



**Nursing Care Quality Assurance Commission (NCQAC)
Regular Meeting Agenda
November 13, 2015
CenterPoint Meeting Center
Kent, WA**

Commission Members: Margaret E. Kelly, LPN, Chair
Donna Poole MSN, ARNP, PMHCNS-BC, Vice-Chair
Jeannie Eylar, MSN, RN
Charlotte Foster, BSN, MHA, RN
Lois Hoell, MS, MBA, RN
Suellyn M. Masek, MSN, RN, CNOR
Helen Myrick, Public Member
Tiffany Randich, LPN
Tracy Rude, LPN
Laurie Soine PhD, ARNP
Teri Trillo, MSN, RN, CNE

Excused: Mary Baroni, PhD, RN
Stephen Henderson, JD, MA, Public Member
Gene Pingle, BSN, RN-BC, CEN, CPEN
Cass Tang, PMP, Public Member, Secretary/Treasurer

Assistant Attorney General: Gail Yu, Assistant Attorney General

Staff: Paula R. Meyer, MSN, RN, FRE, Executive Director
Kathy Anderson, Management Analyst
Chris Archuleta, Administrative Assistant
Bobbi Allison, Administrative Assistant
Debbie Carlson, MSN, RN, Associate Director, Nursing Practice
Teresa Corrado, LPN, Licensing Manager
Mary Dale, Discipline Manager
Karl Hoehn, Legal Manager
Mindy Schaffner, PhD, MSN-CNS, RN, Associate Director, Nursing Education
Catherine Woodard, Associate Director, Discipline
Garr Nielsen, Chief Investigator
John Furman, PhD, MSN, CIC, COHN-S, Director, Washington Health Professional Services

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 January 8, 2016 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 – Margaret E. Kelly, Chair

II. Call to Order

A. Introductions

B. Order of the Agenda

C. Correspondence

D. Announcements

1. Newsletter circulation and distribution
 - a. Ms. Meyer explained that the NCQAC distributes 2 issues per year. First issue is a paper and electronic issue. The second issue is distributed electronically.
2. Consent agenda – scrivener’s errors
 - a. Ms. Meyer requested that any scrivener’s errors identified in the Regular Business Meeting documents be directed to Chris Archuleta and not addressed during the Regular Business Meeting.
3. Ms. Meyer announced Carole Knutzen started in her new position as Legislative, Rule and Performance Consultant for the NCQAC.

III. 8:40 AM Consent Agenda

Consent Agenda items are considered routine and approved with one single motion (Scrivener’s errors or typos can be reported directly to Chris Archuleta).

A. Approval of Minutes

1. NCQAC Business Meeting, September 11, 2015
2. Advanced Practice Sub-committee
 - a. August 11, 2015 Minutes
 - b. September 16, 2015 Minutes
3. Discipline Sub-committee
 - a. July 28, 2015 Minutes
 - b. August 25, 2015 Minutes
4. Consistent Standards of Practice Sub-committee
 - a. September 1, 2015 Minutes
 - b. October 6, 2015 Minutes
5. Licensing Sub-committee
 - a. August 28, 2015 Minutes

Dr. Soine requested removal of the August 11, 2015 Advanced Practice Sub-committee minutes.

Motion: by Ms. Eylar with a second from Ms. Hoell to accept the consent agenda with the removal of the August 11, 2015 Advanced Practice Sub-committee minutes. **Motion carried.**

Dr. Soine requested corrections to the Announcements section of the minutes:

- Update the current process for public participation in the meetings. Beginning January 7, 2016, sub-committee will be available via GoToMeeting allowing the public to participate without attending in person. The state operator assisted conference call numbers will no longer be used.

Motion: Moved by Ms. Poole with a second from Ms. Foster to accept the minutes with the changes. **Motion carried.**

B. Out of State Travel Reports

1. NCLEX Conference, September 21, Portland OR
 - a. Rhonda Taylor
 - b. Kathy Moisio
2. Federation of Associations of Regulatory Boards, October 1-4, Denver CO – Sara Kirschenman, Miranda Bayne
3. American Association of Nurse Attorneys Education Conference, October 1-3, Philadelphia PA– Margaret Holm
4. Tri-Regulator Symposium, October 6-7, Arlington VA – Paula Meyer

C. Uniform Disciplinary Act (UDA) report

D. October 2015 Letter from the NCSBN President, Shirley Brekken

IV. 8:45 AM - 8:50 AM NCQAC Panel Decisions

A. The NCQAC delegates the authority as provided by law for certain decision to a panel of at least three members. A member of the NCQAC must chair panels. Pro tem members of NCQAC may serve as panel members. The following minutes were provided for information.

