

**MEETING**  
**April 9-10, 2008**

**MINUTES**

**1.1 CALL TO ORDER**

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

**1.2 PUBLIC MEETING NOTICE**

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

**1.3 ROLL CALL — Present/Absent**

**—Board Members**

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

**1.4 QUORUM**

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

**—Staff Members Present at Various Times**

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

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

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

**Lorraine Helen C McLaughlin,**  
**#086000509RN**

MSC Shields, Theis  
that based on the appearance of Lorraine Helen C. McLaughlin before the Board and the evidence presented, the Registered Nurse license be reinstated and Lorraine Helen C. McLaughlin be placed on probation for a period of 2 years.  
Ayes 7, Nay 1, Markesino, Absent 1, Williamson

**Rebecca Faye Parker, RN**  
**#085070423 RN**

MSC Shields, Theis  
that based on the evidence presented through her appearance, testimony and the agency file in this case, the probation of Rebecca Faye Parker be ended and she be issued an unencumbered license.  
Ayes 8, Absent 1, Williamson

**Jamie Joanne Moon, CNA**  
**#200310271CNA**

MSC Willis, Markesino  
that based on the evidence submitted through Notice, testimony, and the agency file in this case, the Certified Nursing Assistant certificate of Jamie Joanne Moon be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**Christina Ann Steward, CNA**  
**#200612150 RN**

MSC Willis, Markesino  
that based on the evidence submitted through Notice, testimony, and the agency file in this case, the Certified Nursing Assistant certificate of Christina Ann Steward be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**Jocelyn R Degroat, RN**  
**#200041225RN**

MSC Willis, Markesino  
that based on the evidence submitted through Notice, testimony, and the agency file in this case, the Registered Nurse license of Jocelyn R. Degroat be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**April Lynne Whitney, CNA**  
**#200710196CNA**

MSC Willis, Markesino  
that based on the evidence submitted through Notice, testimony, and the agency file in this case, the Certified Nursing Assistant certificate of April Lynne Whitney be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**Ashlee Renae Klaviter, CNA**  
**#200711659C**

MSC Willis, Markesino  
that based on the evidence submitted through Notice, testimony, and the NA agency file in this case, the Certified Nursing Assistant certificate of Ashlee Renae Klaviter be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**James Edwards Mills, RN**  
**#099000574RN**

MSC Uherbelau, Shields  
that based on the evidence submitted through Notice, testimony, and agency file in this case, the Registered Nurse license of James Edwards Mills be suspended with conditions, as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**Patti J McMullen, CNA**  
**#200611656CNA**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Certified Nursing Assistant certificate of Patti J. McMullen be  
revoked.  
Ayes 8, Absent 1, Williamson

**Cassandra Lorra Ligon, CNA**  
**#200312020CNA**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Certified Nursing Assistant certificate of Cassandra Lorra Ligon be  
revoked.  
Ayes 8, Absent 1, Williamson

**Mary Patricia Keene, RN**  
**#200340783RN**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Registered Nurse license of Mary Patricia Keene be revoked.  
Ayes 8, Absent 1, Williamson

**Manzar Baradar, CNA, CMA**  
**#000028758CMA**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Certified Nursing Assistant and Medication Aide certificates of  
Mandar Baradar be revoked.  
Ayes 8, Absent 1, Williamson

**Summer Ann Heebink, CNA**  
**#000034626CNA**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Certified Nursing Assistant certificate of Summer Ann Heebink be  
revoked.  
Ayes 8, Absent 1, Williamson

**Diana Evans Grant, CNA**  
**#200311048CNA**

MSC Theis, Coon  
that based on the Notice, evidence, and the agency file in this case,  
the Certified Nursing Assistant certified of Diana Evans Grant be  
revoked.  
Ayes 8, Absent 1, Williamson

**Case No.: 08C-113**

MSC Gutierrez, Markesino  
that based on the evidence submitted in case number 08C-113, a  
Notice of Proposed Denial of application for Certified Nursing Assistant  
be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-055**

MSC Uherbelau, Markesino  
that based on the information presented in case number 08-055,  
licensee be ordered to obtain a certified drug and alcohol evaluation to  
determine her fitness to practice nursing with reasonable skill and  
safety to patients. Such evaluation will be conducted by a mental  
health provider approved by the Board. And that based on the  
information presented in case number 08-055, licensee be  
ordered to obtain a mental health evaluation to determine her fitness  
to practice nursing with reasonable skill and safety to patients. Such  
evaluation will be conducted by a mental health provider approved by  
the Board.  
Ayes 8, Absent 1, Williamson

**Case No.: 07C-224**

MSC Markesino, Theis  
that based on the information presented in case number 07C-224, certificate holder be ordered to obtain a certified drug and alcohol evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients. Such evaluation will be conducted by a mental health provider approved by the Board.

and

that based on the information presented in case number 07C-224, certificate holder be ordered to obtain a mental health evaluation to determine her fitness to practice nursing with reasonable skill and safety to patients. Such evaluation will be conducted by a mental health provider approved by the Board.

