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KENTUCKY BOARD OF NURSING

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Andy Beshear
Governor

BOARD MEETING MINUTES

October 20, 2022

MEMBERS PRESENT:

Audria Denker, RN, President
Jana Bailey, APRN
Missy Bentley, RN
Susan Lawson, LPN
Erica Lemberger, RN
Anne Venno, RN
Jane Smith, Citizen-at-Large
Carl Vinson, LPN

MEMBERS – VIDEO/AUDIO PHONE CONFERENCE:

Adam Ogle, RN
Susan Ellis, RN
Ashley Adkins, Citizen-at-Large
Jacob Higgins, RN
Hope Jones, RN

MEMBERS ABSENT:

Mandi Walker, RN

STAFF PRESENT:

Kelly Jenkins, Executive Director, KBN
Joe Lally, Deputy Executive Director, KBN
Jeff Prather, General Counsel, KBN
Erica Klimchak, Administrative Assistant, KBN
Jason Oney, Resource Management Analyst, KBN
Kelsea Williams, Executive Legal Secretary, KBN
Andre Stuckey, Executive Assistant, KBN
Anna Adams, Administrative Services Section Manager,
KBN
John Michul, Staff Attorney, KBN
Peyton Mathes, Law Clerk, KBN
Tyler Tucker, Law Clerk, KBN
Ann Tino, Investigation Branch Manager, KBN
JD Fleming, Legal Services Supervisor, KBN
Rita Poynter, Administrative Assistant, KBN
Myra Goldman, Professional Support Branch Manager,
KBN
Briana Howard, Office Coordinator, KBN
Tricia Smith, Compliance Branch Manager, KBN

GUESTS PRESENT: None

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

Ann Shepherd, Nurse Investigator, KBN
Amy Wheeler, Staff Attorney, KBN
Tina Shoope, Nursing Practice Consultant, KBN
Eric Velazquez, Resource Management Analyst, KBN
Joy Pennington, Nursing Education Consultant, KBN
Michelle Gary, Continuing Competency Coordinator,
KBN
Nathan Goldman, Hearing Officer, KBN
Patricia Abell, Case Advisor, KBN
Sarah Cecil, APRN Practice Consultant, KBN
Joy Pennington, Executive Nurse Academic Officer, KBN
Ruby King, Credentials Branch Manager, KBN
Carly Mitchell
Brittany Burke
Douglas Winkelhake
Olivia Pennington
Charlotte Ipsan
Lisa Jones
Michelle Caudil
Christy Ralston

CALL TO ORDER

Audria Denker, President, called the October 20, 2022 meeting of the Kentucky Board of Nursing to order at 10:01 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.

APPROVAL OF MINUTES

The minutes from the August 23, 2022 Board meeting were presented. Upon a motion made by Missy Bentley, and seconded by Ashley Adkins, the August 23, 2022 Board meeting minutes were approved as written. No one voted in opposition or abstained from voting.

PRESIDENT’S REPORT

Audria Denker reported that the NCSBN Board President calls will be starting next week. Audria will send out summaries of the calls to Board members.

FINANCIAL OFFICER’S REPORT

Anna Adams, Administrative Services Supervisor, presented the Financial Officer's Report, which included the September financial summary. Upon a motion made by Jane Smith, and seconded by Adam Ogle, 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
 - Service Now software system
 - Workforce projection model
 - NCSBN Discipline Conference
 - Employee suggestion box
 - KBN Apparel
- Professional Development
- Social Media
- Personnel
- Training for Board Members

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

KBN Legal Services Supervisor, JD Fleming, provided a brief update on the progress made by the legal team in reducing cases on the active docket. Mr. Fleming also introduced the following three (3) new staff members on the legal team:

- John Michul – Staff Attorney
- Peyton Mathes – Law Clerk
- Tyler Tucker – Law Clerk

Kentucky Board of Licensed Diabetes Educators – KBN Nominations

Kelly Jenkins explained that KBN Board members must submit three (3) potential nominees to the Governor's office, who will then select one appointment from that list. Erica Klimchak will send an email to Board members soon to solicit nominations.

Approval of 2023 KBN Meeting Calendar

Kelly Jenkins presented the proposed 2023 KBN Meeting Calendar. Upon a motion made by Susan Ellis, and seconded by Carl Vinson, the 2023 meeting calendar was approved 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. Upon a motion made by Anne Veno, and seconded by Ashley Adkins, 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 June 16, 2022, July 17, 2022, August 18, 2022 and September 15, 2022 were presented. The Board reviewed and approved by acclamation the reports as written. No one voted in opposition or abstained from voting.

