

BOARD MEETING
July 14, 2021
MINUTES

CALL TO ORDER

Board President Kathleen (Kat) Chinn, called the regular meeting of the Oregon State Board of Nursing to order at 4:00 p.m. The Board meeting was held at the Oregon State Board of Nursing in Portland, Oregon. To comply with COVID-19 gathering restrictions, the Board meeting was held using electronic media.

PUBLIC MEETING NOTICE

A notice of the meeting was published on the Board of Nursing's website and sent out to the interested parties list by Executive Director, Ruby Jason, in accordance with the Open Meeting Law. The Board met in Executive Session during portions of the meeting as authorized by ORS 192.660(2)(f) and (L), ORS 678.126, ORS 676.165, and ORS 676.175(1).

ROLL CALL — Present/Absent

—Board Members

Bianchi, Present
Caddy, Present
Chau, Present
Chinn, Present
Green, Present
Horn, Present
Powell, Absent
Woodruff, Absent
Wynter-Lightfoot, Present

QUORUM

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

Introductions: staff and Board members

—Staff Members Present at Various Times

Blomquist	Montalvo
Bowman	Parish
Buck	Shults
Ficarra	Steele
Gamble	Taube
Jason	Thompson
Johnson	Traynor
Ju	Wade
Kilborn	
Koch	
Lamont	Lightfoot
Lopez	Noel
Messina	Rauch, Legal Counsel

PUBLIC SESSION

ADDITIONS, MODIFICATIONS, REORDERING OF AGENDA

There were no requests for additions or modifications to the agenda.

ADMINISTRATION

A1. Phasing Out of Emergency Declaration Procedures

Executive Director Ruby Jason explained that since the last Board meeting, information has been gathered regarding the status of the education programs and facility staffing as a result of COVID restrictions being lessened.

On June 30, 2021, Governor Kat Brown announced the lifting of all remaining COVID-19 health and safety restrictions with the exception of those restrictions of health care facilities, public transit, and airports, and declared that Oregon business was 100% open. In further conversations with the HealthCare Policy advisor from the Governor's office, it was communicated to the agency that while some restrictions were lifted, the overall COVID-19 strategy would remain in place until at least the end of December 2021. Therefore, the Board's authority to extend any rules intended to provide COVID relief to education programs, facilities, and licensees would continue. To determine the needs of the community, Board staff solicited feedback from education program directors and facility Chief Nursing Officers. For facilities, there are significant shortages in nursing personnel at the CNA, RN, and LPN levels in all context of care. Fallout from the fifteen months of the public health care needs resulting from COVID have led to burnout, resulting in requests for extended vacations, resignations, and retirement, which has led to staffing shortage, particularly at the CNA level in long-term care, and at the RN level in acute care facilities. Methodology for budgeting the staffing of nursing personnel remains static, while the requirements at the bedside continue to escalate.

There are currently 469 nurses working under the emergency authorizations implemented by the Board. These include nurses not only directly caring for COVID patients, but also backfilling needed for time off for regular staff, allowing preceptors to orient and onboard new graduates, and replacing nurses entering into retirement. To end the authorizations now would exacerbate an already dire situation and be detrimental to the Board's mission of public safety. To date, since the beginning of the emergency authorizations, there has been no Oregon originated complaint regarding the practice of nurses who have entered the state under the authorizations.

Throughout the COVID response, long-term care facilities have utilized the statutory exemption of ORS 678.034, which allows nurses to begin work on the day the Board receives a complete application. The exemption is valid for 30 days, with a single extension for an additional 30 days while awaiting the issuing of a permanent Oregon license. The exemptions are also available to Emergency Departments, Critical Care, and Cardiac Units; however, there is higher utilization of the exemptions in long-term care. The statutory exemption is not available for CNA staff; however, the Board-implemented emergency authorizations are open to CNAs. Board staff recommended that the Board continue these authorizations until the Board receives feedback from facilities that would indicate that continuing to waive the licensure requirements outweighs the current public safety implications of staffing.

The Oregon Health Authority is attempting to fill vacancies in long-term care with the "temporary patient care assistant." Board Policy Analyst Debra Buck previously presented information to the Board regarding this category of healthcare workers that are used to help mitigate the long-term staffing shortages.

For education programs, the term "education program" is applicable to undergraduate education and CNA programs based in Oregon. Education programs are experiencing the effect of the current staffing situation, clinical experiences are cancelled due to a lack of student preceptors, and the need for preceptors to orient new hires is taking precedent over the need to precept students. Other issues facing nursing education is the number of appropriately educated nurse faculty, which has always been an issue in nursing education and may take several years to recover from the effects that the COVID response has had on all Board licensees and certificate holders.

How to address the education of students through the COVID response has been a challenge. Utilization of simulation has been a mainstay of the educational programs' COVID response; however, the quality of simulation varies based upon available facilities and faculty. The present research regarding simulation replacing clinical placements is that 49% of direct clinical experience may be replaced by effective simulation. If all education programs were to provide the same level of simulation, this 49% decrease and need for preceptors could have a significant impact on the facilities' abilities to provide preceptors for the students who are still requiring facility placements. Since all simulation programs are subject to appropriate equipment, facilities, and faculty expertise, not all programs will be capable of replacing the 49%.

Board staff recommended that the Board maintain all current emergency waivers for programs to maintain online didactic and simulation until, at a minimum, December 31, 2021, at which time Board staff would contact the education programs to determine current status. To be able to provide facilities and education programs with continued options to address their respective issues would be in the best interest of the public.

