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KENTUCKY BOARD OF NURSING

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kbn.ky.gov

Andy Beshear
Governor

BOARD MEETING MINUTES

December 15, 2022

MEMBERS PRESENT:

MEMBERS – VIDEO/AUDIO PHONE CONFERENCE:

Audria Denker, RN, President
Adam Ogle, RN, Vice-President
Jana Bailey, RN
Missy Bentley, RN
Susan Lawson, LPN
Erica Lemberger, RN
Anne Venno, RN
Jane Smith, Citizen-at-Large
Carl Vinson, LPN
Susan Ellis, RN
Ashley Adkins, Citizen-at-Large
Jacob Higgins, RN
Hope Jones, RN
Mandi Walker, RN

MEMBERS ABSENT: None

STAFF PRESENT:

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
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
Ann Tino, Investigation Branch Manager, KBN
JD Fleming, Legal Services Supervisor, KBN
Myra Goldman, Professional Support Branch Manager,
KBN
Tricia Smith, Compliance Branch Manager, KBN
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
Diane Comer, Public Information Officer, KBN
Brittany Click, Nursing Practice Consultant, KBN
SiMya Jackson, Administrative Assistant, KBN
Valerie Jones, Nursing Education Consultant, KBN
Marina McWilliams, Nursing Investigator, KBN
Amanda Padgett, Resource Management Analyst II, KBN
Peyton Mathes, Law Clerk, KBN
Sky Thompson
Michele Dickens
Lindsey Brown
Joyce Lambruno
Robin Boughey
Allison Ellerbrock
Andrea Eden-Shingleton
Amy Simms
Kathy Khoshreza
Stephanie Kilby

CALL TO ORDER

Audria Denker, President, called the December 15, 2022 meeting of the Kentucky Board of Nursing to order at 10:00 am by videoconference via Zoom software application.

SWEARING IN OF NEW BOARD MEMBER

Ruth Martin was sworn in by General Counsel, Jeff Prather, as an RN Board member. Ms. Martin fills the vacancy created by Jimmy Isenberg's term expiration.

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

Tricia Smith was recognized for 20 years of service at KBN; a formal recognition will be presented at the February 2023 Board Meeting.

APPROVAL OF MINUTES

The minutes from the October 20, 2022 Board meeting were presented. Upon a motion made by Erica Lemberger, and seconded by Susan Ellis, the October 20, 2022 Board meeting minutes were approved as written. No one voted in opposition or abstained from voting.

KBN STAFF PRESENTATION

Jeff Prather, KBN General Counsel, provided a brief ethics presentation.

PRESIDENT'S REPORT

No report.

FINANCIAL OFFICER'S REPORT

Anna Adams, Administrative Services Supervisor, presented the Financial Officer's Report, which included the November financial summary. Upon a motion made by Dana Steffey, and seconded by Mandi Walker, 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 Adam Ogle, and seconded by Ashley Adkins, the Executive Director's Report was accepted as written. No one voted in opposition or abstained from voting.

Ms. Jenkins also introduced and welcomed Diane Comer, KBN's newly hired Public Information Officer.

Approval of Kentucky Board of Licensed Diabetes Educators – KBN Nominations

Audria Denker explained that KBN received three (3) nominations for the KBN-appointed member of the Kentucky Board of Licensed Diabetes Educators, which the Board must approve. Upon a motion made by Jana Bailey, and seconded by Jake Higgins, the following nominees were approved:

- Kelsey Hatton
- Stacy Koch
- Leslie Scott

No one voted in opposition or abstained from voting. The approved nominees will now be sent to the Governor's office, from which one person will be selected to serve as the KBN-appointed member on the Board.

GENERAL COUNSEL'S REPORT

December Report

Jeff Prather, General Counsel, presented the General Counsel's Report. Upon a motion made by Ashley Adkins, and seconded by Erica Lemberger the report was approved as written. No one voted in opposition or abstained from voting.

SANE Application Changes

Jeff Prather presented the revisions to the current SANE application.

