

VIRGINIA BOARD OF NURSING
MINUTES
March 27, 2018

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:00 A.M. on March 27, 2018, in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Louise Hershkowitz, CRNA, MSHA; President

BOARD MEMBERS PRESENT:

Jennifer Phelps, LPN, QMHPA; First Vice President
Dustin Ross, DNP, MBA, RN, NE-BC; Second Vice President
Laura Freeman Cei BS, LPN, CCRP
Margaret J. Friedenberg, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
Michelle D. Hereford, MSHA, RN, FACHE
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Trula Minton, MS, RN
Mark D. Monson, Citizen Member
Grace Thapa, BSN, RN

BOARD MEMBERS ABSENT:

Alice Clark, Citizen Member
Regina Gilliam, LPN

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Brenda Krohn, RN, MS; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Lisa Speller-Davis, BSN, RN; Policy Assistant
Stephanie Willinger; Deputy Executive Director for Licensing
Paula B. Saxby, RN, PhD; Deputy Executive Director
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant
Ann Tiller, Compliance Manager
Huong Vu, Executive Assistant
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, DC, Department of Health Professions Director
Barbara Allison-Bryan, MD, Department of Health Professions Chief Deputy
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

IN THE AUDIENCE:

Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Ryan LaMira, Virginia Hospital and Healthcare Association (VHHA)
Robert Borge, Virginia Department of Planning and Budget (DPB)
Katherine Kretsch, student from Bon Secours Memorial College of Nursing
Daniel Scruggs, student from Bon Secours Memorial College of Nursing

ESTABLISHMENT OF A QUORUM:

Ms. Hershkowitz asked Board Members and Staff to introduce themselves. With 12 members present, a quorum was established.

ANNOUNCEMENTS: Ms. Hershkowitz noted the announcements on the agenda.

UPCOMING MEETINGS: Ms. Hershkowitz noted the upcoming meetings on the agenda.

DIAGLOGUE WITH DHP
DIRECTOR:

Dr. Brown reported the following information:

- Governor Northam's Administration Updates:
 - Secretary of Health and Human Resources – Daniel Carey, MD
 - Two Deputy Secretaries who are Policy Advisors – Gena Boyle and Marvin Figaroa
 - Commissioner of Department of Social Services (DSS) – Duke Storen
 - Commissioner of Department of Health (VDH) – Marissa Levine, MD, MPA, FAAFP
 - Director of Department of Medical Assistance Services (DMAS) – Jennifer Lee, MD
 - Director of Department of Aging and Rehabilitative Services (DARS) – Kathryn Hayfield
 - Dr. David Brown was reappointed as DHP Director
- DHP Chief Operation Officer (COO), new position, is Lisa Hahn to oversee DHP day-to-day operation. This position will lend continuity to DHP if and when the Director and Chief Deputy may be replaced every four years with the new Governor.
- Barbara Allison-Bryan, MD, was appointed by Governor Northam as DHP Chief Deputy and noting she was a former Board of Medicine President.
- IT, Front Desk, and Business Administration staff have moved to the first floor successfully.
- Reconfiguration is in the works on the third floor and Nursing will gain additional cubicles.
- General Assembly – two DHP Bills were passed that significantly affect DHP:
 - ❖ The Nurse Practitioner bill is at the Governor's office waiting for signature.
 - ❖ Medical use of marijuana bill (Cannabidiol (CBD) Oil or THC-A oil) has expanded significantly from original bill. There will be a maximum of five pharmaceutical processor licenses issued in Virginia. The bill also requires the Board of Pharmacy to promulgate regulations.

ePrescribing Workgroup – 2017 legislation requires all opioid prescribing be done electronically by 2020. The Workgroup continues to discuss implementation.

Dr. Allison-Bryan said that she is glad to be at DHP and noted that she is a pediatrician.

Ms. Phelps commented that people are paranoid about taking free naloxone. Dr. Brown replied that he will convey the comment back to the Workgroup.

