

BOARD OF NURSING

Open Session Meeting Minutes

September 6, 2023
9:00 a.m.

VIRTUAL MEETING NOTICE

This meeting will be held by WEB-EX. Information on how to access the public portion of the meeting is listed below:

Join by Web:

<https://dcnet.webex.com/dcnet/j.php?MTID=mcc28cf799c8f6eccc4f690b77e9e8b4b>

Join by Phone:

1-650-479-3208 (US/Canada)

Access Code:

172 969 3891

Board of Nursing Mission Statement:

“The mission of the Board of Nursing is to safeguard the public’s health and well-being by assuring safe quality care in the District of Columbia. This is achieved through the regulation of nursing practice and education programs; and by the licensure, registration and continuing education of nursing personnel.”

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov

BOARD MEETING PARTICIPANTS:

BOARD MEMBERS:	
Meedie Bardonille, RN (MB)	Absent OPEN session / Present HEARING
Laverne Plater, RN (LP)	Present
Rick Garcia, RN, PhD (RG)	Present OPEN session / Absent HEARING
Margaret Green, LPN (MG)	Absent
Kami Cooper, DNP, RN (KC)	Present
Patricia Howard-Chittams, APRN (PHC)	Present
Michelle Clausen, APRN (MC)	Present
Tiffiany Simmons, RN (TS)	Absent
BOARD STAFF:	
Teresa (Terry) Walsh, PhD, Executive Director	Present
Cathy Borris-Hale MHA, RN	Present
Melissa Mokel, PhD, RN	Present
Concheeta Wright BSN, RN	Absent
Gregory Scurlock, Compliance Officer	Present
Mark Donatelli, Investigator	Present
DaNeka Bigelow, Health Licensing Specialist	Present
Melondy Franklin, Supervisory Health Licensing Specialist	Present
Geoffrey Calloway, Health Licensing Specialist	Present
Justin Ortique, PhD, Executive Director (Pharmacy)	Present

LEGAL STAFF:	
Panravee Vongjaroenrat, Assistant General Counsel	Present
Angel Cruz, Assistant General Counsel	Present

The Open Session Agenda continues with ‘Board Meeting Participants / Call to Order’.

AGENDA

OS-23-09-01	<u>CALL TO ORDER</u>	9:05 am
OS-23-09-02	<u>ROLL CALL OF BOARD MEMBERS AND STAFF</u>	Quorum for OPEN and for HEARING
OS-23-09-03	<p><u>AGENDA APPROVAL</u></p> <p>Board Action:</p> <p>Consideration of the Agenda for today’s meeting, Sept. 6, 2023.</p> <p>Motion to approve the meeting agenda with the following updates:</p> <ul style="list-style-type: none"> i. Address the Education Subcommittee Report, Reports items E and F, before the Executive Director Report, Reports item B ii. An additional speaker from C.H.A., Nathan Moskowitz, to be added during the Legislative Update <p>Motion made by Rick Garcia, seconded by Kami Cooper; Approved by unanimous vote.</p>	Decision
OS-23-09-04	<p><u>MEETING MINUTES APPROVAL</u></p> <p>Board Action:</p> <p>Consideration of the Open Session minutes from the July 5, 2023, meeting.</p>	Decision

