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KENTUCKY BOARD OF NURSING

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Andy Beshear
Governor

BOARD MEETING MINUTES

February 16, 2023

MEMBERS PRESENT:

Audria Denker, RN, President
Adam Ogle, RN, Vice-President
Missy Bentley, RN
Erica Lemberger, RN
Ruth Martin, RN
Anne Venno, RN
Mandi Walker, RN

MEMBERS – VIDEO/AUDIO PHONE CONFERENCE:

Jana Bailey, RN
Missy Bentley, RN
Susan Lawson, LPN
Jane Smith, Citizen-at-Large
Susan Ellis, RN
Ashley Adkins, Citizen-at-Large
Jacob Higgins, RN
Hope Jones, RN
Dana Steffey, LPN

MEMBERS ABSENT:

Carl Vinson, LPN

STAFF PRESENT:

Kelly Jenkins, Executive Director, KBN
Joe Lally, Deputy Executive Director, KBN
Jeff Prather, General Counsel, KBN
Erica Klimchak, Administrative Assistant, KBN
Diane Comer, Public Information Officer, KBN
John Michul, Staff Attorney, KBN
JD Fleming, Legal Services Supervisor, KBN
Lisa Sosnin, Nursing Investigator, KBN
Anna Marling, Nursing investigator, KBN
Carrie Ballard, Nursing Investigator, KBN
Ann Tino, Investigation Branch Manager, KBN
Michelle Gary, Continuing Competency Coordinator,
KBN
Rita Poynter, Administrative Assistant, KBN

Nathan Goldman, Hearing Officer, KBN
Tricia Smith, Compliance Branch Manager, KBN
Kim Nooning, Legal Secretary, KBN
Jason Oney, Resource Management Analyst, KBN

GUESTS PRESENT: None

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

Kelsea Williams, Executive Legal Secretary, KBN
Andre Stuckey, Executive Assistant, KBN
Anna Adams, Administrative Services Section Manager,
KBN
Ruby King, Credentials Branch Manager, KBN
Myra Goldman, Professional Support Branch Manager,
KBN
Ann Shepherd, Nurse Investigator, KBN
Carolyn Hare, APRN Investigator, KBN
Bonnie Fenwick, Nurse Investigator, KBN
Steven Russell, Fiscal Officer, KBN
Susan Lawson, Nurse Investigator, KBN
Melissa Haddaway, Nurse Investigator, KBN
Denise Vititoe, Nurse Investigator, KBN
Bridget Smith, Program Coordinator, KBN
Chrissy Blazer, Nurse Investigator, KBN
Rachel Williamson, Endorsement Program Coordinator,
KBN
Angie Spencer, Human Resources Administrator, KBN
Amy Wheeler, Staff Attorney, KBN
Tina Shoope, Nursing Practice Consultant, KBN
Eric Velazquez, Resource Management Analyst, KBN
Joy Pennington, Nursing Education Consultant, KBN
Patricia Abell, Case Advisor, KBN
Brittany Click, Nursing Practice Consultant, KBN
Valerie Jones, Nursing Education Consultant, KBN
Marina McWilliams, Nursing Investigator, KBN
Dana Scuse, Administrative Assistant, KBN
Debbie Seely, Nurse Investigator, KBN
Rick Vancise, Nurse Investigator, KBN
Sandeep Reddy, IM Contractor, KBN
Wanda Webster, Legal Assistant, KBN
Anna Yi, Administrative Assistant, KBN
Jill Cambron, Nurse Investigator, KBN
Julie Lobo, KNAR Program Coordinator, KBN
Sarah Cecil, APRN Practice Consultant
Peyton Mathes, Law Clerk, KBN
Tyler Tucker, Law Clerk, KBN
Sam Yeboah
Amy Petit
Tammy Dean

Carlton Larsen
Rachel O'Brien
Jacob Carver
Sharon Hager
Jessica Estes

CALL TO ORDER

Audria Denker, President, called the February 16, 2023 meeting of the Kentucky Board of Nursing to order at 11:17 am in person and by videoconference via Zoom software application.

