petition for Rulemaking from Ms. Warrick:

Ms. Yeatts stated that a petition from Ms. Warrick asking the Board to amend regulations 18VAC90-20-35(A) by removing the requirement for last names from badges of nurses providing direct patient care and to only require the first letter of the last name be shown.

Ms. Yeatts noted that the Board may reject the petition's request and must state reasons for denying, or the Board may initiate rulemaking by publication of a Notice of Intended Regulatory Action (NOIRA). Ms. Yeatts added the options for initiating rulemaking are:

- Repealing the current regulations entirely;
- Moving forward with the change by issuing NOIRA; or
- Pursuing Fast-Track action if the Board knows what it wants to do.

Ms. Yeatts said that copies of comments on the petition received and applicable regulations are presented for Board's consideration and action.

Board's discussion included:

- What other Boards within DHP, other States, and hospitals require;
- Patients have the right to know who is taking care of them; and
- Determine whether it is the Board's role in public protection or leave to employers to determine nametag identification requirements.

Ms. Hershkowitz moved that the Board of Nursing moving forward with NOIRA to consider various options and to gather additional information. The motion was seconded and carried. Dr. Hahn, Dr. McDonough, Ms. Phelps, Ms. Caliwagan, Ms. Gerardo, Ms. Gilliam, Ms. Hershkowitz, Ms. Holmes, Ms. Minton, Mr. Monson, Dr. Poston, and Dr. Ross voted in favor of the motion. Mr. Traynham opposed the motion.

REPORTS:

Executive Director Report:

Ms. Douglas stated she had nothing to add to the written report and thanked Board staff for additional efforts in light of three staff on extended medical leave. She noted that Ms. Willinger and Ms. Tiller were unable to attend the Board meeting because they are participating in eNLC conference via webinar.

CBC Committee September 20, 2016 Minutes and Recommendations:

Dr. Hahn noted that Criminal Background Check (CBC) Committee met to review first six months of data on September 20, 2016. She added that CBC process seems to be working effectively. She said that the Committee will revisit and review data after one year.

Ms. Douglas noted that the Board CBC Unit will implement criminal background screening for massage therapists in 2017.

Ms. Hershkowitz moved to adopt the CBC Committee's recommendations:

- **Discontinue manual log of data collected regarding self-disclosed non-routine applicants after the end of CY 2016.**
- **Consider only including criminal conviction information in Annual Report of Non-routine applicants in January 2017.**
- **Re-visit the language in the criminal conviction screening question on the Board of Nursing applications to improve clarity, reduce confusion, and help consistency in accurate responses.**

The motion was seconded and passed unanimously.

CORE Committee September 20, 2016 Minutes and Recommendations:

Ms. Minton reported that the Committee on Regulatory Excellence (CORE) Committee met on September 20, 2016 to consider NCSBN data collected by CORE. She noted that the Committee plans to have the following information to present to the Board by January 2017 Business meeting:

- Points of Pride – what Virginia does well currently
- Opportunities for Improvement
- Next Step - how and what information to share

Committee of Joint Boards of Nursing and Medicine October 12, 2016 Minutes:

Ms. Gerardo reported that there was no business meeting on October 12, 2016, only one Agency Subordinate Recommendation and Formal Hearing.

PUBLIC COMMENT:

Janet Wall, CEO for VNA, stated they had the VNA Legislative Summit on November 11, 2016, and had over 150 nurses in attendance. She thanked Dr. Hahn for the information presented on the Board of Nursing.

Ms. Wall also provided the following information:

- There are nine legislative events being held across Virginia with in collaboration with other professional associations;
- April 25, 2017 Spring Conference will be on “Nursing Ethics and Moral Distress” which is anticipated to be held in Richmond, VA;
- Fall Conference, September 15-16, 2017, will cover Staffing; and
- VNA is implementing a “Nurses Change Lives” license plate campaign. The first 450 plates are free. She noted that Mississippi raised \$93,000 in revenue to go toward nursing scholarship.

RECESS:

The Board recessed at 10:18 AM

RECONVENTION:

The Board reconvened at 10:35 AM

POLICY FORUM:

Pathways to BSN: A Look at Virginia’s RN Workforce:

Dr. Carter provided a PowerPoint presentation on Pathways to BSN. Ms. Hershkowitz requested that LPN diploma holder data be separated from RN diploma holder data in future reports. Dr. Carter stated that she will review the wording of the questions for future reports.

Sanction Reference Points (SRPs):

Dr. Carter stated that Board of Health Professions (BHP) noticed 2 to 3 quarters ago, a higher departure and drop in the use of Reprimand but often combined with harsher sanctions. She added that she noticed the same for Board of Medicine. She commented that Reprimand has more serious implications for practitioners. Dr. Carter informed the Board that BHP will be looking at trends for all Boards.

Showcase Communication Tool regarding requiring Education Program selection:

Matt Tracey thanked the Board for the opportunity to present the draft format for input. He stated that it is a One-Stop-Shop place that contains documents with links that students can click for further information when selecting an education program.

