

MEETING
February 11-12, 2009

MINUTES

1.1 CALL TO ORDER

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

1.2 PUBLIC MEETING NOTICE

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

1.3 ROLL CALL — Present/Absent

—Board Members

Coon, Present
Carnegie, Present
Markesino, Present
Mill, Present
Uherbelau, Absent
Williamson, Absent (Thursday p.m.)
McDonald, 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	Meadows
Brannon	Mercer
Buck	Palumbo
Burke	Parish
DeLong	Sexton
Ficarra	Sherbert
Fisher-Lewis	Standridge
Hatcher	Tucker
Holtry	Wood
Hudson	
Klein	Cotton
Lilly	Harmon
Marson	Steiner
Martini	Cowan, Board Counsel

9:00 AM - END OF BUSINESS
WEDNESDAY, FEBRUARY 11, 2009
EXECUTIVE SESSION
DISCIPLINE

The meeting was called to order by Board President James McDonald at 9:00 a.m.

A discussion on legal issues was facilitated by Board Counsel Tom Cowan at the working lunch.

MSC Willis, Coon

that based on the evidence presented, the license of Karen A Willoughby, RN, be reinstated.
Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Markesino

that based on the evidence presented, the Board ratify the Interim Orders by Consent signed by:
Kara L Bosley, CNA
Jennifer Gobeille, RN
Dan A Ankrom, RN
Pamela Sidor, RN
Constance C Cronin, RN
Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Willis

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

Justin A Morris, CNA Applicant
Ericka S Lent, CNA Applicant
Tammy Lou Desmond, CNA Applicant
Maribel Huerta, CNA Applicant
Sean C Savage, RN Applicant
Laura M Smith, RN Applicant
Marlene M St. Val, LPN Applicant
Darrel J Pavlish, CNA Applicant
Jennifer L Caso, CNA Reactivation
be denied.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Katherine V Hendricks, RN Applicant, be imposed a Civil Penalty in the amount of \$5,000.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented, Katherine V Hendricks, RN Applicant, be denied licensure.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Coon

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

Nancie M Rivera, CMA
Morgan A Shaw, CNA
Christina L Ford, RN
Lisa L Ray, CNA
Martha M Brownlee, CNA
Margaret D McLaren Gerhold, CNA/CMA
be suspended as set forth in the Notices.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

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

Patricia R Weaver, LPN

Atasha Nelson, CNA

Tamie M Hill, CNA

be revoked as set forth in the Notices.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Williamson

that based on the evidence presented, Dnice Maki, CNA Applicant, be issued a Notice of Proposed Denial of Certification as a Nursing Assistant.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Marsesino, Willis

that based on the evidence presented, Shannon M Meeker, CNA Applicant, be issued a Notice of Proposed Denial of Certification as a Nursing Assistant.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Williamson

that based on the evidence presented, Tina Pryor, CNA Applicant, be issued a Notice of Proposed Denial of Certification as a Nursing Assistant.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Markesino

that based on the evidence presented, Tami Monroe-Gonroff, RN, be issued an Amended Notice of Proposed Denial of her Registered Nurse License.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Markesino

that based on the evidence presented, Traci A Powell, CNA, be issued a Notice of Proposed Revocation of her Certified Nursing Assistant Certification.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented, Cheanice L Easter, RN, be issued a Notice of Proposed Suspension for 60 days with Conditions.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented in case numbers:

08C-201

08C-202

the cases be dismissed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented, Cheryl L Cruz, RN, be issued a Notice of Proposed Suspension of Registered Nurse License for 60 days, and the completion of prior requirements in Stipulation.

Ayes 4, Nays 1, Mill, Recuse 1, Carnegie, Absent 1, Uherbelau

MSC Coon, Willis

that based on the evidence presented, Jonathan G Sanchez, CNA, be issued a Notice of Proposed Revocation of his Certified Nursing Assistant Certification.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Williamson

that based on the evidence presented, Michael D Smith, LPN, be issued a Notice of Proposed Revocation of his Practical Nurse License.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the Notice and evidence presented, Shalla R Scruggs, CNA, be issued a Final Order by Default Suspending her Certified Nursing Assistant Certificate as set forth in the Notice.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino Williamson

that based on the evidence presented, Shalla R Scruggs, CNA, be issued a Notice of Proposed Revocation of her Certified Nursing Assistant Certificate.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Willis

that based on the Notice and evidence presented, Amanda Rice, CNA, be issued an Order by Default suspending her certificate indefinitely, but for not less than 14 days, as set forth in the Notice.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Amanda Rice, CNA, be issued a Notice of Proposed Revocation of her Certified Nursing Assistant Certificate.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Williamson

that based on the evidence presented, Jennifer L McLean, RN, be issued a Final Order by Default suspending her Registered Nurse license for not less than 14 days.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented in case number 09-089, the case be dismissed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

