



Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P. H., Secretary

OPEN SESSION MINUTES March 24, 2021 BOARD MEETING

Held at the Maryland Board of Nursing,
4140 Patterson Avenue, Baltimore, MD 21215,
and VIA Conference Call

Attendance

| NAME | TITLE | PRESENT | ABSENT |
|-------------------------------|--|---------|--------|
| Board Members | | | |
| Gary Hicks, RN | RN Member (Clinician), Board President | X | |
| Gregory David Raymond, RN | RN Member (Nurse Administrator) Board Secretary. | X | |
| Jennette Logan, DNP, RN | RN Member (Baccalaureate Nursing Educator) | | X |
| Ann Turner, RN | RN Member (Acute Care) | X | |
| Emalie Gibbons Baker, CNM | RN Member (APRN) | X | |
| Jenell Steele, RN | RN Member (APRN) | X | |
| M. Damare Vickers, LPN | LPN Member | X | |
| Robin Hill , RN | RN Member (Practical Nursing Educator) | X | |
| Laura V. Polk, Ph.D., RN | RN Member (Associate Degree Nursing Educator) | X | |
| Jacqueline Hill, RN | RN Member (Educator) | X | |
| M. Dawne Hayward | RN Member (Delegating Nurse) | X | |
| Mariah Dillon, RN | RN Member (APRN) | X | |
| Charlene Harrod-Owuamana, LPN | LPN Member | X | |
| Charles Neudstadt | Consumer Member | X | |
| Audrey Cassidy | Consumer Member | X | |

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|---------------------------------------|--------------------------------|----------|--|
| Board Counsel | | | |
| Michael Conti | Assistant Attorney General | X | |
| Lindsey Snyder | Assistant Attorney General | X | |
| Katherine Giblin | Assistant Attorney General | X | |
| Board Staff | | | |
| Karen Evans | Executive Director | X | |
| Rhonda Scott | Deputy Director | X | |
| Lakia Jackson | Board Counsel Paralegal | X | |
| Joyce Cleary | CNA Training Programs | X | |
| Shetarah Goodwin | Licensure | X | |
| Monica Mentzer | Manager, Practice | X | |
| Iman Farid | Health Policy Analyst | X | |
| Patricia Kennedy | Nursing Education Consultant | X | |
| Audience | | | |
| Sandy Eberly, RN, CCM, WCCM | | X | |
| Olympia C. Ross, MSN, RN-ACM, WCCM | | X | |
| Deborah Hildebrand | Genex Services | X | |
| Sandy John | First Rehabilitation Resources | X | |

Open Session

1. **Call to Order:** Cassidy made a motion to go into open session. J. Hill seconded the Motion. The motion passed unanimously. The open session began at 9:08 a.m. **Gregory Raymond presiding until the appearance of Gary Hicks.*
 - A. Roll call and declaration of quorum: A roll call of the Board members was conducted, and a quorum of the Board was present.
 - B. Board of Nursing Updates: Karen Evans Executive Director, provided updates regarding the following: Governor Hogan ended the extension to renewals, extension ends on June 30, 2021. Board has been made aware of a potentially fraudulent scheme involving fake notices to licensees indicating the Board is taking action on their license due to a complaint. The notice instructs the licensee to pay bond or fee to maintain their license. The board does not impose a collect bond, or any other advanced fee in connection with disciplinary actions. Our lobby is still closed to the public and we are open by appointment only.

2. **Approval of Consent Agenda:** Dillon made a motion to approve the Consent Agenda. R. Hill seconded the motion. The motion passed unanimously.

Items A-C were reviewed and recommended for approval by the CNA Advisory Committee and the Practice and Education Committee

- A. Initial Certified Nursing Assistant (CNA) Training Program Seeking Board Approval:
 - 1. None.
- B. Renewal of Approved CNA Training Programs:
 - 1. Charlotte Hall Veterans Home
 - 2. Carroll Community College
 - 3. College of Southern Maryland
- C. Approval of Faculty for CNA Training Programs:
 - 1. Geri Haywood R065243, Hagerstown Community College
 - 2. Micke Brown R059387, Hagerstown Community College
 - 3. Megan Levick R206367, Anne Arundel County DOH School Health
 - 4. Rebecca Skidmore R215742, Genesis Healthcare Bradford Oaks and Doctors Community Rehabilitation & Patient Care Center
 - 5. Emmaline Watson R241721, Montgomery College
 - 6. Patricia Charitable R214606, Montgomery College
 - 7. Cheneaka Herring R171248, Fresenius Medical Care (Kidney Care Center)
- D. Approval of Change or Addition of Clinical Site for Approved CNA Training Programs:
 - 1. None.

