

# BOARD OF NURSING

## Open Session Minutes

May 3, 2023  
9:00 a.m.

### VIRTUAL MEETING NOTICE

*Due to the COVID-19 pandemic, a hybrid fashion of board meetings will occur. Today's meeting is Virtual.*

*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

***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](mailto:opengovoffice@dc.gov)***

**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.”*

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‘Board Meeting Participants’.**

**BOARD MEETING PARTICIPANTS:**

<b>BOARD MEMBERS:</b>	
Meedie Bardonille, RN (MB)	Present
Laverne Plater, RN (LP)	Present
Rick Garcia, RN, PhD (RG)	Present
Margaret Green, LPN (MG)	Present
Michelle Clausen, RN (MC)	Present
Patricia Howard-Chittams, RN (PW)	Present
Kami Cooper, RN (KC)	Present
Tiffany Simmons, RN (TS)	Present
<b>BOARD STAFF:</b>	
Teresa Walsh, RN, PhD, NE-C, Executive Director	Present
Cathy Borris-Hale MHA, RN	Present
Concheeta Wright BSN, RN	Present
Mark Donatelli, Investigator	Present
Matteo Lieb, Office of Government Relations Specialist	Present
Tanee Atwell, Health Licensing Specialist	Present
<b>LEGAL STAFF:</b>	
Panravee Vongjaroenrat, Assistant General Counsel	Present

**The Open Session Agenda continues the next page with ‘Call to Order’.**



- This legislation makes adjustments to the prior authorization process for insurers in the District. Notably, it would prohibit insurers from denying a treatment based on cost.
- A similar version was introduced in the previous Council Period ([B24-0655](#)). This bill is scheduled for a hearing on May 24, 2023.

**Telehealth Legislation:**

- Chairman Mendelson, at the request of the Uniform Law Commission, introduced the *Uniform Telehealth Act of 2023* ([B25-0125](#)).
  - This legislation “provides a framework to facilitate the delivery of telehealth services consistent with the applicable standards of care and to open state borders for practitioners to assist patients in a more convenient and cost-effective manner.”
- This legislation is in the Committee on Health and has not been scheduled for a hearing.

**FY 2024 Budget:**

- The Mayor released the proposed FY 2024 budget on March 22<sup>nd</sup> and hosted a presentation about it that same day to the Council.
- On March 24<sup>th</sup>, the Committee of the Whole held a hearing on the FY 2024 budget during which Councilmembers asked the Mayor and her team detailed questions about the proposed budget.
- DC Health’s had its Budget Oversight hearing on [April 10<sup>th</sup>](#) (public witnesses) and then [April 12<sup>th</sup>](#) (DC Health representatives). During the hearing there were many topics raised including professional licensing, animal services, and school nursing.
- The Committee on Health held its budget mark-up for DC Health on April 26<sup>th</sup> at 11:30am. In that mark-up, changes include:
  - Funding dementia training for direct care workers
  - Allocating over \$1.4 million for the high-need healthcare scholarship program
  - Providing an additional 2.25 licensing professionals within the Office of Health Professional Licensing Boards
  - Enhancing funding for food access programs at DC Health
- The Council will have its first reading on the FY 2024 budget on May 16<sup>th</sup> with the second reading scheduled for May 30<sup>th</sup>.

**Health Occupations Revision Act (HORA) Update:**

- DC Health is working on a significant revision of the HORA. This would be the first significant revision in seventeen years.
- The revised HORA has gone through one round of revisions and will receive a final review soon before submission to the Executive Office of the Mayor (EOM).

**FGM/C Legislation:**

- Councilmember Pinto has reintroduced the *Female Genital Mutilation Prohibition Act of 2023* ([B25-0247](#)) along with Councilmembers Frumin, Nadeau, Henderson, Gray, and Allen
  - This legislation prohibits the practice of female genital mutilation or cutting. It also requires the development of educational materials for mandated reporters and other members of the community by DC Health.
- This bill has been referred to the Committee on Judiciary and Public Safety. Last Council Period, a similar version of this bill ([B24-0516](#)) received a hearing during which many organizations testified in support.

**Federal Spouse Licensure:**

- Congress has recently passed legislation to reduce barriers for military spouses to gaining licensure in new jurisdictions. This legislation, the *Veterans Auto and Education Improvement Act of 2022* ([H.R. 7939](#)), went into effect on January 5th, 2023.
  - This new law intends to ensure that military spouses with professional licensure in good standing in other states can practice in new states where their spouses are relocated.
- The Office of Health Professional Licensing Boards and the Office of the General Counsel (OGC) are working to establish a process by which military spouses could attain privileges to practice in the District.

**E. Education Subcommittee Report – Dr. Garcia**

- a. LPN (application) program waiver request; refer to notation below at **OS-05-06**

