

MEETING
September 21-22, 2011

MINUTES

1.1 CALL TO ORDER

Pat Markesino, Board President, called the regular meeting of the Oregon State Board of Nursing to order at 8:30 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

Cain, Present
Carnegie, Excused
Cosgrove, Present
Markesino, Present
Mill, Excused September 21, 2011; Present September 22, 2011
Souede, Present
Tenscher, Present September 21, 2011; Excused September 22, 2011
Uherbelau, 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
Buck
Ficarra
Gerdes
Hatcher
Holtry
Hudson
Ingwerson
Klein
McGuire-Sessions
Meadows
Mercer
Montenaro
Murvihill

Parish
Rahimi
Sexton
Standridge
Taube
Van Horn
Wade
Wood

Nyberg
Lightfoot

Cowan, Board Counsel
Tucker Davis, Board Counsel

8:30 AM – END OF BUSINESS
WEDNESDAY, September 21, 2011
EXECUTIVE SESSION
DISCIPLINE

MSC Willis, Cosgrove
that based on the procedural record, the Interim Orders by Consent, signed by the following:
Amy Bray, LPN Reentry Limited
Aqeel Furqan, RN
Colleen Lewis, RN
Angela Lindell, CNA
Steven Parker, LPN
Karen Walker, RN
be ratified.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the procedural record, the following:
Stephen Burns, LPN Applicant
Patricia McGuffin, CNA Applicant
be issued Final Orders by Default, denying the application as set forth in the Notice.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the procedural record, the following:
Elvia Cervantes, CNA
Mica Harmond, CNA
Ae Soon Koh, RN
Sarah Little, CNA
Mary Reindl, CMA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice.
Ayes 7, Excused 2 Carnegie, Mill

MSC Willis, Cosgrove
that based on the procedural record, the following:
Shirley Miller, RN
Connie Jensen, CNA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the procedural record, the following:
Mary Alexander, RN
Erin Anderson, RN
Alexander Dresser, CNA
be issued Final Orders by Default, revoking the licenses or certificates as set forth in the Notice.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the procedural record,
Miranda Mansfield, CNA
be issued a Final Order by Default, suspending the certificate, and a Notice of Proposed Revocation of certificate.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
Kristi Brown, RN
Cheryl Cruz, RN
Deborah Doering, RN
Kim Thom, CNA
Andrew Wakeman, CNA
be adopted.
Ayes 7, Excused 2 Carnegie, Mill

MSC Willis, Cosgrove
that based on the evidence presented,
Terri Taylor, CNA
be issued a Notice of Proposed Revocation.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by:
Diane Beck, RN
be adopted.
Ayes 6, Recused 1 Markesino, Excused 2 Carnegie, Mill
MSC Cosgrove, Willis
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
Maryellen Hernandez, RN
Colleen Lewis, RN
Denise Mann, RN
Craig Revels, RN
be adopted and the Interim Orders by Consent, signed by the following be vacated.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Cain
that based on the evidence presented, the Stipulation for Reprimand, signed by the following:
Daniel Ojeda, CNA
Tara Tolmachoff, CNA
be adopted.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Reprimand, signed by the following:
Jessica Spears, CNA
Danielle Piazza Alton, CNA
be adopted.
Ayes 7, Excused 2 Carnegie, Mill

MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Reprimand with Conditions, signed by the following:
Karen Bush, LPN
Rosalyn Crocker, RN
Mary Easton, NP
Irene Ennis, LPN
Ulrike Fleck, RN
Sandra Terry, RN
be adopted.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Reprimand, signed by following:
Kelly Burge, RN
Christie Kmetz, RN
be adopted.
Ayes 6, Recused 1 Markesino, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Stipulation for Probation, signed by the following:
Christina Harris, CNA
Joshua Targon, CNA
be adopted.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Probation, signed by:
Loretta Etherton, RN
be adopted and the Interim Order by Consent be vacated.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the following:
Mark Gundersen, LPN Applicant
Edward Martiszus, RN Reactivation Applicant

Natasha Seeger, CNA Applicant
be issued Notices of Proposed Denial.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the procedural record:
Sarah Young, CMA
be issued an Order of Emergency Suspension of CNA and CMA certificate and a Notice of Proposed Revocation of CNA and CMA certificate.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented, the following:
Alice Andersen, CNA
Victoria Brown, CNA
Susan Dahl, RN
Joana Underhill, CNA
Sara White, CNA
be issued Notices of Proposed Revocation.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Cosgrove
that based on the evidence presented,
Cary Hepler, CNA
be issued a Notice of Proposed Revocation.
Ayes 5, Nay 1 Uherbelau, Recused 1 Markesino, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented,
Jerie Parish, RN
be issued a 2nd Amended Notice of Proposed Revocation.
Ayes 7, Excused 2 Carnegie, Mill

