

MINUTES OF MEETING

BOARD RETREAT - APRIL 13-14, 2022

The Ohio Board of Nursing Retreat was held on April 13-14, 2022, the Vern Riffe Center, 77 South High Street, 19th floor, Room 1948, Columbus, Ohio. The President, Vice-President, and Interim Executive Director reviewed the agenda prior to the meeting.

On Wednesday, April 13, at 9:00 a.m., President Erin Keels called the meeting to order. On Thursday, April 14, at 9:00 a.m., President Erin Keels called the meeting to order.

BOARD MEMBERS

Erin Keels, RN, APRN-CNP, President
Donna Hanly, RN, Vice President
Sandra Ranck, RN, Supervising Member for Disciplinary Matters
Matthew Carle, Consumer Member
Tiffany Knepper, RN
Joseph Quackenbush, LPN
Joanna Ridgeway, LPN
Candy Rinehart, RN, APRN-CNP
Barbara Wadsworth, RN
Gina Woods, RN

Unless noted in these minutes as exhibits, all written reports submitted to the Board are maintained in the Board office according to the Board record retention schedule.

WELCOME AND ANNOUNCEMENTS

Board President Erin Keels welcomed the guests and asked Board members and staff to introduce themselves. President Keels read the Board mission.

House Bill 263

House Bill 263 became law October 9, 2021, which prohibits any state licensing authority from refusing to issue an initial license to individuals with criminal records. The law requires every state licensing authority to establish a list of specific criminal offenses for

which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining a license.

Policy Backdrop

Lisa Eschbacher presented an overview of some technical requirements and some policy background associated with HB 263. HB 263 begins and is part of the overall movement toward a criminal justice reform process. Ambiguous language like “good moral character” or “of high integrity” or moral turpitude language as disqualifying was done away with. The criminal justice section from the Council of State Governments stated, “*Ohio’s law now incorporates nearly all the national best practices.*” Ohio provides for a high robust procedural protection so that if a license is denied, the Board has the burden at a hearing to demonstrate the connection between the conviction and the work being done, so that it is not placed upon the licensee/applicant to show why they are entitled to a license.

HB 263 Report

Lisa Ferguson-Ramos shared the Board and other State licensing agencies are required to submit an Annual Report to include the number of license applications received, granted, and denied; a list of criminal offenses reported, whether a license was granted or denied; and a list of individuals who requested a disqualifying offense determination from the Board and the results; and the number of licenses issued and denied to individuals who had a disqualifying offense. The first HB263 Report was submitted in October 2021 for the timeframe of 1/1/2016 through 12/31/2020. The first report did not include applicants who were granted a license and had been convicted of a criminal offense or individuals who have requested a disqualifying offense determination. The Board will submit the next report by June 30, 2022, which will include 2021 data.

Moral Turpitude

Lisa Eschbacher discussed moral turpitude. Moral turpitude is an issue for the Board to talk about because the Board has at least two opposing contradictory issues associated with for us. The Ohio Revised Code 4723.28 permits the Board to discipline a licensee if they have a guilty plead or a conviction to a felony as well as any crime involving gross immorality or moral turpitude.

COMPLAINTS

Ohio is a mandatory reporting state. In accordance with Section 4723.28.(l)(1), all complaints or an investigation is confidential and not subject to discovery in any civils action except that the Board may disclose information to law enforcement officers and government entities for purposes of an investigation. David Geiger provided an overview of the complaint process, i.e., how complaints are received, and steps involved in triaging complaint for investigation.

COMPLIANCE PROTOCOLS

Lisa Eschbacher reviewed the proposed revisions to the Disciplinary Complaint Protocol; Discipline Priorities and Guidelines Protocol; and Settlement Conference Protocol.

TERMS AND FORMAT

Permanent Surrender Forms

Lisa Eschbacher presented recommended changes to the Permanent Surrender of License form. Two changes recommended for Board's consideration include 1) discontinue converting the surrender to a permanent revocation of license; and 2) no longer make the surrender permanent in all situations.

Non-Disciplinary Approaches

L. Ferguson-Ramos provided an overview of the Alternative Program for Substance Use Disorder Monitoring. Lisa reviewed AP timeline from 2001 through 2012. She also reviewed the Practice Intervention and Improvement Program (PIIP), a confidential program for remediation of practice issues.

