

MEETING
February 16-18, 2016
MINUTES

CALL TO ORDER

Board President, Bonnie Kostelecky, called the regular meeting of the Oregon State Board of Nursing to order at 8:30 a.m. This Board meeting was held in the conference room of the offices of the Oregon State Board of Nursing in Portland, Oregon.

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 2/16 and 2/17; Excused 2/18
Chinn, Present
Epeneter, Present
Gibbs, Present
Hunter, Present
Kostelecky, Present
Turnipseed, Present
Wayman, Present

QUORUM

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

—Staff Members Present at Various Times

Bamford
Bigelow
Buck
Gamble
Holtry
Ingwerson
Jason
Kilborn
Koch
Meadows
Messina

Parish
Rahimi
Russell
Sexton
Shults
Standridge
Traynor
VanHorn

Nyberg
Lightfoot

Cowan, Board Counsel

TUESDAY, FEBRUARY 16, 2016
PUBLIC SESSION – 6:30 p.m.

“Discussion and Scheduling of Topics Related to Nursing Regulation Policy”

At the November 2015 Board Meeting, Licensing, Fiscal and Organization Development Manager Helen Bamford facilitated a discussion to identify Board education and topics for 2016. As a result, a list of topics was developed and Board direction to Board staff to develop a calendar of topics for the Tuesday evening sessions and Lunch & Learn topics for each Board meeting. The April Board meeting, Tuesday evening session on April 12, will include a presentation by Board Counsel Tom Cowan regarding contested case hearings. On April 15, there will be a lunch presentation by Reliant Behavioral Health staff regarding test values for the drug tests used to evaluate compliance with HPSP and probation.

Adjourned at 8:10 p.m.

WEDNESDAY, FEBRUARY 17, 2016
EXECUTIVE SESSION
DISCIPLINE

MSC Wayman, Cain
that based on the procedural record,
Melissa Gibson, RN Reactivation Applicant
be issued a Final Order by Default, denying the application as set forth in the Notice.
Ayes 7
MSC Wayman, Cain
that based on the procedural record, the following:
Barbara Jaques, RN
Sarah Pizzi, CNA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice.
Ayes 7
MSC Wayman, Cain
that based on the procedural record,
Sukanlaya Hughes, NP
be issued a Final Order by Default, revoking the license as set forth in the Notice.
Ayes 7

MSC Wayman, Cain
that the Interim Orders by Consent, signed by the following:
Tammy Jackson, CNA
Franklin Roles, RN
Katherine Veley, RN
Sarah Veuleman, RN
Lauri Wallace, LPN
be ratified.
Ayes 7
MSC Wayman, Epeneter
that based on the evidence presented, the following:
Caren Callaghan, RN
Preston Walker, CNA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice and issued a Notice of Proposed Revocation.
Ayes 7
MSC Wayman, Cain
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
Morgan Shook, CNA
be adopted.
Ayes 7
MSC Wayman, Cain
that based on the evidence presented in case number 16-00879
the applicant be allowed to withdraw the application for reinstatement of RN license.
Ayes 7

MSC Epeneter, Cain
that based on the evidence presented, the Stipulation for Withdrawal of Application, signed by the following:
Michael Forehand RN, NP Applicant
Jon Millen, RN Endorsement Applicant
be adopted.
Ayes 7
MSC Epeneter, Cain
that based on the evidence presented, the Stipulation for Civil Penalty, signed by
Melissa Gamester, RN
be adopted.
Ayes 7
MSC Wayman, Chinn
that based on the evidence presented, the following:
Rebecca Bichler, CNA
John Clay, RN
Sylvia Garcia, CNA
Janet Ranney, CNA
be issued Notices of Proposed Revocation.
Ayes 7
MSC Wayman, Chinn
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
Laura Flanagan, RN
Alan Freytag, RN
Natalya Hasan, NP
Karen King, CMA
Jimmy Parks, RN
Nathalie Rotz, LPN
Aloysius Velliquette, RN
be adopted.
Ayes 7

MSC Epeneter, Gibbs

that based on the evidence presented,

Theresa Bunker, NP

be issued a Notice of Proposed Suspension.

Ayes 6, Nay 1

MSC Epeneter, Cain

that based on the evidence presented

Rita Murphy, RN

be issued a Notice of Proposed Suspension.

