

MEETING
April 12-14, 2016
MINUTES

CALL TO ORDER

Board President, Bonnie Kostelecky, called the regular meeting of the Oregon State Board of Nursing to order. This Board meeting was held in the conference room of the offices of the Oregon State Board of Nursing in Portland, Oregon.

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 Ruby Jason, 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.

ROLL CALL — Present/Absent

—Board Members

Cain, Present
Chinn, Present
Epeneter, Present
Gibbs, Present
Hunter, Present
Kostelecky, Present
Turnipseed, Present
Wayman, Excused

QUORUM

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

—Staff Members Present at Various Times

Bigelow
Blomquist
Buck
Cowgill
Ficarra
Gamble
Holtry
Ingwerson
Jason
Kilborn
Koch

Meadows
Messina
Parish
Rahimi
Sexton
Shults
Standridge
Taube
VanHorn

Nyberg
Lightfoot

Cowan, Board Counsel

TUESDAY, APRIL 12, 2016
PUBLIC SESSION – 6:30 p.m.

Thomas Cowan, DOJ Assistant Attorney General and Board legal counsel, facilitated a discussion related to contested case hearing processes.

Adjourned at 8:05 p.m.

WEDNESDAY, APRIL 13, 2016
EXECUTIVE SESSION – 8:30 a.m.

MSC Gibbs, Epeneter
that based on the procedural record,
Lisa Jones, CNA
be issued a Final Order by Default, suspending the certificate as set forth in the Notice.
Ayes 6, Excused 1 Wayman
MSC Gibbs, Epeneter
that based on the procedural record, the following:
Barbara Jaques, RN
be issued a Final Order by Default, revoking the license as set forth in the Notice.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Interim Order by Consent, signed by the following:
Cami Butler, LPN
Shawna Stanley, RN
be ratified.
Ayes 6, Excused 1 Wayman
MSC Chinn, Cain
that based on the evidence presented, the Stipulation for Probation, signed by
Kay Kastrava, CNA Reactivation Applicant
be adopted and reactivation be granted.
Ayes 6, Excused 1 Wayman

MSC Epeneter, Chinn
that based on the evidence presented, a Notice of Proposed Denial of Application be issued to the following:
Julie Garner, RN Reinstatement Applicant
Rebecca Johnson, RN Endorsement Applicant
Tracy Miller, RN RN Endorsement Applicant
Ayes 6, Excused 1 Wayman
MSC Epeneter, Chinn
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
John Elder, CNA
Patty Holmes, RN
Karma Sammy, CNA
Tracy Wilkinson, LPN
be adopted.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Chinn
that based on the evidence presented, the Stipulation for Reprimand, signed by the following:
Cynthia Bowling, NP
Julianne Hunter, RN
Barbara Irving, LPN
Heather Lorenz, RN
Carol Oliver, NP
be adopted.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Chinn
that based on the evidence presented, the Stipulation for Probation, signed by
Charles Cole, CNA
be adopted.
Ayes 6, Excused 1 Wayman

MSC Chinn, Cain
that based on the evidence presented, the Amended Stipulation for Probation, signed by the following:
Amy Culley, LPN
Jamie Grijalva, RN
Lisa Holladay, RN
Ruth Merrill, RN
Kesa Nomiyama, RN
be adopted.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented, the following:
Jesse Misner, CNA
Karen Moore, LPN
Franklin Roles, RN
be issued a Notice of Proposed Revocation.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented in case number:
16-01000
the licensee be allowed to complete the program and the case be dismissed.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented in case number:
16-01318
Probation be ended and the case be dismissed.
Ayes 6, Excused 1 Wayman

MSC Chinn, Epeneter
that based on the evidence presented in case number:
16-01288
a one year extension of licensees participation in the program be allowed and the case be dismissed.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented in case number:
16-01234
the licensee be allowed to inactivate licensure and the case be dismissed.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented,
Tracy Koblinski, RN
be issued a Notice of Proposed Revocation.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented,
Patti Lanham Young, RN
be issued a Notice of Proposed Suspension.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented, the Stipulation for Probation, signed by
Anne Meeks, RN
be adopted.
Ayes 6, Excused 1 Wayman