Ms. Douglas noted that Dr. Allison-Bryan came to the formal hearings on Monday, 3/26, to observe. Dr. Allison-Bryan added that she was very impressed with the process and seeing the students in the audience was great.

Ms. Hershkowitz thanked Dr. Brown and Dr. Allison-Bryan.

Ms. Hershkowitz acknowledged Dr. Hahn for her two recent publications to include Nursing Economics, Nursing Forum and the Journal of Nursing Management.

ORDERING OF AGENDA: Ms. Hershkowitz asked staff to provide additions and/or modifications to the Agenda.

Ms. Douglas indicated the following items have been added and/or modified to the agenda for Board consideration:

- On Wednesday, March 28, the Board will convene at 8:30 a.m. to consider the possible summary regarding a registered nurse
- The Panel of the Board who heard the case regarding Global Health College Associate Degree RN Education Program at the formal hearing on March 13, 2018, will convene after the Business meeting today to consider the request for modification of the Order entered March 20, 2018.
- Board staff anticipate Ms. Sharp's signed Consent Order in lieu of formal hearing scheduled for Thursday, March 29 for consideration by the Board on Wednesday, March 28.

Ms. Krohn added the following:

- On Wednesday, March 29, Ms. Hereford is removed from the list of Panel B.

CONSENT AGENDA: The Board did not remove any items from the consent agenda.

Dr. Hahn moved to accept the consent agenda as presented. The motion was seconded and carried unanimously.

Minutes:

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| January 29, 2018 | Panel – Dr. Hahn |
| January 30, 2018 | Quorum – Dr. Hahn |
| January 31, 2018 | Panel – Dr. Hahn |
| January 31, 2018 | Panel – Ms. Hershkowitz |
| February 1, 2018 | Panel – Ms. Hershkowitz |
| February 7, 2018 | The Committee of the Joint Boards of Nursing and Medicine Informal Conference minutes – Ms. Hershkowitz |
| March 13, 2018 | Panel – Ms. Hershkowitz |

Reports:

Agency Subordinate Tracking Log
Finance Report
Board of Nursing Monthly Tracking Log

REPORTS:

Executive Director Report:

Ms. Douglas highlighted items on her written report and noting the following:

- Ms. Douglas serves on the NCSBN Board Structure Performance Metric Task Force. The Task Force is reviewing the Committee to Ongoing Regulatory Excellence (CORE) report so that NCSBN can improve the survey tool to more accurately and correctly collect information for the report from Boards with different structures
- Ms. Douglas serves on the Virginia Nurses Foundation (VNF), Nurse Leadership Academy (NLA) Steering Committee, whose charge is to develop a leadership program for aspiring nurse managers
- Ms. Willinger is current providing expertise on criminal background checks for Board of Pharmacy (BOP) and Maryland Board of Nursing. Ms. Douglas added that eventually, the BON CBC Unit will move to a DHP wide focus as other professions and Boards begin requiring criminal background checks
- Additional questions are being added to licensure applications for all professions and all application types that better reflect American with Disabilities Act requirements. RN and LPN application changes went into effect on January 19, 2018.
- Ms. Tamayo-Suijk has returned to the Board of Nursing as the Nursing Discipline Team Coordinator
- Implementation work related to ENLC is an ongoing process
- The DHP Paperless Workgroup, where Ms. Douglas is serving, is still in progress.
- Ms. Speller-Davis attended many meetings from other Boards to monitor meeting agendas for opportunities for collaboration purpose and action items that affect nursing.

- 29 states have joined the new version of the Nurse Licensure Compact (ENLC) which went into effect on January 19, 2018. GA, FL, OK, and WY are new to the Compact. There are 8 states with pending legislation to join the Compact. Ms. Douglas thanked Board Members for taking training that was provided by NCSBN. Ms. Douglas noted that second round of rules will be voted on at the end of April 2018 and Ms. Douglas will attend the meeting.

Dr. Hahn thanked Dr. Saxby for representing the Board at GWU Simulation Conference on March 8 and 9, 2018.