EDUCATION COMMITTEE

September 15, 2022 Education Committee report

The September 15, 2022 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:

Education Committee Scope and Functions

- It was the recommendation of the committee that:
 - **The Education Committee Scope and Functions be approved as presented.**

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

Education Committee Objectives

- It was the recommendation of the committee that:
 - **The Education Committee Objectives be approved as presented.**

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

Bellarmino University CRNA Program Proposal

- It was the recommendation of the committee that:
 - **Bellarmino University – Lansing School of Nursing and Clinical Sciences Proposal to establish an additional CRNA program track, within the Doctor of Nursing Practice (DNP) Degree program be granted developmental approval status per 201 KAR 20:062.**

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

Anne Veno recused herself from the vote, and Jana Bailey abstained from voting.

NISF Report – Consideration of Reallocation of Funds

- It was the recommendation of the KBN staff that the following scholarship reallocations be approved:
 - **Ms. Smith be awarded a scholarship of \$3,000 instead of Mr. Creekbaum.**
 - **Ms. Sibbie be awarded a scholarship of \$1,500 instead of Ms. Ryherd.**
 - **The additional \$1,500 be made available to award to another applicant.**
 - **Additionally, should funds become available due to the turning down of scholarship awards, for enrollment in spring terms only, or the awardee is not eligible as they are not enrolled in a program of nursing, that awards be granted to candidates that were not initially selected.**

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

Dr. Lemberger explained that the committee agreed to form a workgroup to review the NISF regulations and how funds are allocated on a regular basis

PRACTICE COMMITTEE

Note: Practice Committee Chair, Mandi Walker, was absent for the October Meeting, so Jana Bailey handled the Chair's duties for the Practice Committee updates.

The September 16, 2022 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:

Practice committee scope and functions

- It was the recommendation of the committee that:
 - **The 2022-2023 Practice Committee Scope and Functions, as revised, be approved.**

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

Practice committee objectives

- It was the recommendation of the committee that:
 - **The 2022-2023 Practice Committee Objectives, as revised, be approved.**

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

AOS 11 – Insertion and removal of nasogastric tubes and reinsertion of percutaneous endoscopic gastronomy (PEG) tubes AND Withdrawal of AOS 2 – Practice in Gynecological cancer detection – and AOS 28 – Roles of nurses in endoscopic procedures

- It was the recommendation of the committee that:
 - **Advisory Opinion Statement (AOS) #11 Role of Nurses in the Performance of Gastrointestinal and Genitourinary Procedures, as revised, be approved; and**
 - **AOS #2 Scope of Practice in Gynecological Cancer Detection; and AOS #28 Roles of Nurses in Endoscopic Procedures, be withdrawn.**

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

AOS 16 – Roles of nurses in the administration of medication via various routes

- It was the recommendation of the committee that:
 - **Advisory Opinion Statement (AOS) #16 Roles of Nurses in the Administration of Medication via Various Routes, be approved by the Board with specific additional revisions; and**
 - **A workgroup be established to review regulations related to medication**

aides/technicians and Kentucky Medication Aide Program requirements, including the following Cabinet or Health and Family Services regulations and related matters.

- **902 KAR 20:048 Operation & Services Nursing Homes – Section 4.(5)(f)2;**
- **902 KAR 20:051 Operation & Services Intermediate Care - Section 4.(4)(e)2;**
- **902 KAR 20:086 Operation & Services ICF MR/DD Section 4.(6)(e)2; and**
- **902 KAR 20:291 Alzheimer’s nursing homes - Section 4.(2) (a) & (6)(f)2.**

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

AOS 29 – Cardiopulmonary respiratory nursing practice

- It was the recommendation of the committee that:
 - **Advisory Opinion Statement (AOS) #29 Role of Nurses in Cardiopulmonary/Respiratory Practice, be approved by the Board with specified additional revisions.**

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

Psychiatric Forensic Nursing workgroup scope and functions

- It was the recommendation of the committee that:
 - **The Psychiatric Forensic Nursing Workgroup Scope and Functions be approved.**

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

There was discussion regarding the scope and functions of the workgroup

Consideration of changes to 201 KAR 20:411

KBN staff determined that this item should be reviewed further and may be added to the agenda for the November Practice Committee meeting, and will come back to the full Board for consideration at the December meeting.

CONSUMER PROTECTION COMMITTEE

The September 15, 2022 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. Following discussion and presentation of background materials, the following actions were taken:

Revisions to Agreed Orders/KARE Program agreements

- It was the recommendation of the committee that:
 - **Edits, revisions and additions to the agreed orders and KARE program**

agreements be approved.

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

DIALYSIS TECHNICIAN ADVISORY COUNCIL

The August 23, 2022 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. Following discussion and presentation of background materials, the following actions were taken:

DT Council scope and functions

- It was the recommendation of the council that:
 - **The 2022-2023 Dialysis Technician Advisory Council scope and functions, with specific revisions, be approved.**

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

DT Council Objectives

This item was deferred back to the Practice Committee for consideration.

