

**MEETING**  
**November 12-13, 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 9:04 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, Absent (11/13/08)  
McDonald, Present  
Shields, Present  
Theis, Present  
Uherbelau, Present  
Williamson, Present  
Willis, Absent (11/13/08)

**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  
Brannon  
Buck  
Burke  
DeLong  
Ficarra  
Fisher-Lewis  
Hatcher  
Holtry  
Hudson  
Klein  
Lilly  
Marson

Martini  
Meadows  
Mercer  
Palumbo  
Parish  
Sexton  
Sherbert  
Standridge  
Tucker  
Wood  
  
Cotton  
Shults  
Cowan, Board Counsel

**9:00 AM - END OF BUSINESS**  
**WEDNESDAY, NOVEMBER 12, 2008**  
**EXECUTIVE SESSION**  
**DISCIPLINE**

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

A presentation on the new "On-Line Renewal System and Employer Subscription" was given by Judith McEntee at the working lunch.

MSC Shields, Theis

that based on the appearance in the matter of Darcy L. McDonald, RN, before the Board and the evidence presented, the Registered Nurse license be reinstated with Probation and after completing a Board-approved re-entry program, be placed on an additional 24 month probation period.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Willis

that based on the evidence presented, the Board ratify the Interim Orders by Consent signed by Jennifer Walsh, RN, and Deborah A. Bell, RN.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Williamson, Coon

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

Jennifer White, CNA applicant

Sarah E. Schroeder, CNA applicant

Megan E. Olson, CNA applicant

be denied.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Williamson

that based on the evidence submitted through Notice, testimony and the agency files, the certificates or licenses of:

Holly M. Zeuthen, CNA, CMA

Patricia Ward, LPN

Katherine K. Balentine, CNA

Jonathan G. Sanchez, CNA

Donna J. Nelson, CNA

Traci A. Powell, CNA

be suspended as set forth in the Notice.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Markesino, Theis

that based on the evidence submitted through Notice, testimony and the agency files, the license of Bruce E. Boyd, LPN, be suspended for 30 days, followed by 24 months probation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Williamson, Coon

that based on the evidence submitted through Notice, evidence and the agency files, the certificates or licenses of:

Julie M. Byers, CNA

Robert H. Kato, CNA

Karla M. Ellis, CNA,

Nicole S. Eubanks, CNA

Donna M. Miller, CNA

Teresa L. McCabe, CNA

be revoked as set forth in their respective Notices.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Theis  
that based on the evidence presented, licensures or certifications of:  
Sean Savage, RN reactivation applicant  
Ericka S. Lent, CNA applicant  
Tammy L. Desmond, CNA endorsement applicant  
Justin A. Morris, CNA applicant  
Jennifer L. Caso, CNA reactivation applicant  
be issued a Notice of Proposed Denial.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Theis  
that based on the evidence presented, licensure of Peggy E. Coon, CNA applicant, be issued a Notice of Proposed Denial.  
Ayes 6, Nays 2 (Uherbelau, Shields), Recuse 0, Absent 0

MSC Theis, Gutierrez  
that based on the evidence presented, the certificate of Darrel J. Pavlish, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

The Board requests a letter be sent to the main Avamere offices with a copy being provided to the local office reinforcing the Board's position regarding the above issue(s).

MSC Theis, Markesino  
that based on the evidence presented, Darrel J. Pavlish, CMA applicant, be issued a Notice of Proposed Denial of Certification.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Markesino  
Katherine V. Hendricks, RN, reactivation application be issued a Notice of Proposed Denial of Licensure and, a Notice of Proposed Civil Penalty be issued in the amount of \$5,000.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Shields, Willis  
that based on the evidence presented in case Deborah D. Wilson, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Uherbelau  
that based on the evidence presented, Lyn Marguerite Walters, RN, be issued a Notice of Proposed 30 day Suspension.  
The licensee is expected to complete an educational plan during the 30 day suspension period to address boundaries, palliative care/dementia and patient assessment.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Uherbelau  
that based on the evidence presented, Lyn Marguerite Walters, RN, be issued a Notice of Proposed Probation for 24 months.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Willis  
that based on the evidence presented, Erin J. Harlacher, LPN, be a Notice of Proposed Revocation be issued.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Willis, Markesino  
that based on the evidence presented, Rebecca A. Nelson, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Uherbelau  
that based on the evidence presented, Danielle S. Bauer, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Coon  
that based on the evidence presented, Tamie M. Hill, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Markesino  
that based on the evidence presented,  
Debra A. Miller, RN  
Patricia R. Weaver, LPN  
Tina M. Peek, RN  
Wendy A. Cooper, RN  
Eric T. Sheppard, CNA  
Meghan C. Lee, RN  
Carolyn C. Reuteler, RN  
Randy S. Buchan, RN  
Rhonda J. Drake, RN  
be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Markesino  
that based on the evidence presented, Mary Spooner, RN, be issued a Notice of Proposed Revocation.  
Ayes 7, Nays 0, Recuse 1 (Markesino), Absent 0

