



**Nursing Care Quality Assurance Commission (NCQAC)
Special Meeting Minutes
November 19, 2010, 8:30am – 5:30pm
Business Meeting
Department of Health
243 Israel Rd. SE, Tumwater, WA 98501
Town Center 3, Room 512**

- Commission Members:** Susan Wong, MBA, MPA, RN, Chair
Rhonda Taylor, MSN, RN, Vice-Chair (via~ video-conference)
Linda Batch, LPN
Charlotte Coker, Public Member
William Hagens, MA, Public Member
Suellyn M. Masek, RN, MSN, CNOR
Darrell Owens, Ph.D., ARNP, ACHPN
Judith D. Personett, EdD, Certified Nurse
Administrator Advanced (CNA), RN
Gene I. Pingle, RN-BC, BSN
Diane Sanders, RN, BC, MN
L. Susana Serna, RN, ARNP
Susan Woods, PhD, RN, FAHA, FAAN
Laura Yockey, LPN
- Absent:** Erica Benson-Hallock, MPPA, Public Member
Margaret Kelly, LPN
- Assistant Attorney General:** Gail Yu, Assistant Attorney General
- Staff:** Paula R. Meyer, MSN, RN, Executive Director
Usrah Claar-Rice, MSN, RN, Nursing Education Advisor
Teresa Corrado, LPN, Health Services Consultant
Chuck Cumiskey, BSN, MBA, RN, Nursing Practice Advisor
Mary Dale, Discipline Manager
Sam Prideaux, Chief Investigator
Trent Kelly, Staff Attorney
Terry West, Health Services Consultant
Martha Worcester, Advanced Registered Nurse Practitioner Advisor
Louise Taylor, Secretary

- 1. 8:40 AM Opening – Susan Wong, Chair – DISCUSSION/ACTION**
 - A. Call to order - 8:40 AM
 - B. Introductions – NCQAC members, staff and members of the public
 - C. Order of the Agenda – exchange #10 and #11
 - D. Correspondence – no correspondence
 - E. Announcements – no announcements

2. 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 Business Meeting
 - September 10, 2010
2. NCQAC Disciplinary Hearing minutes
3. Continuing Competency sub-committee
4. Licensing and Discipline sub-committee
5. Consistent Standards of Practice
6. Nursing Program Approval Panel (NPAP)
7. Licensing reports
8. Health Systems Quality Assurance, Board and Commission Leadership Forum

MOTION: Ms. Batch motioned with a second from Ms. Yockey to accept the consent agenda. The motion passed.

3. Chair Report – Susan Wong - DISCUSSION/ACTION

A. Steering Committee Retreat – September 1, 2010 – Ms. Susan Wong, Ms. Rhonda Taylor, Dr. Judith Personett, Mr. Bill Hagens, Ms. Margaret Kelly and Ms. Paula Meyer met in Yakima. The steering committee drafted three documents to provide structure and direction for the NCQAC. The documents include member expectations, role of mentors, and a strategic plan.

1. Commission member expectations – Ms. Meyer
 - The NCQAC and pro tems will receive the expectations. The expectations will also be used for subcommittee meetings.

MOTION: Motion from Mr. Pingle with a second from Dr. Woods to accept the commission member expectations. The motion passed.

2. Role of the mentor – Ms. Kelly and Dr. Personett
 - Face to face meetings to initiate mentoring works best
 - Support and consistency from the NCQAC and the legal staff is important
 - Review of duties with the new member after approximately six months benefits the new member
 - Changes:
 - Encourage questions and participation from new members
 - Evaluate in one year
 - Mentors would like to know the new member assignments
 - Send electronic copy of the manual
 - Comments from 11/19 meeting to revise

MOTION: Motion from Mr. Hagens with a second from Ms. Batch to adopt the Role of the Mentor with changes. Motion passed.