MSC Chinn, Epeneter
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
Lauri Wallace, LPN
be adopted.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter,
that based on the evidence presented, the licensee in the following case number:
16-00803
be issued an Order for Evaluation.
Ayes 6, Excused 1 Wayman
Working Lunch: “Footcare and Nursing” – Presenters: Michelle Standridge, RN Investigator and Wendy Bigelow, RN Investigator
MSC Chinn, Epeneter
that based on the evidence presented, case numbers:
16-01383
16-01340
16-01407
16-01140
be dismissed.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented
Jacalyn Dubay, NP
be issued a Notice of Proposed Revocation.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
Benjamin Farlow, RN
be adopted.
Ayes 5, Recused 1 Cain, Excused 1 Wayman

Based on the status update in case number:
16-00812
The Board directed the investigator to continue the investigation.
MSC Epeneter, Gibbs
that based on the evidence presented, licensees in the following case numbers:
16-01070
16-01051
be allowed entry into HPSP and the Interim Order by Consent be vacated upon complete enrollment.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Cain
that based on the evidence presented, licensee in the following case number:
16-01167
be allowed entry into HPSP.
Ayes 5, Recused 1 Gibbs, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Probation, signed by
Kara Del Curto, NP
be adopted.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
Terence Mitchell, RN
be adopted.
Ayes 6, Excused 1 Wayman

MSC Epeneter, Gibbs
that the Board accept Staff recommendations that investigations outlined in summaries for cases between March 10, 2016 and March 30, 2016 be dismissed.
Ayes 6, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented, case number:
16-00877
be dismissed.
Ayes 5, Recused 1 Epeneter, Excused 1 Wayman
MSC Chinn, Epeneter
that based on the evidence presented in case numbers:
16-01408
16-01017
16-01181
16-01300
16-00903
16-00584
16-00453
16-01184
16-01088
16-00345
16-00028
16-01039
16-01012
16-01236
15-01968
be dismissed.
Ayes 6, Excused 1 Wayman

MSC Chinn, Epeneter
that based on the evidence presented,
Kathy Truong, RN
be issued a Notice of Proposed Suspension.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Board adopts the ALJ's Proposed Order and
Joseph Finel, CNA
be issued an Final Order of Revocation.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Board adopts the ALJ's Proposed Order and
Gary Rogers, CNA
be issued a Final Order of Suspension.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on evidence presented, the Board adopts the ALJ's Proposed Order and
Tamara Dixon, NP
be issued a Final Order of Revocation.
Ayes 5, Recused 1 Cain, Excused 1 Wayman
MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Reprimand, signed by
Deborah Sanders, RN
be adopted.
Ayes 6, Excused 1 Wayman

MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
Joshua Shepherd, RN
be adopted.
Ayes 6, Excused 1 Wayman
Adjourned at 2:10 p.m.

THURSDAY, APRIL 14, 2016
EXECUTIVE SESSION – 8:30 a.m.

The Board met in Executive Session as authorized by ORS 192.502 and ORS 192.660.

THURSDAY, APRIL 14, 2016
PUBLIC SESSION – 9:00 a.m.

Board President, Bonnie Kostelecky, called the meeting to order at 9:05 a.m. A quorum was present.

Introductions: staff, Board members, audience

REVIEW OF MEETING AGENDA

ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA

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

APPROVAL OF CONSENT AGENDA

M.S.C. Epeneter, Cain
that the Consent Agenda items be approved as presented
Ayes 6, Excused 1 (Wayman)

- C-M1 Approval of Minutes from the February 16-18, 2016 Board Meeting
- C-A1 Fiscal Status Report
- C-A2 Communications and IT Report
- C-A3 National Council of State Boards of Nursing (NCSBN) – Programs and Services
- C-E1 Pioneer Pacific College Extended Campus Request
- C-L1 Licensing, Fiscal and Organization Development Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-PR1 Nurse Practice Committee New Member Applicant

TRAINING & ASSESSMENT

CNA1. Environmental Scan

Training and Assessment Policy Analyst Debra Buck provided information and updates.