MSC Willis, Markesino  
that based on the evidence presented, Lynn E. Schneider, RN, be issued a Notice of Proposed Revocation.  
Ayes 7, Nays 0, Recuse 1 (Shields), Absent 0

MSC Shields, Theis  
that based on the evidence presented, Sarah K. Tobiasson, CNA, a Notice of Proposed Revocation be issued.  
Ayes 8, Nays 0, Recuse 1(Uherbelau), Absent 0

MSC Shields, Theis  
that based on the evidence presented, Laurie S. Waltosz, RN, a Notice of Proposed Revocation be issued.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Willis  
that based on the evidence presented in case number 08-488, the case be dismissed.  
Ayes 8, Nays 0, Recuse 1 (Markesino), Absent 0

MSC Uherbelau, Coon  
that based on the evidence presented in case number 08C-058, the case be dismissed.  
Ayes 7, Nays 0, Recuse 1 (Markesino), Absent 0

MSC Uherbelau, Willis  
that based on the evidence presented in case numbers:  
09-104  
08-473  
09-143  
the cases be dismissed.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Shields, Willis

that based on the evidence presented in case number 08-337, the case be dismissed.  
Ayes 6, Nays 1, Recuse 0, Absent 1

MSC Gutierrez, Shields

that, based on the evidence presented, Jean A. Connaughty, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Shields

that, based on the evidence presented in case number 09-010, the case be dismissed.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Williamson

that based on the evidence presented in case number 08-471, the licensee be issued an Order for Chemical Dependency Evaluation.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Markesino

that based on the evidence presented on, Kristin L. Hilfiker, RN, a Notice of Proposed Civil Penalty be issued in the amount of \$5,000.  
Ayes 7, Nays 0, Recuse 1 (Coon), Absent 0

MSC Shields, Uherbelau

that based on the evidence presented on Roberta L. Andersen, RN, a Notice of Proposed Civil Penalty be issued in the amount of \$5,000.  
Ayes 7, Nays, Recuse 1 (Coon), Absent 0

MSC Shields, Markesino

that based on the evidence presented on Heather M. Smith, NP, a Notice of Proposed Civil Penalty be issued in the amount of \$100.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Shields, Willis

that based on the evidence presented on Sheri Engler, Imposter, a Notice of Proposed Civil Penalty be issued in the amount of \$5,000.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Williamson, Uherbelau

that based on the evidence presented on Willamette Falls Family Medicine, LLC, a Notice of Proposed Civil Penalty be issued in the amount of \$1,000.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Uherbelau

that based on the evidence presented, the Stipulation for Reprimand signed by licensees or certificate holders:  
Molly Meador, CNA  
Dorothy F. Combs, RN  
Dana S. Hohman, RN  
be adopted.  
Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Shields, Theis

that based on the evidence presented, the Stipulation for Reprimand signed by licensee Amanda B. Newel, RN, be adopted.  
Ayes 6, Nays 1 (Williamson), Recuse 1 (Markesino), Absent 0

MSC Gutierrez, Willis

that based on the evidence presented, the Stipulation for Reprimand signed by licensee Teresa M. Altman, RN, be adopted.

