



## Commission Executive Committee Minutes April 28-29, 2020

**Members Present:**

- K. Glazier, Chair (OK)
- S. Pfenning, Vice-chair (ND)
- A. Oertwich, Treasurer (NE)
- J. Ridenour, Member-at-Large (AZ)
- J. Baker, Member-at-Large (FL)
- P. Zickafoose, Member-at-Large (DE)
- P. Johnson, Member-at-Large (MS)

**Others:**

- D. Benton, NCSBN CEO (Tues, April 28, 2020, 11:00 am to 12:00 pm CT)
- M. Bieniek, senior coordinator, NLC
- J. Cleghorn, NCSBN president-elect (Tues, April 28, 2020, 11:00 am to 12:00 pm CT)
- A. Fitzhugh (NC) (Tues, April 28, 2020, 10:00 am to 11:00 am CT)
- R. Fotsch, NCSBN director, legislative affairs and advocacy (Wed, April 29, 2020, 11:30 am to 11:50 am CT)
- J. George, NCSBN president (Tues, April 28, 2020, 11:00 am to 12:00 pm CT)
- D. Kappel, NCSBN director, marketing communications (Tues, April 28, 2020, 9:10 am to 9:40 am CT)
- R. Masters, special counsel
- M. Poortenga (MT) (Tues, April 28, 2020, 10:00 am to 11:00 am CT)
- J. Puente, director, NLC
- B. Thompson May (MS) (Tues, April 28, 2020, 9:00 am to 10:00 pm CT)

#	Agenda Item	Minutes
	April 28, 2020	
1.	a) Call to Order b) Roll Call c) Declare Quorum Present d) Adopt Agenda	<ul style="list-style-type: none"> <li>• Chair K. Glazier called the meeting to order at 9:01 am CT.</li> <li>• Bieniek announced all members present.</li> <li>• Glazier declared a quorum present.</li> <li>• Glazier suggested changes to two agenda items: change Information to Discuss/Decide for items 6 and 9.</li> </ul>
2.	Executive Committee (EC) Draft Meeting Minutes of February 4, 2020	P. Johnson moved to adopt the Feb 4, 2020 minutes as written and J. Baker seconded. The motion carried.
3.	Rules Committee Report  a) Rulemaking Timeline	Co-chairs J. Ridenour and B. Thompson May provided the Rules Committee report. a. Members reviewed the timeline. J. Baker asked about the WebEx info for the hearing.

	<p>b) Determine Date for Future Special EC Meeting to Discuss Comments Received</p> <p>c) Review Informational Document: NLC Sharing of Information Related to Investigations and Reciprocal Actions</p> <p>d) Meeting minutes of Jan 30-31, 2020</p>	<p>b. Executive Committee members decided to meet to review the recommendations of the Rules Committee on May 26 at 2pm CT.</p> <p>c. B. Thompson May reported that the document is a public document which may benefit board staff. Legal citations will be added to the document as footnotes or endnotes. A. Oertwich moved to approve the document with citations added and J. Ridenour seconded. The motion carried.</p> <p>d. B. Thompson May reviewed the actions items in the Rules Committee minutes. She identified draft Legal FAQs from the minutes which were placed in the Legal FAQs document. Each proposed Legal FAQ was reviewed with members. P. Zickafoose moved to advance the Legal FAQs to the Commission for approval as amended and A. Oertwich seconded. The motion carried. A flowchart developed by Nahale Kalfas is forthcoming.</p>
<p>4.</p>	<p>Policy Committee Report</p> <p>1. Review Draft Policies:</p> <p>a) Nurse Alert Policy</p> <p>b) Deactivation of Multistate License Policy</p> <p>2. Review Draft Policies and Legal Counsel Feedback:</p> <p>a) Records Retention</p> <p>b) Conflict of Interest (COI)</p> <p>c) Composition, Duties, Tenure of Committees</p>	<p>Committee Chair P. Zickafoose coordinated the committee report.</p> <p>a. A. Fitzhugh reported on the Nurse Alert Policy. Members made several editorial revisions.</p> <p>b. M. Poortenga reported on the Deactivation of Multistate License Policy. Members suggested editorial revisions.</p> <p>a. J. Puente reported on the Records Retention Policy. The basis for the policy is NCSBN’s records retention policy. Members suggested several edits.</p> <p>b. P. Zickafoose reported on the COI policy. Members suggested editorial revisions.</p> <p>c. P. Zickafoose reported on the Committees Policy. Glazier asked about the role of the liaison. The liaison may be a back up to the committee chair when the chair is not available to report. Members decided to eliminate the liaison role and made other editorial revisions.</p> <p>A. Oertwich moved to forward all five draft policies with edits to the Commission for approval and P. Zickafoose seconded. The motion passed.</p>
<p>5.</p>	<p>Meeting with NCSBN CEO David Benton and President Julie George</p>	<p>D. Benton, J. George and J. Cleghorn dialed into the meeting.</p>

