

**MEETING**  
**September 10-11, 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 9:02 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, Absent  
Williamson, 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  
Brannon  
Buck  
Burke  
DeLong  
Ficarra  
Fisher-Lewis  
Hatcher  
Holtry  
Hudson  
Klein  
Lilly  
Marson

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

**9:00 AM - END OF BUSINESS**  
**WEDNESDAY, SEPTEMBER 10, 2008**  
**EXECUTIVE SESSION**  
**DISCIPLINE**

The meeting was called to order at 9:02 a.m.

A presentation on "Written Complaints" was given by Holly Mercer at the working lunch.

MSC Theis, Markesino  
that based on the evidence presented, the Board ratify the Interim Orders by Consent signed by:  
Rachael Harris, RN  
Janice E Williams, RN  
Mary A Lasslett, RN  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Williamson  
that based on the evidence presented, the Board vacate the Interim Order by Consent signed by  
Janice E Williams, RN.  
Ayes 8, Absent 1, Uherbelau

MSC Gutierrez, Willis  
that based on the evidence submitted through Notice, testimony and the agency files, the license or certificate of:  
Marcia D Chase, RN  
Deborah L Sanger, RN  
Rebecca B Peek, RN  
Danielle S Bauer, CNA  
Donna M Miller, CNA  
be suspended as set forth in the Notices.  
Ayes 8, Absent 1, Uherbelau

MSC Gutierrez, Williamson  
that based on the evidence presented in case number 08C-220, the Board issue an order requiring that the certificate holder undergo a chemical dependence evaluation for the purpose of assisting the Board in determining fitness to perform the duties of a certified nursing assistant. If the certificate holder does not comply with the Board's order within the time specified therein, staff shall issue notice of the Board's intent to revoke certification for failure to comply with a Board Order.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Coon  
that based on the evidence submitted through Notice, testimony and the agency files, the license or certificate of:  
William J Lane, LPN  
Cristie A Strasser, RN  
be revoked as set forth in the Notices.  
Ayes 8, Absent 1, Uherbelau

MSC Williamson, Coon  
that based on the evidence presented, Sarah E Schroeder be issued a Notice of Proposed Denial of Certified Nursing Assistant certification.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Markesino  
that based on the evidence presented, Patricia A Moon be issued a Notice of Proposed Denial of Certified Nursing Assistant certification.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Williamson  
that based on the evidence presented, Kristine A Aldous be issued a Notice of Proposed Denial of reactivation of Certified Nursing Assistant certification.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Theis  
that based on the evidence presented, Megan E Olson be issued a Notice of Proposed Denial of Certified Nursing Assistant certification.  
Ayes 8, Absent 1, Uherbelau

MSC, Shields, Willis  
that based on the evidence presented, Atasha S Nelson, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Gutierrez, Markesino  
that based on the evidence presented, Stepanie S Burdette, RN, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

Board provided staff with direction in case number 08-445.

MSC Markesino, Gutierrez  
that based on the evidence submitted through Notice, testimony, and the agency file, Wendy A Cooper, CNA, be suspended as set forth the notice.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Coon  
that based on the evidence presented in case number 08-489, the licensee be directed to obtain a mental health evaluation.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Willis  
that based on the evidence presented, Mark J Broadus, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Gutierrez, Coon  
that based on the evidence presented, Christina J Johnson, RN, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Williamson, Markesino  
that based on the evidence presented, Megan M Kelly, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Williamson  
that based on the evidence presented, Thornton A Robinson RN, NP, be issued a Notice of Proposed Revocation of Registered Nurse license and Nurse Practitioner certificate.  
Ayes 7, Recuse 1, Gutierrez, Absent 1, Uherbelau

MSC Theis, Markesino  
that based on the evidence presented, Barbara J Sunday, RN, be issued a Notice of Proposed Suspension for 30 days with Conditions.  
Ayes 8, Recuse 1, Shields, Absent 1, Uherbelau

MSC Theis, Coon  
that based on the evidence presented, Barbara J Sunday, RN, be issued a Notice of Proposed Probation for 24 months.  
Ayes 8, Recuse 1, Shields, Absent 1, Uherbelau

MSC Williamson, Coon  
that based on the evidence presented, Jamie A McCurdy, CNA, be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Williamson  
that based on the evidence presented:  
Shannon M Kane, CNA  
Vanessa H Wetzel, LPN  
Robert H Kato, CNA  
Susan F Solbach, RN  
Jacqueline D Carter, CNA  
Carla L Fies, RN  
Nicole S Eubanks, CNA  
Aaron S Groom, RN  
Glenda J Baxter, RN  
Deborah A Custer Dereszynski, LPN  
Julie M Byers, CNA  
Karla M Ellis, CNA  
Mary A Lasslett, RN  
be issued a Notice of Proposed Revocation.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Coon  
that based on the evidence presented, case number 08C-182 be dismissed.  
Ayes 5, Absent 1, Uherbelau, Nays 3, Markesino, Theis, Williamson

MSC Willis, Williamson  
that based on the evidence presented, case number 09-420 be dismissed.  
Ayes 8, Absent 1, Uherbelau

Board provided staff with direction in case number 08-399.

