

MEETING
June 11-12, 2008

MINUTES

1.1 CALL TO ORDER

James McDonald, Board President, called the regular meeting of the Oregon State Board of Nursing to order at 9:00 a.m. This Board meeting was held in the conference room of the offices of the Oregon State Board of Nursing in Portland, Oregon.

1.2 PUBLIC MEETING NOTICE

A notice of this meeting was published on the Board of Nursing's website and sent out to the interested parties list by Holly Mercer, Executive Director, in accordance with the Open Meeting Law. The Board met in Executive Session during portions of the meeting as authorized by ORS 192.502 and 192.660.

1.3 ROLL CALL — Present/Absent

—Board Members

Coon, Present
Gutierrez, Present
Markesino, Present
McDonald, Present
Shields, Present
Theis, Present
Uherbelau, Absent
Williamson, Present
Willis, Present

1.4 QUORUM

There being a quorum present, the Board President declared the Board eligible to conduct its business.

—Staff Members Present at Various Times

Blomquist	Mercer
Buck	Palumbo
Burke	Parish
DeLong	Sexton
Fisher-Lewis	Sherbert
Gordon	Standridge
Hatcher	Tucker
Holtry	Wachal
Hudson	
Klein	Cotton
Lilly	Nyberg
Marson	Cowan, Board Counsel
Martell	Walker (LFO)
Martini	Lindley (DOJ)
Meadows	

9:00 AM - END OF BUSINESS
WEDNESDAY, JUNE 11, 2008
EXECUTIVE SESSION
DISCIPLINE

The meeting was called to order at 9:00 a.m.

MSC Theis, Williamson

that based on the evidence presented in the matter of Carri Lynn Borks, LPN, the Board issue a Proposed Final Order as Amended.

Ayes 9

Attorney Paul Loney and Phillip Allen, NP, presented oral argument regarding exceptions filed.

MSC Theis, Shields

that based on the evidence presented in the matter of Phillip Allen, NP, the Board issue the Amended Proposed Order as the Final Order.

Ayes 9

Attorney Tom Grief and Maxine Brazer, LPN, appeared to request the restriction be ended.

MSC Gutierrez, Uherbelau

that based on the evidence presented in the matter of Maxine Brazer, LPN, the restriction be ended and she be issued an unrestricted LPN license.

Ayes 9

Barbara Hargis appeared to request reinstatement.

MSC Uherbelau, Theis

that based on the evidence presented in the matter of Barbara Hargis, the RN license be reinstated after completing Board approved re-entry program.

Ayes 9

Betty Richmond appeared to request reinstatement.

MSC Gutierrez, Willis

that based on the evidence presented in the matter of Betty Richmond, the RN license be reinstated after completing Board approved re-entry program and that she be placed on 36-month probation immediately.

Ayes 8, Recuse 1, Markesino

MSC Theis, Markesino

that based on the evidence presented in the matter of Kerry Self, RN, the Board issue the Final Order as presented.

Ayes 9

Tom Cooney, Attorney, appeared to present oral argument regarding exceptions filed in the matter of Connie Davis, RN, PNP.

Board deferred further discussion until 2nd day of Board Meeting.

MSC Shields, Markesino

that based on the evidence submitted through Notice, evidence, and the agency files, the license or certificate of:

Barbara A Gentner, RN

Heather M Maine, CNA

Tiffany A Dixon, LPN

Lauri K Wallace, LPN

be suspended as set forth in their respective Notices.

Ayes 9

MSC Gutierrez, Williamson

that based on the evidence submitted through Notice, evidence, and the agency file, the applications for certification or licensure of:

Sheila A Caso Murray, CNA applicant

Marlene K Peters, FNP applicant

Terry M Hjorten, RN renewal applicant

be denied.

Ayes 9

MSC Markesino, Coon

that based on the evidence submitted through Notice, evidence, and the agency file, Carmen St Clare Ray, CNA, be revoked as set forth in the Notice.

Ayes 9

MSC Uherbelau, Theis

that based on the evidence presented, the Board ratify the Interim Order by Consent, signed by Cristi A. Strasser, RN.

Ayes 9

MSC Uherbelau, Markesino

that based on the evidence presented in case number 07-242, the Board issue an order requiring that the licensee undergo a chemical dependence evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients.

Ayes 9

MSC Uherbelau, Willis

that based on the evidence presented in case number 07-242, the Board issue an order requiring that the licensee undergo a neuropsychological evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients.

Ayes 9

MSC Williamson, Gutierrez

that based on the evidence presented, in case number 08-367, the Board issue an order requiring that the licensee undergo a chemical dependence evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients.

Ayes 9

MSC Williamson, Willis

that based on the evidence presented, in case number 08-367, the Board issue an order requiring that the licensee undergo a mental health evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients.