Ayes 5, Nays 2 (Theis, Uherbelau), Recuse 1 (Markesino), Absent 0

MSC Willis, Markesino

that based on the evidence presented, the Stipulation for Reprimand with Conditions signed by licensees:

Renay A. Garoutte, LPN

Dorothy Andersen, RN

Yvonne M. Stout, LPN

Virginia L. Rondel, RN

be adopted.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Markesino, Gutierrez

that based on the evidence presented, the Stipulation for Reprimand with Conditions signed by licensees:

Carla K. McCall, LPN

Barbara A. Gentner, RN

be adopted

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Markesino, Gutierrez

that based on the evidence presented on Carla K. McCall, LPN, a Civil Penalty be imposed in the amount of \$500.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Williamson, Coon

that based on the evidence presented, the licensees or certificate holders:

Nicholas H. Reday, CNA

Jennifer A. Hiner, RN

Lisa B. Chandler, CNA Applicant

be placed on probation and the Stipulation for Probation be adopted.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Markesino

that based on the evidence presented, the license of Tamara L. Gartner, CNA, be suspended for two years as set forth in the Stipulation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Willis, Gutierrez

that based on the evidence presented, the license of Jessica A. Scharf, RN, be suspended with conditions for a minimum of 30 days followed by 24 months probation as set forth in the Stipulation.

Ayes 7, Nays 0, Recuse 1 (Markesino), Absent 0

MSC Markesino, Theis

that based on the evidence presented, the license of Margaret E. Hicks, RN, be suspended with conditions followed by 24 months probation as set forth in the Stipulation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Willis

that based on the evidence presented, Jessica R. Weiner, LPN, be issued a Notice of Proposed Revocation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Markesino

that based on the evidence presented the license of Nancy Carpentier, RN, be suspended with conditions for 30 days as set forth in the Stipulation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Williamson

that based on the evidence presented, the Stipulations for Voluntary Surrender signed by licensees or certificate holders:

Susan F. Solbach, RN

Rachael C. Harris, RN

Shirley J. Steller, CNA

William L. Owsley, RN

Jeanette A. Jacobson, RN

Clare L. King, RN

Michelle M. Norman, CNA

be accepted and the Stipulations for Voluntary Surrender be adopted.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Williamson

that based on the evidence presented, the Stipulation for Voluntary Surrender signed by licensee Michael J. McNett, RN, CRNA, be accepted and the Stipulation for Voluntary Surrender be adopted.

Ayes 7, Nays 0, Recuse 1 (Markesino) Absent 0

MSC Uherbelau, Williamson

that based on the evidence presented, Nora E. Poitras, LPN, be issued a Notice of Proposed Revocation.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Shields, Williamson

that based on the evidence presented Tamera G. Rockholt, RN, the Stipulation for Civil Penalty be accepted in the amount of \$5,000.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Shields

that based on the evidence presented, the Interim Order by Consent signed by Nadine Weber, RN, be vacated and the case dismissed.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Gutierrez, Williamson

that based on the evidence presented in case number 08-188, the case be dismissed.

Ayes 7, Nays 0, Recuse 1 (Markesino), Absent 0

MSC Uherbelau, Coon

that based on the evidence presented in case numbers:

09-049

08-441

09-073

09-037,

the cases be dismissed.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Williamson

that based on the evidence presented on Kerry E. Self, RN, a Stipulated Amended Final Order be issued.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Markesino

that based on the evidence presented on Suzanne Franklin, RN, the request for reconsideration is denied.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Theis, Shields

that based on the evidence presented on Connie Davis, RN, the request for reconsideration is denied.

Ayes 8, Nays 0, Recuse 0, Absent 0

The meeting was adjourned at 4:32 p.m.

November 13, 2008 – 3:00 p.m. – Executive Session called to order by President, James McDonald

**DEFERRED CASES:**

MSC Uherbelau, Williamson

that based on the evidence submitted, Roseanna Marlowe, RN, the motion to vacate the Interim Order by Consent is approved.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Gutierrez

that based on the evidence submitted, case number 09-055 be dismissed.

Ayes 8, Nays 0, Recuse 0, Absent 0

MSC Uherbelau, Williamson

that based on the evidence presented on Patricia M Sherman, RN, NP, be suspended with conditions for 60 days as set forth in the Stipulation.

Ayes 4, Nays 1, Recuse 0, Absent 3 (Willis, Theis, Markesino)

The meeting was adjourned at 4:35 p.m.

