

**VIRGINIA BOARD OF NURSING
BUSINESS MEETING MINUTES
September 14, 2021**

- TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:00 A.M. on September 14, 2021, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Marie Gerardo, MS, RN, ANP-BC; President
- BOARD MEMBERS PRESENT:**
Ethlyn McQueen-Gibson, DNP, MSN, RN, BC; Second Vice-President
Yvette L. Dorsey, DNP, RN – **joined at 9:24 A.M.**
Margaret J. Friedenberg, Citizen Member
Ann Tucker Gleason, PhD, Citizen Member
James L. Hermansen-Parker, MSN, RN, PCCN-K
Louise Hershkowitz, CRNA, MSHA
Brandon A. Jones, MSN, RN, CEN, NEA-BC
Dixie L. McElfresh, LPN
Felisa A. Smith, PhD, RN, MSA, MSN/Ed, CNE
Cynthia M. Swineford, RN, MSN, CNE
- MEMBERS ABSENT:** Mark D. Monson, Citizen Member; First Vice-President
Jennifer Phelps, BS, LPN, QMHP-A, CSAC
Meenakshi Shah, BA, RN
- STAFF PRESENT:** Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director
Lelia Claire Morris, RN, LNHA; Deputy Executive Director
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice
Christina Bargdill, BSN, MHS, RN; Deputy Executive Director
Jacquelyn Wilmoth; Deputy Executive Director for Education
Stephanie Willinger; Deputy Executive Director for Licensing
Christine Smith, RN, MSN; Nurse Aide/RMA Education Program Manager
Randall Mangrum, DNP, RN; Nursing Education Program Manager
Huong Vu, Executive Assistant
Breana Renick, Administrative Support Specialist
- OTHERS PRESENT:** Charis Mitchell, Assistant Attorney General, Board Counsel
- IN THE AUDIENCE:** Kassie Schroth, McGuire Woods Consulting
Janet Wall, MS, RN, CEO of the Virginia Nurses Association (VNA)/Virginia Nurses Foundation (VNF)
- ESTABLISHMENT OF A QUORUM:** Ms. Gerardo asked Board Members and Staff to introduce themselves. With 11 members present, a quorum was established.
- ANNOUNCEMENTS:** Ms. Gerardo acknowledged **Louise Hershkowitz, CRNA, MSHA** and presented a plaque to Ms. Hershkowitz for her services on the Board of Nursing, the Committee of the Joint Boards of Nursing and Medicine and Board of Health Professions.

Ms. Gerardo acknowledged Felisa Smith for the successful completion of her PhD program at Capella University

Ms. Gerardo highlighted the remainder announcements on the agenda.

- Staff Update
 - **Ofelia Solomon** accepted the full time Nurse Aide Licensing Specialist position (replaced Cheryl Garland) and started on July 26, 2021
 - **Teresa Walsh, RN, PhD**, accepted the Nursing Education Program Inspector position and started on August 2, 2021
 - **Jane Best, RN, MSN** accepted the Nurse Aide Education Program Inspector position and started on August 2, 2021
 - **Breana Renick** accepted the P-14 Administrative Support Specialist position and started on August 16, 2021

Ms. Douglas noted an additional staff update:

- **Lakisha Goode** has accepted the Discipline Team Coordinator position (replaced Sylvia Tamayo-Suijk) and will start on September 25, 2021

UPCOMING MEETINGS: The upcoming meetings listed on the agenda:

- The NCSBN Board of Directors (BOD) meeting is scheduled for September 21-22, 2021 in Chicago. Ms. Douglas will attend as President of the NCSBN BOD (Note: all NCSBN meetings are funded by NCSBN)
- The RMA Curriculum Committee meeting is scheduled for Wednesday, September 22, 2021 at 10:00 am in Board Room 1
- The Federation of State Massage Therapy Boards (FSMTB) Annual meeting is scheduled *VIRTUALLY* for October 6-9, 2021. Ms. Hanchey, Senior Licensing/Discipline Specialist, will attend
- The Committee of the Joint Boards of Nursing and Medicine meeting is scheduled for Wednesday, October 13, 2021 at 9:00 am
- The Nursing Education Seminar is scheduled for Wednesday, October 20, 2021, in Board Room 3. The first session starts at 9:00 am and will provide information for establishing a new education program. The second session starts at 1:00 pm and will provide information regarding regulatory review.
- The Nurse Aide Education Seminar is scheduled for Thursday, October 27, 2021 at 9:00 am in Board Room 3. The Seminar will cover the

review of nurse aide education regulations.

