



**Executive Committee Meeting
Dec 9-10, 2019
MINUTES**

Members Present:

- K. Glazier, Chair (OK)
- S. Pfenning, Vice-chair (ND)
- A. Oertwich, Treasurer (NE) (via teleconference)
- 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:

- R. Masters, special counsel
- J. Puente, director, NLC
- M. Bieniek, senior coordinator, NLC

#	Agenda Item	Minutes
1.	<ul style="list-style-type: none"> a) Call to Order (Glazier) b) Roll Call (Bieniek) c) Declare Quorum Present (Glazier) d) Adopt Agenda (Glazier) 	<ul style="list-style-type: none"> • Chair K. Glazier called the meeting to order at 9:02 am. • M. Bieniek announced all members present and A. Oertwich remotely. • Glazier declared a quorum present.
2.	Executive Committee Meeting Minutes of September 2, 2019 (Glazier)	P. Johnson made a motion to approve the minutes as amended. J. Baker requested that the roll call be added and J. Baker seconded. The motion carried.
3.	Rules Committee Report (Ridenour/Pfenning) <ul style="list-style-type: none"> a) Current Accomplishments and Rules to Vote on b) Next Steps c) Future Meeting 	<ul style="list-style-type: none"> • J. Ridenour provided a summary. Feedback was received at annual meeting with suggestions from members. Some suggested that some terms be defined. • Terms to be defined were reviewed at Sept 2019 Executive Committee which requested that a rationale be provided for each term needing a definition. • Members discussed a need for a process when a suggestion for a proposed rule is made. • Glazier suggested that a review of charter documents may provide insight into committee processes. • Commissioners, in a prior meeting, voted to approve proposed rule 406, define agreed disposition, amend rule 402, amend rule 406 and others. • Ridenour suggests a face to face rules committee meeting

		<p>be scheduled for at least 1.5 days.</p> <ul style="list-style-type: none"> S. Pfenning suggested that Rules committee consider another column on the crosswalk for reference resources.
4.	<p>Policy Committee Report (A. Fitzhugh, S. Pfenning)</p> <ol style="list-style-type: none"> Review Draft Policies <ol style="list-style-type: none"> Misdemeanor Related to the Practice of Nursing Reserve Fund Nursys Policy (up for Commission vote) Records Retention Accessing legal Counsel Redlined Conflict of Interest Policy Redlined Advisory Opinion Policy Composition, Duties, Tenure of Committees Additional Policies Committee is working on drafting: <ol style="list-style-type: none"> Nurse Alert Policy Deactivation of MSL Policy Additional Policy Suggestions <ol style="list-style-type: none"> Querying Nursys during application review PTP Discipline and NPDB Reporting Process 	<p>Executive Committee reviewed the draft policies.</p> <ol style="list-style-type: none"> <ol style="list-style-type: none"> Move forward to Commission as written Move forward to Commission as amended. Move forward to Commission as amended. Return to Policy Committee after discussion with legal counsel Move forward to Commission as amended. Postpone pending legal consultation Move forward to Commission as amended. Postpone pending legal consultation <p>S. Pfenning moved to move the following policies forward to the Commission for consideration:</p> <ul style="list-style-type: none"> Misdemeanor Related to the Practice of Nursing Reserve Fund (as amended) Nursys Policy (as amended) Accessing Legal Counsel (as amended) Conflict of Interest Policy (as amended) Advisory Opinion Policy (as amended) <p>and P. Zickafoose seconded. The motion carried.</p> <p>The following draft policies are postponed pending legal consultation:</p> <ul style="list-style-type: none"> Conflict of Interest Composition, Duties, Tenure of Committees Records Retention <p>Committee is drafting policies in these areas:</p> <ul style="list-style-type: none"> Nurse Alert Policy Deactivation of MSL Policy <p>Executive Committee reviewed these policies from the NLCA policy manual and decided they are not needed in the current policy manual.</p> <ul style="list-style-type: none"> Querying Nursys during application review PTP Discipline and NPDB Reporting Process
5.	<p>Discuss Executive Committee and full commission responsibilities as identified by statutes, rules, bylaws, MOU in</p>	<p>Glazier requested that all committee members review Statutes Article VII and Bylaws Articles III, IV, VI.</p> <ul style="list-style-type: none"> R. Master's advised that a policy may be enforceable if