MSC Cosgrove, Uherbelau
that based on the evidence presented, case numbers:
11-03143
11-03091
11-03022
11-02763
11-02872
11-02884
11-00187
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented in case numbers:
11-03171
be dismissed.
Ayes 6, Recused 1 Markesino, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented in case numbers:
11-00266
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, case number:
10-02693
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Interim Order by Consent, signed:
Phillip Maxwell Huber, CNA
be vacated on upon the inactivation of CNA certificate.

MSC Willis, Uherbelau
that based on the evidence presented in the case of:
Gregory Adams, CNA
the Board accept the Administrative Law Judge's Proposed Order and issue it as a Final Order.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented, case numbers:
11-02609
11-03281
11-03196
11-03105
12-00145
12-00103
12-00333
11-02387
11-02941
11-03282
11-03385
11-03011
12-00399
12-00212
11-03201
11-03247
11-03127
11-02950
11-02527
10-01451
11-03295
11-01035
12-00020
12-00047
11-03160
11-03283
11-02522

12-00292
12-00280
11-03095
12-00105
12-00150
11-02553
12-00104
11-03199
11-03129
11-03235
11-03468
11-02901
12-00110
11-02558
12-00281
11-03273
11-02632
11-02971
12-00017
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that based on the evidence presented, case numbers:
10-00534
12-00198
11-03107
11-03384
be dismissed.
Ayes 6, Recused 1 Markesino, Excused 2 Carnegie, Mill

MSC Willis Uherbelau
that based on the evidence presented, case numbers:
11-02945
11-03079
be dismissed.
Ayes 6, Recused 1 Markesino, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, case numbers:
12-00135
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented in case numbers:
11-02655
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented, the Interim Order by Consent, signed by:
Micheal Sherwood RN
be vacated.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Uherbelau
that the Board accept Staff recommendations that investigations outlined in C-P3.1, for cases between August 10, 2011 and September 8, 2011, with the exception of case number 11-02183, be closed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Cosgrove, Uherbelau
that based on the appearance and evidence presented,
Marie Kilroy, RN Reinstatement Applicant
be issued and Order reinstating the license and placing licensee on probation.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher

that based on the procedural record, the Stipulation for Reprimand with Conditions, signed by:
Diana Lockwood, RN
be adopted.
Ayes 6, Recuse 1 Cain, Excused 2 Carnegie, Mill
MSC Willis, Cosgrove
that based on the evidence presented, case number:
11-03128
be dismissed.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Cosgrove
that based on the evidence presented, the Interim Order by Consent, signed by:
Mary J Paulson Taylor, RN
be vacated.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the appearance and evidence presented, the Stipulation for Probation, signed by:
Hugo Okonogi, RN Reinstatement Applicant
be adopted and reinstatement be granted.
Ayes 7, Excused 2 Carnegie, Mill
MSC Willis, Tenscher
that based on the evidence presented in the matter of:
Sonia Mora Zaldana, CNA
an Amended Proposed Order be issued.
Ayes 7, Excused 2 Carnegie, Mill
Adjourned 4:45 p.m.

THURSDAY, September 22, 2011 – 8:35 A.M.
EXECUTIVE SESSION-- DISCIPLINE

MSC Willis, Mill
that based on the appearance and evidence presented,
Cynthia Dove, RN Reinstatement Applicant
not be granted reinstatement.
Ayes 8, Excused 2 Carnegie, Tenscher

THURSDAY, September 22, 2011--PUBLIC SESSION

Board President Pat Markesino called the meeting to order at 10:05 a.m. A quorum was present.

Introductions: staff, Board members, audience

2. REVIEW OF MEETING AGENDA

2.1 ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA

There were no requests for additions, modifications or reordering of the agenda.