It was the recommendation of the General Counsel that:

- **The proposed revisions to the SANE application be approved.**

Upon a motion made by Jake Higgins, and seconded by Susan Ellis, the General Counsel's recommendation was approved. No one voted in opposition or abstained from voting.

NISF Application Changes

Jeff Prather presented the revisions to the current NISF application.

It was the recommendation of the General Counsel that:

- **The proposed revisions to the NISF application be approved.**

Upon a motion made by Adam Ogle, and seconded by Jake Higgins, the General Counsel's recommendation was approved. No one voted in opposition or abstained from voting.

CREDENTIALS REVIEW PANEL

The reports of the Credentials Review Panel meetings held October 20, 2022, Special called meeting November 2, 2022, and November 17, 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

Revised September 15, 2022 Education Committee Report

The revised September 15, 2022 Education Committee meeting report was presented. The Board reviewed and approved by acclamation the report as revised. No one voted in opposition or abstained from voting.

November 17, 2022 Education Committee Report

The November 17, 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:

NISF Regulations

- It was the recommendation of the committee that:
The regulation be amended to reflect the following:
 - **Graduate students and LPNs be allotted 15 points**
 - **Pre-licensure nursing students be allotted 10 points**

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.

Graduation Rate Calculation and Retention Benchmarks

- It was the recommendation of the committee that:
A workgroup should be appointed to conduct a more in-depth review of 201 KAR 20:360, graduation rate calculations, and retention benchmarks. The following Education Committee members and KBN staff were appointed to the workgroup:
 - **Hope Jones**
 - **Susan Ellis**
 - **Jake Higgins**
 - **Erica Lemberger**
 - **Kelly Jenkins**
 - **Jeff Prather**
 - **Joy Pennington**

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.

Morehead State University Program Administrator Exemption Request

- It was the recommendation of the committee that:
Morehead State University's Request for a Program Administrator Exemption be approved.

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

KBN SITE VISIT REPORTS

MedQuest College – Louisville

- It was the recommendation of the committee that:
MedQuest College Practical Nursing Program, Louisville, remain on initial status (pending another site visit/review of benchmarks), with quarterly progress reports to begin in March 2023, and an additional site visit be conducted one year from the 2022 site visit report date.

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

American National University – Pikeville

- It was the recommendation of the committee that:
American National University College Associate Degree Nursing Program, Pikeville be granted approval status with quarterly progress reports

beginning February 28, 2023, and a focused site visit one year from the date of the September 6-8, 2022 site visit.

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.

University of the Cumberland – Williamsburg

- It was the recommendation of the committee that:
University of the Cumberland ASN Program of Nursing be denied program approval status and remain on initial approval status, with quarterly reports providing supportive evidence of the Program’s progress in fulfilling the requirements to be met beginning March 31, 2023, and a site visit in two years.

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

PRACTICE COMMITTEE

The November 18, 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:

AOS #20 Roles of Registered Nurses in Invasive Cardiac Procedures

- It was the recommendation of the committee that:
Revisions of AOS #20 Roles of Registered Nurses in Invasive Cardiac Procedures, including a change in title to Roles of Nurses in Cardiovascular Nursing Practice, be approved, by the Board, as submitted.

AOS #31 Removal of Arterial and Venous Access Devices (sheaths) and Use of Mechanical Compression Devices by Nurses be withdrawn from publication.

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

AOS #25 Placement of Central and Arterial Lines and Arterial Blood Sampling

- It was the recommendation of the committee that:
Revisions of AOS #25 Placement of Central and Arterial Lines and Arterial Blood Sampling, by Nurses, including a change in title to Role of Nurses in the Performance of Blood Related Procedures, be approved by the Board, as submitted.

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

AOS #29 Roles of Nurses in Respiratory Nursing Practice (formerly Cardiopulmonary/Respiratory Nursing Practice)

- It was the recommendation of the committee that:
Advisory Opinion Statement (AOS) #29 Role of Nurses in Respiratory Nursing Practice, be approved by the Board, as submitted.

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.

