

MEETING
June 17-18, 2015
MINUTES

CALL TO ORDER

Board President, Gary Hickmann, 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
Epeneter, Present
Gibbs, Present
Hickmann, Present
Kostelecky, Present
Mill, Present
Tenscher, 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

Bigelow
Blomquist
Buck
Cowgill
Gabriel
Ficarra
Fonteno
Hill
Holtry
Ingwerson
Jason
Kilborn
Koch

Meadows
Messina
Parish
Rahimi
Russell
Shults
Standridge
Van Horn
Wickenhagen

Nyberg
Lightfoot
Cowan, Board Counsel

WEDNESDAY, JUNE 17, 2015
EXECUTIVE SESSION
DISCIPLINE

MSC Kostelecky, Gibbs
that the Interim Orders by Consent, signed by the following:
Demetra Apperson, RN
Leonardo Garate Vasquez, LPN
Benjamin Gerttula, RN
be ratified.
Ayes 8
MSC Wayman, Tenscher
that based on the procedural record,
Gary Davis, CNA Applicant
be issued a Final Order by Default, denying the application as set forth in the Notice.
Ayes 8
MSC Wayman, Tenscher
that based on the procedural record,
Julie Byers, CNA
Angela Dobbins, LPN
Eric Galusha, CNA
Julie Hill, CNA
Charles Williston, CNA
be issued Final Orders by Default, suspending the licenses or certificates as set forth in the Notice.
Ayes 8

MSC Wayman, Tenscher
that based on the procedural record,
Audrey Adames, LPN
Charleen Smith, CMA
Angela Warner, LPN
Laura Warren, RN
be issued Final Orders by Default, revoking the licenses or certificates as set forth in the Notice.
Ayes 8
MSC Wayman, Gibbs
that based on the evidence presented,
Timothy Trautman, RN, NP Reinstatement Applicant
be issued a Notice of Proposed Denial.
Ayes 7, Nay 1
MSC Kostelecky, Tenscher
that based on the evidence presented,
Joshua Shepherd, RN
be granted reconsideration of the Final Order for Revocation.
Ayes 8
MSC Wayman, Mill
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by the following:
Etta Assuman, CNA
Pamela Berkery, CNA
Angela Casella, RN
Kathryn Cronin, RN
Lee Delcollo, CNA
Sarah Sharp, LPN
Rebecca Vaughn, RN
be adopted.
Ayes 7, Excused 1 Hickmann

MSC Tenscher, Mill
that based on the evidence presented, case numbers:
15-01200
15-01297
15-00793
be dismissed.
Ayes 8
MSC Gibbs, Mill
that based on the evidence presented,
Monica Ferguson, NP
be issued a Notice of Proposed Suspension.
Ayes 6, Recused 1 Kostelecky, Excused 1 Hickmann
MSC Wayman, Mill
that based on the evidence presented, the Stipulation for Reprimand, signed by the following:
Samantha Butler, LPN
Christina Pangilinan, RN
be adopted.
Ayes 7, Excused 1 Hickmann
MSC Kostelecky, Mill
that based on the evidence presented,
Amanda Ciraulo, RN
be issued a Notice of Proposed Revocation.
Ayes 8
MSC Kostelecky, Mill
that based on the evidence presented in case number:
15-01588
an Order for Evaluation be issued.
Ayes 8

MSC Tenscher, Mill
that based on the evidence presented, the Stipulation for Probation, signed by:
Melissa Monroe, RN
be adopted.
Ayes 7, Excused 1 Wayman
MSC Wayman, Mill
that based on the evidence presented, the Stipulation for Probation, signed by:
Haylie Brocart, CNA
Carly Santos, RN
be adopted.
Ayes 7, Excused 1 Hickmann
MSC Kostelecky, Gibbs
that based on the evidence presented, the following:
Alisha Carter, CNA Applicant
Airwin Cheng, RN Applicant
Jessie Winegeart, RN Reinstatement Applicant
be issued Notices of Proposed Denial of Applications.
Ayes 8
MSC Cain, Tenscher
that based on the evidence presented, the Stipulation for Withdrawal of Application, signed by:
Shannon Deangelis, RN Reinstatement Applicant
be adopted.
Ayes 8
MSC Tenscher, Gibbs
that based on the evidence presented,
Tamara Dixon, NP
be issued a Notice of Proposed Revocation.
Ayes 7, Recused 1 Cain

