



Board of Nursing

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

OPEN SESSION MINUTES October 28, 2020 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	
Bonnie Oettinger, RN	RN Member (Delegating Nurse), 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	
Damare Vickers, LPN	LPN Member		X
Gregory David Raymond, RN	RN Member (Nurse Administrator)	X	
Robin Hill, RN	RN Member (Practical Nursing Educator)	X	
Laura V. Polk, Ph.D., RN	RN Member (Associate Degree Nursing Educator)	X	
Jocelyn Lyn-Kew, LPN	Licensed Nurse Member	X	
M. Dawne Hayward	RN Member (Delegating Nurse)	X	
Mariah Dillon, RN	RN Member (APRN)	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	
Ciara Lee	Executive Assistant	X	
Amber Havens-Bernal	Discipline Department		
Lakia Jackson	Board Counsel Paralegal	X	
Shetarah Goodwin	HR Liaison and Manager of Licensure	X	
Dr. Shelia Green	Consultant, Education and Exams	X	
Dr. Patricia Kennedy	Director, Education and Exams	X	
Tyera Sheppard	Director of Administrative Services	X	
Monica Mentzer	Director, Practice and Education	X	
Jaray Richardson	Manager, Certification Division	X	
Tonya Spruill	Monitoring Coordinator	X	
Audience			
Sandy Clark	Allegany College	X	
Aimee Younkin	Allegany College	X	

Open Session

1. **Call to Order:** Polk made a motion to go into open session. Turner seconded the Motion. The motion passed unanimously. The open session began at 9:00 a.m.
 - 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: School visits began this month with five completed, three more to complete and be in line with USDOE. The Board is open on Fridays for constituents to drop off applications and we are interviewing for education positions.
 - C. Review of Open Session Minutes: Dillion made a motion to approve the May through August 2020 open session minutes as written. Polk seconded the motion. The motion passed unanimously.

2. **Approval of Consent Agenda:** Dillion made a motion to approve the Consent Agenda. Turner seconded the motion. The motion passed unanimously.

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Items A -D 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 and CMA Programs:
 - 1. The Lions Center for Rehabilitation and Extended Care (CNA/GNA)
 - 2. Morning Star Academy, LLC (CNA/GNA)
 - 3. Devlin Manor (CNA/GNA)
 - 4. Carroll County Community College (CMA and CMA Update)
 - C. Approval of Faculty for CNA Training Programs:
 - 1. Samantha Rae Vickory, (R214545) The Lions Center for Rehabilitation and Extended Care
 - 2. Kristin D'Amico, (R173371) Harford Memorial Hospital
 - 3. Kristin D'Amico, (R173371) Upper Chesapeake Medical Center
 - 4. Hermonia Edwards, (R060860) Genesis Healthcare, Doctors Community Rehabilitation and Patient Care Center (all faculty requirements met. Recommendation by Practice and Education Committee only, CNA Adv. Committee did not have a quorum to make recommendation)
 - 5. Donna Carter-Burley, (R153637) Community College of Baltimore County
 - D. Approval of Change or Addition of Clinical Site for Approved CNA Training Programs:
 - 1. The Montgomery College approved CNA/GNA program requests to add Suburban Hospital- Johns Hopkins Medicine, as an additional clinical site for student to complete their clinical hours
 - E. Approval for Change or Addition to the approved for CNA Training Program Curriculum:
 - 1. Morning Star Academy, LLC, requests approval of the updated curriculum for an approved CNA/GNA training program
- 3. Discussion of Items Removed from the Consent Agenda** (Karen Evans, Executive Director)
- A. Renewal of approved CNA-School Health Training Programs (recommendation from Practice and Education Committee):
 - 1. Lyn-Kew made a motion to approve the request of Anne Arundel Department of Health, School Health Services and Montgomery County Departments of Health and Human Service, School Health Services for clinical sites to be at the school with labs for this period. Turner seconded the motion. Motion passed unanimously.
 - B. Updated to the Board approved CNA Training Programs:
 - 1. Dillion made a motion to approve the CNA programs for Harford Memorial Hospital and Upper Chesapeake Memorial Hospital. Turner seconded the motion. Motion passed unanimously.

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- C. Initial Forensic Nurse Examiners Adult Program seeking Board Approval and met all criteria in 10.27.21.04
 - 1. Dillion made a motion to approve Tidal Health Peninsula Regional and Baltimore Washington Medical Center Forensic Nure Examiner Adult Programs. Polk seconded the motion. Motion passed unanimously.
 - 2. Baltimore Washington Medical Center
 - D. Renewal of an approved Forensic Nurse Examiners Adult Program and met all criteria in 10.27.21.04
 - 1. Dillion made a motion to approve UMMS Shore Medical Center of Easton for renewal of their Forensic Nurse Examiner Adult Program. Turner seconded the motion. Motion passed unanimously.
 - E. Approval for Faculty for Forensic Training Programs:
 - 1. Lyn-Kew made a motion to approve Karen Denny, Eunie Esposito, and Jennifer McNew for the faculty for the Forensic Training Programs. Polk seconded the motion. Motion passed unanimously.
- 4. Education** (Dr. Patricia Kennedy, Education Consultant Dr. Sheila Green, Education Consultant)

