



Nursing Care Quality Assurance Commission (NCQAC)
Regular Meeting Minutes (DRAFT)
September 12, 2014 8:30 am – 4:00 pm
Red Lion Hotel
2525 North 20th Avenue
Pasco WA

Commission Members:

Suellyn M. Masek, MSN, RN, CNOR, Chair
Margaret Kelly, LPN, Vice-Chair
Mary Baroni, PhD, RN
Brian Barrientos, LPN
Jeannie Eylar, MSN, RN
Charlotte Foster, BSN, MHA, RN
Lois Hoell, MS, MBA, RN
John Peick, JD, Public Member
Gene Pingle, BSN-BC, CEN, RN
Donna Poole MSN, ARNP, PMHCNS-BC
Tracy Rude, LPN
Laurie Soine PhD, ARNP

Excused:

Cass Tang, PMP, Public Member

Excused:

Stephen J. Henderson, JD, MA, Public Member

Excused:

Teri Trillo, MSN, RN, CNE

Assistant Attorney General:

Gail Yu, Assistant Attorney General

Staff:

Paula R. Meyer, MSN, RN, FRE, Executive Director
Kathy Anderson, Management Analyst
Debbie Carlson, MSN, RN, Nursing Practice Advisor
Teresa Corrado, LPN, Health Services Consultant
Mary Dale, Discipline Manager
Michael Hively, Administrative Assistant
Shari Kincy, Senior Secretary
Anne Schuchmann, MSN, RN, Deputy Executive Director
Catherine Woodard, Chief Investigator
Martha Worcester, PhD, ARNP, ARNP Advisor

Excused:

Mindy Schaffner, PhD, MSN-CNS, RN, Nursing Education
Advisor

This meeting was digitally recorded to assist in the production of accurate minutes. All recordings are public record. The minutes of this meeting will be posted on our website after they have been approved at the November 14, 2014 NCQAC meeting. For a copy of the actual recording, please contact the Public Disclosure Records Center (PDRC) at PDRC@doh.wa.gov.

I. 8:30 AM Opening – Suellyn Masek, Chair – DISCUSSION/ACTION

II. Call to order

- A. Introductions
- B. Order of the Agenda
- C. Correspondence
- D. Announcements

III. 8:40 AM Consent Agenda – DISCUSSION/ACTION

Consent agenda items are considered routine agency matters. The NCQAC approves the consent agenda by a single motion without separate discussion. To discuss a separate item requires a motion to remove the item and then place the item on the regular business agenda.

- A. Approval of minutes
 - 1. NCQAC July 11, 2014 Business Meeting draft minutes.
 - 2. Advanced Practice sub-committee July 16, 2014 draft minutes
 - 3. Licensing and Discipline sub-committee May 19, 2014; & June 30, 2014 draft minutes
 - 4. Consistent Standards of Practice Aug 19, 2014
 - 5. Continuing Competency June 13, 2014 sub-committee draft minutes; & July, 17, 2014 sub-committee draft minute

Motion: Motion by Mr. Pingle with a second from Laurie Soine to adopt the consent agenda with the removal of item III.A.1 for editorial changes and to be added to the November business meeting consent agenda for approval. Motion Passed.

Item III.A.1 edits will be brought back to the November 14th, 2014 business meeting for approval.

IV. 8:45 AM NCQAC Panel Decisions - DISCUSSION

The NCQAC delegates the authority as provided by law for certain decisions to a panel of at least three members. Panels must be chaired by a member of the NCQAC. Pro tem members of the NCQAC may serve as panel members. The following minutes are provided for information.

- 1. Nursing Program Approval Panel (NPAP) July 14, 2014 minutes
- 2. Nursing Assistant – Nursing Program Approval Panel (NA-NPAP) June 6, 2014; & July 14, 2014 minutes

V. 8:45 AM – 9:30 AM Chair Report –Suellyn Masek - DISCUSSION/ACTION

- A. National Council of State Boards of Nursing Annual Meeting, Chicago, August 12-15

Suellyn Masek, Margaret Kelly, Lois Hoell, Debbie Carlson, Paula Meyer
Ms. Kelly recognized Paula Meyer for completing her Fellowship for the Institute of Regulatory Excellence.