3. Strategic Plan through June 30, 2013 – Ms. Meyer
 - Patient and Consumer safety
 - Nurses earned the #1 rank of most trusted professional in a recent Gallup Poll
 - Performance measures include:
 - 1) Pilot Project HB 1103 gives authority for budget, spending, staffing
 - 2) Evaluate and improve the outcomes of voluntary, involuntary, and disciplinary processes with nurses with substance use.
 - 3) Fully implement continuing competency for nurses.

- 4) Evaluate and refine early remediation program
- 5) Evaluate and improve the case management team process in 2011.
- 6) Implement and evaluate the consistent standards of practice subcommittee in 2011
- 7) Evaluate and participate in nursing education improvement in Washington State
- 8) Strive for electronic meetings and disciplinary systems

Motion: A motion by Mr. Hagens with a second from Dr. Personett to adopt the Strategic Plan.
Motion passed.

Change in the order of the agenda.

4. The chair called for executive session

Motion: Mr. Hagens motioned with a second from Dr. Personett to move the meeting into executive session. The motion passed.

The Executive Session is that part of a regular special meeting closed to the public. The NCQAC entered Executive Session at 9:10 to discuss with our AAG, who is legal counsel to the NCQAC, matters relating to potential litigation to which the governing body is likely to become a party. The regular meeting was reconvened at 10:00 AM.

Continuation of Chair Report

B. HealthMAP, November 16, Disciplinary Process

- Presentation concentrated on performance measures dedicated to the discipline process that included the adopted sanction standards and work done on the rules.

C. NCLEX-PN Panel of Judges, - Linda Batch

Ms. Linda Batch attended the National Council of State Boards of Nursing (NCSBN) NCLEX-PN panel of judges in Chicago.

- Ms. Batch thanked the NCQAC for the opportunity to attend this meeting. Ms. Batch reported on the process used as a member of a panel of judges for the NCLEX-PN examination.

D. Operating Agreement

Ms. Wong and Mary Selecky, Secretary of Health, signed the Operating Agreement between the NCQAC and the Department of Health (DOH). The Operating Agreement describes the working relationship and services provided between the NCQAC and the DOH.

- The Operating Agreement is required by law. The Operating Agreement was revised due to changes required in RCW 18.79.390. Negotiations on the Operating Agreement occurred over the last two years. The Operating Agreement describes services provided for the NCQAC by the Department of Health. Copies of the signed agreement are available upon request.

E. Legislative Task Force

Ms. Wong appointed members to the legislative task force:

- Ms. Wong, Chair
- Ms. Taylor, Vice Chair
- Ms. Batch, Ms. Masek, Dr. Owens, Dr. Personett
- Ms. Meyer, staff.

Meetings will begin in January 2011.

4. Executive Director Report – Paula Meyer – DISCUSSION/ACTION

A. Jean Sullivan – Recognition for Service

Ms. Sullivan is the director for the Washington Health Professional Services Program. She is retiring. The NCQAC recognizes Ms. Sullivan's accomplishments and gratitude for her many years of serving the public and protecting Washington's patients.

- The NCQAC presented Ms. Jean Sullivan with a Service Award plaque and a Governor's Recognition certificate for over two decades as a program director and her dedicated State service.

B. National Council of State Boards of Nursing (NCSBN) Transition to Practice Application.

At the September meeting, the NCQAC supported completing the application to become a pilot state for the NCSBN Transition to Practice project. Ms. Meyer will present the application and progress toward completion and submitting. Ms. Linda Tieman and Ms. Andrea McCook of the Washington Center for Nursing assisted in the process.

- The application has been completed and is due December 15 to the NCSBN.
- Ms. Sanders submitted her letter of intent as the Chief Nurse for Kennewick General Hospital
- 21 of the required 25 hospitals expressed interest in applying for the project
- Ms. Meyer will present information at the January 2011 meeting.