ROLL CALL/DECLARATION OF QUORUM

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

ADOPTION OF AGENDA

A flexible agenda was adopted.

STAFF RECOGNITION

KBN General Counsel, Jeff Prather, recognized Patricia Smith for 20 years of service at KBN.

APPROVAL OF MINUTES

The minutes from the December 15, 2022 Board meeting and the January 30, 2023 Special Called Board meeting were presented. Jana Bailey requested that her credentials be revised to say APRN on the December meeting minutes.

Upon a motion made by Susan Ellis, and seconded by Mandi Walker, the December 15, 2022 were approved as amended. No one voted in opposition or abstained from voting.

Upon a motion made by Missy Bentley, and seconded by Adam Ogle, the January 30, 2023 meeting minutes were approved as written. No one voted in opposition or abstained from voting.

PRESIDENT'S REPORT

Audria Denker, KBN Board President, provided a brief report from the January 20, 2023 NCSBN President's Network Meeting, including the following highlights:

- APRN compact update – Kentucky was praised as a champion for this campaign initiative
- NCLEX NextGen update
- Using AI for remote proctoring – this will also be discussed at the March mid-year conference
- Review of national patient safety goals

Dr. Denker also announced that there are several open seats available for various NCSBN committees that Board members can join, if interested.

FINANCIAL OFFICER'S REPORT

Anna Adams, Administrative Services Supervisor, presented the Financial Officer's Report, which included the January financial summary. Upon a motion made by Anne Veno, and seconded by Ashley Adkins, the Financial Officer's Report was approved as written. No one voted in opposition or abstained from voting.

EXECUTIVE DIRECTOR'S REPORT

Kelly Jenkins, Executive Director, presented the Executive Director's report and included information on the following:

- Building
- Operations
 - ORBS
 - EdVERA
 - Workforce data
 - KBN Apparel
- Professional Development
- Social Media
- Personnel
- Training for Board Members

There was a question and a brief discussion about the transition from Oracle to ORBS.

Upon a motion made by Mandi Walker, and seconded by Missy Bentley, the Executive Director's Report was accepted as written. No one voted in opposition or abstained from voting.

GENERAL COUNSEL'S REPORT

Jeff Prather, General Counsel, presented the General Counsel's Report. A brief legislative session report was also provided, which included an update on the following bills:

- HB108 – APRN compact
- SB94 – APRN prescribing
- SB105 & HB200 – Healthcare investment fund

Upon a motion made by Anne Veno, and seconded by Missy Bentley, 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 December 15, 2022, and January 19, 2023 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 January 19, 2023 Education 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:

Bellarmino University Adult Gerontology-Acute Care Nurse Practitioner Track Letter of Intent

- It was the recommendation of the committee that:
The Bellarmino University Adult Gerontology-Acute Care Nurse Practitioner Track Letter of Intent be approved. Additionally, the University's intent to establish an Adult Gerontology Track and an Acute Care Nurse Practitioner track also be approved.

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

Anne Veno recused herself from the vote

Spalding University Program Proposal – PMHNP Track

- It was the recommendation of the committee that:
The Spalding University Program Proposal – PMHNP Track be approved.

Erica Lemberger and Mandi Walker recused themselves from the discussion and vote.

Upon a motion properly made and seconded, the Board approved the committee recommendations. No one voted in opposition.

ATA College ASN Program Site Visit Report

- It was the recommendation of the committee that:
ATA College of Nursing to remain on initial status until requirements are met with quarterly progress reports providing supportive evidence concerning the program’s progress in fulfilling the Requirements to be Met, to be submitted beginning May 2023.

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

Galen College of Nursing PN Program – Pikeville Campus Letter of Intent

- It was the recommendation of the committee that:
The Galen College of Nursing PN Program – Pikeville Campus Letter of Intent be deferred to the March Education Committee meeting to allow for public comments, which will be reviewed and discussed at the March meeting.

