

**VIRGINIA BOARD OF NURSING  
MINUTES  
March 22, 2016**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:02 A.M. on March 22, 2016 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President

**BOARD MEMBERS PRESENT:**

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP; President  
William Traynham, LPN, CSAC; Vice President  
Guia Caliwagan, RN, MAN  
Joana Garcia, Citizen Member  
Marie Gerardo, MS, RN, ANP-BC  
Regina Gilliam, LPN  
Louise Hershkowitz, CRNA, MSHA  
Kelly McDonough, DNP, RN  
Mark D. Monson, Citizen Member  
Jennifer Phelps, LPN, QMHPA  
Rebecca Poston, PhD, RN, CPNP-PC

**BOARD MEMBERS ABSENT:**

Jeanne Holmes, Citizen Member; Secretary  
Trula Minton, MS, RN

**STAFF PRESENT:**

Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director  
Brenda Krohn, RN, MS; Deputy Executive Director  
Gloria D. Mitchell-Lively, RN, BSN, MBA; Deputy Executive Director  
Jodi P. Power, RN, JD; Deputy Executive Director  
Stephanie Willinger, Deputy Executive Director  
Charlette Ridout, RN, MS, CNE; Senior Nursing Education Consultant  
Ann Tiller, Compliance Manager  
Amy Davis, Executive Assistant

**STAFF ABSENT:**

Linda Kleiner, RN, Discipline Case Manager  
Paula B. Saxby, RN, PhD; Deputy Executive Director

**OTHERS PRESENT:**

Charis Mitchell, Assistant Attorney General, Board Counsel  
Dr. William Hazel, Secretary, Health and Human Resources  
David E. Brown, DC; Director, Department of Health Professions  
Lisa Hahn, Chief Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst; Department of Health Professions

**IN THE AUDIENCE:**

Andrew Lamar, representing Virginia Nurses Association  
Dana Parsons, representing Leading Age  
Na'im Campbell, Criminal Background Check Unit Supervisor

ESTABLISHMENT OF A QUORUM:

With 11 members present, a quorum was established.

Dr. Brown introduced Dr. Hazel; Board members and staff introduced themselves.

Ms. Douglas provided an overview of the ongoing work of the Board of Nursing to include:

- Over 500 formal hearings conducted a year
- Over 160 informal conferences conducted a year
- Approximately 35 days a year for each Board member to be present, which can cause conflicts with employers
- Increase in number and complexity of discipline cases to include nursing education program oversight
- Over 216,000 licensees

Dr. Hahn thanked Dr. Hazel for his time with the Board today and reinforced Ms. Douglas' statement regarding the time commitment for Board members, stating that a typical formal hearing day includes 6 – 8 cases. Dr. Hahn stated Board members take the responsibility to protect the public seriously and spend countless hours preparing for formal hearings, informal conferences, board meetings and committee meetings. Dr. Hahn added that Board members could not do their work without the work and support of Board of Nursing staff.

Dr. Hazel acknowledged the work of the Board and is glad he was able to be a part of today's meeting. He also provided information on the following topics:

- Virginia Department of Health program being initiated to move toward a health focus, healthcare coverage remains a concern, work is being done to meet needs
- General Assembly is not interested in expanding Medicaid
- Mental health system continues to be under-addressed, developing what model should be, beyond crises management to include substance abuse

Dr. Hazel, Dr. Brown and Ms. Hahn left the meeting.

ANNOUNCEMENTS:

Ms. Douglas noted the announcements on the agenda and introduced Na'im Campbell and Timetria Turner who are staffing the criminal background check unit for the Board. Ms. Douglas added information not on the agenda that Angela Thompson has been hired to fill a vacant licensing specialist position and Kristina Page has been appointed to the Massage Therapy Advisory Board.

UPCOMING MEETINGS

Ms. Douglas noted the upcoming meetings on the agenda noting an additional Board of Nursing member is needed for the Committee of the Joint Boards of Nursing and Medicine meeting scheduled for April 13, 2016. Mr. Traynham

volunteered to serve. Ms. Douglas added that Board members are interested in attending the NCSBN Discipline Case Management Conference or the NCSBN Annual Meeting should let her know as soon as possible so travel authorization process can be started.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board did not remove any items from the consent agenda. Mr. Traynham moved to accept the consent agenda which included the following. The motion was seconded and carried unanimously.