Items A was reviewed and recommended for approval by the Practice and Education Committee

- A. Allegany College
 - 1. Polk made a motion to approve Allegany College for a three-year approval with the interim report as outlined by Dr. Green. Lyn-Kew seconded the motion. Motion passed unanimously.
 - 2. .
- 5. Practice and Certification** (Monica Mentzer Director, Practice and Education)
- A.
- 6. Licensure and Advanced Practice** (Shetarah Goodwin, HR Liaison, Manager, Licensure)
- A. Monthly stats report was provided for September 2020.
- 7. Legislative Affairs** (Rhonda Scott, Deputy Director)
- A. Annual Report FY 2020
 - 1. Dillion made a motion to accept the 2020 annual report as submitted. Lyn-Kew seconded the motion. Motion passed unanimously.
 - B. Update: Proposed Action on Regulations
 - 1. 10.2701- Examination and Licensure Regulations .01, .05, .10: Amend requirements for testing English competency of foreign nurse graduates whose nursing education was not taught in English; to repeal the waiver for a clinical nursing education requirement for a nurse applying for a license by endorsement in Maryland; define competency in reading, speaking, writing, and listening in accordance with the Nurse Licensure

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Compact; define the minimal passing scores for the two English language competency tests the Board recognizes, and repeal the requirement that the Board waive the supervised clinical learning experience requirement for nurse endorsement who attended a nursing program without supervised clinical learning experience.

2. 10.27.03- Nursing Education Programs Regulations .01-.03, .05, .08, .09, .11-.18: Comply with federal standards under Title 8 of the Public Health Services Act and maintain recognition by the United States Department of Education as a reliable authority on the quality of nursing education. Amendments are to clarify, reorganize, eliminate, and streamline language in order to reduce regulatory uncertainty.
 3. 10.64.02- Code of Ethics for Licensed Direct Entry Midwives Regulations: provide a code of ethics that will guide them in their practice and additional regulatory requirements for safe practice and provide a general framework for ethical practice.
- C. Legislative Update: HB837 – Public Health – Maternal Mortality and Morbidity – Implicit Bias Training and Study: Committee requesting the Board to identify the specific licensees and certificate holders who may be mandated to participate in the program. Discussion of bill included the Board not owning the responsibility of identifying who needs the training, but the organizations should.
- D. Tri-District Reciprocity Arrangement (Karen Evans, Executive Director): Agreement to create an interstate medical excellence zone for Maryland, DC and Virginia. The concern is that nursing will be taken over federally, and boards will not be in every state. More information to follow after meetings in the next two months.

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

Item A and was reviewed and recommended for approval by the Electrology Practice Committee.

- A. Turner made a motion to accept the reinstatement of the license for Maria Denmark as an electrologist. Lyn-Kew seconded the motion. Motion passed unanimously.

9. Quarterly Reports

Stats reports were provided for the third quarter July to September 2020.

- A. Discipline and Compliance Programs – Amber Havens Bernal
- B. Safe Practice Committee – Rhonda Scott
- C. CNA Advisory Committee and Certification – Jaray Richardson
- D. Direct Entry Midwifery Advisory Committee – Monica Mentzer
- E. Electrology Practice Committee – Monica Mentzer
- F. Practice and Education Committee – Karen E. B. Evans
- G. Investigations Status Report – Sara Tongue
- H. Background Review – Karen E. B. Evans
- I. Fiscal Management Report – Tyera Sheppard

10. Other

- A. None.

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Adjournment: President Gary Hicks walked through the written statement required by the Open Meetings Act to close an open session. The written statement is attached. At 10:25am, Lyn-Kew made a motion to close the open session pursuant to the statutory authority and reasons cited in the written statement. Dillion seconded the motion. Motion passed unanimously.

October 28, 2020 Closed Session Summary

Closed Session was held from 10:43am to 2:20pm 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) CNA applicant;
 - Issue an Intent to Deny to two(2) RN applicants.
- Review of applicants with a criminal history:
 - License three (3) RN applicants;
 - License two (2) RN applicants and issue a Public Advisory Letter;
 - Certify four (4) CNA applicants and issue a Public Advisory Letter.

(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
October 2020

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: 10/28/2020 Time: 10:20 am
Location: 4140 Patterson Avenue, Baltimore, MD; Conference Call Line
Motion to close meeting made by: Lyn-Kew Seconded by Dillon
Members in favor: Gibbons-Baker, Hayward, Turner, Raymond, Hicks, Dillon, Polk,
Opposed: None Abstaining: None
Absent: Vickers

*Lyn-Kew,
Nwestadt,
Hill,
Steele,
Logan,
Cassidy*

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

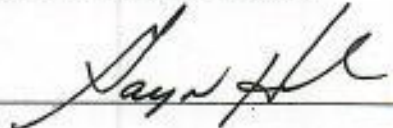
(1)___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (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) "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."

Date: 10/28/2020

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.