1. Nursing Program Approval Panel (NPAP)
 - a. August 6, 2015 Minutes
 - b. August 14, 2015 Minutes
 - c. September 3, 2015 Minutes
 - d. September 17, 2015 Minutes
2. Nursing Assistant - Nursing Program Approval Panel (NA-NPAP)
 - a. August 10, 2015 Minutes
 - b. September 16, 2015 Minutes

V. 8:50 AM – 9:30 AM Chair Report

A. Strategic Plan: Sub-committee and panel chairs and staff presented the draft plan. In July, the NCQAC completed a brainstorm activity to list the objectives to consider on the strategic plan. The plan was sorted and presented to the sub-committees and panels. Staff then further refined the plan to address priorities according to laws, rules, and policies in place. The NCQAC discussed the strategic plan.

Dr. Schaffner provided clarification by answering questions from the NCQAC regarding the Education Strategic Plan with satisfactory results.

MOTION: Moved by Ms. Rude with a second by Ms. Myrick to adopt the 2016-2018 Strategic Plan. **Motion carried.**

B. Legislative Panel: The vice chair, Donna Poole, serves as the chair of the panel. The panel meets weekly to review and take positions on legislative bills. Ms. Kelly appointed members to the panel.

Ms. Kelly appointed the following members to the panel:

- Ms. Myrick as the Public Member
- Ms. Randich as the LPN Member
- Ms. Foster as the RN Member
- Ms. Kelly also serves on the Panel

VI. 9:30 AM – 9:45 AM ED Report

A. Performance Measures

1. NCQAC

Ms. Masek requested clarification as to why the Investigations performance measure results were below target. Ms. Woodard explained the results were skewed as a result of HSQA not updating the current number of investigators (6.3) the NCQAC has on staff to handle cases. Ms. Kelly and Ms. Rude requested the information is checked for accuracy in the future.

2. Legal

3. Washington Health Professional Services (WHPS)

B. Computers

1. Printers and headsets: collect lap tops, how lap tops and printers will be sent to members

Ms. Meyer informed the NCQAC of the procedure to collect laptops, enable the USB drive, install necessary software for the new printers, headsets, and GoToMeeting, and process to send equipment back to members. Members will

have equipment delivered or shipped back depending on location. Ms. Meyer also informed the NCQAC members that the target for returning equipment is prior to the first NPAP sub-committee meeting scheduled on December 3, 2015.

2. Staff assistance with Equipment Issues – Procedure H13.01

Ms. Poole asked who NCQAC members need to contact when there are issues with equipment that occur after hours or on weekends. Ms. Meyer asked for members to contact her directly if after hours.

NCQAC members requested that staff enable an out of office message to direct questions to Chris Archuleta on laptops while not in members' possession.

Ms. Yu addressed questions regarding the encryption software, Credent, used by the State to secure information.

Ms. Allison informed the NCQAC of an issue with Citrix being addressed.

- C. January meeting – The January meeting will begin with lunch at 12 noon. GoToTraining begins at 1:00 PM, On January 11; we will use only DOH email addresses and GoToMeetings. There will be no further State Operator assisted calls.
- D. Draft Procedure B19.01 Recognizing Canadian applications for those who have taken NCLEX RN examination

Ms. Hoell asked when Canada started using the NCLEX RN examination. Dr. Schaffner explained this took effect in January 2015.

Motion: Moved by Ms. Poole with a second from Dr. Soine to adopt the procedure B19.01 Recognizing Canadian applications for those who have taken NCLEX RN examination. **Motion carried.**

- E. ORBS and ILRS licensing and discipline data bases – Ms. Meyer updated the NCQAC on the National Council of State Boards of Nursing's data base, ORBS. Ms. Meyer is working with NCSBN and DOH IT personnel on preparing to use ORBS. ORBS will not be ready for NCQAC until 2018.

- F. Procedure H04.02 Commission Pay – updated with staff deadlines

NCQAC members had questions regarding travel pay, compensation for travel time, and how to report travel time. Ms. Kincy and Ms. Allison provided clarification regarding travel time and pay. NCQAC members record their travel time on their board pay forms. A new column will be added to the board pay form to collect this time. Additionally, Ms. Allison suggested staff provide for the member's reference samples complete with procedures of correctly reported travel expenses.