Minutes:

November 16, 2015	Quorum – Dr. Hahn
November 17, 2015	Quorum – Dr. Hahn
November 18, 2015	Quorum – Dr. Hahn
November 18, 2015	Panel – Dr. Hahn
November 18, 2015	Panel – Mr. Traynham
November 19, 2015	Panel – Mr. Traynham
January 27, 2016	Quorum – Dr. Hahn
January 27, 2016	Panel – Dr. Hahn
January 27, 2016	Panel – Ms. Minton
January 28, 2016	Panel – Ms. Holmes
February 23, 2016	Telephone Conference Call – Mr. Traynham

Reports:

Agency Subordinate Tracking Log  
Finance Report  
Board of Nursing Monthly Tracking Log-Licensure & Disciplinary Statistics  
Health Practitioners Monitoring Program

REPORTS:

**Executive Director Annual Report:**

Ms. Douglas reviewed the annual report that summarized license information, discipline information, Board member appointments, significant activities and information on presentations provided by Board staff for 2015.

**Executive Director Report:**

Ms. Douglas provided information regarding:

- Number of cases at probable cause level is the highest that it has been in some time.
- Three workgroups have been developed across boards to address issues with the current licensing database (MLO).
- Working with sharing Board information to increase communication with other agencies and entities regarding Board of Nursing activities. One method is by attending Virginia Nurses Association Board meetings.
- Telephone issues and possible solutions being examined to effectively handle the approximate 2000 incoming calls a day to the Board.

- Paperless licensing information is being researched, would reduce fraudulent documents and would reduce printing and mailing costs.
- Budget proposal for FY 17-18 included requests for additional positions to assist with the volume of work. Dr. Brown is aware of inequity of licensing and discipline staff in relation to volume of applications and cases. The budget proposal has been submitted to Dr. Brown.
- Salary study of DHP administrative assistant staff resulted in 5 Board of Nursing staff receiving a salary increase due to internal alignment issues.
- Promoting E-Notify, a NCSBN service that provides employers with renewal and discipline information regarding staff. Sentara is currently using E-Notify.

PUBLIC COMMENT: No one was present who wished to address the Board during the public comment period.

REPORTS:

**Enhanced Nurse Licensure Compact 2016 Cohort Meeting:**

Ms. Douglas attended the meeting held in December 2015 of 16 states indicating interest in moving forward with legislation for the Enhanced Nurse Licensure Compact. Some states not currently members of the Nurse Licensure Compact are interested in the Enhanced Nurse Licensure Compact. National Council of State Boards of Nursing convened the meeting and offered support to interested states. Ms. Douglas stated the 2016 General Assembly passed legislation for Virginia to adopt the Enhanced Nurse Licensure Compact, which will become effective December 31, 2018 or when 26 states join, whichever comes first and that Virginia was the second state to adopt the Enhanced Nurse Licensure Compact.

**Criminal Background Check (CBC) Implementation:**

Ms. Willinger provided information since the implementation of CBC's January 1, 2016. Between January 4, 2016 and March 20, 2016, 1,368 fingerprint transactions have been conducted. 1,099 have been completed and 1,126 criminal background checks have been received. 1,003 had no criminal background, 123 were reported to have possible records. Between January 4 and February 4, 2016, approximately 4% of applicants did not disclose to having criminal background that did have possible records.

Ms. Willinger reported the process between Fieldprint, Virginia State Police and Board staff is operating as planned. The Board of Nursing website has been updated to include CBC frequently asked questions. Ms. Willinger expressed her appreciation to the CBC Committee for their work.

**Non-Routine Applicant Report for 2015:**

Ms. Power reviewed the report for non-routine applications with cause for denial for 2015. Of the 21,316 applications submitted, 1,268 were identified as non-routine with at least one cause for denial. The categories included nurse aide applications (38%); registered nurse applications (34%); practical nurse applications (15%); medication aide applications (8%); and massage therapy applications (5%). 95.6% of the non-routine applications were reviewed with

determination by staff; 90.6% were approved after document review; 7% were offered pre-hearing consent orders; 2.2% were scheduled for informal conferences or formal hearings and .2% was denied. The remaining 4.4% were reviewed with determination by the Board President; 39.3% were approved following document review; 30.4% were offered pre-hearing consent orders; 25% were scheduled for informal conferences or formal hearings. Ms. Power thanked Ms. Krohn and Ms. Tiller for their work on compiling the data.

RECESS: The Board recessed at 10:28 A.M.

RECONVENTION: The Board reconvened at 10:35 A.M.

POLICY FORUM: **DHP Healthcare Workforce Data Center;**  
Dr. Elizabeth Carter, Director of the DHP Healthcare Workforce Data Center and Dr. Yetty Shobo, Deputy Director, provided a review of the Nursing Education Programs for 2013 – 2014 Academic Year; Certified Nurse Aide Workforce Data for 2015; Licensed Nurse Practitioner Workforce Data for 2015; Licensed Practical Nurse Workforce Data for 2015; and Registered Nurse Workforce Data for 2015.