**THURSDAY, NOVEMBER 13, 2008**

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

**2. REVIEW OF MEETING AGENDA**

**2.1 ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA**

**2.2 APPROVAL OF CONSENT AGENDA**

M.S.C. Shields, Coon

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 August 21, 2008 Disciplinary Teleconference
- C-M2 Approval of Minutes from the September 10-11, 2008 Board Meeting
- C-M3 Approval of Minutes from the October 16, 2008 Disciplinary Teleconference
- C-A1 Fiscal Status Reports
- C-A2 Communications & Policy Manager Report
- C-E1 OHSU Monmouth Campus
- C-E2 Southwestern Oregon Community College Distant Campuses
- C-L1 Licensing, Customer Service and IT Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 Report on CNA Test Advisory Panel Meeting
- C-P2.1 Disciplinary Actions by Category – August, September & October 2008
- C-P2.2 Disciplinary Actions by License Type – August, September & October 2008
- C-P2.3 Disciplinary Actions by Category – Fiscal Year to Date
- C-P2.4 Disciplinary Actions by License Type – Fiscal Year to Date

C-P3.1 Case Summaries for Investigative Cases Closed between (August 25, 2008  
to October 24, 2008)

C-P3.2 Case Summaries for Other Investigations Conducted between (August 25, 2008  
to October 24, 2008)

M.S.C. Gutierrez, Coon  
that the Consent Agenda items be approved as corrected.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

## **H1. ADMINISTRATIVE RULEMAKING HEARINGS**

The rule hearings began at 9:08 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 Amendments to Division 50 and 56 Regarding Prescriptive Authority for Nurse Practitioners**

Due to a 1996 revision of Division 50, prescriptive authority is mandatory for all nurse practitioners certified after July 1, 1997. In 2006, rule language regarding the formulary, prescriptive authority, and dispensing authority was moved to Division 56.

As of July 31, 2008, there are only 25 nurse practitioners without prescriptive authority out of a total of 2,246. Eleven of those nurse practitioners are in the psychiatric mental health field and focus primarily on counseling interventions. No new applicants have been approved for a nurse practitioner license unless they also meet the requirements for prescriptive authority. Prescriptive authority for the clinical nurse specialist, consistent with professional input and national consensus recommendations, remains optional for licensure and renewal.

This language was proposed to clarify the requirement regarding prescriptive authority for renewal of a nurse practitioner license. The Board adopted a policy on April 12, 2007, which stated requirements to meet prescribing competency for renewal. At that time, the Board verbally reaffirmed that prescriptive authority should be required for renewal of a nurse practitioner license. Board Counsel advised the language changes to be explicitly clear in regulation regarding renewal requirements for prescribing.

M.S.C. Williamson, Uherbelau  
that the proposed amendments to OAR 851-050-0138 and OAR 851-056-0006 and 0022 be accepted as presented.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

### **H2.2 Adoption of the Amendments to Division 62 Regarding a Four-Month Exception to Certification for Nursing Assistants Employed in Licensed Nursing Facilities**

Under the current Division 62 rule language, individuals who have never been certified in any jurisdiction have four-months from date of hire in a licensed nursing facility to become certified in Oregon. This exception does not apply to individuals who are endorsing from other states or who have let their Oregon CNA certificate expire. They have to obtain current certification in Oregon before being eligible to be employed in a licensed nursing facility.

This rule language was presented to allow all individuals, who are employed to perform CNA 1 authorized duties in licensed nursing facilities, up to four-months from date of hire in which to become certified in Oregon.

Ruth Gulyas, Oregon Alliance of Senior and Health Services, testified in support of these rules and recommended that they be adopted.

M.S.C. Shields, Coon  
that the proposed amendments to OAR 851-062-0020 be accepted as presented.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

### **LCP1. LICENSING, CERTIFICATION & PRACTICE**

#### **LCP1. First Reading of Board Policy “Nurse Practitioners with Prescriptive Authority and Non-Prescriptive Remedies”**

The Board policy “Nurse Practitioners with Prescriptive Authority and Non-Prescriptive Remedies” addresses Nurse Practitioner scope of practice. As part of periodic rule review, Advanced Practice Consultant Tracy Klein presented suggested new language which includes Clinical Nurse Specialists in the first reading of this revised policy.