Ayes 7

MSC Epeneter, Cain

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

Jennifer Bevan, CNA

Melissa Callahan, RN

Lynn Counts, RN

Sharon Smith, RN

be adopted.

Ayes 7

MSC Epeneter, Chinn

that based on the evidence presented, the Stipulation for Probation, signed by the following:

Amanda Bemis, RN

Alyssa Brossman, CNA

Kelcey Cochrane, RN

William Slack, RN

be adopted.

Ayes 7

MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Probation, signed by following:
Justin Birge, RN
be adopted.
Ayes 4, Nays 3
MSC Epeneter, Chinn
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by
David Ashpole, CNA
be adopted.
Ayes 6, Recused 1 Cain
MSC Epeneter, Cain
that based on the evidence presented, the Stipulation for Suspension, signed by
Julie Lacock, RN
be adopted.
Ayes 7
MSC Chinn, Epeneter
that based on the evidence presented,
Elizabeth Beal, CNA Reactivation Applicant
be issued a Notice of Proposed Denial.
Ayes 7
MSC Chinn, Epeneter
that based on the evidence presented, the Stipulation for Civil Penalty, signed by
Deborah Fye, RN
be adopted.
Ayes 7
MSC Chinn, Epeneter
that based on the evidence presented, the following:
Annette Greiner, CMA
Curtis Hamilton, LPN

Lois McGinnis, RN

be issued a Notice of Proposed Revocation.

Ayes 7

MSC Gibbs, Epeneter

that based on the evidence presented, case numbers:

16-00536

16-00544

15-01951

be dismissed.

Ayes 7

MSC Gibbs, Epeneter

that based on the evidence presented in case number:

15-01730

be dismissed.

Ayes 6, Nay 1, Recused 1 Cain

MSC Gibbs, Epeneter

that based on the evidence presented,

Carol Oliver, NP

be issued a Notice of Proposed Suspension.

Ayes 6, Excused 1 Wayman

MSC Gibbs, Epeneter

that based on the evidence presented in case number:

16-01028

the licensee's probation be ended at 3 years.

Ayes 5, 2 Excused Cain, Wayman

MSC Epeneter, Cain
that based on the evidence presented, the Stipulation for Reprimand, signed by
Shannon Annis, CNA
be adopted.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Cain
that based on the evidence presented, case numbers:
15-01973
16-01162
15-00724
15-02010
be dismissed.
Ayes 6, Excused 1 Wayman
MSC Epeneter, Cain
that based on the evidence presented, case number
16-00491
be dismissed.
Ayes 6, Excused 1 Wayman
Case status updates were reviewed and the Board provided staff with direction to continue investigations in the following case numbers:
16-00490
16-00579
16-00183
16-00293
16-00354
MSC Epeneter, Chinn
that based on the evidence presented, licensees in the following case numbers:
16-00454
16-00535
be allowed entry into HPSP and the case be dismissed upon completed enrollment.
Ayes 6, Excused 1 Wayman

MSC Epeneter, Gibbs

that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by :

John Kohl, RN

be adopted.

Ayes 6, Excused 1 Wayman

MSC Epeneter, Gibbs

that based on the evidence presented, case number:

16-00535

be dismissed.

Ayes 6, Excused 1 Wayman

MSC Epeneter, Gibbs

that the Board accept Staff recommendations that investigations outlined in summaries for cases between December 30, 2015 and February 3, 2016 be dismissed.

Ayes 6, Excused 1 Wayman

MSC Epeneter, Chinn

that based on the evidence presented in case numbers:

15-02041

16-00637

16-00864

16-01053

16-00719

16-00232

16-00394

16-00495

16-00928

16-00037

15-01077

16-00666

16-00209

15-01286

15-02031

16-00034

16-00590

16-00031

16-00085

16-00870

16-00249

16-00347

16-00541

15-01957

16-00182

16-00380

16-00377

16-00492

15-01097

16-00970

15-01418

16-00647

15-01848

be dismissed and the Interim Orders by Consent be ended as applicable.

Ayes 6, Excused 1 Wayman

MSC Epeneter, Chinn

that based on the evidence presented, case number:

16-00377

be dismissed.

Ayes 5, Recused 1 Epeneter, Excused 1 Wayman

MSC Gibbs, Turnipseed

that the Interim Orders by Consent signed by the following:

Angela Judd Ellis, RN

Shela Pennington, LPN

be ratified.