Ms. Buck is continuing her pursuit to increase the pass rate on the Nursing Assistant State Certification Exam. She recently completed the second annual Headmaster Testing Workshops; about 57 participants attended representing about 66% of the training programs. There were two workshops in Portland over the weekend, then she traveled to Springfield, Central Point, and Klamath Falls for additional workshops. During the workshops, one thing that came to light was the number of training program faculty retiring within the next five to ten years. The annual report from the training programs included in the February 2016 Board meeting materials reflected a high number of unfilled faculty positions and faculty planning to retire in the next three to five years. Two-thirds of all primary instructors for CNA level one, level two, and Medication Aide training programs are over the age of 55. As of October 1, 2015, 83% of the Nursing Assistant programs reported that there were 26 budgeted primary instructors, or clinical teaching associate positions, unfilled with current active recruitment. These programs also reported needing 67 full-time or part-time primary instructor clinical teaching associates in the next two years. There is a summit scheduled for October 14, 2016, for stakeholders to create a plan to address the faculty shortage issue. Another challenge that came to light during the workshops was from the community colleges. Originally, when the Board started regulating nursing assistant training programs, community colleges were some of the first on board and continue to be quality providers of nursing assistant training in the state. In the last few years nursing assistant training programs are being moved from under nursing departments, and into the community education non-credit side at community colleges. Due to the competition for clinical sites, there is talk that some community colleges are considering no longer being involved in nursing assistant training in this state. There are, however, other community colleges in the state that are thriving. Ms. Buck suggested that communication between the programs take place to assist the colleges facing challenges.

There were recent revisions to DHS rules related to reimbursements for nursing assistant training. One of the changes in the rules is to clarify for students what expenses are reimbursable. The new rules also strengthen the facility requirements to inform CNAs of the reimbursement program upon hire. One of the most significant revisions to the rule is the change from 12 months to three months for students to receive reimbursements. The revisions will also enable DHS to better track the newly hired CNAs and the reimbursements. DHS also has the ability to sanction facilities that are not compliant; if they fail to report, fail to timely reimburse or report, or if there are discrepancies, they could be faced with a fine of up to \$1,600 per CNA.

Applications are being received for the CNA/CMA Advisory Group representing a wide variety of employers, educators, administrators, and CNAs. The deadline to submit the applications is April 15. Ms. Buck suggested that a board member be included in the group, and anticipates providing applicant information at the June Board meeting.

Lastly, Ms. Buck reported that she continues to work on the Test Master University (TMU) implementation. This is a software program developed by Headmaster, the current CNA and CMA testing vendor. It serves both as a registration system for students in these types of training programs, and also as a vehicle for scheduling and transmitting tests.

PRACTICE AND EVALUATION

PR1. Environmental Scan

Practice and Evaluation Policy Analyst Gretchen Koch provided information and updates.

Ms. Koch reported that the Oregon Center for Nursing (OCN) recently published a report on Oregon's newly licensed workforce pertaining to where licensees are seeking employment. The report indicated about 75% predominance for hospital employment with the Bachelor of Science in Nursing (BSN) prepared RN. The Associates Degree in Nursing (ADN) prepared new licensees are more often employed in the fields of long-term care, assisted living, community health, public health, and similar venues. There are implications for preparation of a workforce with the competency and skills to address the health needs of people that are receiving care in the community and outside of the hospital. This also ties in to the fact that there has been some pilot grants for Centers for Medicare and Medicaid Services (CMS) enhancing reimbursement for physicians to provide assessment within the nursing facility. Although Oregon is not one of the states that is currently doing this, there are about six other states whereby the nursing facility would receive more reimbursement for providing acute care interventions where typically that person would have received care in the hospital. There will be a Board learning session on the future health needs of Oregon in practicing community-based care. Ms. Koch stated she would contact the policy analysts at other state boards as to the data they are receiving related to this issue.

Ms. Koch provided an update on the rule revisions to Division 45, stating that the work continues based on Board direction that was provided at the February 2016 Board meeting. This included looking at language related to a licensee's responsibilities when working with unlicensed assistive personnel, as well as finalizing language around professional boundaries and ethical practice. The goal is to present Division 45 revisions to the Board at the September Board meeting for Board direction on proceeding with rule revisions.

ADVANCED PRACTICE

AP1. Environmental Scan

APRN Education and Assessment Policy Analyst Christy Cowgill provided information and updates.

Ms. Cowgill referred to a report in the packet consisting of a list of the current Nurse Practitioner clinical placements in the state of Oregon for the last quarter of 2015 and the first quarter of 2016. There are 13 universities reporting, which has been fairly consistent over the past year. There was a question from the Board as to why people are pursuing degrees from external universities; Ms. Cowgill responded that the Oregon universities cannot currently accommodate the volume of students, so they are having to look at out-of-state universities. OHSU and PSU, the only Oregon schools that currently have advanced practice programs are at capacity.