CORE Committee January 30, 2018 Meeting Minutes:

Ms. Minton provided an overview of what CORE is and reviewed the minutes as provided in the Agenda package. Ms. Minton thanked Ms. Ridout for her participation at the last meeting and noted that Ms. Ridout's expertise is greatly appreciated. Ms. Minton added that Ms. Ridout will continue to participate on the Committee's meetings.

Ms. Minton commented that the Recommendations for the CORE Discipline will be available at the Board May meeting.

Nurse Aide Curriculum Committee January 30, 2018 Meeting Minutes:

Dr. Hahn noted that the Committee's work is slow ongoing but excellent and she is pleased with what the Committee has accomplished so far.

Ms. Douglas added that the Committee was convened at the request of a legislator asking the BON to look at curricula for nurse aide instead of moving forward with legislation.

The Committee of the Joint Boards of Nursing and Medicine February 27, 2018 Business Meeting Minutes:

Ms. Hershkowitz highlighted the minutes as presented in the agenda noting that the Committee reviewed the 2017 Virginia's Licensed Nurse Practitioner Workforce report and further requested the breakout of the most recent data, similarities and differences, into the three categories of LNPs (CRNAs, CNMs, and NPs) to be presented at the Committee's April 11, 2018 meeting.

Ms. Hershkowitz stated that the Committee will convene special regulatory meeting on May 17, 2018 to consider recommendations for regulations related to Nurse Practitioner bill (HB793).

Board of Health Professions (BHP) February 27, 2018 Meeting Minutes:

Ms. Minton highlighted the items in the minutes as presented.

2018 NCSBN Midyear Meeting on March 5-7, 2018:

Ms. Hershkowitz commented that it was helpful to attend the National meetings. Dr. McQueen-Gibson and Dr. Hills have nothing additional to add to their written report.

Ms. Douglas commented that written report presentation from David Benton, NCSBN CEO, received standing ovation.

**Informal Conference (IFC)/Special Conference Committee (SCC)
Schedules for August, October, and December 2018:**

Ms. Hershkowitz noted that the handout of listing of SCCs as of April 2018. She asked Board Members to consult with their SCC partners regarding available dates, complete the sheet and return it to Ms. Krohn.

Ms. Douglas added that as it is stands Ms. Gerardo is the only one on the SCC-D, a volunteer is needed to fill the missing member since Ms. Clark has resigned.

RECESS: The Board recessed at 10:00 AM

RECONVENTION: The Board reconvened at 10:10 AM

PUBLIC COMMENT: There was no comment received.

OTHER MATTERS: **Board Counsel Update:**
Ms. Mitchell said she has nothing to report.

Time to Disposition Board Stage Report, Q2 2018:

This was provided for information only.

Selection of and Education Committee:

Ms. Hershkowitz reviewed her goal to expand the role of Education Committee with Dr. Hahn as the Chair for the Committee. She asked Board Members to be on the Committee. Ms. Hereford, Ms. Minton, Mr. Monson, and Dr. Ross volunteered.

Ms. Hershkowitz added that the Board Members who have volunteered to be on the Simulation Committee are Dr. Hahn, Chair, Dr. McQueen-Gibson, and Mr. Monson.

Ms. Douglas noted that Ms. Krohn is the only lead staff for the LMT Advisory Board since Ms. Austin has accepted the position at the Board of Social Work.

REGULATION:

Status of Regulatory Action:

Ms. Yeatts reviewed the chart of regulatory actions as provided on the Agenda.

Report on 2018 General Assembly:

Ms. Yeatts reviewed the 2018 General Assembly provided in the Agenda package noting that most bills were passed and HB793 (Nurse Practitioners; Transition to autonomous practice) is not signed by the Governor yet. She added that there may be amendments to this bill prior to the veto session on April 10, 2018.

Proposed Regulations for Performance of and for Supervision and Direction of Laser Hair Removal:

Ms. Yeatts stated that the proposed regulations for nurse practitioners are recommended by the Committee of the Joint Boards of Nursing and Medicine and were adopted by the Board of Medicine on February 15, 2018. She added that two comments were received but they were not relevant.

