

MEETING
November 16-17, 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, Present
Cosgrove, Present
Markesino, Present
Mill, Present
Souede, Excused
Tenscher, Present
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
Dixon
Ficarra
Hatcher
Holtry
Hudson
Ingwerson
Klein
McGuire-Sessions
Meadows
Mercer
Messina
Miller
Montenaro

Murvihill
Parish
Rahimi
Russell
Sexton
Standridge
Van Horn
Wade

Nyberg
Lightfoot

Cowan, Board Counsel

Lindley, Board Counsel

8:30 AM – END OF BUSINESS
WEDNESDAY, November 16, 2011
EXECUTIVE SESSION
DISCIPLINE

MSC Willis, Cosgrove
that based on the procedural record, the following:
Isela Paez Alvarado, LPN
Christopher Rice, RN
Brittany Thornton, CNA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice.
Ayes 8, Excused 1 Souede
MSC Willis, Cosgrove
that based on the procedural record, the following:
Victoria Brown, CNA
Shirley Miller, RN
Troy Monroe, CNA
Joana Underhill, CNA
be issued Final Orders by Default, revoking the licenses or certificates as set forth in the Notice.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
David Davis, CNA
Mae Hunt, RN
Sherry Larson, CNA
Jerie Parish, RN
Debbie Rediger, RN
Karen Sercus, RN
be adopted.
Ayes 8, Excused 1 Souede

MSC Willis, Carnegie
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by:
Cathy Martin, RN
be adopted.
Ayes 7, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by:
Duane Jenner, RN
be adopted and the Interim Order by Consent be vacated.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by:
Victoria Lovio, RN
be adopted.
Ayes 7, Recused 1 Cain, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Reprimand, signed by:
Amy Wheeler, RN
be adopted.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbeau
that based on the evidence presented, the Stipulation for Reprimand, signed by the following:
Marlene Meadows, RN
Michael Myers, CNA
Abbalue Tarvins Dunworth, CNA
Heather Williams, CNA
be adopted.
Ayes 8, Excused 1 Souede

MSC Willis, Uherbelau
that based on the evidence presented, case numbers:
12-00454
11-00252
be closed.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Probation, signed by:
Neil Larocco, RN
be adopted.
Ayes 8, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Probation, signed by:
Kimmie Melgarejo, CNA
be adopted.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Probation, signed by:
Angela Blake, CNA
be adopted.
Ayes 7, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Suspension, signed by:
Anna Fladager, RN
be adopted.
Ayes 8, Excused 1 Souede

MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Withdrawal of RN Reactivation Application, signed by:
Cynthia Dove
be adopted.
Ayes 8, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented:
Leona Smith, RN
be issued a Notice of Proposed Revocation.
Ayes 7, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented, the following:
Martin Lavell, RN
Christina Santillan, CNA
Nai Mai Chao, CNA
Daja Juarez, CNA
Dina Ford, RN
Buba Touray, CNA
be issued Notices of Proposed Revocation.
Ayes 8, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented,
Lindsay Anne Purcella, CNA
be issued a Notice of Proposed Revocation.
Ayes 7, Recused 1 Markesino, Excused 1 Souede

MSC Willis, Tenscher
that based on the evidence presented, case number:
10-00564
be dismissed.
Ayes 7, Recused 1 Carnegie, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented,
Wanda Van Ortwick, RN
be issued a Notice of Proposed Revocation.
Ayes 5, Nays 3 Carnegie, Cosgrove, Tenscher, Excused 1 Souede
MSC Willis, Tenscher
that based on the evidence presented, case number:
11-02723
be dismissed.
Ayes 7, Recused 1 Carnegie, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, the Stipulation for Civil Penalty, as reduced and signed by:
Linda Sisson, RN
be adopted.
Ayes 8, Excused 1 Souede
MSC Cain, Willis
that based on the evidence presented, the Stipulation for Probation, signed by:
Jill Brown, CNA
be adopted.
Ayes 8, Excused 1 Souede

MSC Willis, Cain
that based on the evidence presented, the following:
Charles Couture, RN, CRNA
be issued a Notice of Proposed Revocation.
Ayes 7, Recused 1 Mill, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, the following:
Savannah Courter, CNA
be issued a Notice of Proposed Suspension.
Ayes 7, Recused 1 Carnegie, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, case number:
12-00692
be dismissed.
Ayes 8, Excused 1 Souede
MSC Willis, Uherbelau
that based on the evidence presented, case number:
12-00490
be dismissed.
Ayes 7, Recused 1 Cain, Excused 1 Souede
MSC Cosgrove, Mill
that based on the evidence presented, case number:
12-00233
be dismissed.
Ayes 8, Excused 1 Souede