MSC Markesino, Shields  
that based on the evidence presented, the Board issue Amanda B Newell, RN, a Notice of Proposed Reprimand.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Williamson  
that based on the evidence presented, case number 08C-189 be dismissed.  
Ayes 7, Recuse 1, Willis, Absent 1, Uherbelau

MSC Gutierrez, Williamson  
that based on the evidence presented, case numbers 08-396 and 08-404 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Williamson  
that based on the evidence presented, case number 08-305 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Coon  
that based on the evidence presented, case number 08-490 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Coon  
that based on the evidence presented, case number 08-182 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Coon, Shields  
that based on the evidence presented, case number 08-527 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Williamson, Gutierrez  
that based on the evidence presented, the Board issue Renay A Garoutte, LPN, a Notice of Proposed Reprimand.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Theis  
that based on the evidence presented, Twila L Harrington, CNA, be issued a Notice of Proposed Reprimand.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Williamson  
that based on the evidence presented, Bruce E Boyd, LPN, be issued a Notice of Proposed Suspension for 30 days followed by Probation for 24 months.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Williamson  
that based on the evidence presented, case number 09-015 be dismissed.  
Ayes 7, Absent 1, Uherbelau 1, Nay 1, Shields

MSC Gutierrez, Willis  
that based on the evidence presented, case number 08-319 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Markesino  
that based on the evidence presented, case number 07-073 be dismissed.  
Ayes 7, Recuse 1, Gutierrez, Absent 1, Uherbelau

MSC Theis, Markesino  
that based on the evidence presented, case numbers 08-350, 08-352 and 08-351 be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Williamson  
that based on the information presented in case number 08-500, licensee be issued an Order to obtain a neuropsychological evaluation.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Coon  
that based on the information presented, Shannon Dell Rio, NP, be issued a Notice of Proposed Suspension of RN and NP license for one year.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Willis  
that based on the evidence presented, the Stipulation for Reprimand signed by the following: Tanya A McCullough, RN  
Lindsey N Mulder Perez, CNA applicant  
Cheryl Lee Cruz, RN  
be adopted.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Willis  
that based on the evidence presented, the Stipulations for Reprimand with Conditions signed by the following:  
Jeffrey L Anderson, RN  
Judett E Ortiz, CMA  
Mary A Simmonds, RN

Robert G Smith, LPN  
Margaret A Oliver, RN  
Ruth B Curphey, RN  
be adopted.  
Ayes 8, Absent 1, Uherbelau

Board provided staff with direction in case number 08-432.

MSC Shields, Willis  
that based on the evidence presented, the Stipulations for Probation, signed by the following:  
Kim M Carpenter, RN  
Shelly E Caliman Rogers, RN  
Kristin N Abbott, CNA applicant  
be adopted and the licensee or certificate holder be placed on probation.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Williamson  
that based on the evidence presented, the Stipulation for Probation signed by Reola Box, CNA, be adopted and the Amended Notice of Proposed Revocation be withdrawn, and certificated holder be placed on probation for one year.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Coon  
that based on the evidence presented, the Stipulations for Probation signed by the following:  
Valerie D Robles, CNA  
Mali J Knapp, RN  
be accepted, the Interim Orders by Consent be vacated and the licensee or certificate holder be placed on probation.  
Ayes 8, Absent 1, Uherbelau

MSC Willis, Shields  
that based on the evidence presented, the Stipulations for Suspension signed by the following:  
Robert R Ruff, RN  
Michelle L Zobrist, RN  
Janette L Rickard, RN  
K Candy Schworak, RN  
be adopted and the licensees or certificates shall be suspended as set forth in the stipulations.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Willis  
that based on the evidence presented, the Stipulation for Suspension signed by Sally Anne Martin, RN, be adopted and the license shall be suspended as set forth in the stipulation.  
Ayes 7, Recuse 1, Markesino, Absent 1, Uherbelau

MSC Gutierrez, Williamson  
that based on the evidence presented, the Stipulation for Voluntary Surrender of CMA certificate and Probation of CNA certificate signed by:  
Michael D Ragland, CMA  
be accepted and the Stipulation for Voluntary Surrender of CMA certificate and Probation of CNA certificate be adopted.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Willis  
that based on the evidence presented, the Stipulations for Voluntary Surrender signed by the following:  
Bart G Christensen, RN  
Saul Colindres, CNA)  
William W Reaves, RN

Bradley D Albrecht, RN  
Judy M Hoard, RN  
Clifford J Hollingsworth, CNA  
Elsie L Slanaker, RN  
Sharon A Ulrich, RN  
Christine Nelson, RN  
be accepted and the Stipulations for Voluntary Surrender be adopted.  
Ayes 8, Absent 1, Uherbelau