Ms. Monson moved to adopt the proposed regulations for the proper training and direction and supervision of laser hare removal as recommended. The motion was seconded and passed.

Adoption of a Notice of Periodic Review for the following Regulations:

- ❖ Regulations Governing Delegation to an Agency Subordinate
- ❖ Regulations Governing Certified Nurse Aides
- ❖ Regulations for Nurse Aide Education Program
- ❖ Regulations Governing the Registration of Medication Aides

Ms. Yeatts said the Executive Order requires a periodic review of regulations at least once every four years and the four sets of Board of Nursing regulations listed are due for review.

Dr. Hahn moved to adopt a Notice of Periodic Review for the four sets of Board of Nursing regulations as listed. The motion was seconded and carried unanimously.

Ms. Douglas added that throughout this process, Board Members will have the opportunity to learn a lot about these regulations.

RECESS:

The Board recessed at 11:10 AM

RECONVENTION:

The Board reconvened at 11:25 AM

Dr. Brown, Dr. Allison-Bryan, and Ms. Yeatts left at 11:45 A.M.

EDUCATION:

NNAAP 2018 Blood Pressure Skill Administration:

Dr. Saxby stated that at the January 30, 2018 meeting, the Board asked the PearsonVUE and NCSBN consider changing the cut score of the electronic blood pressure (BP) skill (new) to be consistent with the current cut score of the manual BP skill. She noted that information about options for BP skill are presented for Board consideration. She added that the Board is asked to select which method the Board would prefer for testing the BP skill for the NNAAP noting that both methods will be taught in the nurse aide education program.

Dr. Saxby commented that training of the new BP skill will be provided in Hampton on April 23, at DHP on April 25, and in Roanoke on April 27, 2018.

Mr. Monson moved to select the manual method for testing the BP skill for the NNAAP as recommended by Board staff. The motion was seconded and carried unanimously.

Pass Rate Report:

Ms. Ridout reviewed the handout pass rates noting the two programs were closed due to low pass rates and without those programs' rates, Virginia would be at about 86% compared to the National rates.

Education Informal Conference Committee March 14, 2018 Minutes and Recommendation:

Dr. Hahn reviewed the minutes provided in the Agenda package. Dr. Hahn moved to accept the minutes and recommendations as presented. The motion was seconded and carried unanimously.

CONSIDERATION OF CONSENT ORDERS:

Brittany Taylor Anderson, RN 0001-254301

Ms. Minton moved to accept the consent order to indefinitely suspend the license of Brittany Taylor Anderson to practice professional nursing in the Commonwealth of Virginia. The Order applies to Ms. Anderson's practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The said suspension is stayed upon proof of Ms. Anderson's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Elma Mae Harman, LPN 0002-051716

Ms. Minton moved to accept the consent order to accept the volunteer surrender for indefinite suspension of Elma Mae Harman's license to practice practical nursing in the Commonwealth of Virginia. This suspension applies

to any multistate privilege to practice practical nursing. The motion was seconded and carried unanimously.

Heather Maguire King, RN 0001-241928

Ms. Minton moved to accept the consent order to reprimand Heather Maguire King and to indefinitely suspend her license to practice professional nursing in the Commonwealth of Virginia. The Order applies to Ms. Anderson's practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

Anthony J. Dobbins, CNA 1401-155121

Ms. Minton moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Anthony J. Dobbins's certificate to practice as a nurse aide in the Commonwealth of Virginia. The motion was seconded and carried unanimously.

Sheryl Lenoris Mason, LPN 0002-048568

Ms. Minton moved to accept the consent order to reprimand Sheryl Lenoris Mason and to indefinitely suspend her license to practice practical nursing in the Commonwealth of Virginia for not less than two years. The Order applies to Ms. Mason's practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

Kelly Allen Clark, LMT 0019-0031285

Ms. Minton moved to accept the consent order to indefinitely suspend the license of Kelly Allen Clark to practice massage therapy in the Commonwealth of Virginia. The said suspension is stayed upon proof of Ms. Clark's entry into a Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded and carried unanimously.

