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VIRGINIA BOARD OF HEALTH PROFESSIONS DEPARTMENT OF HEALTH PROFESSIONS

FULL BOARD MEETING October 24, 2011

TIME AND PLACE: The meeting was called to order at 11:09 a.m. on Monday,

October 24, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room

2, Henrico, VA, 23233

PRESIDING OFFICER: Michael Stutts, Acting Chair

MEMBERS PRESENT: Maureen Clancy, Citizen Member

Paul T. Conway, Citizen Member

Allison Gregory, Nursing Yvonne Haynes, Social Work

Jeffrey Levin, Dentistry

Charlotte Markva, Counseling Robert Maroon, Physical Therapy

Blair Nelsen, Funeral Directors & Embalmers

Jonathan Noble, Optometry

Constance Pozniak, Veterinary Medicine

Wanda, Pritekel, ASLP Robert Rhodes, Pharmacy Michael Stutts, Psychology

MEMBERS NOT PRESENT: All members were in attendance.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board

Dr. Dianne Reynolds-Cane, MD, DHP Director Arne Owens, DHP Chief Deputy Directory Elaine Yeatts, DHP Senior Policy Analyst

Diane Powers, DHP Director of Communications

Mark Monson, DHP Deputy Director of Administration

Charles Giles, DHP Budget Manager Justin Crow, Research Assistant Laura Chapman, Operations Manager

BOARD COUNSEL: No Board counsel was present.

OTHERS PRESENT: Teresa Nadder, VCU

Emmy Morris, VCU & VSCLS

Lynn Onesty, RRMG Lisa Ballou, RMG

QUORUM: With all members present a quorum was established.

AGENDA: No changes or additions were made to the agenda.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF MINUTES: Meeting minutes from May 3, 2011 were approved by motion

of Dr. Noble and properly seconded by Dr. Levin, all members

BOARD ORIENTATION:

were in favor.

Introductions of all Board members were made and Dr. Carter walked the Board through the attached PowerPoint presentation which provided an overview of the powers and duties of the Board, its recent studies and other activities, and its committee structure and staffing. (Attachment 1)

DEPARTMENT DIRECTOR'S REPORT:

Mr. Owens, Chief Deputy Director updated the Board on the following items. Mr. Owens notes that Virginia is currently in a pilot program called Prescription Monitoring Program (PMP) Interconnect. It allows registered PMP users access to other states' prescription records. He also briefed the Board on the steps underway to continue to improve case processing efficiencies.

LEGISLATIVE/REGULATORY UPDATE:

Ms. Yeatts provided handouts of the Regulatory Actions in Process and the draft legislation which would directly affect the Board of Health Professions' meeting scheduling. (Attachment 2)

BUDGET:

Mr. Monson provided the Board with an overview of the budget processes and discussion of the types of revenue sources within the state's overall budget. He further emphasized that t the Department does not receive any money from the General Fund (i.e., taxes). The only other money authorized for use by the Department is some small federal grant funding and the Prescription Monitoring Program's 2007 Purdue Pharma \$20 million settlement interest. This last funding has been dropping along with falling interest rates. Mr. Giles reviewed the specifics of the 2012-2014 Budget Submission document with the Board.

AGENCY COMMUNICATIONS & EDUCATION:

Ms. Diane Powers welcomed the new Board members and reviewed the 2012-2014 Agency Wide Strategic Plan for Communications. Mr. Powers presented a video of Governor McDonnell welcoming the new Board members. A sample copy of the New Board Member Orientation book and an agency pamphlet were passed around the room. Ms. Powers stated that DHP would like to get involved with Virginia Commonwealth University's Communications Department to see if they would be able to assist us in our endeavors for 2012-2014. (Attachment 3)

COMMITTEE REPORT:

Regulatory Research Committee

Dr. Noble reported that on properly seconded motion by Ms. Haynes, the Committee voted to forward consideration of the Medical Laboratory Scientists and Technicians matter to the full Board for further discussion. The significant turnover of Board members has resulted in two vacant seats for the Committee, and the full Board is in the midst of a turnover of twelve of its eighteen members. The significance of the issue merits a full understanding by all members of the Committee and Board of the existing findings and the opportunity to pose any additional questions deemed necessary to render a final

recommendation.

