

Andy Beshear
Governor



Phone: (502) 429-3300
(800) 305-2042
Fax: (502) 429-3311

KENTUCKY BOARD OF NURSING
312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
www.kbn.ky.gov

BOARD MEETING MINUTES

April 15, 2021

MEMBERS PRESENT:

None

**MEMBERS – VIDEO/AUDIO
PHONE CONFERENCE:**

Jessica Wilson, APRN, President
Michele Dickens, RN, Vice-President
Ashley Adkins, Citizen-at-Large
Jana Bailey, APRN
Audria Denker, RN
Jacob Higgins, RN
Kristi Hilbert, RN
Jimmy Isenberg, RN
Susan Lawson, LPN
Erica Lemberger, RN
Adam Ogle, RN
Dana Steffey, RN
Carl Vinson, LPN
Mandi Walker, RN
Robyn Wilcher, RN

MEMBERS ABSENT:

Christina Perkins, Citizen-at-Large

STAFF PRESENT:

None

GUESTS PRESENT:

None

**GUESTS AND STAFF –
VIDEO/AUDIO
PHONE CONFERENCE:**

Jessica Estes, Interim Executive Director, KBN
Michelle Rudovich, Deputy Executive Director, KBN
Eric Velazquez, Resource Management Analyst, KBN
Jason Oney, Resource Management Analyst, KBN
Kelsea Bennett, Executive Legal Secretary, KBN
Erica Klimchak, Administrative Assistant, KBN
Morgan Ransdell, General Counsel, KBN
Nathan Goldman, Hearing Officer, KBN
Anna Adams, Administrative Services Section Supervisor, KBN
Adrienne Harmon, Executive Secretary, KBN
Amanda Padgett, Program Coordinator, KBN

Amy Ninneman, NISF Program Coordinator & Education Consultant, KBN
Amy Simms
Amy Wheeler, Staff Attorney, KBN
Ann Tino, Investigations Branch Manager, KBN
Anne Veno
Andre Stuckey, Executive Assistant, KBN
Ashley Parrish
Brittany Burke, Norton Healthcare
Carolyn Hare, APRN Investigator/Case Manager, KBN
Chrissy Blazer, Nursing Investigator, KBN
Cheyenne Ratliff, American National University
Cortney Waddles, American National University
Denise Smith
Denise Vititoe, Nursing Investigator, KBN
Jeff Prather, Legal Services Section Supervisor, KBN
Jennifer Hart, Human Resource Administrator, KBN
Joy Pennington
Kelly Moore, American National University
Kimberly Richmond, RN/LPN Nursing Practice Consultant, KBN
Laura Wagner, IM Section Supervisor, KBN
Lisa Peak
Maribeth Jones, DaVita Inc.
Michelle Gary, Practice Assistant and Continuing Competency Coordinator, KBN
Myra Goldman, Professional Support Branch Manager, KBN
Nicole Livanos, NCSBN
O.J. Oleka, AntiRacism KY
Pamela Hagan
Ruby King, Credentials Branch Manager, KBN
Rita Poynter, Office Coordinator, KBN
Steven Ratliff
Susan Lawson, Nursing Investigator, KBN
Tricia Smith, Compliance Branch Manager, KBN
Valerie Jones, Education Consultant, KBN
Wanda Webster, Administrative Specialist III, KBN

CALL TO ORDER

Jessica Wilson, President, called the meeting of the Kentucky Board of Nursing to order at 10:04 a.m. on April 15, 2021, by videoconference via Zoom software application.

SWEARING IN OF NEW BOARD MEMBER

Ashely Adkins was sworn in by General Counsel, Morgan Ransdell, as a citizen-at-large member. Ms. Adkins fills the vacancy created by David Dickerson's resignation from the board.

ROLL CALL/DECLARATION OF QUORUM

Erica Klimchak, Administrative Assistant, called roll. Dr. Wilson declared a quorum.

ADOPTION OF AGENDA

A flexible agenda was adopted.