Ayes 9

MSC Theis, Williamson

that based on the evidence presented, Mark K. Andrews, CNA Applicant, be issued a Notice of Proposed Denial of Application for Certified Nursing Assistant certificate.

Ayes 9

MSC Uherbelau, Theis

that based on the evidence presented, Maria R. Garner, CNA, be issued a Notice of Proposed of Revocation.

Ayes 9

MSC Guterrez, Shields

that based on the evidence presented, Monika R. Stanko, LPN, be issued a Notice of Proposed Suspension for 60 days, followed by Probation for 24 months.

Ayes 9

MSC Theis, Markesino
that based on the evidence presented in the matter of Dee A. Scoles, RN, the Board issue a Notice Reprimand with Conditions.
Ayes 9

MSC Markesino Williamson
that based on the evidence presented, Dale B. Houle, CNA, be reprimanded and the Stipulation for Reprimand be accepted.
Ayes 8, Recuse, 1 Shields

MSC Shields, Theis
that based on the evidence presented, Lorna M. Stolle, RN, be issued a Notice of Proposed Revocation.
Ayes 9

MSC Theis, Markesino
that based on the evidence presented, Hannah K. Gjerde, CNA, be issued a Notice of Proposed Revocation.
Ayes 9

MSC Gutierrez, Williamson
that based on the evidence presented, Joann Marie MacIntyre, LPN, be issued a Notice of Proposed Revocation.
Ayes 9

MSC Shields, Markesino
that based on the evidence presented, the Stipulation for Voluntary Surrender signed by Susan L. Clark, RN, be accepted.
Ayes 9

MSC Williamson, Markesino
that based on the evidence presented, the Stipulation for Voluntary Surrender signed by Jodyne M. Haugen, RN, be accepted.
Ayes 9

MSC Gutierrez, Uherbelau
that based on the evidence presented, case number 07-227 be dismissed.
Ayes 8, Absent 1, McDonald

MSC Markesino, Uherbelau
that based on the evidence presented, Troy L. Winger, CNA, be suspended as set forth in the Notice.
Ayes 9

MSC Uherbelau, Markesino
that based on the evidence presented, Anne Batten Christofferson, RN, be issued a Notice of Proposed Revocation.
Ayes 9

MSC Williamson, Theis
that based on the evidence presented:
Jeffrey C Smith, CNA
Brant J Kelsay, CNA
Brent J Chandler, CNA
Teresa M Hamel, CNA
Sherian L Wallace, CNA
Estar E Cummings, CNA
Kim I Martino, CNA
Sara J Vaeth, CNA
Atasha S Nelson, CNA

Carol K Hammond, RN
Konni M Ehrens, RN
Regina G Catlett, CNA
Daniel A Sanchez, RN
William J Lane, LPN
Kassandra L Alvarez, CNA
John L Kennedy, CNA
Bert Wait, CNA
be issued a Notice of Proposed Revocation.
Ayes: 9

MSC Gutierrez, Markesino
that based on the evidence presented, Patricia M. Halfacre, RN, be issued a Notice of Proposed Suspension.
Ayes 9

Case Number: 08-321
Board directed staff to defer case to the September 2008 Board meeting.

Case Number: 08-349
Board gave direction to staff.

Case Number: 08C-197
Board gave direction to staff.

MSC Gutierrez, Willis
that based on the evidence presented, case number 08C-101 be dismissed.
Ayes 9

MSC Gutierrez, Willis
that based on the evidence presented, James E. Mills, RN, be issued a Notice of Proposed Revocation.
Ayes 9

MSC Theis, Markesino
that based on the evidence presented, case number 08-475 be dismissed.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Williamson
that based on the evidence presented, case number 08C-192 be dismissed.
Ayes 7, Nay 1, Markesino, Absent 1, McDonald

Kim Joers, RN, and Michael Montana, President of Advantage Staffing, appeared to request approval of work position.
Board gave direction to staff.

MSC Theis, Uherbelau
that based on the evidence presented, case number 08C-172 be dismissed.
Ayes 8, Absent 1, McDonald

Case Number: 08C-172
Board gave direction to staff.

MSC Gutierrez, Williamson
that based on the evidence presented, case number 08C-149 be dismissed.
Ayes 8, Absent 1, McDonald

MSC Markesino, Williamson
that based on the evidence presented, case number 08C-148 be dismissed.
Ayes 8, Absent 1, McDonald

MSC Williamson, Willis
that based on the evidence presented, case number 08-236 be dismissed.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Markesino
that based on the evidence presented, case number 08-261 be dismissed.
Ayes 8, Absent 1, McDonald

Case Number: 08-164
Board gave direction to staff.