	<b>F. Discipline Subcommittee Report -Cathy Borris-Hale</b>	<b>Report</b>
<b>23-05-06</b>	<p><b>Regulatory Revision to Chapter 56</b> Board action: Decide whether to amend the regulation to remove the requirement for a nursing education program to be part of a college or university.</p> <p><b>Background:</b> At the Board’s meeting on 3/1/2023, a presentation was made to the Board for a new LPN education program. It was pointed out that the current regulatory requirement for a nursing education program to be part of a college or university (17 DCMR § 5601.1(b)(4)) is a barrier and a request was made that the requirement be waived. The Board voted to delegate the review of the issue to the Education Committee. The committee met on April 5, 2023, and placed the following motion on the floor for voting.</p> <p><b>Motion</b> (from Education Committee): The regulation should not be revised, and no waiver should be granted.</p> <p><b>Motion:</b> Agreement with Education Committee to not grant waiver with roll call vote motioned by Rick Garcia, seconded by Patricia Howard-Chittams; approved by the votes of all the members except Kami Cooper (abstention) and Meedie Bardonille (recused).</p>	<b>Decision</b>
<b>23-05-07</b>	<p><b>NCSBN Decision-making Framework</b> <b>Board Action:</b> Decide whether to adopt the Framework. <b>Background:</b> Based on the recent inquiry to the Board regarding the use of ketamine, the Board is asked to formally adopt the Framework, which provides guidance for such inquiries. Of note – the Board may have adopted this Framework in 2016 but due to the length of time since then and the lack of easy-referenced record, the Board is requested to review and adopt the Framework today. See Attachment I</p> <p><b>Motion:</b> To approve framework previously outlined; approved by a unanimous vote.</p>	<b>Decision</b>
<b>23-05-08</b>	<p><b>Criminal Background Check (CBC) Chart</b> <b>Board Action:</b> To review and consider whether to adopt or revise the CBC Chart <b>Background:</b> This chart has been adopted by all the other boards to give staff guidance on how to review and dispose of CBC issues without bringing all CBC-related matters to the Board for a decision. The chart will assist in facilitating the review and approval of license applications and inform staff of the types of</p>	<b>Decision</b>

	<p>CBC issues that the Board will review. See Attachment II</p> <p><b>Decision:</b> Refer to the Discipline Committee by a unanimous vote</p>	
23-05-09	<p><b>Chapter 55 Licensed Practical Nursing</b></p> <p><b>Board Action:</b> To review and consider whether to approve the revised regulation.</p> <p><b>Background:</b> The revisions to chapter 55 are generally similar to the revisions to Chapter 54 (Registered Nursing), which the Board already approved. There are a few noteworthy sections specific to LPN practice, which the Regulation Committee discussed and reviewed during its meeting in March 2023. Attachment IV</p> <p><b>Motion:</b> To approve the revised regulation(s); approved by a unanimous vote.</p>	<b>Decision</b>
23-05-10	<p><b>Chapter 57 Certified Nurse Anesthetists</b></p> <p><b>Board Action:</b> To review and consider whether to approve the revised regulation.</p> <p><b>Background:</b> The revisions to chapter 57 were reviewed, suggested, and endorsed by a subcommittee of APRN's who are in fact BON members. Their recommendations were previously provided to all of the members by email for review. Attachment III a</p> <p><b>Motion:</b> To approve the revised regulation(s); approved by a unanimous vote.</p>	<b>Decision</b>
23-05-11	<p><b>Chapter 58 Certified Nurse Midwife</b></p> <p><b>Board Action:</b> To review and consider whether to approve the revised regulation.</p> <p><b>Background:</b> The revisions to chapter 58 were reviewed, suggested, and endorsed by a subcommittee of APRN's who are in fact BON members. Their recommendations were previously provided to all of the members by email for review. Attachment III b</p> <p><b>Motion:</b> To approve the revised regulation(s); approved by a unanimous vote</p>	<b>Decision</b>
23-05-12	<p><b>Chapter 59 Nurse Practitioners</b></p> <p><b>Board Action:</b> To review and consider whether to approve the revised regulation.</p> <p><b>Background:</b> The revisions to chapter 59 were reviewed, suggested, and endorsed by a subcommittee of APRN's who are in fact BON members. Their recommendations were previously provided to all of the members by email for review. Attachment</p>	<b>Decision</b>



	<p>III c</p> <p><b>Motion:</b> To approve the revised regulation with verbal addendum; approved by a unanimous vote</p>	
<p>25-05-13</p>	<p><b>Chapter 60 Clinical Nurse Specialist</b></p> <p><b>Board Action:</b> To review and consider whether to approve the revised regulation.</p> <p><b>Background:</b> The revisions to chapter 60 were reviewed, suggested, and endorsed by a subcommittee of APRN’s who are in fact are BON members. Their recommendations were previously provided to all of the members by email for review. Attachment III d</p> <p><b>Motion:</b> To approve the revised regulation(s); approved by a unanimous vote</p>	<p><b>Decision</b></p>

**The Open Session Agenda continues the next page with ‘Misc. Items for Discussion’.**

<b>MISC. ITEMS FOR DISCUSSION</b>		
<b>OS-23-05-14</b>	<b>OPEN FORUM/PUBLIC COMMENTS</b>	<b>Informational</b>
	If time permits, the Board Chair will open floor to the public to allow comments, questions, and/or concerns.	

**The Open Session Agenda continues the next page with ‘Motion to Close’.**

<p><b>OS-23-05-15</b></p>	<p><b><u>MOTION TO CLOSE</u></b> <b>Board Action:</b> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b) <b>Background:</b> 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"> <li>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);</li> <li>2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6);</li> <li>3. To discuss disciplinary matters pursuant to section § 2-575(b)(9);</li> </ol> <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><b>Motion:</b> To close open session and move into executive session made by Margaret Green, seconded by Kami Cooper.</p>	<p><b>Decision</b></p>
<p><b>OS-23-05-16</b></p>	<p><b><u>MOTION TO ADJOURN</u></b> <b>Board Action:</b> To adjourn the meeting. <b>Background:</b> 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>	<p><b>Decision</b></p>

**This ends the Open Session Agenda.**