Katherine Marie Harrell Norman, RN 0001-085736

Ms. Minton moved to accept the consent order to reinstate the license of Katherine Marie Harrell Norman to practice professional nursing in the Commonwealth of Virginia without restriction. The motion was seconded and carried unanimously.

CLOSED MEETING:

Mr. Monson moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 11:55 A.M. for the purpose of deliberation to consider consent orders. Additionally, Mr. Monson moved that Ms. Douglas, Dr. Hills, Ms. Willinger, Dr. Saxby, Ms. Ridout, Ms. Tiller, Ms. Vu, Ms. Tamayo-Suijk, 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 12:00 P.M.

Mr. Monson 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.

Stefanie Jo Proctor, RN 0001-142994

Mr. Monson moved to reject the consent order as presented and to authorize the Executive Director to enter a new Order to reinstate the license of Stefanie Jo Proctor to practice professional nursing in the Commonwealth of Virginia contingent upon Ms. Proctor's continued compliance with the terms and conditions of the Virginia Health Practitioners' Monitoring Program (HPMP) for the period specified by the HPMP. The Order applies to Ms. Proctor's practice in Virginia, whether by Virginia licensure or by privilege arising from multistate licensure in another Compact State. The motion was seconded and carried unanimously.

RECESS: The Board recessed for lunch at 12:00 PM

PANEL OF THE BOARD – RECONSIDERATION OF THE ORDER

Global Health College Associate Degree RN Education Program's request for modification of the Order entered March 20, 2018

BOARD MEMBERS PRESENT:

Louise Hershkowitz, CRNA, MSHA; President, Chair
Laura Cei, BS, LPN, CCRP
Margaret Friedenberg, Citizen Member
Marie Gerardo, MS, RN, ANP-BC
Mark Monson, Citizen Member

STAFF PRESENT:

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Robin Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Brenda Krohn, RN, MS; Deputy Executive Director
Sylvia Tamayo-Suijk, Discipline Team Coordinator

OTHERS PRESENT:

Charis Mitchell, Assistant Attorney General, Board Counsel

CLOSED MEETING:

Ms. Gerardo moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 12:47 P.M.

for the purpose of consideration the Global Health College Associate Degree RN Education Program's request for modification of the Order entered March 20, 2018. Additionally, Ms. Gerardo moved that Ms. Douglas, Dr. Hills, Ms. Krohn, Ms. Tamayo-Suijk, 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 at 1:00 PM

Ms. Gerardo 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.

Ms. Gerardo moved that the Board of Nursing accept Global Health College Associate Degree RN Education Program's request for modification of the Order entered March 20, 2018 and to enter an amended Order with the following changes:

- The Program shall close no later than December 31, 2018
- The Program shall comply with the requirements for program closure as outlined in 18VAC90-27-230(D) and 18VAC90-27-240(B) and (C) no later than January 31, 2019

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened after lunch at 1:05 PM

BOARD MEMBER TRAINING:

Ms. Hershkowitz highlighted her goal for Board Member Training after each Board Business meeting going forward and the need for board member review of the Code of Conduct.

The following handouts were provided to Board Members as references:

- ❖ Review of the Code of Conduct Guidance Document 90-60
- ❖ Board Member Online Resources Listing
- ❖ BON Standard Probation Terms Form
- ❖ Scripts for Informal Conferences by SCC and by Agency Subordinate
- ❖ Motions for Closed Meetings
- ❖ Current List of NCSBN Online Courses
- ❖ Key Federal Regulations for Nurse Aide Registry
- ❖ BON Terms and Abbreviations

Ms. Mitchell provided presentation regarding the Role of Board Members

Virginia Board of Nursing
Business Meeting
March 27, 2018

during Administrative Proceedings.

ADJOURNMENT: The Board adjourned at 2:05 P.M.

Louise Hershkowitz, CRNA, MSHA
President