



Board of Nursing

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

OPEN SESSION MINUTES MAY 24, 2023 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	
Ann Turner, RN	RN Member – Acute Care Nurse, Board Secretary	X	
M Dawne Hayward, RN	RN Member Delegating Nurse— Supervised Group Living	X	
Emalie Gibbons Baker, CNM	APRN Member	X	
Susan K. Lyons, NP	APRN Member	X	
Jacqueline Hill	RN Member (BS Educator)		X
Healthier Westerfield, DNP, RN, CNE, CMSRN	RN Member (Associate Degree Nursing Educator)		X
Susan Steinberg	Consumer Member	X	
Audrey Cassidy	Consumer Member	X	
Robin Hill, RN	RN Member (Practical Nurse Educator)	X	
Christine Lechliter, RN	RN Member, Nurse Administrator	X	
Damare Vickers	LPN Member		X
Charlene Harrod-Owuamana	LPN Member		X
Board Counsel			
Michael Conti	Assistant Attorney General	X	
Katherine Cumings	Assistant Attorney General		X

Board Staff			
Rhonda Scott	Executive Director	X	
Patrice Burris	Executive Assistant	X	
Schenequa Brown	Executive Assistant	X	
Michelle Powell	Paralegal	X	
Carolyn Bailey	Director of Licensure	X	
Iman Farid	Health Policy Analyst	X	
Monica Mentzer	Manager of Practice	X	
Valencia Jackson	Safe Practice	X	
Brian Stallsmith	IT Staff	X	
Morinat Kukoyi-Samyaolu	Director of Operations	X	
Others (Not all attendees are documented)			
Tijuana Griffin	Washington Adventist University	X	
Karen E.B. Evans	Former MBON Executive Director	X	
Dr. Jane Kirschling	University of Maryland	X	
Angie Hines	University of Maryland	X	
Lori Edwards	University of Maryland	X	
Dr. Ann Mech	University of Maryland	X	

Open Session

1. **Call to Order:** Gibbons-Baker made a motion to go into open session. Hayward seconded the Motion. The motion passed unanimously. The open session began at 9:07 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:
 1. Karen Evans has resigned her position as Executive Director, and Rhonda Scott will serve as the interim director.
 2. A new Director of Operations has started, Morinat Kukoy-Samyaolu.
 3. Health Policy Planning Administrator has resigned.
 4. The Federal COVID Emergency was terminated on May 11th. Any Temporary Nurse Aides who wish to continue practicing and obtain certification as a CNA/GNA have until September 10th to complete the process.
 - C. Review of Open Session Minutes: None.

2. **Approval of Consent Agenda:** Lechlitter made a motion to approve the Consent Agenda. Steinberg seconded the motion. Motion passed unanimously.

Items A through C have been reviewed and recommended for approval by the Practice and Education Committee

- A. **Initial Certified Nursing Assistant Training (CNA) Program Seeking Board Approval:** None.
- B. **Renewal of Approved Certified Nursing Assistant Training (CNA) Programs:**
 - 1. Bladensburg High School (CNA/GNA)
 - 2. Carroll Community College (CNA/GNA)
 - 3. Cecil College (CNA/GNA)
 - 4. Laurel High School (CNA/GNA)
- C. **Approval for Faculty for Certified Nursing Assistant (CNA) Training Programs:**
 - 1. Amy Edwards, RN(R217932)- Atlantic General Hospital
 - 2. Debra Walker, RN(R076966)-Bladensburg High School
 - 3. Lindsay Sisler, RN(R196888)- Carroll Community College
 - 4. Susan McNally Bunting, RN(R145259)- Carroll Community College
 - 5. Nancy Rogers, RN(R065239)-Carroll Community College
 - 6. Pamela Haines, RN(R066110)-Carroll Community College
 - 7. Danya Shumaker, RN(R171719)- Carroll Community College
 - 8. Pamela Naumann, RN(R139414)- Carroll Community College
 - 9. Beverly Spicknall, RN(R048214)-Carroll Community College
 - 10. Nancy Norman-Marzella, RN(R083035)- Cecil College
 - 11. Rhonda Rah, RN(R071441)- Cecil College
 - 12. Melissa Lewis, RN(R201640)- Cecil College
 - 13. Alison Kurtz, RN(R199666)- Cecil College
 - 14. Erin Schaeberle, RN(R186393)- Howard Community College
 - 15. Lucia Crabbe Cole, RN(R103347)- Laurel High School
 - 16. Mary Ukwu, RN(R167799)- Montgomery College Refugee Training Program
 - 17. Deborah Adams, RN(R088682)- Prince George's Community College
 - 18. Erica Courtney, DE-LI 0040681- Tidal Health (for Program Director and Coordinator)
- D. **Approval for Change or Addition of Clinical Site for Approved Certified Nursing Assistant Training Program:**
 - 1. Allegany Health Nursing and Rehabilitation is requesting to add Devlin Manor Nursing and Rehabilitation as an additional clinical site.
 - 2. Stein Academy is requesting to add FutureCare Lochearn as an additional clinical site.
 - 3. IT Works Learning Center, Inc. is requesting to add ProMedica Skilled Nursing and Rehabilitation-Ruxton as an additional clinical site.

3. Discussion of Items Removed from the Consent Agenda

None.

4. Education (Sheila Green, Education Consultant)

Items 4 A-B have been reviewed and recommended for approval by the Practice and Education Committee.

