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MARYLAND BOARD OF NURSING

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OPEN SESSION

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The Maryland Board of Nursing board meeting was held on Wednesday, April 26, 2023, at 4140 Patterson Avenue, Baltimore, Maryland 21215, commencing at 9:17 a.m. before Edward Bullock, Notary Public in and for the State of Maryland.

REPORTED BY: Edward Bullock, Notary Public

AUDIO RECORDING TRANSCRIBED BY: Edward Bullock, DCR

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1 APPEARANCES:
 2 MICHAEL CONTI, Assistant Attorney General
 3 KATHERINE CUMMINGS, Assistant Attorney General
 4 Office of the Attorney General
 5 State of Maryland
 6 Department of Health & Mental Hygiene
 7 300 West Preston Street
 8 Baltimore, Maryland 21201
 9 410-767-3201
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1 ALSO PRESENT:
 2 RHONDA SCOTT, Deputy Director
 3 PATRICE BURRIS, Executive Assistant
 4 SCHENEQUA BROWN, Executive Assistant
 5 LAKIA JACKSON, Paralegal
 6 MONICA MENTZER, Manager, Practice
 7 IMAN FARID, Health Policy Analyst (via telephone)
 8 BRIAN STALLSMITH, IT Staff
 9 VALENCIA JACKSON, Safe Practice
 10 AMBER HAVENS-BERNAL, Discipline Division
 11 SHAWNTA' BATES, Investigations
 12 DELLA SANDERS, Backgrounds
 13 ROSALYN JOHNSON, Investigations
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1 BOARD MEMBER APPEARANCES:
 2 GARY HICKS, RN Member, Board President
 3 ANN TURNER, RN Member, Board Secretary
 4 M. DAWNE HAYWARD, RN Member
 5 EMALIE GIBBONS-BAKER, APRN Member
 6 AUDREY CASSIDY, Consumer Member
 7 SUSAN STEINBERG, Consumer Member
 8 SUSAN LYONS, APRN Member
 9 ROBIN HILL, RN Member, LPN Educator
 10 CHRISTINE LECHLITER, RN Member
 11 JACQUELINE HILL, RN Member
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1 AUDIENCE MEMBERS:
 2 TIJUANA GRIFFIN, Washington Adventist University
 3 DANITA TOLSON, Coppin State University
 4 JOAN TILGHMAN, Coppin State University
 5 VAPLE ROBINSON, Coppin State University
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1 member.

2 MS. JACQUELINE HILL: Dr. Jacqueline Hill, RN

3 educator member.

4 MS. LYONS: Susan Lyons, RN member, advanced

5 practice nursing.

6 MS. ROBIN HILL: Dr. Robin Hill, practical

7 nursing educator member.

8 MR. HICKS: Do we have any board members

9 online?

10 (No responses)

11 MR. HICKS: All right. Karen will postpone any

12 updates that she has for now. We will circle back.

13 If I can get a motion to approve the Consent

14 Agenda.

15 MS. LECHLITER: So moved. Lechlitter.

16 MS. JACQUELINE HILL: Second.

17 MR. HICKS: Lechlitter, Dr. Jacqueline Hill.

18 All in favor?

19 ALL: Aye.

20 MR. HICKS: Opposed?

21 (No oppositions)

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1 PROCEEDINGS

2 MR. HICKS: Good morning, everyone. Sorry for

3 the delay. We are going to go ahead and get started. If

4 we can have a motion to go into Open Session.

5 MS. TURNER: So moved. Turner.

6 MR. HICKS: Turner.

7 MS. LYONS: Second. Lyons.

8 MR. HICKS: Lyons. All in favor?

9 ALL: Aye.

10 MR. HICKS: Opposed?

11 (No oppositions)

12 MR. HICKS: Motion carries. We will start with

13 roll call.

14 MS. CASSIDY: Audrey Cassidy, consumer member.

15 MS. LECHLITER: Chrissy Lechlitter, nurse

16 administrator member.

17 MS. GIBBONS-BAKER: Emalie Gibbons-Baker, RN,

18 board member, advanced practice nursing.

19 MS. HAYWARD: Dawne Hayward, RN member.

20 MS. TURNER: Ann Turner, RN member.

21 MS. STEINBERG: Susan Steinberg, consumer

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1 MR. HICKS: Motion carries. We will go down to

2 — Dr. Green, are you online?

3 MS. GREEN: Good morning. This is Dr. Green.

4 How are you today?

5 MR. HICKS: Good. How are you?

6 MS. GREEN: Very well, thank you. This morning

7 we are going to be presenting the follow-up of our site

8 visit for Coppin State University Helen Fuld School of

9 Nursing.

10 First, I'd like to acknowledge Dr. Danita

11 Tolson, the chairperson for the bachelor of science

12 degree program at Coppin State. Dr. Tolson, are you on

13 the line?

14 MS. SCOTT: Gary, she is here in the room.

15 MR. HICKS: You can step forward.

16 MS. GREEN: Dr. Tolson, you're present at the

17 Board?

18 MR. HICKS: Yes, she is. She's here.

19 MS. GREEN: Excellent. And Dr. Vaple Robinson

20 is the interim graduate nursing chairperson of the

21 graduate program.