Ms. Meyer discussed the Nurse Licensure Compact (NLC) explaining that Jim Puente had given a presentation at the July meeting outlining the similarities between a state driver's license and a nursing license for states that are, or would become part of the NLC. Ms. Meyer explained that although we are licensed by a state to drive, if an infraction is committed in another state, that state can take action on your license. The NLC's structure is based on this model. Ms. Meyer further explained that 24 states are currently part of the NLC. Ms. Poole, Ms. Eylar, Ms. Tang, Ms. Rude, Ms. Corrado, Ms. Dale are members of the Compact Task Force to begin discussion and open dialog for NLC and what it means for Washington State. Ms. Meyer explained that Dr. Leonard Marcus has facilitated five meetings over the past year for the National Council of State Boards of Nursing (NCSBN) Executive Officers group to discuss pros and cons of the NLC. A consensus was reached at the Executive Officer's meeting in June. The information was given to the Nurse Licensure Compact Administrators who drafted a revision of the NLC and was presented at the August 12, 2014 NCSBN Annual meeting for further revision. Ms. Meyer explained that the NCSBN asked for comments on the draft revision by September 19, 2014. The Compact Task Force's comments on the revised NLC will be sent to NCSBN. The Compact Task Force will continue stakeholder meetings in spring of 2015.

B. Operating Agreement

1. Update on reorganization

Ms. Meyer explained that October 14, 2014 is the first meeting for the demand to bargain. She further explained that all state employees are represented by collective bargaining units (unless exempt) and are represented by one of two unions: Washington Federation of State Employees and the Service Employees International Union. Members of the Washington Federation of State Employees presented a demand to bargain related to the reorganization of legal staff and staff from Washington Health Professional Services. Ms. Meyer explained that the meeting will be to discuss the impact on the legal and health professional service units.

2. Update on meetings with the Office of Financial Management

Ms. Masek explained the NCQAC's request for mediation on indirect costs of services provided to the NCQAC by the Department of Health. On September 9, 2014, Ms. Masek, Ms. Meyer, & Kathy Anderson met with the Office of Financial Management to discuss indirect costs. Another meeting was set for September 17, 2014 to determine if federal statutes determined the indirect cost rate.

C. Report on Nursing Cases associated with the WA Veterans' Administration facilities

Ms. Masek explained that Catherine Woodard put together a report on cases/complaints received about VA facilities. Although there were only nine cases, the report found that investigators have encountered issues in the past conducting investigations. Ms. Masek explained that the Steering Committee decided to send letters to State Legislators and Chief Nurses in the Puget Sound VA system of Washington State reminding them of State and Federal mandatory reporting laws.

**VI. 9:30 AM - 10:00 AM Executive Director Report – Paula Meyer –
DISCUSSION/ACTION**

A. Budget report

1. Budget status report – Kathy Anderson

Ms. Anderson reviewed the budget report and answered questions and comments from the NCQAC members.

2. Fees for Nursing licenses – Teresa Corrado

Ms. Corrado presented how nurse licensure fees are established, collected, and used. In addition, she answered questions and took comments from the NCQAC members.

Ms. Masek suggested placing a “frequently asked questions and answers” section on the NCQAC webpage. Ms. Corrado explained that a web page is being developed to cover active and inactive license status, but that the information is on the application located on the Nurse Licensure web page. Ms. Kelly suggested placing the questions and answers document in the newsletter.

3. Commission meeting cost analysis – Kathy Anderson

Ms. Anderson provided a comparison of one and two day meeting costs when in and out of area (Eastside of WA State vs. Westside of WA) and answered questions and comments from the NCQAC members. Ms. Hoell suggested creating a committee to examine the cost benefit of out of area meetings.

Motion: Motion by Mr. Pingle with a second from Ms. Soine to develop a committee to analyze the fiscal benefits of out of area travel. Ms. Masek asked for committee volunteers: Mr. Pingle, Ms. Eylar, Ms. Kelly, & Ms. Foster volunteered as committee members. Motion Passed.

B. Performance Measures report

1. Baseline measures for Legal Services
2. Current measures

Ms. Meyer explained that the NCQAC requested that legal services come back under the management of NCQAC and that the baseline and current performance measures in place will continue to be used.

3. Commitment to Ongoing Regulatory Excellence, 2014,(CORE)

Ms. Meyer explained that the HB1103 report submitted in 2013 included using the comparison to the NSCBN National Database. Last year’s HB1518 report to the Governor and Legislation was based on this data. She further explained that this year the data will be collected again for CORE and further comparison. Ms. Meyer also explained that with the Joint Operating Agreement there is a performance and tactical management agreement with HSQA and that this year’s data will be presented at those meetings.

C. FBI Criminal Background Checks – Catherine Woodard

Ms. Woodard explained how the FBI background RAP Back system works and that meetings with stakeholders, Washington State Patrol, and Washington State Legislators are being held to discuss and seek support for the request legislation. Ms. Woodard and Ms. Meyer further discussed and answered questions from the NCQAC members.

