



OHIO BOARD OF NURSING

MINUTES OF MEETING

BOARD RETREAT – APRIL 14-15, 2011

The Ohio Board of Nursing Retreat was held on April 14-15, 2011 at the Drury Inn at 6170 Parkcenter Circle, Dublin, Ohio. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday April 14, at 9:03 a.m., President Bertha Lovelace called the meeting to order. On Friday, April 15, at 9:05 a.m., President Bertha Lovelace called the meeting to order. Judith Church read the mission statement each day.

BOARD MEMBERS

Bertha Lovelace, RN, President
Patricia Protopapa, LPN, Vice-President (Absent Thursday and Friday)
Janet Arwood, LPN
Rhonda Barkheimer, RN
Judith Church, RN, Supervising Member, Disciplinary Matters
Delphenia Gilbert, RN
Maryam Lyon, RN (Absent Thursday)
Johnnie Maier, Consumer Member
J. Jane McFee, LPN
Melissa Meyer, LPN
Susan Morano, RN
Tracy Ruegg, RN
Roberta Stokes, RN (Absent after 10:15 a.m. Friday)

Unless noted in these minutes as exhibits, all written reports submitted to the Board are maintained in the Board office according to the Board record retention schedule.

WELCOME AND ANNOUNCEMENTS

President Lovelace welcomed Board members and staff. On both days, she also welcomed students from Wright State and others in the gallery.

BOARD GOVERNANCE SURVEY

B. Lovelace presented the results of the Board Governance Survey and discussed several areas. The Board agreed that materials were received earlier and this is helpful for their review. Jane McFee asked about the timing of receiving the Report and Recommendations for hearing cases. Lisa Ferguson-Ramos stated that forwarding these to Board members depends on when the

Hearing Examiners submit the reports. In general, staff provide the reports for the next Board meeting rather than holding them for future meetings.

The Board discussed Board members' participation and preparation to be Chairs of Advisory Groups. Judith Church and Delphenia Gilbert complimented Lisa Emrich and Lesleigh Robinson, stating they are very helpful to them in their roles as Chairs. L. Robinson acknowledged there is a quick transition that may be difficult for the Advisory Group on Continuing Education. B. Lovelace thanked Board members for their willingness to volunteer and work in these positions.

The process of electing Board officers was discussed. Board members agreed that the current process works well. The Board discussed members making presentations for the Board. If Board members contact staff, staff will provide power point slide assistance. Staff will also provide Board members the one page description of the Board at May Board meeting. Melissa Meyer stated that Just Culture would be a way for the Board to educate nurses about Board activities.

PATIENT SAFETY INITIATIVE

The Patient Safety Initiative booklet, as previously developed, was provided to the Board as background information. B. Houchen highlighted parts of the Initiative and provided an update report. L. Ferguson-Ramos, Bette Horst, and Holly Fischer provided a presentation to the nursing managers and staff at Riverside/OhioHealth in January 2011. In addition, J. Church, Lisa Ferguson-Ramos, and Holly Fischer presented to the nursing managers at Kettering Medical Center in March 2011. J. Church and Janet Arwood reported that the Board was well received at Kettering and Riverside respectively. Staff is initiating follow-up with each facility to further develop a collaborative system.

B. Houchen also reported that the Initiative has been well received. During the budget testimony, a state Representative complimented the Board on the Initiative and the Board's innovative approaches. Also, Board staff has been contacted by the Ohio Patient Safety Institute of the Ohio Hospital Association to work with its Advisory Council to discuss making Just Culture a statewide initiative.

NEGP PROCESS AND REVIEW TEAMS

The 2011-2013 Nurse Education Grant Program (NEGP) cycle will begin September 1, 2011. In accordance with Chapter 4723-25, OAC, the request for proposals (RFP) was posted on the Board website Monday, April 4, 2011. The Board must receive proposals no later than the close of business on Friday, June 3, 2011 to be considered. The Board will make the NEGP awards at its July 2011 Board meeting.

