

DRAFT
VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
NOVEMBER 10, 2009

TIME AND PLACE: The meeting was called to order at 12:52 p.m. on Tuesday, November 10, 2009, at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, VA.

PRESIDING OFFICER: Damien Howell, P.T.
MEMBERS PRESENT: Mary Lou Argow, L.P.C.
Susan G. Chadwick, Au.D.
Lynn M. Cooper, Citizen Member, Nursing
John A. Cutler, Citizen Member
Jennifer H. Edwards, Pharm.D
Billie W. Hughes, F.S.L.
Fernando (Marty) Martinez, Citizen Member
Juan M. Montero, II, M.D.
Jonathan R. Noble, O.D.
Sandra Price-Stroble, Citizen Member
Demis L. Stewart, Citizen Member
Michael Stutts, Ph.D.
John T. Wise, D.V.M.

MEMBERS NOT PRESENT: Vilma Seymour, Citizen Member
David R. Boehm, President
Mary M. Smith, N.H.A.
Paul N. Zimmet, D.D.S.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Sandra Ryals, DHP Director
Elaine Yeatts, Senior Policy Analyst
Justin Crow, Research Assistant
Laura Chapman, Operations Manager
Carol Stamey, Operations Manager
Diane Powers, Director of Communications
Eric Gregory, Board Counsel

OTHERS PRESENT: Neal Cauder

QUORUM: With fourteen (14) members present, a quorum was established.

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

PUBLIC COMMENT: Richard Parisi, VA Academy of Sleep Medicine Mr. Parisi supports the licensure of Polysomnographers and would like them to have an independent advisory board.

James Pickral, VA Society for Respiratory Care Is neutral on the issue of a combined Board for Polysomnographers.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Edwards, the Board unanimously approved the minutes of the August 11, 2009 Full Board meeting.

On properly seconded motion by Dr. Edwards, the Board unanimously approved the minutes the Board Member Training meeting held on August 11, 2009.

DEPARTMENT DIRECTOR'S REPORT:

Security Breach

Ms. Ryals reported that the Prescription Monitoring Program (PMP) is alive and well. The investigation of the April 30, 2009 breach is still being investigated and was included in a recent 60 Minutes episode discussing cyber crime. Enhanced security measures have been put into place as have 24/7 capabilities. Social security numbers have been removed. Even though the Program never required pharmacies to report social security information, some pharmacies had this information incorporated into their reporting systems.

Key Performance Measures

Ms. Ryals reviewed each of the five (5) key performance measures that are now posted to the DHP website and Virginia Performs websites. She noted that the agency had met the 250 day goal in closing 90% of its standard of care cases well in advance of the end of FY2010 deadline. She noted that the agency is sustaining performance and is continuing its efforts to achieve even greater efficiencies.

Ms. Ryals asked the Board to let her know if there are areas that need to be improved.

Healthcare Workforce Data Center

Ms. Ryals showed the Board where the Healthcare Workforce Data Center information is located on the DHP website. Ms. Ryals updated the Board on the work that was accomplished in the first year of the Center along with that being accomplished by research partners Lacey Research Associates, The Lewin Group and George Mason University.

She noted that, along with the existing Committees (i.e., Physicians Workforce, Nursing Workforce, and Healthcare Workforce Information Network), three (3) workgroups will soon be added to advise their respective Committees: Physician Assistants, Nurse Practitioners and Direct Support Personnel.

Ms. Ryals reported that, in addition to surveys accompanying

online renewals for physicians and nurses, the Center will also be launching online initial applications for all Boards which will assist with the necessary collection of data now rather than having to wait until the new licensees renew.

Budget

Ms. Ryals informed the Board that a cash transfer from DHP will help in the balancing of the state budget. The budget will be finalized in April 2010 and additional information will be provided at that time. She also stated that core services are being cut, and all agencies are required to reduce administrative costs and unnecessary expenditures. Certain Boards will be passing along a licensure rate increase as well.

LEGISLATIVE/REGULATORY UPDATE:

Ms. Yeatts advised the committee that the Boards of Audiology and Speech Pathology and Pharmacy will be seeing a decrease in applications fees. The Board of Nursing and Veterinary Medicine will be seeing an increase in application fees. The reduction of fees can be done quickly, but the increase of fees requires a two (2) year process.

Due to legislative amendment specific to the Board of Dentistry, that board has developed regulations which would provide for the charging of a \$5,000 fee when the licensee is found to be guilty of misconduct. The funds collected will go directly to the Board and not to the Commonwealth's Literary Fund.

Ms. Stewart inquired of the Board of Pharmacy's Drug Donation Program. Ms. Yeatts stated that the drugs collected must be in its original manufacturers packaging for the pharmacy to be able to donate it to a free clinic. At this point the program has not been successful.