MSC Willis, Tenscher
that based on the evidence presented, case numbers:
10-00073
10-01254
11-03000
11-03134
11-03341
12-00389
be dismissed.
Ayes 8, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, case numbers:
10-00592
11-01111
11-00113
11-01120
11-02650
11-01820
11-02266
11-02467
11-02561
11-02724
11-02814
11-02960
11-03047
11-03280
11-03427
11-03476
12-00014
12-00048
12-00113

12-00137
12-00161
12-00228
12-00251
12-00256
12-00263
12-00287
12-00318
12-00349
12-00363
12-00393
12-00510
12-00512
12-00582
12-00630
be dismissed.
Ayes 8, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, case number:
12-00296
be dismissed.
Ayes 7, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, case number:
11-00131
be dismissed.
Ayes 7, Recuse 1 Cain, Excused 1 Souede

MSC Willis, Mill
that based on the evidence presented, case number:
11-03222
be dismissed.
Ayes 7, Recused 1 Markesino, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, case number:
12-00085
be dismissed.
Ayes 7, Recused 1 Cain, Excused 1 Souede
MSC Willis, Cosgrove
that the Interim Orders by Consent, signed by the following:
David Sheffold, RN
Linda Seecarry, RN
be ratified.
Ayes 8, Excused 1 Souede
MSC Willis, Mill
that based on the evidence presented, the Interim Order by Consent, signed by:
Scott Cummings, LPN
be vacated.
Ayes 8, Excused 1 Souede
MSC Willis, Cosgrove
that the Board accept Staff recommendations that investigations outlined in summaries for cases between October 11, 2011 and November 2, 2011 be closed.
Ayes 8, Excused 1 Souede
MSC Willis, Cosgrove
that based on the evidence presented, the probation terms for the following:
Lynne Carter, RN

Peggy Casebeer, NP
Jon Landis, RN
Johnnie Mayer, CNA
be modified.
Ayes 8, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented, the probation of:
Teresa Flores, CNA
be ended.
Ayes 7, Recuse 1 Carnegie, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented, the probation of:
Adrienne Wagner, CNA
be ended.
Ayes 7, Recuse 1 Carnegie, Excused 1 Souede
MSC Willis, Cain
that based on the evidence presented, the probation of:
Sarah Pete, CNA
be ended.
Ayes 8, Excused 1 Souede
MSC Willis, Tenscher
that based on the evidence presented in the case of:
Stephanie Burdette, RN Reinstatement Applicant
the Administrative Law Judge's Proposed Order be adopted and a Final Order of Denial of Application for Reinstatement of RN licensure be issued.
Ayes 8, Excused 1 Souede

MSC Willis, Carnegie
that based on the evidence presented in the case of:
Jonathan Roberson, CNA
the Administrative Law Judge's Proposed Order be adopted as a Final Order, revoking the certificate.
Ayes 8, Excused 1 Souede
MSC Willis, Carnegie
that based on the evidence presented in the case of:
Jill Fessenden, RN
the Administrative Law Judge's Proposed Order be adopted and a Final Order of Revocation be issued.
Ayes 8, Excused 1 Souede
MSC Willis, Carnegie
that based on the evidence presented in the case of:
Winnie Obigbo, RN
the Administrative Law Judge's Proposed Order be adopted and a Final Order of Denial of Application for RN licensure be issued.
Ayes 8, Excused 1 Souede
MSC Willis, Tenscher
that based on the evidence presented in the case of:
Kelly Brannon, CNA
the Administrative Law Judges Proposed Order be adopted and a Final Order of Revocation be issued.
Ayes 8, Excused 1 Souede
Adjourned at 3:55 pm

THURSDAY, 17, 2011 – 8:30 A.M.
EXECUTIVE SESSION – DISCIPLINE

MSC Cosgrove, Tenscher
that based on the evidence presented and appearance of:
Leanna Nolan, LPN
Reinstatement with Probation is granted.
Ayes 7, Excused 2 (Souede, Uherbelau)

THURSDAY, November 17, 2011 – PUBLIC SESSION

Board President Pat Markesino called the meeting to order at 9:27 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, Tenscher
that the Consent Agenda items be approved as presented
Ayes 8, Excused 1 (Souede)

Consent Agenda Items:

- C-M1 Approval of Minutes from the September 21-22, 2011 Board Meeting
- C-M2 Approval of Minutes from the September 23, 2011 Board Work Session
- C-M3 Approval of Minutes from the October 26, 2011 Board Meeting Teleconference
- C-A1 Fiscal Status Reports
- C-A2 Communications Manager and IT Report
- C-L1 Licensing and Customer Service Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-P2.1 Disciplinary Actions by License Type –September and October, 2011
- C-P2.2 Disciplinary Actions by HIPDB Category – Fiscal Year to Date for 2012
- C-P2.3 Disciplinary Actions by License Type – Fiscal Year to Date for 2012

ADMINISTRATIVE RULEMAKING HEARING

The rule hearing began at 9:37 a.m. The hearing closed at 9:41 a.m.