MSC Markesino, Williamson  
that based on the evidence presented, case numbers:  
08-255  
08-372  
08-509  
08-499  
08-367  
be dismissed.  
Ayes 8, Absent 1, Uherbelau

MSC Theis, Willis  
that based on the evidence presented, the Stipulations for Civil Penalty in case numbers:  
08CP-43  
08CP-14  
be accepted.  
Ayes 8, Absent 1, Uherbelau

MSC Shields, Coon  
that based on the information presented through the Administrative Law Judge's Proposed Orders for civil penalty in case numbers:  
08CP-74  
08CP-23  
08CP-33  
the Board accept the ALJ's Proposed Orders as presented.  
Ayes 8, Absent 1, Uherbelau

Board provided direction to Tom Cowan, AAG, regarding the attorney's letter of request in the matter of case number 08-268.

MSC Markesino, Coon  
that based on the evidence presented, the Stipulation for 90-Day Suspension, followed by Probation for two years with Conditions, signed by Barbara Heath, LPN, be adopted and the LPN license be suspended for 90 days, followed by Barbara Heath being placed on probation for two years with conditions.  
Ayes 7, Absent 2, Uherbelau, Williamson

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

## **THURSDAY, SEPTEMBER 11, 2008**

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

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

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

Executive Director Holly Mercer announced that agenda item A1.2 would be tabled until the November Board meeting and that agenda item A1.8 would be pulled for additional staff work. Also, exhibit A1.5 and A1.6 would be switched in order.

## **2.2 APPROVAL OF CONSENT AGENDA**

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

### **Consent Agenda Items:**

- C-M1 Approval of Minutes from the June 11-12, 2008 Board Meeting
- C-M2 Approval of Minutes from the June 25, 2008 Special Board Meeting
- C-M3 Approval of Minutes from the July 11, 2008 Board Work Session
- C-M4 Approval of Minutes from the July 17, 2008 Disciplinary Teleconference
- C-M5 Approval of Minutes from the August 15, 2008 Emergency Board Meeting
- C-A1 Public Information Officer Report
- C-E1 Notice of Prospective Change of Ownership/Control – Apollo College
- C-E2 Withdrawal of Associate Degree Program Application – Everest College
- C-E3 Continuing Approval of Clackamas Community College WIN Re-Entry Program
- C-L1 Licensing, Customer Service and IT Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-P2.1 Disciplinary Actions by Category – June & July 2008
- C-P2.2 Disciplinary Actions by License Type – June & July 2008
- C-P2.3 Disciplinary Actions by Category – Fiscal Year to Date
- C-P2.4 Disciplinary Actions by License Type – Fiscal Year to Date
- C-P3.1 Case Summaries for Investigative Cases Closed between (May 10, 2008 to July 31, 2008)
- C-P3.2 Case Summaries for Other Investigations Conducted between (May 10, 2008 to August 22, 2008)

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

### **R1.1 First Reading of Amendments to Division 50 and 56 (Prescriptive Authority for Nurse Practitioners)**

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

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

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

M.S.C. Gutierrez, Willis  
that the amendments for OAR 851-050-0138 and OAR 852-056-0006 and 0022 be accepted as presented and begin the rulemaking process.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

## **R1.2 First Reading of Amendments to Division 62 (Four-Month Exception to Certification for Nursing Assistants Employed in Licensed Nursing Facilities)**

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

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

M.S.C. Williamson, Coon  
that the amendments to OAR 851-062-0020 be accepted as presented and begin the rulemaking process.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

## **R1.3 First Reading of Amendments to Division 45 (Imposition of Civil Penalties for Licensed Practical Nurses and Registered Nurses)**

The civil penalty amount in Division 45 imposed for nurses who practice without current licensure or required certification was recently increased from \$100 for each 30-day period (or part thereof), up to \$5,000, to \$50 per day up to \$5,000. There are a number of potential unintended consequences for the agency. They are: 1) Fines will be higher so licensees will have more difficulty paying higher sums of money at one time; This will create a larger number of people making payments that will have to be tracked; 2) The number of hearing requests is likely to significantly increase; 3) The Board is required to be represented by the Assistant Attorney General (AAG) in hearings in which the contested amount is \$2,900 or greater; and 4) The cost of hearing may, at times, meet or exceed the civil penalty cost itself.

With the former civil penalty rules, a license that was expired for 60-days would have cost the licensee \$200 in fines, whereas the same civil penalty now will cost the licensee \$3,000. Experience has shown that licensees frequently request hearings for amounts exceeding \$1,000, and at times for amounts far less. Of the last 92 civil penalties that were issued (as of June 2008), had they been imposed under the current new rule, 68 of them (74%) would have required AAG representation if the nurses had requested hearings. Most of the civil penalties issued would have ranged from \$4,000 to \$5,000.