AOS #30 School Nursing Practice

- It was the recommendation of the committee that:
Revised Advisory Opinion Statement (AOS) #30 School Nursing Practice, including a change in title to Role of Nurses in School Nursing Practice, be approved by the Board, as submitted.

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

AOS #32 The Role of Nurses in Procedural Sedation, Analgesia, Airway Management, and Chest Tube Removal

- It was the recommendation of the committee that:
Revised Advisory Opinion Statement (AOS) #32 The Role of Nurses in Procedural Sedation, Analgesia, Airway Management, and Chest Tube Removal, including a change in title to “The Role of Nurses in Procedural Sedation, Analgesia, and Airway Management in Various Settings”, be approved by the Board, as submitted.

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

DIALYSIS TECHNICIAN ADVISORY COUNCIL ITEMS FOR PRACTICE COMMITTEE

2022-2023 Objectives

- It was the recommendation of the committee that:
The 2022-2023 Dialysis Technician Advisory Council Objectives, be approved by the Board, as submitted.

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

201 KAR 20:478 Dialysis Technician Scope of Practice, Discipline, and Miscellaneous Requirements

- It was the recommendation of the committee that:
Proposed revisions of 201 KAR 20:478 Dialysis Technician Scope of Practice, Discipline, and Miscellaneous Requirements, be approved by the Board, as submitted.

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.

201 KAR 20:472 Initial Approval for Dialysis Technician Training Programs

- It was the recommendation of the committee that:
Proposed revisions of 201 KAR 20:472 Initial Approval for Dialysis Technician Training Programs, be approved by the Board, as submitted.

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

201 KAR 20:476 Dialysis Technician Credentialing Requirements for Initial Credentialing, Renewal, and Reinstatement

- It was the recommendation of the committee that:
Proposed revisions of 201 KAR 20:476 Dialysis Technician Credentialing Requirements for Initial Credentialing, Renewal and Reinstatement, be approved by the Board, as submitted

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

CONSUMER PROTECTION COMMITTEE

The November 17, 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:

Review of Conviction Guidelines

- It was the recommendation of the committee that:
Edits, revisions and additions to page six (6) of the conviction guidelines be approved

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

ADVANCED PRACTICE REGISTERED NURSE COUNCIL

The November 15, 2022 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:

APRN Council objectives

- It was the recommendation of the council that:
The 2022-2023 APRN Council objectives, as presented, be approved.

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

APRN Council scope and functions

- It was the recommendation of the council that:
The 2022-2023 APRN Council scope and functions, as presented, be approved.

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

Stem Cell Therapy – Embryonic

- It was the recommendation of the council that:

It is within the scope of practice of an advanced practice registered nurse (APRN), who is educationally prepared and clinically competent, to evaluate, treat, prescribe and administer stem cell therapy derived from embryonic stem cells and umbilical cord blood.

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

Performance of Fiberoptic Nasopharyngoscopy/Nasalaryngoscopy

- It was the recommendation of the council that:
It is within the scope of practice of an advanced practice registered nurse (APRN), to perform Flexible Nasopharyngoscopy/Nasalaryngoscopy working in an Otolaryngology practice and is educationally prepared and clinically competent, to perform Flexible Nasopharyngoscopy/Nasalaryngoscopy.

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

Hemorrhoid Banding

- It was the recommendation of the council that:
It is within the scope of practice of an advanced practice registered nurse (APRN), who is educationally prepared and clinically competent, to perform hemorrhoid banding.

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.

DIALYSIS TECHNICIAN ADVISORY COUNCIL

Note: A vote was not required for each individual item as all actions were taken as part of the Practice Committee report

October 18, 2022 Dialysis Technician Advisory Council Report

The October 18, 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 objectives

- It was the recommendation of the council that:
The 2022-2023 Dialysis Technician Advisory Council objectives, as presented, be approved.

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

- It was the recommendation of the council that:
201 KAR 20:478 Dialysis Technician Scope of Practice, Discipline, and Miscellaneous Requirements be revised to provide for the performance of dialysis treatment initiation, care of, and discontinuation for patients with central venous catheters (CVC), under the supervision of a registered nurse (RN), within the scope of practice of a dialysis technician, with six (6) months experience that includes training and skills validation.

