

VIRGINIA BOARD OF NURSING
COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
VIRTUAL BUSINESS MEETING
MINUTES
April 21, 2021

TIME AND PLACE: The virtual meeting of the Committee of the Joint Boards of Nursing and Medicine via Webex was called to order at 9:00 A.M., April 21, 2021.

Due to COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provision of §2.2-3708.2 in the Freedom of Information Act, the Committee convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda for the Committee to discharge its lawful purposes, duties, and responsibilities.

**COMMITTEE MEMBERS
PARTICIPATED**

VIRTUALLY: Marie Gerardo, MS, RN, ANP-BC; Chair
Ann Tucker Gleason, PhD
Louise Hershkowitz, CRNA, MSHA
David Archer, MD
Lori Conklin, MD
Karen Ransone, MD

MEMBERS ABSENT: None

**ADVISORY COMMITTEE
MEMBERS
PARTICIPATED**

VIRTUALLY: Kevin E. Brigle, RN, NP
Mark Coles, RN, BA, MSN, NP-C
David Alan Ellington, MD
Sarah Hobbgood, MD
Stuart Mackler, MD
Janet L. Setnor, CRNA

STAFF PARTICIPATED

VIRTUALLY: Jay P. Douglas, MSM, RN, CSAC, FRE; Executive Director; Board of Nursing
Robin L. Hills, DNP, RN, WHNP; Deputy Executive Director for Advanced Practice; Board of Nursing
Huong Vu, Executive Assistant; Board of Nursing
Sally Ragsdale, Discipline Specialist

OTHERS PARTICIPATED

VIRTUALLY: Erin Barrett, Assistant Attorney General; Board Counsel
David Brown, DO, Director; Department of Health Professions
Barbara Allison-Bryan, MD; Chief Deputy, Department of Health Professions

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Elaine Yeatts, Policy Analyst; Department of Health Professions
William L. Harp, MD, Executive Director; Board of Medicine
Ann Tiller, Board of Nursing Compliance Manager
Patricia Dewey, RN, BSN; Board of Nursing Case Manager
Christine Smith, RN, MSM; Nurse Aide/RMA Education Program
Manager
Randall Mangrum, DNP, RN; Nursing Education Program Manager

PUBLIC PARTICIPATED
VIRTUALLY:

W. Scott Johnson, Esquire/Hancock, Daniel & Johnson, PC
Clark Barrineau, Assistant Vice President of Government Affairs, Medical
Society of Virginia (MSV)
Gerald C. (Jerry) Canaan, II, Esq. Byrne Legal Group
Julianne Condrey, Lobbyist, Virginia Public Access Project (VPAP)
Kassie Schroth, Virginia Association of Nurse Anesthetists (VANA)
Richard Grossman, Virginia Council of Nurse Practitioners (VCNP)
Becky Bower-Lanier,
Cynthia Ward
Sarah W. Taylor
Lisa Jamerson
Erin M. Smith
Cindy DiFranco
Komkwuan Paruchabutr
14349****16
17032****20
18048****27
18048****30
18043****59
14436****66
18048****77

ESTABLISHMENT OF
A QUORUM:

Ms. Gerardo called the meeting to order and established that a quorum consisting of six members was present.

ANNOUNCEMENT:

Ms. Gerardo noted the announcement as stated in the Agenda that was provided electronically:

- Resignation of CNM Advisory Committee Member, Kathleen Bailey, RN, CNM, MA, MS due to relocation

There were no additional announcements.

REVIEW OF MINUTES:

Ms. Gerardo stated that staff provided the following document electronically:

- **A1** December 9, 2020 Business Meeting
- **A2** February 8, 2021 Formal Hearing
- **A3** February 17, 2021 Formal Hearing

Ms. Gerardo asked of the Committee have any questions regarding the minutes. None was noted.

Dr. Ransone moved to accept the minutes as presented. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

PUBLIC COMMENT:

Ms. Gerardo said that as indicated in the meeting notice on Regulatory Townhall and in the agenda package, comments will be received during this public comment period from those persons who submitted an email to Huong Vu no later than 8 am on April 21, 2021 indicating that they wish to offer comment.

Ms. Gerardo noted that written comment from Medical Society of Virginia was received via email and the Committee will take into consideration. Ms. Gerardo asked if any additional email requests had been received. Ms. Vu reported that no additional email requests for public comment were received as of 8 am today and no one is present on the call to make comment.