- G. 2016 Discipline Hearing Dates

Motion: Moved by Ms. Hoell with a second from Ms. Foster to adopt the 2016 Discipline Hearing Dates. **Motion carried.**

H. Nurse Licensure and Advanced Practice Compact update – Cass Tang, chair, task force. Ms. Myrick provided a report on the October meeting. A presentation on licensing trends was presented by Ms. Amber Zawislak. The power point presentation was included in the meeting packet. Ms. Myrick emphasized the desire to work with the nursing unions and find areas to work together.

VII. 9:45 AM – 10:15 AM Sub-committee reports

A. Advanced Practice – Laurie Soine, chair

1. Advisory Opinion Request – Acupuncture

Dr. Soine informed the NCQAC of National Nurse Practitioner Week, celebrating 50 years of nurse practitioners

Dr. Soine reviewed the request to develop an advisory opinion to explore allowing ARNPs to practice Acupuncture after completion of 300 hour formal course proposed by Dr. McPherson. Ms. Foster asked how this course compares to other programs in the US. Ms. Willie Hunt provided the course description.

Motion: The Advanced Practice Subcommittee, moved with a second, to recommend developing an advisory opinion to respond to the question of whether performing acupuncture is within the ARNP scope of practice if the ARNP has completed a formal Traditional Chinese Medicine (TCM) certification course such as the proposed 300 hour course in TCM accredited by the American Academy of Nurse Practitioners (AANP). **Motion carried.**

B. Discipline – Gene Pingle, chair

1. Procedure A24 Approved Evaluators

Ms. Rude presented the sub-committee report.

MOTION: The Discipline Subcommittee moved, with a second, to adopt the revisions in procedure A24, Approved Evaluators in Nurse Discipline Cases. **Motion carried.**

C. Licensing – Lois Hoell, chair

Ms. Hoell provided update on Jurisprudence Exam and requested further discussion at the January Regular Business Meeting.

D. Practice – Charlotte Foster, chair

1. Washington State Nurses Association-Continuing Education Approval and Recognition Program: NCQAC Educational Activity Provider Unit Approved

Ms. Carlson informed the NCQAC of the achievement and provided details as to the amount of time and work staff and members invested in this project. Ms. Carlson and the sub-committee received applause and accolades for the achievement.

2. Prevention and Treatment of Opioid-Related Overdoses:
 - a. Advisory Opinion Draft

MOTION: The Consistent Standards of Practice Subcommittee, moved with a second, to adopt the Prevention and Treatment of Opioid-Related Overdoses Advisory Opinion. **Motion carried.**

- b. Frequently Asked Questions Draft

MOTION: The Consistent Standards of Practice Subcommittee, moved with a second, to adopt Frequently Asked Questions document: Prevention and Treatment of Opioid-Related Overdoses. **Motion carried.**

10:15 AM – 10:30 AM BREAK

VIII. 10:30 AM – 10:45 AM Nursing Assistant Training Program Approval Panel Procedure E02.04 – Tracy Rude - DISCUSSION/ACTION

The NCQAC reviews and determines if nursing assistant training programs meet criteria defined in WAC 246-841-420, WAC 246-841-470 through WAC 246-841-510, WAC 246-841-545 and WAC 246-841-550. The NCQAC delegates this responsibility to the Nursing Assistant Training Program Approval Panel (NAPAP). The procedure describing the review and decision making process was revised. The NCQAC reviewed the procedure.

MOTION: The Nursing Assistant Program Approval Panel, moved with a second, to adopt the revised Procedure titled “Nursing Assistant Training Program Approval, number E02.04. **Motion carried.**

IX. 10:45 AM – 11:00 AM FBI Criminal Background Checks on all applications – Gail Yu – DISCUSSION/ACTION

The NCQAC requested the secretary of health to begin collecting FBI Criminal Background Checks on all new applications beginning January 1, 2016. Gail Yu, Assistant Attorney General, presented analysis of the request. The NCQAC discussed options available and recommendations for action.

- A. Criminal Background Checks on all applicants letter
- B. RCW 18.130.064
- C. House Bill 2080

Ms. Meyer explained to the NCQAC that it is well documented in law that NCQAC members and staff are authorized to lobby state legislators on behalf of the NCQAC in support of HB2080, RapBack and federal background checks for nurses. Discussion regarding the difference between lobbying and educating and how and when to report interactions. No motion required to delegate to staff to interact with legislators on behalf of the NCQAC is clearly stated in law, the Legislative Panel position description and the position description of the executive director.