The APRN Rules Advisory Committee (RAC), continues to meet regularly regarding advanced practice rule revisions. Ms. Koch facilitated the March meeting; the focus was Division 45, with discussion as to how to incorporate APRN conduct derogatory language into Division 45. There was feedback, some of which will be incorporated in the regulations and some of which may be used to adopt interpretive statements. There was discussion pertaining to nurse fatigue, and how many hours can a practitioner work and be safe, which could be difficult to incorporate into regulation. Another discussion focused on the issue of fraudulent billing practices, which again goes back to the ethical standards that the advanced practice nurse would operate under and incorporating those into Division 45. The APRN RAC meeting minutes are posted on the agency website, including the March meeting minutes. The committee is leveraging technology, utilizing Adobe Connect which allows both audio and video recordings of these meetings. In the December and March meetings, roughly 30-40 attended the meetings; about half of the attendees attended via distance. The APRN RAC discussion surrounding Division 50 has been in progress since January 2015. The RAC will

continue discussion and propose language amendments related to Division 50. In addition, the RAC will be introduced to new topics including telehealth and licensing barriers at the May 5, 2016 meeting.

Lastly, at the February Board meeting, the Board approved the amendments to Division 52, which is the division related to the Nurse Anesthetist. These rules will have an effective date of August 1, 2016. As an update to that, Board staff have been working with the Board of Medical Imaging and Oregon Health Authority (OHA), Public Health Division of Radiation Protection Services to interpret all applicable rules surrounding the practice and use of medical imaging technology by the Advanced Practice Nurse.. The Boards recognize that and intend to navigate the rules as such that these Boards can offer services to the public, but also do have to respect their Board make-up may influence how their regulations are interpreted and implemented.

EDUCATION

E1. NCLEX®-PN Improvement Plan – Concorde Career College

Education and Assessment Policy Analyst Joy Ingwerson made opening comments related to statistics and trending of NCLEX®-PN results prior to addressing the NCLEX®-PN Improvement Plan for Concorde Career College.

Ms. Ingwerson reminded the Board that NCLEX® pass rate reports for five RN programs were presented to the Board at the February Board meeting. This Board meeting includes four PN programs, one of which is divided into two campuses. As a frame of reference, of the programs in Oregon, there are nine PN stand-alone programs, meaning that the program intends to graduate PNs. There are five PN-exit option programs, meaning most students really intend to complete the entire program, but have the option to exit after the first year. It is an oddity in terms of data because a lot of students in those programs take the NCLEX®-PN even though they may have no intention of working as PNs. There are 17 associate degree programs, primarily based in community colleges and spread throughout the state, and six BSN programs. Nationally, first-time NCLEX®-PN pass rates vary widely from state to state; 36% to 94%. In 2013, the national average pass rate for NCLEX®-PN was 85%, Oregon was 92%. In 2014, the national pass rate was 83%, Oregon was 89%. In 2015, the national pass rate was 81%, Oregon was 85%. Oregon has always stayed above the national average for pass rates, even based on just the PN stand-alone programs. The Nursing Education Advisory group has had discussions regarding possibly looking at other measures, besides the first-time pass rate as a metric to track programs.

The reports received on NCLEX® pass rates do not allow for reviewing a cohort group very easily, but schools can compile data this way. Related to the NCLEX® improvement plans, as the Board saw at the February Board meeting, there is a fair amount of variability as to how the reports are prepared. The reports are screened to assure that programs are focusing on the factors that can impact the pass rate, that faculty have been involved in the plan, and using data that makes sense for carrying out that analysis. There are themes seen, the first being the use of vendor computer-based testing. There is no requirement that any program uses testing of that type. Faculty shortage and faculty turnover, and issues filling faculty positions are apparent in almost every program in the state.

Ms. Ingwerson introduced Tamra Samson, Director of Nursing, and Kary Weybrew, Regional Nursing Education Specialist, representing Concorde Career College. Ms. Ingwerson explained that Concorde Career College provided the required plan to address a two-year pass rate of 80.4% which does not meet the required 85% standard according to OAR 851-021. The program provided an improvement plan to the Board in June 2015, because they fell below a one year pass rate requirement of 70%, and began to work on some of the issues that were going to influence the two-year report as well. The most recent pass rate for 2015 is 82.35%, which was up from the overall in 2014 of 80%. There was a correction noted to the cover memo, to indicate the all candidates who had graduation dates in 2015 passed on their first attempt. The program has been tracking the progress of students who graduated in the November 2015 graduate group; Ms. Samson stated that of the 15 graduates, 12 have tested, 10 passed. There were Board questions

and discussion related to the faculty vacancy rate and level of experience, the students meeting with faculty or the director of nursing education, who do not meet the expected benchmarks or scores.