2.2 APPROVAL OF CONSENT AGENDA

M.S.C. Willis, Uherbelau
that the Consent Agenda items be approved as presented
Ayes -- 7, Nays -- 0, Excused -- (Carnegie, Tenscher)

Consent Agenda Items:

- C-M1 Approval of Minutes from the June 22-23, 2011 Board Meeting
- C-M2 Approval of Minutes from the July 27, 2011 Board Meeting Teleconference
- C-M3 Approval of Minutes from the August 24, 2011 Board Meeting Teleconference
- C-A1 Fiscal Status Reports
- C-A2 Communications Manager and IT Report
- C-E1 Carrington College Curriculum Change Update
- C-L1 Licensing and Customer Service Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 CNA Test Plan
- C-P2.1 Disciplinary Actions by HIPDB Category – June, July and August, 2011
- C-P2.2 Disciplinary Actions by License Type –June, July and August, 2011
- C-P2.3 Disciplinary Actions by HIPDB Category – Fiscal Year 2011 and Fiscal Year to Date for 2012
- C-P2.4 Disciplinary Actions by License Type – Fiscal Year 2011 and Fiscal Year to Date for 2012

ADMINISTRATIVE RULEMAKING HEARING

Advanced Practice Consultant Tracy Klein explained that Division 56 Administrative Rules regarding Clinical Nurse Specialist and Nurse Practitioner authority to prescribe and dispense, have been before the Board on previous occasions. There have been revisions and feedback over an extended period of time. This was primarily due to confusion about what the Board's current regulations are, and what these regulations were intended to do, which was to allow for some categories in prescribing, that were not clear in the prior regulations. Those categories of prescribing have to do with compounded medications, off-label prescribing, and grandfathered drugs. Ms. Klein stated that there is also a policy that relates to this rule, which clarifies a few more of these definitions.

The rule hearing began at 10:10 a.m. Testimony heard on the rule is provided below. The hearing closed at 10:19 a.m.

H1. Adoption of Amendments to Division 56 Administrative Rules Regarding Clinical Nurse Specialist and Nurse Practitioner Authority to Prescribe and Dispense

Lois Eaton, Professional Standards Chair, Nurse Practitioners of Oregon, provided verbal testimony in support of the proposed changes to Division 56 Rules. She formally thanked the Board and Ms. Klein for the collaborative work that has been done on this Rule. She stated that there had been great concerns that Nurse Practitioners practicing in Oregon have been unclear as to what they could safely prescribe, and that the new wording in the rule will be a step forward in clarifying that issue. Ms. Klein also pointed out a grammatical correction to 851-056-0010(9).

M.S.C. Willis, Uherbelau
that the amendments to OAR 851-056-0000, 0010, 0012, and 0016 be adopted as corrected
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

H2. Adoption of Amendments to Division 63 Administrative Rules Regarding Authorized Duties and Standards for Certified Nursing Assistants

Nursing Assistant Program Consultant Debbie Buck explained that this rule change is to make corrections to Division 63. No verbal or written testimony was given.

M.S.C. Willis, Cain
that the amendments to OAR 851-063-0030 be adopted as presented
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

CNA PROGRAMS – Debbie Buck, Nursing Assistant Program Consultant

CNA1. Environmental Scan – Board Review and Questions

Nursing Assistant Program Consultant Debbie Buck reported that she reviewed 13 applications as a member of the evaluation panel for the 2011 Joan Anne McHugh Award, for Leadership in Long-Term Care. These applications come in from across the nation, and are RN's that are nominated by their peers in long-term care settings. The winner will be announced at the Leading Edge Center of Applied Research Annual Conference October 16-19, in Washington D.C.

Ms. Buck stated that she attended the National Council for State Boards of Nursing (NCSBN) Annual Meeting August 3-5, with Board Member Linda Mill. Some things that resulted from this meeting included the adoption of revisions to Uniform Licensure Requirements, election of officers for the National Council of State Boards of Directors and Leadership Succession Committee, and the Singapore Nursing Board and the College of RN's of Nova Scotia were accepted as Associate Members of NCSBN. Ms. Buck commented that one of the highlights was their Knowledge Network presentation and commented that she felt it was one of the best presentations she has attended at NCSBN. Ms. Mill also reported on some of the highlights and discussions during the meeting.

Ms. Buck reported that Headmaster, the current vendor for the Board's CNA and Medication Aide competency testing, were here on August 18-19, and brought in a test advisory panel to work on the CNA exam. This panel included stakeholders involved in training or employing CNA's. The CNA panel recommended a slight change in the test plan, adding about 2% to communication and interpersonal skills. The Medication Aide panel did not make changes, however did approve the current test plan, and reviewed questions that she helped develop.