	preparation for Midyear meeting (Glazier)	<p>related to carrying out a rule or statutory provision.</p> <ul style="list-style-type: none"> • The Executive Committee has authority to act on behalf of the Commission in between meetings when not related to rulemaking or amending the compact (Bylaws Art III Sec 1). • The governance structure needs to be clarified to the commission. • Governance training must address ability of the Executive Committee to establish committees and appoint the members. • Bylaws Art III Sec 3 (8) permits Executive Committee to perform functions as necessary to carry out the purpose of the Commission. • Amendments to Bylaws may be needed in future in order to clarify authorities.
6.	Executive Session: Personnel (Pursuant to Article VII (b)5(ii))	R. Masters certified the Executive Committee could enter into an Executive Session related to personnel. J. Ridenour moved, P. Zickafoose seconded, to enter into executive session. Motion carried. P. Zickafoose moved, Johnson seconded, to return to open session. Motion carried.
7.	Midyear Meeting Training as in Executive Session and Criteria (Glazier)	<p>R. Masters and Nahale Kalfas (Council of State Governments) will provide governance training on the morning of midyear meeting.</p> <p>Staff will work with the legal team to develop objectives.</p>
8.	Legislative Update (N. Livanos)	<p>N. Livanos provided the legislative update.</p> <ul style="list-style-type: none"> • Alaska: the BON supports joining NLC and sponsored by the governor. Senator Giessel has voiced non-support. • Guam: The EO is meeting with legislators. • Illinois: Fresenius Dialysis may take the lead. The state may also have a staffing ratio bill. • Massachusetts: NLC has been included in the governor's healthcare bill package. • Michigan: Work on the budget takes precedence over other bills. • Pennsylvania: A nurse legislator carries one of the bills. Unions oppose the bill. • Vermont: The regulatory agency will have the bill introduced. Fiscal impact is a concern. • Washington: The EO is meeting with the WSNA in January. The Dept. of Defense is a strong supporter.
9.	Revise Commission Budget (Puente, all)	<p>Commission budget is to be placed on the January Commission meeting agenda for adoption.</p> <p>S. Pfenning moved to add a line item for consulting fees with an amount of \$10,000 to the Commission budget and J. Ridenour seconded. The motion carried with a 6 aye, 1 nay vote.</p>

10.	Financial Audit (Puente)	R. Masters will draft language which describes that Commission funds were audited as a part of the NCSBN audit. The text can be suggested to NCSBN CFO to be placed on NCSBN letterhead for inclusion in the NLC biennial report.
11.	<p>Compliance Committee Report (F. Knight)</p> <p>a) Recommendations</p> <ul style="list-style-type: none"> i. Compliance Item Table-redlined ii. Rule_503_att_b iii. Rule_502_att_c <p>b) Compliance Survey Tool</p>	<p>F. Knight provided the report.</p> <p>The committee suggested proposed revisions to the self-audit tool.</p> <p>Knight identified the legal citations for authority to conduct audits.</p> <ul style="list-style-type: none"> • Self –audit: J. Ridenour moved and P. Zickafoose seconded to move the proposed revisions to the tool to the commission for approval. The motion carried. • External audit: J. Ridenour moved to accept recommendations 4, 5, 6, 8 and 11 to develop a Nursys report or enhancement and P. Johnson seconded. The motion carried. • J. Ridenour moved to refer recommendations 9 re: policy development to Policy Committee and P. Johnson seconded. The motion carried. • S. Pfenning moved to submit proposed amendments to rules 502 and 503 to Rules Committee and P. Johnson seconded. The motion carried. • S. Pfenning moved to recommend that Nursys Team conduct education on use of revision codes and P. Johnson seconded. The motion carried.
12.	<p>Meetings: (Glazier, All)</p> <p>a) EC meeting locations</p> <p>b) Doodle Poll Results: September 2020 and December 2020 Meeting dates</p> <p>c) Joint Meetings with NCSBN</p> <ul style="list-style-type: none"> • Follow up of September 2019 meeting • 2020 dates: April 28-29, 2020; Date for EC to attend NCSBN BOD meeting 	<p>Dates of future Executive Committee face to face meetings are:</p> <ul style="list-style-type: none"> • April 28-29, 2020 • Sept 2-3, 2020 • Dec 8-9, 2020 <p>J. Baker moved to approved the meeting dates and S. Pfenning seconded. The motion carried.</p> <p>D. Benton and J. George will attend the meeting on April 28, 2020 at noon.</p>
13.	<p>Strategic Plan Review (Chair, K. Glazier, All)</p> <p>a) Outcomes/Strategies/Tactics</p> <p>b) Identification of Priorities for each year</p> <p>c) Marketing Plan Questions from NCSBN marketing</p>	<p>a and b) Members prioritized each tactic and assigned each to an individual or committee.</p> <p>c) see #14</p>