M.S.C. Williamson, Coon  
that the Board move forward and adopt this policy as presented.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

#### **LCP1.2 First Reading of Board Policy “Involuntary Commitment Orders – Nurse Practitioner Scope of Practice”**

As part of a periodic rule review, Advanced Practice Consultant Tracy Klein presented suggested new language which adds statutory reference to the policy currently titled “Involuntary Commitment Orders – Nurse Practitioner Scope of Practice.” She also, suggested new language also includes Clinical Nurse Specialists in the first reading of this revised policy. The Board directed that these changes be shared on the OSBN website/list-serve and then brought back for a second reading at the February 2009 Board meeting.

#### **LCP1.3 Report on CNA 2 Acute Care Meeting**

CNA/CMA Consultant Debbie Buck reported that on October 8, 2008, an 11 site video-conferenced Certified Nursing Assistant (CNA) 2 Acute Care Stakeholder meeting was held. This meeting was requested by stakeholders and hosted by the Oregon State board of Nursing. The impetus for the meeting was the length of the CNA 2 Acute Care curriculum. It was especially timely as the transition period for CNA 2 Acute Care is set to expire on November 17, 2008.

Meeting participants recommended the following:

- Decrease the number of classroom hours in curriculum.
- Develop method for CNAs to transition from one CNA 2 category to another without repeating content or skills.
- Allow CNA s endorsing from other states to competency test for CNA 2 if they have been doing the skills in their previous state.
- Allow for online training for CNA 2s.
- Extend the transition period.
- Review the skills of discontinuing IVs and phlebotomy/performing newborn heel sticks for inclusion in the CNA 2 Acute Care curriculum.
- Evaluate the effectiveness of CNA 2’s clinical outcomes.

The Board directed staff to reconvene the group to come to a consensus on a proposal to be presented to the Board at a later date.

#### **LCP1.4 First Reading of Board Policy “Nursing Assessment of Death”**

Nursing Practice Consultant Marilyn Hudson reported that the policy entitled “Nursing Assessment of Death” was last amended in November 1994. Given recent changes to the scope of standards for RN and LPN practice, it seemed prudent to reflect these changes in an updated policy. The major difference is that LPNs are now allowed to conduct initial and ongoing focused assessments.

The Board directed staff to bring this policy back for a second reading.

**LCP1.5 Rescind Board Policy “Orders for Client Care by Physician Assistants” (now covered in OAR 851-045-0040(6)9(d))**

Nursing Practice Consultant Marilyn Hudson reported that on April 12, 2007, the policy “Orders for Client Care by Physician Assistants” was amended to reflect language that had been proposed for inclusion into Division 45 during administrative rule revision. Those rules were adopted during the June 2008 Board meeting. Therefore, this policy is now redundant so she recommended that this policy be formally rescinded. It will remain on the website for six months with a reference to the new administrative rule where this language is located.

M.S.C. Theis, Uherbelau  
that the Board Policy “Orders for Client Care By Physician Assistants” be rescinded as it is now covered in OAR 851-045-0040(6)(d).  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

**LCP1.6 Summary of Division 45 Task Force Discussions Relating to Discontinuation of Infusion Therapy**

Since the adoption of the Division 45 administrative rule section, questions have been raised regarding the authority for Certified Nursing Assistants (CNAs) and unlicensed assistive personnel (UAPs) to engage in IV activities such as insertion, removal or medication administration. These questions have led to interest in the discussions that occurred during the rule revision process to arrive at the current administrative rule language.

Limitations to RN delegation in settings other than community-based care were considered by the UAP Task Force, a group developed to consider the issue of delegation during the Division 45 rule revision process.

During initial discussions, task force members agreed that UAPs should not be allowed to work with IVs. At a later meeting task force members reviewed the limitations listed in Division 47, RN Delegation of Nursing Tasks to Unlicensed Persons (in community-based care settings). Task force members suggested that similar language should be added to the delegation rules in Division 45.

**LCP1.7 Presentation on “Just Culture and Quality and Safety Education for Nurses (QSEN) by Nursing Practice Consultant Marilyn Hudson, RN, CNS**

Nursing Practice Consultant Marilyn Hudson gave a presentation on “Just Culture and Quality and Safety Education for Nurses (QSEN).”