Ayes 6, Excused 1 Wayman

MSC Gibbs, Turnipseed
that the Interim Order by Consent signed by
Janet Porter, RN
be ratified.
Ayes 5, Recused 1 Epeneter, Excused 1 Wayman
MSC Epeneter, Chinn
that based on the evidence presented,
Kendra Furgason, RN
be issued a Notice of Proposed Revocation.
Ayes 6, Excused 1 Wayman
Adjourned at 5:35 p.m.
February 18, 2016
MSC Epeneter, Gibbs
that based on the evidence presented, the Stipulation for Probation, signed by
Dina Dean, RN
be adopted.
Ayes 6, Excused 1 Cain
MSC Epeneter, Chinn
that based on the evidence presented, the Stipulation for Reprimand, signed by
Theresa Bunker, NP
be adopted.
Ayes 6, Excused 1 Cain

THURSDAY, FEBRUARY 18, 2016
EXECUTIVE SESSION – 8:30 a.m.

The Board met in executive session as authorized by ORS 192.502 and 192.660.

THURSDAY, FEBRUARY 18, 2016
PUBLIC SESSION – 9:00 a.m.

Board President, Bonnie Kostelecky, called the meeting to order at 9:08 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

It was suggested that item AP1, Approval of Pediatric Nurse Practitioner Program at OHSU, on the Consent Agenda be removed, and added to the April Board meeting agenda as a regular agenda item.

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

- C-M1 Approval of Minutes from the November 18-19, 2015 Board Meeting
- C-M2 Approval of Minutes from the December 10, 2015 Emergency Board Meeting
- C-M3 Approval of Minutes from the January 13, 2016 Board Meeting Teleconference
- C-A1 Annual Report – Executive Director Financial Transactions-2015
- C-A2 Fiscal Status Report
- C-A3 Communications and IT Report
- C-A4 Civil Penalty Policy and Workflow
- C-AP1 Approval of Pediatric Nurse Practitioner Program at OHSU - **REMOVED**
- C-AP2 Advanced Practice Environmental Scan
- C-E1 Clatsop Curriculum Change to OCNE
- C-E2 Clatsop Closure of PN Exit Option Program
- C-E3 NEAG Goals for 2016
- C-E4 Education Environmental Scan
- C-L1 Licensing, Fiscal and Organization Development Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 2014-2015 Training Program Annual Survey Report
- C-L4 CNA/CMA Advisory Group Application and Charter
- C-L5 Training and Assessment Environmental Scan
- C-PR1 University of Portland DNP Clinical Placements

ADMINISTRATIVE RULEMAKING HEARING

H1. Adoption of Amendments to Division 50 Rules Regarding Nurse Practitioners

The rule hearing began at 9:22 a.m. There was no testimony given in favor of, or in opposition to, the adoption of the proposed amendments to Division 50. Executive Director Ruby Jason reminded the Board that these rules were adopted as temporary rules in November, 2015; the purpose of the hearing was for permanent rulemaking. A suggestion by the Board was made to add the term “unencumbered” to OAR 851-050-0138(1)(a) for the purpose of consistency throughout Division 50. The hearing adjourned at 9:27 a.m.

M.S.C. Epeneter, Chinn
that OAR 851-050-0138 be adopted as modified
Ayes 6, Excused 1 (Cain)

H2. Adoption of Amendments to Division 56 Rules Regarding APRN Authority to Prescribe and Dispense

The rule hearing began at 9:28 a.m. There was no testimony given in favor of, or in opposition to, the adoption of the proposed amendments to Division 56. Ms. Jason reminded the Board that these rules were adopted as temporary rules in November, 2015; the purpose of the hearing was for permanent rulemaking. The hearing closed at 9:30 a.m..

M.S.C. Epeneter, Chinn
that OAR 851-056-0000 and 851-056-0020 be adopted as presented
Ayes 6, Excused 1 (Cain)

H3. Adoption of Amendments to Division 52 Rules Regarding Certified Registered Nurse Anesthetists

The rule hearing began at 9:31 a.m. There was written feedback and comments received, and verbal testimony given in favor of, and in opposition to, the amendments to Division 52.

The following individuals provided verbal testimony in favor of, or in opposition to, the amendments to Division 52.