Ms. Buck reported that on August 23-24, she attended NCSBN's Long-Term Care Conference, with Board Member Julia Willis. She pointed out that the term Long-Term Care is being changed to Long-Term Services and Supports. She stated that there were interesting discussions and Susan Reinhard, Senior Vice President of Public Policy for American Association of Retired Persons (AARP), was present and talked about the Institute of Medicine (IOM) report and the future of nursing in long-term care. Ms. Buck stated there was discussion regarding delegation and education issues in long-term care, and there were representatives present from Centers for Medicare and Medicaid Services.

Ms. Buck stated that she is on a list to participate in rule advisory committees. The passage of HB2650C requires adding criminal history requirements to home health and in-home care. She is working jointly with Nurse Consultant Marilyn McGuire-Sessions on a sub-committee regarding medication administration. This work will include defining and outlining the differences and requirements for medication reminding, medication administration, and medication assistance in in-home care.

Ms. Buck reported that she was recently invited to participate in a committee relating to HB3650, which directs the Oregon Health Care Authority to develop an integrated and coordinated health care delivery system. She believes she will accept this invitation to participate and is pleased she was invited to provide input.

Ms. Buck reported that the 11% reduction in Medicare payments to skilled nursing facilities in 2012 is affecting nurse assistant training in Oregon. Lincoln City Rehab Center is closing in October 2011, which means a loss of a training site. Ms. Buck also stated that the Medford area has experienced a shortage of availability of nurse assistant training this summer, and she believes this shortage is due to the current economic climate in Oregon.

ADVANCED PRACTICE PROGRAM – Tracy Klein, Advanced Practice Consultant

AP1. Policy Related to Division 56 Administrative Rules

Advanced Practice Consultant Tracy Klein explained that this is the policy related to Division 56 Rules, which was the companion piece to the rule adopted earlier in the meeting for the purpose of providing clear direction, and the background and steps that were taken.

M.S.C. Willis, Cosgrove
that the Policy related to Division 56 Administrative Rules be adopted as presented
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

AP2. Consultant Budget

Ms. Klein stated that there is a correction to Exhibit AP2 related to the date of the pre-survey visit of Oregon Health and Sciences University, conducted by Ms. Klein and Nursing Education Consultant Joy Ingwerson; the date should be June 9, 2011, not June 9, 2010. Ms. Klein pointed out that this visit was to identify what would be needed in order to do the full survey, and it was concluded that there was a need to approve a budget for a third surveyor, one that has additional experience with the actual program management of a Nurse Practitioner program. Ms. Klein stated that it was her goal to find someone fairly close geographically, from either Idaho or Arizona, where they have similar Board structure, regulations, and Nurse Practitioner programs. Nursing Education Consultant Joy Ingwerson stated that she believes it would be helpful to have someone that could speak to the Nurse Practitioner curriculum and provide support as questions come up regarding that.

M.S.C. Willis, Cosgrove
that the budget for an out of state education consultant be accepted as presented
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

AP3. . Environmental Scan – Board Review and Questions

Advanced Practice Consultant Tracy Klein provided a handout pertaining to the Nurse Practitioner and Clinical Nurse Specialist Rulemaking Guide, which came out fairly recently from the National Certifying Boards. She stated that the Advanced Practice Registered Nurse (APRN) Consensus Model, is being adopted and heavily promoted, and is a large initiative of the National Council State Boards of Nursing. Boards are varying in their approach to this and some are adopting regulations quite quickly, that are not matching what is still going on, either with education or national certification. Ms. Klein stated there still will be some continuing discussion related to Clinical Nurse Specialist. She has been asked to do some work with the National Organization for the Clinical Nurse Specialists, and has continued to communicate with them. There was discussion regarding rulemaking to implement the Consensus Model. Ms. Klein stated she would have to have firm direction from the professional organizations that represent the different specialties.

Ms. Klein stated she is doing a considerable amount of work with the issue of out-of-state programs, and issues relating to out-of-state programs. She stated that Jennifer Diallo, Interim Administrator with the Office of Degree Authorization, would speak during the meeting as to what she sees from her perspective.

Ms. Klein explained that HB2395, which was the doctor titling bill, was an initiative that came forth from the American Medical Association about three or four years ago. It does not change the regulations. However, she does receive questions from students in Nurse Practitioner programs.

Ms. Klein pointed out that there is an article in the current Sentinel regarding refills and refill protocols, and she believes that there continues to be confusion as to the definition of a refill. She also stated that she has received questions surrounding this and believes the article is educational, and that having a protocol and standing order policy that is more prescriptive will be helpful, and is under development.