“Just Culture” is a phrase used to describe principles for achieving an employment culture in which employees feel comfortable disclosing errors (including their own), while maintaining professional accountability. The goal is to improve patient safety. It is dependent on recognition by the employer that system errors, not just human errors impact patient safety. There is a differentiation between human error, at risk behavior and reckless behavior. Just Culture promotes an environment of learning from mistakes. It also recognizes that competent professionals make mistakes, and even competent professionals will develop unhealthy norms (shortcuts, routine rule violations), but there is zero tolerance for reckless behavior.

Quality and Safety Education for Nurses (QSEN) is a Bi-phasic RWJ Foundation grant to UNC-Chapel Hill. Phase I began in October 2005 and they are currently in Phase II. The long range goal of QSEN is to reshape professional identity formation in nursing to include commitment to quality and safety competencies recommended by the Institute of Medicine (IOM). The program includes two components. The first component includes the development of quality and safety curriculum content for nursing schools at all levels of education, as well as making it available on the internet. The other component is the identification of the competencies needed in quality and safety for graduate-level nursing training programs.

**A1. ADMINISTRATION**

### **A1.1 OSBN Representative on the Oregon Center for Nursing (OCN) Board of Directors**

Holly Mercer was chosen to serve as the OSBN Representative on the Oregon Center for Nursing (OCN) Board of Directors. Recognition was given to Beverly Shields who has been the OCN Representative for the last several years.

Shields, Gutierrez

that Holly Mercer be appointed to serve as the OSBN Representative on the Oregon Center for Nursing (OCN) Board of Directors.

Ayes – 7, Nays – 0, Absent (Markesino, Willis)

### **A1.2 Report from the CAC Annual Meeting, October 27-29, 2008 in Asheville, North Carolina**

Communications & Policy Manager Barbara Holtry reported on her recent trip to the Citizens Advocacy Center (CAC) Annual Meeting held October 27-29, 2008 in Asheville, North Carolina. The first presentation given was via phone by the Executive Director of California's Medical Board concerning the reasons for eliminating their monitoring program.

There was also a presentation on Just Culture, much the same as Ms. Hudson presented at this meeting. Also, there was discussion around continued competency.

A number of interesting methods were presented as a way to get more public interaction with boards. One was to develop a list of various community groups and send out notices of upcoming rule hearings and subjects of task forces. Another suggestion for Board members was to contact various service groups and volunteer to speak before them to explain the Board's operations. Another idea was to advertise the Board's phone number in long-term care facilities as a reminder for the public to call with practice complaints or questions.

### **A1.3 Civil Penalty Report**

Executive Director Holly Mercer reported that our civil penalties had been increased drastically in the Division 45 rules. Our Fiscal Analyst, Kris Brannon, did some data analysis of civil penalties for 2006-2008. The total assessment was \$122,000, with \$73,000 collected, and the total adjustment is only \$11,000. The amount of civil penalties assessed in 2008 is 55% more than in 2007. We need to get the word out to the community and the industry of the increase. Also, there has been a cap on civil penalties of \$5,000; one of our legislative concepts increases this cap to \$10,000.

## **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.

Kathy Holloway, RN, Program Director for CNA 2 Acute Care Program at Kaiser Sunnyside Medical Center; Sally Jo Brown, RN, CNA 2 Acute Care Program Instructor at Providence Health System; Mittie Hinz, RN, CNS, Sr. Director Women's & Children's Service Line at Salem Hospital; Sherri Wood, RN, Emergency Department Director at Salem Hospital; and Julie Bucher, Career Training Institute, all provided testimony in regards to the curriculum for CNA 2s in Acute Care settings.

## **ADMINISTRATION (Continued)**

### **A1.4 Legislative Issues**

Legislative issues were covered under the Executive Director's report.

### **A1.5 Environmental Scan**

During the June 2008 Board meeting, Larry Fein, RN, Nurse Consultant for Albertina Kerr Centers and a Private Consultant, presented concerns to the Board regarding requirements for periodic inspection, supervision and re-evaluation of a delegated task for nursing care in community-based care settings.