Ayes 8, Absent 1, Williamson

**Case No. 08-146**

MSC Theis, Coon  
that based on the information presented in case number 08-146, a Notice of Proposed Suspension for a period of 2 years be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 07C-235**

MSC Markesino, Shields  
that based on the information presented in case number 07C-235 a Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-075**

MSC Shields, Theis  
that based on the information presented in case number 08-075 a Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson

**Case No. 08-289**

MSC Shields, Willis  
that based on the information presented in case number 08-289 a Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 08C-037**

MSC Gutierrez, Theis  
that based on the evidence presented, case number 08C-037 be closed with a letter of warning, recommending a course on boundary issues.  
Ayes 8, Absent 1, Williamson

**Case No.: 08C-152**

MSC Shields, Uherbelau  
that based on the information presented in case number 08C-152 a Notice of Proposed Revocation be issued.  
Ayes 7 Recuse 1, Markesino, Absent 1, Williamson

**Case No.: 07-453**

MSC Theis, Gutierrez  
that based on the information presented in case number 07-453 a Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-012**

MSC Markesino, Theis  
that based on the information presented in case number 08-012 a Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson

- Case No.: 08C-135** MSC Uherbelau, Markesino  
that based on the information presented in case number 08C-135 a  
Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-336** MSC Theis, Coon  
that based on the information presented in case number 08-336 a  
Notice of Proposed Revocation be issued.  
Ayes, 7, Recuse 1, Gutierrez, Absent 1, Williamson
- Case No.: 08C-162** MSC Markesino, Sheids  
that based on the information presented in case number 08C-162 a  
Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson
- Case No.: 05C-008** MSC Gutierrez, Markesino  
that based on the information presented in case number 05C-008 a  
Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson
- Case No.: 08C-138** MSC Gutierrez, Willis  
that based on the evidence presented in case number 08C-138 the  
Board ratify the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 08C-138** MSC Theis, Markesino  
that based on the information presented in case number 08C-138  
Notice of Proposed Revocation be issued.  
Ayes 2, Nays 6 McDonald, Gutierrez, Shields, Coon, Willis, Uherbelau,  
Absent 1, Williamson
- Case No.: 08C-131** MSC Shields, Uherbelau  
that based on the evidence presented in case number 08C-131 the  
Board ratify the Interim Order by Consent.
- and
- Case No.: 08C-131** that based on the information presented in case number 08C-131 a  
Notice of Proposed Revocation be issued.  
Ayes 8, Absent 1, Williamson
- Case No.: 08C-133** MSC Theis, Uherbelau  
that based on the evidence presented in case number 08C-133, the  
Board accepts the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 07C-223** MSC Theis, Shields  
that based on the information presented in case number 07C-223 a  
Notice of Proposed Suspension for 2 years be issued.  
Ayes 8, Absent 1, Williamson
- Case No.: 07C-262** MSC Theis, Gutierrez  
that based on the evidence presented, case number 07C-262 be  
dismissed.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-287**

MSC Uherbelau, Shields  
that based on the evidence presented in case number 08-287, the  
Interim Order by Consent be vacated.  
Ayes 8, Absent 1, Williamson

**Suzanne Marie Richards, RN  
#078039863RN**

MSC Uherbelau Shields  
that based on the evidence submitted through Notice, testimony, and  
the agency file in this case, the Registered Nurse license of Suzanne  
Marie Richards be suspended as set forth in the Notice.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-225**

MSC Uherbelau, Theis  
that based on the information presented in case number 08-225 a  
Notice of Proposed Suspension for 60 days be issued.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-220**

MSC Theis, Shields  
that based on the evidence presented, case number 08-220 be  
dismissed.  
Ayes 8, Absent 1, Williamson

**Case No. 08-302**

MSC Theis, Gutierrez  
that based on the evidence presented, case number 08-302 be  
dismissed.  
Ayes 8, Absent 1, Williamson

**Shari Lyn Medart, CNA  
#200210052CNA**

MSC Shields, Uherbelau  
that based on the evidence presented, Shari Lyn Medart be  
reprimanded and the Stipulation for Reprimand be adopted.  
Ayes 8, Absent 1, Williamson