MSC Tenscher, Gibbs
that based on the evidence presented,
Connie Miyao, RN
be issued a Notice of Proposed Revocation.
Ayes 7, Recused 1 Epeneter
MSC Tenscher, Gibbs
that based on the evidence presented, the following:
Stephanie Bennefield, RN
Jason Brumble, RN
Jason Edgley, CNA
Kurt Hagardorn, RN
Michelle Loucks, CMA
Lorian Ordonez
Korine Rea, LPN
Julie Taylor, RN
Jo Tillman, CNA
be issued Notices of Proposed Revocation.
Ayes 8
<i>Lunch Presentation – “Public Meeting and Executive Session”</i>
<i>Presenter: Ruby R. Jason, MSN, RN, NEA-BC - Executive Director, Oregon Board of Nursing</i>
MSC Kostelecky, Tenscher
that based on the evidence presented, the Stipulation for Voluntary Surrender, signed by:
Anthony Pabst, NP
be adopted.
Ayes 8

MSC Mill, Epeneter
that based on the evidence presented in the following case numbers:
15-01354
15-01322
an Order for Evaluation be issued.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented,
Valerie Teehan, CNA
be issued a Notice of Proposed Suspension.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented,
Frank Rogers, RN
be issued a Notice of Proposed Suspension.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented,
Deborah Sanders, RN
be issued a Notice of Reprimand.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented in the following case number:
15-01148
an Order for Evaluation be issued.
Ayes 8

MSC Kostelecky, Tenscher
that based on the evidence presented in the following case numbers:
15-00862
15-01004
an Order for Evaluation be issued.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented,
Joseph Finel, CNA
be issued a Notice of Proposed Suspension.
Ayes 8
MSC Kostelecky, Tenscher
that based on the evidence presented in case number:
15-01022
an Order for Evaluation be issued.
Ayes 8
MSC Cain, Gibbs
that based on the evidence presented, case numbers:
15-01561
15-00993
15-01087
15-01175
15-00835
15-00981
15-01562
15-01035
be dismissed.
Ayes 7, Excused 1 Wayman

MSC Cain, Gibbs
that based on the evidence presented, case number:
15-01343
be dismissed.
Ayes 6, Nays 1, Excused 1 Wayman
MSC Kostelecky, Tenscher
that based on the evidence presented,
Kathleen McLean, RN
be issued an Amended Notice of Proposed Revocation.
Ayes 7, Excused 1 Wayman
MSC Kostelecky, Epeneter
that based on the evidence presented, case number:
15-01224
be dismissed.
Ayes 7, Excused 1 Wayman
MSC Kostelecky, Epeneter
that based on the evidence presented, licensees in the following case numbers:
15-01082
15-01351
15-00687
15-00965
15-01180
be allowed entry into HPSP and the Interim Orders by Consent be vacated upon completion of full enrollment.
Ayes 7, Excused 1 Wayman
MSC Kostelecky, Epeneter
that based on the evidence presented, the licensee in case number:
15-01016
be allowed entry into HPSP.
Ayes 6, Recused 1 Gibbs, Excused 1 Wayman

MSC Epeneter, Kostelecky
that based on the evidence presented, case numbers:
15-01114
15-01367
15-00462
be dismissed.
Ayes 7, Excused 1 Wayman
MSC Kostelecky, Epeneter
that the Board accept Staff recommendations that investigations outlined in summaries for cases between April 29, 2105 and June 3, 2015 be dismissed, with the exception of case number 15-00747.
Ayes 7, Excused 1 Wayman
MSC Epeneter, Mill
that based on the evidence presented, case numbers:
15-00887
15-01294
15-00188
15-01534
15-01404
15-00923
15-01642
15-01106
15-00039
15-00985
15-01399
15-01625
15-01181
15-01306
15-01162
15-01305
15-01267
15-01535
15-01357

15-00924
15-01078
15-01066
15-01353
15-01259
15-01586
15-01064
15-00930
15-01312
15-00732
15-01116
15-00886
15-00240
15-00575
15-01143
15-01273
be dismissed.
Ayes 7, Excused 1 Wayman
MSC Epeneter, Mill
that based on the evidence presented, case number:
15-01040
be dismissed.
Ayes 6, Recused 1 Epeneter, Excused 1 Wayman
MSC Epeneter, Mill
that based on the evidence presented, case number:
15-01177
be dismissed.
Ayes 6, Recused 1 Gibbs, Excused 1 Wayman

MSC Epeneter, Mill
that based on the evidence presented, case numbers:
15-01189
15-01188
be dismissed.
Ayes 6, Recused 1 Hickmann, Excused 1 Wayman
MSC Epeneter, Mill
that based on the evidence presented, case number:
15-01043
be dismissed.
Ayes 7, Recused 1 Epeneter, Excused 1 Wayman
MSC Kostelecky, Gibbs
that based on the evidence presented, case number:
15-00672
be dismissed.
Ayes 6, Excused 1 Wayman
MSC Kostelecky, Mill
that based on the evidence presented, the Proposed Order for Revocation issued to
Irma Lewis, CNA
be adopted and a Final Order of Revocation be issued.
Ayes 7, Excused 1 Wayman
Adjourned at 5:15 pm

THURSDAY, JUNE 18, 2015

Board President, Gary Hickmann, called the meeting to order at 9:00 a.m. A quorum was present.