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

Magdalena Vergara, CNA

Diane M Nicholson, CNA/CMA

Toni N Justice, CNA

Brandi L Born, RN

Kristin N Abbott, CNA

Glenda J Spencer, RN

Lisa A Sterling, RN

Troy L Winger, CNA

Valerie D Robles, CNA

be issued a Notice of Proposed Revocation of their certificates or licenses.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented, Barbara Gentner, RN, be issued a Notice of Suspension for 60 days, and until completion of the requirements in the Stipulation.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Brandi K Marshall, CNA, be issued a Notice of Proposed Revocation of her Certified Nursing Assistant Certificate.

Ayes 5, Nays 0, Recuse 1, Mill, Absent 1, Uherbelau

MSC Williamson, Willis

that based on the evidence presented, Thana M Martin, RN, be issued a Notice of Proposed Revocation of her Registered Nurse License.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Jon H Reeder, LPN, be issued a Notice of Proposed Revocation of his Licensed Practical Nurse License.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Williamson

that based on the evidence presented, Ron D Lapp, RN, be issued a Notice of Proposed Suspension of his Registered Nurse License for 365 days.

Ayes 5, Nays 0, Recuse 1, Coon, Absent 1, Uherbelau

MSC Markesino, Willis

that based on the evidence presented in case number 09C-019, the certificate holder be issued an Order for Chemical Dependency Evaluation by a physician specializing in addiction medicine, to be done within 30 days.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented, the Interim Order by Consent signed by Cathy M Howard, RN, be ratified.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Williamson

that based on the evidence presented, William Winkler, LPN Applicant, be issued a Notice of Proposed Civil Penalty in the amount of \$100.00.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Williamson

that based on the evidence presented in case numbers:

08-460

08C-160

09-116

09-117

08-512

09-113

08C-263

08-452

08-480

the cases be dismissed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Williamson

that based on the evidence presented, the Stipulation for Reprimand signed by Joshua T Scott, RN, be accepted and the Stipulation be adopted.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Markesino

that based on the evidence presented, Debbie M Miller, CNA, be issued a Notice of Proposed Probation of her Certified Nursing Assistant Certificate for a period of 2 years.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Coon

that based on the evidence presented in case number 09-188, the case be dismissed.

Ayes 5, Nays 1, Williamson, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Willis

that based on the evidence presented, the Interim Order by Consent signed by Philip L Kolkow, RN, be vacated.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

that based on the evidence presented in case numbers:

09C-059

08-143

09-097

08-504

09-237

09-061

07C-263

08-455

07-366

09C-126

09-087

09C-013

09C-113

09-227

09-210

09-130

09-154

08C-260

08-482

09-153

09-203

09-155

08-469

09-014

09-021

09-152

09-054

09C-107

09-123

09-151

09-059

05C-015

05C-147

09-233

09-066

09C-044

09C-005

09C-023

09-085

08C-250

09-109

09-094

09-195

09-160

the cases be dismissed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Williamson

that based on the evidence presented in case number 08-376, the case be dismissed.
Ayes 5, Nays 0, Recuse 1, Markesino, Absent 1, Uherbelau

MSC Coon, Willis

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

Joannie J Miller, NP/DP

A Therese Arkus, RN

Joseph F Van Horn, LPN

Eunice Castillo Ross, NP

be accepted and the Stipulations be adopted.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Coon

that based on the evidence presented, the Stipulations for Reprimand signed by:

Gayle McGee Gutierrez, CNA Applicant

April L Osborn, CNA Applicant

Rodney E Casper, CNA

Anna L Bischoff, CNA Applicant

be accepted and the Stipulations for Reprimand be adopted.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Willis

that based on the evidence presented, the Stipulation for Probation signed by Marcy C Harris, RN, be accepted and the Stipulation for Probation be adopted.

Ayes 5, Nays 0, Recuse 1, Markesino, Absent 1, Uherbelau

MSC Markesino, Willis

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

Joy A Fassler, CNA Applicant

Lyn M Loraditch, CNA Applicant

Kami Salisbury, CNA

be accepted and the applicants, certificate holders or licensees be placed on probation.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Barbara E Carroll, RN, be suspended indefinitely as set forth in the Stipulation for Indefinite Suspension of Licensure as Registered Nurse.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Coon

that based on the evidence presented for Christine A Love, RN, the Stipulation for Suspension with Conditions for a period of 30 days be accepted and the Stipulation be adopted.

Ayes 6, Nays 0, Recuse 1, Absent 1, Uherbelau

MSC Willis, Williamson

that based on the evidence presented for Mark J Broadus, CNA, the Stipulation for 30 day Suspension with Conditions followed by 24 months Probation be accepted and the Stipulation be adopted.