<p style="text-align: right;">Page 10</p> <p>1 MR. HICKS: Yep, she's also present. You can 2 have a seat, ladies.</p> <p>3 MS. GREEN: Thank you. We are honored to have 4 you this morning as we review both the undergraduate pre- 5 licensure program to BSN as well as master's program that 6 we decided to do since we had the opportunity, and this 7 is something we've been talking about for sometime for 8 doing both programs when it is possible.</p> <p>9 For the Board, myself and also Mrs. Bonnie 10 Oettinger conducted an in-person site visit to assess the 11 programs continue to adhere to the state regulatory 12 requirements for the pre-licensure and graduate nursing 13 programs offered at Coppin State University Helene Fuld 14 School of Nursing in accordance with the COMAR 15 10.27.03.02 through .16 on nursing education programs 16 pre-licensure, and the COMAR 10.27.07.06 related to 17 education of the nurse practitioner.</p> <p>18 This was a collaborative site visit with the 19 Commission on Collegiate Nursing Education, also known as 20 CCNE. Our findings were that the undergraduate program 21 met standards of COMAR 10.27.03.02 through .15. And,</p>	<p style="text-align: right;">Page 12</p> <p>1 requirements in the action plan that will be submitted at 2 a revised date for Coppin State University Helene Fuld 3 School of Nursing, and would continue our program 4 approval in accordance with CCNE accreditation 5 recommendations, and that would be determined and 6 followed up in the Fall of 2023, and we will be able to 7 respond accordingly.</p> <p>8 I do wish to bring to the attention Page 5 off 9 the actual document that was presented to the Board 10 regarding COMAR 10.27.03.08 regarding faculty and 11 clinical instructors. They met the standard for the 12 undergraduate program in terms of faculty sufficiency, 13 but under Section A.1(a) to (b), we wanted to make a 14 notation that faculty expected overload related to recent 15 faculty vacancies, this requires ongoing evaluations to 16 ensure student learning outcomes and educational needs 17 are met. And it is recommended that increased student 18 enrollment, which is being proposed at the University, 19 not be initiated until new faculty are hired and 20 onboarding requirements from that to maintain educational 21 stability in the undergraduate nursing education program.</p>
<p style="text-align: right;">Page 11</p> <p>1 certainly, the second bullet of the graduate program met 2 all of the COMAR 10.27.07.06 requirements for the 3 graduate program. The undergraduate program did not meet 4 COMAR 10.27.03.16 requirements regarding NCLEX 5 examination performance for FY2022, and that we were 6 ensuring that we identify that related to that as well.</p> <p>7 Our recommendation to the Board, first of all, 8 are to request the submission of an action plan related 9 to the NCLEX performance. I would like to clarify the 10 need to have an extension of the date of May 19th. The 11 matter that needed to go out that was to be dated April 12 18th has not occurred, and I would just like to follow up 13 with the change to establish a mutually defined revised 14 date for action in lieu of the fact that the letter 15 related to NCLEX was not being submitted to them, but we 16 do wish to have an action plan presented to the Board 17 related to NCLEX performance.</p> <p>18 The second bullet recommendation is a part of 19 the first in terms of action plan related to the 20 undergraduate program. In fact, we want to address 21 faculty overload, new faculty recruitment, and onboarding</p>	<p style="text-align: right;">Page 13</p> <p>1 Also, I just want to bring to the attention of 2 the Board, Page 10 of the document as well because it 3 gives a five-year review of the NCLEX performance. In 4 2022 they did not meet the required standards of the pass 5 rate for the State of Maryland, and also, you will notice 6 in 2019 and 2018 they had a five-year horizon that there 7 was a trend there so that is why we are requesting an 8 action plan. And I do apologize for not being able to 9 get the letter to the school in a timely manner so that 10 they could begin to continue working on the action plan 11 that they had already begun to initiate.</p> <p>12 The strength of this program, Coppin State 13 University Helene Fuld School of Nursing, is an inclusive 14 student-oriented program. The faculty is dedicated to 15 foster the students. The administration holds the 16 nursing program in high regard and supports the education 17 experiences of matriculating students and the need for 18 faculty. There are faculty development and resources 19 available for enhancement development and financial 20 support for conferences and continuing education, which 21 is for certification, and it does happen that the</p>

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1 programs have an evaluation plan that incorporates
 2 continued quality improvement methods.
 3 The concerns are, of course, NCLEX performance;
 4 the second is, current faculty overload. There are two
 5 vacancies currently in the undergraduate program today.
 6 They intend to also add an additional number of faculty
 7 in order to incorporate increased enrollment, but until
 8 they are able to stabilize their current needs of the two
 9 faculty, we really would like to give them that
 10 opportunity to move forward on getting their faculty in
 11 place and their onboarding requirements met. It is also
 12 the recommendation to refrain from increasing the
 13 undergraduate student enrollment until faculty overload
 14 and new faculty recruitment onboarding are addressed.
 15 So, Dr. Tolson or Dr. Robinson, do you have any
 16 other comments you would like to add to the report?
 17 MS. ROBINSON: I would also like to include
 18 that Dr. Tilghman is here with us.
 19 MS. GREEN: Oh, I'm very sorry. Thank you.
 20 Good morning, Dr. Tilghman.
 21 MR. HICKS: Is there anything you would like to

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1 add to what Dr. Green mentioned?
 2 MS. ROBINSON: Good morning. Thank you for
 3 this opportunity. We take this report quite seriously.
 4 The strength of our program really is based on our
 5 caliber of our students, our admission criteria, and our
 6 faculty. So, the recommendations that are approved by
 7 the Board, we will certainly adhere to.
 8 MR. HICKS: Thank you.
 9 MS. GREEN: Thank you so very much. And one
 10 last thing for the Board, right after the coversheet, the
 11 criteria have been summarized for you in terms of the
 12 areas that have met by both the undergraduate program and
 13 the graduate program. And please, just note, on the
 14 second page, again, is the NCLEX performance that we're
 15 concerned about. The graduate program summary is also
 16 included, and there they met all the requirements for the
 17 graduate program.
 18 This was a very wonderful opportunity for
 19 Coppin State University site visit. It is a follow-up to
 20 our virtual site visit that we completed in 2020, and we
 21 acknowledge that as well, that this is something Mrs.

