

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
APRIL 15, 2008**

TIME AND PLACE: The meeting was called to order at 1:05 p.m. on Tuesday, April 15, 2008, at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Richmond, VA.

PRESIDING OFFICER: David R. Boehm, President

MEMBERS PRESENT: Susan G. Chadwick, Au.D.
Jennifer H. Edwards, Pharmacy
Meera A. Gokli, D.D.S.
Mary Gregerson, Ph.D.
Damien Howell, P.T.
Billie W. Hughes, F.S.L.
Juan M. Montero, II, M.D.
Sandra Price-Stroble, Citizen Member
Vilma Seymour, Citizen Member
Mary M. Smith, N.H.A.
Demis L. Stewart, Citizen Member
Lucia Anna Trigiani, Esq., Citizen Member
John P. Turner, L.P.C.
John T. Wise, D.V.M.

MEMBERS NOT PRESENT: Paula H. Boone, O.D.
Lynn M. Cooper, Citizen Member, Nursing
Roxana Valencia, Citizen Member

STAFF PRESENT: Emily Wingfield, Chief Deputy Director
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Amy Marschean, Senior Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager

OTHERS PRESENT: Fatima Sharif, CLAS Act
Neal Kauder, Visual Research, Inc.
Pam McAnally
Chelsea Miller, HDJN

QUORUM: With thirteen (15) members present, a quorum was established.

AGENDA: The agenda was revised to receive Ms. Yeatt’s legislative regulatory update following the public comment.

PUBLIC COMMENT: No public comment was presented.

COMMITTEE ASSIGNMENT REVIEW: The committee assignment review was not discussed.

APPROVAL OF MINUTES: **Full Board**

On properly seconded motion by Mr. Howell, the Board voted unanimously to adopt the minutes of the February 6, 2008 meeting.

Enforcement Committee

On properly seconded motion by Ms. Stewart, the Board voted unanimously to adopt the minutes of the April 18, 2006 meeting.

Education Committee

On properly seconded motion by Mr. Howell, the Board voted unanimously to adopt the minutes of the April 9, 2007 meeting.

Practitioner Self-Referral Committee

On properly seconded motion by Dr. Montero, the Board voted unanimously to adopt the minutes of the August 29, 2006 meeting.

Nominating Committee

On properly seconded motion by Ms. Stewart, the Board voted unanimously to adopt the minutes of the February 6, 2008 meeting.

PRESENTATION ON DEPARTMENT OF HEALTH’S CLAS ACT AND OTHER MEDICAL INTERPRETER RESOURCES:

Ms. Sharif presented a slide presentation on the CLAS Act Virginia (Culturally & Linguistically Appropriate Health Care Services). The presentation is incorporated into the minutes as Attachment 1. The presentation revealed the need to add the CLAS Act link to all healthcare websites. Additionally, Ms. Sharif was informed of “Dial 211”, which provides a host of information to consumers, including assistance in locating health professionals.

DEPARTMENT DIRECTOR’S REPORT:

Department of Health – Prevention of Transmittable Diseases

Ms. Ryals apprised the Board of a request from the Virginia Department of Health regarding Healthcare Associated Infections (HAI). Specifically, Karen Remley, M.D., State Health Commissioner submitted a letter requesting a collaborative effort to prevent and reduce HAI. Additionally, Dr. Remley, requested assistance in informing, implementing and promoting awareness of HAI. Ms. Ryals requested the Board’s help in this matter with regard to analysis of complaints,

board statutes and federal laws. The Board remanded the matter to the Executive Committee for research and Ms. Yeatts for regulatory review.

Key Performance Measures

Ms. Ryals presented an updated overview of the agency's disciplinary case closure progress. She noted that the old and new disciplinary cases were being tracked separately in an effort to better determine the impact of process changes in response to Virginia Performs. Ms. Ryals reported that the boards overall had increased their closure rates substantially, with seven boards improving by over 40%. Additionally, Ms. Ryals apprised the Board of the steps the agency is taking to continue the clearing old cases and applying new processes, such as tiering cases according to the level of investigation required. She also reported that the agency would soon be implementing a new computerized system, Documentum, to enable even greater efficiencies through document scanning and other data electronic storage and retrieval capabilities. Additionally, the agency has contracted with Visual Research, Inc. to obtain independent research assistance relative to agency performance. Ms. Ryals also reported that the number of days allotted for case processing activity at respective stages is: Entry/Investigations (100 days), Probable Cause (120 days), and APD (30 days).