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

Audria Denker, Hope Jones, and Susan Ellis recused themselves from the vote

Galen College of Nursing ASN (Bridge) Program – Pikeville Campus Letter of Intent

- It was the recommendation of the committee that:
The Galen College of Nursing ASN (Bridge) Program – Pikeville Campus Letter of Intent be deferred to the March Education Committee meeting to allow for public comments, which will be reviewed and discussed at the March meeting.

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

Audria Denker, Hope Jones, and Susan Ellis recused themselves from the vote.

Gateway Community and Technical College ASN Program Site Visit Report

- It was the recommendation of the committee that:

The Gateway Community and Technical College ASN Program of Nursing be granted continued Program Approval Status, with quarterly progress reports providing supportive evidence concerning the program's progress in fulfilling the Requirements to be Met, to be submitted beginning March 30, 2023, and a follow-up site visit within 1 year from the last one (Oct 2022).

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

Ruth Martin recused herself from the vote

Southeast Community and Technical College PN Program – Cumberland Campus Site Visit Report

- It was the recommendation of the committee that:
The November 8-10, 2022 Site Visit Report from Southeast Community and Technical College PN Program – Cumberland Campus be deferred to the March Education Committee meeting, and requested that Southeast CTC provide the following information to be included in the materials for the March meeting:
 - **An update on staffing and faculty recruitment**
 - **2022 outcomes**

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

Ruth Martin recused herself from the vote

Southeast Community and Technical College PN Program – Request for Exemption

- It was the recommendation of the committee that:
The Southeast Community and Technical College PN Program – Request for Exemption be deferred to the March Education Committee meeting.

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

Ruth Martin recused herself from the vote

LMU BSN Program – Lexington Campus Letter of Intent

- It was the recommendation of the committee that:
The LMU BSN Program – Lexington Campus Letter of Intent be denied.
- After a review of the meeting materials, the regulation, and advice from KBN General Counsel, it was the recommendation of the Board that:
The LMU BSN Program – Lexington Campus Letter of Intent be referred back to the Education Committee for a hearing.

Upon a motion made by Erica Lemberger, and seconded by Ruth Martin, the Board approved the new recommendation. No one voted in opposition.

Jacob Higgins abstained from the vote

PRACTICE COMMITTEE

The January 20, 2023 Practice 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. Following discussion and presentation of background materials, the following actions were taken:

October 2012 Advisory Opinion on Dispensing Medication to Inmates

- It was the recommendation of the committee that:
The October 2012 advisory opinion on dispensing medications to inmates be rescinded, AND;

It is within the scope of practice for nurses practicing in a correctional facility to provide patient specific medications to incarcerated patients who have a current prescription upon their release. This should be performed in accordance with facility policies and procedures.

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

Scope of Practice of Nurses in the Performance of Safety Checks/Searches

- It was the recommendation of the committee that:
A safety search of a patient is within the scope of practice for the nurse, when clinically indicated. A safety search should be conducted per facility policy and when there is an inherent risk to the patient, staff, or the public safety. Appropriate clinical judgment, justification, and professionalism should be used to ensure an environment of safety for the patient, staff, and the public while maintaining the patient's dignity and privacy.

The act of a safety search may be uncomfortable for the patient and the nurse should strive to maintain a therapeutic environment by explaining to the patient why the safety search is warranted.

When possible, the decision to perform a safety search should be determined by the multi-disciplinary team and performed by two staff members. A nurse who performs a safety search should be educationally prepared and clinically competent to perform the task.

After the safety search has been completed, the patient should be offered a debriefing to support the nurse-patient relationship.

