

**Kansas State Board of Nursing
Board Meeting Minutes
December 9, 2020**

- Time:** 9:15 a.m. – 3:05 p.m.
- Call to Order:** The meeting was called to order by President P. Zeller at 9:15 a.m. via Zoom.
- Board Present:** Patricia Zeller, MSN, APRN, FNP, President
Rebecca Sander, MSN, RN, Vice-President
Julianna Rieschick, RN, MSN, NEA-BC, Secretary
Carol Bragdon, PhD, APRN
Adri Gouldsmith, LPN
Mandy Karstetter, LPN
Gwendolyn Loyd, MBA, MSN, RN – absent with prior notice
Andrea Watson, RN, BSN, OCN, CCRP
Geovannie Gone, Public Member
Gita Noble, Public Member
Jade Ramsdell, BHS, COTA/L, Public Member
- Staff Present:** Carol Moreland, MSN, RN, Executive Administrator
Adrian Guerrero, Director of Operations
Linda Davies, BSN, RN, Practice Specialist
Janelle Martin, MHSA, RN, Nursing Education Compliance Officer
Jill Simons, Executive Assistant
- Call to order:** The Board meeting was called to order by Patricia Zeller, MSN, APRN, FNP, Chair, at 9:15 a.m. by Zoom virtual meeting
- Announcement:** P. Zeller stated because the Board Meeting is conducting this public meeting by Zoom virtual meeting, she stated for the record the following information:
- On November 23, 2020, the Board sent notice to all individuals who have requested notice of the Board’s meetings. Additionally, the notice and agenda were posted on the Board’s website: ksbn.kansas.gov The notice contains the Zoom meeting information to allow the public to attend this meeting free of charge. The notice also advised individuals to contact the Board’s office at 785-296-5752 if the individual does not have access to a computer.
- Review onsite packet:** There was nothing for the onsite packet.
- Add/Revise Agenda:** Items added under new business.
1. Executive Session #1 under Item #4
 2. Executive Session #2 under Item #6

3. Open Forum under Item #7

It was moved to approve the agenda as amended.
Motion #1 Sander/Karstetter Adopted UYVV

Consent Item Agenda

Minutes:

The minutes from the September 16, 2020 board meeting were reviewed. It was moved to approve the minutes from the September 16, 2020 Kansas State Board of Nursing meeting as amended.
Motion #2 Watson/Noble Adopted UYVV.

Exec. Admin. Report:

C. Moreland reported to the Board. (See Report) It was consensus of the Board to accept the report. Carol introduced Chelsey Stephenson as the new CNE Education Specialist.

Staff Report:

L. Davies reported to the Board. (See Report) It was consensus of the Board to accept the report.

J. Martin reported to the Board. (See Report) It was consensus of the Board to accept the report.

A. Guerrero reported to the Board. (See Report). It was consensus of the Board to accept the report. Adrian introduced Rachel Kenney as a new KSBN staff member.

Committee Reports

President Zeller to Vice-President Sander

Educ. Comm. Report:

P. Zeller, chairperson gave the Education Committee report. (See committee report) The Education Committee report was accepted by consensus of the Board.

It was moved to accept the site visit report for Labette Community College, Bi-level Program, approving the LPN Program for a time-period of 5 years and re-approving the ADN Program for a time-period of national accreditation. Motion #3 Zeller/Gouldsmith Adopted. UYVV.

It was moved to accept the Major Curriculum Change Request from WSU Tech, PN Program, to include IV Therapy beginning January 2021. Motion #4 Zeller/Bragdon Adopted UYVV.

It was moved to accept the Major Curriculum Change Request from Labette Community College, ADN Bi-Level Program, to incorporate

IV Therapy curriculum into NURS 122 Medical Surgical Nursing Course. Motion #5 Zeller/Ramsdell Adopted UYVV.

It was moved to accept the Major Curriculum Change Request from University of Saint Mary, MSN-FNP and Post-Masters FNP Program to increase clinical practice hours from 540 to 720, effective January 2021. Motion #6 Zeller/Bragdon Adopted UYVV.