**Rhonda Tarver Lee, RN  
#085075228RN**

MSC Theis, Coon  
that based on the evidence presented, Rhonda Tarver Lee be  
reprimanded and the Stipulation for Reprimand be adopted.  
Ayes 7, Recuse 1, Markesino, Absent 1, Williamson

**Mary Ruth LeLouis, RN  
#086006857RN**

MSC Shields, Uherbelau  
that based on the evidence presented, Mary Ruth LeLouis be  
reprimanded and the Stipulation for Reprimand be adopted.  
Ayes 8, Absent 1, Williamson

**Jessica Kay Judd, CNA  
#200312587CNA**

MSC Shields, Uherbelau  
that based on the evidence presented, Jessica Kay Judd be  
reprimanded and the Stipulation for Reprimand be adopted.  
Ayes 8, Absent 1, Williamson

**Susan I Jorgensen, RN  
#099000819RN**

MSC Theis, Gutierrez  
that based on the evidence presented, Susan I. Jorgensen be  
reprimanded and the Stipulation for Reprimand be adopted.  
Ayes 7, Nays 1, Uherbelau, Absent 1, Williamson

**Anita Laura Duvall, RN  
#098003009RN**

MSC Shields, Willis  
that based on the evidence presented, Anita Laura Duvall be  
reprimanded with conditions and the Stipulation for Reprimand with  
Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Cheryle Lynn Helton, CNA**  
**#200611043CNA**

MSC Shields, Willis  
that based on the evidence presented, Cheryle Lynn Helton be reprimanded with conditions and the Stipulation for Reprimand with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Andrea Lynn Russio, LPN**  
**#200530084LPN**

MSC Shields, Willis  
that based on the evidence presented, Andrea Lynn Russio be reprimanded with conditions and the Stipulation for Reprimand with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Lora Arlene Monson, RN**  
**#092000554RN**

MSC Shields, Willis  
that based on the evidence presented, Lora Arlene Monson be reprimanded with conditions and the Stipulation for Reprimand with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Gifford J Rye, CNA**  
**#000011485CNA**

MSC Uherbelau, Shields  
that based on the evidence presented Gifford J. Rye be placed on probation for a period of 24 months, and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Susan Davis Crull, RN**  
**#099000565RN**

MSC Uherbelau, Shields  
that based on the evidence presented, Susan Davis Crull be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Riley Kathleen Doughan, CNA**  
**#200510360CNA**

MSC Uherbelau, Shields  
that based on the evidence presented, that the certified nursing assistant application of Riley Kathleen Doughan be accepted and placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Patricia Anne Taylor, RN**  
**#081029940RN**

MSC Uherbelau, Shields  
that based on the evidence presented, Patricia Anne Taylor be placed on probation for a period of 24 months and the Stipulation for Probation with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Kricket Jolyn Porter, CNA**  
**Applicant**

MSC Shields, Coon  
based on the evidence presented, that the application for certification of Kricket Jolyn Porter be accepted and Kricket Jolyn Porter be placed on probation for a period of 24 months years and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Heather Ann Beyer, CNA**  
**Applicant**

MSC Shields, Coon,  
that based on the evidence presented, that the application for certification of Heather Ann Beyer be accepted and Heather Ann Beyer be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Debra Kaye McMinn, CNA  
Applicant**

MSC Shields, Coon  
that based on the evidence presented, that the application for certification of Debra Kaye McMinn be accepted and Debra Kaye McMinn be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Mary Teresa Freeman, CNA  
Applicant**

MSC Shields, Coon  
that based on the evidence presented, that the application for certification of Mary Teresa Freeman be accepted and Mary Teresa Freeman be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Shawn Michelle Wager, RN  
Applicant**

MSC Shields, Coon  
that based on the evidence presented, the application for Registered Nurse license of Shawn Michelle Wager be accepted and Shawn Michelle Wager be placed on probation for a period of 24 months and the Stipulation for Probation be adopted.  
Ayes 8, Absent 1, Williamson

**Jane Marie Mckay, RN  
#095006412RN**

MSC Theis, Markesino  
that based on the evidence presented, the Registered Nurse license of Jane Marie Mckay be placed on suspension with conditions for a period of 30 days and the Stipulation for Suspension with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Kari Michele Burns, LPN  
#200330426LPN**

MSC Theis, Markesino  
that based on the evidence presented, the Practical Nurse licensed license of Kari Michele Burns be placed on suspension with conditions for a period of 60 days and the Stipulation for Suspension with Conditions be adopted.  
Ayes 8, Absent 1, Williamson