Ayes 5, Nays 0, Recuse 1, Coon, Absent 1, Uherbelau

MSC Willis, Coon

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

Aaron S Groom, RN

Deena J Hahn, RN

Jessica R Weiner, LPN

Kathy A Praegitzer, RN
Deborah A Abell, RN
Delphine Talnagi, CNA
Jordan L Wigington, CNA
Douglas H Hansen, RN
Donna C Linze, CNA
Dawna M Rose, CNA
Kathleen R Hawley, RN
Randy Buchan, RN

be accepted and the Stipulations for Voluntary Surrender be adopted.
Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Markesino

that based on the evidence presented, the Stipulation for Reprimand with Conditions signed by Mary M Hoffman, CNA, be accepted, and the Stipulation adopted.
Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Carnegie, Markesino

that based on the evidence presented, the Interim Order by Consent signed by Mary M Hoffman, CNA, be vacated.
Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Willis

that based on the evidence presented, case numbers:

09-170

09-222

09-260

09-174

07-462

09-201

09-179

be dismissed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Markesino, Coon

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

Jade E Smith, RN

Stephanie D O'Keefe, RN

Autumn R Greenwood, RN

Valerie Crutcher, RN

be vacated.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Williamson, Willis

that based on the evidence in case of Sharon G Souders, RN, the Board accept the Hearings Officer's Proposed Findings of Fact, Conclusions of Law and Order as presented, and the licensee be revoked.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Markesino

that based on the evidence presented, Nicole S Eubanks, CNA, be denied reconsideration of revocation.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

MSC Willis, Coon

that the Board accept staff recommendations that investigations outlined in the summaries distributed to Board members for cases between October 31, 2008 and January 31, 2009 be closed.

Ayes 6, Nays 0, Recuse 0, Absent 1, Uherbelau

The meeting was adjourned at 3:05 p.m.

On February 12, 2009 at approximately 3:10 p.m., the following cases were heard:

MSC Markesino, Willis

that based on the evidence presented in case number 09-280, the case be dismissed.
Ayes 5, Nays 0, Recuse 0, Absent 2, Uherbelau, Williamson

MSC Markesino, Willis

that based on the evidence presented, Bunny Lewis, NP, be issued a Notice of Proposed Suspension against her Nurse Midwife/Nurse Practitioner Certificate for a period of 1 year.
Ayes 5, Nays 0, Recuse 0, Absent 2, Uherbelau, Williamson.

The meeting was adjourned at 3:30 p.m.

THURSDAY, FEBRUARY 12, 2009

The meeting was called to order at 9:00 a.m. by Board President James McDonald.

2. REVIEW OF MEETING AGENDA

2.1 ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA

2.2 APPROVAL OF CONSENT AGENDA

M.S.C. Willis, Williamson

that the Consent Agenda Items be approved as corrected.
Ayes -- 7, Nays -- 0, Absent -- 1 (Uherbelau)

Consent Agenda Items:

- C-M1 Approval of Minutes from the November 12-13, 2008 Board Meeting
- C-M2 Approval of Minutes from the January 8, 2009 Disciplinary Teleconference
- C-A1 Fiscal Status Reports
- C-A2 Communications & Policy Manager Report
- C-L1 Licensing, Customer Service and IT Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 CMA Testing Contract
- C-L4 Summary of Division 45 Rule Revision Statewide Presentations
- C-P2.1 Disciplinary Actions by Category – November 2008 & January 2009
- C-P2.2 Disciplinary Actions by License Type – November 2008 & January 2009
- 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 (October 31, 2009 to January 31, 2009)

R1. RULEMAKING (FIRST READING)

R1.1 First Reading of Amendments to Division 61 Rules Regarding CNA 2 Training

CNA 2 stakeholder videoconference meetings were held on December 8, 2008 and January 7 and 12, 2009 to address the concerns identified during the October 8, 2008 meeting. One topic from the October meeting that the group agreed to address was establishing instructor-to-student ratios for classroom, lab and clinical for CNA 2 training. The group brought forward their recommendations for the instructor-student ratios with rule draft amendments to Oregon Administrative Rules, Division 61.