3. Discussion of Items Removed from the Consent Agenda

Items A-C were reviewed and recommended for approval by the Practice and Education Committee

**Gary Hicks entered the Board Meeting*

- A. Approval for an Initial Maryland Workers Compensation Case Management Training Program; Met the COMAR requirements 10.27.16.07 A-B(1)(2), 10.27.16.08A-C(1)-(6) (a-f)
 - 1. Maryland Workers Compensation Case Management Training Program sponsored by CorVel Corporation – Hicks made a motion to approve the Workmen’s Comp Case Management Program. J. Hill seconded the motion. Motion passed unanimously.
- B. Approval of Initial Faculty for CorVel Corporation’s Maryland Workers Compensation Case Management Training Program. Met the COMAR requirements 10.27.16.09 A-B(1)(2)
 - 1. Sandy Eberly, RN, CCM, WCCM - Hicks made a motion to approve the recommendation of the Education Committee. Dillon seconded the motion. Motion passed unanimously.
 - 2. Olympia C. Ross, MSN, RN-ACM, WCCM: Hicks made a motion to approve the recommendation of the Education Committee. Hayward seconded the motion. Motion passed unanimously.
- C. Request Approval of Training Program Pass Rates to be posted on the website.

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1. Skills and Written Pass Rates – Hicks made a motion to approve posting the CNA/GNA results on the Board’s website. Dillon seconded the motion. Motion passed unanimously.
4. **Education** (Karen Evans, Executive Director, Dr. Patricia Kennedy, Education Consultant, Dr. Shelia Green, Education Consultant)
 - A. COMAR 10.27.03 Regulations
 1. Regulations are now in effect. Evans will be setting up a meeting with all deans and directors to discuss roll out.
 2. International applicants that have completed their RN will be able to take the NCLEX LPN
5. **Practice** (Monica Mentzer)
6. **Certification** (Rhonda Scott, Deputy Director, Director of Enforcement presenting)
 - A. Monthly stats provided.
7. **Licensure and Advanced Practice** (Shetarah Goodwin, Licensure)
 - A. Monthly stats provided.
8. **Legislative Affairs** (Iman Farid, Health Policy Analyst)
 - A. HB14 Pharmacists – Prescription Drug and Devis Labels
 1. Clarifies on the expiration of dates or drugs and devices dispensed in the manufacture’s original packaging.
 - B. HB396 Public Health Overdose and Infectious Disease Prevention Services Program
 1. Cross-filed with SB 279. Allows community bases organization to establish an overdose and infectious disease prevention services program. Additionally prohibits the Board from disciplining an individual for involvement in the operation or use of the program. The Board submitted a letter of opposition.
 - C. HB538 Handgun Permits Qualifications High Risk Occupations
 1. Cross-filed with SB826. Requires the Secretary of State Police to issue a permit to carry, wear, or transport a handgun to a person wo meets certain requirements and is employed in a certain profession. Board submitted a letter of information with amendments.
 - D. HB758 Maryland Licensure of a Certified Midwives Act
 1. Cross-filed with SB684. Establishes a new discipline of certified midwifery for the Board to license and regulate. Requires the Board to issue a license to practice certified midwifery to individuals who have met certain requirements. Board submitted a letter of support for amendments.
 - E. HB1006 Health Occupations Service Members Veterans, and Military Spouses Temporary Licensure, Certification, and Registration.