Increases in agency personnel and fiscal resources seem certain with the implementation of the current Division 45 civil penalty rule language. Potential improvements to public safety through the recent increase in this civil penalty may well be overshadowed by the drain on resources needed for matters that potentially impact the well-being of the public even more. It is for these reasons that new draft rule changes were proposed.

Board members requested that staff track the data on these civil penalties for six-months up to one-year. They requested that baseline data be brought back to the Board before making a decision on this issue.

### **A1. ADMINISTRATION**

#### **A1.1 Board Elections**

Elections were held to determine Board officers for 2009. James McDonald was elected President-Elect and Julia Willis was elected Secretary-Elect.

M.S.C. Shields, Williamson  
that James McDonald be elected as President-Elect of the Oregon State Board of Nursing for 2009.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

M.S.C. Gutierrez, Theis  
that Julia Willis be elected as Secretary-Elect of the Oregon State Board of Nursing for 2009.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

#### **A1.2 Delegation of Authority to Chief Financial Officer**

This agenda item was tabled until the November Board meeting.

#### **A1.3 OSBN Representative on the Oregon Center for Nursing (OCN) Board of Directors**

This agenda item was tabled until the November Board meeting.

#### **A1.4 Representation at the CAC Annual Meeting, October 27-29, 2008 in Asheville, North Carolina**

Neither of the public members were available to attend the Citizens Advocacy Center's annual meeting October 27-29, 2008 in Asheville, North Carolina. Therefore, Barbara Holtry, the Board's Communication and Policy Manager, was selected to attend this meeting.

M.S.C. Gutierrez, Markesino  
that Barbara Holtry represent the Oregon State Board of Nursing at the CAC Annual Meeting, October 27-29, 2008 in Asheville, North Carolina.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

#### **A1.5 Board Governance Committee**

A Governance Goal of assuring that the governance framework supported the Board's Mission and Vision was added into the Strategic Plan during the Board's Work Session held in July. This goal is to include promoting a model of policy governance, collaborating and strengthening relationships with stakeholders, and increasing transparency. A Governance Committee consisting of three or four Board members was to be established that worked with staff in developing reports and looking at finances. Upon further review, Executive Director Holly Mercer questioned Board members if they felt this was a duplication of efforts and whether they preferred this information be presented to the full Board, and if work could be done in a smaller sub-committee setting.

After discussion, Board directed staff to delete the Governance sub-committee from the Strategic Plan. The objectives are to be accomplished by staff developing management reports for presentation to the entire Board. Agenda time will be set aside for this review. If this procedure becomes too cumbersome, the idea of a Governance sub-committee will be revisited.

#### **A1.6 Strategic Plan Confirmation/Finalization**

Nursing Practice Consultant Marilyn Hudson brought up the fact that the Strategic Plan also included the establishment of a Board Practice Committee. There was discussion regarding the formality of these sub-committees and their preliminary decision-making. One suggestion was to incorporate a few stakeholders outside the Board to serve on these sub-committees to minimize the effect on Board members. Executive Director Holly Mercer concluded that staff would bring some sample governance models, as well as a sample of the Washington Disciplinary Sanctions Grid, and formal amendments to the Board's Strategic Plan to the November Board meeting.

It was also noted that the Participant Handbook for the Nurse Monitoring Program had been completed in draft form.

M.S.C. Shields, Markesino  
that the OSBN 2008-2014 Strategic Plan be approved as modified.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

#### **Presentation on Governance by Executive Director Holly Mercer**

A Power Point presentation from a booklet called “The Source – Twelve Principles of Governance That Power Exceptional Boards” by BoardSource (formerly National Center for Nonprofit Boards) was given by Executive Director Holly Mercer.

This booklet references the difference between a responsible board and an exceptional board. Responsible boards are defined as ones that are competent stewards. Focusing on fiduciary oversight they ensure that their organizations comply with the law, act with financial integrity, and operate effectively and ethically. Exceptional boards add active engagement and independent decision-making to this oversight function. Their members are open and honest with each other and the chief executive. They passionately challenge and support efforts in pursuit of the mission. The difference between responsible and exceptional boards lies in thoughtfulness and intentionality, action and engagement, knowledge and communication. This difference, the source of power, serves as the multiplier that powers exceptional boards.

