

**VIRGINIA BOARD OF HEALTH PROFESSIONS  
DEPARTMENT OF HEALTH PROFESSIONS  
FULL BOARD MEETING  
SEPTEMBER 9, 2008**

**TIME AND PLACE:** The meeting was called to order at 1:05 p.m. on Tuesday, September 9, 2008, at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 3, Richmond, VA.

**PRESIDING OFFICER:** David R. Boehm, President

**MEMBERS PRESENT:** Paula H. Boone, O.D.  
Jennifer H. Edwards, Pharmacy  
Meera A. Gokli, D.D.S.  
Billie W. Hughes, F.S.L.  
Juan M. Montero, II, M.D.  
Sandra Price-Stroble, Citizen Member  
Wilma Seymour, Citizen Member  
Mary M. Smith, N.H.A.  
Demis L. Stewart, Citizen Member  
John T. Wise, D.V.M.

**MEMBERS NOT PRESENT:** Susan G. Chadwick, Au.D.  
Lynn M. Cooper, Citizen Member, Nursing  
Damien Howell, P.T.

**STAFF PRESENT:** Sandra Ryals, Director  
Emily Wingfield, Chief Deputy Director  
Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Eric Gregory, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Senior Regulatory Analyst  
Justin Crow, Research Assistant  
Carol Stamey, Operations Manager

**OTHERS PRESENT:** Karen Remley, M.D., State Health Commissioner  
Joseph Hilbert, Health Department Executive Advisor  
Neal Kauder, Visual Research, Inc.  
Gerald Milsky, VA Occupational Therapy Assoc.

**QUORUM:** With eleven (11) members present, a quorum was established.

**AGENDA:** No changes were made to the agenda.

**PUBLIC COMMENT:  
APPROVAL OF MINUTES:**

No public comment was presented.  
On properly seconded motion by Dr. Montero, the Board voted unanimously to adopt the minutes of the April 15, 2008 meeting.

**INTRODUCTION OF DR.  
REMLEY:**

Ms. Ryals introduced the State's Health Commissioner, Karen Remley, MD, MBA, FAAP commending her extensive health care experience.

**VIRGINIA DEPARTMENT OF  
HEALTH COMMISSIONER:  
Healthcare-Acquired Infections (HAI)  
Emergency Communications**

Dr. Remley presented her request to the Department for assistance in a collaborative effort to prevent and reduce HAI. To further raise awareness and utilization of state resources among physicians, Dr. Remley apprised the Board of a proposed pilot program offering online continuing medical education. She noted educational course topics, such as death certificates and rabies. Further, she requested that the respective boards submit items for potential course content as well as to make regulatory changes as necessary to provide for acceptance of the on-line continuing education.

With regard to emergency communication with healthcare providers through the Department of Health Professions' database, Dr. Remley reported that the system has been tested once. To further enhance the communication process, she requested that the Department collect e-mail addresses, test and evaluate the program.

Additionally, Dr. Remley requested the opportunity to present an overview of the function of the Department of Health at a future date.

On properly seconded motion by Dr. Montero, the Board voted unanimously to support the Commissioner's requests.

**DEPARTMENT DIRECTOR'S  
REPORT:**

**Budget**

Ms. Ryals presented a brief overview of the agency's budget. She noted that the all state agencies had been requested to submit budget reduction plans for five, ten and fifteen percent cuts. Ms. Ryals stated that DHP is a self-funded agency and is in a good position relative to general fund agencies. Through good fiscal stewardship, process efficiencies have already been brought about and an internal budget review is underway to further determine how to best carry out our responsibilities with reduced projected funds.

### **Key Performance Measures**

Ms. Ryals reported on the results of the third and fourth quarter of FY 2008 measures, including customer satisfaction, processing licensure applications and case closure. With regard to the 250-day closure measure, she reported that, with the assistance of Neal Kauder, the agency had developed a more balanced approach to better reflect the progress being made on case closure. Clearance Rate, Age of Pending Caseload, and Time to Disposition employing an eight-quarter received window have replaced the single 250-day total compliance rate measure.

### **Board and Staff Training**

Ms. Ryals apprised the Board of the upcoming board member and staff training to be held October 22, 2008. She advised that first quarter FY 2009 data would be available on the five key measures. Additionally, the Board members will be briefed on the process changes brought about since October of 2006 when the Key Performance Measures went into place. These ongoing performance and measurement improvement efforts are the first of its kind in the country and will be presented at the upcoming national Council on Licensure Enforcement and Regulation Meeting in September.