1. Cross-filed with SB938 requires the Board to issue an expedited temporary license, certificate or registration to a service member, veteran, or military spouse. Board submitted a letter of support.
- F. HB1040 Health Occupations Pharmacists Administration of Vaccinations
 1. Cross filed with SB736. Authorizes a pharmacist to administer vaccines to an adult or person at least 3 years old but under 18. Repeals the requirement that a prescription is needed for a pharmacist to administer a vaccine. Board submitted a letter of support.
- G. HB1032 Health Occupations Licensed Direct-Entry Midwives – Previous Cesarean Section
 1. Prohibits a LDEM from caring for a patient who had a cesarean section with a certain time frame before delivery date. Requires LDEM to consult health practitioner. Board submitted a letter of support.
- H. HB1041 Health Occupations Boards Uniform Reporting
 1. Requires the Board to request information from applicants and healthcare practitioners before issuing, renewing or reinstating a license, certificate or registration. Requires Board to post collected information on the website in a searchable format. Board submitted a letter in opposition.
- I. HB1109 Health Abortion Ultrasound and Waiting Period
 1. Requires a medial professional performing an ultrasound to be trained and follow requirements for documentation. Prohibits a physician from performing or inducing an abortion in a certain amount of time after an ultrasound. Board took no position.
- J. HB1112 Public Health Maternal and Child Mortality Review and Perinatal Hospice Services
 1. Cross filed with SB891. Authorizes State Child Fatality Review Team and the Maternal Mortality Review Program to enter a data privacy agreement with an entity to store data. Authorizes a nurse practitioner to inform a pregnant woman of the availability of perinatal hospice services and to provide information sheet. Submitted a letter of support.
- K. HB1167 Maryland Nondiscrimination in Healthcare Coverage
 1. Requires healthcare provider to ensure the continuation of life sustaining care for a patient. Prohibits provider or institution from discontinuing life sustaining care based on cost effectiveness. Board submitted a letter of support.
- L. HB1193 Certified Nursing Assistants Certificate Renewal Training Program Requirements
 1. Cross filed with SB13. Allows CNAs who have not finished hours of active practice to take a CNA refresher training program as a condition of renewal. Requires the Board to adopt regulations for approving a CNA refresher training program. Board submitted a letter of support and provided testimony.
- M. HB1195 Income Tax Credits for Preceptors in Areas with Healthcare Workforce Shortages Eligibility and Sunset Repeal
 1. Authorizes a credit against the state income tax for healthcare practitioners

2. Cross filed with SB102. Authorizes a credit against the State income tax for healthcare practitioners who serve as preceptors for physician assistant students. Board submitted a letter of support.
- N. SB744 State Board of Nursing Certified Nursing Assistant Advisory Committee Membership and Meetings
1. Adds additional language to clarify the qualifications and duration of those on the CNA Advisory Committee. Requires the committee to meet a certain number of times and for the Board to increase the number of alternatives on the committee. Board provided testimony and support for the bill.
- O. SB808 Health Occupations Licensed Dentist Administration of Vaccines
1. Authorizes licensed dentist to administer vaccines to an adult or someone at least 11 years old but younger than 18. Requires licensed dentist to completed board-approved course before administering a vaccine and renew vaccine certification every other cycle renewal. Board submitted a letter of support.
- P. SB894 Post Crisis Jobs Act of 2021
1. Allows applicants for licensure or certification to complete education or training requirements through a digital learning program. Board took no position.
Hicks made a motion to approve the bills that were outlined by the Legislative Committee. R. Hill seconded the motion. Motion passed unanimously.

9. Direct-Entry Midwives and Electrology (Monica Mentzer, Manager, Practice)

Item 9A has been reviewed and recommended for approval by the Direct-Entry Midwifery Advisory Committee.

- A. Hicks made a motion to approve Chloe French for initial licensure as a direct-entry midwife. Hayward seconded the motion. Motion passed unanimously.

10. Quarterly Reports

- A. None.

11. Other

- A. Workman's Compensation Case Manager Training and Request for Waiver
 1. Hilderbrand made a request to remove the COMAR regulation 10.27.16, requiring a registered nurse be certified by the Board before they can apply for registration as rehabilitation practitioners with Maryland Workers' Compensation Commission. No other Maryland Board requires its members to be certified by the Board before they register with the Commission. There are no states Workers' Compensation Commission Programs that require nurses to certify with the Board before they can practice in the industry. New nurses can't be hired in the field because there are no current training programs in place for them to meet the regulatory requirements. Evans reminded the group that the training

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programs were just approved by the Board. Hicks made a motion to continue to have Chapter 16 under our regulations, however, remove the requirement, the training requirements currently under 10.27.16.08.09 and have the Practice Committee bring back a recommendation to a future meeting. Cassidy seconded the motion. Motion passed unanimously. Hicks made a motion to approve or submit a waiver under COMAR 10.27.16.03 which would allow positions to be filled. J. Hill seconded the motion. Motion passed unanimously.

B. Connect with the Board: Meetings with Deans and Directors

1. The first meeting of the Board with its constituents will be April 16, 2021, and will be with deans and directors. Evans will be sending out emails today. Meetings will be posted on the website so constituents can attend; will still be an open meeting.