Direction from the Board to Board staff to continue waivers and special consideration for COVID per Board staff recommendations. There was Board discussion regarding the end of the year timeframe related to educational programs. Addition direction to Board staff to continue to gather data and information from educational programs and provide to the Board at the November Board meeting and, contact the Governor's office regarding extending parts of the emergency declaration after December 31, 2021, if necessary.

Board Member Caddy announced that the National Council of State Boards of Nursing (NCSBN) NCLEX® testing capacity resumed to 100% as of June 30, 2021.

EXECUTIVE SESSION

The Board met in Executive Session from 4:39 pm – 5:51 pm to consider information or records that are exempt from public inspection, including advice from legal counsel, and to consider information obtained as part of an investigation into licensee or applicant conduct. This Executive Session is held pursuant to ORS 192.660(1), ORS 192.660(2)(f) and (L), ORS 678.126, ORS 676.165, and ORS 676.175(1).

The Board met in Public Session for the purpose of taking formal action on matters discussed in Executive Session from 5:51 pm – 5:57 pm.

Consent Agenda

MSC Caddy, Wynter-Lightfoot 6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff

Based on the procedural record and evidence presented, the Consent Agenda was accepted as modified.

Final Order of Suspension by Default:

Rebecca Marr, CNA

Cheryle Marshall, CNA

Katie Spowehn, CNA

Final Order of Revocation by Default:

Catherine Roberts, LPN
Ratify Interim Order by Consent
Christine Broxton, RN
James Hart, RN
Timothy Pankey, RN
Lori Ryan, LPN
Investigation Status Reports Reviewed
21-00687
21-00739
21-00862
Cases approved for Dismissal:
21-00215
21-00886
21-00831
21-00830
21-00634
21-00635
21-00284
21-00872
21-00420
21-01058
20-01201
21-00887
21-00204
21-00910
21-00490
21-00861
21-00529
21-00999
21-00924
21-00923

21-00625
21-00992
21-00811
20-01226
18-00820
18-01596
21-00620
21-00621
21-00664
21-00731
21-00736
21-00775
21-00833
21-00834
21-00882
21-00626
21-00746
21-01061
20-00624
21-00375
21-00852
21-00919
21-00934
21-00964
21-00973
21-00994
21-01059
18-01389
21-00387
21-00469
21-00763
21-00802
21-00959
21-00998

21-01108
Full Agenda
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Voluntary Surrender, signed by following:
Jamie Macdonald, CNA
Kathleen McLean, RN
Michelle Muri, RN
Brandi Quinn, RN
Eric Wahlstrom, CNA
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
Connie Morris, RN
Be issued a Notice of Proposed Revocation.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Reprimand, signed by:
Aletha Gibson, LPN
Nancy Kalvelage, NP
Ashley Malone, CNA
Melinda Sanfilippo, NP
Vickie Thun, LPN
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Reprimand with Civil Penalty, signed by:
Randall Foster, RN
Flora Meisner, RN
Elizabeth Zehrung, LPN

Be adopted.
6 Aayes, 1 Abstention -Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Suspension with \$500 Civil Penalty, signed by:
Eldon Acord, CNA
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for \$5000 Civil Penalty, signed by:
Central Oregon Surgery Center 21-00971
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Probation, signed by:
Laurel Allen, RN
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Probation, signed by:
Hannah Bampton, NP
Be adopted.
5 Ayes, 1 Abstention -Chinn, 1 Recusal - Chau, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Probation, signed by following:
Kate Debellis, RN
Megan Griffin, RN
Steven Kennimer, RN
Sherene Tolle, RN
Nancy Wanetick, RN

Be adopted.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
Monica MacQuarrie, RN
Be issued a Notice of Proposed Revocation.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Amended Stipulation, signed by:
Candy Mull, RN
Cory Churner Tisdale, LPN
Be adopted.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
Ryan Nelson, RN
Be issued a Notice of Proposed Revocation.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
21-00812
Be ordered to obtain a mental health and substance dependency evaluation by a Board approved evaluator.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
21-00340
Entrance into HPSP be granted, dismissal upon full enrollment.
5 Ayes, 2 Abstention - Chinn, Green, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot

MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for \$500 Civil Penalty, signed by:
Victoria Gentry, LPN
be adopted.
5 Ayes, 2 Abstentions - Chinn, Green, 2 Absent -Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in case numbers:
21-00653
Be dismissed and applicant be allowed to administratively withdrawal application.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
Simon Patfield, CNA
Janet Scurlock, LPN
Kristofer Sickles, CNA
Be issued Notices of Proposed Revocation.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
21-01016
Entrance into HPSP be granted, dismissal upon full enrollment.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following
18-01547
19-00301
The case be closed as an inactive investigation and a hold be placed on the contact record.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff

Addendum
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented, the Stipulation for Probation, signed by:
Connie Buck, NP
Be adopted.
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff
MSC Caddy, Wynter-Lightfoot
That based on the evidence presented in the following:
Laura Robbins, RN
Amended Notice of Proposed Denial be Issued
6 Ayes, 1 Abstention - Chinn, 2 Absent - Powell, Woodruff

NEXT BOARD MEETING

The next scheduled Board Meeting will be August 18, 2021, to begin at 4:30 p.m. utilizing electronic media.

ADJOURNMENT

The Board meeting adjourned at 5:57 p.m.