DIALOGUE WITH
AGENCY DIRECTOR:

Dr. Brown reported the following:

Marijuana – effective July 1, 2021, possession of marijuana in Virginia will be legal. The 2021 General Assembly (GA) also passed the bill allowing marijuana flowers to be distributed in Virginia.

The 2022 Session of the General Assembly (GA) will consider the new cannabis authority to regulate recreational and medical marijuana with the anticipation that Board of Pharmacy will turn the authority over to the new administration in 2023.

Dr. Allison-Bryan reported on the COVID-19 vaccines as follows:

- Virginia is now in Phase 2
- 25% plus of adult Virginians have received vaccination
- 5.5 millions dosages were administered
- Vaccine hesitancy was noted from political and not racial discrepancy

Dr. Archer asked who will take the lead in educating practitioners about marijuana’s dosage and how it can be used.

Dr. Brown said that he is not certain but anticipating that pharmacists will take the lead.

LEGISLATION/
REGULATIONS:

Ms. Gerardo stated that staff have provided the following documents electronically:

- **B1** Regulatory Update
- **B2** Report of the 2021 General Assembly
- **B3** Unprofessional Conduct/Conversion Therapy (18VAC-90-30)

Ms. Gerardo invited Ms. Yeatts to proceed.

Ms. Yeatts noted that **B1** and **B3** are provided for information only, no action needed.

Ms. Hershkowitz inquired if the Conversion Therapy regulations are consistent with other boards. Ms. Yeatts replied yes.

Ms. Yeatts reviewed the report of 2021 General Assembly (**B2**) that was provided in the agenda noting the following bills:

HB 1737 (Nurse practitioners; practice without a practice agreement) - reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written practice agreement. The bill has an expiration date of July 1, 2022.

HB 1747 Clinical nurse specialist; licensure of nurse practitioners as specialists – effective July 1, 2021. Changes from the requirement of registration as clinical nurse specialists to the licensure as nurse practitioners in the category of clinical nurse specialists by the Boards of Medicine and Nursing and authorize prescriptive authority. Practice Agreement is required.

HB 1817 Certified nurse midwives; practice – eliminated the requirement that certified nurse midwives practice pursuant to a practice agreement who has practiced 1,000 hours or more.

HB 1953 Licensed certified midwives; clarifies definition, licensure – directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife, and requires licensed certified midwives to practice in consultant with a license physician in accordance with a practice agreement. The bill also directs DHP to convene a work group to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives, and to submit its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

SB 1189 Occupational therapists; licensure – Authorizes Virginia to become a signatory to the Occupational Therapy Interjurisdictional

Licensure Compact. The bill will be effective on January 1, 2022 and Virginia is one of the first states to have Occupational Therapy Compact.

Dr. Archer inquired as if Virginia plans to issue identification card for COVID-19 vaccination. Dr. Allison-Bryan replied that she has not heard of such plan.

Ms. Gerardo inquired if CNS has to have practice agreement even without prescriptive authority. Ms. Yeatts replied yes.

Dr. Archer asked if there is a table available that lists all the categories of nurse practitioners that can be shared. Ms. Douglas said that it will be shared once it is updated by the new legislation. Ms. Douglas added that the Board plans to communicate to all CNSs regarding the change on July 1, 2021

Ms. Hershkowitz inquired about the DHP study will be conducted regarding regulation of Midwifery in Virginia. Dr. Brown responded that the workplan is still being developed.

Dr. Ransone asked why CNMs are only required to have 1000 hours in order to practice without the practice agreement while other categories of NPs are required 2 years. Dr. Brown responded this was the negotiated position.

NEW BUSINESS:

Board of Nursing Executive Director Report:

- ❖ Board staff receive increased inquiries regarding advanced practice registered nurses (APRNs).
- ❖ Tthe Compact for APRN was voted on at the NCSBN in August 2020. North Dakota has passed legislation to join. Delaware is in the process.
- ❖ Guam becomes First US Territory to enact Nurse Licensure Compact (NLC).
- ❖ Grants for compact development are available by the Department of Defense for selected professions such as teaching, social work and massage therapy

Virtual NCSBN APRN Roundtable April 6, 2021 Report:

Ms. Douglas reported that the Roundtable focused heavily on the educational preparation of APRN's.

Dr. Hills reported that the new edition of the National Task Force NP program criteria were presented as well as the AACN Essentials

Ms. Hershkowitz reported that the Roundtable also discussed about the effects of COVID pandemic on APRN education.

**Future Regulatory & Administrative Process related to 2021
Legislation** – table provided in B2

**C1 – Licensure Statistics related to Advanced Practice Registered
Nurses:**

Ms. Douglas noted that this is provided for information only. Ms. Douglas added that about 260 waivers related to electronic prescribing were approved.