	<p>Motion to approve the minutes from the previous meeting minutes made by Rick Garcia, seconded by Kami Cooper; approved by unanimous vote.</p>																							
<p>OS-23-09-05</p>	<p>REPORTS</p> <p>A. Board Chair Report</p> <p>B. Executive Director Report</p> <p> i. Nurse Specialist for Education</p> <p> ii. Operation Nightengale Update</p> <p> iii. License number updates (8/30/2023)</p> <table border="0"> <thead> <tr> <th style="text-align: left;"><u>LICENSE TYPE</u></th> <th style="text-align: right;"><u># OF LICENSEES ISSUED</u></th> </tr> </thead> <tbody> <tr> <td>Certified Nurse Midwife.....</td> <td style="text-align: right;">156</td> </tr> <tr> <td>Clinical Nurse Specialist.....</td> <td style="text-align: right;">37</td> </tr> <tr> <td>Home Health Aide.....</td> <td style="text-align: right;">8,390</td> </tr> <tr> <td>Licensed Practical Nurse.....</td> <td style="text-align: right;">1,492</td> </tr> <tr> <td>Nurse Practitioner.....</td> <td style="text-align: right;">3,696</td> </tr> <tr> <td>Registered Nurse.....</td> <td style="text-align: right;">35,095</td> </tr> <tr> <td>Certified Registered Nurse Anesthetist...</td> <td style="text-align: right;">172</td> </tr> <tr> <td>Trained Medication Employee.....</td> <td style="text-align: right;">1,476</td> </tr> <tr> <td>CNA.....</td> <td style="text-align: right;">5,102</td> </tr> <tr> <td>Total.....</td> <td style="text-align: right;">55,616</td> </tr> </tbody> </table> <p> iv. Delegated Authority updates (attachment)</p> <p>Motion to approve the Delegated Authority updates including the following:</p> <p> i. Change of language from criminal background check results to results of criminal background check (p. 3)</p> <p> ii. Additional of CBC grid in reference to the “Board’s approved policy” for clarification (p. 4)</p> <p> iii. Change SRC to Discipline Committee or the Board (p. 4)</p> <p> iv. Removal of “failing to reveal a criminal conviction on a prior application for licensure/certification/registration (p. 4)</p>	<u>LICENSE TYPE</u>	<u># OF LICENSEES ISSUED</u>	Certified Nurse Midwife.....	156	Clinical Nurse Specialist.....	37	Home Health Aide.....	8,390	Licensed Practical Nurse.....	1,492	Nurse Practitioner.....	3,696	Registered Nurse.....	35,095	Certified Registered Nurse Anesthetist...	172	Trained Medication Employee.....	1,476	CNA.....	5,102	Total.....	55,616	<p>Informational</p> <p>Report</p> <p>Decision</p> <p>Informational</p>
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	<p>(items i, ii, and iii) made by Rick Garcia, seconded by Kami Cooper; approved by unanimous vote. (item iv) made by Kami Cooper, seconded by Rick Garcia; approved by unanimous vote.</p> <p>C. Board Attorney Report</p> <p>a. Conduct Legislation in other states – see attachment https://www.cmadoes.org/newsroom/news/view/ArticleId/49888/Governor-signs-CMA-bill-to-protect-patients-and-the-sanctity-of-the-physician-patient-relationship</p> <p>D. Legislative Update – Matteo Lieb</p> <p>a. District of Columbia Nurse Licensure Compact Authorization Act of 2023</p> <p>i. Councilmember Frumin, along with Councilmembers Parker, Gray, Henderson, Pinto, R. White, and McDuffie introduced the <i>District of Columbia Nurse Licensure Compact Authorization Act of 2023</i> (B25-0430) on July 13th, 2023.</p> <p>ii. This bill brings the District into the Nurse Licensure Compact (NLC) which allows either Registered Nurses (RNs) or Licensed Practical Nurses (LPNs) who have a license in a home state recognized by the NLC to practice in other states party to the NLC.</p> <p>iii. 41 states, including Maryland and Virginia, have enacted the NLC thus far.</p> <p>iv. DC Health is evaluating this compact and there will likely be a hearing this fall.</p> <p>b. Uniform Telehealth Act of 2023: Chairman Mendelson, at the request of the Uniform Law Commission, introduced the <i>Uniform Telehealth Act of 2023</i> (B25-0125).</p> <p>i. This legislation “provides a framework to facilitate the delivery of telehealth services consistent with the applicable standards of</p>	<p>Informational</p> <p>Informational</p>
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	<p>care and to open state borders for practitioners to assist patients in a more convenient and cost-effective manner.”</p> <p>ii. This legislation is in the Committee on Health and received a hearing on July 6th. DC Health testified during this hearing and expressed concerns with the oversight and equity implications of this legislation.</p> <p>c. Access to Emergency Albuterol and Glucagon Amendment Act of 2023: Councilmember Henderson introduced the <i>Access to Emergency Albuterol and Glucagon Amendment Act of 2023 (B25-0226)</i> on March 20, 2023.</p> <p>i. This legislation would designate albuterol and glucagon as emergency medications under the <i>Student Access to Treatment Act of 2007</i>. Under this bill, employees in public schools certified under an administration of medication training program would be authorized to administer albuterol to students suffering or about to suffer an asthma attack and glucagon to students suffering or about to suffer hypoglycemia due to diabetes with or without a medication action plan. Currently, only students with a medication action plan can receive albuterol or glucagon.</p> <p>ii. This bill received a hearing on July 13, 2023. DC Health testified during this hearing and expressed support for the bill with recommendations addressing the operational and regulatory authority to define, add, and remove medications by rulemaking. It will likely receive a markup in October.</p> <p>d. Health Professional Licensing Boards Residency Requirement Amendment Act of 2023: Councilmembers Henderson and Parker introduced the <i>Health Professional Licensing Boards Residency Requirement Amendment Act of 2023 (B25-0312)</i> on June 2, 2023.</p>	