ADMINISTRATION

A1. Executive Director's Report

Executive Director Holly Mercer reported that she is the Board's representative on the Board of Directors for the Oregon Center for Nursing. At the August 18th meeting, she received a letter on behalf of the president of the Oregon Center for Nursing, congratulating the Board on its Centennial.

Ms. Mercer stated that Jana Bitton, Program Director for the Oregon Center for Nursing, was to give a presentation at lunch, and provide the Board with copies of the Oregon Center for Nursing demand study publication. She believes this was helpful, as it points out the demand, status, and recruiting challenges. She stated the Board works with the Oregon Center for Nursing and the Oregon Health Authority in the Work Force Data Project. This is the project where we assess the \$5 per license and certificate holders, to transfer our demographic data through the Oregon Health Authority to the Oregon Center for Nursing. For the nursing profession, the contract is with the Oregon Center for Nursing, and the fees go directly to them for this project.

Ms. Mercer stated that on September 15th, she attended a meeting at the Oregon Nurses Association in association with the Oregon Nurses Foundation. They explored options to resurrect the Nurse Assistant Network, which was the precursor to the Nurse Monitoring Program in some respects. The new design is more of a referral, educational process.

Ms. Mercer stated that last week, along with Nursing Assistant Program Consultant Debbie Buck and the Chief Financial Officer Sangit Shrestha, she met with Joanne Birney, Department of Human Services, to discuss the federal match connected to Seniors and People with Disabilities. They then followed up with Joanne in terms of the Investigations Unit regarding interfacing on Office of Investigations and Training (OIT) and Adult Protective Services (APS) investigations, and how we intercept those entities. She stated that this still seems to be an issue as far as communication regarding dual investigations.

Ms. Mercer explained that the Executive Directors of the 18 healthcare boards meets monthly, and that some of these directors are seriously exploring semi-independent status. Some of these boards have received approval from the Governor's Office to continue to explore this status, and are receiving attention from some legislators. She believes nothing will happen in 2012, but that they will likely have a serious concept to proceed with in 2013. Ms. Mercer committed to the Board to present an objective presentation regarding the independent status, despite her personal opinion on the subject. She explained that the benefit the other Boards desire is the ability to be more independent from a budget contracting standpoint. At some point in the future, the Board of Nursing may be ready for semi-independent status if that is still available. There will be opportunity for further discussion and feedback with an objective presentation.

Ms. Mercer stated that directors from four of the Boards--Medical, Pharmacy, Dentistry, and Nursing--met with the Oregon Health Authority in August to re-discuss the budget formula. The Authority handles the Health Professionals' Services Program through its Addiction and Mental Health Division. Ms. Mercer stated that there was a difference among the other Boards as to the definition of an eligible licensee. She explained that the Directors of the four Boards met with Representative Mitch Greenlick in August, and that a concern was brought up to Representative Greenlick regarding if the self-referred concept even works for this program; it is monitoring, not a treatment program. Ms. Mercer stated she will continue to ask for more input from the Board on this subject, and there was discussion regarding the Medical Board's participation in the program, and further questions and discussion surrounding the fee structure of the program. Ms. Mercer provided a handout of the annual report of the new program, which indicated that the number of non-compliance reports for the Board of Nursing was large, compared to the other Boards. She pointed out the statistics, and there was discussion regarding comparisons to the statistics of the other Boards. Board Counsel Tom Cowan offered an explanation to some of the statistics compared to other Boards, stating that understanding the core of the differences would be required in order to improve these statistics. He also pointed out that it is very difficult to compare one licensing program with another, even though they may appear similar on the report.

Ms. Mercer stated that during the meeting in June, she mentioned looking for Board member training and is researching some online programs. She pointed out that there is an online training course offered through the Department of Administrative Services, however, for the current Board members, it may be too elementary. She will continue to research a training program that would be appropriate for both new and current Board members.