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1 Oettinger and I were able to accomplish along with the
 2 team from CCNE and, of course, those from Coppin State
 3 University Helene Fuld School of Nursing.
 4 Thank you.
 5 MR. HICKS: Thank you, Dr. Green. Is there any
 6 questions for Dr. Green or the faculty from Coppin? Dr.
 7 Hill?
 8 MS. JACQUELINE HILL: Good morning, Dr. Green.
 9 Thank you for the comprehensive report. My question is,
 10 and maybe I didn't hear it, but the date for the revised
 11 for the revised action plan.
 12 MS. GREEN: It is May 19th. It is outstanding,
 13 and it is an error on my part, and I apologize to the
 14 Board. I did not follow up on the letters that were to
 15 be sent to Dr. Tilghman and her team on April the 18th
 16 following our Practice and Education Committee meeting.
 17 And because of that, I am respectfully requesting that
 18 you just give me the opportunity to -- I continue to
 19 follow-up within this week with Dr. Tilghman, Dr. Tolson,
 20 and Dr. Robinson -- well, not so much Dr. Robinson, but
 21 Dr. Tolson, in order to come to a mutual determination

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1 about the when they will have the action plan submitted.
 2 Respectfully, in lieu of my error, I need to give them
 3 time to complete what is necessary. We identified May
 4 19th. If it had been sent out April 18th it would have
 5 given them a month. Respectfully, I would like to give
 6 them that opportunity, and I do apologize to the Board
 7 for that error. I want to make sure the Board was aware
 8 of the error that occurred.
 9 Thank you for the question. I am hoping I am
 10 answering the question that you asked, Dr. Hill.
 11 MS. JACQUELINE HILL: Yes, you have.
 12 Basically, it's May 19th. That's what I was asking.
 13 MS. GREEN: It may be a little bit later than
 14 May 19th. It will not be excessive, but they want to get
 15 that done.
 16 MR. HICKS: So, whenever the date that Dr.
 17 Green submits the letter to the school they will have
 18 thirty days from that date to submit to the Board.
 19 MS. GREEN: Thank you very much, Mr. Hicks.
 20 MR. HICKS: So, any other questions for Dr.
 21 Green or the faculty of Coppin.

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1 (No questions posed)

2 MR. HICKS: All right. So, is there a motion

3 to accept the report by Dr. Green for the site visit for

4 Coppin State University and to accept the recommendations

5 that Dr. Green has pointed out?

6 MS. HAYWARD: So moved. Hayward.

7 MR. HICKS: Hayward.

8 MS. GIBBONS-BAKER: Gibbons-Baker.

9 MR. HICKS: Gibbons-Baker. All in favor?

10 ALL: Aye.

11 MR. HICKS: Opposed?

12 (No oppositions)

13 MR. HICKS: Motion carries.

14 Thank you very much for coming in this morning.

15 MS. ROBINSON: Thank you.

16 MS. GREEN: Thank you very much.

17 MR. HICKS: We will move to 4B, Harford

18 Community College, Interim Dean for Nursing. Dr. Green?

19 MS. SCOTT: That's Karen.

20 MR. HICKS: Oh, Karen?

21 MS. GREEN: I can speak to it if Mrs. Evans is

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1 identified. This is just the site visit for Harford

2 Community College as well. It's up to Mrs. Evans.

3 MR. HICKS: Yeah, I will step in for Mrs.

4 Evans.

5 We mentioned last month, I believe, Ashley

6 Meisel from Harford Community College had been appointed

7 as the interim dean. Since our last board meeting, Dr.

8 Meisel has been promoted to dean of the program. So, she

9 is now the permanent dean at Harford Community College.

10 So, I believe we do need a motion to approve

11 the transition for Dr. Ashley Meisel from temporary dean

12 to permanent dean of Harford Community College.

13 MS. GIBBONS-BAKER: So moved.

14 MR. HICKS: Gibbons-Baker.

15 MS. LECHLITER: Second.

16 MR. HICKS: Lechlitter. All in favor?

17 ALL: Aye.

18 MR. HICKS: Opposed?

19 (No oppositions)

20 MR. HICKS: Motion carries. And then, for 4C,

21 Frederick Community College has requested to add Lillian

Page 20

1 Diaz-Chung, R226374 as an instructor within the CNA

2 program. She has been vetted by the CNA Advisory

3 Committee and meets the qualifications as a CNA

4 instructor.

5 So we're looking for approval to add Lillian

6 Diaz-Chung as an instructor for the Frederick Community

7 College CNA Program.

8 MS. ROBIN HILL. So moved. Dr Robin Hill.

9 MR. HICKS: Dr. Robin Hill.

10 MS. GIBBONS-BAKER: Second.

11 MR. HICKS: Gibbons-Baker. All in favor?

12 ALL: Aye.

13 MR. HICKS: Opposed?

14 (No oppositions)

15 MR. HICKS: Motion carries. Thank you, Dr.

16 Green.

17 We will move down to Legislative Affairs.

18 Iman, are you online?

19 MS. FARID: Yes, good morning. I am here. Can

20 you hear me?

21 MR. HICKS: Yes.

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1 MS. FARID: Okay. Good morning everyone, and

2 happy Wednesday. I will presenting Legislative Item 5A.

3 This memorandum provides a list of bills that were

4 assigned to the Board for review from the week of March

5 20, 2023 through the week of April 10, 2023.