Ms. Douglas noted the additional upcoming meeting:

- The Nominating Committee meeting is scheduled for Tuesday, October 5, 2021 at 8:15 am in Board Room 1

ORDERING OF AGENDA: Ms. Gerardo asked staff to provide updates of the Agenda.

Ms. Douglas provided the following:

- Both Dr. Brown and Dr. Allison-Bryan will not be in attendance
- The recommendation for ECPI University – Practical Nursing Program (US281003200), Northern Virginia currently scheduled for consideration at 10:30 am today has been moved to November 16, 2021 meeting
- The formal hearing of Jennifer Toler, RN on Wednesday, September 15, 2021 at 10 am with Panel A has been removed from the schedule as the Board accepted Ms. Toler’s Consent Order on Monday, September 13, 2021.

CONSENT AGENDA: The Board removed the following items from the consent agenda for discussion:

- Ms. Hershkowitz removed **HWDC Report** - Virginia’s Nursing Education Programs: 2019-2020 Academic Year
- Ms. Douglas removed **C4** Executive Director Report
- Ms. Willinger removed **C2** Board of Nursing Monthly Tracking Log as of July 31, 2021

Mr. Hermansen-Parker moved to accept the remaining items on consent agenda as presented. The motion was seconded by Dr. Smith and carried unanimously.

Consent Agenda

B1 July 19, 2021	Formal Hearings
B2 July 20, 2021	Business Meeting
B3 July 21, 2021	Panel A – Formal Hearings
B4 July 21, 2021	Panel B – Formal Hearings
B5 July 22, 2021	Formal Hearings
B6 August 12, 2021	Telephone Conference Call
B7 August 23, 2021	Telephone Conference Call

C1 Financial Reports as of June 30, 2021

C3 Agency Subordination Recommendation Tracking Log

C5 - RMA Curriculum Committee July 8, 2021 Meeting Minutes

C6 - RMA Curriculum Committee August 16, 2021 Meeting Minutes

The *VIRTUAL* August 18-19, 2021 NCSBN Annual meeting Report

- ❖ C7 - Brandon Jones' report
- ❖ C8 - Jacquelyn Wilmoth's report

Discussion of item removed from the Consent Agenda:

C2 - Board of Nursing Monthly Tracking Log as of July 31, 2021

Ms. Willinger noted that the tracking log needs to be revised because, as of July 1, 2021, clinical nurse specialists (CNSs) are now licensed as nurse practitioners.

Ms. Hershkowitz moved to break out the nurse practitioner group into four advanced practice registered nurse (APRN) roles, which are CNS, CRNA, CNM and NPs (traditional NPs). The motion was seconded by Mr. Hersmansen-Parker and carried unanimously.

Dr. Dorsey joined the meeting at 9:24 A.M.

C4 - Executive Director Report

Ms. Douglas stated that she has additional information to add to her report:

- ❖ The *VIRTUAL* August 17, 2021 Nurse Licensure Compact (NLC) Annual Meeting – Virgin Islands passed legislation to join the Compact; once enacted, there will be 39 states/territories in the Compact. Due to the pandemic, the benefits of the Compact were realized as the need for nurse mobility increased. The Department of Defense (DOD) also has a great interest in the Compact and has in place grant money for the development of compacts as a means to assist military families with professional mobility.
- ❖ Massage Therapy Compact Technical Assistance Group September 1, 2021 Meeting – Ms. Douglas attended virtually. The purpose of the group was to discuss the benefits of the compact model on public protection and to initiate an exchange between licensure and discipline. The work will then be turned over to the legal team for drafting. The goal is for the model to be developed by 2023 and ready for introduction to state legislatures that are interested. The DOD provides the money to fund the work of this compact. Additional meetings are being planned.
- ❖ DMAS Nurse Aide Role meeting – the purpose of this meeting was for DMAS to share their proposal and possible options for a new CNA-type caregiver role to assist pediatric patients receiving long term private duty benefits through Medicaid. Dr. Brown, Ms. Yeatts and Ms. Douglas are part of this workgroup and additional meetings are being planned.
- ❖ Workforce issues – Board staff is aware of workforce and faculty shortages.