**Brandy Rose Sewell, CNA  
#200612216CNA**

MSC Theis, Markesino  
that based on the evidence presented, the Certified Nursing Assistant certificate of Brandy Rose Sewell be placed on suspension for a period of 90 days and the Stipulation for Suspension be adopted.  
Ayes 8, Absent 1, Williamson

**Janet Marie Holt, RN  
#090000192RN**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of the Registered Nurse licensed of Janet Marie Holt be accepted and the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Kelsey Ruth Meyer, CNA  
#200313637CNA**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of the Certified Nursing Assistant certificate of Kelsey Ruth Meyer be accepted and the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Margaret M Johnson, CNA  
#000038618CNA**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of  
the Certified Nursing Assistant certificate of Margaret M. Johnson be  
accepted and the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Laurencetta Hawkins, LPN  
#200230449LPN**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of  
the Practical Nurse licensed of Laurencetta Hawkins be accepted and  
the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Audrey Corrine Mathis, CNA  
#200312769CNA**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of  
the Certified Nursing Assistant certified of Audrey Corrine Mathis be  
accepted and the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Santos Loza Torres, CNA  
#200610684CNA**

MSC Uherbelau, Markesino  
that based on the evidence presented, that the Voluntary Surrender of  
the Certified Nursing Assistant certificate of Santos Loza Torres be  
accepted and the Stipulation for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Williamson

**Sondra Tabor, RN, Imposter  
#093006954 RN**

MSC Markesino, Uherbelau  
that based on the evidence presented, that the Stipulation for Civil  
Penalty signed by Sondra Tabor Aka: Sandy Richards be adopted.  
Ayes 8, Absent 1, Williamson

**Case No.: 08-298**

MSC Gutierrez, Uherbelau,  
that based on the evidence presented in the case number 08-298, the  
Board ratify the Interim Order by Consent.  
Ayes 7, Absent 2 Shields, Williamson

**Case No: 07-227 & 08-298**

MSC Theis, Coon  
that based on the evidence presented in case numbers 07-227 and 08-  
298, the Board withdraw the Notice of Proposed Suspension of  
Licensure as Registered Nurse dated October 22, 2007, preserving its  
right to re-issue it at a later date in either its original or an amended  
form.  
Ayes 7, Absent 2 Shields, Williamson

**Case No.: 08-293**

MSC Theis, Willis  
that based on the evidence presented in case number 08-293 the  
Board ratify the Interim Order by Consent.  
Ayes 7, Recuse 1, Markesino, Absent 1, Williamson

**Case No. 08C-077**

MSC Gutierrez, Uherbelau  
that based on the evidence presented in case number 08C-077 the  
Board ratify the Interim Order by Consent.  
Ayes 7, Absent 2 Shields, Williamson

**Case No.: 08-223**

MSC Gutierrez, Uherbelau  
that based on the evidence presented in case number 08-233 the  
Board ratify the Interim Order by Consent.  
Ayes 7, Absent 2 Shields, Williamson

- Case No.: 08-188** MSC Theis, Willis  
that based on the evidence presented in case number 08-188 the Board ratify the Interim Order by Consent.  
Ayes 7, Recuse 1, Markesino, Absent 1, Williamson
- Case No.: 01-288** MSC Theis, Coon  
that based on the evidence presented in case number 01-288 the Board vacate the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-295** MSC Theis, Coon  
that based on the evidence presented in case number 08-295 the Board vacate the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-280** MSC Theis, Coon  
that based on the evidence presented in case number 08-280 the Board vacate the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-097** MSC Theis, Coon  
that based on the evidence presented in case number 08-097 the Board vacate the Interim Order by Consent.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-113** MSC Shields, Uherbelau  
that based on the evidence presented, case number 08-113 be dismissed.  
Ayes 8, Absent 1, Williamson
- Case No.: 08-230** MSC Shields, Uherbelau  
that based on the evidence presented, case number 08-113 be dismissed.  
Ayes 8, Absent 1, Williamson
- Libra R Gauger, CNA  
#000025148CNA** MSC Gutierrez, Uherbelau  
that in the matter of Libra R. Gauger, the Board accept the Administrative Law Judge's Proposed Order as corrected, and that the Certified Nursing Assistant certification of Libra R Gauger be revoked.  
Ayes 7, Absent 2, Markesino, Williamson
- Phillip R Allen, RN, FNP  
#200050016NP** MSC Shields, Theis  
that in the matter of Phillip Ray Allen, the Board accept the Administrative Law Judge's Amended Proposed Order as amended, and that Phillip R Allen be on placed on probation for a period of 2 years with conditions.  
Ayes 7, Absent 2, Markesino, Williamson
- Robert S Spears, RN  
#095006568RN** MSC Uherbelau, Markesino  
that in the matter of Robert S Spears, the Board accept the Administrative Law Judge's Proposed Order as presented and the Registered Nurse license of Robert S. Spears be revoked.  
Ayes 8, Absent 1, Williamson