6 The first bill is House Bill 266, titled,

7 Public and Nonpublic Schools – Bronchodilator

8 Availability and Use – Polices: This bill requires each

9 county board of education and non-public schools to

10 establish a policy to authorize a school nurse or certain

11 other school personnel to administer in emergency

12 situations a bronchodilator to a student who is

13 experiencing asthma, reactive airway disease, or asthma-

14 related symptoms; requires a school policy to include

15 limitations on the administration of a bronchodilator,

16 provisions authorizing a school nurse to obtain and store

17 bronchodilator, and procedures for a school nurse to

18 designate other school personnel to respond to a student

19 who is experiencing asthma, reactive airway disease, or

20 asthma-related symptoms; and requires the State

21 Department of Education and the Maryland Department of

<p style="text-align: right;">Page 22</p> <p>1 Health to update certain asthma guidelines; and finally, 2 requires each county board of education to make a good 3 faith effort to adopt certain guideline before the start 4 of a school year. 5 The Board submitted a Letter of Information for 6 a third reading. 7 House Bill 278; cross-filed with Senate Bill 8 213: Health Occupations – Clinical Nurse Specialists – 9 Prescribing. This bill alters the definition of 10 “clinical nurse specialist” and “practice as a clinical 11 nurse specialist” for the purpose of authorizing clinical 12 nurse specialists to prescribe drugs and durable medical 13 equipment; alters the definition of “authorized 14 prescriber” for the purposes of the Maryland Pharmacy 15 Act; and authorizes a physician to personally prepare and 16 dispense a prescription written by a clinical nurse 17 specialist. 18 The Board submitted a Letter of Support for a 19 third reading. 20 House Bill 453; cross-filed with Senate Bill 21 213: State Board of Physicians – Inactive and Emeritus</p>	<p style="text-align: right;">Page 24</p> <p>1 condition of licensure or certification; requires each 2 health occupations board to require each applicant for a 3 license to disclose a social security, individual 4 taxpayer identification number, or as permitted under 5 federal law, provide alternative documentation, record 6 the number or alternative documentation in the 7 application file; and includes certain information in a 8 list provided to the Department of Assessments and 9 Taxation. 10 The Board took no position for a third reading. 11 House Bill 703; cross-filed with Senate Bill 12 584: Public Health – Parkinson’s Disease – Advisory 13 Committee and Website. This bill alters the duties of 14 the Parkinson’s Disease Registry Advisory Committee; 15 requires the Committee to meet on a certain basis 16 beginning on a certain date; and requires the Maryland 17 Department of Health to establish and maintain a website 18 that has information related to Parkinson’s Disease. 19 The Board took no position for third reading. 20 House Bill 758; cross-filed with Senate Bill 21 789: Sexual Assault Evidence Collection Kits –</p>
<p style="text-align: right;">Page 23</p> <p>1 Status. This bill authorizes the Board of Physicians to 2 place a licensee on emeritus status; requires the Board 3 to reinstate the license of an individual who is on 4 inactive or emeritus status; exempts licensees who are on 5 inactive or emeritus status from continuing medical 6 education requirements; repeals the requirement that the 7 Board issue a license to an individual who is on inactive 8 status; prohibits licensees who are on inactive or 9 emeritus status from practicing, attempting, offering to 10 practice medicine, or delegating medical acts; exempts 11 licensees who are on emeritus status from the prohibition 12 on person using certain words with the intent to 13 represent that the person practices medicine. 14 The Board took no position for third reading. 15 House Bill 454; cross-filed with Senate Bill 16 187: Health Occupations – Licenses, Certificates, and 17 Registrations – Lawful Presence and Identification 18 Numbers. This bill prohibits the health occupations 19 board from requiring than an applicant provide proof that 20 the applicant is lawfully present or have a social 21 security number or taxpayer identification number as a</p>	<p style="text-align: right;">Page 25</p> <p>1 Preservation and Storage. This bill alters requirements 2 for the storage and preservation of sexual assault 3 evidence collection kits; requires sexual assault 4 evidence collection kits collected before a certain date 5 to be retained and transferred in a certain manner; and 6 requires the Maryland Sexual Assault Evidence Kit Policy 7 and Fund Committee to make a report on certain 8 recommendations. 9 The Board took no position for third reading. 10 House Bill 808; cross-filed with Senate Bill 11 859: Reproductive Health Protection Act. This bill 12 prohibits a judge from requiring a person to give 13 testimony or produce certain evidence in another state; 14 requires that a request for the issuance of a foreign 15 subpoena include a sworn statement; prohibits an ex parte 16 order to intercept certain communications for the purpose 17 of investigating or recovering evidence related to 18 legally protected health care; prohibits certain judgment 19 creditors from filing a copy of certain foreign 20 judgments; prohibits the Governor from surrendering a 21 person to the executive authority of another state for an</p>