C. Sub-committee Position Description Revisions

1. ARNP sub-committee
 - Ms. Martha Worcester, ARNP Nurse Consultant, is the staff person for the ARNP sub-committee
2. Continuing Competency
3. Consistent Standards of Practice
4. Licensing and Discipline
 - Continuing Competency, Consistent Standards of Practice, and Licensing and Discipline sub-committees will address issues pertaining specifically to RN's and LPN's. The ARNP sub-committee will address continuing competency, consistent standards of practice, licensing and discipline issues pertaining specifically to ARNPs.

MOTION: Motion by Mr. Pingle with a second from Ms. Coker to adopt the position description revisions. The motion passed.

D. Washington State-British Columbia Memorandum to Enhance Competitiveness and Prosperity in Washington and British Columbia

The memorandum describes efforts to recognize economic benefits and compare licensure between many professions in Washington State and British Columbia. Ms. Meyer asked the NCQAC to work on a comparison licensure requirements.

MOTION: Motion by Dr. Personett with a second from Ms. Batch to adopt the plan to have Ms. Herzog, pro tem, complete the comparison report. Motion passed.

5. Subcommittee Reports – DISCUSSION/ACTION

A. Licensing and Discipline – William Hagens, chair

1. Early Remediation Program Update and Recommendations

MOTION: Motion from Mr. Hagens with a second from the subcommittee to adopt the changes to the procedures used for the Early Remediation Program. Motion passed.

2. Sexual Misconduct rules comparison
 - Will submit at the January 2011 meeting

3. Financial Recovery of discipline
 - Mr. Hagens gave a review of the statutes of the law for financial recovery

MOTION: Motion from Mr. Hagens with a second from the subcommittee to adopt the recommendations regarding financial recovery. Motion passed.

B. Continuing Competency – Dr. Judith Personett, chair

1. Report on next steps, implementation of rules
 - Rules are being processed
 - The plan is to publish an article in the newsletter giving information about Continuing Competency
 - The web site is up
 - Announcements on renewal notices began in November
 - The audit process begins in 2014

C. Consistent Standards of Practice – Margaret Kelly, chair

1. The sub-committee was implemented in May 2010
 - Ms. Masek presented on the direction of the subcommittee, the advisory groups to complete research on nursing practice issues, and recommendations from the sub-committee to the NCQAC on practice issues, advisory opinions, and interpretive statements.

D. ARNP – Dr. Darrell Owens, chair and Trent Kelly, Staff Attorney

1. Chronic, non-cancer pain management model rules
 - Dr. Owens gave an update of the draft pattern rules for the treatment of chronic non-cancer pain with opioids. The NCQAC, Medical Quality Assurance Commission, Dental Quality Assurance Commission, Board of Osteopathic Surgeons and Physicians, and Board of Podiatry worked together to develop the model rules.
 - The rules hearing is scheduled for the NCQAC in March 2011 and effective date in June 2011
 - The Nursing Commission web page provides a link to the pain management rules

MOTION: Motion by Dr. Owens with a second from the subcommittee to accept the model rules. Motion passed.

11:30 – 1:00 PM Lunch

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.

- Sue Marchand and Jennifer Windau - Washington Medical Case Management Association passed out documents to the NCQAC regarding case management issues. The Case Management Association is in favor of the Mutual State Recognition Model of licensure. Ms. Marchand and Ms. Windau encouraged the NCQAC to continue working on this issue.

6. Hearing Process – Kim O’Neal, Assistant Attorney General, Paula Meyer - DISCUSSION/ACTION

Ms. O’Neal presented an overview of the hearing process and the role of commission members, including the pitfalls of relying on evidence collected by another agency, clear and convincing evidence, and the role of the investigator. Ms. Meyer provided an overview of the Uniform Disciplinary Act (UDA).

- Assistant Attorney General, prosecutor, is not a legal advisor to the NCQAC
- Prosecute cases that the NCQAC wants charged

- The AAGs are not staff attorneys who work directly for the Department of Health
- As panel members, the NCQAC should listen to the testimony, ask questions about documents, and deliberate on the evidence.

9. Nursing Commission Newsletter – Terry West - DISCUSSION/ACTION

The Nursing Commission Newsletter is published twice yearly. The NCQAC contracts with PCI Publishing, Inc., to produce the newsletter. Ms. West updated the NCQAC on contract terms and progress toward printing the January 2011 issue.