H1. Adoption of Amendments to Division 2 Administrative Rules Regarding Changes Related to Agency Fees

Licensing Manager DeWayne Hatcher explained that this Rule change was brought before the Board at the September Board Meeting as a First Reading. He further explained that the proposed change in this rule is an addendum that allows the Board to waive renewal fees for any member of the Uniformed Services of the United States. Mr. Hatcher pointed out that the fiscal analysis, as required in the rulemaking process, estimates impact on revenue at approximately \$28,000 for the biennium. He stated that the estimated expenditures to update the licensing processes would be \$3,000, which is the estimated cost for computer programming work, due to the fact that the majority of renewals are now completed online. Mr. Hatcher read the new wording in the Rule, ORS 851-002-0000; there were questions from the Board members regarding the estimated impact on revenue.

There was no testimony given in favor of, or in opposition of, the amendments to this Rule.

M.S.C. Uherbelau, Willis
that the amendments to
OAR 851-002-0000 be
adopted as presented
Ayes 8, Excused 1 (Souede)

CNA PROGRAM

CNA1. First Reading of Division 62 Rules Regarding Standards for Certification of Nursing Assistants and Medication Aides

Nursing Assistant Program Consultant Debra Buck reminded the Board that a new Medication Aide Curriculum Policy was approved at the April, 2011 Board Meeting. She explained that in Division 62, there are references related to being able to test, based on the training program completion. She pointed out that the proposed changes are related to the Medication Aide training program hours, and the changes would synchronize with the changes made to the policy in April, 2011. The earliest these Rules would be before the Board would be at the February 2012 Board Meeting.

M.S.C. Carnegie, Cosgrove
that OAR 851-062-0110 be
accepted as presented and
begin the rulemaking process
Ayes 8, Excused 1 (Souede)

CNA2. Environmental Scan – Board Review and Questions

Ms. Buck reported that the Nursing Assistant Training Program Capacity Survey was sent out to the training programs in October, and the results will be reported to the Board in February 2012. Ms. Buck stated that the survey questions were changed from last year, and the feedback she received was positive. In addition to the Nursing Assistant programs, this year's survey was expanded to include all training programs, adding CNA2 and Medication Aide Programs.

Ms. Buck stated that she has scheduled a New Program Director/Primary Instructor Orientation Session, to be held at the Board of Nursing on December 16th. Ms. Buck explained that she had been using the WebEx format for these meetings, however, this format does not seem to be as effective as the in-person format. Furthermore, she stated that she has had numerous requests to return to the in-person format.

Ms. Buck reported that she is working on scheduling regional workshops around the state to get instructors together from different regions, to share and exchange ideas regarding survey visits and to evaluate how training is working.

Ms. Buck stated that because there are some programs that receive one year re-approvals, she will be identifying those programs to the Board on the Consent Agenda, beginning in February 2012. She reported that some schools are experiencing low pass rates, which she believes has to do with instructor turnover. She stated that she believes these issues are identifiable and that focus can be placed on them in the future.

Ms. Buck stated that on October 19th, she attended the first Stakeholder meeting relating to Senate Bill 879, which directs the Oregon Health Policy Board's Health Care Workforce Committee to convene to standardize student prerequisites for clinical training. The standards apply to students of nursing and allied health professions, and could also apply to other students in other health professions. She stated that the focus of the first meeting was on clinical placements of students in Oregon, and the three issues that the group would like to focus on in the future are:

- mandated standardized requirements for the clinical sites;
- the value of an all-inclusive online database for scheduling clinical; and
- increased clinical placements

Ms. Buck explained that representatives from StudentMAX® were present at this meeting and explained how their system works. She stated that the goal is for students to know coming into the program what the requirements are, including a database whereby students could monitor the completion of their requirements and the sites would have access to where the students are in the process. Ms. Buck stated that Nursing Education Consultant Joy Ingwerson will also be actively involved in this committee.

Ms. Buck reported that along with RN/LPN Practice Nurse Consultant Marilyn McGuire-Sessions, she has continued to participate in the Home Health and In-Home Care Advisory Committees. These committees are both the result of House Bill 2650C, which became effective in July 2012, and pertains to adding criminal history requirements to Home Health and In-Home Care agencies. She further explained that in the process of doing that, both sets of rules relating to this issue are being reviewed. She stated that she believes the most significant work that was recently accomplished was classifying in-home care agencies by the type of work that they do and services that they provide.