	<p>a) Location of Future Executive Committee (EC) Meetings</p> <p>b) Flow of Schedule at NCSBN Meetings</p> <p>c) Nurse Alert Statutory Provision (Art VI d)</p> <p>d) Lessons Learned from COVID-19 Crisis and Future Actions Needed</p> <p>e) Remaining States</p>	<p>a. There was a joint discussion regarding various facets of future executive committee meeting locations. Recommendations were suggested to review amending the Memorandum of Understanding to provide clarity and to review relevant policies.</p> <p>b. J. Baker commented on NCSBN midyear meeting and annual meeting and making the best use of board staff time. This pertains to Commission meeting being before the President and EO meeting and others have nothing to do on that day.</p> <p>c. K. Glazier referred to Article VI (d) and (e) in Compact statute that addresses sharing of current significant investigative information is only to party state licensing boards and that the Nurse Alert is being shared with all jurisdiction states which creates a legal issue if the compact state doesn't have specific state statute that allows the investigation information to be shared. D. Benton reported that each state can make it clear in Nursys which information they can and cannot share and that the majority of the jurisdiction members want to know about the Nurse Alert. Glazier requested clarification if a state can decide within Nursys whether the Nurse Alert is shared with all jurisdiction states. Ridenour suggested revisiting the issue. Benton suggested the topic being on an EO call.</p> <p>d. There have been some calls for a federal license model due to the COVID crisis. Benton referred to this as a potential risk issue.</p> <p>e. The crisis may also serve as an impetus for states to join the NLC.</p>
		Members recessed at 12:17 pm on April 28, 2020.
	Wed April 29, 2020	K. Glazier called the meeting to order at 9:01 am.
6.	<p>Discuss Executive Committee (EC) Meetings</p> <p>a) September 2-3 meeting</p> <p>b) Determine Date of Next Joint Meeting, Between December 14-15 and December 16-17.</p>	<p>a. J. Baker moved that the Sept 2-3 EC meeting be held in Chicago and S. Pfenning seconded. The motion carried.</p> <p>b. J. Baker moved that EC meets in Chicago on Dec 16-17, 2020 for the joint meeting with NCSBN BOD and the winter meeting of the EC and P. Zickafoose seconded. The motion carried.</p>
7.	Meeting with NCSBN Marketing	