Ms. Ryals informed the Board that Kate Nobsch has transferred from her role as a Board of Medicine Deputy Director to a new position designed to help the whole agency with the implementation of Documentum and to aid in agency-wide educational efforts.

Ms. Ryals recognized Dr. Carter for her recent service as Acting Executive Director for the Board of Funeral Directors and Embalmers and Board of Veterinary Medicine in addition to her continued service as Executive Director for the Board of Optometry and Board of Health Professions and her work relative to Virginia Performs and other on agency performance analyses. She also recognized Lisa Hahn as the new Executive Director for the Board of Funeral Directors and Embalmers. Ms. Lisa Hahn also currently serves as the Executive Director for the Boards of Audiology and Speech-Language Pathology, Long-Term Care Administrators, and Physical Therapy.

**UPDATE ON BOARD
LEGISLATION AND
REGULATIONS:**

Ms. Yeatts provided an update on the 2008 legislation, specifically, noting two new regulated professions, dental assistants and occupational therapy assistants. A summary of the legislation is incorporated into the minutes as Attachment 2.

**REGULATORY REVIEW
COMMITTEE REPORT:**

Central Sterile Technicians

Dr. Chadwick reported that data collection is on-going and a public hearing is scheduled prior to the Board's September meeting.

Orthotists, Prosthetists and Pedorthists

Dr. Chadwick reported that the Committee had received a presentation by Dr. Carter. Further, that the Committee requested staff to continue research of statistics and job analyses for report back to the Committee. Dr. Carter suggested the utilization of an expert panel to review the credentialing examinations job analysis data and to perform criticality scaling to gauge the potential for harm to the public. The Committee determined that further review of the specifics of the job analysis information was required before deciding upon soliciting outside expert panel review.

Polysomnographers

Dr. Chadwick reported that the Committee reviewed the request from Dr. Harp requesting a study of polysomnographers (sleep technicians). She stated that the Committee's review noted possible overlapping of scope of practice with Respiratory Therapists. Further, it was the recommendation of the Committee that the matter be remanded back to the Respiratory Advisory Board of the Board of Medicine for further information concerning the specific scope of practice issues in question.

On properly seconded motion by Mr. Howell, the Board voted unanimously to remand the matter back to the Respiratory Advisory Board for more information.

**EXECUTIVE DIRECTOR'S
REPORT:**

Sanctions Reference Study Update – Neal Kauder

Mr. Kauder informed the Board that as of April 1, 2008, 500 cases had been reviewed through the use of the Sanction Reference Point sheets. Further, the overall agreement rate was approximately 85% and there were no reported issues of concern since the inception of the Sanctions Reference Point Systems. Mr. Kauder reported that the Behavioral Science Boards were

moving forward with their combined data collection and an Ad Hoc Committee had met. Additionally, he stated that the Board of Medicine was in the last stages of drafting a Confidential Consent Agreement (CCA) scoring system for the Board of Medicine's approval in June. Mr. Kauder noted that the remaining boards: Long Term Care, Physical Therapy and Audiology & Speech-Language Pathology will begin their work in June.

Budget

Dr. Carter apprised the Board that its expenditures were within the budget and funding should be sufficient through the end of the year.

BOARD REPORTS:

No reports were presented.

NEW BUSINESS:

Criminal Background Checks

Ms. Wingfield reported on the efforts underway to develop a legislative proposal to afford boards discretion in obtaining criminal background checks. She noted that the criminal background checks are critical for the Board of Nursing due to the requirements of the Nursing Licensure Compact and that more information will be shared with Nursing at its May meeting. In order to comply with the Compact, legislative action must be taken by 2010.

ADJOURNMENT:

On properly seconded motion by Dr. Montero, the Board voted unanimously to at 3:00 p.m.

David R. Boehm, L.C.S.W.
Board President

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