

**Kansas State Board of Nursing
Board Meeting Minutes
September 14, 2022**

- Time:** 9:17 a.m. – 1:30 p.m.
- Call to Order:** The meeting was called to order by President J. Rieschick at 9:17 a.m.
- Board Present:** Julianna Rieschick, RN, MSN, NEA-BC, President
Rebecca Sander, MSN, RN, Vice-President
Adri Gouldsmith, LPN, Secretary
Andrea Watson, RN, BSN, OCN, CCRP
Melissa Oropeza, DNP, APRN-BC, CGRN
Lori Owen, LPN
Patricia Zeller, MSN, APRN, FNP
Geovannie Gone, 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 Julianna Rieschick, RN, MSN, NEA-BC, Board President, at 9:17 a.m.
- Review onsite packet:** There was nothing for the onsite packet.
- Add/Revise Agenda:** Kathy Russell, NCSBN will be added to the agenda at 10:00 to discuss a document she created on decision making on discipline. There will be two Executive Sessions added as well. It was moved to approve the agenda as amended. Motion #1 Sander/Gouldsmith Adopted UYVV.
- Announcement:** J. Rieschick recognized Patsy Zeller for her time served on the Board of Nursing.
- Consent Item Agenda**
- Minutes:** The minutes from the June 20, 2022, special board meeting and the June 29, 2022, board meeting were tabled to the December 2022 Board meeting.
- Exec. Admin. Report:** C. Moreland reported to the Board. (See Report). The Board meeting for March 2023 was rescheduled to March 20-22, 2023. It was consensus of the Board to accept the report.

J. Rieschick acknowledged that Carol Moreland was recognized by NCSBN for her five years as the Executive Administrator for the Board of Nursing.

Staff Report: L. Davies reported to the Board. (See Report). Linda recognized Hana Dajani, Stacy Scott and Susanne Forman as new staff members, as well as her existing staff members Randy Maas, Richard Young, Ruth Humbert, Abbie Stutzman, Evan Faulkner and Debra Quintanilla to the Investigative Division. It was consensus of the Board to accept the report.

Kathy Russell, NCSBN: Kathy Russell, NCSBN discussed the NCSBN Disciplinary Decision Pathway.

Staff Report Cont'd: A. Guerrero reported to the Board. (See Report). Adrian recognized Michelle Brown new position in the Operations Department and Sharon Oxby assistance with the office scanning. He also acknowledged the rest of his staff RaeAnn Byrd, Licensing Manager and her team Barb Bigger, Jackie Mercer and Karen McGill. Tony Blubaugh and Kolton Colhouer, IT Support. It was consensus of the Board to accept the report.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), I moved that the Board recess into executive session for 20 minutes and reconvene at 11:20 a.m. The meeting will be reconvened by Zoom and in Room 509, Landon Office Building, 900 SW Jackson, Topeka, Kansas 66612, 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 Charles Macheers, and outside counsel, Charles Branson, that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues regarding KORA, nursing programs, and education. The Board's Executive Administrator, Carol Moreland, and Director of Operations, Adrian Guerrero, is included as the client. Motion #2 Zeller/Gouldsmith Adopted UYVV.

Open Session: 11:20 a.m.

It was moved that the Board approve the Release and Settlement Agreement related to KORA. Motion #3 Zeller/Watson Adopted UYVV.

Staff Report Cont'd: J. Martin report to the Board. (See Report). It was consensus of the Board to accept the report.

Lunch Break: 11:30 a.m.

Open Session: 12:04 p.m.

Committee Reports

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 Rasmussen University, ADN program and re-approve the ADN program for a time-period of national accreditation. All recommendations were completed in given time frames. Motion #4 Zeller/Gouldsmith Adopted UYVV.

It was moved to approve the Major Curriculum Change Request from Donnelly College, PN Program, to add a day cohort of 25 students to the January admission time frame beginning January 2023. Motion #5 Zeller/Oropeza Adopted UYVV.

It was moved to approve the Major Curriculum Change Request from Barton Community College, PN Program, to add a satellite location for 30 additional students annually on the campus of Pratt Community College. Motion #6 Zeller/Gouldsmith Adopted UYVV.

It was moved to approve the Major Curriculum Change Request from Baker University, BSN Program, to increase the hours from 2 to 2.5 in NU 486 Transition to Nursing Practice Didactic Course. Motion #7 Zeller/Watson Adopted UYVV.

It was moved to approve the Major Curriculum Change Request from Washburn Tech to change didactic courses PNS 101, PNS 152, and PNS 221 from in-person to hybrid delivery. Motion #8 Zeller/Oropeza Adopted UYVV.

It was moved to accept the Initial Nursing Program Application by Ottawa University to offer a BSN Program at the Overland Park location with a site visit to occur before approval is given to admit students. Motion #9 Zeller/Sander Adopted UYVV.

It was moved to approve the Revision to K.A.R. 60-2-103 as written. Motion #10 Zeller/Gouldsmith Adopted UYVV.