Ms. Mercer stated that the new budget includes a flat fee agreement with the Department of Justice, and unlike prior agreements, this new agreement would be a fixed amount. She explained that based on our growth, we do not believe there will be a fee increase in the 2015 biennial budget. Since 2008, there has been a 20% growth in complaints, a 9% growth in the total number of licensees, and a 12% growth in FTE, which went from 41.75 to 46.75, adding five people over the last three to four years. She explained that most of this growth has been in the Investigations Unit. Since July of 2010, 12 people left the agency, including three retirements and two dismissals. Seven staff members left for other positions. There have been 10 new-hires, and eight staff members have either transferred or have been promoted within the agency. There have been four temps hired over this last year to help with workload issues. Currently, there are three vacancies, including two Investigator positions, and a Nurse Investigator position. She stated it is understandable when people decide to leave the agency, considering salary freezes and mandated furloughs, which equates to a percentage of income loss. She stated that she does not, however, want people to leave the agency because of frustration with the culture. She explained that a representative from the Department of Administrative Services Human Resources Division has come in to review our culture regarding some recent concerns that have been brought to her attention, and provide some guidance for improvement in this area. Ms. Mercer also stated that she will be asking the Executive Director group to come in to look at the Probation program, to do a peer review audit, which will probably take place after the first of the year.

Ms. Mercer thanked the staff for their efforts, particularly over the summer months due to vacancies and turnovers, and pointed out that they have worked hard to keep up with workloads. Licensing was down at least half of the staff over the summer and the remaining staff has picked up the extra work.

A2. Board Officer Elections

M.S.C. Willis, Uherbelau

that Kay Carnegie be nominated to serve as President-Elect of the Oregon State Board of Nursing
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

M.S.C. Uherbelau, Cosgrove

that Julia Willis be nominated to serve as Secretary-Elect of the Oregon State Board of Nursing
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

A3. Board Meetings – 2012

M.S.C. Willis, Cosgrove

that the proposed Board Meeting dates in 2012 be adopted as presented
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

WORKING LUNCH

Lunch and Learn ~ StudentMAX® Discussion

Jana Bitton, Program Director from the Oregon Center for Nursing gave a PowerPoint presentation pertaining to StudentMAX®. Jake Creviston, Administrative Assistant, Oregon Center for Nursing was also present as a guest.

OPEN FORUM

The Board is not able to act on any issues presented at the Open Forum because prior public notice has not been given, but the Board can take matters under consideration as agenda items at future Board meetings.

Susan Link, from the Oregon Nurses Association (ONA), stated that she was representing a member of ONA, regarding her concern about the requirement of submitting her Social Security during her online renewal process. She stated that the member sent her an email, which contained a link to an article from the Consumer Union regarding other states' positions on this issue. Ms. Link asked that the Board take this under advisement. Ms. Link announced that she will be leaving ONA, and Ms. Mercer thanked Ms. Link for her past presentations and relationship to the Board.

Dr. David Cadiz, Research Associate, introduced himself and stated that he represents Work Healthy Oregon, which is a program of the Oregon Nurses' Foundation (ONF). He stated that with the revision in 2009 of the monitoring of Oregon health professionals has created some gaps as well as opportunities, and further explained that the primary focus of the Health Professionals' Services Program (HPSP) on protecting the public has left a need for early intervention and recovery support for nurses. ONF recently voted to re-commission the Nurses Assistance Network (NAN) to address these gaps, and they are working on developing a program plan that reflects a peer assistance program model described in the 2011 National Council of State Boards of Nursing Guidelines for Alternative Programs. Ginny Pecora, a Board member of ONF, has agreed to chair the re-commission, and brings with a wealth of experience. She served as committee chair for ten years before the Nurse Monitoring Program was established, which made NAN services unnecessary at that point. Dr. Cadiz provided four main areas which NAN is focused on providing:

- assistance when nurses are in crisis related to substance use and mental health problems;
- to develop a buddy system to match up nurses that are in recovery, to navigate challenges of recovery and work-life issues as they re-enter the workforce;
- build resources of local recovery support groups; and
- build a prevention focus of educating nurse students, employers, supervisors, co-workers and colleagues to reduce stigma, build awareness, and encourage early help-seeking.

Dr. Cadiz stated that Work Healthy Oregon has been working on a prevention program like this already. He provided a handout regarding this program, and went on to explain more about the actual program at Linfield College, including focusing on early intervention and early help-seeking to prevent problems in the workplace. He stated his purpose of explaining this program to the Board is to let them know that this service is being offered as another method of being able to support nurses that have a potential issue, and to assist in filling the gap between the treatment side and the monitoring side. There was a question from the Board if it is their intent to take this to other facilities, and he stated that there are meetings scheduled with other schools in Oregon.