<p style="text-align: right;">Page 26</p> <p>1 alleged violation of laws related to legally protected 2 health care; prohibits certain agencies from assisting in 3 an interstate investigation; prohibits health occupations 4 boards from disciplining a provider because of certain 5 actions; exempts high deductible insurance plans from 6 covering abortion services; and prohibits insurers from 7 taking adverse actions against certain providers. 8 The Board took no position for a third reading. 9 House Bill 812; cross-filed with Senate Bill 10 786: Health – Reproductive Health Services – Protected 11 Information and Insurance Requirements. This bill 12 regulates the disclosure of information related to 13 legally protected health care by custodians, health 14 information exchanges, and electronic health networks; 15 requires that the regulations adopted by the Maryland 16 Health Care Commission restrict data of patients who have 17 obtained legally protected health care; establishes the 18 Protected Health Care Commission; alters the purpose of 19 the Maryland Health Care Commission to include the 20 establishment of policies that protect the 21 confidentiality of health care info; and clarifies that</p>	<p style="text-align: right;">Page 28</p> <p>1 to a certain date a requirement on the Program and 2 certain agencies to provided reimbursement for certain 3 health care services provided through telehealth on a 4 certain basis and at a certain rate; and requires the 5 Maryland Health Care Commission to study and make 6 recommendations regarding the delivery of health care 7 services through telehealth including payment parity. 8 The Board took no position for a third reading. 9 And finally, the last bill, Senate Bill 949: 10 Criminal Injuries Compensation Board – Victims of 11 Nonfatal Strangulation. This bill authorizes the 12 reimbursement of qualified health care practitioners and 13 hospitals by the Criminal Injuries Compensation Board for 14 certain forensic examinations and health care services 15 provided to a victim of nonfatal strangulation without 16 charge. 17 The Board took no position for third reading. 18 At this time I would be happy to take any 19 questions the Board members may have. 20 MR. HICKS: Any questions for Iman? 21 (No questions posed)</p>
<p style="text-align: right;">Page 27</p> <p>1 certain insurance requirements regarding abortion care 2 services apply not withstanding a certain restriction. 3 The Board took no position for a third reading. 4 Senate Bill 104: Labor and Employment – 5 Apprenticeship 2030 Commission and Representation on the 6 Apprenticeship and Training Council. This bill requires 7 that the Apprenticeship and Training Council and 8 consultants to the Council include representation by 9 individuals who are Asian, Black, and Latino; establishes 10 the Apprenticeship 2030 Commission to make 11 recommendations to expand access to apprenticeship to 12 reduce skill shortages in high-demand occupations and 13 provide affordable training for career pathways. 14 The Board submitted a Letter of Information 15 with Amendments for third reading. 16 Senate Bill 534: Preserve Telehealth Access 17 Act of 2023. This bill extends to a certain date the 18 inclusion of audio-only telephone conversation under the 19 definition of “telehealth” for the purpose of 20 reimbursement and coverage of telehealth by the Maryland 21 Medical Assistance Program and certain agencies; extends</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. HICKS: Is there a motion to accept to 2 accept the recommendations that were outlined by Iman in 3 the Legislative memo? 4 MS. CASSIDY: So moved. Cassidy. 5 MR. HICKS: Cassidy. 6 MS. ROBIN HILL: Second. Dr. Robin Hill. 7 MR. HICKS: Dr. Robin Hill. All in favor? 8 ALL: Aye. 9 MR. HICKS: Opposed? 10 (No oppositions) 11 MR. HICKS: Motion carries. Thank you, Iman. 12 MS. FARID: Thank you. 13 MR. HICKS: All right. We will move down into 14 Quarterly Reports. We will jump Amber because I don't 15 know where she is right now. 16 MS. SCOTT: She's coming. 17 MR. HICKS: Thank you. Valencia, do you want 18 to go ahead and present while we're waiting for Amber? 19 MS. JACKSON: Sure. 20 MR. HICKS: For Safe Practice. 21 MS. JACKSON: Thank you. Good morning</p>

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1 everyone. My name is Valencia Jackson. I am the Safe
 2 Practice Program Coordinator here at the Board. Today I
 3 will be reporting stats reflecting January through March
 4 of 2023.

5 Meetings Scheduled Per Quarter: Meetings held,
 6 two for each month for a quarterly total of six.

7 Schedule for Committee Meetings: January 18,
 8 February 16, March 17; for a quarter total of 51.

9 New Agreements Given: January, 1; February, 1;
 10 March, 5; for a quarterly total of seven.

11 Expelled for Non-compliance: January, zero;
 12 February, 2; March, zero; for a quarterly total of two.

13 Successfully Discharged from the Program:
 14 January, 1; February, zero; March, zero; for a quarterly
 15 total of one.

16 Inactive Participants: January, 64; February,
 17 63; March, 68; for a quarterly total of 68 [sic].

18 MR. HICKS: Thank you.

19 MS. JACKSON: Thank you.

20 MR. HICKS: All right. Amber, for Discipline
 21 and Compliance Programs?

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1 MS. HAVENS-BERNAL: Good morning. I'm Amber
 2 Havens-Bernal from the Discipline Department. I am
 3 presenting the quarterly report for Discipline and
 4 Compliance.

5 First, we will do Discipline. Total cases
 6 voted for charges and transferred to the Office of the
 7 Attorney General for this quarter was 46.

8 The total summary suspension issued, including
 9 orders continuing summary suspension was 44; 10 cases
 10 were scheduled for a Case Resolution Conference; 7
 11 Consent Orders were executed; and 5 voluntary surrenders;
 12 two cases were voted to rescind and dismiss; 8 default
 13 cases were sanctioned; and the Board saw 23 hearings,
 14 both show cause and evidentiary.

15 For Compliance: Three probation orders were
 16 initiated; there were no reprimands with conditions
 17 initiated during this quarter; two cases were scheduled
 18 with program case manager; one probation order was
 19 terminated; and six cases were presented to the Board for
 20 violation of probation. The total cases on probation
 21 with the Board during this quarter was 59.

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1 Are there any questions?
 2 MR. HICKS: Any questions for Amber?
 3 (No questions posed)
 4 MR. HICKS: Thank you, Amber.
 5 MS. HAVENS-BERNAL: Thank you.
 6 MR. HICKS: All right. We will move down to
 7 Direct-Entry Midwifery Advisory Committee. Monica?
 8 MS. MENTZER: Good morning everyone. We are
 9 going to start with 7A. This is the quarterly report to
 10 the Board for the Direct-Entry Midwifery Advisory
 11 Committee for the third quarter of Fiscal Year 2023.

