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KENTUCKY BOARD OF NURSING

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Andy Beshear
Governor

SPECIAL BOARD MEETING MINUTES

January 5, 2024

MEMBERS PRESENT: None

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

Audria Denker, RN, President
Erica Lemberger, RN, Vice-President
Ashley Adkins, Citizen-at-Large
Jana Bailey, APRN
Missy Bentley, RN
Susan Ellis, RN
Hope Jones, RN
Jacob Higgins, RN
Karen Sherfey, LPN
Ruth Martin, RN
Amber Powell, APRN
Dana Steffey, LPN
Anne Veno, RN

MEMBERS ABSENT: Jennifer Harpe-Bates, APRN
Jane Smith, Citizen-at-Large
Darlena Jones, RN
Miriam Haas, LPN

STAFF PRESENT: None

GUESTS PRESENT: None

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

Kelly Jenkins, Executive Director, KBN
Joe Lally, Deputy Executive Director, KBN
Jeff Prather, General Counsel, KBN
Erica Klimchak, Administrative Assistant, KBN
Eric Velazquez, Resource Management Analyst, KBN

Ruby King, Credentials Branch Manager, KBN
Joy Pennington, Executive Nurse Academic Officer, KBN
John Michul, Staff Attorney, KBN
Andre Stuckey, Executive Assistant, KBN
Myra Goldman, Professional Support Branch Manager,
KBN
Tricia Smith, Compliance Branch Manager, KBN
Jessica Jahn
Andrea Wilson

CALL TO ORDER

Audria Denker, President, called the meeting of the Kentucky Board of Nursing to order at 8:31 am on January 5, 2024 by videoconference via Zoom software application.

ROLL CALL/DECLARATION OF QUORUM

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

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 8:10 am to discuss personnel actions. The meeting was reconvened in open session at 10:02 am.

1. Personnel Matter - discussion of discipline of an individual employee.

Upon returning from closed session, the following actions were taken:

That the personnel matter discussed in closed session be referred for external review.

Upon a motion made by Jacob Higgins, and seconded by Ashley Adkins, the recommendation was approved. No one voted in opposition or abstained from voting.

That the KBN HR Administrator will share with and make the KY State Employee Handbook available to all KBN staff to review.

Upon a motion made by Ashley Adkins, and seconded by Amber Powell, the recommendation was approved. No one voted in opposition or abstained from voting.

NEW BUSINESS

1. Consideration of Proposed Regulation Comments

201 KAR 20:065 – Buprenorphine

KBN General Counsel, Jeff Prather, outlined the comments received regarding 201 KAR 20:065. No motions were made to change the regulation.

201 KAR 20:067

KBN General Counsel, Jeff Prather, outlined the comments received regarding 201 KAR 20:067. After discussion, the following actions were taken:

Change “require” to “recommend” regarding pregnancy tests for women of childbearing age.

Upon a motion made by Jana Bailey, and seconded by Hope Jones, the recommended changes were approved. No one voted in opposition or abstained from voting.

Change “medicinal cannabis practitioner” to “health care provider.”

Upon a motion made by Jana Bailey, and seconded by Susan Ellis, the recommended changes were approved. No one voted in opposition or abstained from voting.

201 KAR 20:057

KBN General Counsel, Jeff Prather, outlined the comments received regarding 201 KAR 20:057. After discussion, the following actions were taken:

Add the same 30-day grace period that currently exists for the CAPA-NS for the CAPA-CS as well.

Upon a motion made by Jana Bailey, and seconded by Jane Smith, the recommended changes were approved. No one voted in opposition or abstained from voting.

Add “phone conferencing” into the regulation.

Upon a motion made by Hope Jones, and seconded by Ruth Martin, the recommended changes were approved. No one voted in opposition or abstained from voting.

201 KAR 20:215

KBN General Counsel, Jeff Prather, outlined the comments received regarding 201 KAR 20:215. No motions were made to change the regulation.

2. Discussion of Regulation

201 KAR 20:320 – Section 4, Use of External Examinations

KBN General Counsel, Jeff Prather, outlined 201 KAR 20:320 – Section 4, Use of External Examinations. Following discussion, the following actions were taken:

That the workgroup previously created by the Education Committee also be tasked with reviewing the entirety of 201 KAR 20:320 and make any recommended changes to be considered by the full Education Committee and the Board.

Upon a motion made by Jana Bailey, and seconded by Susan Ellis, the recommendation was approved. No one voted in opposition or abstained from voting.

OTHER

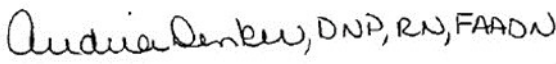
Informational

KBN General Counsel, Jeff Prather, and KBN Executive Director, Kelly Jenkins provided an explanation and update on Operation Nightingale, an investigation of programs of nursing being conducted by the FBI.

ADJOURNMENT

Upon a motion made by Erica Lemberger, and seconded by Susan Ellis, the meeting was adjourned at 10:24 am.

ATTEST

APPROVED:	 <hr/> President	<u>2/15/2024</u> Date
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