MSC Uherelau, Coon
that based on the evidence presented, case number 08-313 be dismissed.
Kristine A Bickel, RN
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Coon
that based on the evidence presented, the Stipulation for Reprimand, signed by Dawn A. Adams, LPN, be adopted.
Ayes 8, Absent 1, McDonald

MSC Williamson, Uherbelau
that based on the evidence presented, the Stipulation for Reprimand, signed Debra Lynne, RN, be adopted.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Willis
that based on the evidence presented, the Stipulation for Reprimand, signed by Maryanna Burns, CNA, be adopted.
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Coon
that based on the evidence presented, the Stipulation for Reprimand, signed by Cathy M. Howard, RN, be adopted.
Ayes 8, Absent 1, McDonald

MSC Markesino, Coon
that based on the evidence presented, the Stipulation for Reprimand, signed by Sabrina L Vertrees, CMA, be adopted.
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Markesino
that based on the evidence presented, the Stipulation for Reprimand, signed by Brian J. Rogers, RN, be adopted.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Williamson
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Denis Helmine Duren, NP, be adopted.
Ayes 7, Nay 1, Uherbelau, Absent 1, McDonald

MSC Markesino, Coon
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Stephen E. Tait, RN, be adopted.
Ayes 7, Nay 1, Uherbelau, Absent 1, McDonald

MSC Uherbelau, Williamson
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Michelle L. Matraw, RN, be adopted.
Ayes 6, Recuse 2, Shields, Markesino, Absent 1, McDonald

MSC Gutierrez, Theis
that based on the evidence presented, case number 08C-184 be dismissed.
Ayes 6, Nay 1, Uherbelau, Absent 1, McDonald

MSC Uherbelau, Williamson
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Judith D. Stensland, NP, be adopted.
Ayes 8, Absent 1, McDonald

MSC Theis, Uherbelau
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Peggy S. Casebeer, NP, be adopted.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Markesino
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Daphne L. Watson, RN, be adopted.
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Markesino
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by Olivia M. Wahl, RN, be adopted.
Ayes 8, Absent 1, McDonald

Case Number: 07-273
Board gave staff direction.

MSC Gutierrez, Willis
that based on the evidence presented, Pam K. Moulton, CNA, be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Gutierrez
that based on the evidence presented, Margaret G. McCall Edvalson, CNA, be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.
Ayes 8, Absent 1, McDonald

MSC Uherbelau, Coon
that based on the evidence presented, Angelica M. Spurger, CMA, be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.
Ayes 8, Absent 1, McDonald

MSC Gutierrez, Williamson
that based on the evidence presented, the Stipulation for Suspension for 60 days of the Certified Nursing Assistant and Certified Medication Aide certificates, signed by Erlinda E. Quintana, CNA, CMA, be adopted.
Ayes 8, Absent 1, McDonald

MSC Markesino, Willis

that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by Leanna Nolan, LPN, be adopted.

Ayes 8, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by Heidi S. Haney, RN, NP, be adopted.

Ayes 8, Absent 1, McDonald

MSC Theis, Markesino

that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by Erna E. Lewis, RN, be adopted.

Ayes 8, Absent 1, McDonald

MSC Uherbelau, Williamson

that based on the information presented and the agency file in the case of Susan Shepherd, RN, the Board accept the Civil Penalty Stipulation as presented.

Ayes 6, Nay 1, Coon, Recuse 1, Markesino, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the information presented and the agency file in the case of Bonnie Woods, RN, the Board accept the Civil Penalty Stipulation as presented.

Ayes, 7, Nay 1, Markesino, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the evidence presented, the Interim Orders by Consent, signed by:

Thana M. Martin, RN

Michael P. Ritchey, RN

be ratified.

Ayes 8, Absent 1, McDonald

MSC Uherbelau, Gutierrez

that based on the evidence presented in case numbers:

07-228

08-086

08-223

08-294

the Board vacate the Interim Orders by Consent and dismiss the cases.

Ayes 8, Absent 1, McDonald

MSC Uherbelau, Williamson

that based on the evidence presented, case numbers:

08-206

08-109

08-288

be dismissed.

MSC Theis, Uherbelau

that based on the evidence presented, the Stipulation for Suspension with Conditions, signed by Suzanne G. Franklin, RN, be adopted.

Ayes, 8, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the evidence presented, the Interim Order by Consent, signed by Barbara E. Carroll, RN, be accepted.

Ayes 8, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the evidence presented, the Order of Emergency Suspension of Barbara E. Carroll's Registered Nurse license be withdrawn.

Ayes, 8, Absent 1, McDonald

MSC Uherbelau, Coon

that based on the evidence presented, case number 08C-213 be dismissed.

Ayes 8, Absent 1, McDonald

Adjourned 5:35 pm

June 12, 2008

MSC Shields, Willis

that based on the evidence presented in the matter of Dee A. Scoles, RN, the Board rescind the motion to issue a Notice of Proposed Reprimand.

Ayes, 8, Absent 1 Uherbelau

MSC Shields, Williamson

that based on the evidence presented, the Board issue Dee A. Scoles, RN, a Notice of Proposed Suspension for 60 days.