Ms. Buck reported that she attended the Non-traditional Health Workers Sub-Committee meeting on October 27th, which was the second meeting for that group. She stated that the purpose of this committee was to develop the scope of work and education and training standards that are structured, and to allow for the utilization of non-traditional health workers by coordinated care organizations. The workers they are looking at are community health workers, peer wellness specialists and personal health navigators, also known as patient navigators. There was further discussion regarding this sub-committee that feeds to a larger committee, the Health Policy Committee. Executive Director Holly Mercer stated that staff will provide to the Board the organizational details of this sub-committee and where it originated. President Markesino expressed the importance of Ms. Buck's participation in this committee.

Ms. Buck reported that she received a call from Representative Jim Thompson's office, related to a CNA who had applied to renew his certification, and who is also an owner of an adult foster care home. Ms. Buck explained that in 2003, the Board adopted the current Rule which requires a CNA, in order to renew their certification, to have at least 400 hours of paid employment within the CNA authorized duties under supervision or monitoring by a nurse. She stated that Matt Evans, Executive Director of the Independent Adult Foster Home Association, is interested in working with Board staff on this issue. Ms. Mercer stated that the challenge seems to be explaining the requirements to licensees as it relates to the renewal process and work hours, regarding the ownership versus employee/employer relationship in community based care and coordinating care organizations. Legal Counsel Tom Cowan pointed out that a compounding factor relating to this could possibly be an issue of scope of practice; a CNA that is essentially directing an RN, rather than the other way around. President Markesino requested that recommendations be brought before the Board in February, as to how to address the two issues; hours that count in the renewal process and scope of practice. Debra Cateora, Manager, Health Support Unit, Seniors and People with Disabilities, pointed out that a foster home owner can be anyone, including a nurse or non-nurse, and that they may hire or enter into a contact with a nurse, but do not direct nursing care. Ms. Cateora clarified the definition of a state nurse, pointing out a state nurse is a nurse employed by a state agency, such as the State Hospital. She also stated that foster homes look for CNA's that have the special background.

ADVANCED PRACTICE PROGRAM

Advanced Practice Nurse Consultant Tracy Klein introduced Dr. Jeanette Mladenovic, the Provost at Oregon Health & Science University (OHSU). She explained that the Board was notified on November 2nd regarding the resignation of Dr. Michael Bleigh from the position of Dean of the OHSU School of Nursing. Dr. Klein further stated that she has been in close contact with Dr. Mladenovic, who submitted an interim plan that Dr. Klein and Nursing Education Consultant Joy Ingwerson reviewed prior to the Board meeting,

to make sure that it was congruent with Division 50 and Division 21 Rules. The plan addresses prior recommendations made by the Board at their pre-survey visit that Dr. Klein and Ms. Ingwerson completed on June 30th. Dr. Klein stated she is comfortable with the information that has been presented and will have more opportunity to evaluate the program when they do the full survey visit, scheduled for December 12-14, 2011. A report of the full survey will be presented to the Board at the February Board Meeting. Dr. Mladenovic addressed the Board, and stated that she has been working with staff to address a number of issues. President Markesino thanked Dr. Mladenovic for the action and support as they have moved forward. Judith Baggs, Program Director, OHSU, stated that faculty has been meeting with the Provost on a weekly basis and believes that the faculty is comfortable with the new model.

AP1. Clinical Practicum for Out-of-State Advanced Practice Programs

Dr. Klein reported on the current issues regarding out-of-state advanced practice programs, which primarily focus on Nurse Practitioner students that are enrolled in online programs in other states. She stated that the issues are multiple, including jurisdictional issues related to students who have not registered in this state, which they are required to do by law, until well into their clinical practice. Dr. Klein stated she has been doing extensive work getting awareness out on a national level, which has been challenging. She further stated she has conducted presentations on a local level, focusing on preceptors and using as many communication tools as possible, such as the Board's website, newsletter and email lists to provide information regarding the registration process. Executive Director Holly Mercer explained that this issue relates to Oregon licensed RN's, who are pursuing their advanced degree certificate by enrolling in a non-Oregon based program. She further explained that the goal is to communicate to all RN's, to alert them that if they are enrolled in these non-Oregon based programs, that there are certain rule requirements that they need to meet *prior* to going into clinical practice. There would be another email to NP's, stating that if they precept an RN, that certain requirements need to be verified, including having a current RN license. Ms. Mercer stated that there will be work on rules to present at the February Board Meeting as a First Reading, in order to proceed to the rulemaking process. There was discussion regarding the schools' responsibility to inform the students of the requirements; Dr. Klein is notifying the accrediting bodies but is not sure what action is being taken.