Dr. Carter lead a review of the workforce data reports that are compiled using information provided by licensees during the online renewal process and include median age, income, education, background and employment information. These reports can be found on the website <http://www.dhp.virginia.gov/hwdc/default.htm>.

Dr. Brown and Ms. L. Hahn rejoined the meeting.

Dr. Shobo lead a review of the Nursing Education Programs 2013-2014 Academic Year report, and the proposed changes to the survey for registered nurse and licensed practical nurse education programs that will provide additional accreditation information, and program changes information. Mr. Monson moved that the Board accept the proposed changes to the Nursing Education Program Survey. The motion was seconded and carried unanimously.

Dr. Carter and Dr. Shobo left the meeting.

REPORTS:

**National Council of State Boards of Nursing (NCSBN) Midyear Meeting;**  
Ms. Gilliam, Ms. Ridout and Ms. Douglas attended the meeting held March 14 – 16 in Baltimore. Ms. Gilliam thanked the Board for the opportunity to attend. Ms. Gilliam stated she was able to interact with LPN Board members from other states and stated the experience was insightful and informative.

Ms. Ridout reported the meeting was very educational and found the presentation on fraud as it related to education was insightful and was appreciative of the opportunity to attend the meeting.

Ms. Douglas added NCSBN has a downloadable resource kit on fraud in licensure, adding that DHP training in May will include fraud detection related information. Ms. Douglas reported during the Executive Officer Leadership Day, a very good presentation from a media expert was provided. Ms. Douglas also attended the Nurse Licensure Compact Administrators meeting and reported that 16 states are moving forward with the Enhanced Nurse Licensure Compact. Idaho and Wyoming have passed the new APRN Compact adopted by NCSBN May 2014.

**DIALOGUE WITH AGENCY DIRECTOR:**

Dr. Brown provided information on the following topics:

- Healthcare Workforce Data Center reports will be made available to high school guidance counselors and community colleges to provide information regarding healthcare for career planning options.
- Busy General Assembly session that involved DHP which would be covered later in the meeting by Ms. Yeatts.

**OTHER MATTERS:**

**Board of Nursing Appeals Update:**

Ms. Mitchell, Board Counsel, reported on the current appeal information regarding Board of Nursing cases.

**RECESS:**

The Board recessed at 12:05 P.M.

**RECONVENTION:**

The Board reconvened at 12:45 P.M.

Dr. Brown, Ms. L. Hahn and Ms. Mitchell left the meeting.

**Election of 2016 Board of Nursing Officers:**

Ms. Phelps reported on the slate of officers presented by the Nominating Committee for 2016:

President: Joyce A. Hahn, PhD, APRN, NEA-BC, FNAP  
Trula Minton, MS, RN

Vice President: Louise Hershkowitz, CRNA, MSHA  
Kelly McDonough, DNP, RN  
William Traynham, LPN, CSAC

Secretary: Guia Caliwagan, RN, MAN  
Mark Monson, Citizen Member  
Jennifer Phelps, LPN, QMHPA

Ms. Douglas informed the Board that Ms. Minton has requested to be withdrawn from the nominations.

Dr. Hahn asked for nominations from the floor for the office of President, Vice President and Secretary; none were received.

Mr. Traynham moved Dr. Hahn be elected as President by acclamation. The motion was seconded and carried unanimously.

Dr. Hahn called for a vote for Ms. Hershkowitz for the office of Vice President and received four votes. Dr. Hahn called for a vote for Dr. McDonough for the office of Vice President and received four votes. Dr. Hahn called for a vote for Mr. Traynham for the office of Vice President and received three votes.

Dr. Hahn called for a re-vote for Ms. Hershkowitz for the office of Vice President and received five votes. Dr. Hahn called for a re-vote for Dr. McDonough for the office of Vice President and received six votes. Dr. McDonough was elected as Vice President.

Dr. Hahn called for a vote for Ms. Caliwagan for the office of Secretary and received 1 vote. Dr. Hahn called for a vote for Mr. Monson for the office of Secretary and received three votes. Dr. Hahn called for a vote for Ms. Phelps for the office of Secretary and received seven votes. Ms. Phelps was elected as Secretary.

**Letter from Delegate Orrock to Dr. Brown Regarding CNA Curriculum:**

Ms. Douglas the letter that requests stakeholders to convene to review nurse aide education program curriculums. Ms. Douglas reported it is anticipated to convene a committee in May when Dr. Saxby returns from medical leave and asked for volunteers to serve on the committee. Ms. Caliwagan, Dr. Hahn, Mr. Monson and Ms. Phelps indicated their interest in being on the committee.

**Informal Conference Committee Schedule for 2016:**

Ms. Krohn asked Board members to consult with their Special Conference Committee member and provides dates for informal conferences to be scheduled for July – December 2016.