Ayes 8, 1 Uherbelau

Connie Davis, RN, PNP

Board directed staff to make corrections to the Proposed Order and bring it back to the July Interim Meeting.

THURSDAY, APRIL 10, 2008

2. REVIEW OF MEETING AGENDA

2.1 ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA

2.2 APPROVAL OF CONSENT AGENDA

M.S.C. Gutierrez, Markesino

that the Consent Agenda Items be approved as presented.

Ayes -- 8, Nays -- 0, Absent -- 1 (Uherbelau)

Consent Agenda Items:

- C-M1 Approval of Minutes from the April 8, 2008 Board Work Session
- C-M2 Approval of Minutes from the April 9-10, 2008 Board Meeting
- C-M3 Approval of Minutes from the May 15, 2008 Disciplinary Teleconference
- C-A1 Public Information Officer Report
- C-E1 Pioneer Pacific College Springfield Campus Request
- C-L1 Licensing, Customer Service and IT Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 Eligibility to Take Medication Aide Training Program
- C-P2.1 Disciplinary Actions - RNs, LPNs and CNAs -- April 2008

- C-P2.2 Disciplinary Actions - RNs, LPNs and CNAs – May 2008
- C-P2.3 Disciplinary Actions – RNs, LPNs and CNAs – Fiscal Year to Date
- C-P3.1 Case Summaries for Investigative Cases Closed between (March 22, 2008 to May 23, 2008)
- C-P3.2 Case Summaries for Other Investigations Conducted between (March 8, 2007 to May 9, 2008)

H1. ADMINISTRATIVE RULEMAKING HEARINGS

The rule hearings began at 9:10 a.m. Testimony heard on the individual rules is listed below. The rule hearings closed at 9:20 a.m.

H2. ADOPTION OF RULES

H2.1 Adoption of the Division 21 Rules Regarding the Standards for the Approval of Educational Programs in Nursing Preparing Candidates for Licensure as Practical or Registered Nurses

In response to a request from the Board and testimony provided during the Rulemaking Hearing of April 10, 2008, the Division 21 Task Force reconvened to consider revisions to the administrative rules under consideration for nursing education programs. The Task Force made further changes to the proposed rules, and Education Consultant Karen Burke presented the newly revised rule language during the June 12 Board meeting.

Ann Wilson, representing Legacy Health Systems, testified they had some concerns regarding the change of verbiage of “preceptor” to “clinical teaching associate” (CTA.) They requested that the clinical facility had the right to train their nurses in the CTA realm versus the educational facilities providing the training on CTA.

Paul DeJuisi, Vice President of Public Relations for Corinthian Colleges which has two campuses in Oregon, testified in support of the change in the education rules that would allow their institution to go through the process to get an approved nursing program.

Pam Ruona, Oregon Health Care Association, sent written testimony expressing concerns with the definition of “values and attitudes” for safe and effective nursing practice, and also with the change of the ratio of faculty to students from one to nine to one to eight in a clinical setting.

M.S.C. Theis, Markesino

that the proposed amendments to OAR 851-021-0005, 0010, 0015, 0020, 0025, 0040, 0045, 0050, 0055, 0060, 0065, 0070, 0090, and 0120 be adopted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

H2.2 Adoption of the Amendments and Repeal of Division 45 Rules Regarding Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse

The Division 45 administrative rule revision process began when Board staff toured the state in the spring of 2005 to solicit scope-of-practice feedback from nurses. LPN Roundtable discussions were held in January and February 2006. Task force work began in June 2006, and the first reading of the rules occurred on November 15, 2007. There was a rule hearing on April 10, 2008, which was extended until June 12, 2008.

Goals of the rule revision process included increased inclusivity (of varied practice settings) by broadening rule language, improved flow, readability and clarity, particularly about differences between RN and LPN practice. Efforts also were made to update language by adding standards on technology, professional boundaries, evidence-based practice, etc.

Since the April 2008 Board meeting substantive changes were made to the rules regarding the concepts of nursing assignment, supervision and delegation. In addition, language was added to the Conduct Derogatory section (OAR 851-045-0070) of the rules about the failure of the nurse to report actual or suspected incidents of child abuse or elder abuse to the appropriate state agencies.

The new proposed rules were presented by RN/LPN Nurse Practice Consultant Marilyn Hudson.

M.S.C. Markesino, Coon

that the proposed amendments to OAR 851-045-0030, 0040, 005, 0060, 0070, 0080, 0090, and 0100 and the repeal of OAR 851-045-0000, 0005, 0010, 0015, 0016, 0020, and 0025 be adopted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

H2.3 Adoption of the Amendments to Division 56 Rules Regarding Clinical Nurse Specialist and Nurse Practitioner Authority to Prescribe and Dispense

Advanced Practice Consultant Tracy Klein reported that the passage of Senate Bill 1062 during the recent interim legislative session removed the Formulary requirement for nurse prescribers. In place for more than 25 years, this section of the regulations contained language regarding scope and appropriate prescribing conduct in addition to the list of approved or excluded drugs. Draft rules presented to the Board removed language that referred to the Formulary. Specific sections were reworded or moved in order to retain the foundational premise of safe, appropriate prescribing.