Julie Weis, Haglund Kelley LLP, Legal Counsel to the Oregon Association of Nurse Anesthetists
(ORANA) – in support of revisions to Division 52 as proposed

Michael Wray, CRNA – in support of revisions to Division 52 as proposed

Emily Goerke, CRNA – in support of revisions to Division 52 as proposed

Sara Ghafouri –Haglund Kelley LLP, Legal Counsel to the Oregon Association of Nurse Anesthetists
(ORANA) – in support of revisions to Division 52 as proposed

Dr. Kathy Cook, CRNA – in support of rulemaking

Caleb Hayes – PacWest Communications on behalf of the Oregon Society of Anesthesiologists –

Expressed opposition to the mention of “fluoroscopy,” “additional prescribing powers,” “diagnosis,” and “other medical services”

There was Board discussion regarding fluoroscopy education. Ms. Jason stated that with respect to individuals opposed to this language in rule, the Board is required to abide by the regulations of the Board of Medical Imaging, the Board that regulates fluoroscopy.

There was a suggestion from the Board to revise language in 851-052-0060(5)(c), changing “patient” to “client” and 851-052-0060(6), changing “patients” to “clients” for language consistency.

The hearing closed at 10:14 a.m.

M.S.C. Wayman, Chinn
that OAR 851-052-0000, 851-052-0010, 851-052-0020, 851-052-0030, 851-052-0040, 851-052-0050,
851-052-0060, and 851-052-0100, be adopted as modified
Ayes 5, Excused 1 (Cain), Abstain 1 (Turnipseed)

Division 50 hearing was reopened. There was discussion regarding keeping the original proposed language and Board direction to revote on the rule revisions as originally presented. The following vote supersedes the previous vote to adopt amendments “as modified” to OAR 851-050-0138.

M.S.C. Chinn, Epeneter
that OAR 851-050-0138 be adopted as presented
Ayes 6, Excused 1 (Cain)

ADVANCED PRACTICE

AP1. Approval of Pediatric Nurse Practitioner (PNP) Program at OHSU

Board President Bonnie Kostelecky requested that, in lieu of this agenda item being forwarded to the April Board meeting as previously directed, that it be addressed at this time. Dr. Martha Driessnack, Associate Professor, PNP Program Director, OHSU, answered questions from the Board for clarification regarding requirements for pharmacology, specifically related to pediatrics. There was a request for clarification regarding clinical rotations for PNP and the range of hours required for the clinical rotations. Board direction to request a change in the language to add “pediatric” to further define “lifespan.”

M.S.C. Wayman, Chinn
that the OHSU School of Nursing Pediatric Nurse Practitioner Program be approved for five (5) years to November 2020
Ayes 6, Excused 1 (Cain)

EDUCATION

E1. Rogue Community College Survey Visit Report

Education and Assessment Policy Analyst Joy Ingwerson introduced Linda Wagner, Nursing Program Director and Department Chair, Rogue Community College. Ms. Ingwerson referred to the report included in the packet, the survey for continuing approval for Rogue Community College Associate Degree Nursing Program. There were no deficiencies and no recommendations. Ms. Ingwerson pointed out that the program is strong, well-respected in the community, and demonstrates consistent leadership. Ms. Wagner answered questions from the Board, including what the NCLEX® pass rate was last year; 89.29%, and the employment rate of graduates. Ms. Wagner stated that last year, all students had jobs lined up prior to graduation.

M.S.C. Epeneter, Gibbs
that the Rogue Community College Associate Degree Nursing Program be approved for up to eight (8) years to October, 2023
Ayes 6, Excused 1 (Cain)

E2. NCLEX® Improvement Plan – Breckinridge School of Nursing

Ms. Ingwerson provided some background related to the NCLEX®, prior to addressing the NCLEX® improvement plan for Breckinridge School of Nursing. Several programs did not have a high enough change from previous low pass rates to offset a particularly low year. Ms. Ingwerson pointed out that programs are required to come before the Board with an improvement plan report when the pass rate is below 85% on

the two-year pass rate report. Ms. Ingwerson provided data related to the NCLEX® national pass rates, compared to the Oregon pass rates, over the last four years. The national pass rate in 2012 was 90%; Oregon was 94%. In 2013, the national pass rate dropped to 84%; Oregon dropped to 90%. In 2014, the national pass rate was 82%; Oregon was 89%. In 2015, the national pass rate was 84%; and Oregon was 88%. In December 2015, the National Council Board of Directors voted to sustain the same passing standard and not change it again. The first time pass rate has long been the one consistently comparable data element that could be used school to school.