APPROVAL OF MINUTES

The minutes from the February 18, 2021 board meeting were presented. Upon a motion made by Audria Denker and seconded by Carl Vinson, the February 18, 2021 board meeting minutes were approved as written. No one voted in opposition or abstained from voting.

GUEST SPEAKER

Nicole Livanos from NCSBN provided a presentation about the APRN Compact.

ELECTION OF FY 2021-2022 BOARD OFFICERS

Dr. Jessica Estes conducted the election of new board officers via Zoom poll. Jessica Wilson was re-elected president; Michele Dickens was re-elected Vice President.

PRESIDENT'S REPORT

Dr. Wilson presented the President's Report, and expressed her gratitude to staff and board members for continuing to make great strides in protecting the public. She thanked everyone for their hard work.

FINANCIAL OFFICER'S REPORT

Anna Adams, Administrative Services Supervisor, presented the Financial Officer's Report, which included the April financial summary. Upon a motion made by Jimmy Isenberg, and seconded by Michele Dickens, the Financial Officer's Report was approved as written. No one voted in opposition or abstained from voting.

INTERIM EXECUTIVE DIRECTOR'S REPORT

Dr. Jessica Estes, Interim Executive Director, presented the Interim Executive Director's report and included information on the following:

- Building
- Operations
 - Virtual Procedures
 - CE Broker
 - Telecommuting
 - Social Media
 - Out-of-State Registry
 - Personnel
 - Training
- Criminal Background Checks
- NLC/NCSBN
 - NLC
- Upcoming Meetings
- Legal Update

Upon a motion made by Jimmy Isenberg, and seconded by Kristi Hilbert, the Interim Executive Director's Report was accepted as written. No one voted in opposition or abstained from voting.

GENERAL COUNSEL'S REPORT

Morgan Ransdell, General Counsel presented the staff recommendation for the **RELEASE OF RN AND APRN SSN AND DOB, NEEDED TO CONDUCT THE 2018 NATIONAL SAMPLE SURVEY OF REGISTERED NURSES (NSSRN), TO THE U.S. CENSUS BUREAU, AND THE NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS (NCHWA) IN THE BUREAU OF HEALTH WORKFORCE AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA)**. Upon a motion made

by Audria Denker, and seconded by Mandi Walker, the Board approved the staff recommendation. No one voted in opposition or abstained from voting.

The General Counsel presented the Administrative Regulation Status Report. Upon a motion made by Audria Denker, and seconded by Michele Dickens, the report was approved as written. No one voted in opposition or abstained from voting.

CREDENTIALS REVIEW PANEL

The reports of the Credentials Review Panel meetings held February 18, 2021 and March 18, 2021 were presented. The Board reviewed and approved by acclamation the reports as written. No one voted in opposition or abstained from voting.

EDUCATION COMMITTEE

The March 18, 2021 Education Committee meeting report was presented. Upon a motion made by Jimmy Isenberg and seconded by Mandi Walker, the Board approved the report as written. No one voted in opposition or abstained from voting. The following actions were taken after discussion and presentation of background materials:

Galen College of Nursing, Hazard Campus

- It was the recommendation of the committee that:
 - **THE REQUEST, DATED DECEMBER 15, 2020, FROM GALEN COLLEGE OF NURSING, HAZARD CAMPUS, ADN PROGRAM, TO INCREASE THE BASELINE ENROLLMENT FROM TWO HUNDRED AND FIFTY (250) STUDENTS ANNUALLY TO TWO HUNDRED AND SEVENTY-FIVE (275) STUDENTS ANNUALLY, BE APPROVED.**

Audria Denker recused herself from the vote.