November 3, 2022 Dialysis Technician Advisory Council Report

The November 3, 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:

Scope of Practice of the Dialysis Technician in Providing Central Venous Catheter Care

- It was the recommendation of the council that:
Proposed revisions of 201 KAR 20:478 Dialysis Technician Scope of Practice, Discipline, and Miscellaneous Requirements, with specified revisions, be approved.

201 KAR 20:472 Initial Approval for Dialysis Technician Training Programs

- It was the recommendation of the council that:
Proposed revisions of 201 KAR 20:472 Dialysis Technician Scope of Practice, Discipline, and Miscellaneous Requirements, with specified revisions, be approved.

201 KAR 20:476 Dialysis Technician Credentialing Requirements for Initial Credentialing, Renewal, and Reinstatement

- It was the recommendation of the council that:
Proposed revisions of 201 KAR 20:476 Dialysis Technician Credentialing Requirements for Initial Credentialing, Renewal, and Reinstatement, with specified revisions, be approved.

GOVERNANCE COMMITTEE

The November 17, 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.

CERTIFIED PROFESSIONAL MIDWIVES ADVISORY COUNCIL

The November 21, 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 11:34 am to discuss Recommended Orders and personnel actions. The meeting was reconvened in open session at 11:47 am.

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
025-12-22	Adkins, Kevin	LPN License No. 2032020
026-12-22	Beach, Jessica	LPN License No. 2042611
027-12-22	Bemis, Linda	RN License No. 1053952
028-12-22	Berns, Eric	RN License No. 1163759
029-12-22	Burrell, Erica	LPN License No. 2045196
030-12-22	Catt, Kelli	RN License No. 1099905
031-12-22	Doom, Jessica	RN License No. 1146896
032-12-22	Hyman, Erica	LPN License No. 2051075
033-12-22	Jones, Myqua	LPN License No. 2049648
034-12-22	Justice, Diane	LPN License No. 2041640
035-12-22	King, Kara	RN License No. 1105998 LPN License No. 2036348
036-12-22	McKee, Michelle	LPN License No. 2049105
037-12-22	Sullivan, Travis	LPN License No. 2053110

A motion to accept the orders regarding the above list of licensees was made by Ashley Adkins, and seconded by Susan Ellis. 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 and update on the following personnel matter: Jennifer McIlwain Wathen – Personnel Board Appeal Number 2019-210. This item was presented for information only; no action was required of the Board.

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
Executive Branch	00162720	Diane	Comer	12/01/2022	Appointment	Resign to Reappoint
Board Member	00187663	Jimmy	Isenberg	11/11/2022	Separation	T - Time Limit
Investigative Branch	00475168	Rita	Poynter	10/16/2022	Position Number Change-Internal	Resign to Reappoint
Administrative Services Section	00477153	Briana	Howard	10/16/2022	Position Number Change-Internal	Resign to Reappoint
Nurse Investigator Section	00603544	Marina	McWilliams	11/16/2022	Appointment	Appointment up to Midpoint
Professional Support Branch	00604285	Brittany	Click	11/01/2022	Appointment	Appointment
Administrative Services Section	00609001	SiMya	Jackson	12/01/2022	Appointment	Appointment

HEARING TRANSCRIPT

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

- Jessica Doom – October 26, 2022

INFORMATIONAL ITEM

INFORMATION/ANNOUNCEMENTS

Jacob Higgins mentioned an issue he encountered regarding a Virginia Board of Nursing requirement related to listing clinical hours on transcripts. The KBN Education staff will bring this issue to the Board’s attention in the future if anything similar happens in Kentucky.

OTHER

The following items were provided for information only:

- 2022-2023 Board Member Roster, updated November 2022
- 2022-2023 Committee Member Rosters, updated November 2022
- KBN organizational chart, updated December, 2022

ADJOURNMENT

Upon a motion made by Erica Lemberger, the meeting was adjourned at 11:58 am.

ATTEST

APPROVED:

Audria Denker, DNP, RN, FAAN

President

12/15/2022

Date