

**VIRGINIA BOARD OF NURSING  
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE  
BUSINESS MEETING MINUTES  
February 13, 2019**

**TIME AND PLACE:** The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:00 A.M., February 13, 2019 in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**MEMBERS PRESENT:** Marie Gerardo, MS, RN, ANP-BC; Chair  
Louise Hershkowitz, CRNA, MSHA  
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP, FAAN  
Kevin O'Connor, MD  
Kenneth Walker, MD

**MEMBERS ABSENT:** Lori Conklin, MD

**ADVISORY COMMITTEE**

**MEMBERS PRESENT:** Kevin E. Brigle, RN, NP  
Mark Coles, RN, BA, MSN, NP-C  
Wendy Dotson, CNM, MSN  
Thokozeni Lipato, MD  
Janet L. Setnor, CRNA

**STAFF PRESENT:** Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing  
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing  
Stephanie Willinger; Deputy Executive Director for Licensing; Board of Nursing  
Huong Vu, Executive Assistant; Board of Nursing

**OTHERS PRESENT:** Charis Mitchell, Assistant Attorney General; Board Counsel  
David E. Brown, DO; Department of Health Professions Director  
Barbara Allison-Bryan, MD; Department of Health Professions Chief Deputy  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
William L. Harp, MD, Executive Director; Board of Medicine

**IN THE AUDIENCE:** Jacquelyn Wilmoth, RN, MSN; Board of Nursing Education Program Manager  
Leila Claire Morris, RN, LNHA; Board of Nursing RN Discipline Case Manager  
Marie Molnar, Board of Nursing Licensing Supervisor  
Joseph Corley, Board of Nursing Licensing Specialist

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

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ESTABLISHMENT OF A QUORUM:

Ms. Gerardo called the meeting to order and established that a quorum was present.

ANNOUNCEMENT:

Ms. Gerardo noted the announcement as presented in the Agenda:

- NCSBN APRN Rountable Meeting is scheduled for April 9, 2019 in Rosemont, IL – Ms. Hershkowitz, Ms. Douglas and Dr. Hills are scheduled to attend
- NCSBN APRN Compact Consensus Meeting is scheduled for April 10, 2019 in Rosemont, IL – Ms. Hershkowitz and Ms. Douglas will attend

REVIEW OF MINUTES:

The minutes of the October 10, 2018 Business Meeting and Informal Conference were reviewed. Ms. Hershkowitz moved to accept all of the minutes as presented. The motion was seconded and passed unanimously.

PUBLIC COMMENT:

There was no public comment received.

DIALOGUE WITH  
AGENCY DIRECTOR:

Dr. Brown reported the following:

- DHP will be unveiling the new and improved website soon starting with the Board of Nursing website.
- Legislation:

**SB1557 Pharmacy, Board of; cannabidiol oil and tetrahydrocannabinol (THC-A) oil, regulation of pharmaceutical** – production of cannabidiol oil is regulated by the Board of Pharmacy and a person can possess the oil if it is certified by physicians for any conditions. This year the bill will include authorization for licensed physician assistants and licensed nurse practitioners to issue a written certification for use of cannabidiol oil and THC-A oil. The bill requires the Board to promulgate regulations establishing dosage limitations.

**HB 1839 Industrial Hemp; Federal Farm Bill** - conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. He added that DHP is involved in the development of regulations and this is an ongoing discussion.

**HB 1970 Telemedicine Services; payment and coverage of services** – requires insurers, corporations, or health maintenance organizations to cover medically necessary remote patient monitoring services as part of their coverage of telemedicine services to the full extent that these services are available. Dr. Brown added that a workgroup with broad stakeholders will convene to review and make recommendations. Ms. Hershkowitz asked who will be on the workgroup. Dr. Brown assumes representatives from regulatory community, experts in telemedicine, representatives from Southwest Virginia, and northern Virginia representatives from the Medical Society of Virginia.

**POLICY FORUM:**

Dr. Carter stated that the Virginia Department of Health Professions' Healthcare Workforce Data Center (HWDC) administered the survey during the license renewal process, which takes place during a two-year renewal cycle on the birth month of each respondent. She added that approximately half of all nurse practitioners (NPs) have access to the survey in any given year.

**Virginia's Licensed Nurse Practitioner Workforce: 2018**

Dr. Shobo provided a summary of this report which will be posted on the DHP website upon approval.

**Virginia's Licensed Nurse Practitioner Workforce: Comparison by Specialty**

A revised version of this report was provided at the meeting. Dr. Carter noted that this is a special report created for the Committee of the Joint Boards of Nursing and Medicine which uses data from the 2017 and 2018 Nurse Practitioners Survey. Dr. Carter added that the 2017 survey occurred between October 2016 and September 2017; the 2018 survey occurred between October 2017 and September 2018. She commented that the survey was available to all renewing NPs who held a Virginia license during the survey period and who participated in the online renewal process.

Dr. Shobo provided a summary of this report which will be posted on the DHP website upon approval.

Drs. Carter and Shobo offered to answer questions from the Committee members regarding the reports.

Dr. Walker asked why only 68% of NPs responded to the survey and not all renewal NPs. Dr. Carter noted that the survey is voluntary not mandatory. Ms. Douglas added that the Board appears to make it clear that licensees need to complete the survey. Ms. Douglas noted that staff can review the survey questions internally.