**Gayle Miller, RN, NP  
#093007089N1**

MSC Gutierrez, Coon  
that based on the evidence presented in the matter of Gayle Miller, the Board accept the Stipulated Final Order as presented and Gayle Miller be placed on Suspension with Conditions for 1 year, followed by probation for 1 year.  
Ayes 8, Absent 1, Williamson

Meeting adjourned at 4:17 p.m.

## **THURSDAY, APRIL 10, 2008**

### **2. REVIEW OF MEETING AGENDA**

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

An educational item was added to the agenda -- Exhibit E1.4, Mt. Hood Community College Associate Degree Nursing Program Extended Campus Application.

#### **2.2 APPROVAL OF CONSENT AGENDA**

M.S.C. Theis, Coon  
that the Consent Agenda Items be approved as presented.  
Ayes -- 8, Nays -- 0, Absent -- 1 (Williamson)

#### **Consent Agenda Items:**

- C-M1 Approval of Minutes from the February 13-14, 2008 Board Meeting
- C-M2 Approval of Minutes from the February 27, 2008 Special Board Meeting
- C-M3 Approval of Minutes from the March 13, 2008 Disciplinary Teleconference
- C-A1 Fiscal Status Reports
- C-A2 Public Information Officer Report
- C-E1 Policy/Procedure for Continuing Program Approval
- C-E2 Letter of Intent from Everest College
- C-L1 Licensing, Customer Service and IT Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 CNA Testing
- C-P2.1 Disciplinary Actions - RNs, LPNs and CNAs -- February 2008
- C-P2.2 Disciplinary Actions - RNs, LPNs and CNAs -- March 2008
- C-P2.3 Disciplinary Actions -- RNs, LPNs and CNAs -- Fiscal Year to Date
- C-P3.1 Case Summaries for Investigative Cases Closed between (January 26, 2008 to March 21, 2008)
- C-P3.2 Case Summaries for Other Investigations Conducted between (December 18, 2007 to March 7, 2008)
- C-P4 Nurse Monitoring Program Update

### **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 9:40 a.m.

## **H2. ADOPTION OF RULES**

### **H2.1 Adoption of Amendments to Division 56 Rules Regarding the Advanced Practice Formulary**

The Division 45 rule hearing which was originally scheduled for April 10, 2008, and noticed in the March 2008 Oregon Bulletin, was cancelled due to passage of Senate Bill 1062. This bill eliminated the advanced practice formulary.

### **H2.2 Adoption of the Revised Oregon Administrative Rules, Division 21**

Division 21 rules, Standards for the Approval of Educational Programs in Nursing Preparing Candidates for Licensure as Practical or Registered Nurses, were last revised in 2001. In 2003, a workgroup used nominal group process to identify and prioritize concepts for change. At that time, insufficient substantive changes were identified to engage in the rule revision process.

Education Consultants Karen Burke and Louise Martell reported that the Division 21 Task Force, which met between November 2006 and January 8, 2008, had identified substantive changes to the existing rules. They presented draft rules for the Board's approval. Board staff believes that these substantive changes improve public safety by establishing appropriate standards for nursing education programs in Oregon.

The following people provided testimony on the Division 21 rules. Sheila Kodadek, Associate Dean for Undergraduate Programs at the OHSU School of Nursing in Portland; Joy Ingwerson, Nursing Program Director for Apollo College in Portland; Jean Hately, Regional Nurse & Director for Everest Colleges (parent company Corinthian Colleges); Mickey Sieracki, President of Everest College; Paul DeJusti, Vice President of Legislative Affairs & Legal Counsel for Corinthian Colleges; Gena Wikstrom, Executive Director of the Northwest Career Colleges Federation (representing all career colleges in Washington, Oregon and Idaho); and Todd Smith, Pioneer Pacific College.

This hearing is to be continued at the next Board meeting on June 12, 2008.

### **H2.3 Adoption of the Revised Oregon Administrative Rules, Division 45**

This hearing began on February 14, 2008 and was continued on April 10, 2008.