Ms. Ingwerson introduced Jolie Manning, Nursing Program Chairs, and Lee Ann Knox, Dean of Academics, Breckinridge School of Nursing. At the November, 2015 Board meeting, the NCLEX® pass rates for the two-year period ending September 30, 2015 were reviewed. The program provided the required plan to address a two-year pass rate of 81.5% which does not meet the required 85% standard. The program was impacted most strongly by lower pass rates of groups graduating in 2014 (72% to 78%). The most recent report shows a pass rate of 90.91% for the June, 2015 graduating group; the September 2015 graduates are still trending to the fairly low class rate, although it appears to be a small class, which can impact percent-based calculations. The submitted plan identifies a variety of factors the program has considered and proposed actions. Ms. Manning addressed the Board, explaining what changes have been made to identify barriers and to take actions to assure that the program can implement those actions to improve the first time pass rate.

M.S.C. Wayman, Epeneter
that the NCLEX-RN® Improvement Plan from the Breckinridge School of Nursing be accepted as presented
Ayes 6, Excused 1 (Cain)

E3. NCLEX® Improvement Plan – George Fox University

Ms. Ingwerson introduced Virginia Lundquist, Interim Director of Nursing at George Fox University, which is a pre-licensure program resulting in a bachelor of science degree in nursing. At the November, 2015 Board meeting the NCLEX® pass rates for the two-year period ending September 30, 2015 were reviewed. The George Fox University Nursing Program provided the required plan to address a two-year pass rate of 81.9%, which does not meet the required 85% standard. The program was impacted most strongly by a pass rate for the May, 2015 group of 80%. Ms. Lundquist addressed the Board, explain that in 2014-15 there was a 78% turnover in the program faculty and staff; the primary goal this year is program stability and building a stable, qualified faculty team.

The focus of the program is on strong clinical teaching, and reinforcement of key concepts through clinical, which impacts student retention, as opposed to the classroom setting alone. Pre-Admission testing scores and overall GPAs may need more analysis to determine if the grades are being appropriately assigned in coursework and how much of a grade is determined by testing versus other assignments. There is also variability in the HESI performance, especially on certain exams. Ms. Lundquist stated that the program has developed strategies to address the pass rates.

M.S.C. Epeneter, Chinn
that the NCLEX-RN® Improvement Plan from the George Fox University Nursing Program be accepted as presented
Ayes 6, Excused 1 (Cain)

E4. NCLEX® Improvement Plan – Linfield-Good Samaritan School of Nursing

Ms. Ingwerson introduced Mallie Kozy, Dean, Linfield-Good Samaritan School of Nursing. Ms. Ingwerson explained that at the November, 2015 Board meeting, the NCLEX® pass rates for the two-year period ending September 30, 2015 were reviewed. The program provided the required plan to address a two-year pass rate of 78.3%, which does not meet the required 85% standard. The program was impacted most

strongly by a pass rate for the August, 2015 group of 73.33%; the most recent report shows a pass rate of 82.86% for the August, 2015 graduating group. The submitted plan identifies a variety of factors the program has considered and proposed actions. The plan includes a faculty-led work group to focus on improving the pass rate, and work on strong clinical learning experiences.

M.S.C. Wayman, Gibbs
that the NCLEX-RN® Improvement Plan from the Linfield-Good Samaritan School of Nursing be accepted as presented
Ayes 5, Excused 1 (Cain), Abstain 1 (Epeneter)

E5. NCLEX® Improvement Plan –Treasure Valley Community College

Ms. Ingwerson introduced Mendy Stanford, Executive Director of Nursing and Allied Health, Treasure Valley Community College, who was present by phone. At the November, 2015 Board meeting, the NCLEX® pass rates for the two-year period ending September 30, 2015 were reviewed. The program provided the required plan to address a two-year pass rate of 77.1%, which does not meet the required 85% standard. Ms. Ingwerson stated that this is the second time that Treasure Valley has been required to submit an NCLEX® improvement plan; the submitted plan was in the format required by the Accrediting Commission for Education in Nursing (ACEN). Ms. Ingwerson further stated that a detailed analysis of the curriculum was not appropriate, as the program implemented the Oregon Consortium for Nursing Education (OCNE) curriculum with the first graduation group for June 2016 under that curriculum plan. Ms. Stanford explained that staff have thoroughly reviewed the test plans, working to boost up essential content for students. In addition, the program will hire another faculty member, which will help the students to receive more one-on-one attention, and a focus on NCLEX® preparation through the use of the Kaplan tools. There were questions from the Board addressed to Ms. Stanford including specifics on coaching, counseling, and integrated learning plans for students. Ms. Stanford stated that faculty meets with students frequently to determine if there are any areas that the students are struggling with. Ms. Stanford stated she expects pass rates to increase this year based on the implementation of the plan.