D. Department of Health and Medical Quality Assurance Commission request legislation

Ms. Meyer explained that the NCQAC set their legislative agenda at the May, 2014 meeting stating that the FBI Federal Background Checks request legislation would be the only request NCQAC put forward during the 2015 legislative session. Ms. Meyer and NCQAC members discussed the Alternative to discipline request from the Medical Commission. Ms. Meyer explained that this is currently a concept and there is no “Z draft”. Ms. Masek explained that although the Medical Commission is putting forth five topics for request legislation. The Steering Committee decided to only submit one to ensure maximum focus on FBI Criminal Background Checks and the RAP Back program to provide for greater public safety.

10:00 AM – 10:15 AM BREAK

VII. 10:15 AM – 11:30 AM Subcommittee Reports – DISCUSSION/ACTION

A. Licensing - Lois Hoell ,chair

Ms. Hoell explained that licensing is finishing the revision of the continuing competency rules. She explained that data is being collected on licensure fees. Ms. Hoell and Ms. Corrado will be traveling to North Carolina to review their continuing competency audit process for best practices.

B. Discipline – Gene Pingle, chair

1. Substance Use Disorder Best Practices/Audit Tool

Motion: Motion by Mr. Pingle with a second from Ms. Kelly to adopt the best practices listed in the National Council of State Boards of Nursing “Substance Use Disorder Manual” in Appendix A, as best practices for the Washington State Nursing Care Quality Assurance Commission. The motion includes the use of the Audit Tool as part of the best practices, and recommends the Substance Use Disorder (SUD) workgroup develop a policy/procedure as outlined in the Audit Tool. Motion Passed.

2. Procedure A20 Substance Use Orders

Motion: Motion by Mr. Pingle with a second from Ms. Rude to adopt the following changes to procedure A20: Changing the term “in a timely manner” to “within five business days” (number 2, first bullet) to clarify the expectation and avoid delays in entering the program and adding “tampering” to the list of serious misconduct, in addition to format changes. Motion Passed.

3. Procedure A25 Case Disposition Panels

Motion: Motion by Mr. Pingle with a second from Ms. Baroni to adopt the revisions to procedure A25 Case Disposition Panels, as a six month pilot, effective October 1, 2014.

Friendly Amendment: Bullet item number 4 on page 214 under documentation “RCM may leave

the call when their cases are completed” should move under case disposition and decision making. Item number 6 “if the AAG or staff attorney...”, should go under case disposition and decision making. Motion Passed.

4. Performance Measure 2.6 Sanction Schedule Outliers

Mr. Pingle explained that a panel of three people including Bill Kellington, Mike Farrell, and Karl Hoehn review all potential outliers to determine whether the Sanction Standard rules (WAC 246-16-800) were followed. This is for quality control, and is not a legal determination. This does not invalidate the order in any way. Ms. Dale explained that there were two outliers and felt that the commission needed to understand why the cases were outliers and provided an overview of them in the business packet.

C. Consistent Standards of Practice – Charlotte Foster, chair

1. Advisory Opinion: Standing Orders

Motion: Motion by Ms. Foster with a second from Mr. Pingle to adopt the Advisory Opinion: Standing Orders and Verbal Orders: Motion Passed.

2. Advisory Opinion: Anxiolytic, Sedating, and Analgesic Agents

Motion: Motion by Ms. Foster with a second from Mr. Pingle to adopt the Advisory Opinion Administration of Sedating, Analgesic, and Anesthetic Agents and to rescind the following statements: Scope of Practice for the Registered Nurse in the Administration of Procedural Sedation and the Management of Patients Receiving Procedural Sedation (July 13, 2005) and Managing Patients Receiving Epidural Analgesia (August 2003).

Friendly Amendment: Add supersedes “Scope of Practice for Registered Nurse and Administration of Procedural Sedation and the Management of Patients Receiving Procedural Sedation July 13, 2005” and “Managing Patients Receiving Epidural Analgesia (August 2003)” and to strike the term “Anesthesia Assistants.” Motion Passed.

3. Advisory Opinion: Physician’s Order for Life Sustaining Treatment

Motion: Motion by Ms. Foster with a second from Mr. Pingle to adopt the Advisory Opinion: Physician’s Order for Life Sustaining Treatment (POLST). Motion Passed.

4. Suicide Prevention Training Recommendations

Ms. Foster explained that the CSP subcommittee is working on suggestions for the public while rules are being written.

5. Nurse Practice Advisory Group Member Recognition

- Ms. Foster recognized NPAG members: Trina Roufs, MSN, BSN, RN, RN-BC., Barbara Berkau, BSN, RN., Gene Pingle, Tracy Rude, and Ms. Carlson for their work on the above Advisory Opinions over the past year.

D. Advanced Practice – Laurie Soine, chair

Ms. Soine explained that the AP subcommittee has worked for the past year to include Clinical Nurse Specialist in the rules.