Meeting participants included: Debi Barnes, RN, Clackamas Community College; Joanne Birney, Seniors and People with Disabilities; Sally Brounstein, RN, Providence Health Systems; Sally Jo Brown, RN, MN, Providence Health Systems; Julie Bucher, RN, Caregiver Training Institute; Joyce Burkhart, RN, Silverton Hospital; Bev Curtis, RN, Lower Umpqua Hospital Extended Care Unit; Michele Decker, RN, MSN, Central Oregon Community College; Elaine Dinsel, RN, BSN, Samaritan Health Services; Mary Feldt, RN, MSN, Legacy; Debbie Goodwin, RN, Salem Hospital; Mary Graham, RN, Bay Area Hospital; Joe Greenman, JD, Oregon Health Care Association; Kathy Holloway, RN-BC, MSN, Kaiser Sunnyside Medical Center; JoEllyne Howerton, RN, Holy Cross Nursing Assistant Training; Kathy Miller-Hoyt, RN, Lane Community College; Marjean Kempel, RN, Columbia Gorge Community College; Nancy Klinsky, RN, BSN, Samaritan Health Services; Mary DeLouis, RN, MN, Central Oregon Community College; Pat Lippy, RN, Willamette View Medical Center; Manny Litwak, Cascade Medical School; Nancy Mitchell, RN, Santiam Memorial Hospital; Patrick Patterson, RN, Prestige Care Inc.; Eileen Perkins, RN, Good Shephard Medical Center; Chelle Pokorney, RN, Linn-Benton Community College; Debra Poplin, RN, Cascade Health Care; Nancy Richardson, RN, BSN, Caregiver Training Institute; Ellen Riley, RN, Southwestern Oregon Community College; Tina Ronczyk, RN, Sacred Heart Medical Center; Pam Ruona, MHR, Oregon Health Care Association; Lonnie Scarborough, RN, Southern Coos Hospital; William Schrempp, RN, Cascade Medical School & Avamere Health Services, Inc.; Beverly Shields, RN, Asante Health Systems; Amy Stokes, RN, Salem Hospital; Denise Teixeira, Cascade Medical School; Maryanne Vaughn, EMT Associates; Diana Wall, RN, Bay Area Hospital; Marilyn Welch, RN, Lane Community College; Sharon Wilson, RN, Samaritan Health Services; Brandi Young, RN, BSN, Tillamook County General Hospital; and OSBN staff members Debra Buck, RN-BC, MS, and Karen Burke, RN, MS.

M.S.C. Williamson, Markesino

that the proposed amendments to OAR 851-061-0090 be accepted as presented and begin the rulemaking process.

Ayes – 7, Nays – 0, Absent – 1 (Uherbelau)

R1.2 First Reading of Amendments to Division 63 Rules Regarding CNA 2 Authorized Duties

CNA 2 stakeholder videoconference meetings were held on December 8, 2008 and January 7 and 12, 2009 to address the concerns identified during the October 8, 2008 meeting. As a result of those meetings, revisions to Oregon Administrative Rules, Division 63, were brought forward to coordinate the language between the curriculum policy and the authorized duties for the CNA 2s in Acute Care.

Meeting participants were the same as noted above for Oregon Administrative Rules, Division 61.

M.S.C. Willis, Williamson

that the proposed amendments to OAR 851-063-0035 be accepted as presented and begin the rulemaking process.

Ayes – 7, Nays – 0, Absent – 1 (Uherbelau)

LCP1. LICENSING, CERTIFICATION & DISCIPLINE

LCP1.1 Second Reading of Board Policy “Involuntary Commitment Orders – Nurse Practitioner Scope of Practice Position Statement”

The Board policy “Involuntary Commitment Orders – Nurse Practitioner Scope of Practice Position Statement” was presented for a second reading as directed at the November 2008 meeting. The Board accepted the proposed language as amended. It was previously sent to the Oregon Nurses Association’s Oregon Council of Clinical Nurse Specialists and Nurse Practitioners of Oregon professional interest groups, and there were no conflicts or concerns with the proposed changes.

M.S.C. Markesino, Willis

that the Board policy “Involuntary Commitment Orders – Nurse Practitioner Scope of Practice Position Statement” be approved as modified.

Ayes – 7, Nays – 0, Absent – 1 (Uherbelau)

LCP1.2 Second Reading of Board Policy “Nursing Assessment and Pronouncement of Death”

The Board policy entitled “Nursing Assessment of Death” was last amended in November 1994. Given recent changes to the scope and 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.

Since this policy was introduced in November 2008, Board staff contacted the Office of the State Medical Examiner in order to seek clarification on the issue of death pronouncement. Additional clarification regarding death pronouncement was added to this policy as a result of that communication.

M.S.C. Willis, Markesino
that the Board policy “Nursing Assessment and Pronouncement of Death” be approved as presented.
Ayes – 7, Nays – 0, Absent – 1 (Uherbelau)

LCP1.3 First Reading of Board Policy “Respirator Fit Testing”

On June 18, 2008 a letter addressed to members of the Board was received from Rebecca Maese, RN, BSN, MA, Director, Regional Employee Health/Ergonomics, Oregon for Providence Health & Services. In the letter, Ms. Maese asked the Board a series of questions regarding the Registered Nurse scope of practice as it relates to respirator fit testing. On August 15, 2008 Board staff met with June Ann Cole, RN, MS, CNS, COHN-S, and Occupational Health Manager at the Portland Veterans Administration who served as a consultant to discuss this issue. The Board directed policy development after the matter was addressed at the September 2008 Board meeting.