M.S.C. Epeneter, Chinn
that the NCLEX-RN® Improvement Plan from the Treasure Valley Community College Nursing Program be accepted as presented
Ayes 6, Excused 1 (Cain)

E6. NCLEX® Improvement Plan – University of Portland School of Nursing

Ms. Ingwerson introduced Joane Mocerri, Dean, and Casey Shillam, Associate Dean, for the Undergraduate Nursing Program, University of Portland School of Nursing. At the November, 2015 Board meeting the NCLEX® pass rates for the two-year period ending September 30, 2015 were reviewed. The University of Portland School of Nursing provided the required plan to address a two-year pass rate of 84.4% which does not meet the required 85% standard. The most recent report shows a pass rate of 85.19% for the August 2015 graduating group. The submitted plan identified a variety of factors the program has considered, along with proposed actions. The new Associate Dean for the Undergraduate Program, Dr. Casey Shillam will continue to focus on the most appropriate actions to prioritize with the potential to impact the NCLEX® pass rate in the coming year. The submitted report contains a description of factors to the recent drop in the pass rate, data analysis to support the contributing factors, and an action plan for mitigating the factors.

M.S.C. Epeneter, Wayman
that the NCLEX-RN® Improvement Plan from the University of Portland School of Nursing be accepted as presented
Ayes 6, Excused 1 (Cain)

LUNCH BREAK – 12:30 – 1:00 P.M.

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.

There was no one present to speak at Open Forum.

PRACTICE AND EVALUATION

PR1. Division 45 – Review of Draft Revisions Prior to Rulemaking Process – Presentation/Introduction

Executive Director Ruby Jason explained that Practice & Evaluation Analyst Gretchen Koch has been working with stakeholders for over a year and a half on rule review and revisions of OAR 851-045. Ms. Koch facilitated a presentation related to proposed changes to Division 45; the proposed rule revisions are the legal aspect of moving nursing regulation forward in Oregon. The presentation included an overview of the substantive changes in the proposed draft amendments to Division 45, including new and modified definitions, with some definitions removed, and substantial language change. The goal was to develop rule clearly applicable to nurses in all settings so that any licensee can refer to these rules, no matter where their practice is, and being able to apply the scope and standards to the work they do every day. There was Board member input related to suggested changes in the draft Division 45 rules as presented.

Board Direction: Provide an update at the April 2016 Board meeting on Division 45 revisions based on Board member input.

ADMINISTRATION

A1. Director's Report

Executive Director Ruby Jason reported that the process has begun to make sure the data regarding the National Practitioner Data Bank is entered for the Board's review.

Helen Bamford, who has served as Licensing and Fiscal Manager, will be stepping back from her role, focusing on organization development. Ms. Bamford is working on implementing an electronic performance management system, which will link the job descriptions and the performance expectations to actual performance management.

Ms. Jason provided staffing updates. There will be an internal promotional opportunity for the Licensing and Fiscal Department Manager, and recruitments for two positions, an additional investigator and a position in the Licensing Department. The RN Investigator recruitment has been completed and that position has been filled. HR manager, Jeri Hemmer, will be conducting position reviews, to assure that current duties match position descriptions and compensation. As individuals have been hired into the agency, their work has changed and morphed over time.

A2. Request to Review Division 1 and 10 of Chapter 851 of the Oregon Administrative Rules

Ms. Jason referred to the memo in the packet and explained that she is reviewing Division 1, which is related to the practice and procedures for the workings of the Board. The review will include reviewing language contained in other Board's rules; it is apparent that this division needs to be expanded to describe the background check process for Board staff, and delegation of tasks to Board staff.