Board's suggestions included:

- Add "attend NEP" and then licensure exam on the front page
- Relook at "advanced placement"
- Clarify that Board approved and accreditation are not the same thing;
- Include information for CNA/RMA in addition to RN and LPN; and
- Include statement that Virginia does not regulate the use of a comprehensive exam.

Ms. Douglas said that Board staff will work with Mr. Tracey and it bring back to Education Conference Committee with improvements.

Ms. Douglas stated that staff are working with Communication Department staff to improve our website and she is urging Dr. Brown to move forward for Board of Nursing while still contemplating agency wide website changes. She thanked Diane Powers and Mr. Tracey for their support and work.

OTHER MATTERS:

Board of Nursing Appeals Update:

Ms. Mitchell, Board Counsel, had no appeals to report. She reviewed Erin Barrett's points during DHP Training noting that questions should be directed through the Chair during the hearings.

Changes to Board Member Lodging Process:

Ms. Vu provided information in a written report regarding to a new Board member lodging process available, noting that Board members can still choose to make their own reservations. Ms. Vu asked for advance notification so reservation can be done in timely manner if Board members wish staff to make the reservation.

Informal Conference Committee (IFC) January – June 2017 Schedule:

The information was mailed out to Board members.

Selection of Nominating Committee:

Dr. Hahn asked for volunteers to serve on Nominating Committee noting that the Committee will need to meet soon and provide the slate to the full Board 30 days in advance of the January 2017 Board meeting. Dr. McDonough, Ms. Holmes, and Ms. Phelps volunteered to serve.

PSI has been awarded the contract for the Registered Medication Aide state exam:

Ms. Douglas noted that PSI is current provider for the RMA exam and for other exams and the Board is pleased with the services provided. The selection was made through an RFP process.

Board Member feedback about October 24, 2016 DHP Training:

Ms. Douglas stated that she was impressed that eight out of 14 Board members signed up, although only six could attend. Dr. Ross reiterated the FOIA session was excellent. Ms. Caliwagan commented that the in depth session by Office of Attorney General (OAG) was helpful. Mr. Traynham said the training was very helpful. Ms. Phelps found Dr. Brown and Ms. Yeatts's presentation on role to enforce the laws and regulations informative and a good reminder.

EDUCATION:

Education Special Conference Committee November 9, 2016 Minutes and Recommendations:

Dr. Hahn reviewed the following specific recommendations from November 9, 2016 Education Special Conference Committee:

Chester Career College Practical Nursing Education Program – to withdraw approval with closure by December 31, 2017 with terms and conditions. Mr. Monson moved to accept the recommendations. The motion was seconded and carried unanimously.

Centura College, Norfolk Practical Nursing Education Program - to rescind withdrawal and place on conditional approval with terms and conditions. Mr. Traynham moved to accept the recommendations. The motion was seconded and carried unanimously.

Dr. Hahn reviewed the remainder of the actions recommended during meeting. Ms. Minton moved to accept the Education Special Conference Committee minutes and recommendations. This motion was seconded and unanimously carried.

Education Staff Report:

Ms. Ridout had nothing additional to report.

Update on NNAAP Exam Vendor:

Dr. Saxby reported weekly contacts with PearsonVue staff noting:

- Discontinuing relationship with NACES;
- NACES will administer the last exam on March 14, 2017;
- CREDENTIALIA will be the new NNAAP subcontractor as of April 1, 2017, and will start the scheduling on April 15, 2017;
- There will be blackout period from March 14 to April 15, 2017 for testing, but scheduling can begin on April 5, 2017;

- Training will begin February 2017, in person and via webinar, and a toll-free information number will be available;
- Migration to online scheduling system for applicants at the same time, driven by National Assessment Educational Progress (NAEP) inputting graduates and then graduates scheduling their exam;
- New system will provide daily download of tested candidates.

Dr. Saxby has requested CREDENTIALIA to come to present to the Board at January 2017 meeting.

RECONSIDERATION OF ORDERS AND CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:18 P.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Power, Ms. Vu, 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 12:20 P.M.

Ms. Phelps 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.

Valarie J. Conner, RN 0001-144266

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Valerie J. Conner's license to practice professional nursing in Virginia. The motion was seconded and carried unanimously.

Shani R. Yopp, RN 0001-197179

Mr. Monson moved to accept the consent order to indefinitely suspend the license of Shani R. Yopp to practice professional nursing, with the suspension stayed contingent upon Ms. Yopp's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The motion was seconded and carried unanimously.

Catherine Soliven Acosta, RN 0001-140306

Mr. Monson moved to accept the consent order to reinstate without restriction the license of Catherine Soliven Acosta to practice professional nursing. The motion was seconded and carried unanimously.

Sherri Randolph Bradshaw, RN 0001-179588

Mr. Monson moved to accept the consent order to reinstate the license of Sherri Randolph Bradshaw to practice professional nursing contingent upon her entry into the Virginia Health Practitioners' Monitoring Program (HPMP) and remaining compliant thereafter. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 12:22 P.M.

Joyce Hahn, PhD, RN, NEA-BC, FNAP
President

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