AP2. Environmental Scan – Board Review and Questions

Advanced Practice Nurse Consultant Tracy Klein reported to the Board that she has been appointed by the Governor, as one of two non-pharmacist/non-physician members to the Oregon Pharmacy and Therapeutics Committee. She further explained that this is the State committee that advises the Oregon Health Authority regarding the appropriateness of the criteria and standards related to drug utilization and review which includes therapeutic appropriateness, over-utilization or under-utilization, and preferred status of drugs prescribed for patients receiving medical assistance from the state. She reported that prior to her involvement in this committee, she was a member of the Evidenced-Based Drug Review Committee for seven years. That committee was kept separate from some of the financial decisions; they have now merged the committees, so she is on the committee that both evaluates the evidenced-based process for drug classes that are accepted under the state health plan, and also makes some of the financial decisions and has financial decision-making authority.

Dr. Klein stated that she completed three regional presentations on October 20th and 22nd, and she was at the Nurse Practitioners of Oregon conference, which was held in Portland this year. She provided updates, which included results from the OHSU Preceptor Survey that she was involved in, and also discussed the out-of-state student issue. Dr. Klein stated she also did a presentation regarding dispensing in the office setting, at the request of several Nurse Practitioners, who either have dispensing authority, or want to get dispensing authority, and requested a review of the regulations. On October 27th, she gave a presentation at the University of Washington Annual Acute and Primary Care NP Conference, regarding the Advanced Practice Registered Nurse (APRN). Dr. Klein stated that she has submitted an

abstract for the National Organization of Nurse Practitioner Faculties (NONPF) annual conference; she is hopeful that it will be accepted. This would include involvement in a panel presentation with Lori Martin-Plank, a faculty member at Temple University and Louise Kaplan, with the American Nurses Association.

EDUCATION

E1. Environmental Scan – Board Review and Questions

Nursing Education Consultant Joy Ingwerson reported that she has completed three of four program surveys this fall; the last one is scheduled for the end of November; all of which will be presented in February 2012 for the Board to review. This year, three of the surveys have been collaborative visits with National League for Nursing Accrediting Commission (NLNAC). She reported that she will be attending a National Council of State Boards of Nursing (NCSBN) conference the first week of December with Board President Pat Markesino, which will focus on nursing education; NLNAC and the Commission on Collegiate Nursing Education (CCNE) are to be present at the conference.

Ms. Ingwerson reported that she is mentoring Mindy Shaftner, the new Nursing Education Advisor with the Washington Nursing Care Quality Assurance Commission, and will be observing and participating in a survey. She explained that in Washington State, if a student does not complete an RN program, even if it is not defined as a program with an LPN exit option, the State conducts a review of what they have completed and may allow them to take the NCLEX-PN®. She explained that this creates confusion if they wish to obtain an Oregon license because they do not have a transcript that states they completed a practical nursing program. Ms. Ingwerson stated that she is hopeful that having the connection with Washington may allow discussion, as those types of issues impact this state.

Ms. Ingwerson stated that NCSBN started registering graduates this summer in their Transition to Practice Study; they have approximately 1,500 new graduates enrolled in three different states in the study. She stated that what she believes will be unique in this study is that they are using patient safety indicators; there are not very many of these that have been done where that has been a piece of the data. The NCSBN Practice Analysis for RN is in progress; that is where about 12,000 new graduates that would have taken the NCLEX in the early part of 2011 are asked to evaluate how frequently they do certain practice behaviors; which initiates the process of looking at what is on the NCLEX, and if the passing standards should be raised.

Ms. Ingwerson stated that Licensing Manager DeWayne Hatcher and Executive Director Holly Mercer have met with her to stay on top of issues that relate to military training, and how that translates into licensure; being able to provide returning military very clear information about what they can license as and what types of programs lead to licensure in Oregon. In addition, this work includes making connections with California and Washington, and comparing information on what they will allow to count for licensure.

Ms. Ingwerson stated she was involved in the Deans and Directors meeting in October, approximately 29 attendees were present, out of a possible 34, and she received positive feedback. She reported that there was discussion regarding standardized testing.

Ms. Ingwerson stated she recently sent out the annual survey to the Nursing Program in October and it is due at the end of November. They are following what the forum of Nursing Workforce Centers have put together as the minimum data set for nursing education program surveys. She stated she is committed to support the national data collection efforts wherever possible.