A policy development meeting was held on November 3, 2008 between Board staff, Rebecca Maese and Terry Zimon, RN, MS, ANP, Manager of Providence Regional Employee Health. Subsequent phone and e-mail communications occurred with them, as well as with June Ann Cole to develop this policy. Nursing Practice Consultant Marilyn Hudson presented a policy draft for a first reading. The Board directed staff to bring the policy back for a second reading.

LCP1.4 First Reading of Board Policy “Complementary and Alternative Modalities and Nursing Practice”

On April 5, 2008 a letter addressed to Holly Mercer was received from three Registered Nurses (RNs), Annie French, Georgann Sherman and Judy Lubera. In that letter, the nurses expressed concern about communication received from the Oregon Board of Massage Therapists (OBMT). The nurses perceived that they would not be able to provide Healing Touch, a complementary therapy involving energy work, in an independent practice setting. The nurses also said that it is their belief that the Oregon State Board of Nursing’s administrative rules and policies support their belief that complementary therapies such as Healing Touch, Reiki, or Jin Shin Jyutsu are within the scope of practice of the RN and may be performed independently by a RN in any setting.

Board staff met with OBMT staff in August 2008 and a determination was made that a policy should be developed which would have the approval of both the OBMT, as well as the Oregon State Board of Nursing (OSBN). The OSBN directed policy development at the September 2008 Board meeting.

Policy development occurred with the assistance of Gail Allison, a RN who practices in complementary modalities and who represented the group above at the September 2008 Board meeting. Feedback was also elicited from the authors of the original letter, as well as from Douglas Brown, FNP, a Certified Homeopathic Practitioner and Pamela Potter, DNSc, RN, CNS, Assistant Professor, University of Portland, School of Nursing. Nursing Practice Consultant Marilyn Hudson presented a draft policy to the Board for a first reading. The Board directed staff to bring the policy back for a second reading.

LCP1.5 First Reading of Board Policy “Curriculum Content for Certified Nursing Assistant (CNA) 2 Acute Care Training Programs”

CNA 2 stakeholder videoconference meetings were held on December 8, 2008 and January 7 and 12, 2009 to address the concerns identified during the October 8, 2008 meeting. CNA/CMA Consultant Debbie Buck brought forth the group’s recommendations for the CNA 2 -- Acute Care Curriculum Policy. The proposal addresses removing some curriculum content with the recommendation that future discussions will be held in regard to moving the content into the level-one curriculum. The deleted items in the draft that are not already addressed in level-one NA training will be considered over the next few months for addition. It also addresses clarifying what skills in the CNA 2 Acute Care Curriculum Policy should be returned competency demonstrated in the lab or clinical setting, and revising the minimum number of classroom, lab, and clinical training hours.

The meeting participants were those that were previously listed under the Oregon Administrative Rules, Divisions 61 and 63.

LCP1.6 Joint Statement from the Client Care Monitoring Unit (CCMU) and the Oregon State Board of Nursing (OSBN)

In recent months it has come to the attention of the CCMU, as well as OSBN staff that there appear to be increasing numbers of Licensed Practical Nurses (LPNs) functioning in the role of Resident Care Manager in licensed nursing facilities. While the title is not the issue, the practice activities in which some of these LPNs are engaging may exceed LPN scope of practice.

A memo and document with rule interpretive guidance was jointly developed by CCMU and OSBN staff to help licensed nurses make appropriate staffing assignments. Board staff requested the Board’s review and approval of this document prior to dissemination.

M.S.C. Williamson, Markesino
that the Joint Statement from the Client Care Monitoring Unit (CCMU) and the Oregon State Board of Nursing (OSBN) be adopted as modified.
Ayes – 7, Nays – 0, Absent – 1 (Uherbelau)

A1. ADMINISTRATION

A1.1 NCSBN Mid-Year Meeting March 2-4, 2009 in Chicago, Illinois

James McDonald and Julia Willis will be representing the Oregon State Board of Nursing at the National Council of State Boards of Nursing (NCSBN) mid-year meeting in Chicago, Illinois March 2-4, 2009.

A1.2 Legislative Session 2009

Executive Director Holly Mercer reported on the agency’s bills. Senate Bill 137 (fingerprinting) was delayed since this concept was also included in the Governor’s legislation under House Bill 2118. Senate Bill 138 has been pulled from consideration as some of the language needs to be cleaned up and we need to meet with stakeholders to discuss intent. Senate Bill 139, which removes the requirement for a wallet-sized card as evidence of licensure, is moving along. Ms. Mercer attended a work session for this bill and it received a “Do Pass” with Senator Monnes Anderson carrying the bill to the Senate floor. After the Senate vote, it will be assigned to a House committee.