EDUCATION – Joy Ingwerson, Education Consultant

E1. University of Portland NP/DNP Survey Visit Report (Tracy Klein)

Advanced Practice Consultant Tracy Klein introduced Joanne Warner, Dean, and Katherine Crabtree, Associate Dean, from the University of Portland, and explained that they will address any questions that the Board may have regarding their program. Ms. Klein explained that they have a very favorable survey report. She pointed out one clarification; they had recently gone through their American Association of Colleges of Nursing (CCNE) accreditation, which is the national accrediting body for nursing, and had an excellent survey report. Ms. Klein stated that, along with Nursing Education Consultant Joy Ingwerson, she piloted a survey with the students and preceptors. She further explained that there were no deficiencies noted, and there were a number of commendations to the staff regarding leadership, and one recommendation. There was discussion regarding out-of-state programs and placing students in Oregon to do clinical. Ms. Warner stated that their faculty has a long history with sites and preceptors, and stated that there are certain preceptors and sites that they have very solid relationships with, that go back many years, and rely on them for their clinical contribution to the curriculum.

M.S.C. Willis, Uherbelau
that the University of Portland NP/DNP Program be approved for up to five years to April, 2016
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

E2. Valley Medical College Survey Visit Report

Nursing Education Consultant Joy Ingwerson introduced staff from Valley Medical College, which included Linné Linder, Director of Education, Wendy Radspinner, Nurse Administrator, and Bob Enger, Director. Ms. Ingwerson commented on the report in the packet, recalling that Valley Medical College has had some challenges since the program started; instability related to faculty and administrators, which led to the expectation that there would be some follow-up reports and a focused site visit. She pointed out that the report included commendation notes, which were to Wendy Radspinner, regarding easy accessibility to the students and faculty. Ms. Ingwerson pointed out that it is important to note that this school has maintained a 100% pass rate on the NCLEX-PN®. Ms. Ingwerson also pointed out that there are recommendations in the report, which are mainly due to challenges related to staffing changes, and pointed out the deficiencies noted in the report, which were discussed at length during the survey. These deficiencies centered around the college not having a building that met their needs, however, there is recognition that there is work being done to acquire rental space, close to the current building. She received no complaints from students regarding teaching; more concerns about financial aid and those types of processes. Ms. Radspinner explained that there is a new facility for the Practical Nursing program, which is across the street from the current facility. This new facility will contain classrooms, labs, offices, a library, and student lounge space. The target move in date is November 7th. There was concern from the Board regarding the faculty ratio in the report, and making sure that clinical teaching associates are well defined. Additionally, to make sure that the clinical teaching associates' selection criteria is written and agreed to in the practice sites.

M.S.C. Willis, Cosgrove
that the Valley Medical College Practical Nursing Program be approved for up to three years, until April 2014, with a required report in April 2012 addressing adequacy of skills laboratory, office and conferencing spaces, development of the library, faculty ratios, and clinical teaching associate criteria
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

E3. Environmental Scan – Board Review and Questions

Nursing Education Consultant Joy Ingwerson introduced Jennifer Diallo, Interim Administrator with the Office of Degree Authorization (ODA). Ms. Diallo explained that her role is to work with licensing Boards, and explained that every state has one, although they differ in structure from state to state. Their function is to authorize degrees and they rely on accreditors for quality assurance. Under Oregon Statute, the Office of Degree and Authorization has three principle functions, all relating to licensing, specifically to nursing education.

- 1) To ensure the quality of academic degrees offered by colleges under their jurisdiction. These include all of the out-of-state and foreign colleges and universities that would offer degree programs to Oregon students, either within Oregon or from outside the state, via online or other distance education delivery. These would also include any campus-based degree programs offered in Oregon by private colleges and universities whether non-profit or for profit. For degrees offered at a campus in Oregon, this quality assurance function is accomplished by a biennial review process resulting in approval of each individual degree program offered at a campus in Oregon every two years. Evaluations are conducted by either ODA staff or contractors, defined as competent evaluators working under contract. Online programs are not evaluated by ODA, however, these programs must meet the standards that qualify a degree earned out-of-state as valid in the state of Oregon.
- 2) To ensure that degrees conferred outside of Oregon and used in this state are valid; the goal is to determine that it is equivalent to the level of quality required by Oregon's high standards. This determination is made through an evaluation, either in-house or contracted out.
- 3) To ensure that public funds are not used to duplicate programs offered by private universities if such duplications would have an adverse impact on the existing privately-provided degree programs.