The twelve principles of exceptional boards are as follows: 1) Exceptional boards govern in constructive partnership with the chief executive, recognizing that the effectiveness of the board and chief executive are interdependent; 2) Exceptional boards shape and uphold the mission, articulate a compelling vision, and ensure the congruence between decisions and core values; 3) Exceptional boards allocate time to what matters most and continuously engage in strategic thinking to hone the organization’s direction; 4) Exceptional boards institutionalize a culture of inquiry, mutual respect, and constructive debate that leads to sound and shared decision-making; 5) Exceptional boards are independent-minded. When making decisions, board members put the interests of the organization above all else; 6) Exceptional boards promote an ethos of transparency by ensuring that donors, stakeholders, and interested members of the public have access to appropriate and accurate information regarding finances, operations, and results; 7) Exceptional boards promote strong ethical values and disciplined compliance by establishing appropriate mechanisms for active oversight; 8) Exceptional boards link bold visions and ambitious plans to financial support, expertise, and networks of influence; 9) Exceptional boards are results-oriented. They measure the organization advancement towards mission and evaluate the performance of major programs and services; 10) Exceptional boards intentionally structure themselves to fulfill essential governance duties and to support organizational priorities; 11) Exceptional boards embrace the qualities of a continuous learning organization, evaluating their own performance and assessing the value they add to the organization; and 12) Exceptional boards energize themselves through planned turnover, thoughtful recruitment, and inclusiveness.

These principles will be covered more in-depth at future board meetings.

#### **A1.7 Procedure for Referring to Law Enforcement**

Executive Director Holly Mercer presented a draft written procedure for referral to law enforcement. Law enforcement has already been given information on many cases and have already begun an investigation. This procedure clarifies what will be sent to law enforcement and defines the types of evidence or behaviors that will be referred.

The question came up “What is law enforcement?” For example, would the Drug Enforcement Agency (DEA) be considered law enforcement for purposes of this policy? Board Counsel Tom Cowan stated that if we have an impaired professional that has a DEA number, in that particular case, the same level of concern would exist for reporting to Department of Human Services (DHS) or law enforcement. Once drug and alcohol records that are covered under the federal law are implicated, then the same level of concern is to be given universally in terms of disclosure.

Ms. Mercer reported that this process is currently in practice. So far, we have had good response from the law enforcement agencies. In Multnomah, Clackamas, and Washington counties, we are primarily dealing with the district attorney’s office; in other counties, we work directly with the local police department.

M.S.C. Theis, Markesino  
that the Procedure for Referring to Law Enforcement be accepted as presented.  
Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

## **A1.8 Board Delegation to Staff of Decisions/Tasks in Statutes and Administrative Rules**

This agenda item was pulled for additional staff work.

### **WORKING LUNCH**

### **OPEN FORUM**

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

Suzanne Franklin, a RN who was recently subject to disciplinary action by the Board, appeared to request that the Board reconsider her case, the disciplinary sanctions for her misconduct, the mitigating circumstances, and that the disciplinary action be reduced to a reprimand.

### **ADMINISTRATION (Continued)**

#### **A1.9 Legislative Issues**

##### **1.9a Expedited Partner Therapy Presentation by Katherine Bradley, RN, PhD, and Beth Epstein, MD**

Katherine Bradley, RN, PhD, and Beth Epstein, MD, made a presentation on Expedited Partner Therapy (EPT). They presented the concept of modifying ORS 676 to permit the practice of Expedited Partner Therapy, for treating the sexually transmitted infections of chlamydia and gonorrhea in Oregon.

Dr. Epstein explained that when someone is diagnosed with a sexually transmitted disease, it is extremely important that both the patient and their partner receive treatment. Timely, appropriate antibiotic therapy can prevent re-infections and complications. However, partners often don't come in for treatment on their own, and public health departments lack the resources to locate, notify, and treat them. One proven way to improve partner treatment rates is to allow medical providers to prescribe or dispense antibiotic therapy for the sex partners of individuals infected with chlamydia and gonorrhea, even if they have not been able to perform an exam of the patient's partner(s). This is called Expedited Partner Therapy (EPT).

EPT has been shown to be an effective strategy to ensure partner treatment and reduce re-infection rates. The most common form of EPT is "Patient Delivered Partner Therapy" (PDPT) wherein the patient is given prescriptions or medications to take to his/her partner.

Although Oregon's Boards of Medicine, Pharmacy, Nursing, and Naturopathy have expressed support for EPT, current regulations around practice standards and prescriptive authority vary with each Board. Modifying ORS 676 would open the door for the Boards to address any obstacles to EPT, which would then allow medical providers to, when necessary, prescribe or dispense antibiotic therapy for the sex partners of individuals infected with chlamydia and gonorrhea, even if they have not been able to perform an exam of the patient's partner(s).

The Board expressed 100 percent support and stated they would be happy to give legislative testimony, when appropriate, supporting the concept language as presented.

##### **1.9b OSBN Legislative Update**

Executive Director Holly Mercer reported that the Board submitted three legislative concepts – the elimination of the statutory requirement to provide licensees a wallet-size card, insertion of a penalty provision into the malpractice claim legislation, and the ability to do fingerprints on those individuals that apply for employee positions with the Board of Nursing. All three of them are moving through the system.

## **A1.10 Environmental Scan**

### **1.10a Re-entry for Advanced Practice**

Advanced Practice Consultant Tracy Klein reported that the state of advanced practice for re-entry in Oregon is becoming increasingly difficult. A Power Point presentation indicated some of these issues, as well as some proposed solutions.