The Board made a motion to table the discussion until the Board has received all Board appointments. The motion was made by Dr. Levin and properly seconded by Mr. Rhodes. The Board then made a motion to send the Medical Laboratory Scientists and Technicians work back to the Regulatory Research Committee for further review. The Motion was made by Mr. Nelsen and properly seconded by Mr. Rhodes.

Executive Director Elizabeth Carter noted that the earlier verbal inquiry from Lactation Consultants requesting the Board to conduct a sunrise review has not yet been followed-up with their formal application in keeping with the Policies and Procedures for the Evaluation of the Need for Regulation of Health Professions and Occupations. But it is anticipated in the future.

Dr. Carter also noted that an association representing Perfusionists had contacted the office recently requesting information on making an application.

There were no Board reports.

BOARD REPORTS:

EXECUTIVE DIRECTOR'S REPORT:

CY2012 Board Work Plan

Dr. Carter provided an overview of the CY2012 Work plan with the Board. Committee assignments were made as follows: Enforcement Committee

Blair Nelsen

Constance Pozniak

Wanda Pritekel

Jeffrey Levin

Regulatory Research

Allison Gregory

Charlotte Markva

Maureen Clancy

Education Committee

Robert Rhodes

Nominating Committee

Yvonne Haynes

Blair Nelsen

Sanction Reference Points (SRP)

Dr. Carter informed the group that the Board of Medicine and Board of Nursing have received updates to their manuals. A sample was provided. Dr. Carter also advised the group that the work performed for the SRP's has received the 2011 CLEAR Regulatory Excellence award.

Healthcare Workforce Data Center (HWDC)

Dr. Carter gave a brief explanation of the Healthcare Workforce Data Center and what it is tasked to do. She also advised the Board that the Virginia Health Workforce

^{*}Additional assignments will be made as needed.

Development Authority received a \$1.93 million grant which HWDC will be assisting with certain aspects of data collection and analysis and in making relevant workforce planning information available to the state and localities as needed.

Nurse Practitioner Scope of Practice & Team Delivery Study

Dr. Carter discussed the need for a revised work plan for this study. She commented that due to the turnover of two-thirds of the entire Board and lack of a full complement of Regulatory Research Committee members at this time, a revised and longer timeline would provide for additional opportunities for public comment and discussion by a fully informed Committee and Board. This is especially the case in light of the nascent, rapidly evolving, and diverse nature of effective health team delivery research.

BHP Budget

Dr. Carter reported that the Board of Health Professions' expenditures, to date, have remained well within budget and are expected to do so for the remainder of the year.

ADJOURNMENT:	The meeting adjourned at 2:19 p.m.
Michael Stutts, Ph.D.	Elizabeth A. Carter, Ph.D.
Board Acting Chair	Executive Director for the Board

Virginia Board of Health Professions

Department
Board Member Orientation
October 24, 2011



Department of Health Professions

- What is the Board of Health Professions?
- What is its authority?
- Who are its members and what is their role?
- What comprises its history, major policy reviews and other activities?
- How is its work accomplished?
- Where should the future focus be?

What is the Board of Health Professions?

The Board of Health Professions is a largely advisory body within the Department of Health Professions authorized by the General Assembly with specific powers and duties listed in §§54.1-2500, 54.1-2409.2, 54.1-2410 et seq., 54.1-2729 and 54.1-2730 et seq. of the Code of Virginia.

Board Member Orientation 2011



What is BHP's authority?

Its statutory responsibilities are several. For ease of understanding, the following listing collapses similar duties.

What is BHP's authority?