COMMITTEE REPORT:

Regulatory Review Committee

Mr. Howell presented a report of the Committee's activities and actions regarding the study of Emerging Professions. The Committee's recommendations are listed as follows:

Kinesiotherapists

Mr. Howell reported that it was the consensus of the Committee to table making a recommendation regarding the sunrise review for Kinesiotherapy until the Committee had the opportunity to review the matter with a more "big picture" view to be included in its study into the efficacy of an allied health board.

Polysomnographers

The Committee recommended that the profession be licensed and regulated within the Board of Medicine. They directed staff

to develop a legislative proposal for the licensure of polysomnographers under the Board of Medicine that included polysomnographer representation on the Board of Medicine's Advisory Committee on Respiratory Care. They directed staff to research the fiscal impact and make recommendations on reconfiguring the Committee to provide Polysomnographer seating on the Advisory Committee. The proposal will include fiscal analysis and board organizational options for the Committee's further consideration. On properly seconded motion by Dr. Chadwick, the Board voted unanimously to accept the Committee's recommendation.

Surgical Assistants and Surgical Technologists

Mr. Howell reported that the Committee generally agreed that persons assuming the scrub role and 2nd assistant should be certified and those acting as 1st assistant should be licensed. However, the Committee tabled the final decision until additional information could be obtained on scope of practice, overlapping roles, and level of autonomy. A full report will be presented at the February 2010 meeting.

Dr. Montero stated that he believed that Virginia will be “looked up to” for requiring Surgical Assistants and Surgical Technologists to be certified and/or licensed.

Community Health Workers

Mr. Howell reported that Community Health Workers will be added to the 2010 Emerging Professions work plan.

Nominating Committee

Dr. Wise stated that the Nominating Committee had selected Mr. David Boehm as Full Board Chair and Mr. Damien Howell as Vice Chair for year 2010. On properly seconded motion by Dr. Wise, the recommended slate carried unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Communications Director

Dr. Carter introduced Diane Powers, DHP's Director of Communications. She notified the Board that Ms. Powers will help to staff the Education Committee to assist it with its Workplan. She will assist the Committee with defining ways in which the website could be improved and will help create documents for ease of use by the general public. She will also assist the Committee with exploring improved means for Board member education

Ms. Chadwick told the Board that the “public” does not know that we exist and that the addition of the Communications Director to the Education Committee is a big step in raising public awareness.

Healthcare Workforce Data Center

Dr. Carter advised the Board that she has been appointed Director of the Healthcare Workforce Data Center. She introduced Ms. Chapman as Operations Manager.

BHP Operations Manager

Dr. Carter informed the Board that after fifteen (15) years of serving the Board of Health Professions Ms. Stamey has moved on to serve as Operations Manager for the Boards of Optometry and Audiology and Speech Language Pathology. Dr. Carter introduced Ms. Chapman as the new Operations Manager for the Board.

Sanction Reference Study

Mr. Kauder reviewed with the Board the Sanction Reference process, work sheets and manuals that have been created for and with each Board. He stated that the research was launched in 2001 beginning with the Board of Medicine and now Long-Term Care, Physical Therapy and Audiology & Speech-Language Pathology are the final three boards which will soon complete and institute their systems. An assessment of how it is working needs to be completed.

Dr. Carter stated that funding is available to continue with the study and that the entire research project should be published in a peer reviewed professional journal or monograph once the efficacy evaluation is concluded. The Board's Sanctions Reference research is worthy of special note. The project was among the Top Ten Regional Finalists for the Council of State Governments 2007 Innovation Award and earlier pieces of its research have been published in the *Journal of the Federation of State Medical Boards* and presented at the 2007 Annual Meeting of the Association for Psychological Science. Additionally, presentations have been made and well received at previous annual meetings of the Citizens Advocacy Center and Council on Licensure, Enforcement and Regulation.

Workplan

Dr. Carter reviewed the Workplan for calendar year 2010 with the Board.

Budget/Staffing

Dr. Carter reported that the last quarter expenditures were well within budget. She noted that a portion of the Board's staff expenditures would be shared with the Healthcare Workforce Data Center.

2010 Board Calendar

A motion to accept the 2010 Board of Health Professions board meeting dates of February 9, May 4, August 17 and December

14, 2010 was seconded and carried unanimously.

NEW BUSINESS:

Ms. Cooper thanked Ms. Ryals for all the work that she has done to enable the Department to reach the high Virginia Performs goals.

ADJOURNMENT:

The meeting adjourned at 2:05 p.m.

Damien. Howell, P.T.
Board Vice President

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