Board members were asked to volunteer for reviewing the proposals received by the Board. The following Board members volunteered to work with staff to review

proposals: Rhonda Barkheimer, J. Church, J. McFee, M. Meyer, Tracy Ruegg, and Roberta Stokes.

STRATEGIC PLANNING AND EVALUATION

The Board reviewed the status of the Strategic Plan and discussed the objectives and outcome measures. Board members agreed by general consensus to delete and revise certain objectives and outcome measures. The Board will approve the Strategic Plan at the May Board meeting.

COMPLIANCE PROTOCOLS – REVIEW

L. Ferguson-Ramos presented the current compliance protocols and answered questions. The Board discussed the (1) Disciplinary Complaint Protocol; (2) Discipline Priorities and Guidelines Protocol; and (3) Settlement Conference Protocol. The Applicant Protocol was separate in July 2010, but is now included in the Disciplinary Complaint Protocol. The Board will approve final versions of the protocols at the May Board meeting.

ETHICS TRAINING

H. Fischer provided ethics training for the Board on Thursday, April 14, 2011. The training included, among other topics, the areas of misuse of official position, revolving door restrictions, soliciting or receiving improper compensation, public contracts, and disclosure of confidential information. Those in attendance fulfilled the Governor's requirement for annual instruction on Ohio's Ethics Laws, in accordance with Executive Order 2011-03K.

CONTINUING EDUCATION

H. Fischer provided Category A Continuing Education.

ADVISORY GROUP ON NURSING EDUCATION RECOMMENDATIONS

J. Church provided an overview of the recommendations of the Carnegie Report on nursing education, the IOM Future of Nursing Report and the Yellow Team Report. The Board also reviewed the materials as provided. At the March 2011 Board meeting, J. Church reported on the discussion and recommendations of the Advisory Group on Nursing Education. The Board discussed the two recommendations presented:

1. The first recommendation was reported to the Board last fall with its review of the Carnegie Report, that all registered nurses should obtain a specialty certification within five years of being licensed in Ohio by either examination or endorsement.

The Board noted that this recommendation was made prior to the release of the IOM Report. Board members asked questions about certifications. L. Emrich stated the Advisory Group reported that certifications were available for all areas of practice, and J. Church noted that in general it

would take two years of clinical practice to be eligible for certification. B. Lovelace asked if nurses changed their area of practice, whether a new certification would be required. The Advisory Group did not address this issue.

Several points were discussed: enforcement obstacles and impracticalities increased costs to fund and staff licensure and renewal; whether a new certification would be required every time nurses change their area of practice and how would Board staff monitor the changes; and amending the Nurse Practice Act.

When the Advisory Group previously discussed certification, it was prior to the IOM Future of Nursing Report being issued and prior to NCSBN's Transition to Practice study for which Ohio was selected to participate. The Board anticipates the study will provide important data and evidence upon which to base these types of decisions impacting newly licensed nurses. Currently, Chapter 4723-4, OAC, requires nurses to demonstrate knowledge, skills, ability, and competency in their practice areas.

2. The second recommendation is that the Advisory Group supports the continued education of registered nurses as referenced in the IOM Report. The goal is that 80% of practicing RNs in Ohio will be BSN prepared by 2020. This would be accomplished through a voluntary progression of the individual's nursing education.

T. Ruegg asked about ADN nurses who have a bachelors degree in another area. Although there are BSN completion programs, would these nurses be required to obtain a BSN? M. Meyer stated that some nurses would not be able to comply due to financial and time issues and there is the potential to lose a large number of nurses due to these increased requirements, during a time of a nursing shortage.

Practically, this type of legislation could be difficult to achieve, and if a BSN requirement is mandatory, the Board would need significantly more funding and staffing to enforce it.

It was noted that the Yellow Team recommendation is mandatory and the IOM recommendation is voluntary. The Board discussed and agreed that the recommendation should be voluntary and that education facilities should be the leaders to advance higher levels of education for nurses.