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	<ul style="list-style-type: none"> i. This legislation would permit non-District residents to serve on health professional licensing boards. ii. There would be restrictions, including that the Board Chair and Consumer Members would continue to need to be District residents and no more than 50% of the Board could be made up of non-District residents. iii. This bill received a hearing on July 13, 2023. DC Health testified during this hearing and expressed support for the need for innovative solutions to fill board vacancies and offered some changes to the bill. It will likely receive a markup in September. <p>e. DC Health Director Appointment: On June 8th, Mayor Bowser announced the appointment of Dr. Ayanna Bennett as DC Health Acting Director.</p> <ul style="list-style-type: none"> i. Dr. Bennett is a healthcare and public health executive with more than 20 years of experience in clinical practice, clinical service design, system integration, and quality improvement. Dr. Bennett most recently served as Chief Health Equity Officer and Director of the San Francisco Department of Public Health’s Office of Health Equity. ii. The Council will hold a hearing on the <i>Director of the Department of Health Dr. Ayanna Bennett Confirmation Resolution of 2023</i> (PR25-0290). The Committee on Health will hold a hearing on October 5th at 10AM to hear from the Director. <p>f. Council Recess: Council went on recess effective July 14 and will return to session on September 18.</p> <p>E. Education Subcommittee Report Consent Agenda for School Programs – <u>Approved Programs</u></p> <ul style="list-style-type: none"> a. APRN programs <ul style="list-style-type: none"> i. GW, Georgetown, CUA, Howard 	<p>Decision</p>
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	<p>b. BSN programs</p> <ul style="list-style-type: none"> i. CUA, Georgetown (CNL-BSN & Traditional BSN), Howard, Trinity, UDC (RN to BSN) <p>c. ADN programs</p> <ul style="list-style-type: none"> i. St. Micheals <p>d. LPN Programs</p> <ul style="list-style-type: none"> i. St. Micheals <p>e. NAP programs</p> <ul style="list-style-type: none"> i. Academy of Hope, Allied Health, Calvin Coolidge, Carlos Rosario, UDC, HealthWrite, Opportunities Industrialization Center of DC, Time for Change <p>Motion : Consent Agenda item; All of the above listed educational programs are approved by the Educational Subcommittee (unanimous vote)</p> <p>F. Education Subcommittee Report Consent Agenda items for the following School Programs with the below noted conditions :</p> <ul style="list-style-type: none"> a. ADN - UDC -Sustain <i>Conditional approval</i> for the program, with a review in November 2023, with the committee requesting that program leadership provide to the Board 1) a review the previous corrective action plan (CAP) provided to the Board, 2) a crosswalk of the previous CAP, and 3) a report on the outcome of the prior year’s CAP referencing ongoing program issues. Furthermore, program leadership will provide to the Board measurable outcomes regarding targets for improvement by the end of the first quarter of 2024. Finally, program leadership will retain a nurse education consultant to conduct a systematic review of the UDC nursing program to validate the CAP, as well as identify additional tactics to correct the trend of student performance on the NCLEX. b. NAP – Summa Prime – <i>Level II Compliance Concern</i> - Request that the program submits a corrective 	
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	<p><i>action plan within 45 days, with a subsequent update from the program 45 days after the initial plan submission, to address a compliance issue regarding program pass rates of 67% for 2022.</i></p> <p>Motion – Consent agenda Conditional Approval for the above listed educational programs.</p> <p>Discipline Subcommittee Report</p> <p>c. PDMP : Currently there are 1067 APRNs who have not registered with the PDMP. July 12, 2023 reminder notices sent via email. 515 APRNs registered. A second notice sent in August, followed by a Negotiated Settlement agreement with an administrative assessment of \$500.</p>	
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SETTLEMENT CONFERENCES, HEARING AND INTERVIEW SCHEDULE

OS-23-09-06	Hearing			
	Name	NAP School	Date/Status	
	Bethel	Hearing	9/6/2023 – 1030A Following the hearing, the Board voted to withdraw approval.	

MOTIONS TO CLOSE		
OS-23-09-07	<p><u>MOTION TO CLOSE</u></p> <p>Board Action:</p> <p>To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b)</p> <p>Background:</p> <p>Pursuant to DC Official Code § 2-575(b), the Board will move into the Closed Executive Session portion of the meeting to discuss the following:</p> <ol style="list-style-type: none"> 1. To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to § 2-575(b)(4)(a); 2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6); 3. To discuss disciplinary matters pursuant to section § 2-575(b)(9); <p>To plan, discuss, or hear reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation pursuant to section § 2-575(b)(14).</p> <p>Motion to end open session and adjourn meeting made by Rick Garcia, seconded by Michelle Clausen; approved by unanimous vote.</p>	Decision
OS-23-09-08	<p><u>MOTION TO ADJOURN</u></p> <p>Board Action:</p> <p>To adjourn the meeting</p> <p>Background:</p> <p>At the end of every meeting a motion to adjourn must be made in open session to close out the business of the Board.</p>	Decision

This ends the Open Session Agenda.