Ms. Jason explained that Division 10 relates to Board administration, including elections and compensation. Proposed rule revisions to Division 10 will include stakeholder input and meetings will be publicly posted. Board President Kostelecky suggested that the rule review include looking at increasing the size of the Board, from nine to eleven, stating that she believes that the current size of the Board does not adequately reflect the constituency that the Board serves. In addition, Ms. Kostelecky expressed that she would like to see a different process for the election of Board officers, stating that a blind vote may be more useful and appropriate. Board members suggested also looking at adding a President-Elect position. Ms. Jason explained that since these rules are related directly to Board functions, that the rule review include Board member input. Board member Bev Epeneter and Carlton Brown, Assistant Executive Director-Professional Service, Oregon Nurses Association, will be included in the work on Division 10 rule review. These meetings will be open to the public for stakeholder input.

M.S.C. Chinn, Epeneter
that Board staff begin the review process of Divisions 1 and 10 of Chapter 851 of the Oregon
Administrative Rules
Ayes 6, Excused 1 (Cain)

A3. Policy – Proposed Notices of Discipline on OSBN Website

Ms. Jason explained that during the September, 2015 Board meeting, the Board discussed, and was generally in favor of, the posting of notices for disciplining cases of proposed suspension or revocation on the public license verification page of the agency website. At that time, the Board directed Board staff to develop a policy and a process, and bring it back before the Board at the November, 2015 Board meeting; due to lack of time at the November, 2015 Board meeting, this agenda item was postponed to the February Board meeting. Currently, the Oregon State Board of Nursing only posts final orders on the website. It is the practice of other Oregon state regulatory Boards, such as the Board of Medicine, to post notices in addition to final orders on their public license verification website. A copy of the proposed policy was included in the Board packet. While the notice is placed on the public website, the licensee still technically has an unencumbered license and, employment wise, will still qualify for a job. Employers would be aware that the individual has a possibility of having discipline on their license. There was discussion regarding policy language and Board direction to rewrite policy and present it at the April Board meeting to clarify that this would refer only to notices for revocation or suspension.

A4. Legislative Concepts for Outdated Statute Review

Ms. Jason reminded the Board that in September, 2015, at the Board Work Session, the Board was presented with proposals for possible language changes to ORS 678 to revise and delete outdated language. At that time, the Board discussed accepting the entire proposed changes to be developed into Legislative Concepts for 2017, and directed the Board staff to review and rank the proposed changes. The list was presented back to the staff, who reviewed the resource requirements, revisions that acknowledge changes in nursing practice since the adoption of original language, and changes that would, in all probability, not be opposed by stakeholder groups. Ms. Jason pointed out that the deadline to submit the Legislative Concepts to the Legislative Counsel's Office is April 11, 2016, for consideration in the 2017 Legislative Session. Ms. Jason went through the suggested concepts; a placeholder will be submitted for legislative change to add two additional Board members. This concept will be brought back to the Board in April.

M.S.C. Epeneter, Wayman
that Board staff begin development of Legislative Concepts for the 2017 Legislative Session as modified
on the document "Proposed Changes to Outdated Language in ORS 678"
Ayes 6, Excused 1 (Cain)

A5. Below Threshold Criteria and License of Applicants

In February of 2013, the Board approved a new Criminal Background Check Decision Guideline. Inadvertently, the definition of what constituted a Below Threshold Investigation was eliminated, yet Board staff continued to write Below Threshold reports for Board approval. In addition, what had also transpired, in following procedures developed prior to 2012, in the case of license applicants, the Below Threshold Reports resulted in Board staff forwarding the applications to full licensure, prior to being presented to the Board. As a remedy, Ms. Jason requested Board direction pertaining to the definition of what a Below Threshold really is, as proposed in the memo contained in the Board packet, and direction to delegate the authority to Board staff to forward the applications for licensing, if the investigation fits the Below Threshold criteria.

M.S.C. Epeneter, Chinn
that the Board accept the definition of Below Threshold as written
Ayes 6, Excused 1 (Cain)

M.S.C. Epeneter, Chinn
that the Board delegate the authority to Board staff to forward applications to Licensing if the investigations fit the criteria prior to Board review and vote on the Below Threshold Report
Ayes 6, Excused 1 (Cain)

NEXT BOARD MEETING

The next scheduled teleconference Board meeting will be held in Executive Session on March 23, 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 April 12-14, 2016.

PUBLIC SESSION

Topics for evening sessions.

ADJOURNMENT

Adjourned at 4:47 p.m.