### **Legislative Process**

Ms. Ryals reported on the upcoming legislative draft proposals for submission in the administrative package. She stated that she had been directed by the Secretary to only submit proposals that were deemed essential and within the Governor's initiatives. Ms. Ryals noted that proposed legislation deemed to be controversial would not be included in the administration package. She reported that mixed comment had been received on the proposal to charge an administrative disciplinary fee and to automatically conduct criminal background checks. Ms. Ryals noted that criminal background checks were significant to Nursing due to the requirements of the Nurse Licensure Compact. Ms. Ryals also noted that there may also be measures proposed to help address current and future healthcare shortages.

Mr. Boehm noted the possibility of reinstating the criminal offense question on the licensure renewal form. Ms. Ryals stated that the matter will be reviewed.

### **Workforce Data Collection**

Ms. Ryals reported that the Workforce Data Center had begun operations and that there was consideration of the potential benefit for expanding the use of the emergency contact information in place.

### **UPDATE ON BOARD LEGISLATION AND REGULATIONS:**

Ms. Yeatts informed the Board that the Department of Planning and Budget had adopted a model set of Public Participation Guidelines (PPG) regulations for all agencies. Further, she requested that the Board adopt the model PPG regulations as an exempt action repealing Chapter 10.

On properly seconded motion by Ms. Price-Stroble, the Board voted unanimously to adopt the exempt PPG regulations as Chapter 11 and to repeal Chapter 10.

### **COMMITTEE REPORTS:**

#### **Regulatory Review Committee**

Mr. Boehm reported that the Committee did not have a quorum; however, they had received a presentation from Justin Crow, the Board's new Wilder's Fellow, on emerging professions. Additionally, he reported that a public hearing had been held in August on four emerging professions and public comment was presented in favor of licensure of the Orthopaedic Technologists. Mr. Boehm noted lack of information from the Central Sterile Technicians and no evidence of harm from the Orthotists, Prosthetists and Pedorthists.

Mr. Boehm reported the Board had voted at its last meeting to remand the study on Polysomnographers back to the Respiratory Advisory Committee of the Board of Medicine. The full Board of Medicine reviewed the matter and forwarded the issue back to the Board of Health Professions for consideration as a sunrise study.

On properly seconded motion by Dr. Montero, the Board voted unanimously to remand the Polysomnography Study to the Regulatory Research Committee.

### **EXECUTIVE DIRECTOR'S REPORT:**

#### **Sanctions Reference Study (SRS) Update**

Dr. Carter informed the Board that the Sanction Reference Study outcomes continue to be monitored. She reported that the overall agreement rate with the sanctions recommended was at 80%, to date. Additionally, an evaluation of the effectiveness of the

SRS will be conducted in November. Dr. Carter reported that the Behavioral Science Boards (i.e., Counseling, Psychology, and Social Work) were finalizing their combined worksheets and manuals which should be adopted as guidance documents by each board this fall.

She further reported that the Boards of Audiology and Speech-Language Pathology and Physical Therapy were beginning work on their respective Sanctions Reference Point Systems. Due to the relatively low number of cases, the quantitative analysis provided to the larger boards cannot be validly performed. Also, unlike the Behavioral Science Boards, which employed an ad hoc committee of members from each board to derive a single Sanction Reference Point System, the Boards of Audiology and Speech-Language Pathology do not share sufficient subject matter for a combined system. Their research approach will be more normative, and rely on a combination of a review of their own case histories and review of existing Sanction Reference Point Systems to determine the factors that may best be of service to them.

#### **Budget**

Dr. Carter apprised the Board that approximately five percent of its FY 2008 budget remained at the end of the fiscal year.

#### **NEW BUSINESS:**

Mr. Boehm informed the Board of the resignation of Pia Trigiani. He requested that Dr. Wise and Dr. Montero serve on the Nominating Committee to develop a slate of officers for the next upcoming meeting.

Ms. Seymour requested an update on CLAS Act. Ms. Ryals reported that a link had been posted to the website between the agency, DHP and CLAS Act Virginia. The study on the issue of medical interpreters had been remanded to the Education Committee at an earlier meeting; however, it was felt that the research on medical errors could better be addressed by the Regulatory Research Committee.

On properly seconded motion by Ms. Seymour, the study of medical interpreters was remanded to the Regulatory Research Committee.

#### **ADJOURNMENT:**

There being no further business, the meeting adjourned at 2:40 p.m.

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

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