The Division 45 Task Force met monthly from June 12, 2006 through October 11, 2007. Task force work concluded with the development of revised Registered Nurse (RN) and Licensed Practical Nurse (LPN) scopes and standards of practice. Other substantive changes were made to other sections of these rules., with the exception of the "Criminal History Conviction" section. The final two meetings were used to address the "Conduct Derogatory," "Mandatory Reporting," and "Civil Penalty" sections of the rules, as well as fine tune the RN and LPN scope and standards.

One major focus of the task force was to ensure current rule relevancy by broadening language so that it would apply across all types of practice settings. Efforts were also made to update language by adding standards on technology, professional boundaries, evidence-based practice, etc. Task force members used the concept of "domains of nursing practice" to assist with the articulation of the differences in RN and LPN scope. Those domains are reflected in rule language as well. There is a new section in rules for all licensed nurses (RNs and LPNs). That section reflects the domains of practice where RNs and LPNs share the same standards of practice.

There was little discussion about the proposed rule changes other than those regarding the concepts of delegation, assignment and supervision. Three models for rules were presented and pros and cons for each model were discussed. The first model presented one congruent meaning for delegation across all practice settings and would allow the nurse to delegate in all practice settings. This model would effectively allow for delegation of tasks of nursing care to the CNA-1 and CNA-2 that would exceed their authorized duties. This is the model presented at the November 2007 rule hearing. The second model retains delegation concepts in the Division 45 rules, but provides for two meanings which separate community-based care from other practice settings. The RN would not be able to delegate beyond the authorized duties of the CNA-1 or 2. The third

model is very much like the second model except that all references to delegation would be removed from Division 45 (and be retained in Division 47) only.

Pat Kenney-Moore, Physicians Assistant Section of the Oregon Medical Association, provided testimony in support of language added to rule regarding the nurse's ability to receive orders from a Physician's Assistant.

Board members determined that they wanted to consider the delegation issue in more detail prior to rule adoption. They plan to hold a work session before the rule hearing at the June 2008 Board meeting.

This hearing is to be continued at the next Board meeting on June 12, 2008.

## **R1. RULEMAKING (FIRST READING)**

### **R1.1 First Reading of Amendments to Division 56 Rules Regarding the Clinical Nurse Specialist and Nurse Practitioner Authority to Prescribe and Dispense**

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

Ms. Klein presented these proposed rules and reported they had been sent in draft form to the Oregon Nurses Association and the Nurse Practitioners of Oregon. Board members directed staff to retain FDA approved drugs as a requirement, and to add expanded access language to permit investigational trial use with specific governmental approval. Specific drugs, such as Methadone, Mifiprex, and Buprenorphine, are still restricted from other than physician prescribers. Board members instructed staff to add a section regarding these restrictions.

M.S.C. Theis, Uherbelau  
that the proposed amendments to OAR 851-056-0004, 0006, 0010, 0012, 0016, 0018 be accepted as corrected and begin the rulemaking process.  
Ayes – 8, Nays – 0, Absent – 1 (Williamson)

### **R1.2 First Reading of Division 61 Rules Regarding Further Protection of Students' Identities**

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

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

M.S.C. Shields, Markesino  
that the proposed amendments to OAR 851-061-0050, 0070 and 0100 be accepted as presented and begin the rulemaking process.  
Ayes – 8, Nays – 0, Absent – 1 (Williamson)

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

### **LCP1.1 Second Reading of Policy "The Relationship Between Data Collection by Unlicensed Assistive Personnel and Nursing Assessment"**

This agenda item was tabled until the June 2008 Board meeting at which time the Division 45 rule hearing will continue.

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

This agenda item was tabled until the June 2008 Board meeting at which time the Division 45 rule hearing will continue.

**LCP1.3 Second Reading of Policy “Clinical Supervision of Unlicensed Assistive Personnel (UAPs) in Settings Other than Community-Based Care”**

This agenda item was tabled until the June 2008 Board meeting at which time the Division 45 rule hearing will continue.

**WORKING LUNCH**

Board Counsel Tom Cowan gave a presentation on the Clark v. Oregon Health Sciences University case. The decision on this case was issued from the Oregon Supreme Court on December 28, 2007.

**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.

Paul DeJusti, Vice President of Legislative Affairs for Corinthian Colleges, passed out a Joint Statement on Transfer of Credit, a statement that was originally put out about a decade ago from the American Association of Collegiate Registrars and Admissions Officers, the American Council on Education, and the Council for Higher Education Accreditation. He also passed out a Transfer and Award of Academic Credit Policy from the NCCU, the Regional Accreditor in this region, and a Government Accountability Office Study on Transfer of Credit.