12 Meetings: The committee holds scheduled
 13 meeting monthly on the first Friday of each month. The
 14 committee meets as necessary to conduct committee
 15 business. Meetings are held when there is sufficient
 16 agenda items or when the Board receives applications for
 17 initial licensure or renewal of licensure as a
 18 direct-entry midwife. During the third quarter of FY2023
 19 the committee met three times; January 6, February 3, and
 20 March 3, 2023. As of March 31, 2023 there are 33 active
 21 direct-entry midwives licensed in Maryland.

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1 Status of Work in Progress: The Board approved
 2 the update to COMAR 10.64.01.15. That has been submitted
 3 to the Maryland Department of Health for review, but have
 4 not yet been published in the Maryland Register in COMAR.

5 Status of Work Completed: At the request of
 6 Ms. Paige Barocca, licensed direct-entry midwife and
 7 member of the committee, the committee was asked to
 8 provide a template for an individual transfer care plan
 9 as guidance for licensed direct-entry midwives on the
 10 Maryland Board of Nursing website. The committee
 11 finalized their review and approval for the individual
 12 transfer care plan template document for guidance
 13 purposes only at its February 3, 2023 meeting. The Board
 14 approved the individual transfer care plan template
 15 document on February 22, 2023 at the Board's Open Session
 16 meeting. The document has been posted on the Board's
 17 website. At the request of Ms. Paige Barocca, licensed
 18 direct-entry midwife and member of the committee, the
 19 committee was asked to review the Appendix A portion of
 20 the approved informed consent and disclosure for birth
 21 with a license direct-entry midwife document to provide

<p style="text-align: right;">Page 34</p> <p>1 clarity regarding the list of conditions for which a 2 licensed direct-entry midwife may not take responsibility 3 for a patient’s pregnancy, Annotate Code of Maryland 4 Health Occupations Title 8, Subtitle 6, Section 8-6C-03, 5 and the procedures to be followed when the patient 6 presents with certain conditions. Reference: Annotated 7 Code of Maryland Health Occupations Title 8, Subtitle 6, 8 Section 8-6C-04.</p> <p>9 At its meeting on March 3rd, the committee 10 recommended to the Board to replace the Appendix A 11 portion of the informed consent and disclosure for birth 12 with a licensed direct-entry midwife documents with the 13 documents Annotated Code of Maryland Health Occupations 14 Title 8, Subtitle 6, Section 8-6C-03; and 8-6C-04. The 15 Practice and Education Committee met on March 10th and 16 recommended the approval of the Direct-Entry Midwifery 17 Advisory Committee’s recommendations to the Board for the 18 replacement of Appendix A with the Annotated Code of 19 Maryland Health Occupations Title 8, Subtitle 6C, 20 Sections 8-6C-03 and 04 to the informed consent and 21 disclosure for birth with a licensed direct-entry midwife</p>	<p style="text-align: right;">Page 36</p> <p>1 the committee notified the Board that Dr. Boucher has 2 resigned her position as the Maryland Hospital 3 Administration representative, and that the Board would 4 need to make appointment vacated by Dr. Boucher’s 5 resignation to represent the Maryland Hospital 6 Association position on the committee. On February 22, 7 2023 at the Open Session board meeting, the Board 8 appointed Dr. Ann Burke, MD, FACOG to relace Dr. Monica 9 Boucher, MD for the committee member representing the 10 Maryland Hospital Association.</p> <p>11 The next meetings of the Direct-Entry Midwifery 12 Advisory Committee, we met on April 7th, and the next two 13 meetings with be May the 5th and June the 14 2nd, 2023.</p> <p>15 Are there any questions about the 16 Direct-Entry Midwifery Advisory Committee quarterly 17 report for the third quarter FY2023? 18 (No questions posed) 19 MR. HICKS: Hearing none. We can move on to 20 the Electrology. 21 MS. MENTZER: Okay. Moving on to 7E, Quarterly</p>
<p style="text-align: right;">Page 35</p> <p>1 document. The Board approved the request to update the 2 informed consent and disclosure for birth with a licensed 3 direct-entry midwife by removing Appendix A and replacing 4 it with the statute. A copy of Annotated Code of 5 Maryland Health Occupations Title 8, Subtitle 6, Sections 6 8-6C-03 and 8-6C-04 on March 22, 2023 at the Board’s Open 7 Session meeting. The updated document has been posted on 8 the Board’s website.</p> <p>9 Membership on Committee: At the Board’s Open 10 Session meeting on December 14, 2022, the committee 11 requested that the Board appoint an advanced practice 12 registered nurse, certified nurse midwife licensed in 13 Maryland to the committee to replace Ms. Jan Kriebs, 14 certified nurse midwife, whose second term expired on 15 December 31, 2022. On January 25, 2023, at the Open 16 Session board meeting, the Board appointed Dr. Mairi 17 Breen Rothman, certified nurse midwife, DM, FACNM to fill 18 the vacancy for the licensed registered nurse certified 19 as a nurse midwife on the committee for a term of four 20 years beginning on January 31, 2023. 21 At the Board’s meeting on December 14, 2022,</p>	<p style="text-align: right;">Page 37</p> <p>1 Report to the Board, Electrology Practice Committee, 2 third quarter Fiscal Year 2023 Report to the Board.</p> <p>3 Meetings: The Electrology Practice Committee 4 meets as necessary to conduct committee business. The 5 meetings are held when there are sufficient agenda items, 6 or when the Maryland Board of Nursing receives initial or 7 renewal applications for licensure as an electrologist or 8 a licensed electrology instructor. The committee met 9 twice during the third quarter FY2023; on January 11th 10 and February 8th. The March 8, 2023 committee meeting 11 was cancelled. Currently, there are 50 active 12 electrologists and two active electrology instructors 13 licensed in Maryland.</p> <p>14 Status of Work Completed – Review of 15 Application for Licensure as Electrologist or Electrology 16 Instructor: The committee received one application for 17 initial licensure to practice electrology of March 17, 18 2023. That was reviewed by the committee at its April 19 12, 2023 Open Session meeting. The Board approved the 20 committee’s recommendations to the Code of Maryland 21 Regulations, specifically COMAR 10.52.08: Instruments</p>