RN/LPN PRACTICE PROGRAM

RN1. Authorized Orders for Client Care – Policy Review/Revision

RN/LPN Practice Nurse Consultant Marilyn McGuire-Sessions explained that this agenda item is a policy review on Authorized Orders for Client Care for Board approval and originated from the Nurse Practice Committee. Ms. McGuire-Sessions pointed out that the policy has not been reviewed or revised since the initial adoption in 1994. The intent was to expand and provide some definitions and terminology and bring it up to date. The intent of the revised policy is to guide nurses in the practice related to taking orders from practitioners and authorized representatives that may or may not be licensed. Ms. McGuire-Sessions also pointed out that it directly links to the authority to accept orders, which was created in 2008, that specified who those licensed independent practitioners are in relation to this particular policy. Sue Davidson, Oregon Nurses Association (ONA), stated that the ONA has reviewed this policy, and pointed out some grammatical language that they believe should be corrected. There was direction from the Board that Ms. McGuire-Sessions take the policy back to the committee to review and revise the language. This item was tabled, with direction to go back to the committee, and bring back to the Board at the February 2012 Board Meeting.

RN2. Environmental Scan – Board Review and Questions

Ms. McGuire-Sessions reported that she is focusing on the Nurse Practice Committee; the next meeting is scheduled for December 1st. This committee is working on two policies; Authorized Orders for Client Care, and Protocols and Standing Orders. What she is hoping to work with this committee on is general language for practicing nurses that are encountering some difficult situations related to standing orders and protocols. Along with that, to work on a more developed, detailed policy, with the potential of doing a Board position paper with Medicine, Pharmacy and Nursing, if possible. This is all for potential work in 2012 related to Standing Orders and Protocols, specifically with refills. Ms. McGuire-Sessions pointed out that North Carolina's Board of Nursing has a broad, one page position statement and she is looking at that as a template.

Ms. McGuire-Sessions reported that she has been invited to participate in some collaborative work in January 2012, through the Hartford Center of Geriatric Nursing Excellence. This involves an initiative for the development of a long-term care residency program.

Ms. McGuire-Sessions stated that she has been working on an ongoing project which includes pre-licensure presentations to senior students prior to graduating. She stated it has been a positive experience to explain to students what regulation means and can do for them, and point out resources that are available to them as they enter into nursing practice. Ms. McGuire-Sessions stated that she has been invited to the Oregon Nurses Association (ONA) cabinet meeting in early 2012, to explain the functions of the Nurse Practice Committee. She also reported that in a few weeks, she will be doing a collaborative panel presentation via phone, with practice consultants in Washington State, regarding LPN scope of practice. Sue Davidson, ONA, explained a situation that had to do with renewing prescriptions in a clinic setting; from that led to a series of other things, then to the Sentinel article. Dr. Klein stated that she worked with Ms. Davidson on one of these issues. Ms. Mercer reported that on November 28th, she will participate in a meeting with the Executive Directors of the Medical, Pharmacy and Dental Boards, to discuss the prescription drug monitoring program; Dr. Klein also will be at this meeting, and will be discussing refills.

WORKING LUNCH

Lunch and Learn -- StudentMAX® Connections Presentation/Discussion

Guests: Linda T. Meyer, MSN, RN, CCRN
Board of Directors
StudentMAX® Connections for Oregon & Southwest Washington

Virginia Lundquist, RN, MS
Board of Directors
StudentMAX® Connections for Oregon & Southwest Washington

Jana Bitton, MPA
StudentMAX® Program Director
Oregon Center for Nursing

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.

No one was present for Open Forum.

ADMINISTRATION

Executive Director Holly Mercer introduced Kelley Ilic, Program Manager, Oregon Center for Nursing (OCN), and reported that she is working on a project related to the Workforce Database. Ms. Mercer reported that in 2009, legislation was passed that required several of the healthcare licensing boards to submit demographic data through the Oregon Health Authority and Office of Policy Health Research. Ms. Mercer stated that the Board has been working diligently with the Health Authority and the OCN in terms of refining that data, and stated that Ms. Ilic was requesting that the OCN forward our demographic data on to the Forum of Nursing Workforce Centers. Ms. Ilic explained that she is relaying the request from the National Forum of Nursing Workforce Centers, which is a body of 33 different organizations from several states, similar to the OCN. These recognized workforce entities focus on looking at nursing issues, and further explained that one of the tasks that the research committee took on was creating minimum data sets; nursing education, supply of nurses, and the demand for nurses. Each consists of a set of standardized questions and responses; they are asking each state to collect the data for their state. In Oregon, the different data sets were at different stages; for the education data set, it collects 91% of the data they are looking to get, number five out of the 30 states. The supply data set collects about 57% of the questions or data, and for demand, about 62.5% of the data. Only 13 of the 50 states are collecting data relating to the demand for nurses in their state.