Ms. Diallo explained that one of the main goals of ODA as it relates to licensing boards, is to ensure that degree programs under ODA's jurisdiction that propose to prepare students for licensure in Oregon, or imply such preparation, will in fact lead to licensure. In addition, ODA protects the students in placement programs, and works with licensing boards, to determine where the gaps are.

RN/LPN PRACTICE PROGRAM – Joy Ingwerson, Education Consultant

RN1. Nursing Practice Committee Policy Revision

Nursing Education Consultant Joy Ingwerson explained that she is looking ahead to 2012 to determine, as far as members' schedules, what the meeting dates would be, and came up with a schedule of five meetings for the year. She stated that because the policy states that the committee would meet on a quarterly basis, she asked that the policy be changed to regularly, instead of quarterly, allowing flexibility as to the frequency of meetings.

M.S.C. Willis, Uherbelau
that the Nursing Practice Committee Policy be revised as presented
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

RN2. Nursing Practice Committee Update

Nursing Education Consultant Joy Ingwerson reported on the ongoing work of the committee. She referred to the table in the packet, which provides a breakdown of the subcommittees that are either actively functioning, or have completed their goals regarding policy revisions. Executive Director Holly Mercer stated that this committee was formed about one and a half years ago and believes that it has worked well as far as streamlining the work of the Board staff and tapping into some valuable help in terms of volunteers in this profession. Ms. Ingwerson stated that it looks as though the subcommittee working on the Protocols and Standing Orders policy will be moving forward with a draft and probably continue to work on more issues pertaining to that policy. Ms. Ingwerson reported that she recently learned that another member had to resign from the committee, due to a change in their work responsibilities. She stated she has posted a notification to recruit for a public member in various ways, however, has not had a good response.

LICENSING – DeWayne Hatcher, Licensing Manager

L1. First Reading of Division 2 Rules Regarding Changes Related to Agency Fees

Licensing Manager DeWayne Hatcher stated that this is the First Reading to changes to Division 2, proposing to add a paragraph into the fee section. This paragraph, as required by ORS 408.450, states that no fees will be assessed while any person holding a license to practice nursing in Oregon is on active duty with the Uniformed Services of the United States. Essentially, it establishes that if a licensee is in active military, or within 60 days after being discharged, renewal fees would be waived. Nurse Assistant Consultant Debbie Buck asked if this would include certificate holders. Mr. Hatcher stated he would change the wording in the draft rule to include certificate holders.

M.S.C. Willis, Cosgrove
that the OAR 851-002-0000 be accepted as modified and begin the rulemaking process
Ayes -- 7, Nays -- 0, Excused -- 2 (Carnegie, Tenscher)

L2. Environmental Scan – Board Review and Questions

Licensing Manager DeWayne Hatcher reported that he has five new employees in the Licensing unit, and the focus now will now be on training and cross training.

Nursing Education Consultant Joy Ingwerson stated that she was going to conduct a survey regarding re-entry and refresher programs through National Council of State Boards of Nursing, which has a venue where people can do a survey that goes out to all member jurisdictions. She found that there was already a survey that had been conducted in August, 2008, and 39 jurisdictions had responded related to RN re-entry or refresher programs. Therefore, she summarized some information from the survey responses; there were fourteen states that had their refresher and re-entry programs through colleges of nursing only. Two states require nurses to retake the NCLEX® if they have been out of practice; Oregon does not require it although it is an option. Seven states have a differentiation in Oregon's requirements for re-entry for RN and LPN; Oregon does not make a distinction, it is the same. There are nine states that had no programs or said they did not track or regulate them. Twenty-one states do accept completion of a refresher/re-entry program in another state for licensure in their state. There were no states that had a specific hour requirement for skills laboratory, which was one question that was on the survey. She referred to the packet which had additional detailed information regarding the survey. Mr. Hatcher expressed his concern regarding the limited number of re-entry programs in Oregon, while being faced with more people wanting to do re-entry. There was further discussion regarding retesting as an option for re-entry. Board President Patricia Markesino asked if this was a growing problem, enough to devote some task force time to, to come up with recommendations regarding the issue of re-entry. Ms. Mercer stated that she will explore the options for re-entry and bring this topic back for further discussion at the November Board meeting.

NEXT BOARD MEETING

The next scheduled Board Meeting via teleconference will be held in Executive Session on October 26, 2011, at the Board offices, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon. The next regularly scheduled in-person Board meeting will be at the Board offices on November 16-17, 2011.

ADJOURNMENT -- The meeting adjourned at 3:40 p.m.