Introductions: staff, Board members, audience

EXECUTIVE SESSION

There were no agenda items for executive session.

PUBLIC SESSION

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

APRN and Assessment Policy Analyst Sarah Wickenhagen explained that she received an update to the University of Portland School of Nursing DNP Minor Curriculum change (Consent Agenda item C-L7). The changes to the curriculum were the credits; 77 credits for the BSN-DNP program, and 45 credits for the post-masters certificate.

M.S.C. Mill, Cain
that the Consent Agenda items be approved as corrected
Ayes 8

- C-M1 Approval of Minutes from the April 15-16, 2015 Board Meeting
- C-M2 Approval of Minutes from the May 13, 2015 Board Meeting Teleconference
- C-A1 Fiscal Status Report
- C-A2 Communications and IT Report
- C-E1 Update on Administrative Time for Umpqua Community College
Director of Nursing
- C-E2 Education – Environmental Scan
- C-L1 Licensing, Fiscal and Organization Development Report
- C-L2 Ratification of CNA/CMA Training Program Approvals and Withdrawals
- C-L3 Training and Assessment – Environmental Scan
- C-L4 Nurse Practice Committee Member Candidate
- C-L5 Advanced Practice – Environmental Scan
- C-L6 OHSU FNP Distance Education
- C-L7 University of Portland School of Nursing DNP Minor Curriculum Change
- C-P2.1 Disciplinary Actions by License Type – March, April, and May 2015
- C-P2.2 Disciplinary Actions by HIPDB Category – Fiscal Year to Date for 2014
- C-P2.3 Disciplinary Actions by License Type – Fiscal Year to Date for 2014

ADMINISTRATIVE RULEMAKING HEARING

- H1. Adoption of Amendments to Division 56 Rules Regarding Advanced Practice Registered Nurse Authority to Prescribe and Dispense

The rule hearing began at 9:08 a.m. APRN and Assessment Policy Analyst Christy Cowgill explained the proposed revisions to Division 56; there was an oversight to the proposed draft revisions at the previous rule hearing in November 2014 to OAR 851-056-0026, relating to prescribing controlled substances for substance use disorders. There was no testimony given in favor of, or in opposition to, the amendments to these rules. The hearing closed at 9:13 a.m.

M.S.C. Tenschler, Kostelecky
that OAR 851-056-0026 be adopted as presented
Ayes 8

- H2. Adoption of Amendments to Division 70 Rules Regarding Fitness for Practice Related to Behavioral Health, Including Substance Abuse and/or Mental Disorders

The rule hearing began at 9:15 a.m. Executive Director Ruby Jason explained that the proposed revisions were the result of staff and stakeholder work, to review Division 70 rule language. Previously, this rule was only in reference to the Health Professionals' Services Program (HPSP), which is the Board's alternative to discipline program for licensees who have substance abuse issues, and how to integrate licensees back into the workplace. Stakeholder and previous Board input indicated that this particular division did not fully encompass the issues of the impaired professional and their fitness for practice related to behavioral health including substance use and/or mental disorders.

The following individuals provided verbal testimony in favor of, or in opposition to, the amendments to Division 70.

Ginny Pecora – Chairperson, Nurse Assistance Network
Jerry Gjesvold – Manager of Employer Services, Serenity Lane

The hearing closed at 9:50 a.m. for a prescheduled webinar.

ADMINISTRATION

- A1. Introduction to Regulatory Governance Webinar: "Professional Discipline"
(Council on Licensure, Enforcement & Regulation CLEAR)

Board and staff participated in a webinar on regulatory governance, related to professional discipline. There was Board and staff discussion regarding the content of the webinar presentation.

ADMINISTRATIVE RULEMAKING HEARING (continued)

- H2. Adoption of Amendments to Division 70 Rules Regarding Fitness for Practice Related to Behavioral Health, Including Substance Abuse and/or Mental Disorders

The hearing reopened at 11:00 a.m.

The following individuals provided verbal testimony in favor of, or in opposition to, the amendments to Division 70.

David Cadiz – Director, WorkHealthy Oregon Program - Oregon Nurses Foundation
Chris O'Neill – Consultant for Oregon Nurses Foundation
Diane Waldo – Associate Vice President of Quality & Clinical Operations,
Oregon Association of Hospitals and Health systems

The hearing closed at 11:58 a.m.