M.S.C. Epeneter, Gibbs
that the NCLEX®-PN Improvement Plan from Concorde Career College be accepted as presented
Ayes 6, Excused 1 (Wayman)

E2. NCLEX-PN® Improvement Plan – Pioneer Pacific College Springfield

Ms. Ingwerson introduced Carmen Angel, Nursing Program Director – Springfield and Barbara Lew, Nursing Program Director – Wilsonville, representing Pioneer Pacific College. Ms. Ingwerson referred to the reports, pointing out that for the Springfield campus, it was noted that students failing the NCLEX® had lower course grades, and more course repeats. There were some changes implemented in grading elements of those courses to ensure that students are meeting the academic achievement mentioned; closer monitoring of grades and advising to decrease the use of extra credit assignments that might have impacted grades. Both campuses have adopted changes to their admission standards, ensuring that the students admitted are capable of taking on the coursework required in the program and increasing structured advising for students. Ms. Ingwerson pointed out that the Wilsonville report contains more data than the report from Springfield. The Board asked questions related to the number of students in each program, and policies around course failures, and how many courses a student can fail and still be allowed to continue in the program and retake a course. Ms. Ingwerson pointed out that both programs are scheduled for program survey reviews in 2018.

M.S.C. Epeneter, Chinn
that the NCLEX®-PN Improvement Plan from Pioneer Pacific College Springfield be accepted as presented
Ayes 6, Excused 1 (Wayman)

E3. NCLEX-PN® Improvement Plan – Pioneer Pacific College Wilsonville

M.S.C. Epeneter, Chinn
that the NCLEX®-PN Improvement Plan from Pioneer Pacific College Wilsonville be accepted as presented
Ayes 6, Excused 1 (Wayman)

E4. NCLEX-PN® Improvement Plan – Sumner College

Ms. Ingwerson introduced Linda Edwards-Davies, Nursing Program Director, Joanna Russell, President, and Bill Honeycutt, Director of Education, representing Sumner College. Sumner College provided the required plan to address a two-year pass rate of 83.2% which does not meet the required 85% standard rate in OAR 851-021. The Board has had discussions with representatives from Sumner at past meetings related to survey processes, about students being able to move forward in the program with a D grade. There is a summary included in the report related to grade distribution; from the detailed information, there were no Ds in nursing courses in the last six cohorts. The program has shared previously that the students still need to maintain an overall GPA. The adoption of the Lippincott Williams & Wilkins Pass Point testing in preparation products is new, replacing ATI, and may provide data that the program previously has not had access to. There were questions from the Board and discussion pertaining to faculty.

M.S.C. Epeneter, Chinn
that the NCLEX®-PN Improvement Plan from Sumner College Wilsonville be accepted as presented
Ayes 6, Excused 1 (Wayman)

E5. Letter of Intent and Preliminary Application for Associate Degree Nursing Program –
Pioneer Pacific College

Ms. Ingwerson stated that Pioneer Pacific submitted the first level of application, a Letter of Intent and Preliminary Application, to develop an associate of applied science in nursing program which would be offered on both the Springfield and Wilsonville campuses. An analysis of the specific standards from Division 21 were applied to the preliminary application level to assist in determining whether those standards had been met, not met, or partially met. The areas that were not met were the studies documenting the need for graduates of the program, and the analysis of potential impact on other nursing programs. Ms. Ingwerson stated she did seek clarification regarding the budget, and received a response, that the school would be able to add an allocation of \$48,000 that would be linked to development of the Wilsonville simulation space that was not accounted for in the budget. The budget did not reflect the cost of added faculty time to develop curriculum and move forward with the application. There were Board questions pertaining to past approval of schools requesting new programs, and questions from the Board related to the NCLEX® pass rates in the currently offered PN program. Representatives from the school stated that they are in the process of implementing interventions to address the PN program pass rates, are currently in the process of getting students through with those new interventions, and are confident of the results so far. There was concern from the Board pertaining to the two categories marked not met in the report, related to documenting the need for graduates, as well as concern related to clinical sites and the need for an analysis of the current usage of facilities for clinical placements.

M.S.C. Epeneter, Gibbs

that Pioneer Pacific College not be granted Preliminary Approval to develop an Associate Degree Nursing Program

Ayes 6, Excused 1 (Wayman)

LUNCH BREAK – 12:00 – 12:15 P.M.

LUNCH PRESENTATION – 12:15 – 1:00 P.M.

Christopher Hamilton, and Dr. Robbie Bahl, Reliant Behavioral Health (RBH) facilitated a presentation on the topic of Toxicology.