Representative Greenlick has assigned work groups to discuss amendments for House Bill 2345, which covers the impaired professionals monitoring programs. Representative Greenlick has requested that Ms. Mercer participate in this work group.

Representative Greenlick has also requested that Ms. Mercer participate in the work group reviewing House Bill 2059. The concept behind this bill is for professionals to have a mandatory duty to report other professionals to licensing boards. This bill came out of the unfortunate series of events involving an anesthesiologist working for

an oral surgeon. The anesthesiologist sexually assaulted several patients. A nurse had notified the oral surgeon and nothing was reported to the Board until a few years after the event.

On two Legislative committees, it has been suggested that a Certified Nursing Assistant be added as a Board member.

A report was handed out to Board members covering other bills for which testimony has been provided.

WORKING LUNCH

OPEN FORUM – No one was present for Open Forum.

ADMINISTRATION (Continued)

A1.3 Environmental Scan

- Recommended Changes to Rule Implementation

Rule hearings may be held during any of the Board's five major meetings. Typically, this means that rule implementation occurs within a short time period after the Board meeting and publication of updated rules then occurs. Board staff proposed instead to retain the ability to have rule hearings at each meeting, but to hold implementation dates to twice annually: January 1st and August 1st.

Currently, publishing of the Nurse Practice Act may occur as frequently as five times a year for even minor rule changes. While this current system allows for maximum flexibility, this degree of flexibility is not really necessary, and benefits could be achieved in terms of cost and efficiency by streamlining the process. An additional benefit of this change is that it would be easier for members of the public to anticipate when to look for changes to administrative rules. Emergency rulemaking with subsequent implementation can always still occur to ensure that there are no lapses in public protection. Board staff asked that this change become effective June 1, 2009.

Board members directed staff to move forward with the rule implementation occurring twice annually on January 1st and August 1st. This change is to become effective June 1, 2009.

- Informed Consent

Nursing Practice Consultant Marilyn Hudson reported that she had been a member of an administrative rulemaking group through the Health Care Licensure and Certification Section of the Department of Human Services, which has been discussing the concept of informed consent. When informed consent applies, who has the authority for seeking informed consent under given circumstances? The existing informed consent statute, ORS 677.097, has historically been used as the standard for informed consent. However, it is in the medical statute, so the question has arisen whether the Board of Nursing needs to address informed consent by the Nurse Practitioner, Clinical Nurse Specialist, or Registered Nurse in rule or policy.

This issue was brought forward at this time as informational as our Board Counsel is still in the process of reviewing this topic. It is felt that something needs to be written for clarification purposes, possibly even just writing a policy statement.

Susan Link with the Oregon Nurses Association, who had also participated in the rulemaking group, provided testimony on this issue. She reported on proposed rule language which would eliminate specification of the physician as the person who needs to obtain consent, but would have a more generic statement about an individual who is appropriately licensed and functioning within the scope of his/her legal practice. She also addressed continuing confusion within nursing as to whether or not the registered nurse or the advanced practice nurse may obtain informed consent.

Board directed staff to continue to participate in stakeholder or special interest groups related to this topic. Ms. Hudson also stated the need for a work group to develop policy on protocols and standing orders. The Board also approved moving forward with this work group.

A1.4 Customer Service Survey

This agenda item was deleted.

A1.5 Executive Director's Report

Executive Director Holly Mercer welcomed two new Board members, Kay Carnegie, RN from Salem, and Linda Mill, RN from Coos Bay. Also, current Board member, Pat Markesino, was welcomed back for her second term.

On January 14, 2009, several managers and Ms. Mercer attended a meeting in Salem with the Department of Human Services. Attendees included managers from the Office of Investigations and Training, Adult Protective Services, Child Protective Services, and the Criminal Records Unit. The topic was how do we handle referrals to other agencies, including law enforcement, and how can we communicate better. There was also a discussion on the different levels of proof to find substantiated abuse. In an attempt to build our network with these other agencies, Investigations Manager Linda Fisher-Lewis and Ms. Mercer will also be attending a staff meeting of the Office of Investigations and Training in mid-March.

On January 15, 2009, we were asked to give a presentation to the Secure Pay administrators (SPA) group in Salem. Database Administrator Judith McEntee prepared a Power Point presentation and received rave reviews from the group regarding the current redesign of our renewal system. We will be meeting with our contractor of this project to provide more feedback to the redesign.