It was moved to approve the recommendation from the Annual Report Taskforce of the Education Committee that KSBN use the NCSBN Annual Report template for Nursing Programs beginning with the June 2021 deadline. Motion #7 Zeller/Rieschick Adopted UYVV.

It was moved to approve the recommendation to conduct all site visits as virtual visits in 2021, to be reevaluated at each Committee and Board, allowing the Education Committee and Board meeting to request an in-person follow up visit as needed, prior to a decision being made. Motion #8 Zeller/Watson Adopted UYVV.

It was moved to approve the Petition for Permission to Test/Retest Summary from August 15, 2020 through November 7, 2020 which includes:

- | | | |
|-----------------|-----------------|---------------|
| Shandra Daniels | Maria Freeman | Erica Hunt |
| Jamie Layne | Ufuoma Oruoghor | Renu Shrestha |
| Gabriela Torres | | |

Motion #9 Zeller/Noble Adopted UYVV.

Vice-President Sander to President Zeller

Investigative Report: R. Sander, chairperson gave the Investigative Committee report. (See committee report) The Investigative Committee report was accepted by consensus of the Board.

CNE Report: J. Rieschick, chairperson gave the CNE Committee report. (See committee report) The CNE Committee report was accepted by consensus of the Board.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for Hagan and Associates, LLC. Motion #10 Rieschick/Watson Adopted UYVV.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for Mid-America Wound Healing Society. Motion #11 Rieschick/Karstetter Adopted UYVV.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for TCG Media, LLC, pending recommendations made by the CNE Committee. Motion #12 Rieschick/Sander Adopted UYVV.

It was moved to approve the Long-Term Provider Initial Application for Just Some Podcast, LLC. Motion #13 Rieschick/Gouldsmith Adopted UYVV.

It was moved to approve K.A.R. 60-4-103 as written as a part of the five-year legislative review process. Motion #14 Rieschick/Watson Adopted UYVV.

APRN Report: C. Bragdon, chairperson gave the APRN Committee report. (See Committee Report) The APRN Committee Report was accepted by consensus of the Board.

Practice/IV Therapy Report: M. Karstetter, chairperson gave the Practice/IV Therapy Committee report. (See Committee Report) The Practice/IV Therapy Committee Report was accepted by consensus of the Board.

Finance Report: C. Bragdon, chairperson gave the Finance Committee report. (See Committee Report) The Finance Committee Report was accepted by consensus of the Board.

Break: 10:47 a.m.

Open Session: 11:05 a.m.

Unfinished Business:

Annual Delegation Motions: Janet Arndt gave an update on the changes to the Annual Delegation Motions.

It was moved that Board designate and delegate to the Chair of the Investigative Committee the Board’s authority to:

- (1) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, of the Kansas Nurse Practice Act regarding matters that have been recommended for emergency proceedings by staff or counsel; and
- (2) Act as Presiding Officer pursuant of K.S.A. 2015 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to conduct emergency proceedings and issue an order as required by K.S.A. 2015 Supp. 77-536 on all matters that are being or have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or

regulations adopted thereunder, unless the ~~President~~ Chair of the Investigative Committee determines the emergency proceeding should be conducted and decided by the Investigative Committee. Motion #15 Zeller/Bragdon. Amended Motion #15 Zeller/Bragdon Adopted UYVV.

Subject to motion number 15 regarding delegation to the Chair of the Investigative Committee, I move that if the Chair is not available to act as described in motion number 15 the Vice Chair of the Investigative Committee is so designated and delegated to act as described in motion number 15.

Motion #16 Zeller/Gouldsmith UYVV.

I move that should a Board member serving on the Investigative Committee be unable to serve as a presiding officer in a matter pending before the Investigative Committee, Patricia Zeller is designated and delegated as an alternate presiding officer of the Investigative Committee in that pending matter. Motion #17 Bragdon/Rieschick Adopted UYVV. Zeller abstained.