OPEN FORUM

The Board is not able to act on any issues presented at Open Forum because prior public notice had not been given, but the Board could designate matters presented as agenda items at future Board meetings.

Jana Bitton, Executive Director, Oregon Center for Nursing (OCN), explained that OCN is the state's nursing workforce center, whose focus is to look at the data related to the nursing workforce. Ms. Bitton pointed out that she noticed previous discussions and conversations around nurse faculty. OCN recently released a report on the nurse faculty workforce and there was a report in 2014 by the Health Resources and Services Administration (HRSA), pertaining to what the predictions of shortages are going to be between now and 2025. Overall, it is expected that there will be a surplus of nurses nationally, however, on the West Coast there will be a shortage. To thwart that shortage, Oregon will need to increase the nursing programs in the state by five to eight percent, looking at the nurse faculty issue now to stabilize the programs. OCN has a workgroup in place to look at nurse faculty at the RN level. The reports that OCN is working on right now are really focused on the demand for nurses, to look at it from as an objective of a view as possible, to get the best information for Oregon. There is a demand study that will be coming out very shortly related to the demand for associate degree nurses in hospitals, as opposed to long-term care, home health, and public health. Also, the HRSA, as part of the 2014 report, put together a model whereby each state workforce center could enter data related to their state to get updated information and be able to compare it to other states. They received permission to take some of Oregon's data, input into the

national model; Oregon is only one of five states that have done this. What was found so far is that Oregon is one of the only states that is collecting data related to retirement plans and looking at how many people are planning to retire. There were questions from the Board related to the background of OCN and funding. The OCN Board consists of 15 positions, currently there are 12 members. Gretchen Koch is the OSBN representative on the Board and Carlton Brown, Assistant Executive Director, ONA, is the OCN Board President. Funding sources are the \$9 surcharge to nursing licenses, which provided 50% of the funding for the OCN, directed mostly towards research. Other funding includes grants, donations, and an annual fundraiser. Besides research, the mission of OCN is to collaborate for Oregon's nursing workforce and work on issues such as nurse faculty shortages and other issues that arise as a result of their research. Currently, there is contract with OSBN, working with the Nursing Education Advisory Group, related to clinical placements. Ms. Bitton stated that OCN has also published articles in the OSBN Sentinel and will continue to keep the Board updated on the work of the OCN.

EDUCATION (Continued)

E6. Environmental Scan

Ms. Ingwerson provided information and updates.

At the November 2015 Board meeting, the Board provided direction for completion of the Umpqua Community College program survey. That survey visit was completed the first week of April, and the report will be brought before the Board at the June Board meeting. In the interim, things have stabilized as far as changes in personnel, and the program is moving in a positive direction.

Joanne Noone, OHSU Ashland Campus Associate Dean, and Chris Lee, OHSU Ashland faculty, along with herself, are planning to submit for grant dollars from the National Council of State Boards of Nursing (NCSBN). The grant pertains to looking at a measure other than first-time pass rate on NCLEX® as a way to analyze school-to-school comparisons; the application is due in October. Ms. Ingwerson stated additional details will be provided to the Board at a future Board meeting.

Ms. Ingwerson recently met with the president of Chemeketa Community College, Julie Huckestein, regarding pursuing legislation related to community colleges granting baccalaureate degrees. Across the nation, when the Institute of Medicine (IOM) recommendation came out to increase the number of BSN prepared nurses, some states took this approach. In Oregon, there are laws that are very specific, prohibiting community colleges from doing anything at a higher education level. Ms. Ingwerson stated that when she met with Ms. Huckestein she agreed to bring this information before the Board. As this process proceeds, Ms. Huckestein may come before the Board herself to explain to the Board what the Legislative Concept is.

Ms. Ingwerson reported that she facilitated a presentation at the Oregon Student Nurses Association meeting. Marquis companies had a booth there; they have about 22 buildings in Oregon consisting of long-term care, skilled care, and some assisted living facilities. Marquis companies are not going to be hiring LPNs going forward.