Scope of Practice of a DT in providing central venous catheter care

This item was deferred back to the Practice Committee for consideration.

GOVERNANCE COMMITTEE

The September 15, 2022 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. Following discussion and presentation of background materials, the following actions were taken:

Consideration of changes to 201 KAR 20:370

- It was the recommendation of the committee that:
 - **The changes to the following three licensure applications be approved: APRN application, Application for Licensure and Application for RN/LPN licensure.**

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

CERTIFIED PROFESSIONAL MIDWIVES ADVISORY COUNCIL

The October 3, 2022 Certified Professional Midwives 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.

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 11:11 am to discuss Recommended Orders and personnel actions. The meeting was reconvened in open session at 11:55 am.

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
013-10-22	Baker, Jennifer	LPN License No. 2045885
014-10-22	Burchfield, Tayler	RN License No. 1153538
015-10-22	Cook, Melinda	LPN License No. 2036408
016-10-22	Jordan, Sonya	LPN License No. 2024264
017-10-22	Lewis, Katerina	LPN License No. 2052936
018-10-22	Maddox, Mary	RN License No. 1137368
019-10-22	Mahan, Rebekah	LPN License No. 2050693
020-10-22	McGinnis, Michelle	RN License No. 1074115
021-10-22	Moore, Melissa	LPN License No. 2041920
023-10-22	Settles, Georgia	RN License No. 1116802 LPN License No. 2041114

024-10-22	Wilburn, Kibbey	LPN License No. 2050758
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A motion to accept the orders regarding the above list of licensees was made by Susan Ellis, and seconded by Carl Vinson. 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 ORDER WAS ADOPTED:

Decision Number	Name	License Number
022-10-22	Raybourne, Jerri	RN License No. 1115078

A motion to remand to a hearing the order regarding the above list of licensees was made by Erica Lemberger, and seconded by Jana Bailey. The motion carried with no one voting in opposition and no one abstaining from the vote

PERSONNEL MATTER: Jennifer McIlwain Wathen – Personnel Board Appeal Number 2019-210

Jeff Prather, General Counsel, provided an explanation of the following personnel matter: Jennifer McIlwain Wathen – Personnel Board Appeal Number 2019-210. Following discussion and presentation of background materials, the following actions were taken:

- It was the recommendation of KBN General Counsel, Jeff Prather, that:
 - **The Board give KBN Executive Director, Kelly Jenkins, negotiation authority related to the following appellate matter: Jennifer McIlwain Wathen – Personnel Board Appeal Number 2019-210**

Upon a motion made by Anne Venno, and seconded by Carl Vinson, the General Counsel’s recommendation was approved. No one voted in opposition or abstained from the vote.

PERSONNEL AFFIRMATIONS

A motion was made by Anne Venno, and seconded by Adam Ogle, 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
IM Section	00237896	Eric	Velazquez	08/01/2022	Position Number Change-Internal	Resign to Reappoint
Professional Support Branch	00333511	Amanda	Padgett	08/16/2022	Position Number Change-Internal	Resign to Reappoint
Board Member Section	00432481	Audria	Denker	07/05/2022	Position Number Change-Internal	TWI Vol
Board Member Section	00432518	Jessica	Wilson	07/05/2022	Separation	Time Limit
Executive Branch	00534513	Joy	Pennington	08/01/2022	Position Number Change-Internal	Resign to Reappoint
Professional Support Branch	00560240	Deborah Ann	Shepherd	08/16/2022	Position Number Change-Internal	Resign to Reappoint
Executive Branch	00562719	Pamela	Hagan	08/16/2022	Position Number Change-Internal	Resign to Reappoint
Administrative Services Section	00582868	James	Keller	07/07/2022	Separation	Other
Board Member Section	00587963	Susan	Ellis	07/05/2022	Appointment	Appointment
Administrative Services Section	00592579	Sharon	Cleveland	08/17/2022	Appointment	Interim
Legal Services Section	00597535	John	Michul	09/01/2022	Appointment	Appointment
Legal Services Section	00599947	Tyler	Tucker	09/15/2022	Appointment	Interim

All employees, except for interim positions, received an 8% salary increase on 7/1/2022

INFORMATIONAL ITEM

INFORMATION/ANNOUNCEMENTS

OTHER

The following items were provided for information only:

- KBN organizational chart, updated October 10, 2022
- 2022-2023 KBN committee roster, updated October 2022

ADJOURNMENT

Upon a motion made by Erica Lemberger, and seconded by Jane Smith, the meeting was adjourned at 12:06 pm.

ATTEST

APPROVED:

Audria Denker, DNP, RN, FAAN
President

10/20/2022
Date

/emk/ 1022