It was moved to approve the Petition for Permission to Test/Retest Summary from May 28, 2022, through August 12, 2022, which includes:

Stephanie Bugarinovic	Mara Calvani
Ciana Bateman	Juliana Mensah

Motion #11 Zeller/Oropeza Adopted UYVV.

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

APRN Committee: M. Oropeza, chairperson announced that the APRN Committee was unable to conduct business due to not having enough Board/Committee members in attendance for a quorum.

President Rieschick to Vice-President Sander

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

It was moved to return the Long-Term Provider 5 Year Renewal Application to Hutchinson Community College and request resubmission after review of the checklist. Motion #12 Rieschick/Watson Adopted UYVV.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for Institute for Natural Resources LT0140-0927 with changes. Motion #13 Rieschick/Gone Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application for Kansas Hospital Association. Motion #14 Rieschick/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for Wesley Medical Center. Motion #15 Rieschick/Watson Adopted UYVV.

It was moved to approve the Long-Term Provider 5 Year Renewal Application for Wichita State University LT0090-0327 with reminders to have the Long-term provider statement on any advertisement or brochures and to ensure that there is current references. Motion #16 Rieschick/Gone Adopted UYVV.

It was moved to extend the Long-Term Providership for Stormont Vail HealthCenter LT0072-0538 through December 31, 2022. Motion #17 Rieschick/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider application for Aesthetic Learning lab with reminder to have times on agenda and outline. Motion #18 Rieschick/Watson Adopted UYVV.

It was moved to approve the Long-Term Provider application for Dr. G the NP as presented. Motion #19 Rieschick/Gone Adopted UYVV.

It was moved to approve the Long-Term Provider application for Hart Healthcare Solutions LLC. Motion #20 Rieschick/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider application for NP Certification Academy LLC with reminder to have times on agenda and outline and a reminder for current bibliography. Motion #21 Rieschick/Watson Adopted UYVV.

It was moved to approve the Long-Term Provider application for Parris Health Training Services contingent upon 2 complete proposed offerings submitted, including instructors education and experiences and the inclusion of times on course outline. Motion #22 Rieschick/Watson Adopted UYVV.

Vice-President Sander to President Rieschick

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

It was moved to accept the standards of practice legislation 60-7-105 as presented. Motion #23 Sander/Oropeza Adopted UYVV.

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

Unfinished Business:

Regulation Change: C. Moreland discussed the following permanent regulations changes:
K.A.R. 60-11-101
K.A.R. 60-11-103
K.A.R. 60-11-104
K.A.R. 60-11-104a

K.A.R. 60-11-105
K.A.R. 60-11-107
K.A.R. 60-11-113

On September 6, 2022, there was a public hearing. The public comments received during the 60 day comment period are in the packet for Board review.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-101, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #24 Zeller/Oropeza Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-103, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #25 Oropeza/Gouldsmith Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-104, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #26 Sander/Oropeza Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-104a, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #27 Oropeza/Gone Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-105, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #28 Sander/Oropeza Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-107, and that the vote be taken by roll call vote. The principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #29 Oropeza/Watson Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

Pursuant to K.S.A. 77-421(b)(1), It was moved that the Board adopt K.A.R. 60-11-113, and that the vote be taken by roll call vote. The

principal reason for adopting this regulation is to be in compliance with K.S.A. 65-1119. Motion #30 Zeller/Gone Roll Call Vote (8 Yea) (0 Nay) Adopted UYVV.

CE Broker Update: A. Guerrero gave a brief update on CE Broker.

2022 Committee/Board: The consensus of the Board is to meet in person at the Landon State Office Building for the December 2022 Board/Committee meetings. With an option for Committee members to attend virtually or in person.

Implementation of HB 2279: C. Moreland had no additional updates on the implementation of S Sub for HB 2279.

Licensing Software Update: A. Guerrero gave an update during his staff report.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for 20 minutes and reconvene at 1:00 p.m. The meeting will be reconvened by Zoom and in Room 509, Landon Office Building, 900 SW Jackson, Topeka, Kansas 66612, 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 Charles Macheers that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues regarding nursing programs, education, and internal license compliance issues. The Board’s Executive Administrator, Carol Moreland, and Director of Operations, Adrian Guerrero is included as the client. Motion #31 Sander/Gouldsmith Adopted UYVV.

Open Session: 1:00 p.m.

New Business:

Election of Officers: It was the consensus of the Board that if you are not re-elected you will continue in your position until today’s meeting is adjourned, and new officers elected at today’s meeting will assume their roles as of the December 2022 board meeting.

President: Adri Gouldsmith nominated Julianna Rieschick for president. Nominations cease. It was moved to elect Julianna Rieschick as President. Motion #32 Gouldsmith/Oropeza Adopted UYVV Rieschick abstained.

Vice President: Adri Gouldsmith nominated Rebecca Sander for vice president. Nominations cease. It was moved to elect Rebecca Sander as Vice President. Motion #33 Gouldsmith/Watson Adopted UYVV Sander abstained.

Secretary: Adri Gouldsmith nominated Andrea Watson for secretary. Nominations cease. It was moved to elect Andrea Watson as Secretary. Motion #34 Gouldsmith/Oropeza Adopted UYVV Watson abstained.