Upon a motion made by Jimmy Isenberg and seconded by Erica Lemberger, the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

Bluegrass Community and Technical College, Winchester

- It was the recommendation of the committee that:
 - **THE PROPOSAL, SUBMITTED ON JANUARY 23, 2021, TO ESTABLISH AN ASSOCIATE DEGREE OF NURSING PROGRAM AT BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE, IN WINCHESTER, KY BE DEFERRED PENDING REVISIONS; AND**
 - **THE REVISED PROPOSAL PROVIDE CLARIFICATION IN CONSIDERATION OF FACULTY SALARY LINES AND CLINICAL ROTATION COMPOSITION; AND**
 - **THAT THE REVISED PROPOSAL COME BEFORE THE EDUCATION COMMITTEE FOR CONSIDERATION.**

Upon a motion made by Jimmy Isenberg and seconded by Robyn Wilcher, the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

Galen College of Nursing

- It was the recommendation of the committee that:

- **THE OCTOBER 12-15, 2020 SITE VISIT REPORT FOR THE GALEN COLLEGE OF NURSING ADN PROGRAMS FOR BOTH THE LOUISVILLE AND HAZARD CAMPUSES BE ACCEPTED;**
- **THAT THE GALEN COLLEGE OF NURSING ADN PROGRAM – LOUISVILLE AND HAZARD CAMPUSES – CONTINUE TO BE AN APPROVED PROGRAM OF NURSING.**

Audria Denker recused herself from the vote.

Upon a motion made by Jimmy Isenberg and seconded by Erica Lemberger, the Board approved the committee recommendations. No one voted in opposition.

NCLEX Pass Rates and Benchmark Reports

- It was the recommendation of the committee that:
 - **THE 2020 NCLEX PASS RATES AND BENCHMARKS BE ACCEPTED. THAT SITE VISITS BE CONDUCTED AT THE FOLLOWING PROGRAMS OF NURSING, LISTED IN ORDER OF DESCENDING PRIORITY, AS SOON AS FEASIBLE GIVEN TRENDS OVER THE LAST FIVE (5) YEARS OF BENCHMARKS:**
 - i. **Spalding University**
 - ii. **Ashland Community and Technical College**
 - iii. **Bluegrass Community and Technical College**
 - iv. **Big Sandy Community and Technical College**
 - v. **Maysville Community and Technical College**
 - **THAT THE FOLLOWING PROGRAMS OF NURSING PROVIDE BENCHMARK ANALYSIS REPORTS AHEAD OF THE NEXT EDUCATION COMMITTEE MEETING IN MAY 2020:**
 - Eastern Kentucky University ADN Program**
 - **West Kentucky Community & Technical College PN**

Erica Lemberger recused herself from the vote.

Upon a motion made by Jimmy Isenberg and seconded by Mandi Walker, the Board approved the committee recommendations. No one voted in opposition or abstained from voting.

201 KAR 20:320 External Exams Staff Report

- It was the recommendation of the committee that:
 - **ACTION ON 201 KAR 20:320 BE DEFERRED UNTIL MAY EDUCATION COMMITTEE MEETING;**
 - **THAT KBN STAFF PREPARE INFORMATION ON THE USE OF REMEDIATION IN PROGRAMS OF NURSING AND PROVIDE DRAFTED LANGUAGE THAT CLARIFIES THE DEFINITIONS OF REMEDIATION AND EXTERNAL EXAMINATION**

Upon a motion made by Jimmy Isenberg and seconded by Dana Steffey, the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

Staff Report: Nursing Accreditation as a Requirement for Program Approval

- It was the recommendation of the committee that:

- **THE BOARD MOVE TOWARD THE REQUIREMENT THAT ALL PROGRAMS OF NURSING IN KENTUCKY BE ACCREDITED, WITH SPECIFICS TO BE DETERMINED.**

Upon a motion made by Jimmy Isenberg and seconded by Carl Vinson, the Board approved the committee recommendations. No one voted in opposition or abstained from voting.

PRACTICE COMMITTEE

The March 19, 2021 Practice Committee meeting report was presented. Upon a motion made by Adam Ogle, and seconded by Carl Vinson the Board approved the report as written. No one voted in opposition or abstained from voting. The following actions were taken after discussion and presentation of background materials:

AOS #35 – COSMETICS AND DERMATOLOGICAL PRACTICES

- It was the recommendation of the committee that:
 - **ADVISORY OPINION STATEMENT (AOS) #35 ROLE OF NURSES IN COSMETIC AND DERMATOLOGICAL PROCEDURES, WITH SPECIFIC REVISIONS, BE APPROVED**

Upon a motion made by Adam Ogle and seconded by Dana Steffey, the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

The LPN Workgroup Report was provided for information only.