- The July 2010 Newsletter was not printed and mailed to licensees. Instead, an E-publication was sent to all licensees on the list serve.
- Department of Printing agreed to print the next newsletter during the winter months, 2011.
 - The NCQAC will have several months to work on the next printing contract

10. Rules Update – Terry West - DISCUSSION/ACTION

A. Ms. West updates the NCQAC on the following sets of rules:

- Home Care Aides and Medical Assistants – alternative training program to become NAC
 - Need to complete June 30, 2011
 - Two rules writing workshops were held.

MOTION: Motion from Mr. Pingle with a second from Ms. Sanders to support the language in the draft rules. Motion passed.

- Ms. West announced and explained the Governor’s Executive Order for a moratorium on non-critical rule development. Further clarification from the Office of Financial Management (OFM) will be distributed.
 - The following rules packages have been approved to proceed: Chronic Non-cancer Pain Management, Home Care Aide, and Continuing Competency.
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11. Nurse Delegation in Community Based Care Settings – Doris Barrett, DSHS - DISCUSSION/ACTION

Mr. Pingle, presented the concept of delegating nursing tasks to the certified home care aides in community based care settings by amending the nurse practice and the home care aide statutes. The NCQAC supports the draft language that may become request legislation from DSHS. Gene Pingle, Margaret Kelly, and Linda Batch are NCQAC members working on this issue.

MOTION: Motion by Mr. Pingle with a second by Ms. Sanders to support the concept of Nurse Delegation in Community Based Care Settings for home care aides. Motion passed.

12. Board Review of NCLEX Test Center – Rhonda Taylor, Laura Yockey, Margaret Kelly - DISCUSSION/ACTION

NCQAC members completed a board review of the NCLEX test center located in Seattle. NCQAC members reported on the review.

- The NCQAC members were impressed with the security measures and commented that the Seattle site is well run.

13. Discussion Items – Paula Meyer, Chuck Cumiskey - DISCUSSION/ACTION

Discussion items are a standing agenda item to review issues presented to the NCQAC. Under the Nursing Law and the UDA, the NCQAC may consider forming advisory opinions, interpretive statements, or declaratory orders. Since this is a discretionary action of the NCQAC, the NCQAC determines the priority and urgency of the issues and the availability of resources to complete work on these issues.

A. Ms. Meyer and Mr. Cumiskey presented outcomes of over 26 meetings held across the state on the following topics:

1. School Nursing

- School Nurses report to non-nurses
- Delegate to non trained nursing personnel
- School Nurses are in non-nursing unions
- They are often the only health professional dealing with students
- Target date is November for the completion of a white paper from Washington State Nurses Association (WSNA).

Recommendation: More research and work with associations such as School Nurses Organization of Washington (SNOW) and Washington State Nurses Association.

2. LPN Issues

- LPN's are predominately working in long-term care and are the primary care givers.
- The rules for LPN practice have not changed for 15 years
- Hospitals and long term care facilities have recently been cited for using LPNs beyond their scope of practice
- Large variation of education and clinical hours in LPN programs.

Recommendation: Continue to have Ms. Claar-Rice review, analyze the LPN issues, and report to the NCQAC in 2011 with recommendations.

3. Mutual State Recognition of Licenses

- Most nurses did not have an opinion on this issue.
- Case managers asked a majority of the questions.
- WSNA believes nurses need to be licensed in the state where the patient resides and care is delivered rather than the state of residence of the nurse.

MOTION: Motion from Ms. Serna with a second from Ms. Yockey to accept the recommendations. Motion passed.

Confirmed NCQAC business meeting dates:

- January 14, 2011 – Video conference
- March 18, 2011 – Video conference
- May 13, 2011 – Face-to-face, DOH – Tumwater
- July 8, 2011 – Face-to-face, DOH – Tumwater

Adjourned at 3:37 PM.