<p>14.</p>	<p>Discuss NLC Marketing Plan (D. Kappel to dial-in, if available)</p>	<ul style="list-style-type: none"> • D. Kappel dialed in to meeting. • It is the NLC as a whole which will be marketing. We can highlight relevant areas of the strategic plan and provide to Dawn. • Executive Committee will submit more information to Dawn by end of January 2020 and request a marketing plan by April 1. • The basic question: Who do you want to know about what?
<p>15.</p>	<p>Committee Appointments and Charges (S. Pfenning, All)</p> <ol style="list-style-type: none"> 1) Discuss number of EC members on a committee 2) Is the EC member a liaison or committee member? <ol style="list-style-type: none"> a) Rules Committee b) Training and Education Committee c) Operations Committee d) Elections Committee e) Policy Committee f) Compliance Committee 	<ul style="list-style-type: none"> • Members reviewed the committee roster and amended charges. See document for redlined edits. • One charge was added to the Executive Committee. • Members debated as to whether an Executive Committee member needs to be a liaison on each of the various committees. <p>Rules Committee</p> <ul style="list-style-type: none"> • Send out a communication to current Rules Committee members to determine who wishes to continue. • No changes to Rules Committee charges or members. • Determine if Amy Fitzhugh will join Rules Committee. <p>Training & Education Committee</p> <ul style="list-style-type: none"> • Solicit two new members • K Glazier to be removed from roster as Chair • A. Oertwich to be Chair • E. Matthies to be Vice-chair • Charges to refer to relevant items in the strategic plan. <p>Operations Committee</p> <ul style="list-style-type: none"> • The committee has completed their assigned charge with no identified charges in the strategic plan, thus the committee will be discontinued until further notice. • Staff will notify members and thank them <p>Election Committee</p> <ul style="list-style-type: none"> • No changes <p>Policy Committee</p> <ul style="list-style-type: none"> • S. Pfenning comes off the committee. • Solicit two members to join committee • Change charges: add draft policy related to utilization of comment field in the discipline tab. <p>Compliance Committee</p> <ul style="list-style-type: none"> • Solicit two members to join committee • Add to charge: as identified in the strategic plan <p>Research Committee</p>

		<ul style="list-style-type: none"> • Charge is complete assigned responsibilities as identified in the strategic plan, specifically strategic initiative IV. • Committee to have a chair, a vice-chair and three additional members. <p>Nursys Report Task Force</p> <ul style="list-style-type: none"> • Staff to solicit volunteers <p>P. Zickafoose to volunteer to work with staff to develop marketing plan information for D. Kappel.</p> <p>Staff will develop a form for committee volunteers.</p> <p>K. Glazier moves the adoption of the committee charges, the appointment of chairs and vice chairs identified, the solicitation of new members as identified for each committee with the committee appointments from the solicitation to be scheduled on the February 2020 Executive Committee meeting agenda and P. Zickafoose seconded. The motion carried.</p>
16.	Denial Tip Sheet and Revisions (K. Russell)	<p>K. Russell dialed into the meeting to discuss a revised tip sheet related to denial of licensure.</p> <ul style="list-style-type: none"> • The logo was corrected. • The tip sheet lists the multistate license uniform license requirements. • Clarification was made in the bullet related to alternative to discipline program. • Members requested that “denial” be changed to “non-issuance.” • Members clarified that “threshold” refers to the uniform licensure requirements. • K. Russell will make requested revisions and send new version to Executive Committee.
17.	<ol style="list-style-type: none"> 1. Review Draft Language for Advisory Opinion Explainer to be Placed at Top of Advisory Opinions (R. Masters) 2. Review Advisory Opinion 3-2019 re: does disciplinary action taken before the enactment of the NLC constitute an encumbrance under the terms of the NLC. (Masters, All) 	<ul style="list-style-type: none"> • J. Ridenour requested that legal counsel draft a paragraph explaining the nature of advisory opinions which can be placed on each advisory opinion and P. Zickafoose seconded. The motion carried. Masters will draft such language and Executive Committee will review when available. • J. Baker moved to advance the advisory opinion to the Commission January 2020 meeting agenda and P. Johnson seconded. The motion carried.
18.	<p>Legal FAQs</p> <ol style="list-style-type: none"> a) Determine Next steps and if 	<p>J. Ridenour moved to advance the legal FAQs to the Jan 2020 Commission meeting agenda for adoption and J. Baker</p>

	<p>additions are needed</p> <p>b) Review draft answer and new question: Is Voluntary surrender of a license considered an encumbrance and therefore a disqualifier to a multistate license. (Masters, all)</p>	<p>seconded. The motion seconded.</p>
19.	Duplicate MSL Report Format Revisions (Puente)	Members discussed and agreed that color-coding would be helpful. Staff will implement.
20.	Is PN Equivalency Tantamount to Eligibility to Graduate? (Glazier, Baker)	<ul style="list-style-type: none"> • J. Baker moved that Rules Committee define “eligible to graduate” and P. Zickafoose seconded. The motion carried. • Staff and legal counsel to respond to N. Goldman, KY BON.
21.	Open Discussion	<p>There was no additional discussion at this time.</p> <p>P. Zickafoose made a motion to adjourn at 3:49 pm and S. Pfenning seconded. The motion carried.</p>