Ms. Mercer attended the Oregon Center for Nursing Board meeting and also the meeting of the Oregon Nursing Leadership Council. Both of these meetings discussed the nursing faculty shortage issue. ONLC invited several Deans from nursing schools to attend the meeting.

Most of the focus since the November Board meeting has been on the agency's budget. The Governor's recommended budget for our agency for the 2009-2011 biennium is \$12.1 million (increased from the \$9.7 million 2007-2009 budget). We are asking for a \$40.00 fee increase for all categories of nursing and a \$10.00 fee increase for certified nurse assistant renewals. We also have three policy option packages. Prior to the November Board meeting, a consultant was hired to assist with the preparation of a business case analysis of our IT infrastructure policy option package.

Our budget books were delivered to the Legislative Fiscal Office (LFO) and Budget and Management office (BAM) on January 27, 2009. Our budget hearing was held before the Human Services subcommittee on February 4, 2009. Concerns expressed by the committee included having a fee increase in these economic times; reduced fees for LPNs; adding a certified nurse assistant to the Board; and orientation for new board members. There was also quite a bit of discussion about Performance Measures, and particularly the recidivism Performance Measure. The committee may propose to change this to a three-year time timeframe rather than a one-year timeframe. Also, they discussed the current 120-day measure; only 41% of our files meet this measure – target of 60% and the new licensing measure. Both of these measures will be included in a pilot project to standardize performance measures for healthcare boards. We are in the "red" zone on two measures – the 120-day timeliness measure and the Board governance measure. The four areas that need improvement include completing the Executive Director's evaluation, which is scheduled for April; training discussion of the Governor's office training; review progress report, which will be provided when available; and establishing best practices, which we will be focusing on during the Board's summer work session. As yet, the Human Services subcommittee does not have a work session schedule for our budget, however a meeting has been scheduled for the Executive Director to meet with Committee Chair, Senator Alan Bates, and a phone call has been made to Co-Chair, Representative Tina Kotek, and Representative Dennis Richardson to address any of their concerns.

Communications & Policy Manager Barbara Holtry reported that the Promotions Section of the Oregonian had expressed an interest in partnering with the Oregon State Board of Nursing to establish a "Nurse of the Year" event. This is based on a similar event in Indiana in which the Indiana Board of Nursing has partnered with Indianapolis Star newspaper. It has been done in Indiana for approximately eight years and has had very positive results. Oregon's event would consist of a luncheon on Nurses Day in May 2010, with approximately nine awards being presented (main nurse of the year, educator of the year, lifetime of compassion award, and six other categories). Nominations would begin in October 2009 and continue through February 2010. The Board would determine the recipients of these awards and the Oregonian would handle all other aspects of the event, including a program for the luncheon. The Board would also work with the Oregonian in providing nursing topics for publication in special sections in the Oregonian four or five times during the year. This would be a statewide project.

After some discussion, Board members felt this would be a worthwhile project and directed staff to proceed with further communications with the Oregonian regarding this project.

E1. EDUCATION

E1.1 Concorde Career Institute Practical Nursing Program

A survey visit for approval of the Concorde Career Institute Practical Nursing Program in Portland, Oregon, was conducted October 28-30, 2008 by Education Consultant Karen Burke, RN, MS, and Advance Practice Consultant Tracy Klein, RN, MS, FNP. The surveyor found a program with a strong curriculum and significant support from the Institute's corporate office. The program has, however, experienced significant turnover in the nurse administrator and faculty positions. Current faculty are, for the most part, novice nurse educators who are still learning their full role and responsibilities. The current nurse administrator (the third since the program was initiated) has been in her position less than a year, since January 2008.

The standards were found to be sufficiently met to merit a recommendation for approval of the program.

Carolyn Wrightman, RN, MN, Nursing Program Director; Cheryl Ratliff, RN, MS, MN, National Director of Nursing; and Pat Dixon, RN, Education Specialist, were present to address any questions or concerns.

M.S.C. Carnegie, Willis

that Concorde Career Institute Practical Nursing Program be approved for up to three (3) years (November 2011), with a progress report (February 2010 Board meeting) on the recommendation related to electronic learning resources [OAR 851-021-0065(2)].

Ayes – 6, Nays – 0, Absent – 2 (Uherbelau, Williamson)

E1.2 Mt. Hood Community College Practical Nursing Program Survey

A survey visit for approval of the Mt. Hood Community College Practical Nursing Program in Gresham, Oregon, was conducted November 17-19, 2008 by Education Consultant Karen Burke, RN, MS.

The surveyor found a very strong practical nursing program with a rigorous curriculum, appropriate and diverse clinical practica, and significant community support.

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

Linda Fleshman, RN, MSN, MST, Practical Nursing Program Director, and Janie Griffin, Director of Nursing Programs and Department Chair, were present to address any questions or concerns.