Ms. Klein presented the proposed rules and reported they had been sent in draft form to the Oregon Nurses Association and the Nurse Practitioners of Oregon. Board members directed staff to retain FDA approved drugs as a requirement, and to add expanded access language to permit investigational trial use with specific governmental approval. Specific drugs, such as Methadone, Mifiprex, and Buprenorphine, are still restricted from other than physician prescribers. Board members instructed staff to add a section regarding these restrictions, but not naming each drug individually.

M.S.C. Shields, Gutierrez

that the proposed amendments to OAR 851-056-0004, 0006, 0010, 0012, 0016 and 0018 be adopted as corrected.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

H2.4 Adoption of the Amendments to Oregon Administrative Rules, Division 61 Regarding Standards for Training Programs for Nursing Assistants and Medication Aides

CNA/CMA Program Consultant Debbie Buck reported that proposed changes to Division 61 would further protect students' identities. By broadening the rule language, the Board will continue to move toward a secure web-based registration system to collect student information from training programs. Currently, training programs submit a course summary form by e-mail. This form contains the students' name, date of birth, social security number, and address.

Also being proposed was removal of the requirement for the social security number to be printed on the certificate of completion issued by the training program. A Board-approved unique identifying number would be used in its place.

M.S.C. Williamson, Willis

that the proposed amendments to OAR 851-061-0050, 0070, and 0100 be adopted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

GUEST SPEAKER

Paula Meyer, Executive Director, and Chuck Cumiskey, Nursing Practice Advisor, of the Washington State Nursing Care Quality Assurance Commission gave an informational presentation on "Demonstrating Continued Competency Through Professional Practice Assessment" and what was happening in their state regarding RN licensure. Teresa Corrado, Licensing Supervisor, of the Washington State Nursing Care Quality Assurance Commission, was also present to answer questions.

WORKING LUNCH

OPEN FORUM

The Board was not able to act on any issues presented at the Open Forum because prior public notice had not been given, but the Board could have taken matters under consideration as agenda items at future Board meetings.

Larry Fein, RN, with Albertina Kerr Centers & Fein Consulting, brought up the issue of on-going supervision with delegation. His major concern was that he did not believe that Division 47 rule language regarding ongoing supervision of a delegated task was consistent with the interpretation offered by Board staff. The reference for this discussion is OAR 851-047-0030(4). Mr. Fein contended that observation of competence could occur when multiple staff members gathered at once and each showed him a step of the delegation. Board staff had told him that each individual member must show him all elements of the delegation individually.

LCP1. LICENSING, CERTIFICATION & PRACTICE

LCP1.1 Second Reading of Policy “The Relationship Between Data Collection by Unlicensed Assistive Personnel (UAP) and Nursing Assessment”

In September 2007, a letter from the Oregon Nurses Association (ONA) was presented to the Board of question whether or not the Board’s 1990 policy on “Taking Health Histories on Blood Mobiles” was still a valid policy.

A review of this policy showed that while the statute is still in effect, a more nuanced interpretation would be useful given changes that have occurred in health care since 1990. Nursing Practice Consultant Marilyn Hudson presented a new policy “The Relationship between Data Collection by Unlicensed Assistive Personnel (UAP) and Nursing Assessment” for a second reading. Definitions that appear in this policy are congruent with proposed definitions in the Division 45 rule revision document.

M.S.C. Gutierrez, Willis
that the Policy “The Relationship between Data Collection by Unlicensed Assistive Personnel (UAP) and Nursing Assessment” be accepted as presented.
Ayes – 8, Nays – 0, Absent – 2 (Shields, Uherbelau)

LCP1.2 Second Reading of Policy “Authority to Accept and Implement Orders for Client Care and Treatment”

During the Division 45 Task Force work, task force members agreed that it might be helpful to remove some of the specific language from rule and place it in policy instead. Given the relatively frequent changes in scopes of practice, policy language can be more simply adjusted to reflect current changes in practice. Language regarding authority for licensed nurses (RNs and LPNs) to accept orders still remains in rule, just not to the level of detail provided by this policy. The policy, therefore, is intended to complement the proposed changes in Division 45.

Division 45 Task Force members completed the work on the policy “Authority to Accept and Implement Orders for Client Care and Treatment” and Nursing Practice Consultant Marilyn Hudson presented the policy for a second reading.