Agency Head/Presiding Officer:

I move that, pursuant to K.S.A. 77-527 of the Kansas Administrative Procedure Act, the Board designate and delegate to Julianna Rieschick its authority as agency head to review, decide, and issue any orders concerning petitions for review, petitions for reconsideration, and motions for stay filed with the Board and taking any other action related thereto until further action by the Board.

Motion #35 Zeller/Sander Adopted UYVV Rieschick abstained.

President Rieschick to Vice-President Sander

I move that, should Julianna Rieschick be unable to serve as agency head, the Board designate Andrea Watson to serve as an alternate agency head and, in such circumstances, the Board delegate Andrea Watson its authority pursuant to K.S.A. 77-527 of the Kansas Administrative Procedure Act to review, decide, and issue any orders concerning petitions for review, petitions for reconsideration, and motions for stay filed with the Board and taking any other action related thereto until further action by the Board.

Motion #36 Zeller/Oropeza Adopted UYVV Watson abstained.

Vice-President Sander to President Rieschick

I move that the 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 to K.S.A. 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. 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 Chair of the Investigative Committee determines the emergency proceeding should be conducted and decided by the Investigative Committee. Motion #37 Oropeza/Gone Adopted UYVV.

Subject to motion number 37 regarding delegation to the Chair of the Investigative Committee, I move that if the Chair of the Investigative Committee is not available to act as described in motion number 37, the Vice Chair of the Investigative Committee is so designated and delegated to act as described in motion number 37.

Motion #38 Zeller/Oropeza Adopted UYVV.

I move that the Board designate and delegate to the Chair of the Investigative Committee the Board's authority to:

(1) Issue to an applicant meeting the qualifications and requirements of the Kansas Nurse Practice Act and the Nurse Licensure Compact Act any license, certificate of qualification or authorization to practice nursing;

(2) Conduct hearings, enter into settlements, and issue decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a person who submitted an initial, renewal, endorsement, or reinstatement application for any license, certificate of qualification or authorization to practice nursing has violated or not complied with the Kansas Nurse Practice Act or regulations adopted thereunder;

(3) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, 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 promulgated thereunder by the Board; and

(4) Act as Presiding Officer pursuant to K.S.A. 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 matters involving all applications whether initial, renewal, endorsement, or reinstatement for any license, certificate of qualification or authorization to practice nursing 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 KAPA proceedings and hearings;

- issuing prehearing orders;
- issuing initial orders denying or imposing limitations on any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto

unless the President determines the matter should be sent to the Office of Administrative Hearings for further proceedings or considered and decided by the Investigative Committee.

Motion #39 Oropeza/Gouldsmith Adopted UYVV.

Subject to motion number 39 regarding delegation to the Chair of the Investigation Committee, I move that if the Chair is not available, the Vice Chair of the Investigative Committee is so designated and delegated to act as described in motion number 39.

Motion #40 Zeller/Gouldsmith Adopted UYVV.

Subject to motion number 40 regarding delegation of Applications and motion number 40 regarding 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, and issue decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a person who was granted a license, certificate of qualification or authorization to practice nursing has 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 persons who were granted a license, certificate of qualification or authorization to practice nursing and 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. 2018 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 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 #41 Oropeza/Watson Adopted 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, Adri Gouldsmith is designated and delegated as an alternate presiding officer of the Investigative Committee in that pending matter.

Motion #42 Zeller/Gone Adopted UYVV Gouldsmith abstained.

I move that the Board designate and delegate to the Chair of the Investigative Committee the Board's authority to:

- (1) Conduct hearings, enter into settlements, and issue decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a licensee has violated or not complied with the Kansas Nurse Practice Act, or regulations adopted thereunder, for failing to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Compact.
- (2) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, regarding licensees that are being investigated or have been investigated for failing to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Company; and
- (3) Act as Presiding Officer pursuant to K.S.A. 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 matters involving all licensees that have been investigated for any alleged violation of or noncompliance with the Kansas Nurse Practice Act or regulations adopted thereunder; regarding the failure to submit to a mental or physical examination or an alcohol or drug screen, or any

combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Compact, such delegation includes, but is not limited to:

- sending warning or reprimand letters;
- entering into settlement agreements;
- conducting KAPA proceedings and hearings;
- issuing prehearing orders;
- issuing initial orders denying or imposing limitations on any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto

unless the President determines the matter should be sent to the Office of Administrative Hearings for further proceedings or considered and decided by the Investigative Committee.

(4) Make referrals, cause evaluations, or grant requests for restrictions pursuant to K.S.A. 65-4924.

Motion #43 Oropeza/Gouldsmith Adopted UYVV.

Agenda for December 2022 Board:

- 1) June 20, 2022, Special Board Meeting minutes
- 2) June 29, 2022, Board minutes
- 3) CE Broker Update
- 4) Licensing Software Update
- 5) Update on NCSBN Annual Meeting
- 6) Update on Permanent Regulations from HB 2279

Adjourn: The Board meeting was adjourned at 1:30 p.m.

Julianna Rieschick, Board President

Date

Adri Gouldsmith, Secretary

Date

Carol Moreland, Executive Administrator

Date