**DHP Standardized Discipline Document Pilot Program:**

Ms. Power provided an overview of the program to revise discipline documents such as notices and orders in an effort for all Boards to be consistent. The Board of Nursing will begin the pilot April 15, 2016. All documents were reviewed and approved by the Attorney General's Office. Examples of the documents were provided to Board members.

**Procedural Conscious Sedation Committee:**

Ms. Hershkowitz reported that Johnson & Johnson have withdrawn auto pilot sedation which was the basis of comments regarding the Board of Nursing guidance document.

**Lodging Rates for Board Members:**

Ms. Davis reported Board members have encountered situations where they were not able to obtain lodging at the state rate. Going forward, Ms. Davis will prepare a request to Dr. Brown for approval for an exception that would allow Board members to be reimbursed for lodging up to 150% of the allowed state rate as allowed in the travel regulations.

EDUCATION:

**Education Special Conference Committee Minutes:**

Dr. Hahn reviewed the minutes of March 9, 2016. Mr. Monson moved to accept the recommendations of the Education Special Conference Committee which included adopting the flow charts as guidance documents and to accept

the minutes of the Committee. The motion was seconded and carried unanimously.

[http://www.dhp.virginia.gov/nursing/minutes/2016/EducationIFC\\_draft\\_03092016.pdf](http://www.dhp.virginia.gov/nursing/minutes/2016/EducationIFC_draft_03092016.pdf)

**NCLEX Pass Rates 2010 - 2015:**

Ms. Ridout reviewed the information distributed to Board members regarding the NCLEX pass rates for 2010 – 2015 for the NCLEX-PN and NCLEX –RN. The NCLEX-PN rate for 2015 for Virginia was 79.25% compared to the National rate of 81.89%. The NCLEX-RN rate for 2015 for Virginia was 87% compared to the National rate of 84.53%. Ms. Ridout indicated the rates for 2015 are consistent with the rates from the previous five years. Ms. Ridout also stated there is no longer a diploma granting nursing education programs in Virginia since Riverside College of Health Careers voluntarily closed their program.

LEGISLATION/REGULATION:

**Status of Regulatory Action:**

Ms. Yeatts reported there are no regulations currently in process.

**2016 General Assembly:**

Ms. Yeatts reported the 2016 Session was busy, with several items related to Nursing. She reported on HB319, HB 330, HB 386, HB 462, HB504, HB 562, HB580, HB586, HB825, SB212, SB264, SB265, SB287, SB369, SB463 and SB513. All items have been passed.

**Proposed Fast-track Action – Nursing Education Program Regulations:**

Ms. Yeatts explained the proposed action would separate nursing education program regulations from the regulations governing nursing practice, resulting in Chapter 20 being divided into two sets of regulations. Chapter 19 would be regulations governing licensure and practice of nurses; and Chapter 27 would be regulations for nursing education programs. Ms. Hershkowitz moved that the Board repeal Chapter 20 with promulgation of Chapters 19 and 27. The motion was seconded and carried unanimously.

Ms. Ridout left the meeting.

RECESS: The Board recessed at 2:00 P.M.

RECONVENTION: The Board reconvened at 2:12 P.M.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING: Ms. Phelps moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* at 2:12 P.M. for the purpose of deliberation to consider consent orders. Additionally, Ms. Phelps moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell-Lively, Ms. Willinger, Ms. Tiller and Ms. Davis 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 2:15 P.M.

Ms. Phelps 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.

**Stephanie Tincher, LPN 0002066396**

Mr. Monson moved to accept the consent order to indefinitely suspend the practical nursing license of Stephanie Tincher until such time as the Board is in receipt of the \$500 monetary penalty and to issue a reprimand to Ms. Tincher. The motion was seconded and carried unanimously.

**Kristine N. Diggs, RN 0001199244**

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nursing license of Kristine Diggs. The motion was seconded and carried unanimously.

**Robin Bidot, RN 0001212222**

Mr. Monson moved to accept the consent order to indefinitely suspend the registered nursing license of Robin Bidot. The motion was seconded and carried unanimously.

**Mary V. Cooke, RN 0001097676**

Mr. Monson moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the registered nursing license of Mary Cooke. The motion was seconded and carried unanimously.

**Breckinridge School of Nursing and Health Sciences at ITT Technical Institute Associate Degree Registered Nursing Education Program:**

Mr. Monson moved to accept the consent order to accept the voluntary surrender of ITT ADRN's approval to operate a registered nursing education program and orders that the approval of ITT ADRN be withdrawn. The motion was seconded and carried unanimously.

ADJOURNMENT:

As there was no additional business, the meeting was adjourned at 2:19 P.M.

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William Traynham, LPN, CSAC  
Vice President

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.