I. To evaluate, advise, and assist in promoting coordination and resolving conflicts

More specifically, to evaluate the need for coordination among the health regulatory boards, to serve as a forum for resolving conflicts among health regulatory boards, to examine scope of practice conflicts among professions, and to advise the boards and General Assembly of the nature and degree of such conflicts.

Board Member Orientation 2011



What is BHP's authority?

II. To study matters relating to the regulation or deregulation of health care professions, including whether or to what degree a particular profession should be regulated and to advise the Department Director, General Assembly, and Governor accordingly.

What is BHP's authority?

III. To facilitate communication with the public

To provide a means for citizen access to the Department, a means for publicizing the policies and programs of the Department, and to generally educate the public and elicit support for Department activities.

Board Member Orientation 2011



What is BHP's authority?

IV. Review agency activities

Have access to Departmental information so that it may monitor the policies and activities of the Department. And, as part of this, to periodically review the investigatory, disciplinary, and enforcement processes of the Department and the individual boards to ensure public protection and the fair and equitable treatment of health professionals.

What is BHP's authority?

V. Practitioner Self-Referral Act (1994)

To receive, review, and forward to the appropriate health regulatory board any investigative reports relating to complaints of *Practitioner Self-Referral Act* (PSR) violation, and

To determine compliance with, violations of, and grant exemptions to PSR and take appropriate action against entities, other than practitioners, for violations.

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What is BHP's authority?

VI. Other

To promote the development of standards to evaluate the competency of the professions and occupations represented, and

To make bylaws for its own governance.

Who are BHP's member?

The Board is comprised of 18 members appointed by the Governor. Five are citizen members, and one member is selected by the Governor from each of DHP's 13 health regulatory boards

Board Member Orientation 2011



and their primary roles?

The chief role of the members from the health regulatory boards is to bring their subject-matter expertise and perspectives as health care providers to the Board to assist in conducting policy reviews.

The five citizen members offer their unique perspectives to this effort as health care consumers and as informed members of the general public.

Current Board Members

Maureen A. Clancy (Citizen)
Paul T. Conway (Citizen)
Allison Gregory, RN, LPN (Nursing)
Yvonne Hayes, LCSW (Soc Work)
Jeffrey Levin, DDS (Dentistry)
Charlotte Markva, LPC,
LMFT,CSAC (Counseling)
Robert Maroon, PT (Physical
Therapy)
Blair Nelsen, FSL (FD&E)
Wanda Pritekel, CCC-SLP(ASLP)

Robert Rhodes, RPh (Pharmacy) Michael Stutts, PhD (Psychology) Constance Pozniak, DVM (Veterinary Medicine) Jonathan R. Noble, OD (Optometry)

The Board of Medicine's, Long-Term Care Administrators' representative and Citizen Members (3) are awaiting appointment

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Current Policy Reviews/Activities

Scope of Practice Barriers to Effective Team Health Delivery Review:

- Nurse Practitioners
- Pharmacists
- Next to be determined by the Regulatory Research Committee

Current Policy Reviews/Activities

Evaluation of Sanctions Reference Points

- Medicine (original system in 2004 new manual in 2011 based on review)
- Nursing (original system in 2006 new manual in 2011 based on review)
- Dentistry (review underway)
- Pharmacy (review underway)
- Re-Training for the DHP, Bar and General Public (original training in 2003 updated training in September 2011 on Medicine & Nurse's systems)
- On-going Board Training

Emerging Professions Review:

- Genetic Counselors (2010-11)
- Medical Laboratory Scientists and Technicians (2010-11)
- Lactation Consultant (Request pending)
- · Profusionist (Request pending)

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Emerging Professions Review – Prior since 2008

- Central Services/Sterile Processing Technicians
- · Community Health Workers
- Kinesiotherapists
- Medical Interpreters
- Orthopedic Technologists
- Orthopedic Physicians Assistants
- Orthotists
- Prosthetists
- Pedorthists
- √ Polysomnographers
- ✓ Surgical Assistants
- ✓ Surgical Technologists

Recent Legislative Studies

- Advisability on the expansion of medication aides in nursing homes – HJ90 (2010)
- Request for sunrise review of medical laboratory scientists and technicians – Del. O'Bannon, HB601 (2010) - letter
- Kinesiotherapist sunrise review Senate Letter, SB573 and SB727

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How is the work accomplished?