Alecia Juber also presented testimony regarding disciplinary issues and the Nurse Monitoring Program. She apologized to Board members for previous testimony in regards to their knowledge of various issues, however she indicated disfavor with Board President, James McDonald.

**A1. ADMINISTRATION**

**A1.1 Executive Director’s Report**

Executive Director Holly Mercer distributed an updated copy of the DAS Review Progress Tracking Report dated April 7, 2008, and reviewed the changes since the last Board meeting. Ms. Mercer reported that she had changed the number of direct reports to the Executive Director from 11 to 9, with a plan to re-evaluate this recommendation in six-months.

Ms. Mercer also reported that there has been a conclusion to the review of approximately 2,100 closed cases for possible referral to law enforcement. Of these 2100 cases, 79 should have been referred to law enforcement – 11 cases involved neglect, abuse or inappropriate contact (including sexual contact), 51 cases involved theft (including drug theft), and 16 cases involved falsification of records. Based on this information, Ms. Mercer and Linda Fisher-Lewis, the Investigations & Compliance Manager, are in the process of meeting with District Attorneys from each of the tri-counties to put some processes in place for referring these files.

Communications and Policy Manager Barbara Holtry has been assigned the role as Legislative Coordinator. The management team has put together three legislative concepts which were presented to the Department of Administrative Services on April 3, 2008. The primary legislative concept that will affect all licensees is removing the obligation to present a wallet-sized card. It is believed that it will enhance public safety for anyone hiring one of our licensees to go to our website to check a licensee’s real-time status. Preliminary findings suggest that our stakeholders do not seem to have any problem with this concept.

Some of the most significant changes that have been made as a result of the DAS Report is with the Nurse Monitoring Program (NMP). Each NMP Coordinator is now providing the Investigations & Compliance Manager with a weekly trigger event report. That manager is then reviewing the report with the Executive Director to discuss next steps. Board members also had a Work Session on April 8, 2008, to discuss the current issues with the Nurse Monitoring Program, as well as alternative models.

As the Board was made aware, in reviewing some of the NMP and discipline files, it was found that some of the participants are not in compliance. Ms. Mercer reported that great strides have been made moving through these files. Of the 90 probation files found that had compliance issues, 86 licensees have been contacted, with four additional probationers remaining to be contacted and given a 10-day letter. Currently, 15 of these cases have been prepared for further disciplinary action. There were 100 non-investigated files found with one employee that were not appropriately investigated. Twenty percent of these files have been referred to an investigator for further investigation. All the remaining files will be referred to the Board for closure. Through the 2006 closed case file project, approximately 331 files were found that were either not investigated or not properly closed before the Board. We have hired retired police officers as temporary employees to go through these files. So far, we are finding that approximately 10 percent of these files need to go into investigations. We are continuing to review the Nurse Monitoring Program files.

Revised Nurse Monitoring Program Operational Guidelines dated April 9, 2008, were distributed to Board members. These guidelines were approved by consensus, with an implementation date of April 14, 2008. It was noted that there are still ongoing discussions about the possibility of moving to a new model. Also, this document is a work in progress on our current model, with further work still necessary in regards to the Nurse Monitoring Program.

Ms. Mercer reported on further stakeholder meetings that she has attended since the February Board meeting. She attended the Northwest Organization of Nurse Executives (NWONE) in March where a guest speaker discussed the importance of increasing communication among health care providers. She met with Representative Tina Kotek, Vice Chair of the House Health Care Committee, and discussed the Nurse Monitoring Program, as well as Representative Greenlick's upcoming legislation on health regulatory boards. Ms. Mercer also attended the monthly meeting of the Oregon Health Care Workforce Institute who is developing a work plan to collect healthcare workforce data through health professions' licensing process, as well as the monthly meeting for Executive Directors of healthcare licensing boards. At this last meeting, Claudia Black, the Governor's Health Policy Advisor, provided more information on Representative Greenlick's upcoming legislation. She reported that he will definitely be looking at changing the model for monitoring programs across all health boards.

## **A1.2 Budget Update**

Administrative Services Manager, Marilyn Wachal, gave an update on the Board of Nursing's budget. Graphics were provided to assist in the review of the Board's current budget. Ms. Wachal also explained the budget development process for the 2009-2011 biennium. There are three steps in the budget process, the Agency Requested Budget, the Governor's Recommended Budget, and the Legislative Approved Budget. Hopefully, the Agency Requested Budget for 2009-2011 will be ready to present at the June Board meeting for approval by Board members.

## **A1.3 Legislative Concepts**

Legislative concepts for the upcoming Legislative Session were covered under agenda item A1.1, the Executive Director's report.