There was Board discussion regarding the proposed rule revisions, particularly related to the requirements of workplace monitoring. Board direction was for additional work to be done on proposed rule revisions, including obtaining additional stakeholder input. Rule revisions to be brought back before the Board for review at a future Board meeting.

LUNCH PRESENTATION

Nikki Blomquist, OSBN Compliance Specialist, gave a presentation entitled “Oregon Legalization of Marijuana and Implications for Nursing Regulation.” The presentation included statistics of usage, definitions, signs of impairment, drug testing, and medical marijuana.

OPEN FORUM

The Board was 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.

No one was present for Open Forum.

ADMINISTRATION

A2. Director's Report

Ms. Jason explained that the proposed agenda for the September Board Work Session will be sent out to the Board members in the near future. The other items in the Director's Report were postponed due to lack of time.

A3. Qualifications for Licensure and Option to Withdraw an Application

This agenda item was tabled due to lack of time.

A4. Health Professionals' Services Program (HPSP) – Addition to Program Criteria

This agenda item was tabled due to lack of time.

A5. Board Discussion and Interpretive Statement Development on Oregon Legalization of Marijuana and Implications for Nursing Regulation

Licensing, Fiscal and Operations Manager Helen Bamford facilitated a discussion with the Board and staff regarding developing an interpretive statement related to the legalization of marijuana in Oregon and the implications for nursing regulations. There was Board discussion and direction to approve the following statement, post the statement on the agency website, including links to various resources, reference materials, and FAQ's.

In light of the legalization of cannabis in Oregon on July 1, 2015, the Oregon State Board of Nursing wants to reiterate that our licensees are expected to practice with professional skill and safety at all times. The Board wants licensees, certificate holders, and applicants, to be educated and informed about the use of substances and impairment in the workplace.

EDUCATION

E1. Concorde Career College NCLEX-PN® Pass Rate Improvement Plan

Education and Assessment Policy Analyst Joy Ingwerson introduced representatives from Concorde Career College, Lesa O'Dell, Director of Nursing, and Kary Weybrew, Regional Nursing Education Specialist. Ms. Ingwerson explained that the first quarter 2015 pass rate report showed a pass rate of 67.35% which does not meet the minimum one-year standard of 70%; the pass rates for the two graduating cohorts in 2014 were 58.82% and 70.97%. Ms. Ingwerson referred to the program's NCLEX-PN® Pass Rate Improvement Plan, pointing out that the program's plan of correction focused on several areas; admissions evaluation, students, curriculum, and faculty development. There is additional work to be done, specifically analyzing factors pertaining to the change in the pass rate; the new program director is in a good position to be able to do that. There were questions from the Board regarding faculty development and incentives for students preparing for the NCLEX-PN®.

M.S.C. Wayman, Epeneter
that the Concorde Career College Action Plan for NCLEX-PN® Pass Rates be accepted as presented
Ayes 8

E2. Columbia Gorge Community College Survey Visit Report

Ms. Ingwerson introduced Doris Jepson, Director of Nursing and Health Occupations at Columbia Gorge Community College, and referred to the survey visit report for continued approval of the associate degree nursing program. Ms. Ingwerson pointed out that there were no deficiencies identified during the survey, and it was apparent that the program is well-organized, is an important part of the community, and that there is clear communication between the different levels of faculty. Recommendations were pointed out, which included development of at least one clear curriculum plan to include all required courses and credits.

M.S.C. Epeneter, Tenscher
that the Columbia Gorge Community College Associate Degree Nursing Program be approved for up to eight (8) years to April 2023
Ayes 8

E3. Health and Education Consultants Re-Entry Program Survey Visit Report

Ms. Ingwerson introduced Nancy Zavacki, Director, and explained that re-entry programs are unique, pointing out that the Health and Education Consultants Re-Entry Program is currently the only approved nurse re-entry program available in Oregon. There were no deficiencies identified during the survey; recommendations were noted, including review of program outcomes and clinical competencies against the Nurse Practice Act, particularly in light of the change of program ownership in 2013. There were questions from the Board related to clinical placements and obtaining employment after completing the program, specifically in the Portland area.

M.S.C. Kostelecky, Cain
that the Health and Education Consultants, Inc. Re-Entry Nursing Program be approved for up to five (5) years to April 2020
Ayes 8

NEXT BOARD MEETING

The next scheduled teleconference Board meeting will be held in Executive Session on July 15, 2015 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 September 16 and 17, 2015, and the Board Work Session on September 18, 2015.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.