Historically, Board staff has advised that delegation is a process that allows a RN to authorize a specific caregiver to carry out a specific task for a specific client after assessment for client condition, situation/environment and caregiver capability and willingness. This is at the root of Board staff's interpretation that periodic supervision must be carried out through direct observation of each individual caregiver in the performance of all of the steps of a particular delegation for a specific client. Mr. Fein expressed concern that the administrative rules do not require this level of attention, but merely require observation for competence of the caregiver. He explained that this could mean that several caregivers are taught the task at one time during initial delegation, and that the caregivers could share elements of the task when demonstrating competence for ongoing supervision.

Mr. Fein again appeared before the Board and asked for a response to two major questions regarding whether or not group teaching is authorized for initial delegation in community-based care settings and whether or not periodic inspection, supervision and re-evaluation of a delegated task of nursing care must be carried out through direct observation of each individual caregiver in the performance of all of the steps of a particular delegation for a specific client.

Specifically, the first question was clarified by the Board that group teaching is allowable, while group delegating is not. In regard to the second question, it was pointed out that any time rule language is interpreted it is important to understand the intent of that rule. In this case, the intent of the rule is that the RN who is performing periodic inspection, supervision and re-evaluation of a delegated task of nursing care must review all of the steps of each delegated task with each individual caregiver for each individual client. While the Board acknowledges that the language of this rule could more clearly articulate this concept, the intent is as stated above. The delegation is, in a sense, your individual contract with that particular caregiver for that specific client, so it is important that the ongoing supervision of each task is carried out in this manner.

#### **A1.6 Executive Director's Report**

Executive Director Holly Mercer reported that our three legislative concepts have been drafted and will be moving forward. These concepts include removing the need to produce a wallet card, fingerprinting staff, and providing sanctions for failure to report malpractice cases for nurse practitioners. She has met with the ONA Legislative Committee and presented these three concepts. So far, we have received no opposition to our concepts.

The House Healthcare Committee met on November 6<sup>th</sup> and voted to introduce three legislative concepts related to healthcare licensing boards. One of the concept is tended to bring more consistency among healthcare regulatory boards in regards of the terms under which members serve, one adds more public member positions to each of the boards, and the third strives to separate the monitoring of impaired professionals from a board's impaired professional program, and requires all health regulatory boards to adopt an impaired professional program.

The Executive Directors of all of the healthcare licensing boards continue to meet on a monthly basis with Claudia Black of the Governor's office. There is still much concern over the structure of Boards and the need to add more public members. The Executive Directors are particularly concerned about finding public members to serve on the Boards, given the time demands.

Ms. Mercer stated that she and Licensing Manager DeWayne Hatcher continue to work with the Oregon Healthcare Workforce Institute to develop common data points for all healthcare licensing boards. The current issue focuses around what agency will be responsible for housing the database and analyzing the data. There will be a meeting on November 20<sup>th</sup> for more discussion on this topic.

Board President James McDonald, Board member Sandra Theis and Ms. Mercer attended the Oregon Nursing Leadership Council meeting on November 7<sup>th</sup>. The primary focus of this meeting was to revamp the

Operating Policies. These changes will be sent to all of the member organizations for ratification with the next few months.

Internally, the primary focus has been on a series of meetings to discuss the design of the online renewal system. All members of the management team have met twice a week for two-hour meetings. Database Administrator Judith McEntee has done a great job of facilitating these meetings and has showed great patience in helping to build consensus on the topics addressed.

On November 20<sup>th</sup>, Judith McEntee, Sangit Shrestha, our Accountant, and Ms. Mercer are scheduled to appear before the Department of Administrative Services (DAS) E-Commerce Committee to discuss these changes, as well as our IT plan moving forward.

To assist the agency with its budget presentation, Mr. Mercer reported the hiring of Ed Johnson, a consultant to develop a business case for our information technology strategy. Mr. Johnson is a former Chief Information Officer for PERS and comes highly recommended by the Oregon Medical Board.

The agency also participated in Information Security Business Risk Assessment through the Enterprise Security Office. DAS contracted with DPMG to conduct an initial assessment at select agencies focused on information security business risks and not exclusively technology issues.

Also, on October 17<sup>th</sup>, the RFP for the Certified Medication Aide Testing contract was finalized and posted. Our current contract ends on December 15<sup>th</sup> so there is a very tight timeline for this contract.

The management team meets monthly to review current internal policy and procedures. The first procedure reviewed was the Licensing Memorandum procedure. Sincere there is a concern about statutory authority to issue these memorandums, Ms. Mercer reported that we are currently contemplating doing away with these memorandums and we will be submitting rule changes to that effect in the Spring of 2009.