CONSUMER PROTECTION COMMITTEE

The March 18, 2021 Consumer Protection Committee meeting report was presented. The Board reviewed and approved by acclamation the report as written. No one voted in opposition or abstained from voting. The following actions were taken after discussion and presentation of background materials:

REVISED TERM OF KARE AGREEMENT

- It was the recommendation of the committee that:
 - **THE REVISED TERM OF THE KARE AGREEMENT BE APPROVED.** (The participant agrees that he/she may not work without, and will provide any and all patient care only if a nurse or physician, with an unencumbered license, is physically present on the facility grounds and readily available to provide assistance and intervention if necessary.)

Upon a motion made by Michele Dickens and seconded by Audria Denker the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

DISCIPLINARY GUIDELINES FOR LCPM's

- It was the recommendation of the committee that:
 - **THE DISCIPLINARY GUIDELINES FOR LCPM's BE APPROVED.**

Upon a motion made by Michele Dickens and seconded by Jimmy Isenberg the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

ADVANCED PRACTICE REGISTERED NURSE COUNCIL

The February 19, 2021 Advanced Practice Registered Nurse Council meeting report was presented. The Board reviewed and approved by acclamation the report as written. No one voted in opposition or abstained from voting.

DIALYSIS TECHNICIAN ADVISORY COUNCIL

The March 19, 2021 Dialysis Technician Advisory Council meeting report was presented. The Board reviewed and approved by acclamation the report as written. No one voted in opposition or abstained from voting.

The April 5, 2021 Dialysis Technician Advisory Council meeting report was presented. The Board reviewed and approved by acclamation the report as written. No one voted in opposition or abstained from voting. The following actions were taken after discussion and presentation of background materials:

PROPOSED REGULATIONS: PROMULGATION OF 201 KAR 20:472, 201 KAR 20:474, 201 KAR 20:476, AND 201 KAR 20:478, AND REPEAL OF 201 KAR 20:470

- It was the recommendation of the committee that
 - **PROPOSED REGULATIONS, WITH SPECIFIC REVISIONS, BE PROMULGATED, AND 201 KAR 20:470 BE REPEALED. [201 KAR 20:471 (INITIAL APPROVAL FOR DT TRAINING PROGRAM); 201 KAR 20:472 (CONTINUING APPROVAL OF DT PROGRAMS); 201 KAR 20:473 (DT CREDENTIALING); 201 KAR 20:474 (DIALYSIS TECHNICIAN SCOPE OF PRACTICE, DISCIPLINE, AND MISCELLANEOUS REQUIREMENTS)]**

Upon a motion made by Carl Vinson and seconded by Michele Dickens the Board approved the committee recommendation. No one voted in opposition or abstained from voting.

Maribeth Jones from DaVita Inc. expressed concerns about the proposed regulations.

GOVERNANCE COMMITTEE

The March 18, 2021 Governance Committee meeting report was presented. Jana Bailey asked that the report be corrected to remove “Dr.” from her name. The Board reviewed and approved by acclamation the report as amended by Jana Bailey. No one voted in opposition or abstained from voting.

CERTIFIED PROFESSIONAL MIDWIVES ADVISORY COUNCIL

No report

STRATEGIC PLAN

Information was provided to Board members concerning the strategic plan as an informational item. The plan will be revised in 2021 and board staff will continue to work with board members on revisions.

GUEST SPEAKER

Dr. OJ Oleka, Co-Founder of AntiRacism KY, provided a presentation on the organization’s progress during the 2021 General Assembly and their ongoing initiatives.

Dr. Estes noted that unconscious bias training will be added to the agenda for an upcoming Education Committee for their consideration.

CLOSED SESSION

Dr. Estes read the following language before the meeting was moved to closed session:

No matters may be discussed during a closed session other than those within the scope of the topic announced prior to convening the closed session.