- Board Members (largely through Committees)
- Executive Director
- Operations Manager
- Policy and Management Analysts
- · Research Assistants
- Contractors

BHP's Workplan

The BHP Workplan communicates overall goals and direction and is broken down by Committee.

It is prepared annually and revised according to the Board's changing needs.

Also, any member of the Board may ask for amendments to include new projects.

Requests for projects from the Governor, Director, the General Assembly, and the public are included.

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EXECUTIVE COMMITTEE

Mission: To review matters of interest to the Board and make recommendations to the Board. To evaluate the need for coordination among the boards and their staffs and report findings and recommendations to the Director and the boards. To monitor policies and activities of the Department. To review and comment on the budget for the Department

REGULATORY RESEARCH COMMITTEE

Mission: To evaluate regulated and unregulated health care professions to consider whether the professions should be regulated and the degree of regulation to be imposed. To examine scope of practice conflicts involving regulated and unregulated professions and advise the boards and the General Assembly regarding the nature and extent of these conflicts.

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EDUCATION COMMITTEE

Mission: To provide a means of citizen access to the Department. To provide a means of publicizing the policies and programs of the Department to educate the public and elicit public support. To promote the development of standards to evaluate the competency of professions represented on the Board.

ENFORCEMENT COMMITTEE

Mission: To review periodically the investigatory, disciplinary, and enforcement processes of the Department and the boards to ensure the protection of the public and the fair and equitable treatment of health professions.

Board Member Orientation 2011



NOMINATING COMMITTEE

Mission: To develop a slate of officers for annual elections of offices (Chair & Vice-Chair) and a listing of members for consideration as acting officer, should the need arise.

Regulatory Actions in Process (as of 10/13/11) Department of Health Professions

Board of Audiology and Speec	h-Language Pathology
Chapter	Action / Stage Information
Regulations of the Board of Audiology and Speech- Language Pathology	Action: Requirements for practice of fiberoptic endoscopic evaluation by speech-language pathologists
[18 VAC 30 - 20]	Stage: Proposed - At Secretary's Office
Regulations of the Board of Audiology and Speech-	Action: Promulgate Chapter 21 & repeal existing Chapter 20
Language Pathology [18 VAC 30 - 20]	Stage: Proposed - At Secretary's Office
Board of Counseling	
Chapter	Action / Stage Information
Regulations Governing the Practice of Professional	Action: Periodic review 11
Counseling [18 VAC 115 - 20]	Stage: NOIRA - Register Date: 8/1/11
Board of Dentistry	
Chapter	Action / Stage Information
Regulations Governing Dental Practice	Action: Sedation and anesthesia permits for dentists
[18 VAC 60 - 20]	Stage: Emergency/NOIRA - At Secretary's Office
Regulations Governing Dental Practice	Action: Periodic review; reorganization of chapter
[18 VAC 60 - 20]	Stage: NOIRA - Register Date: 8/2/10
Regulations Governing Dental Practice	Action: Training in pulp capping for dental assistants II
[18 VAC 60 - 20]	Stage: Fast-Track - At Governor's Office
Regulations Governing Dental Practice	Action: Radiation certification
[18 VAC 60 - 20]	Stage: Fast-Track - At Secretary's Office
Regulations Governing Dental Practice	Action: Recovery of disciplinary costs
[18 VAC 60 - 20]	Stage: Final - At Governor's Office
Regulations Governing Dental Practice	Action: Registration of mobile clinics
[18 VAC 60 - 20]	Stage: Final - At Governor's Office
Board Board of Funeral Directors and	I Embalmers
Board Board of Funeral Directors and Chapter	Action / Stage Information
Regulations of the Board of Funeral Directors and	Action: Identification of human remains
Embalmers [18 VAC 65 - 20]	Stage: Emergency/NOIRA - At Governor's Office
Regulations of the Board of Funeral Directors and	
Embalmers [18 VAC 65 - 20]	Action: Fee increase Stage: Proposed - At Secretary's Office
Regulations for Preneed Funeral Planning	
[18 VAC 65 - 30]	Action: Termination of irrevocable trusts