ADMINISTRATION

A1. Director's Report

Executive Director Ruby Jason reported on staffing changes. John Etherington has been promoted to the position of Fiscal and Licensing Manager, replacing Helen Bamford, who has retired but is staying on part-time, working on organizational development including the implementation of the electronic performance management system. Two additional staff were hired to fill vacancies in Licensing, one to fill a vacancy, the other is a Limited Duration position to assist with timely issuance of licenses during peak graduation times. At this time last year, there were concerns from schools pertaining to student frustration related to the pace

of issuing licenses. There is a significant increase in the amount of people coming into Oregon, not only new graduates, but endorsements. There are many manual processes that will always be a part of licensing, including criminal background checks and obtaining necessary paperwork for licensure. In addition, Roberta Poole, the CNA/CMA Licensing Technician, has recently received an internal promotion moving to the Intake Complaint Coordinator, replacing Molly Taube, who was promoted to an Investigator 3 position. Ms. Jason reported that she will be going before the Emergency Board in May to request an increase in the expenditure cap for the Limited Duration positions in the agency. In addition, there will be a request for permanent financing for a series of reclassifications. Ms. Jason reported that the agency financial status is solid.

The NCSBN 2016 NCLEX® conference is scheduled on September 12, in Philadelphia. Ms. Jason pointed out that the materials in the Board packet included a list of Programs and Services offered by NCSBN.

All ten of the Legislative Concepts have been submitted; Communications Manager Barbara Holtry explained each of the concepts. Prior to June 3, DAS will review all of the concepts and pass them on the Governor's Office to review for approval. If approved, notice of approval will be received and the concepts will be sent to Legislative Counsel for drafting. Ms. Holtry stated that one of the ten concepts is a placeholder to possibly add two additional members to the Board, this is the only concept that has a fiscal impact. There was Board discussion regarding this concept; a decision will need to be made about the placeholder by June 24th, which is the deadline, if the Governor approves it. This will be brought up at the June Board meeting, which is scheduled prior to the 24th.

A2. Policy – Proposed Notices of Discipline on OSBN Website

At the February Board meeting, there was Board direction for staff to rewrite the policy, to specifically include language that notices of proposed revocation or suspension of a license or certificate generated by the Board staff, or the staff of the Attorney General's Office, will be posted on the verification page of the OSBN website. The Board was reminded that in these cases, the license remains unencumbered; a license is not encumbered until a final order is issued. It was explained that the purpose of posting these notices would add an additional level of transparency and proactive approach related to public safety.

M.S.C. Epeneter, Chinn

that the disciplinary actions of suspension or revocation imposed by the Oregon Board of Nursing be made available on the OSBN website to promote transparency and public safety
Ayes 6, Excused 1 (Wayman)

A3. Delegation to Board Staff to Extend Probation Stipulations

Ms. Jason reminded the Board that they heard several cases where Board staff requested the Board to extend the probation stipulations for several licensees who could not find jobs, lost their original job due to termination, or removed themselves from practice. All probation stipulations require a specified period of monitored practice within a specified timeframe. Some licensees have difficulty finding new employment. Many of the licensees are completely compliant with the probation requirements and are actively seeking employment. If the licensee will not meet the required period of monitored practice within the specified probation timeframe, the staff must bring the information to the Board for approval to extend the original probation period to allow for completion of the monitored practice requirements. The staff is requesting that the Board allow the compliance committee to authorize an extension only for allowing the licensee to adhere to the original stipulation of monitored practice. If approved, the Board would delegate to the Compliance Advisory Committee, consisting of Board staff, the authority to extend the monitored practice requirement under certain conditions. There was Board discussion to confirm that these would only be one-time extensions, for the purpose of completing their original probation.

M.S.C. Cain, Epeneter

that the Board delegate authority to the Compliance Advisory Committee to extend probation stipulations as described

Ayes 6, Excused 1 (Wayman)

A4. Oregon Administrative Rule Hearing Process

Ms. Jason reminded the Board that at a previous Board meeting, there was discussion regarding conducting administrative rule hearings outside of the Board meetings. At that time, Board Counsel explained that there are Boards that currently conduct hearings this way; a public hearing is held outside of the regular Board meeting, all testimony, also required to be provided in written format, is collected by the rule hearings officer and presented to the Board. The Board would review testimony between the time of the public hearing, and the time the Board votes at the following Board meeting. Board direction was to further look into this process; it was found that multiple Boards in this state have rule hearings separate from Board meetings. There was Board discussion to try this for a period of time to see how it works. There was concern from the Board that they would not actually hear verbal testimony, denying those who wish to testify in person before the Board. There was agreement that there would be no vote at this meeting, but to bring this back before the Board at a future Board meeting including a process flow as to what this would look like.