The request now from the forum is to collect that raw data and roll it to one national data set, creating a larger picture. Ms. Ilic explained that the request to provide the minimum data set came to the OCN, now putting that request before the Oregon Health Authority and Oregon State Board of Nursing. Ms. Mercer stated that Ms. Ilic is before the Board to determine if the Board would be able to sanction, or if there is additional information needed before considering this request. There was discussion and questions from the Board regarding if the requested data was cumulative; Ms. Ilic stated they are asking for raw data. There were further questions regarding the organization who will be receiving the data; Ms. Ilic stated that she believes that the forum research committee has been working on that and there is a nursing workforce center affiliated with a University in Texas who offered to host the data, but was unaware if the final decision had been made. Ms. Mercer stated that there have been suggestions that a link to an

external survey be established, and mandate it in the renewal process; there will be more research on the national level data issue. There was a question from the Board as to how the data will be used. Ms. Ilic agreed to forward that question to the research committee of the forum; her understanding is that they would like to have that there so that organizations could request a specific data request and be able to provide that information. There was further discussion regarding the \$5 fee attached to renewals for the Workforce Data fee, and possibly having a survey attached to the renewal process.

A1. Strategic Plan and Performance Measures

Executive Director Holly Mercer reminded the Board that there was not sufficient time during the Board Work Session in September to work on the Strategic Plan. Therefore, there would be a brief summary on this topic at this meeting, and be brought back to a future Board Meeting. She explained that the strategic plan is divided into goals, and that the Governance goal is focused on the Board's education and internal workings of the Board. She also explained that one of the goals, beginning in 2012, is Board training around governance, and pointed out that another challenging piece has been the issue of traveling in a tight economy.

Licensing Manager DeWayne Hatcher reported that the objective in the licensing section has to do with streamlining processes, continued competency, and models of licensure. In 2011, there was focus on refining and tightening the systems of referring criminal histories to the Investigations Unit; the result from that is the new LEDs Unit. He stated that a committee was formed related to continued competence, to discuss continuing education and audits, and also stated that he has had conversations with the education consultants relating to continuing education and audits. The position description of one of the recent vacant licensing technician positions has been rewritten and a portion of that position description is now dedicated to doing auditing. Mr. Hatcher stated that in the past, there has been a limited resource pertaining to auditing, mainly due to multiple vacancies for an extended period of time in the Licensing Unit. He also stated that he has a goal to start doing advanced practice continuing education audits, to begin prior to the summer of 2012.

Ms. Mercer reported on the Investigations portion, stating that the first objective is Providing Effective Alternative to Discipline Program. She stated that a lot has changed since this plan was put together, and the Nurse Monitoring Program was in place at that time; in 2010 HPSP was established. She stated that the Compliance Advisory Committee has been established and believes this is a good model consisting of staff and managers to look at the second level of consequence; at the third level of consequence, those cases will be brought back before the Board. Ms. Mercer explained the extension process and that is has improved; 61% met the 120 day goal, at 120 days after the end of the last biennium, and include details in the new CRM data base so if necessary, those can be reported back to the Legislature. The process improvements in the Investigations Unit has been positive; there is a pilot project in place which consists of working in teams and building strong support staff around the teams.

Nursing Education Consultant Joy Ingwerson reported that regarding the governance part of the plan, she has had discussions with Ms. Mercer and Dr. Klein as to the possibility of linking the survey reports for the schools to the program's website, however, that concept has not been decided upon. Regarding Policy Education and Practice, she stated it has worked well for her and Dr. Klein to work more closely with the Office Degree of Authorization (ODA), which ties directly to the out-of-state programs. Ms. Ingwerson reported that she has either done, or has scheduled, the survey visits for the NP programs. She stated she would like direction from Board regarding RN/BSN programs; the reason for putting that in the goals had to do with programs that wanted to come into the state that had no pre-licensure nursing component, and they wanted to have an RN-to-BSN program. This may be something related to the work of the IOM group; those work groups have elected to focus on the priority of increasing the number of baccalaureate prepared nurses.

Ms. Mercer pointed out that initially the strategic plan was a six-year plan, 2008-2014. Board President Markesino stated that four years into the plan, in 2012, may be the time to review the plan including a major revision; possibly a topic to work on at the next work session, in 2012. This would include reformatting and updates, and be realistic about what can be achieved. There was discussion regarding including recruitment and retention related to Board staff, specifically in light of the recent increase in turnover. There was further discussion regarding the reasons for turnover, including current compensation, continued salary freezes, furloughs and health care premiums, and it was pointed out that not all turnovers are due to compensation.