M.S.C. Willis, Markesino
that the Policy “Authority to Accept and Implement Orders for Client Care and Treatment” be accepted as presented.
Ayes – 7, Nays – 0, Absent – 2 (Shields, Uherbelau)

LCP1.3 Second Reading of Policy “OSBN Policy on Licensed Nurse Supervision in Settings Other than Community-Based Care”

Administrative rules related to licensed nurse supervision were included in the Division 45 (of the Nurse Practice Act) rule hearing which occurred earlier at the meeting. Given the confusion that exists in some practice settings related to nurse supervision, a policy was developed to further interpret rule. Earlier task force work occurred with a diverse group of members dedicated to addressing this issue.

The policy on "Licensed Nurse Supervision in Settings Other than Community-Based Care" was presented by Nursing Practice Consultant Marilyn Hudson for a second reading. It is reflective of some of the previously mentioned work, as well as additional direction offered by a secondary sub-group of Board staff and Board members.

M.S.C. Markesino, Williamson

that the "OSBN Policy on Licensed Nurse Supervision in Settings Other than Community-Based Care" be accepted as presented.

Ayes – 7, Nays – 0, Absent – 2 (Shields, Uherbelau)

LCP1.4 Second Reading of "OSBN Policy on Registered Nurse (RN) Delegation in Settings Other than Community-Based Care"

Nurse delegation rules were included in the Division 45 (of the Nurse Practice Act) administrative rule hearing held earlier at the meeting. Given the complexity of RN delegation, a policy was developed to reflect the proposed rules to further interpret rule. Earlier task force work occurred with a diverse group of members dedicated to addressing this issue.

This policy is reflective of some of that work, as well as additional direction offered by a secondary sub-group of Board staff and Board members. The policy "OSBN Policy on Registered Nurse (RN) Delegation in Settings Other than Community-Based Care" was presented for a second reading.

M.S.C. Markesino, Coon

that the "OSBN Policy on Registered (RN) Delegation in Settings Other than Community-Based Care" be accepted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

A1. ADMINISTRATION

A1.1 Executive Director's Report

Executive Director Holly Mercer reported that she had attended numerous meetings regarding Representative Greenlick's proposed legislation on healthcare licensing boards. On May 28, 2008, the Oregon Nurses Association (ONA) hosted a meeting of healthcare licensing boards and associations. Out of this meeting, came three sub-committees – the Disciplinary and Transparency Committee headed by Kathleen Haley of the Oregon Medical Board, the Structure Committee headed by Phil Donovan of Northwest Public Affairs (a lobbyist for the Naturopathic Association), and the Monitoring Committee headed by Holly Mercer. Other issues that came up at this meeting were the number of public members on healthcare licensing boards and also their monitoring or impaired professionals programs. There does not appear to be any kind of consensus on these issues.

The Board of Nursing has had CNA funding issues for several years now. In 2005, the Office of the Inspector General sent out a report stating that there is a federal regulation that says fees cannot be charged to Certified Nursing Assistants working in long-term care. They are looking at state boards and their application and renewal fees as possibly infringing on this regulation. This could have a large impact on the Board's CNA funding. Ms. Mercer reported that we were working with the Department of Human Services (DHS) on resolving this issue.

TERCAP (Taxonomy of Error Root Cause Analysis and Practice Responsibility) is a program through the National Council of State Boards of Nursing that staff members Marilyn Hudson and Lynda Tucker have been working on and the Board has been interested in. There was an attempt to get an intern through the Department of Administrative Services (DAS) to review some of our closed cases to see if we already get this information, however budget-wise this was not feasible. Ms. Mercer also is meeting with Jim Dameron of the Patient Safety Commission, who is very interested in this subject. If we can look at root cause and practice errors and identify these, we could then educate the employers about prevention.

The other piece is the concept of Just Culture. Ms. Mercer reported that the Board intends to learn more about this concept. We then hope to look at how we can take the root cause analysis, look at Just Culture, and then blend this into our disciplinary process. This information will be brought back to the September Board meeting.

February 6, 2008 the Board submitted a request to Budget and Management for the approval of four limited duration positions, including one for licensing, one for administrative services, and two for investigations through the rest of this biennium. One of these is just the continuation of a limited duration that we currently have. We would like to then make these positions permanent in the next biennium, hoping that this would be sufficient staff to get us through the backlog and stabilize the workload. We anticipate that the 2009-2011 will be ready for Board approval in late July.

In mid-May 2008, Ms. Mercer drafted and submitted a grant request to National Council of State Boards of Nursing for \$43,000. This was for funding for implementation of our fingerprint process and assist with our hiring of a limited duration position. However, we were informed that it was not accepted because we had already started our fingerprint process.

Ms. Mercer and Licensing Manager DeWayne Hatcher recently participated in a conference call regarding FBI audits of the fingerprint process. The FBI actually visits state boards of nursing and audits their fingerprint process.

The Board Work Session is planned for July 11, 2008 at the Century Hotel. This will involve developing a six-year strategic plan.

The Nurse Monitoring Sub-Committee has completed most of their objectives and, therefore, the committee will be suspended. Board members on the committee feel that any loose ends can be completed through Board staff and brought back to the Board in general. Significant progress has been made in terms of operational guidelines and contract revision. A special thank you to Board members Bev Shields, Pat Markesino, and Amoy Williamson who served on this committee.