Healthcare Workforce Data Center (HWDC) Report:

- Virginia's Nursing Education Programs: 2019-2020 Academic Year

Ms. Hershkowitz stated that when the Education Program Report was last presented, she requested that the report of the RN Programs have Propriety Programs broken out as is done with the PN Programs.

Ms. Douglas stated that Drs. Carter or Shobo are not available today but they sent their response stating that *“the analysis you suggested can be done; However, to include that with the current report would make the work onerous. Dr. Shobo suggests doing the propriety versus non-proprietary program breakdown for **certain indicators of interest (or relevance).**”*

Ms. Hershkowitz suggested a few specific indicators from the current report:

- Program type breakout of Proprietary RN Programs (page 25)
- Number of students enrolled in Propriety RN Programs (page 32)
- Attrition and Graduation rates of Proprietary RN Programs (page 33 & 34)
- Use of Comprehensive Exams in these programs, including:
 - Allowing students to reattempt the exam;
 - Number of students who did not graduate after failing the exam (page 40)
- Faculty appointments and resignations (page 41)

Ms. Hershkowitz commented that if the Board can see the information on these specific indicators, it may be able to identify whether or not to pursue this line of inquiry moving forward.

Ms. Wilmoth noted that the NCSBN conducted a survey of quality indicators, the report of which will be available soon and will likely contain the Proprietary information regarding the RN Programs.

Mr. Hermansen-Parker suggested obtaining data at least one time for review by the Board to determine if the information gleaned from the report is useful. All agreed.

Ms. Hershkowitz moved to accept the report as presented. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

Mr. Hershowitz moved to include specific indicators as suggested to the next report for review by the Board. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

- DIRECTOR OFFICE: Ms. Douglas reported the following on behalf of Dr. Brown:
- DHP has extended remote teleworking for staff from October 1st to January 1st, 2022 due to current COVID status.
 - Midwifery Workgroup meeting – HB1953 which directs DHP to convene a work group to study and determine the appropriate entity to license and regulate all categories of midwives: Certified Professional Midwife (CPM), Certified Nurse Midwife (CNM) and Certified Midwife (CM). Dr. Brown convened the meeting of the workgroup. In attendance were two CNMs, two CPMs, two CMs, two Lobbyists, Dr. Harp, Executive Director for the Board of Medicine, Ms. Douglas and Dr. Vanessa Walker Harris, Deputy Secretary of Health and Human Resources. The group discussed the three options:
 - Maintain the status quo
 - Solely regulated by a single board (either Board of Nursing and Midwifery or separate Board of Midwifery)
 - Formation of an Advisory Board

The Workgroup asked for more information and one more meeting will be scheduled to finalize the recommendation. The report of the workgroup is due to the General Assembly on November 1, 2021.

DISPOSITION OF
MINUTES:

None

REPORTS:

None

OTHER MATTERS:

Board Counsel Update:

Ms. Mitchell stated that she has nothing to report.

EDUCATION:

Education Staff Report:

Ms. Wilmoth said that she has nothing to report.

LEGISLATION/
REGULATION:

Ms. Douglas reported the following on behalf of Ms. Yeatts:

F1 Chart of Regulatory Action as of August 25, 2021:

Ms. Douglas provided an overview of the regulatory actions found in the chart.

F2 Adoption of Final Regulations for Waiver of Electronic Prescribing (18VAC90-40-122)

Ms. Douglas noted that the proposed amendments are identical to the emergency regulations that became effective on December 23, 2019. Ms. Douglas added that there were no comments on the proposed regulations to replace the emergency regulations.