Advanced practice includes Nurse Practitioners, Clinical Nurse Specialists, and Certified Registered Nurse Anesthetists. The requirements for each of these three specialties of advanced practice are somewhat different. Also, there is a variation within those three specialties as to whether they have prescriptive authority. Re-entry is required to assure the Board of an applicant's continued competency to practice. Self assessment is not a great measurement; there needs to be some objective supervised clinical in order to demonstrate to the Board that the minimum requirements for practice are met. Practice requirements for nurse practitioners and nurse midwives are tiered, based on how long they have been out of school. Clinical nurse specialists currently have a similar requirement as the basic registered nurse. This is because they did not have prescriptive authority, however since the rules have been written, this has changed. Re-entry is done under a limited license and currently supervised by the Oregon State Board of Nursing. Liability and availability of preceptorships make the requirements for re-entry very challenging.

Marie Napolitano, University of Portland; Michelle Prosser, Director of Clinical Services, Planned Parenthood--Columbia/Willamette; and Anna Kristofferson, Nurse Practitioner, Planned Parenthood—Columbia/Willamette were also present to address this issue. Dr. Napolitano stated that the University of Portland would be willing to work with the Board to develop a nurse practitioner re-entry program.

### **1.10b 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 the Occupational Health Manager at the Portland Veterans Administration who served as a consultant to discuss this issue.

Initial conversations with Ms. Cole assisted Board staff with a basic understanding of types of respirators and the differences in physiologic load on the body. Further information is needed, so the process has begun to review the literature on this issue and to obtain policies from other Boards of Nursing. A subsequent meeting will be held with interested stakeholders in order to finalize a policy for future Board review.

### **1.10c Complementary Therapies**

On April 5, 2008, a letter addressed to Holly Mercer was received from three Registered Nurses and was responded to on May 7, 2008. In the letter, the nurses stated that the Oregon Board of Massage Therapists (OBMT) threatened legal action against a RN who is providing Healing Touch, a complementary therapy involving energy work, in an independent practice setting. The nurses also said that 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.

On August 19, 2008 Board staff met via telephone with Mary Amdall-Thompson, RN, MSN, CNS, who said she was speaking on behalf of the nurses who sent the letter. She expressed the concerns outlined by the nurses in their letter and said she was hoping a resolution to the problem would be forthcoming. A meeting between Board staff and the OBMT staff was scheduled for August 28, 2008, to consider this issue.

Gail Allison, representing the original group of Registered Nurses who wrote the letter to the Board, was present to address this issue.

The Oregon State Board of Nursing and the Oregon Board of Massage Therapists plan to work together to provide a joint statement in order to ensure clarity on this issue.

### **A1.11 Executive Director's Report**

#### **Nurse Monitoring Program Handbook**

The first draft of the handbook for the Nurse Monitoring Program (NMP) participants, authored by Communications and Policy Manager Barbara Holtry, was distributed to Board members. The NMP employer handbook will be forthcoming.

#### **National Council of State Boards of Nursing**

Executive Director Holly Mercer reported that Board Member Claudia Coon, Nursing Practice Consultant Marilyn Hudson, and Advanced Practice Consultant Tracy Klein attended the Delegate Assembly of the National Council of State Boards of Nursing in Nashville Tennessee August 4-8. The primary order of business was to elect new Board members, as well as adopt the Advanced Practice Registered Nurses (APRN) Model Act and Rules.

During Delegate Assembly there was discussion surrounding the qualifications of preceptors and changing the qualifications of preceptors from "licensed at or above the level for which the student is preparing" to "educated at or above the level for which the student is preparing."

A book entitled "The first 25 Years of NCSBN" was introduced and the Finance Committee reported that NCSBN had \$100 million in reserve.

Glenn Regehr, PhD, gave a presentation on "Self-Assessment, Self-Direction, Self-Regulation and Other Myths." The primary message was that we are not "wired" to recognize our weaknesses, our self assessment ability is generally very poor, and we even have perceptual deficits when it comes to identifying our weaknesses. There is a myth that even if we identify a deficit, we will actually change behavior based on that identification. Data shows fewer than 25% of population actually make change.

During the Executive Officer roundtable, there was much discussion about how innovative Oregon is in the education arena. Also, the NCSBN Delegate Assembly will be held in Portland, Oregon in 2010.

#### **Key Performance Measurement Project**

A Key Performance Measurement Project was completed by Budget and Management and the Legislative Fiscal Office. A preliminary report was prepared by Bruce Stoffmacher and indicated two performance measures have potential to be universal to all health care licensing agencies. They include a timely licensure process and the efficiency of the complaint process. This last measure would be centered around the statutory requirement to present complete investigatory findings to a board within 120-days.