**Appointment of CNM Advisory Committee Member to replace
Kathleen J. Bailey, RN, CNM, MA, MS – Recommendation of
Komkwuan P. Paruchabutr, DNP, FNP-BC, WHNP-BC, CNM from
Virginia Affiliate of ACNM:**

Ms. Gerardo noted that Ms. Bailey has informed staff of her resignation effective on April 1, 2021, a recommendation of Dr. Paruchabutr from the Virginia Affiliate of ACNM to replace Ms. Bailey for the unexpired term ends 2024, and the CV was provided to Committee Members in advance.

Ms. Gerardo noted that pursuant to 18VAC90-30-30.B, appointment to the Advisory Committee shall be for four years; members may be appointed for one additional four-year period.

Ms. Gerardo asked Ms. Barrett about Dr. Paruchabutr's eligibility to the Advisory Committee since Dr. Paruchabutr only holds a VA registered nurse license, not a VA nurse practitioner license.

Ms. Barrett replied that the Committee can view Dr. Paruchabutr eligible since she does not vote or participate in disciplinary matters.

Ms. Hershkowitz moved to appoint Dr. Paruchabutr as CNM Member to the Advisory Committee. The motion was properly seconded by Dr. Archer. A roll call was taken and the motion carried unanimously.

ENVIRONMENTAL SCAN: Ms. Gerardo asked for the updates from the Advisory Committee Members.

None was shared.

Mr. Coles asked in regard to HB 1737 for nurse practitioners who are coming up with two years of clinical, can they apply now for autonomous practice? Ms. Douglas replied that there will be an opportunity to apply prior to July 1, 2021, however, the Board cannot issue licenses prior to that date. Information will be communicated to licensees.

Mr. Coles noted that regarding the report due on November 1, 2021 as required by HB 793, the VCNP would share data as needed. Ms. Douglas

stated that the Board has to report specific data referenced in the enactment clause. However, recommendations will be discussed at the June meeting.

Ms. Gerardo thanked Advisory Committee Members for their participation in the meeting and reminded everyone that the next meeting is scheduled for Wednesday, June 16, 2021.

The Advisory Committee Members, Dr. Brown, Dr. Allison-Bryan, Dr. Harp and Ms. Yeatts, left the meeting at 10:23 A.M.

RECESS: The Committee recessed at 10:23 A.M.

RECONVENTION: The Committee reconvened at 10:32 A.M.

AGENCY SUBORDINATE RECOMMENDATION CONSIDERATION

CLOSED MEETING: Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 10:33 A.M., for the purpose to reach a decision in the matter of Agency Subordinate Recommendations. Additionally, Dr. Gleason moved that Ms. Douglas, Dr. Hills, Ms. Vu, and Ms. Barrett 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 properly seconded by Dr. Ransone. A roll call was taken and the motion carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:01 A.M.

Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine 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 properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#1 – Linda Q. Morrill, LNP

0024-053267

Ms. Morrill did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to

reprimand Linda Q. Morrill. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#2 – April Jae Stein Brittain, LNP **0024-134372**

Ms. Brittain did not participate.

Dr. Gleason moved that the Committee of the Joint Boards of Nursing and Medicine modify the recommended decision of the agency subordinate to reprimand April Jae Stein Brittain and to require Ms. Brittain to complete 10 hours of Board approved continuing education (CE) regarding documentation and proper prescribing within 90 days from entry of the Order. These CEs are above the requirement of licensure renewal. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

#3 – Georgienne Castle Neale, LNP **0024-166304**

Ms. Neale did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to indefinitely suspend the license of Georgienne Castle Neale to practice as a nurse practitioner in the Commonwealth of Virginia. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#4 – Stacy Lee Smith Riedt, LNP **0024-168687**

Ms. Riedt did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine accept the recommended decision of the agency subordinate to reprimand Stacy Lee Smith Riedt. The motion was properly seconded by Ms. Hershkowitz. A roll call was taken and the motion carried unanimously.

#5 – Kimberly Dawn Washbourne, LNP **0024-166086**

Ms. Washbourne did not participate.

Dr. Ransone moved that the Committee of the Joint Boards of Nursing and Medicine reject the recommended decision of the agency subordinate and refer the matter of Kimberly Dawn Washbourne to a formal hearing. The motion was properly seconded by Dr. Conklin. A roll call was taken and the motion carried unanimously.

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ADJOURNMENT: As there was no additional business, the meeting was adjourned at 11:06
A.M.

Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director