

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
MAY 2, 2003**

TIME AND PLACE: The meeting was called to order at 12:40 p.m. on Friday, May 2, 2003, Department of Health Professions, 6603 W. Broad St., 5th Floor, Room 2, Richmond, VA.

PRESIDING OFFICER: Charles M. Bristow, Jr., F.S.L., Chair

MEMBERS PRESENT: Joe Gieck, P.T.
Terone B. Green
Jerry Hinn, DVM
Jack Knapp
Nadia B. Kuley, Ph.D.
The Honorable Alan E. Mayer
Dianne L. Reynolds-Cane, M.D.
Michael W. Ridenhour, AU.D.
Mary M. Smith, L.N.H.A.

MEMBERS NOT PRESENT: Linda M. Ault, M.S.N., R.N.
Sonny Currin, Jr., R.P.H.
Darryl L. Lefcoe, D.D.S.
Krishan D. Mathur, Ph.D.
William E. Russell, L.C.S.W.
Samuel C. Smart, O.D.
Richard Teske, Citizen Member
Lucia A. Trigiani, Citizen Member

STAFF PRESENT: Gail Jaspen, Chief Deputy Director
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Neal Kauder, Visual Research

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Mr. Mayer, the Board voted unanimously to approve the minutes of the February 18, 2003 meeting.

AGENDA AMENDMENT: To accommodate the schedules of Mr. Smith and Mr. Kauder, the agenda was amended to allow for their presentations at the beginning of the meeting. The Comments of the Agency Director and Comments of the Executive Director were moved to and incorporated into the Overview of Legislation and New Business portions of the meeting, respectively.

OVERVIEW OF NATIONAL CREDENTIALING PROGRAMS FOR DIALYSIS TECHNICIANS: Lyle Smith, BSN, CNN, CPDR, Board Director of the Board of Nephrology Examiners Nursing and Technology (BONENT), provided a slide presentation on the history and development of the BONENT credentialing program and examination for Dialysis Technicians/Technologists. Begun in 1974, it is the oldest and most established national program currently in existence.

Although she could not be present at the meeting, Ms. Janel Parker, Executive Director of the Nephrology Nursing Certification Commission, provided, in advance, the materials in the board member's packets (pages 65-78) which compare the requirements of the various national programs and examinations.

Dr. Carter noted that a broad summary of the credentialing programs is incorporated into the minutes as Attachment 1. The information presented to the Board members today is intended as an initial orientation to generally familiarize them with the major dialysis technicians credentialing programs to aide in their development of regulations in response to Chapter 995 (SB2065).

Ms. Yetta Harrison, Vice-President of the Virginia Chapter of the National Association of Nephrology and Technology (NANT), spoke on behalf of Ms. Janel Parker. Ms Parker provided copies of letters of support of the BONNET certification. The letters are incorporated into the minutes at Attachment 2.

Ms. Yeatts provided a copy of Chapter 995 noting the responsibility of the Board in determining the certification required of dialysis patient care technicians and promulgation of regulations. Ms. Yeatts requested that the Board approve a publication of a Notice of Intended Regulatory Action (NOIRA). A copy of Chapter 995 is incorporated into the minutes as Attachment 3.

On properly seconded motion by Mr. Green, the Board voted unanimously that the Board of Health Professions authorize the publication of a Notice of Intended Regulatory Action to begin the promulgation of regulations as required by Chapter 995 of the 2003 Acts of the Assembly for the establishment of an approved credential for dialysis care technicians. Mr. Bristow assigned the primary work on the regulations to the Regulatory Research Committee.

**UPDATE ON THE
SANCTION REFERENCE
STUDY:**

Mr. Kauder provided an update on the sanction reference study. The update is incorporated into the minutes as Attachment 4.

Mr. Kauder requested that the Board consider the need to continue the study and/or determine additional boards for study at its next board meeting.

Dr. Carter reported that the Federation of State Medical Boards had requested the results of the study analysis for publication in their peer review journal. She requested the Board's approval in allowing the publication of their study in the Federation of State Medical Boards Journal.

On properly seconded motion by Mr. Mayer, the Board voted unanimously to allow the Sanction Reference Study analysis be presented as an article in the Federation of State Medical Boards Journal upon Board review. Additionally, on properly seconded amendment, Dr. Reynolds-Cane requested that the article be reviewed by Dr. Carter in lieu of the full Board prior to submission.

**OVERVIEW OF
LEGISLATION AND
REGULATORY REVIEW
ACTIVITIES AND
COMMENTS OF AGENCY
DIRECTOR:**

Ms. Jaspen reported that the Department had a very active 2003 General Assembly Session and is responding to the 2003 Session and has begun planning for the 2004 Session.