No final action may be taken while in closed session. After the public meeting reconvenes, final action may be taken, but final action is not required.

Upon returning to public session, any final action regarding matters discussed in closed session should be moved and voted upon.

**Pursuant to KRS 61.810(1)(j), the purpose of the closed session is for
“QUASI-JUDICIAL DELIBERATIONS”**

Definition: Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment.

**Pursuant to KRS 61.810(1)(f), the purpose of the closed session is to discuss
“PERSONNEL ACTIONS”**

Definition: Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.

The meeting was moved to closed session at 11:59 a.m. to discuss Recommended Orders and personnel affirmations. The meeting was reconvened in open session at 1:00 p.m.

ACTION ON LICENSES

The President called for action on Recommended Orders.

AFTER HAVING CONSIDERED THE RECORD, THE FOLLOWING RECOMMENDED ORDERS WERE ADOPTED:

Decision Number	Name	License Number
037-04-21	Bailey, Melissa	RN License No. 1109217
038-04-21	Boudreau, Jennifer	RN License No. 1150276
039-04-21	Kaelin, Marissa Donnell	LPN Applicant (Exam)
040-04-21	Rawlings, Stephanie	RN License No. 1100803

A motion to accept the orders regarding the above list of licensees was made by Audria Denker and seconded by Jana Bailey. The motion carried with no one voting in opposition and no one abstaining from the vote.

PERSONNEL AFFIRMATIONS

A motion was made by Michele Dickens and seconded by Jacob Higgins to approve the following personnel actions. The motion carried with no one voting in opposition and no one abstaining from the vote.

Personnel No.	First name	Last name	Organizational Unit	Position Title/Working Title	Action Type	Effective Date
516102	Amy	Ninneman	Professional Support Branch	Program Coordinator	Unclassified 6 month Increase	3/1/2021
515538	Wanda	Webster	Investigations Branch	Administrative Specialist III	Unclassified 6 month Increase	3/1/2021
518714	Richelle	Livers	Administrative Services Section	Program Coordinator	Unclassified 6 month Increase	4/1/2021
194059	Lydia	Kendrick	Legal Services Section	Paralegal Consultant	Transfer out	4/1/2021
534513	Joy	Pennington	Professional Support Branch	Administrative Assistant for Boards & Commissions/Professional Consultant	Appointment	5/1/2021
162712	Jeffrey	Prather	Legal Services Section to Executive Branch	Attorney/Staff Attorney Supervisor to General Counsel with overlap	Resign to Reappoint (overlap)	5/1/2021
199671	Morgan	Ransdell	Executive Branch	General Counsel	Retirement	8/1/2021
180787	Sandra	Clark	Compliance Branch	Nursing Investigator	Retirement	6/1/2021

SEARCH COMMITTEE

Upon a motion made by Michele Dickens and seconded by Mandi Walker the minutes from the March 8, March 24, and March 30 Search Committee meetings were approved as written.

A motion was made by Audria Denker and seconded by Michele Dickens to approve the recommendation of the Executive Director candidate and make an offer to the recommended candidate. The motion carried with no one voting in opposition and no one abstaining from the vote.

A motion was made by Jimmy Isenberg and seconded by Michele Dickens to allow Dr. Wilson to negotiate the salary with the recommended Executive Director candidate. The motion carried with no one voting in opposition and no one abstaining from the vote.

EXECUTIVE DIRECTOR EVALUATION

Dr. Wilson provided an explanation of the Executive Director evaluation and thanked Dr. Estes for her hard work and accomplishments with KBN.

INFORMATION/ANNOUNCEMENTS

FUTURE BOARD DISCUSSION ITEMS

OTHER

Organizational Charts 4/1/2021 and 5/1/2021 were provided for informational purposes.

ADJOURNMENT

Upon a motion made by Jimmy Isenberg and seconded by Erica Lemberger the meeting was adjourned at 1:11 p.m.

ATTEST

APPROVED:



President

6/17/2021

Date

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