<p style="text-align: right;">Page 38</p> <p>1 and Procedures; and COMAR 10.53.09: Sterilization 2 Procedures. The Board approved the proposal to update 3 COMAR 10.53.08 and COMAR 10.53.09, and they have been 4 submitted to the Maryland Department of Health, and are 5 still under review. 6 Status of Work Completed: At its February 8, 7 2023 committee meeting, the committee members completed 8 their review and their recommended approval of updates to 9 the clinical examination for initial license to practice 10 electrology, and the electrology exam result score sheet 11 and answer key documents. The committee also completed 12 and approved the review of the instructions for 13 electrology examination to be included as a separate 14 document to the application for initial licensure to 15 practice electrology. The committee is recommending this 16 information be available to provide guidance to an 17 applicant submitting an application for initial licensure 18 to practice electrology; of the process and regulatory 19 requirements for the applicant to take both the theory 20 and clinical electrology examination with a passing score 21 of 75 percent before the applicant may be issued a</p>	<p style="text-align: right;">Page 40</p> <p>1 candidates being interested in being considered in being 2 considered for an appointment to replace Ms. Larson. Ms. 3 Larson is able to continue to serve unless and until a 4 successor is appointed and qualified in accordance with 5 Maryland Code, Annotated Code Health Occupations Section 6 8-6B-05F3. 7 The committee has met on April 12, 2023. The 8 next scheduled meetings are on May 10th and June 14, 9 2023. 10 Are there any questions about the third quarter 11 quarterly report FY2023 Electrology Practice Committee to 12 the Board? 13 MR. HICKS: Any questions from any of the Board 14 members for Monica? 15 (No questions posed) 16 MS. MENTZER: No? Thank you. 17 MR. HICKS: Thank you. We will move down to 18 Investigations. Shawnta’? 19 MS. BATES: Good morning. 20 ALL: Good morning. 21 MS. BATES: So, for Complaints and</p>
<p style="text-align: right;">Page 39</p> <p>1 Maryland license to practice electrology. 2 The Practice and Education Committee 3 recommended the approval of the clinical examination for 4 initial licensure to practice electrology, the 5 electrology exam result score sheet and answer key, and 6 the instructions for electrology examination on February 7 10, 2023. The Board approved the updated clinical 8 examination for initial license to practice electrology 9 and the electrology exam result score sheet and answer 10 key, and the instructions for electrology examination at 11 its February 22, 2023 Open Session Board meeting. The 12 Board approved instructions for electrology examination 13 document has been posted on the Board’s website. 14 Membership: Ms. Debra Larson, licensed 15 electrologist and chair of the committee, has completed 16 her second 4-year term as a committee member on June 30, 17 2021. The Board has posted a notice on its website 18 requesting that interested licensed electrologists who 19 meet all the requirements for an appointment on the 20 committee submit a letter of interest with resume’ to the 21 Board. To date, the Board has not received any potential</p>	<p style="text-align: right;">Page 41</p> <p>1 Investigations: Complaints received for the month of 2 January were 74; February, 83; and March, 63; for a 3 quarter total of 220. 4 Complaints closed by take no action: January, 5 50; February, 120; March, 20; for a quarter total of 220. 6 Complaints closed by charges: January, 3; February, 2; 7 and March, 7; for a quarter total of 12. 8 Cold case complaints closed by take no action 9 backlog review: January, zero; February, 65; March, 40; 10 for a quarter total of 105. Cold case complaints closed 11 administratively: January, 64; February, 1; and March, 12 45; for a quarter total of 110. 13 Average number of days between receipt of 14 complaint and report of investigation submission: 15 January, 298; February, 452; March, 476; for a quarter 16 average of 408. We currently have 3,713 open cold cases, 17 and current case total is 2,922. 18 Any questions? 19 (No questions posed) 20 MR. HICKS: Thank you, Shawnta’ 21 MS. BATES: Thank you.</p>