	<p>Communications Director Regarding Draft NLC Marketing Plan</p> <ul style="list-style-type: none"> <li>Review Executive Summary</li> </ul>	<p>D. Kappel provided a synopsis of the executive summary she drafted. She anticipates that a draft marketing plan may be available for review at the July 2020 Executive Committee meeting although it may need further refinement and a final version may not be available until the September 2020 Executive Committee meeting.</p>
8.	<p>Governance Training</p> <p>a) Midyear Training Evaluation Results</p> <p>b) Future Governance Training</p>	<p>a. K. Glazier summarized the evaluation results. On a four-point scale, the average score was 3.55. Members felt the training was an overall success.</p> <p>b. P. Zickafoose moved to provide governance training at midyear meeting 2021 and to survey members at annual meeting 2020 for the training topics and J Baker seconded. The motion carried.</p>
9.	<p>Update: NLC Conference in September</p>	<p>S. Pfenning moved to postpone the NLC Conference from Sept 2020 to Spring 2021 and A. Oertwich seconded. The motion carried.</p>
10.	<p>Committee Vacancies</p>	<p>Members reviewed the volunteer applications. The following members who applied to volunteer for an NLC committee were suggested for a position on a committee.</p> <p><b>Training and Education Committee:</b>  Carol Moreland (KS)  Nicole Benson (FL)</p> <p><b>Research Committee:</b>  LaDonna Patton (AL)  Sherri Sutton-Johnson (FL)  Jenny Barnhouse (OK)  Bonnie Crumley Aybar (NH)  Jennifer Lewis (NC) – Vice Chair  Tammy Bucholz (ND) – Chair</p> <p><b>Compliance Committee:</b>  Karen Evans (MD)  Lori Scheidt (MO) – Chair  Karen Lyon (LA-RN) (and steps down from Policy Committee)  K. Weinberg (IA) – Vice Chair</p> <p><b>Rules Committee:</b>  Alice Henley (AL)</p> <p>J. Ridenour moved to approve the above appointments and</p>

		P. Zickafoose seconded. The motion carried.
11.	Draft Legal Memo re: Authority to Conduct Compliance Audits of NLC States	<p>Glazier summarized a staff document which provides the history of the current proposed rule. Masters summarized his legal memo and the rationale for a proposed rule related to audits.</p> <p>J. Baker moved to send the recommendation before the Executive Committee to the Rules Committee for consideration of a proposed rule and J. Ridenour seconded. The motion carried.</p>
12.	.GOV Domain	<p>Puente provided a history of discussion about the .GOV domain.</p> <p>A. Oertwich moved to move forward with the application process for a .GOV domain and J. Baker seconded. The motion carried.</p>
13.	Organizational Chart	<p>Members reviewed an updated Commission organizational chart.</p> <p>A. Oertwich moved to move the updated organizational chart forward to the next Commission meeting agenda and J. Ridenour seconded. The motion carried.</p>
14.	Legislative Update	<p>R. Fotsch provided the legislative update. There is not much legislative activity due to social distancing and the COVID-19 crisis.</p> <p>Most states have issued executive orders or exemptions which enable nurses from other states to practice in-state.</p> <ul style="list-style-type: none"> <li>• MA: legislators have raised the NLC issue as a licensure model that would be helpful in the current crisis.</li> <li>• IL and MI: considered the NLC but since an executive order was issued, deferred the decision to a future session.</li> <li>• CA: a bill is pending. It was filed by a Republican legislator. There is a big and growing coalition. The union is opposed. A hearing is forthcoming. A Nursys participation bill is on hold.</li> <li>• AK and VT: the bills are dead and will not be addressed in this session due to the COVID crisis.</li> </ul>

		<ul style="list-style-type: none"> <li>WA: the legislative session ended. There is significant stakeholder support albeit union opposition.</li> </ul>
15.	NLC Legal Forum	P. Zickafoose moved to direct staff to explore the possibility of an NLC Legal Forum that is attached to the NCSBN Antitrust Conference and J. Baker seconded. The motion carried.
16.	Application Denials by Other States as a Disqualifier for an MSL	<p>K. Glazier described a scenario in which an applicant for a multistate license was denied licensure in another state and whether that action is an encumbrance which disqualifies the applicant for a multistate license.</p> <p>J. Ridenour moved that the rules committee draft a Legal FAQ on this topic and P. Zickafoose seconded. The motion carried.</p>
17.	Member Updates and Open Discussion	There were no updates or commentary during open discussion.
	<b>ADJOURN</b>	P. Zickafoose moved to adjourn at 12:07 pm CT on Wed April 29, 2020 and J. Baker seconded. The motion carried.