X. 11:00 AM – 11:30 AM North Carolina Board of Dentistry v US Supreme Court– Gail Yu – DISCUSSION/ACTION

Ms. Yu presented the North Carolina Board of Dentistry v US Supreme Court case related to their decision to limit teeth whitening services to the practice of dentistry. Ms. Yu presented the case, the US Supreme Court decision and implications for the state of WA. The NCQAC discussed options available and recommendations for action.

- A. FTC Guidance NCDB v. FTC
- B. [NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS v FEDERAL TRADE COMMISSION](#) (Optional Reference)

Ms. Yu informed the NCQAC that action is premature with regards to this decision and wanted the NCQAC to be aware of such decisions that may affect the NCQAC in the future. Discussion ensued regarding immunity and question if there is a State Supervisor. Ms. Yu explained that there is more to come and to contact DOH with questions. Ms. Yu referenced California 15-402 and the FTC website for more information and guidance. This document will be sent to all NCQAC members.

XI. 11:30 AM – 1:00 PM LUNCH

XII. 12 NOON– 1:00 PM Education

Nursing Education, NPAP, NAPAP – The Practice of Teaching

Dr. Schaffner with the assistance of NCQAC members and staff provided an in depth overview of Nursing Education.

XIII. 1:00 PM – 1:15 PM Open Microphone

- Cheryl Carino Burr, Educational Case Manager at Puget Sound Welcome Back Center at Highline College, Des Moines Washington.

- There is a need to integrate health care professionals with cultural diversity
- Help international educated professionals gain licensure
- Policy and rule changes can impose barriers to international educated professionals
- Curtis Eschols, Acupuncturist, President Washington East Asian Medicine Association
 - Accompanying is Andrew McEntire, Board Member
 - Request interpretation by NCQAC of RCW 18.79
 - Practice by ARNP under consideration, would require a change in the statute
 - Currently RCW 18.06 licenses the practice of acupuncture
- Dr. Jan Joan Shank, Chief Nursing Officer and Director of Nursing for Washington Western Governors University
 - SHB18.22 established first Washington non-profit on-line university
 - WGU provides 30% of baccalaureate prepared nurses in WA.
 - Proposing a definition of alternative education delivery model
 - Proposes a new section of rules for commission consideration that focus on outcome measures relying on competency not credit hours.

XIV. 1:15 PM – 2:15 PM Substance Use Disorder Task Force – Suellyn Masek, Charlotte Foster, Margaret Kelly, Jeanell Rasmussen – DISCUSSION/ACTION

Dr. Nancy Darbro, expert consultant, presented the draft policies and procedures for the Washington Health Professional Services program. Draft procedures were discussed at the September meeting. The NCQAC disciplinary procedures were presented. Revised procedures for the Washington Health Professional Services programs according to input received at the September meeting were presented. The NCQAC also discussed opening rules related to the Alternative to Discipline/Compliance Monitoring program.

Ms. Meyer recognized the attendance of Dr. John Furman, Director of Washington Health Professional Services Program and staff, Melissa Fraser, Alicia Payne, and Heidi Dodd.

Dr. Darbro provided background to the NCQAC about the NCSBN Substance Use Disorder Manual created with the assistance of NCQAC staff attorneys.

Dr. Soine asked how Washington State compares to other states. Dr. Darbro explained that comparison is difficult and there is no simple answer; however, Washington State in her opinion is rated very highly because of the thoroughness of policy and inclusion of fundamental requirements.

Ms. Kelly asked for questions or feedback.

Ms. Hoell indicated there are several procedures with scribes errors to correct and two procedures that need to be reworked, purpose and procedure do not flow and seem to be out of order. Ms. Meyer requested all edits to be forwarded to staff for correction. Ms. Foster addressed the issue brought forth by Ms. Hoell and clarified the title and purpose of the procedures in question.

Ms. Masek informed the NCQAC that these procedures will appear again at the January Business Meeting for a vote to adopt.

Mr. Hoehn answered questions from the NCQAC regarding discrepancies between NCQAC reporting rules and those of the Secretary.

MOTION: by Ms. Masek, chair of the Substance Use Disorder Taskforce moved the NCQAC authorize a CR-101 (Preproposal Statement of Inquiry) to open the mandatory reporting rule in WAC 246-840-730 and the substance abuse monitoring program rules in WAC 246-840-750 through -780. Motion seconded by Ms. Rude.
Motion carries.