J. Church thanked the Board for the discussion and stated she will report this information to Advisory Group.

EDUCATION ADMINISTRATIVE RULE DISCUSSION

Consistent Use of Terms

In Chapter 4723-5, OAC, Board staff reviewed the use of the terms “Faculty,” “Instructional Personnel,” “Teaching Assistants,” and “Preceptors.” The term Instructional Personnel is defined as meaning both teaching assistants and preceptors. Board staff recommend deleting the term Instructional Personnel, and using the terms Faculty, Teaching Assistant, and Preceptor throughout the Chapter, as applicable. The Board agreed by general consensus with this revision.

At the last Board Committee meeting, there was discussion concerning the use of non-nurse health science instructors within nursing courses, and how those individuals and their qualifications might be defined within the rules. It was noted that Rules 4723-5-10 and 4723-5-11, OAC, allow a nurse or licensed health care professional, who does not otherwise meet the qualifications for faculty or teaching assistant, etc, to assist in teaching a course as directed by faculty. After review, Board staff recommend the following: (1) include a faculty’s responsibility, in addition to minimum qualifications, in the definition of Faculty; and (2) delete the paragraphs in Rules 4723-5-10 and 4723-5-11, OAC, recognizing licensed health professionals that do not otherwise meet qualifications, etc.

L. Emrich explained that the rationale for these recommendations is that it is the responsibility of qualified RN faculty to teach any course that contains nursing objectives. However, in doing so, the RN faculty may utilize teaching strategies, or content experts as the faculty determines necessary for the benefit of student learning, while maintaining responsibility for the implementation of the nursing course, and “the teaching of nursing.”

After discussion, the Board agreed that staff would further clarify the definition of faculty in Rule 4723-5-01, OAC, to reflect that faculty is responsible for planning and teaching. Further, the Board agreed that staff would revise Rule 4723-5-19(A)(7), OAC, to reflect if guest lecturer is used as a teaching strategy, that information is required to be included on the syllabus. Staff will make these revisions for the review of the Board Committee and Advisory Group on Nursing Education.

Administrative Rule 4723-5-08

Staff conducted additional research regarding Rule 4723-5-08(A), OAC. This Rule states that the Board will consider proposals only from education programs that **are required** to obtain approval, authorization, or accreditation from various accrediting organizations. Issues have developed because: (1) at the time a

prospective program applies to the Board for conditional approval, under 4723-5-08, the program must only assert that it is required to be approved by one of the above entities, rather than demonstrating that it is approved; in fact, approval may be contingent on the program obtaining Board approval first; (2) the Board has not always received information needed to track whether approval is ultimately obtained; (3) it appears that legally, not all education programs are required to be approved by one of the listed entities, but may do so optionally.

Value is added in requiring dual approval by the Ohio Board of Regents (OBR), Ohio Department of Education (ODE), or the State Board of Career Colleges and Schools (SBCCS), but not in requiring dual approval by one of the private accrediting bodies listed in Rule 4723-5-08(A)(4)–(6), OAC. Staff is recommending that approval by these entities be removed as a requirement for Board approval, and that language be retained in Rule 4723-5-04(D), triggering possible placement on provisional status if a program loses accreditation from one of these entities.

Recommendations – Rules 4723-5-04; 5-08

1. Re-draft Rule 4723-5-08, to delete current (A) and include documentation of approval as part of the letter of intent; when a prospective program applies to the Board, the applicant must either be already approved by OBR, SBCCS, or ODE; **or** submit a copy of an application submitted to SBCCS for approval. A copy of the approved certificate of registration from SBCCS must be submitted to the Board at least 30 days before the Board considers the program for full approval. Delete the language in 4723-5-08(A)(4) – (6) regarding other optional accrediting bodies.