National Council of State Boards of Nursing (NCSBN) will be holding their annual meeting August 5-8, 2008 in Nashville, Tennessee. NCSBN funds two positions to attend (usually the Board President and the Executive Director), however this year by going through their resource fund, two additional positions have been funded. Therefore, Board staff Marilyn Hudson and Tracy Klein, who have both done committee work, will also be attending the annual meeting. Board President James McDonald will be unable to attend. Board member Claudia Coon will attend in his place.

M.S.C. Gutierrez, Theis
that Claudia Coon and Holly Mercer attend the NCSBN annual meeting August 5-8, 2008, in Nashville, Tennessee. Board members agreed by consensus.

Ms. Mercer reported that a new heading under her report would be an environmental scan. In that regard, Advanced Practice Consultant Tracy Klein and Nursing Practice Consultant Marilyn Hudson reported on some current Board issues.

Ms. Klein has served on the NCSBN Committee on Advanced Practice. This committee has been working on the APRN Model Rules which will be presented at the NCSBN annual meeting in Nashville. However, there is still ongoing work with the APRN Consensus Group, comprised of representatives from NCSBN, as well as representatives from national certifying bodies and professional organizations, regarding creation of a unified "white paper" on advanced practice regulation. This paper includes a recommendation for education and certification of advanced practice nurses with a uniformed process. This discussion began approximately three years ago. It is hoped that a final APRN consensus paper will be ready for the NCSBN annual meeting.

The concepts that will need to be discussed related to these model rules have to do primarily with how they do or don't agree with our current rules. Although states are not required, it is advisable that our rules are consistent with the NCSBN model rules. One primary difference would be that we would be asked to require national certification again as a part of the licensing process for all advanced practice nurses.

There are some other concepts still being developed related to re-entry. Re-entry is not an issue in states that do not have a practice requirement, however Oregon does. We do have a rather broad definition of "practice" in our rules, however there are a lot of policy influences that are creating pressures on the re-entry process. Those influences include an aging workforce, nursing shortage, primary care shortage, preceptor shortages, malpractice crisis, and lowered reimbursement. Ms. Klein stated that she would be developing a presentation for the September Board meeting that will include people that have gone through this re-entry process, as well as people who are in it currently, and educational representatives.

The final issue is use of the word "doctor." This has been a hot topic across the United States. Oregon is one of the states that has a statute that restricts the use of the title to MD or DO. However, the Legislature put additional statutes in place last year that were more permissive towards other healthcare providers using the term "doctor" and not limiting it to non-clinical practice. We receive a lot of phone calls and a lot of reports concerning this issue. The Board's concern has always been that the legal title of licensure be used, so if it is RN or NP, it should be used along with the PhD. There is no prohibition in this state against using a degree that you have legally earned.

Ms. Klein reported that she had been part of joint meetings with the Board of Pharmacy, Board of Medicine, Department of Health, and the Naturopathic Board, as well our Board Counsel, to discuss addressing the issue of expedited partner therapy. Katherine Bradley and Beth Epstein with the Department of Health will be presenting more information on this issue at the September Board meeting.

Nursing Practice Consultant Marilyn Hudson presented a couple of policy issues. The first one concerns nurses taking orders from providers located outside of Oregon. School nurses have been frustrated by conflicting rule language with the Oregon Department of Education administrative rules. This is creating difficulty for the school nurses, in particular, because some of their students have providers in border states or have moved in from other states. Therefore, the plan is to move forward and set up a meeting with the Medical Board, their attorney, our attorney, and the Oregon Department of Education to discuss this issue.

The second issue is probable 2009 legislation from the American Diabetes Association regarding parental direction of unlicensed persons related to diabetic care management in schools. This legislation would allow parents to direct unlicensed assistive personnel (UAPs) in diabetic management, including insulin administration. This is of particular interest to the Board of Nursing because similar legislation in other states effectively removes the nurses' sole authority for delegation to unlicensed persons for tasks of nursing related to diabetic care management, such as insulin administration. In fact, this recently occurred in California and the American Nurses Association (ANA) and ANA-California filed a lawsuit challenging the California Department of Education's position that unlicensed persons with appropriate training could administer insulin without appropriate nurse delegation.

In 1988, the Oregon State Board of Nursing filed a declaratory ruling regarding parent directed care in the school setting. This is commonly referred to as the "Mitts Decision," in which the Board of Nursing concluded that it is the nurse, not the parent nor the school principal who may lawfully assess health conditions and delegate and teach nursing care tasks. Further, the unlicensed person may not perform these tasks on their own volition or when directed to do so by school authorities or parents.