A3. Executive Director's Reports

Ms. Mercer reported that on September 29th, she accompanied NA Program Nurse Consultant Debbie Buck and met with the Executive Director from the Washington Nursing Quality Commission, Paula Meyer, regarding an initiative to regulate medication aides. She explained that Washington has a different structure around nursing assistants, regulated through their umbrella agency, and they have limited regulation through their Nursing Board.

Ms. Mercer reported that she attended the statewide agency directors meeting on October 11th. At the request of the Chief Operating Officer, Michael Jordan, she provided a brief presentation relating to the challenges of a small agency; she stated one of the main challenges is filling vacancies. On October 13th, at the request of Susan Link, ONA, she attended the ONA Council on Nursing Education; their request is that as we go into continuing education, they would like to work with the Board in terms of creating and tracking data on specialty certification of nurses. On October 25th, she accompanied Investigations Manager Marilyn Hudson in a meeting with Dale Kaplan, Health Professionals' Services Program (HPSP) and Chris O'Neill, Oregon Nurses Foundation, to discuss supervisory training for HPSP monitors. Ms. Mercer reported that this week, she met with Mike Bonetto, Governor's Health Policy Advisor, and Sean Kolmer, Healthcare Policy Advisor, and participated in a discussion regarding the possibility of taking out one of the pieces to HPSP that would save the Board money, by removing a third party monitoring entity, which is the in-between piece that was put in place for the self-referrals when they remove their release to give information. There was legal analysis around this and there will be work with Representative Mitch Greenlick during the February Legislative Session.

Ms. Mercer reminded the Board that at the September Work Session, there was discussion regarding moving away from civil penalties and establishing a delinquent fee for expired nursing licenses. The Board provided direction to first put together a communication plan, and provide a First Reading at the February Board meeting. If approved, it would move forward to the rulemaking process, which would include a hearing in April, with a proposed implementation date of July 1, 2012. After the first reading, communication would start with stakeholders to obtain feedback. Ms. Mercer stated that the communication plan would include discussion regarding a 90-day email, a 60-day email, and a post card at 30-days before the renewal date.

Ms. Mercer stated that at the last Board meeting, she indicated that there was a Department of Administrative Services (DAS) assessment on respectful workplace issues. That report was received, and at a high level, found there is need for improvement in building trust in management, improve on following through on complaints submitted to managers, and the need to improve our understanding from an agency standpoint as to what it means to have a respectful workplace. Cindy Forest, Human Resources Manager, Department of Human Resources, conducted a first round of training; Human Resources Manager Becky Hedges conducted two additional sessions of training with staff. As of this week, all agency staff has participated in the Respectful Workplace and Harassment Free Workplace training. Ms. Mercer further explained that due to an inter-agency agreement with PERS and that the Board's Human Resources Manager has been focusing on several recruitments, PERS Human Resources Director Helen Bamford will assist with some of the agency's human resources functions. Ms. Mercer stated she will be meeting with Ms. Hedges and Ms. Bamford next week to develop an implementation plan to work on human resources issues, with a goal to provide a report to the Board at the February Board Meeting

regarding the progress. Ms. Mercer stated she has had two conversations with Dr. Cindy Clark, a professor at Boise State University. Dr. Clark has developed an evidenced-based assessment pertaining to a respectful workplace, and civility in the workplace and Ms. Mercer stated that she is looking into the possibility of contracting with Dr. Clark.

Ms. Mercer reported on staffing updates, stating that there have been recruitments for an Investigator 2 position, a licensing technician position, and a Limited Duration IT position. She also reported that four temporary employees have been hired to fill some gaps, due to vacancies; two of which are going to assist in the Investigations Unit. Ms. Mercer expressed her appreciation as to the efforts of staff, which have been very busy due to multiple vacancies, as well as the efforts of the Human Resources Manager, Becky Hedges, in terms of the recent multiple recruitments.

LICENSING

L2. Environmental Scan – Board Review and Questions

Licensing Manager DeWayne Hatcher stated that he had nothing further to report.

NEXT BOARD MEETING

The next scheduled Board Meeting via teleconference will be held in Executive Session on January 18, 2012, 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 February 15-16, 2012.

Executive Director Holly Mercer, on behalf of the Board and the Governor of Oregon, presented Board Member Cheryl Cosgrove and Board President Patricia Markesino with plaques as recognition for their years of service. Board Member Cosgrove served as a Board member from 2009 to 2011, and Board President Markesino served as a Board member from 2006 to 2011; she served as Board President from 2010 to 2011.

ADJOURNMENT – The meeting adjourned at 2:10 p.m.