A5. Definition of Delegation and “Assignment & Supervision”

Ms. Jason stated that Board staff had a discussion about the definitions of Delegation and Assignment and Supervision after receiving reports about confusion regarding the nurse’s responsibilities regarding these acts. In OAR 851-045, Delegation has a specific meaning and definition. The interpretive statement presented was developed to guide the licensee involved in either nursing activity. Ms. Koch explained that the document included FAQs, and stated that she would make a correction to the definition of the term “assignment” as found in Division 45, and clarify some of the language in the FAQs. When finalized, the interpretive statement will be posted on the agency website.

M.S.C. Epeneter, Gibbs

that the Board accept the Interpretive Statement regarding Delegation and “Assignment & Supervision” as modified

Ayes 6, Abstain 1 (Cain), Excused 1 (Wayman)

A6. Cosmetic Services Interpretive Statement

Ms. Jason stated that the Interpretive Statement reiterates that cosmetic services are within the scope of practice for an RN, and for an LPN under the clinical supervision of the RN. However, if the individual nurse is going to perform these services, they must do so in accordance with OAR 851-045, in conjunction with other statutes. The interpretive statement was designed to fit the decision scope tree, related to the nurse’s knowledge, skills, and ability, while working with an Licensed Independent Practitioner (LIP). There was a suggestion for minor language modifications. There was Board discussion regarding the intent of the interpretive statement not including cosmetic procedures for medical issues. When finalized, the interpretive statement will be posted on the agency website.

M.S.C. Epeneter, Gibbs

that the Board accept the Interpretive Statement regarding Cosmetic Services as modified

Ayes 6, Excused 1 (Wayman)

A7. The Registered Nurse and Licensed Practical Nurse Who Performs Foot Care

Ms. Jason stated that the proposed interpretive statement relates to entrepreneurial RNs and LPNs who have been practicing foot care for the benefit of the community. Similar to cosmetic services, there has been little evidence that individuals are following the nursing practice standards including a treatment plan for an LIP. Additionally, there are some licensees counting this practice as nursing practice in the license renewal process. An interpretive statement would interpret the Nurse Practice Act when there are situations of a public complaint about individuals doing this service, as well as standards that have to be followed. There was a suggestion to modified language, page 2, line 22, to mirror Division 45, which states that the LPN works under the clinical direction of the RN or LIP. Language will also be added to include that the RN must have the knowledge, skills and abilities in foot care in order to have the LPN work under the supervision of the RN. When finalized this interpretive statement will be posted on the agency website.

M.S.C. Epeneter, Gibbs
that the Board accept the Interpretive Statement regarding the RN/LPN Who Performs Foot Care as modified
Ayes 6, Excused 1 (Wayman)

BOARD

B1. Establishment of Subcommittee to rewrite OSBN Administrative Procedures

Board President Bonnie Kostelecky suggested that a subcommittee work on OAR 851-010, Administration, which are rules related to the workings of the Board, including language pertaining to Board officers, elections and duties of officers. The subcommittee will consist of two Board members, Beverly Epeneter and Ryan Wayman, and a member of the public. ONA Assistant Executive Director Carlton Brown volunteered to serve on the subcommittee. The committee will meet and report back to the Board at the June Board meeting. Ms. Jason explained the difference between Board policy and Administrative Rules, explaining that the subcommittee would determine whether to put language into policy, rule, or a combination of both. A meeting date will be determined soon, probably sometime in May.

M.S.C. Chinn, Gibbs
that the Board establish a subcommittee to review administrative procedures as defined in OAR 851-010 and review of Board policies
Ayes 6, Excused 1 (Wayman)

B2. Proposal to Elect President-Elect

Ms. Kostelecky stated there is language in statute that the OSBN consist of a nine-member Board, made up of specific certain representation, a quorum being five members. There is a stipulation in statute, ORS 678.150, that the Board shall elect annually from its number, a President, a President-Elect, and a Secretary, each of whom shall serve until the successor is elected and qualified. There was discussion regarding voting, conflicts and recusals. Board counsel agreed to provide materials to the Board regarding this topic. There was clarification that the President-Elect would not necessarily be the successor to the President, but a separate elected officer, and that the President-Elect would step into the role of President in the President's absence. Board member Colin Hunter was nominated as President-Elect and accepted the nomination.

M.S.C. Epeneter, Chinn
that Colin Hunter be ratified as the new President-Elect for the Oregon State Board of Nursing
Ayes 5, Abstain 1 (Hunter), Excused 1 (Wayman)

NEXT BOARD MEETING

The next scheduled teleconference Board meeting will be held in Executive Session on May 11, 2016, 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 June 14-16, 2016.

ADJOURNMENT

Adjourned at 4:28 p.m.