#### **Budget**

Our "Agency Requested Budget" has been submitted. We are assuming that there will be a \$40 fee increase for RN/LPNs and a \$10 fee increase for CNA renewals. Ms. Mercer reported that she had met with Susan King, Executive Director of Oregon Nurses Association; Pam Ruona, Director of Policy and Programs of the Oregon Health Care Association; Ruth Gulyas, Executive Director of the Oregon Alliance of Senior and Health Services; and Mike McCormick of Senior and People with Disabilities regarding these fee increases. All of them understood our needs and did not voice opposition. Ms. Mercer also reported that she is tentatively scheduled to appear before Ways and Means on September 18<sup>th</sup>.

## **Partnership**

In an effort to strengthen strategic partnerships, Ms. Mercer reported that she and Linda Fisher-Lewis, Investigations and Compliance Manager, had met with Elynn Sternfield, Director of the Medicaid Fraud Unit and Greg Jones, Chief Investigator. Increased efforts are being made to work collaboratively with this team. They have offered to provide training to our investigators.

## **Legislation**

In regards to upcoming legislation, Ms. Mercer continues to attend meetings with Claudia Black of the Governor's office and other executive directors of the healthcare licensing boards. There is much discussion surrounding the monitoring program and the audit position. The Governor's office is proposing that the audit position be housed in the Department of Human Services (DHS) and is exploring whether to consider placing the monitoring program in a non-profit organization or within another agency like DHS.

## **E1. EDUCATION**

### **Report on Nursing Education Capacity Summit and NCSBN White Paper**

Education Consultant Karen Burke gave a report on the Nursing Education Capacity Summit held at the end of June 2008 in Washington D.C. This Summit was sponsored by the Robert Wood Johnson Foundation, Department of Labor, AARP, and the Department of Health and Human Services. It covered the nursing shortage and the limitation of being able to meet the needs for nurses in the future because of limitations within nursing education.

Oregon was one of 17 teams selected to participate. The Oregon team consisted of Kris Campbell, Oregon Center for Nursing; Louise Shores, Oregon Consortium for Nursing Education (OCNE); Paula Gubrud, OHSU and the OCNE Clinical Education Redesign Group; Bonnie Saucier, Linfield; Debbie Burton, Providence Health System; Chris O'Neill, Oregon Workforce Investment Group and ONA; James Sager, Governor's Office; Wayne Fanno, Department of Community Colleges and Workforce Development; Kristin Leonard, currently working with Northwest Health Foundation and also a legislative liaison; and Joyce Samanan, AARP. Judith Woodruff of Northwest Health Foundation was also present as a representative of Robert Wood Johnson. They discovered that, as members of the Oregon team, many other state participants wanted to meet with them to find out what is being done in nursing education in Oregon because they are hearing about us.

Since the Summit, National Council of State Boards of Nursing (NCSBN) has published a White Paper called "Blowing Open the Bottleneck – Designing New Approaches to Increase Nurse Education Capacity." This White Paper indicates a number of drivers of capacity limitation. Nursing faculty shortage and aging faculty is the most serious driver that limits enrollment growth. Other drivers cited were short faculty career, an anemic nursing faculty pipeline, heavy workloads of nursing faculty, lack of diversity of nursing faculty, and insufficient clinical education diversity. Also, the average salary for nursing faculty in Oregon ranges from \$45,000 to \$65,000. The average RN salary in Oregon is \$69,900. The average advanced practice salary in Oregon is \$71,500 to \$121,000.

The Oregon team worked on developing a strategic plan with a vision of having an adequate and fully prepared nursing faculty in Oregon. The group that attended this Summit is continuing to work together. They are putting together a proposed Policy Option Package which is designed to alleviate the nurse faculty shortage by giving dedicated nurses the ability to return to school without double jeopardy of both incurring a huge education debt and subsequently taking a faculty position which does not compensate them at the same level. Essentially, the package is to create a loan repayment program that funds the cost of moving a practicing nurse to a Masters level educator or moving a Masters level educator to a doctorally prepared educator. This loan would be forgiven at a given percentage each year the educator remains in an active teaching position in Oregon. Within the next couple of months, there will be a finalized Strategic Plan and a White Paper coming out from this Oregon team.

### **E1.1 Proposal for a Registered Nurse (RN) Program at Apollo College**

Board rules provide a three-phase process for approval of new programs. In the first phase, the institution applies for approval to develop the new program. The second phase in the program approval process is initial approval, required prior to admission of the first class. Finally, after graduation of the first class, the program is surveyed for full approval.

Education Consultant Karen Burke presented a proposal from Apollo College, Portland, Oregon, for approval to develop an LPN-to-Associate of Applied Science degree registered nursing program. The proposal was organized according to Administrative Rules for approval in place at the time of its submission (prior to adoption of revisions in June 2008). The proposal was responsive to each of the required elements. An overview of the required elements per current standards preceded the proposal.

Joy Ingwerson, RN, MSN, Nursing Program Director at Apollo College (Portland) was present to address any questions or concerns.

M.S.C. Theis, Markesino  
that the Apollo College (Portland Campus) application to develop a LPN-to-Associate Degree RN Program be approved as presented.