A Nurse Practitioner (NP) Review Committee to triage cases has begun. Any investigator with a NP case may bring that file to the committee to triage the case. In 2008 to date, we have received 57 NP complaints with 31 of those open. Because of the complexity of these cases, we have decided to "pilot" the NP review committee to discern if this is a viable method to address these files early on. A report on this committee will be forthcoming at the February 2009 Board meeting.

In regards to our agency budget, a cushion of \$139,000 at the end of the biennium has been projected. Given some changes in projections, we do not anticipate that there will be any cushion, and in fact, may need to go to the Legislature in early spring to request additional spending authority. We are carefully monitoring our revenue and expenditures and we will have a better sense of whether this will be needed by our February 2009 Board meeting.

The Agency's 2009-2011 Requested Budget has been submitted to Budget and Management and our rationale for increasing fees was also presented. Given the current state of the economy, it is anticipated that we will receive some challenge from the Legislature regarding our request to increase fees.

Last week, the Governor's office announced the appointment of two new Board members, Kay Carnegie and Linda Mill.

## **E1. EDUCATION**

Education Consultant Karen Burke reported that Oregon is number one in the nation for first-attempt NCLEX-RN pass rate for the year. The Oregon LPN programs are number four in the nation.

### **E1.1 George Fox University Baccalaureate Nursing Program Survey**

A survey visit for approval was conducted by Education Consultant Karen Burke September 29 through October 1, 2008 at the George Fox University Baccalaureate Nursing Program in Newberg, Oregon.

The surveyor found a strong program with significant support by the College administration and among clinical facilities used by the College. The nurse administrator and faculty are highly qualified and committed to

providing quality nursing education. This nursing program received accreditation by the Commission on Collegiate Nursing Education (CCNE), effective June 2008.

In all instances, the standards were found to be sufficiently met to merit a recommendation for approval of the program.

Ron Mitchell, RN, PhD, Nursing Program Director at George Fox University, was present to address concerns and respond to questions from the Board.

M.S.C. Theis, Williamson  
that the George Fox University Baccalaureate Nursing Program be approved for up to five years (October 2013).

Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

### **E1.2 Umpqua Community College Application to Develop a Practical Nursing Program**

Education Consultant Karen Burke reported that Umpqua Community College had submitted an application to develop a stand-alone practical nursing program in accordance with Oregon Administrative Rules.

Umpqua Community College (UCC) currently has an associate degree nursing program using the Oregon Consortium for Nursing Education (OCNE) curriculum. Prior to adoption of the OCNE curriculum, UCC had a practical nurse option as an option within its associate degree program in nursing.

In February of this year, the Board considered and denied UCC's previously submitted application to develop a practical nursing program, citing the following concerns: the low first-attempt pass rate on NCLEX-RN achieved by 2007 UCC graduates; adoption and initial implementation of the OCNE RN program curriculum; and the workload of the Program Director. Since that time, a survey for continuing approval of the associate degree RN program has occurred, with the surveyors recommending continuing approval for up to five years. UCC's first class to graduate under the OCNE curriculum achieved an 85.4% first-attempt pass rate. The College has a full complement of nursing faculty, and the Program Director's workload has been modified to allow more administrative time.

Sandy Hendy, RN, MSN, Director of Health Occupations at Umpqua Community College, Susan Goff, Dean of Career and Technical Education at Umpqua Community College, and Ross Tomlin, Vice President for Instruction at Umpqua Community College, all were present to address concerns and respond to questions from the Board.

M.S.C. Gutierrez, Coon  
that the Umpqua Community College application to develop a practical nursing program be approved as presented.

Ayes – 7, Nays – 0, Absent – 2 (Markesino, Willis)

### **E1.3 College of Legal Arts Application for Initial Approval of a Practical Nursing Program**

Education Consultant Karen Burke reported that this application had been withdrawn and will be submitted at a future date.

### **NEXT BOARD MEETING**

The next scheduled disciplinary Board Meeting will be held in Executive Session on October 16, 2008 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 12-13, 2008.

**ADJOURNMENT** -- The meeting adjourned at 2:36 p.m.