2:15 PM – 2:30 PM BREAK

**XV. 2:30 PM - 3:15 PM HEARING – Continuing Competency and Retired Active Status; Suicide Assessment, Prevention and Treatment – Margaret Kelly
DISCUSSION/ACTION**

The NCQAC presented rules changes for WAC 246-840-125 and WAC 246-840-202 through 207. Most changes were to clarify rule language. The continuing competency audit process was revised to change the timing of the audit to prior to renewal. Nurses enrolled in advanced nursing degree programs are exempted from audit due to recent legislation. Self-assessment was removed and due process was created for when licenses fail to meet audit requirements. Rules were also developed to implement recent legislation which requires suicide prevention training.

Rules hearing commenced at 2:30 PM.

Ms. Kelly inquired if there are any questions. None were asked.

No public testimony.

No correspondence was received to be read into record.

MOTION: Ms. Hoell made the motion to adopt the Continuing Competency and Retired Active Status, Suicide Assessment, Prevention and Treatment rules. Ms. Trillo seconded the motion. **Motion carried.**

Rules hearing adjourned at 2:35 PM.

**XVI. 3:15 PM – 3:45 PM Education Rules – Mindy Schaffner -
DISCUSSION/ACTION**

Dr. Schaffner presented the draft education rules for discussion by the NCQAC.

- A. Nursing Education Rule OTS-7454 2Draft
- B. Nursing Education Rule OTS-4553 2Draft
- C. Nursing Education Rule OTS-7453 1Draft

This section of the meeting moved forward in agenda due to timing of section XIV. Dr. Schaffner presented Education Rules that CNEWS proposed to open in 2012. Several meetings and workshops have taken place since original request. Several rules were reordered and renumbered to improve clarity, 16 rules were repealed and retired, and 49 new sections were created.

Dr. Soine commended Dr. Schaffner and staff on accomplishing this task.

Ms. Taylor asked what the next steps are. Dr. Schaffner explained that filing a CR102 is required next to put out proposed rules. There are still some adjustments to be made by NPAP.

Ms. Hoell inquired as to when a potential rules hearing will be held. Dr. Schaffner explained the hearing will most likely occur in March 2016.

MOTION: By Terri Trillo: The NPAP moves, with a second to proceed with the filing of a CR102 to announce the proposed rules and hearing date. **Motion carried.**

XVII. 3:45 PM – 4:00 PM Request for Lists and Labels – Paula Meyer – DISCUSSION/ACTION

The NCQAC considered revisions to Procedure J04.08 to delegate these decisions to a panel of NCQAC members.

- A. AMN Healthcare
- B. Namaste Training
- C. Cambria Health Solutions (Regence BlueShield and Asuris Northwest Health)

Ms. Hoell commented that this was a great idea.

Ms. Kelly inquired how often the panel will meet. Ms. Meyer explained that the panel will meet at minimum every other month, opposite Business Meeting. Ms. Masek proposed delegating this to a standing panel, Case Management Team (CMT) or Case Disposition Panel (CDP) that meet more often. Ms. Yu and Mr. Hoehn explained that it would be up to the NCQAC to delegate to a standing panel with the only concern would be that panel members recuse themselves when there is an appeal to the full commission.

Ms. Dale agreed that delegating to the CDP Tuesday morning meeting would be a good idea and effective use of time.

Ms. Rude requested that the panel decisions are posted in the business meeting packet.

Ms. Yu explained that there does not need to be a specific name of the panel in the procedure.

MOTION: Ms. Eylar moved, with a second from Ms. Hoell, that the commission adopt the amendments to Procedure J04 as they appear in the commission packet. **Motion carried.**

Ms. Meyer explained that the three requests on the agenda will be taken to the panel for consideration.

XVIII.4:00 PM – 4:15 PM Evaluation

Pros	Cons
Education presentation at lunch	Not enough chairs
Work of the Staff	Traffic getting to venue
Large attendance	Will miss having DOH laptop (temporary)
Open Microphone	
Venue	
Food	
Efficient hearing	
WiFi	
Presence of Pro-tems and Staff	

Ms. Kelly proposed adding a new agenda item to add the ability to acknowledge new businesses.

Ms. Meyer proposed Walla Walla as the site of the July 2016 Business Meeting. Ms. Meyer asked if the size of the packet was too lengthy. Ms. Soine appreciates the information and the fact it is digital. Ms. Hoell requested that if packet is going to be lengthy to give ample notice so the NCQAC members can plan accordingly.

XIX. 4:15 PM Closing

Meeting adjourned at 3:15 PM

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Margaret E. Kelly, LPN, Chair

Cass Tang, PMP, Public Member,
Secretary/Treasurer