The third issue has to do with protocols and standing orders. In recent months, there have been increasing questions regarding nursing scope of practice around this issue. Considerable confusion exists about which activities can be carried out with the use of protocols and standing orders and which may not, and also in which settings they may be used. The Board directed staff to begin with some sort of policy development in regards to this issue.

Executive Director Holly Mercer presented certificates of appreciation for work on their respective committees during 2007-2008 from the National Council of State Boards of Nursing to Marilyn Hudson, Tracy Klein and DeWayne Hatcher.

Board Secretary Beverly Shields announced that the Oregon Center for Nursing will be holding their annual golf tournament at Langdon Farms on July 15, 2008. Kaiser will once again be their title sponsor.

A1.2 Board Meeting Dates – 2009

The following Board meeting dates were approved for 2009:

February 11-12, 2009
April 15-16, 2009
June 17-18, 2009
September 16-17, 2009
November 18-19, 2009

Theis, Williamson

That the proposed Board meeting dates for 2009 be accepted as presented.
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

E1. EDUCATION

E1.1 Continuing Approval of the Apollo College Practical Nursing Program

Education Consultants Karen Burke, RN, MS, and Louise Martell, RN, PhD, reported that a survey visit for approval was conducted April 1 through April 3, 2008 at the Apollo College Practical Nursing Program in Portland, Oregon. In all instances, the surveyors found the standards to be sufficiently met to merit recommendation for approval of the program.

Joy Ingwerson, RN, MSN, Apollo College Nursing Program Director, was present to respond to questions and address any concerns.

M.S.C. Theis, Willis

that the Apollo College Practical Nursing Program be approved for up to five-years (June 2013).
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

E1.2 Continuing Approval of the Umpqua Community College Registered Nursing Program

Education Consultants Karen Burke, RN, MS, and Louise Martell, RN, PhD, reported that a survey visit for continuing approval was conducted April 22 through April 24, 2008 at the Umpqua Community College Associate Degree Nursing Program in Roseburg, Oregon. Although surveyors found a strong program with significant community support, one deficiency (faculty offices) was noted in the report. Survey reports of 1994 and 2002 noted the lack of privacy for faculty student conferences. In both instances, a recommendation to provide for individual faculty offices was made. Full-time faculty continues to share office space without ready access to a private room for confidential student conferences.

No one was present to answer questions or respond to concerns. Umpqua Community College Nursing Program Director Sandy Hendy was unable to make the meeting, but presented a written response for Board members.

M.S.C. Shields, Williamson

that the Umpqua Community College Registered Nursing Program be approved for up to five years (April 2013), with a report on measures to address faculty office deficiencies to be presented at the April 2010 Board meeting.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

E1.3 Everest College Application to Develop an Associate Degree Nursing Education Program

Everest College, in Portland, was seeking approval to develop an Associate Degree Registered Nursing Program. Education Consultants Karen Burke, RN, MS, and Louise Martell, RN, PhD, reported that the application was very complete, well developed and, for the most part, addressed both current standards and proposed standards being considered for adoption at this meeting.

As required in the proposed Division 21 revisions, Everest College notified all nursing programs in Oregon of its intention to develop an associate degree nursing program. One letter, received from Claudia Michael, Program Director at Portland community College, addressed the clinical placement difficulties currently being experienced in this area.

Jeanne Hatley, PhD, MSN, RN, Everest College Regional Nursing Director, was present to answer questions on faculty shortage and clinical sites.

M.S.C. Gutierrez, Williamson

that the Everest College Application to Develop an Associate Degree Nursing Program be accepted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

E1.4 Springdale Job Corps Center Application to Develop a Practical Nursing Education Program

Springdale Job Corps Center, designated as an alternative high school program in Troutdale, sought approval to develop a Practical Nursing Certificate Program. They did not meet one critical standard in that the institution is not accredited by a U.S. Department of Education approved accrediting agency. There is currently no provision in Oregon rules for nursing education programs to exist within a secondary school. Therefore, it was recommended by staff that this program not be accepted.

M.S.C. Theis, Markesino

that the Springdale Job Corps Center Application to Develop a Practical Nursing Education Program not be accepted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

E1.5 NCLEX Quarterly Reports

Education Consultant Louise Martell presented the NCLEX Quarterly and Yearly Reports for the period ending March 31, 2008. In the most recent quarter, Oregon pass rates for first-time candidates for NCLEX-RN and NCLEX-PN continued to be high and well above the national averages.

The results for Oregon nursing education programs indicate that more than half of the programs had candidates for January 1 through March 31, 2008.

M.S.C. Markesino, Coon

that the NCLEX Quarterly Reports from January 1, 2008 through March 31, 2008 be accepted as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

NEXT BOARD MEETING

The next scheduled disciplinary Board Meeting will be held in Executive Session on July 17, 2008 at the Board offices, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon. The next scheduled in-person Board meeting will be at the Board offices on September 11, 2008.

ADJOURNMENT

The meeting adjourned at 2:10 p.m.