	Stage: Fast-Track - At Governor's Office
Board Department of Health Professions	
Chapter	Action / Stage Information
Regulations Governing the Prescription Monitoring Program [18 VAC 76 - 20]	
	Stage: That Pregister Date: 6 7 7,7 7
Board Of Long-Term Care Adminis	strators
Chapter	Action / Stage Information
Regulations Governing the Practice of Nursing Home Administrators [18 VAC 95 - 20]	Action: Fee increase Stage: Proposed - At Secretary's Office
Regulations Governing the Practice of Assisted Living Facility Administrators [18 VAC 95 - 30]	Action: Oversight of acting administrators in an AIT program Stage: NOIRA - Register Date: 9/12/11
Board of Medicine	
Chapter	Action / Stage Information
Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic [18 VAC 85 - 20]	Action: Periodic review Stage: Final - At Secretary's Office
Regulations Governing the Practice of Physician Assistants [18 VAC 85 - 50]	Action: Supervision of physician assistant practice Stage: Proposed - At Governor's Office
Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited [18 VAC 85 - 101]	Action: Licensure of radiologist assistants Stage: Final - At Governor's Office
Regulations Governing the Practice of Licensed Midwives [18 VAC 85 - 130]	Action: Disclosure requirements for high-risk pregnancies Stage: Proposed - Register Date: 6/20/11
Regulations Governing the Practice of Polysomnographic Technologists [18 VAC 85 - 140]	Action: Initial regulations for licensure Stage: Proposed - DPB Review in progress
Board of Nursing	
Chapter	Action / Stage Information
Regulations of the Board of Nursing [18 VAC 90 - 20]	Action: Provisional licensure as a registered nurse Stage: Emergency/NOIRA - AT Attorney General's Office
Regulations of the Board of Nursing [18 VAC 90 - 20]	Action: Continued competency requirements Stage: Proposed - At Governor's Office
Regulations of the Board of Nursing [18 VAC 90 - 20]	Action: Requirements for approval of nursing education programs
Regulations of the Board of Nursing [18 VAC 90 - 20]	Stage: Proposed - At Secretary's Office Action: Consistency with Compact rules on licensure Stage: Fast-Track - At Governor's Office

Regulations of the Board of Nursing [18 VAC 90 - 20]	Action: Elimination of prior licensure requirement for foreigneducated applicants
	Stage: Fast-Track - At Governor's Office
Regulations of the Board of Nursing [18 VAC 90 - 20]	Action: Grounds for disciplinary action for failure to report child or elder abuse
	Stage: Fast-Track - At Secretary's Office
Board of Ontomotive	
Board of Optometry	
Chapter Descriptions of the Virginia Record of Onton other	Action / Stage Information
Regulations of the Virginia Board of Optometry [18 VAC 105 - 20]	Action: Fee increase
	Stage: NOIRA - Register Date: 8/16/10
Board Of Pharmacy	
Chapter	Action / Stage Information
Virginia Board of Pharmacy Regulations [18 VAC 110 - 20]	Action: Continuous quality improvement programs
[10 VAO 110 - 20]	Stage: Emergency/NOIRA - At Secretary's Office
Virginia Board of Pharmacy Regulations	Action: Amendments to address on-hold prescriptions
[18 VAC 110 - 20]	Stage: NOIRA - Register Date: 5/9/11
Virginia Board of Pharmacy Regulations [18 VAC 110 - 20]	Action: Modifications to requirements for automated dispensing devices
	Stage: NOIRA - At Secretary's Office
Virginia Board of Pharmacy Regulations	
[18 VAC 110 - 20]	Action: Repackaging in CSB's and BHA's Stage: Proposed - At Secretary's Office
	Stage: Proposed - At Secretary's Office
Virginia Board of Pharmacy Regulations [18 VAC 110 - 20]	Action: Administrative fees for duplicate licenses and verification
	Stage: Proposed - At Secretary's Office
Virginia Board of Pharmacy Regulations	Action: Elimination of alarm system for certain EMS agencies
[18 VAC 110 - 20]	Stage: Fast-Track - At Governor's Office
	Stage. Task Thank The Covernor of Cinio
Board of Physical Therapy	
Chapter	Action / Stage Information
Regulations Governing the Practice of Physical Therapy	Action: Traineeship changes; continuing education
[18 VAC 112 - 20]	Stage: Final - At Secretary's Office
Board	
Chapter	Action / Stage Information
Regulations Governing the Practice of Psychology [18 VAC 125 - 20]	Action: Periodic review recommendations; acceptance of pre-internship hours
	Stage: Final - At Secretary's Office
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Board of Social Work	
Chapter	Action / Stage Information