Ayes – 8, Nays – 0, Absent – 1 (Uherbelau)

### **E1.2 Valley Medical College Major Curriculum Change**

Administrative rules for nursing education programs preparing candidates for initial licensure call for Board of Nursing approval when a program anticipates a major curriculum change. By rule, a major curriculum change is defined as “a change that results in a refocus of purpose and objectives, a substantive change in program structure or method of instructional delivery, or a change that modifies 10% or more of the credit hours in the curriculum.”

Rita Dillon, Nurse Administrator at Valley Medical College, submitted documents requesting a major curriculum change and requested that the change become effective immediately upon approval by the Board. She was also present to address any questions or concerns.

At the time of the program survey conducted June 1 and 2, 2008 by Education Consultants Karen Burke and Louise Martell, it was determined that their published practical nursing curriculum had not been presented to the Board for approval and did not meet standards for practical nursing programs as specified in Administrative Rule. The curriculum that was presented for approval at this meeting, however did meet practical nursing program standards for required content, credits, and competencies.

M.S.C. Shields, Williamson  
that the Valley Medical College Practical Nursing Program Major Curriculum Change be approved as presented, effective immediately.

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

### **E1.3 Survey Visit Report for Valley Medical College**

The first class of practical nursing students at Valley Medical College graduated in December 2007. In accordance with the rules, a self-study report was submitted to the Board in April 2008, and a survey visit was conducted by Louise Martell and Karen Burke, Education Consultants for the Board.

A Program survey for cause was conducted in August 2007. Although a number of recommendations and several deficiencies were identified at that time, the surveyors recommended continuing initial approval, with a report addressing the deficiencies presented to the Board in November 2007. The then program director resigned shortly after the report was presented to the Board. The College then contracted with a nursing education consultant to work on the program curriculum and recommendations identified in the August survey report. The current program director was hired early in 2008; shortly after her arrival, two nursing faculty members were asked to resign. The current nursing faculty is new as of spring 2008.

Shortly after her arrival, the current program director began reviewing the curriculum and identifying revisions to be made. This curriculum revision was submitted to the Board for presentation at the June 2008 Board meeting.

At the time of the June 2008 program survey, the published curriculum did not meet Board standards. Several additional deficiencies were identified during the course of the visit. For this reason, and because of faculty turnover, the surveyors recommended that the decision of the Board to grant or deny approval of the Valley Medical College Practical Nursing Program be deferred to February or April 2009.

Rita Dillon, Nurse Administrator at Valley Medical College, was present to address any questions or concerns.

M.S.C. Willis, Theis  
that the decision of the Board to grant or deny approval of the Valley Medical College Practical Nursing Program be deferred to April 2009.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Uherbelau)

M.S.C. Willis, Coon  
that Valley Medical College submit a report to the February 2009 Board meeting addressing measures to correct deficiencies as specified in the survey report.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Uherbelau)

#### **E1.4 Blue Mountain Community College Progress Report**

At the time of the spring 2007 survey for continuing nursing program approval, the surveyors recommended that the college submit a progress report at the February 2008 Board meeting. That report, which addressed faculty development, faculty progress toward meeting required qualifications, and curriculum review and revision through the second quarter of the nursing program, was presented to the Board at the February meeting.

The Board requested a follow-up report be presented at the September 2008 Board meeting. Terry Vogel, RN, MS, Nursing Program Director/Coordinator for Blue Mountain Community College, was present to address any questions or concerns regarding this report.

M.S.C. Gutierrez, Willis  
that the Blue Mountain Community College Progress Report be accepted as presented.  
Ayes – 7, Nays – 0, Absent – 2 (Markesino, Uherbelau)

#### **E1.5 Southwestern Oregon Community College Extended Campus Report**

At the April 2008 Board meeting, Southwestern Oregon Community College received Board approval to offer their Associate Degree Nursing Program (an Oregon Consortium for Nursing Education [OCNE] affiliated program) to extended campus sites in Florence and Brookings.

The Education Consultant visited Southwestern Oregon Community College and the proposed Brookings site toward the end of May. At the time of that visit, it was apparent that the College had developed and used the technology for delivering classroom instruction, but had not yet developed the resources, agreements and infrastructure necessary to provide clinical instruction.

Susan Walker, Interim Nursing Director at Southwestern Oregon Community College has submitted a report with supporting documents to address Board concerns. In addition, Education Consultant Karen Burke has scheduled a visit to the Florence and Brookings campuses for September 25<sup>th</sup>, prior to the start of classes.

#### **NEXT BOARD MEETING**

The next scheduled disciplinary Board Meeting will be held in Executive Session on October 16, 2008 at the Board offices, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon. The next regularly scheduled in-person Board meeting will be at the Board offices on November 12-13, 2008.

**ADJOURNMENT** -- The meeting adjourned at 3:46 p.m.