Ohio Physicians Health Program

Kelley Long, Executive Director and Dr. Richard Whitney, Medical Director at OhioPHP (OPHP) presented information about OPHP, and to explore the possibility of a partnering opportunity with the Ohio Board of Nursing. OPHP is a nonprofit organization providing a compassionate, supportive, and safe environment for health professionals to seek treatment and monitoring to improve their health and well-being. OPHP serves as a confidential resource that assists with identification, intervention, and referral for assessment or treatment to physicians and other healthcare professionals who may be affected by mental, emotional, and behavioral illness, substance-related and addictive disorders, or other issues. OPHP specializes in providing confidential monitoring and advocacy and provide educational presentations to individuals or groups throughout Ohio. Behavioral health screens offered at no charge to Ohio's healthcare professionals, excluding toxicology testing fees.

Questions and Answers:

- 1) **How do we make this accessible to nurses?** Dr. Whitney explained that if OPHP partners with OBN, it would be OPHP's responsibility to communicate service to the healthcare providers.
- 2) **Has there ever been a time that OPHP charged licensing Boards for this service?** No.
- 3) **Do any of OPHP partners use this with applicants?** Yes, with licensees and applicants.

LICENSURE

Charity Robl and Pam Simmons, the License Manager, provided an overview and updates concerning the partnership with Cleveland Sight Center, how Licensure is leveraging the eLicense system, provided a comparison of licensing statistics, i.e., number of applications received, and applications completed, automated emails, criminal record check instructions, TOEFL results (foreign students) and Last change process, and reviewed the results from the Kaizen Event.

COMPACT DISCUSSION

The Nurse Licensure Compliance (NLC) goes live in Ohio on January 1, 2023. Prior to go-live the Nursing Board must establish fees for NLC multistate licenses applications. There was some discussion regarding the amount of the fees to charge for a multistate license or not to charge a fee. It is anticipated a potential annual loss of revenue of \$635,000. The Board is statutorily permitted to charge an enhanced fee for issuance of a multistate license. The Board is not permitted to pass along NLC costs to single state applicants.

LEGISLATIVE OVERVIEW

Marlene Anielski, newly appointed Executive Director of the Board of Nursing, presented a legislative overview of a sponsor and co-sponsor of a bill, to when the bill goes to the Governor for approval or disapproval (veto). Board members were provided contact information of their Senator and House representatives. Director Anielski also provided information of meeting with legislators.

STRATEGIC PLAN

Interim Director Charity Robl reviewed the proposed changes to the Strategic Plan. There will be further discussion and work on developing a Board strategic plan.

FIVE-YEAR RULE REVIEW

Lisa Eschbacher provided an overview of rules required to be reviewed this year pursuant to Five Year Rule Review. The public rules hearing will be separate from the November Board meeting. It was recommended and agreed that a rules advisory committee be established with the Board appointing members to serve as a subject matter expert on the advisory committee.

COMMUNICATIONS INTRODUCTION

Kristin Howard, the new Chief Information Officer, provided an introduction on her experiences and qualifications. Kristin provided a review of the instructions to add the new email signature and a photo to email and Microsoft Teams profile, requested by the Executive Director effective April 30, 2022.

BOARD GOVERNANCE

Board Abstention - Board Policies

Lisa Eschbacher provided for clarification to Board members when they must abstain from voting and/or participating in quasi-judicial discussions on Board actions. President Keels asked, "If you abstain once on an action against a licensee, do you abstain every time that licensee's name comes up?" The answer was no.

EVALUATION OF RETREAT AND ADJOURNMENT

Board members thought the Retreat was a great meeting and great information provided. The meeting adjourned on Thursday, April 14, 2022, at 3:50 p.m.

Erin Keels, RN, APRN-CNP
President

Erin L. Keels DNP, APRN-CNP

Attest:

Marlene Anielski, MBA, OCPM
Executive Director

Marlene Anielski, MBA, OCPM

17 South High Street, Suite 660
Columbus, Ohio 43215

Phone: (614) 466-3947
Fax: (614) 466-0388

Board@Nursing.Ohio.gov
www.Nursing.Ohio.gov

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