Regulations Governing the Practice of Social Work [18 VAC 140 - 20]	Action: Fee increase and renewal cycle Stage: Proposed - At Secretary's Office
Regulations Governing the Practice of Social Work [18 VAC 140 - 20]	Action: Licensure requirements Stage: Proposed - At Governor's Office

Board of Veterinary Medicine

Chapter	Action / Stage Information
Regulations Governing the Practice of Veterinary Medicine [18 VAC 150 - 20]	Action: Drug destruction requirements Stage: Fast-Track - At Governor's Office
Regulations Governing the Practice of Veterinary Medicine [18 VAC 150 - 20]	Action: Addition to grounds for finding of unprofessional conduct
	Stage: Fast-Track - At Governor's Office
Regulations Governing the Practice of Veterinary Medicine [18 VAC 150 - 20]	Action: Fee increase Stage: Final - At Secretary's Office

Virginia Department of Health Professions 2012 Session of the General Assembly

Draft Legislation

A bill to amend and reenact § 54.1-2508 of the Code of Virginia, relating to required meetings of the Board of Health Professions.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2508 of the Code of Virginia is amended and reenacted as follows: § 54.1-2508. Chairman; meetings of Board; quorum.

The chairman of the Board of Health Professions shall be elected by the Board from its members. The Board shall meet at least once quarterly annually and may hold additional meetings as necessary to perform its duties. A majority of the Board shall constitute a quorum for the conduct of business.

2011 Department of Health Professions Communications Objectives To Support the Department of Planning and Budget Approved 2012 – 2014 DHP Agency-Wide Strategic Plan

Communications Methodology	Objective	Public Information/ Public Affairs Actions/Deliverable	Customers; and, Key Target Audience(s) or Stakeholders	Anticipated TimeLine
Media Relations	Reputation and Issues Management	Consistent Messaging Crisis Communications	13 Health Regulatory Boards Board of Health Professions DHP Healthcare Workforce Data Center Prescription Monitoring Program	Daily
Better Leverage Technology	Increase user friendliness of DHP website	Post more regular updates from Office of the Director *(Postponed in 2011)	Licensees News media Government Officials Academia Healthcare Community Students Constituents	Ongoing
Educational Outreach	Prepare Board Members For their work	New Board Member Orientation Annual Program	13 Health Regulatory Boards/ Board of Health Professions	Fall '12, '13, '14
Implement Distance Learning Technology	Improve organizational effectiveness and efficiency	Operationalize Polycom	Board, Program and Agency Staff	taff In progress
Support Office of the Director	Meet communications needs in support of agency mission	Duties as assigned Strategic Counsel	Various	Daily
Executive Directors	(See above)	Strategic Counsel	Various	Daily