<p style="text-align: right;">Page 42</p> <p>1 MR. HICKS: We will move down to Background 2 Review. Della?</p> <p>3 MS. SANDERS: Good morning.</p> <p>4 MR. HICKS: Good morning.</p> <p>5 MS. SANDERS: Background Review, I would like 6 to go over the Quarter 2 stats. I was tabled last board 7 meeting.</p> <p>8 So, for Quarter 2, the Background Review 9 Department, we cleared the following: Nurse endorsement 10 backgrounds, 816; nurse exams, 663; certified nursing 11 assistants, 1,285; electrologists, 2; total backgrounds 12 cleared for that quarter, 2,766.</p> <p>13 And then, the total of cases that went to 14 Matrix and to the Board, Quarter 2: October; Matrix 15 handled 34 cases; the Board, 17; November; no cases for 16 Matrix; nine for the Board; December, 25 for the Matrix; 17 and then 14 for the Board.</p> <p>18 And then, I will move to Quarter 3. Background 19 cleared nurse endorsements, 894; nurse exams, 1,056; 20 certified nursing assistants, 1,791; electrologists, one; 21 total for the quarter, 3,742.</p> <p style="text-align: right;">Page 43</p> <p>1 And then, for Matrix and the Board: January, 2 Matrix handled 33 cases; Board, 5; February, Matrix, 34 3 cases; the Board handled 9; and then, in March, the 4 Matrix handled 22 cases; and the Board handled 12; for a 5 grand total; the two quarters, 214.</p> <p>6 Any questions for either quarter to Background 7 Review?</p> <p>8 MR. HICKS: Any questions for Della? 9 (No questions posed)</p> <p>10 MR. HICKS: Thank you, Della.</p> <p>11 MS. SANDERS: Thank you.</p> <p>12 MR. HICKS: We are going to table the Fiscal 13 Management Report, and also, for the record we are 14 tabling the CNA Advisory Committee and Certification 15 report.</p> <p>16 At this time I will open up the floor if anyone 17 wants to address the Board either online or on the floor.</p> <p>18 (No discussions posed)</p> <p>19 MR. HICKS: All right, hearing none. In a 20 moment I am going to ask if there's a motion to close 21 this Open Session, but first I'm going to walk us through</p>	<p style="text-align: right;">Page 44</p> <p>1 the written statement that is required by the Open 2 Meetings Act to ensure that all Board members agree with 3 its contents.</p> <p>4 As documented in the written statement, the 5 statutory authority to close this Open Session and meet 6 in Closed Session is General Provisions 3-305(b)13, which 7 gives the Board the authority to close an Open Session, 8 to comply with the specific constitutional, statutory, or 9 judicial imposed requirement that prevents public 10 disclosures about a particular matter or proceeding. The 11 topic to be discussed during Closed Session is 12 applications for licensure and/or certification. The 13 reason for discussing this topic in Closed Session is to 14 discuss confidential matters that are prohibited from 15 public disclosures by the Annotated Code of Maryland, 16 Health Occupations Article 8-303(f); Health Occupations 17 Article 8-320(a); Health Occupations Article 1-401; 18 General Provisions Article 4-333. In addition, the Board 19 may also perform Quasi Judicial and administrative 20 functions involving disciplinary matters during the 21 Closed Session.</p> <p style="text-align: right;">Page 45</p> <p>1 Is there a motion to close this Open Session 2 pursuant to the statutory authority and reasons cited in 3 the written statement, or any discussion thereof?</p> <p>4 MS. CASSIDY: So moved. Cassidy.</p> <p>5 MR. HICKS: Cassidy.</p> <p>6 MS. GIBBONS-BAKER: Second, Gibbons-Baker.</p> <p>7 MR. HICKS: Gibbons-Baker. All in favor?</p> <p>8 ALL: Aye.</p> <p>9 MR. HICKS: Opposed? 10 (No oppositions)</p> <p>11 MR. HICKS: Motion carries. Thank you, 12 everyone. Have a great day.</p> <p>13 (Whereupon, at 10:03 a.m. the Open Session was 14 adjourned.)</p>
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CERTIFICATE OF NOTARY

I, EDWARD BULLOCK, a Notary Public of the State of Maryland, do hereby certify that the proceedings were recorded via audio by me and that this transcript is a true record of the proceedings. I am not responsible for inaudible portions of the proceedings.

I further certify I am not of counsel to any of the parties, nor an employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action as witness my hand and notarial seal this 26th day of April, 2023.

Edward Bullock, Notary Public
in and for the State of Maryland

My commission expires: May 13, 2027

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Script for Closing Open Session

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 constitutional, statutory, or judicially imposed requirement that prevents public disclosures 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 § 8-303(f), Health Occupations Article § 8-320(a), Health Occupations Article § 1-401 *et seq.*, and General Provisions Article § 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 STATE BOARD OF NURSING

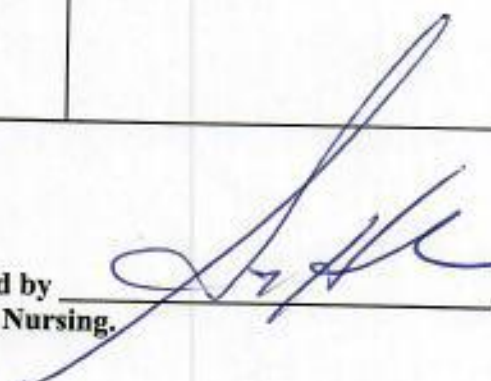
Presiding Officer's Written Statement for Closing a Meeting
under the Open Meetings Act (Md. Code Ann., Gen. Prov. § 3-305)

1. **Recorded vote to close the meeting:** Date: 4/26/2023 Time: 10:03 am
Location: Maryland Board of Nursing, 4140 Patterson Avenue, Baltimore, MD
Motion to close meeting made by: Cassidy Seconded by Gibbons-Baker
Members in favor: Lechliter, Gibbons-Baker, Hayward, Turner, Cassidy, Hecks, Steinberg, J. Hill,
Opposed: None Abstaining: None R Hill,
Absent: Dwosmana, Vickery, Westerfield Lyons
2. **Statutory authority to close session.** This meeting will be closed under Md. Code Ann., Gen. Prov. § 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 State 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)	Applications for licensure and/or certification	To discuss confidential matters prohibited from public disclosure by Md. Code Ann., Health Occ. sections 8-303(f), 8-320(a), 1-401 <i>et seq.</i> and General Provisions section 4-333.
§ 3-305(b) ()		
§ 3-305(b) ()		

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