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

ADVANCED PRACTICE REGISTERED NURSE COUNCIL

The February 1, 2023 Advanced Practice Registered Nurse (APRN) 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. Following discussion and presentation of background materials, the following actions were taken:

Scope of Practice for APRNs in the Performance of X-Ray Procedures and Operating

Mobile X-Ray Equipment

- It was the recommendation of the council that:
The February 2017 advisory opinion:

The performance of limited X-ray procedures and operating mobile x-ray equipment is within the scope of advanced practice registered nursing practice, for the APRN who is educationally prepared and clinically competent, in the performance of X-ray procedures and operation of mobile X-ray equipment, and the previously issued opinion that the performance of limited X-ray procedures and operating mobile X-ray equipment is not within the scope of registered nursing practice nor within the scope of licensed practical nursing practice, be reaffirmed.

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

GOVERNANCE COMMITTEE

The January 19, 2023 Governance 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.

CLOSED SESSION

Kelly Jenkins 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 12:21 pm to discuss Recommended Orders and personnel actions. The meeting was reconvened in open session at 12:30 pm.

ACTION ON LICENSES

The President called for action on Recommended Orders.

**AFTER HAVING CONSIDERED THE RECORD, THE FOLLOWING
RECOMMENDED ORDERS WITH NO EXCEPTIONS FILED WERE ADOPTED:**

Decision Number	Name	License Number
038-02-23	Amick, Tiffany	LPN License No. 2041411
039-02-23	Baird, Tracy	LPN License No. 2041991
042-02-23	Couch, Angela	RN License No. 1127215
043-02-23	Emge, Katherine	RN License No. 1129222
044-02-23	Ferguson, Cresta	RN License No. 1129576
046-02-23	Lovely, Shana	LPN License No. 2040952
047-02-23	Nelson, Barbara	RN License No. 1135453
048-02-23	Shyrock, Amanda	RN License No. 1143114
049-02-23	Smith, Melissa	LPN License No. 2042496
050-02-23	Stamps, Joshua	DT Credential App
051-02-23	Tope, Stacy	RN License No. 1126783
052-02-23	White, Lillian	LPN License No. 2028918
053-02-23	Wieczerzynski, David	RN License No. 1169677 APRN License No. 3015316

A motion to accept the orders regarding the above list of licensees was made by Adam Ogle, and seconded by Missy Bentley. The motion carried with no one voting in opposition and no one abstaining from the vote.

**AFTER HAVING CONSIDERED THE RECORD AND THE EXCEPTIONS FILED BY
THE PETITIONER, THE FOLLOWING RECOMMENDED ORDERS WERE
ADOPTED:**

Decision Number	Name	License Number
041-02-23	Carter, Brittany	LPN License No. 2052417
045-02-23	Goins, Stephanie	RN License No. 1127444 APRN License No. 3008514

A motion to accept the order regarding the above list of licensees was made by Mandi Walker, and seconded by Susan Ellis. The motion carried with no one voting in opposition and no one abstaining from the vote

HEARING TRANSCRIPT

A copy of the transcript from the following hearing was provided for information only:

- Carter, Brittany – Condensed

PERSONNEL AFFIRMATIONS

A motion was made by Adam Ogle, and seconded by Missy Bentley, to approve the following personnel actions. The motion carried with no one voting in opposition and no one abstaining from the vote.

Branch Name	Pers. No.	First Name	Last Name	Start Date	Action Type	Reason for Action
Investigation Branch	00493578	Ellen	Thomson	12/31/2022	Separation	R – Moving
Investigation Branch	00493578	Ellen	Thomson	1/3/2023	Appointment	Appointment
Administrative Services Section	00595279	Sharon	Cleveland	1/24/2023	Separation	T – Terminate

INFORMATION/ANNOUNCEMENTS

OTHER

The following items were provided for information only:

- KBN organizational chart, updated February 7, 2023
- 2023 KBN Revised Meeting Calendar
 - *Note: the April 19, 2023 APRN Council Meeting has been changed to May 3, 2023 at 3:00 pm*

ADJOURNMENT

Upon a motion made by Erica Lemberger, the meeting was adjourned at 12:30 pm.

ATTEST

APPROVED:

Audria Denker, DNP, RN, FAAN
President

2/16/2023
Date

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