Ms. Setnor asked how the data are collected. Dr. Carter stated that nurses renew their RN and NP licenses at the same time but only completing the survey after RN license renewal. Ms. Setnor suggested requesting NPs to complete the survey for the renewal of NP license only. Dr. Carter said staff can take that into consideration.

Ms. Gerardo asked why the duplicative information in the RN survey is not populated into the NP survey. Dr. Carter replied that the current system does not populate the survey from RN to NP.

Dr. Hahn asked if a combined survey is available if you are an RN, NP or CRNA. Dr. Shobo said it is worth looking into.

Ms. Dotson suggested to encourage licensees to complete the survey if they are working as NPs instead of completing RN survey.

Ms. Hershkowitz asked if it is possible to get the data of demand side. Dr. Carter said staff can look into it.

Mr. Coles commented that the Virginia Council of Nurse Practitioners thinks that the data are very useful.

With no additional questions asked, Dr. Hahn moved to approve the reports for posting. The motion was seconded and carried unanimously.

LEGISLATION/  
REGULATIONS:

**B1 Regulatory Update:**

Ms. Yeatts reviewed the chart of regulatory actions as of February 5, 2019 provided in the Agenda.

**B2 Consideration of Comments received for NOIRA Autonomous Practice and Adoption of Proposed Regulations to Replace Emergency Regulations**

Ms. Yeatts said that the proposed regulations identical to current emergency regulations are presented for the Committee's action. Ms. Yeatts added that there was no comment on the NOIRA as of February 5, 2019.

Ms. Hershkowitz moved to recommend adoption of proposed regulations to the Boards of Medicine and Nursing as presented. The motion was seconded and passed unanimously.

**B3 General Assembly 2019 Report**

Ms. Yeatts reviewed the report as provided in the Agenda noting:

**HB 2228** – alters the composition of the Board of Nursing for the third LPN position which can be an RN and replaces the requirement that the

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Board of Nursing meet each January with the requirement to meet at least annually.

**HB 2557** – classifies gabapentin as a Schedule V controlled substance. Current law lists gabapentin as a drug of concern.

**HB 2559** – provides certain exceptions, effective July 1, 2020, to the requirement that any prescription for a controlled substance that contains an opioid be issued as an electronic prescription. Ms. Yeatts added that the Committee of the Joint Boards of Nursing and Medicine will consider this at a later date.

**SB 1439** – authorizes the Board of Medicine to discipline practitioners when failure to file a medical certification of death electronically through the Electronic Death Registration System.

**SB 1778** – this conversion therapy bill was referred back to the legislative committee which no longer meeting

Dr. O'Connor asked for clarification on the meaning of "Engrossed." Ms. Yeatts said that Engrossed means the bill is in a form that is ready for the body to vote and any amendments have been incorporated into the bill.

NEW BUSINESS:

**Board of Nursing Executive Director Report:**

- **NBCSN APRN Compact** – Ms. Douglas said that three states have passed legislation regarding the APRN Compact. She added that the NCSBN Board of Directors established a task force to review the APRN Compact due to conflicts between state laws and compact language.
- **Virginia Council of Nurse Practitioners (VCNP)** – Ms. Douglas state that she and Dr. Hills have been invited to present a regulatory update to include Autonomous Practice at the VCNP annual state conference on March 8, 2019.
- **Virginia Association of Nurse Anesthetist (VANA) Conference** – Ms. Douglas attended the VANA conference on January 23, 2019; Ms. Hershkowitz was also in attendance. At the request of participants, Ms. Douglas provided an overview on how the Committee of the Joint Boards functions.

**Review of Guidance Documents (GDs):**

Ms. Douglas said that the following GDs are presented to the Committee as part of a periodic review for a recommendation to amend or readopt without changes.

**C1 GD 90-33: Authority of Licensed Nurse Practitioners to write Do Not Resuscitate Orders (DNR orders)**

Ms. Douglas noted the addition ***bold italic underlined*** languages have been added to GD 90-33 for consideration by the Committee.

Ms. Hershkowitz moved to adopt the amended GD 90-33 as presented. The motion was seconded and carried unanimously.

**C2 GD 90-53: Treatment by Women’s Health Nurse Practitioners of Male Clients for Sexually Transmitted Diseases**

Ms. Douglas stated no change was recommended for GD 90-53.

Dr. O’Connor moved to readopt GD 90-53 as presented. The motion was seconded and carried unanimously.

**Status of Implementation HB793 Autonomous Practice Process:**

Ms. Willinger reported the following:

- Applications went live on January 7, 2019, along with a link to laws and regulations
- The Board sent a blast email to nurse practitioners and stakeholders in October 2018
- As of February 8, 2019, 146 applications have been received and 44 nurse practitioners have been issued Autonomous Practice Authority; no issues identified yet. (4,000 NPs are eligible based on years of licensure)
- Not many questions received from the public regarding how to complete the process
- Good feedback received so far
- It takes about 24 to 48 hours after issuing for the designation to show up on License Lookup

Ms. Gerardo asked the length of time it takes from application to licensing. Ms. Willinger said about two to three weeks.

Dr. O’Connor asked if staff have the sense of geography. Ms. Willinger said not at the moment. Ms. Douglas added that currently staff is working on establishing the application process at this time. Mr. Coles notes that VCNP will be interested in the data if available. Ms. Douglas indicated that as required in the enactment clause, additional data will be collected regarding practice locations.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 10:32 A.M.

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