Ms. Jaspen presented an overview of the legislation affecting the agency. She noted that HB1441 will have the greatest, direct effect on the agency.

The changes implemented by HB1441 include the following: disciplinary standard lowered from gross negligence to simple negligence, inclusion of a confidential consent agreement (CCA), requirement of hospitals and healthcare institutions to report violations within a specified timeframe and sets penalties for non-compliance, increased authority to regulate unlicensed activity and issuance of summons. Ms. Jaspen noted that each board will determine the types of violations that meet the criteria for CCA's. The Department is drafting a guidance document for hospitals and healthcare institutions clarifying reportable violations. Ms. Jaspen noted that the Department's Biennial report will be expanded to include information regarding the standards for handling cases and compliance of the boards and the Department. Ms. Jaspen stated that the issue of the Department's compliance would be addressed at the next Board meeting. HB1441 also provides the Boards with the ability to promulgate emergency regulations to increase their fees to bear the expenses incurred by the enhanced enforcement activity in the new procedures. It appears that the Boards of Medicine and Nursing will incur fee increases.

As a result of HB1441, the Department has been authorized to increase its staffing positions by eleven (11) in Enforcement,

Administrative Processing Division and Boards of Medicine and Nursing. Further, the Department anticipates the need for an additional twenty-seven (27) positions to be phased in as a result of this measure, the JLARC 1998-1999 study and in response to the news media articles targeting the Board of Medicine.

Ms. Jaspen reported that the Boards are developing their budget proposals for the next biennium. Also, the Department is working with the Office of the Attorney General to assess the Department's need for increased legal services.

Ms. Jaspen reported that the Department is in the initial stages of developing a prescription drug monitoring program for southwestern Virginia that was required by the 2002 Session for implementation by September 2003. Ms. Jaspen stated that it appeared that the Department of Health Professions and health regulatory boards or health oversight agencies are exempt from HIPPA which includes the prescription monitoring program.

Ms. Jaspen highlighted several other legislative measures from the 2003 session. A description of the legislation is incorporated into the minutes as Attachment 5.

Ms. Jaspen reported that budget proposals will be presented and considered at the next board meeting. She encouraged the board members to bring suggestions to the attention of Dr. Carter for consideration by the Board in developing its plans for the upcoming year

COMMITTEE REPORTS:

The Enforcement Committee lacked a quorum and those who were present requested that Mr. Kauder's Sanction Reference Study update constitute their report.

BOARD REPORTS:

Board of Audiology and Speech-Language Pathology

Dr. Ridenhour's Board report is incorporated into the minutes as Attachment number 6. Dr. Ridenhour noted that a new board member's name was listed on the website incorrectly as Angela Williams and should have been Angela Moss.

Board of Physical Therapy

Mr. Gieck's Board report is incorporated into the minutes as Attachment number 7.

Board of Veterinary Medicine

Dr. Hinn reported that the Board of Veterinary Medicine finalized their regulatory amendments, effective March 1. Specifically, the one of the primary changes in the regulations clarifies the duties of non-licensed veterinary assistants. The licensure renewal date was changed from the end of February to the end of December 31.

Board of Nursing Home Administrators

Ms. Smith reported that the Board is revising the regulations to allow easier entrance into the profession due lack nursing home administrator candidates.

Board of Counseling

Dr. Knapp’s Board report is incorporated into the minutes as Attachment 8.

Board of Medicine

Dr. Reynolds-Cane reported that the Board had focused its attention on the Sanction Reference Study and the upcoming changes as a result HB1441. The Board also discussed the National Board of Medical Examiner’s new clinical skills assessment examination scheduled for initial administration to medical graduates of the Class of 2004.

Board of Funeral Directors and Embalmers

Mr. Bristow’s Board report is incorporated into the minutes as Attachment 9.

**COMMENTS OF
EXECUTIVE DIRECTOR
NEW BUSINESS:**

Dr. Carter introduced the Board’s newest Administrative Assistant, Brenda Lawson. Dr. Carter reported that she will be also providing support to the Boards of Optometry and Veterinary Medicine and is a most welcome addition to the agency.

Dr. Carter presented an award to Mr. Bristow in honor of his service to the Board of Health Professions from 1995 to 2003. Mr. Bristow stated that serving the Boards had been both rewarding, educational and an honor. He received a standing ovation from the Board.

Dr. Carter stated that the next Board meeting date is scheduled for July 30, 2003.

ADJOURNMENT:

The meeting adjourned 2:20 p.m.

Charles M. Bristow, Jr., F.S.L., Chair

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