The rationale for continuing to require approval (by OBR, SBCCS or ODE) is that value is added by retaining this requirement. While the Board establishes the minimum requirements for the nursing education program, it is not authorized to establish a regulatory framework for the granting of academic degrees, financial affairs, how entities and institutions operate, or other aspects that contribute to consumer protection. In contrast, there is not added “regulatory” value in requiring nursing education programs to also be accredited by national academic accrediting bodies that are not state agencies. Although institutions may seek voluntary accreditation for purposes of federal funding, articulation of academic credit and documenting the program’s quality for purposes of attracting recognition and consumers, these would be in addition to the minimum requirements established by state regulations.

2. Re-draft Rule 4723-5-04(D) to state that if a program with full approval loses its approval from OBR, SBCCS, **or** any national or regional post-

secondary education accreditation entity, the Board may place the program on provisional approval status. This will preserve the loss of private accrediting body status as a basis for Board action, even though obtaining the status is not a requirement for Board approval.

The rationale is that although accreditation by the private entities is not required, the loss of accreditation may indicate a significant problem with the education program triggering a need for additional Board oversight. It is still within the Board's discretion to evaluate whether, based on the facts of the situation, the loss of accreditation should trigger a change in Board approval status.

The Board agreed by general consensus with the recommendations as presented.

ADMINISTRATIVE RULE REVIEW – 2011

Five-Year Review Schedule

The administrative rule chapters scheduled for five-year review in 2011 are Chapters 4723-5 (Education), 4723-7 (Licensure), and 4723-13 (Delegation), and 4723-27 (Medication Aides).

APN Delegation

Over the last several years, the Board discussed whether APNs should have the authority to delegate medication administration to unlicensed individuals or specifically medical assistants working in offices and clinics. Because the delegation rules, Chapter 4723-13, OAC, are scheduled for a five-year review, the Board considered this issue again. J. McFee voiced concerns about this type of delegation because medical assistants are not regulated in Ohio. T. Ruegg stated delegation of vaccines may be appropriate, but sees no other reason for delegation. B. Lovelace stated that training varies for medical assistants and she would be concerned about their knowledge of drugs, interactions, and how to respond to adverse reactions. The Board noted that not many states authorize this type of delegation. The Board agreed by general consensus not to pursue APN delegation of medication administration to medical assistants or other unlicensed individuals.

LEGISLATIVE REPORT AND INITIATIVES

House Budget Testimony

B. Houchen reported on the budget testimony for the House Health and Human Services Subcommittee. She highlighted the testimony and the compliments about the Board made by the legislators.

T. Dilling provided an update on HB 141 and SB 83, the APN bill that would expand the prescribing of Schedule II drugs. He reported on amendments that

may be introduced. He also reported on the Board's work with Representative Burke on HB 93 and possible amendments.

OBN Legislative Initiatives

T. Dilling reported that Representative Kirk Schuring and Representative John Carney have agreed to be co-sponsors of the Board's bill. Representative Schuring has forwarded the bill for approval to introduce.

Ex-Offender Report

T. Dilling reported on the Ex-offender Re-Entry Coalition that is composed of cabinet level agencies and he serves as the representative for professional licensing boards. The Coalition initially believed licensure boards create obstacles to employment of ex-offenders. However, T. Dilling noted that the Nursing Board statistics showed that out of approximately 10,000 applicants, only four were permanently denied a license. The primary issue with the employment of ex-offenders is based with employers' discretion and the statutory requirements employers must follow related to criminal records checks reports and employment prohibitions imposed by other law.

T. Dilling reviewed a draft paper, "Ohio Health Care Licensing Boards Proposal to the Employment of Ex-offender Work Group." The proposals discuss possible ways licensing boards might assist applicants, and persons thinking about pursuing professional education, in better understanding and addressing the collateral consequences of having a criminal record. The Board discussed the paper and agreed by general consensus with the principles of the paper.

EVALUATION OF RETREAT AND ADJOURNMENT

Board members thanked the staff for the materials and the work done in preparation for the meeting.

The meeting adjourned on Friday, April 15, 2011 at 1:15 p.m.

Bertha Lovelace, RN, CRNA
President



Attest:

Betsy Houchen, RN, MS, JD
Executive Director