## **A1.4 Report on NCSBN Mid-Year Meeting in Chicago, Illinois March 3-5, 2008**

Board President James McDonald and Board Secretary Beverly Shields attended the National Council of State Boards of Nursing (NCSBN) Mid-Year meeting in Chicago, Illinois March 3-5, 2008. Ms. Shields provided an outline of the meeting whose theme this year was regulation, both national and international. She reported that the NCSBN is currently undergoing 11-years of disciplinary data, a literature review on impaired nurses, completion of a remediation study, launching a second version of NURSUS in January 2009, making NCLEX

testing more psychometrically sound and legally defensible, and research on areas of innovation (built-in quality CNA and CMA competency exams are part of this focus).

Ms. Shields noted that the Oregon State Board of Nursing is widely respected and seen as being very progressive and proactive. Many states expressed that they are modeling a lot of their policies and guidelines after Oregon's and that they are very impressed with the work that is accomplished by our task forces.

## **E1. EDUCATION**

### **E1.1 NCLEX-RN Improvement Plan by Umpqua Community College**

One Oregon-approved RN program, Umpqua Community College (UCC), failed to achieve the required standard for the one- and two year periods ending September 30, 2007, achieving a 67.92% one-year pass rate and a 78% two-year pass rate.

It should be noted that Umpqua Community College is one of the first wave schools in the Oregon Consortium for Nursing Education (OCNE) curriculum. The class of 2007 graduated under "pre-OCNE" curriculum. Therefore, it will be difficult to determine the effect of measures implemented to improve the pass rate. The UCC Board of Directors hired a nursing consultant to review the nursing program.

Sandy Hendy, Nursing Program Director at Umpqua Community College, was present to respond to questions and concerns.

M.S.C. Theis, Gutierrez  
that the Umpqua Community College NCLEX-RN improvement plan be accepted as presented.  
Ayes – 8, Nays – 0, Absent – 1 (Williamson)

### **E1.2 OHSU School of Nursing Request for an Extended Campus Site**

Oregon Health & Science University (OHSU) School of Nursing submitted a proposal for the addition of an extended campus site in Monmouth, on the Western Oregon University campus. If approved, the Monmouth campus would become the fourth extended campus site for the OHSU School of Nursing, joining Ashland, Klamath Falls, and LaGrande.

Sheila Kodadek, Associate Dean, and Judith Baggs, OHSU School of Nursing, were present to respond to questions and concerns.

M.S.C. Shields, Markesino  
that the OHSU School of Nursing request for the addition of an extended campus site in Monmouth, Oregon be approved as presented.  
Ayes – 8, Nays – 0, Recused – 1 (Theis), Absent – 1 (Williamson)

### **E1.3 Southwestern Oregon Community College Request for Addition of an Extended Campus Site**

Southwestern Oregon Community College (SOCC) Associate Degree Nursing Program proposed the addition of extended campus sites in Florence and Brookings, Oregon. Classroom instruction will be provided through distance technologies; supervision of clinical instruction will be provided on site using clinical faculty who meet educational and experiential requirements as set forth in the administrative rules for nursing education programs.

No one from the school was present at the meeting.

M.S.C. Gutierrez, Coon  
that the Southwestern Oregon Community College Associate Degree Nursing Program request to add extended campus sites in Florence, Oregon and Brookings, Oregon be approved as presented.  
Ayes – 8, Nays – 0, Absent – 1 (Williamson)

#### **E1.4 Mt. Hood Community College Associate Degree Nursing Program Extended Campus Application**

Mt. Hood Community College (MHCC), in collaboration with the Oregon Consortium for Nursing Education (OCNE), submitted an application to extend their approved nursing program to frontier and rural communities in central and eastern Oregon via distance or distributed learning technology. The application addressed required components, including qualified faculty, available and proposed educational facilities, services, and resources, practice sites, and a time schedule for planning and implementing the program.

Paula Gubrud-Howe, OCNE Clinical Coordinator and Janie Griffin Nursing Program Director, Mt. Hood Community College, were present to respond to questions and concerns.

M.S.C. Theis, Coon  
that the Mt. Hood Community College/Oregon Consortium for Nursing Education Extended Campus Proposal be approved as submitted.  
Ayes – 8, Nays – 0, Absent – 1 (Williamson)

#### **NEXT BOARD MEETING**

The next scheduled disciplinary Board Meeting will be held in Executive Session on May 15, 2008 at the Board offices, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon. The next scheduled in-person Board meeting will be at the Board offices on June 12, 2008.

#### **ADJOURNMENT**

The meeting adjourned at 2:38 p.m.