C. LifeSpan Network, HFAM, Leading Age Maryland

1. LifeSpan, HFAM, and LeadingAge Maryland made a request to accept an eight-hour training program for GNAs; the request was made to the acting Secretary's office. As a reminder, this area was previously not waived by the Board. Under the governor's executive order in April 2020, there was a waiver for CMS training and certification for nurses' aides and they could be employed. If the governor's orders are in effect, they are not out of compliance. J. Hill made a motion for COMAR 10.39.02 to remain in place for the CNA/GNA training requirements. Hicks seconded the motion. Motion passed unanimously. Hicks made a motion to reject the Board adopt lesser training standards than that are already in place and federally mandated. Harrod-Owuamana seconded the motion. Motion passed unanimously

Adjournment: Board Secretary Gregory Raymond walked through the written statement required by the Open Meetings Act to close an open session. The written statement is attached. At 10:58am, Hicks made a motion to close the open session pursuant to the statutory authority and reasons cited in the written statement. Cassidy seconded the motion. Motion passed unanimously.

March 24, 2021 Closed Session Summary

Closed Session was held from 11:08 am to 11:29am at 4140 Patterson Avenue, Baltimore MD 21215. The same Board members present for the open session were present for the closed session (unless recused from a particular matter). The authority for the closed session was Md. Code Ann., Gen. Prov. § 3-305(b)(13) in order to discuss confidential matters involving applicants for licensure/certification that are prohibited from public disclosure pursuant to Md. Code Ann., Health Occ. § 8-303(f), Health Occ. §§ 1-401 et seq., and/or Gen. Prov. § 4-333. The topics actually discussed were confidential matters involving applicants for licensure/certification.

The Board voted to take the following actions during closed session:

- Review of applicants who are the subject of a complaint:
 - Take no action on a complaint involving one (1) RN applicant;
 - Take no action on a complaint involving one (1) MT applicant.

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- Review of applicants with a criminal history:
 - License one (1) RN applicant;
 - Certify one (1) CNA applicant;
 - Certify one (1) MT applicant.

(During the closed session, the Board also performed quasi-judicial and administrative functions that are not subject to the Open Meetings Act and are therefore not summarized above.)

Script for Closing Open Session
March 2021

In a moment, I am going to ask if there is a motion to close the open session, but first I am going to walk us through the written statement that is required by the Open Meetings Act to ensure that all Board members agree with its contents.

As documented in the written statement, the statutory authority to close this open session and meet in closed session is General Provisions § 3-305(b)(13), which gives the Board the authority to close an open session to comply with a specific statutory requirement that prevents public disclosure about a particular matter or proceeding. The topic to be discussed during closed session is applications for licensure and/or certification. The reason for discussing this topic in closed session is to discuss confidential matters that are prohibited from public disclosure by the Annotated Code of Maryland, Health Occupations Article, sections 8-303(f), 8-320(a), and 1-401 *et seq.*, and General Provisions Article section 4-333. In addition, the Board may also perform quasi-judicial and administrative functions involving disciplinary matters during the closed session.

Is there a motion to close this open session pursuant to the statutory authority and reasons cited in the written statement or any discussion thereof?

MARYLAND BOARD OF NURSING

Presiding Officer's Written Statement for Closing a Meeting
under the Open Meetings Act (General Provisions Article § 3-305)

1. **Recorded vote to close the meeting:** Date: 3/24/2021 Time: 10:58 am
Location: 4140 Patterson Avenue, Baltimore, MD; Conference Call Line
Motion to close meeting made by: Hicks Seconded by Cassidy
Members in favor: Hayward, J Hill, Hicks, Raymond, Dillon, Cunningham, Cassidy, R Hill
Opposed: None Abstaining: None
Absent: None

*Edwin
Bates
Raymond
Polk
Stella
Teresa
Vicki*


2. **Statutory authority to close session.** This meeting will be closed under General Provisions § 3-305(b) only:

(1)___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)___ "To consider the investment of public funds"; (6)___ "To consider the marketing of public securities"; (7)___ "To consult with counsel to obtain legal advice"; (8)___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) (X) "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15)___ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

3. For each provision checked above, disclosure of the topic to be discussed and the Maryland Board of Nursing's reason for discussing that topic in closed session.

| Citation | Topic | Reason for closed-session discussion of topic |
|-------------------|--|--|
| § 3-305(b) (13) | Applicants for Licensure/Certification | To discuss confidential information that is prohibited from public disclosure pursuant to Md. Code Ann., Health Occ. §§ 8-303(f), 8-320(a), and 1-401 <i>et seq.</i> , and Gen. Prov. § 4-333. |
| § 3-305(b) () | | |
| § 3-305(b) () | | |

NOTE: During the Closed Session, the Maryland Board of Nursing may also perform quasi-judicial and administrative functions involving disciplinary matters.

4. This statement is made or adopted by  , Presiding Officer, Maryland Board of Nursing.