M.S.C. Markesino, Coon

that Mt. Hood Community College Practical Nursing Program be approved for up to five (5) years (November 2013).

Ayes – 6, Nays – 0, Absent – 2 (Uherbelau, Williamson)

E1.3 Oregon Coast Community College Nursing Program Survey

A survey visit for approval of the Oregon Coast Community College Nursing Program in Newport, Oregon, was conducted December 3 & 4, 2008, by Education Consultant, RN, MS.

The surveyor found a strong program with significant support by the College administration and within the community. The program has been without a designated nurse administrator since July 1, 2008. During this period, the two full-time nurse educators (Lynn Barton and Linda Mollino) and Jane Hodgkins, the Director of Professional Technical Programs, have been attending to necessary administrative responsibilities for the program. While not ideal, this has been working for the interim. The College is, and has been, actively and extensively recruiting to fill the nurse administrator position; at the time of this meeting, a sufficient pool of qualified applicants had not yet been achieved.

With the exception of appointment of a qualified nurse administrator, the standards were found to be sufficiently met to merit a recommendation for approval of the program.

Jane Hodgkins, Director of Professional & Technical Education Programs, and Steve Rose, Dean of Instruction, were present to address any questions or concerns.

M.S.C. Carnegie, Willis

that Oregon Coast Community College Nursing Program be approved for up to five (5) years (December 2013), with a progress report (June 2009 Board meeting) on the deficiency related to appointment of a qualified nurse administrator [OAR 851-021-0040(4)].

Ayes – 6, Nays – 0, Absent – 2 (Uherbelau, Williamson)

E1.4 Valley Medical College Progress Report

Valley Medical College (VMC) Practical Nursing Program was surveyed in June 2008. Several deficiencies were identified during the visit. One deficiency, ensure inclusion of a minimum of 18 quarter credits of biological and applied sciences, social sciences, and humanities in the nursing program curriculum, was addressed when the Board approved a major curriculum change for VMC at the September 2008 Board meeting.

The Board was provided a report from Rita Dillon, RN, MSN, Nurse Administrator, addressing measures taken by VMC in regards to the remaining deficiencies.

No one from Valley Medical College was present at the meeting.

M.S.C. Markesino, Coon

that the Board accept the report as presented and require an annual progress report until the Board deems that the Standards for Approval are, to a significant extent, being consistently met.

Ayes – 6, Nays – 0, Absent – 2 (Uherbelau, Williamson)

E1.5 Pass Rates for All Nursing Programs – NCLEX-RN and NCLEX-PN, October 1, 2006 through September 30, 2008

NCLEX-RN pass rates were calculated for the period October 1, 2006 through September 30, 2008, using data from third quarter reports for 2007 and 2008 from Pearson Vue, the testing service for the National Council. The resulting two-year pass rates by percentage were reported.

Four Oregon nursing programs failed to achieve a first time pass rate of 85% or better for the period October 1, 2006 through September 30, 2008. These programs will present reports on their identified plans for improvement at the April Board meeting. Three of these programs, Clatsop, Treasure Valley, and Umpqua Community Colleges, achieved a higher pass rate during the one-year period from October 1, 2007 through September 30, 2008. The OHSU graduate entry program experienced a significant drop in its one-year pass rate during this interval. It is important to note, however, that during the 2007-2008 period, only six OHSU-MSN students took the licensing examination, four of whom passed on the first attempt.

The total number of candidates from Oregon registered nursing programs applying for licensure by examination was nearly the same for the two years: 1,191 candidates reported in the 2006-2007 period and 1,212 candidates during the 2007-2008 period. Oregon graduates achieved an overall 91.1% first-attempt pass rate for the two-year period; nationally, the first-attempt pass rate for graduates of US programs during the two-year period was 86.2%.

NCLEX-PN pass rates were calculated on the same basis as the NCLEX-RN pass rates. The resulting pass rates by percentage were also reported.

All practical nursing programs achieved pass rates above the specified standard for NCLEX-PN with nine of the sixteen programs achieving 100% over the two-year period of time. As a state, Oregon achieved a 95.49% first attempt pass rate for the two-year period. Nationally, the first attempt pass rate was 86.67%.

The number of candidates from Oregon practical nursing programs applying for licensure by examination has significantly increased over the past year. During the 2006-2007 period, there were 231 candidates; for the 2007-2008 period, there were 346 candidates. This increasing number of candidates is starting to be reflected in the number of active LPN licensees in Oregon. In June 2008, there were 3,856 active Oregon LPNs; by the end of December, there were 3,973.

NEXT BOARD MEETING

The next scheduled disciplinary Board Meeting will be held in Executive Session on March 12, 2009 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 April 22-23, 2009.

ADJOURNMENT -- The meeting adjourned at 1:48 p.m.