VIII. 11:30 – 1:00 PM Lunch

12 Noon – 1:00 PM Legislation Process – Paula R. Meyer

The NCQAC is pursuing legislation to allow the Washington State Patrol to retain FBI fingerprints, known as Rap Back. Ms. Meyer explained the process used for the NCQAC to pursue the legislation. Since the NCQAC members are appointed by the Governor, the NCQAC is a member of the executive branch of state government and enforces the laws under its jurisdiction. When NCQAC finds it necessary for a revision of those laws, the NCQAC works with the Governor’s office to request changes from the legislature. Ms. Meyer explained the process and deadlines.

IX. 1:00PM - OPEN MICROPHONE

Open microphone is for public presentation of issues to the NCQAC. If the public has issues regarding disciplinary cases, please call 360-236-4713.

Susan Jacobson and David Trevino, both Registered Nurses from the Yakima Regional Medical & Cardiac Center presented to the NCQAC the adverse working environment within the Yakima Regional facility. They spoke about being “bullied by nurse managers”, “hostile work environments”, and “Assignments Despite Objections (ADO)”. They expressed that nurses are afraid to report any potential public safety concerns out of fear of retaliation. Ms. Masek outlined the reporting process, and suggested having Yakima Regional staff submit formal complaints with related to patient safety according to mandatory reporting requirements.

X. 1:30 PM – 2:15 PM Hearing – Sexual Misconduct Rules – Suellyn Masek - DISCUSSION/ACTION

The NCQAC reviewed and considered adoption of revision to their rules on Sexual Misconduct of Nurses.

Motion: Motion by Mr. Pingle with a second by Ms. Soine to adopt the rules as proposed.

Friendly Amendment: To change the verbiage of section 9 from “Sexual” to “Sex”. Motion Passed.

XI. 2:15 PM – 2:30 PM Open Public Meetings Act Training– Gail Yu, AAG – DISCUSSION/ACTION

The Open Government Training Act (Engrossed Senate Bill 5964) went into effect July 1, 2014. The law requires members of governing bodies to receive training in the Open Public Meetings Act (OPMA) within 90 days of assuming their position, and requires existing members to have refresher training every four years.

XII. 2:30 PM – 3:00 PM Nursing Education Annual Report – Dr. Mary Baroni, Barbara Gumprecht DISCUSSION/ACTION

WAC 246-840- 520(3) requires nursing education programs to submit an annual report to the NCQAC. The information is analyzed and summarized in an annual report. The report is posted to the NCQAC website.

It was noted that in the July NCQAC business meeting, there was a presentation on the Direct Transfer Agreement/Major Ready Program,(DTA/MRP) Associate Degree in Nursing. The presentation was well-received and applauded by the Commission for the monumental work the group had achieved. It was noted that the Commission did not take any formal action at the time.

Motion: Motion by Ms. Baroni with a second by Ms. Hoell for the NCQAC to support the Direct Transfer Agreement/Major Ready Program Associate Degree in Nursing and notify the three national nursing education accrediting bodies of this support. The three accrediting bodies include the Accreditation Commission for Education in Nursing (ACEN), the Commission for Nursing Education Accreditation (CNEA), and the Commission on Collegiate Nursing Education (CCNE). Motion Passed.

XIII. 3:00 PM – 3:30 PM Request for Lists and Labels – Paula Meyer - DISCUSSION/ACTION

1. The approved entity list is reviewed and updated at each September meeting.

Motion: Motion by Ms. Hoell with a second from Laurie Soine to adopt the current list of recognized professional and educational organizations. Motion Passed.

2. Professional Research Services has requested approval for a list of addresses for Advanced Nurse Practitioners.

Motion: Motion by Ms. Hoell with a second from Mr. Pingle to deny Professional Research Services as a professional and/or educational organization. Motion Passed.

3. RediClinic has requested approval for a list of addresses for Advanced Nurse Practitioners.

Motion: Motion by Ms. Hoell with a second from Mr. Pingle to deny RediClinic as a professional and/or educational organization. Motion Passed.

4. J. Knipper and Company Inc. has requested approval for a list of addresses for Advanced Nurse Practitioners, Nurse Midwives, Certified Nursing Anesthesia and Registered Nurses.

Motion: Motion by Ms. Hoell with a second from Mr. Pingle to deny J. Knipper and Company Inc. as a professional and/or educational organization. Motion Passed.

XIV. 3:30 PM – Meeting Evaluation

PROS	CONS
Red Lion Venue	Limited Time to Conduct Business (2 day meetings suggested)
Windows in Meeting Space	Presenters Presentations Not in Business Packet
Dinner with Staff and NCQAC Members	Too Dark
Breakfast	
Debbie Carlson and NPAG Committee Member Efforts	

XV. 3:45 PM - Closing