Ms. Hershkowitz moved to adopt the final regulations for e-prescribing of opioids by nurse practitioners that replace the emergency regulations for a temporary waiver for e-prescribing of opioids as presented. The motion was seconded by Mr. Hermansen-Parker and carried unanimously.

Consideration of Guidance Documents (GDs) Memo

- ❖ **GD 90-13** – *Application for Initial Approval of Nursing Education Program*
- ❖ **GD 90-14** – *Continued Full Approval of Nursing Education Program*

Ms. Douglas stated that these two GDs are due for review. Ms. Douglas added that staff completed the review and recommends that the Board re-adopt with no changes.

Mr. Hermansen-Parker moved to re-adopt GD 90-13 and GD 90-14 with no changes as presented. The motion was seconded by Dr. Smith and carried unanimously.

RECESS: The Board recessed at 9:50 A.M.

RECONVENTION: The Board reconvened at 10:03 A.M.

PUBLIC COMMENT: Janet Wall, Chief Executive Officer (CEO) of the Virginia Nurses Association (VNA)/ Virginia Nurses Foundation (VNF), provided the following:

- Environmental scan – there is a dire mental health situation as there has been an increase in nurse suicides
- VNA is in support of the current vaccination in process
- Nurse staffing discussion is scheduled for next week to discuss tangible and actionable items
- Youth mental health pilot project – VNA will partner with Richmond public schools
- Conference registration model – variability in pricing and will be focusing on moral resilience and healing of the nursing community.
- Nurse Leadership Academy – it is a 1-year leadership development program and will be held virtually. The cost is \$1,295/person or, if an employer registers three or more individuals, the cost is \$1,195/person. Currently there are 38 people signed up, with a VNA goal of 50 participants
- Virginia Nurses Today –any board members interested in writing an article for VNA’s quarterly newspaper is invited to email Ms. Wall to share their idea, jwall@virginiannurses.com

Ms. Wall said that she will email Ms. Vu the link about Nurse Leadership Academy that can be shared with board members.

EDUCATION INFORMAL CONFERENCE COMMITTEE MINUTES AND RECOMMENDATIONS

E1 – September 1, 2021 Education Informal Conference Committee minutes
Mr. Hermansen-Parker moved to accept the September 1, 2021 Education Informal Conference Committee minutes as presented. The motion was seconded by Ms. Hershkowitz and carried unanimously.

MEETING DEBRIEF:

The following were well received by Board Members:

- Appreciated shorter business meeting and formal hearings to follow
- Appreciated staff for checking on board members during the pandemic
- Appreciated electronic version of the business meeting materials

The following needs improvement per Board Members:

- No improvements were noted

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Dr. Gleason moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 10:35 A.M. for the purpose of considering the Consent Orders. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Morris, Ms. Bargdill, Ms. Willinger, Ms. Iyengar, Dr. Mangrum, Ms. C. Smith, Ms. Renick, 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 properly seconded by Mr. Hermansen-Parker and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:40 A.M.

Dr. Gleason 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 properly seconded by Dr. Smith and carried unanimously.

0001-138530

Mr. Hermansen-Parker moved to accept the consent order to reprimand **Sherrie Stanbery Baez**, and to approve her application for reinstatement of her license to practice professional nursing for single-state licensure in Virginia only, to suspend her license to practice professional nursing in the Commonwealth of Virginia with suspension stayed upon proof of Ms. Baez's entry into a contract with the Virginia Health Practitioners' Program (HPMP) and compliance with all terms and conditions of the HPMP for the period specified by the HPMP. The motion was seconded by Dr. Smith and carried unanimously.

G2 Beverly Stone McFarlane, LPN

0002-052849

Mr. Hermansen-Parker moved to accept the consent order to revoke the license of **Beverly Stone McFarlane** to practice practical nursing in the Commonwealth of Virginia. The motion was seconded by Dr. Smith and carried unanimously.

ADJOURNMENT:

The Board adjourned at 10:41 A.M.

Marie Gerardo, MS, RN, ANP-BC
President