Subject to motion number 37 that was passed on September 16, 2020, regarding the delegation of Applications and motion number 15 that was passed on December 9, 2020, regarding the delegation of emergency proceedings, I move that the Board designate and delegate to the Investigative Committee its authority to:

- (1) Conduct hearings, enter into settlements, issue decisions, and assess fines pursuant to K.S.A. 74-1110 and amendments thereto, regarding an allegation that a person granted a license, certificate of qualification or authorization to practice nursing has a violated or not complied with the Kansas Nurse Practice Act and or regulations adopted thereunder:
- (2) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, of the Kansas Nurse Practice Act regarding applications that are being investigated or have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder; and
- (3) Act as Presiding Officer pursuant to K.S.A. 2015 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide and issue any orders on all matters in cases that have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder; such delegation includes, but is not limited to:
 - sending warning or reprimand letters;

- entering into settlement agreements;
- conducting reviews, proceedings and hearings;
- issuing prehearing orders;
- issuing initial orders that censure, revoke, limit, or suspend any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto

unless the Investigative Committee determines that the matter should be sent to the Office of Administrative Hearings for conducting further proceedings and issuing an initial order or considered and decided by the Board.

Motion #18 Zeller/Sander Adopted UYVV.

New Business:

Quarterly Newsletter: C. Moreland proposed to the Board Members the possibility of revising the KSBN newsletter to aid in streamlining information to make the newsletter more user friendly. It was a consensus of the Board to revise the KSBN quarterly newsletter and to bring proposed revisions back to the Board at the March 2021 Board meeting.

Annual Report Revisions: C. Moreland proposed to the Board Members the possibility of revising the annual report. Suggestions are to remove the history data from the annual reports and move it to the KSBN website. Our annual report is generated on fiscal years. The last annual report on the KSBN website is from FY19. FY20 ended on June 30, 2020. Because we put calendar year 2020 NCLEX pass rates in our annual report. The FY20 Annual Report will not be placed on the KSBN website until after the March 2021 Board meeting because the NCLEX pass rates are provided to the Board first before the NCLEX pass rates are published on our website. One suggestion would be to place FY19 NCLEX pass rates in the FY20 annual report to enable KSBN to post the annual report to our website in a timelier manner. It was a consensus of the Board to revise the Annual Report and to bring proposed revisions back to the Board at the March 2021 Board meeting.

March 2021 Board/Comm: A consensus was made to hold the March 2021 Board/Committee meetings virtually.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for 60 minutes and reconvene at 1:00 p.m. The remote meeting will be reconvened by Zoom and YouTube as stated in the notice of the meeting that was sent to individuals who requested the notice and as published on the Board's website at www.ksbn.kansas.gov.

The justification is consultation with the Board’s legal counsel, Assistant Attorney General Janet Arndt, Will Skepnek and Rachel Kenney, that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues regarding discipline under the Kansas Nurse Practice Act. The Board’s Executive Administrator, Carol Moreland, is included as the client.

Motion #19 Sander/Gouldsmith Adopted UYVV

Open Session: 1:00 p.m.

Break: 1:10 p.m.

Open Session: 1:25 p.m.

Board Meeting Training: Janet Arndt, Assistant Attorney General explained the Kansas Tort Claims Act, Kansas Open Meetings Act and the Kansas Open Records Act with the Board members.

Executive Session: Pursuant to K.S.A. 75-4319(b)(1), I move that the Board recess into executive session for 30 minutes and reconvene at 2:55 p.m. The remote meeting will be reconvened by Zoom and YouTube as stated in the notice of the meeting that was sent to individuals who requested the notice and as published on the Board’s website at www.ksbn.kansas.gov.

The justification is to discuss personnel matters of nonelected personnel. The subject matter to be discussed in the executive session concerns an employee performance evaluation. To aid the Board in its discussion, Adrian Guerrero will join the executive session.

Motion #20 Zeller/Sander Adopted UYVV.

Open Session: 2:55 p.m.

Open Forum: During open forum, Terri Roberts, JD, RN commented on the KSBN budget and the lack of timeliness of getting the full Nurse Practice Act on the Board’s website updated.

Agenda for March 2021 Board:

- 1) Revisions to the Annual Report Changes
- 2) Revisions to the KSBN Newsletter

Adjourn: It was moved to adjourned at 3:05 p.m.
Motion #21 Gouldsmith/Rieschick Adopted UYVV.

Patricia Zeller, Board President

Date

Julianna Rieschick, Secretary

Date

Carol Moreland, Executive Administrator

Date