- A. Harford Community College Site Visit Report, April 4-6, 2023

- Gibbons-Baker made a motion to accept the site visit report that has been submitted for Harford Community College. Turner seconded the motion. Motion passed unanimously.
- B. University of Maryland School of Nursing Substantial Modification to an Existing Academic Program to Establish a New Area of Concentration (A Generalist Master’s Degree, Entry-Into-Practice (Replace Existing MSN/Clinical Nurse Leader)
- Gibbons-Baker made a motion to accept the substantial modification to the existing academic program to replace the existing MSN Clinical Nurse Leader curriculum with the Generalist Master’s Degree Entry Intro Practice curriculum. Cassidy seconded the motion. Motion passed unanimously.

5. Certification (Jaray Richardson, Manager, Certification)
None.

6. Licensure and Advanced Practice (Carolyn Bailey, Manager, Renewals)
None.

7. Legislative Affairs (Iman Farid, Health Policy Analyst)

A. May 2023 Monthly Legislative Memo – FYI

1. HB 121 cross-filed with SB 8: Mental Health 8 Treatment Plans for Individuals in Facilities and Resident Grievance System. The effective date for this bill is October 1, 2023. This bill requires that a plan of treatment for an individual with a mental disorder include a certain discharge goal and an estimate of probable length of inpatient stay; it requires facility staff to review and reassess a plan of treatment; establishes certain rights relating to the participation of family members in the development, review, and assessment of a plan of treatment; establishes an appeals process for patients admitted to a facility; requires the Department of Health to adopt certain regulations relating to the appeals process; requires a State health care facility to take certain actions if the facility is unable to address certain needs under plan of treatment; and requires the Department to report certain information to the resident Grievance System to the Maryland General Assembly on a certain date each year.
2. HB 278 cross-filed with SB 213: Health Occupations – Clinical Nurse Specialist – Prescribing, effective date of October 1, 2023. This bill alters the definition of “clinical nurse specialist” and “practice as a clinical nurse specialist” for the purpose of authorizing clinical nurse specialist to prescribe drugs and durable medical equipment; alters the definition of “authorized prescriber” for the purposes of Maryland Pharmacy Act; and authorizes a licensed physician to personally prepare and dispense a prescription written by a clinical nurse specialist.
3. HB 453 cross-filed with SB 375: State Board of Physicians – Inactive and Emeritus Status, effective October 1, 2023. This bill authorizes the Board

of Physicians to place a licensee on emeritus status; requires the Board of Physicians reinstate the license of an individual who is on inactive conduct an evaluation of the Board; and requires that the terms of certain members of the Board end on certain dates.

4. HB 703 cross-filed with SB 772: State Board of Nursing – Peer Advisory Committees, Scopes of Practice, and Licensure Requirement, effective date of October 1, 2023. This bill authorizes the State Board of Nursing to appoint an advisory committee to provide advice related to midwifery; authorizes nurse midwives and certified midwives to personally prepare and dispense a starter dosage of certain drugs; authorizes nurse midwives and licensed certified midwives to delegates tasks to medication technicians and certified nursing assistants; alters the exceptions to the certified midwifery licensure requirement and the qualifications required for a license; and requires the Department of Health, in consultation with stakeholders, to develop recommendations to expand access to birth services.
5. HB 758 cross-filed with SB 789: Sexual Assault Evidence Collection Kits Preservation and Storage, effective date October 1, 2023. This bill alters requirements for the storage and preservation of sexual assault evidence collection kits; requires sexual assault evidence collection kits collected before a certain date to be retained and transferred in a certain manner; and requires the Maryland Sexual Assault Evidence Kit Policy and Fund Committee to make a report on certain recommendations, in consultation with the Consumer Protection Division of the 19 Office of the Attorney General.
6. HB 759 cross-filed with SB 615: Governor’s Office of Crime Prevention, Youth, and Victim Services – Sexual Assault Evidence Collection Kit Reporting Program, effective date of October 1, 2023. This bill requires the Governor’s Office of Crime Prevention, Youth, and Victim Services to establish a reporting program relating to sexual assault evidence collection kits; requires a law enforcement agency and a person with control or possession of a sexual assault evidence collection kit to report certain information to the program and comply with certain regulations; and clarifies the uses for the Rape Kit Testing Grant Fund.
7. HB 808 cross-filed with SB 859: Reproductive Health Protection Act, effective date of June 1, 2023. This bill prohibits a judge from requiring a person to give testimony or produce certain evidence in another state; requires that a request for the issuance of a foreign subpoena include a sworn statement; prohibits an ex parte order to intercept certain communication for the purpose of investigating or recovering evidence related to legally protected health care; prohibits certain judgment creditors from filing a copy of certain foreign judgments; prohibits the Governor from surrendering a person to the executive authority of another state for an alleged violation of laws related to legally protected health care; prohibits certain agencies from assisting in an interstate investigation; prohibits health occupations boards from disciplining a

provider because of certain actions; exempts high deduct insurance plans from covering abortion services; and prohibits insurers from taking adverse actions against certain providers.

8. HB 812 cross-filed with SB 786: Health – Reproductive Health Services – Protected Information and Insurance Requirements, effective date of June 1, 2023. This bill regulates the disclosure of information related to legally protected health care custodians, health information exchanges and electronic health networks; requires that the regulations adopted by the Maryland Health Care Commission restrict data patients who have obtained legally protected health care; establishes the Protected Health Care Commission; alters the purpose of the Maryland Health Care Commission to include the establishment of policies that protect the confidentiality of health care information; and clarifies that certain insurance requirements regarding abortion care services apply not withstanding a certain restriction.
9. HB 1148 cross-filed with SB 582: Behavioral Health Care – Treatment and Access, also known as Behavioral Health Model for Maryland, effective date of June 1, 2023. This bill establishes the Commission on Behavioral Health Care Treatment and Access to make recommendations to provide appropriate accessible and comprehensive behavioral health service that are available on demand to individuals in the State, establishes the Behavioral Health Carer Coordination Value-Based Pilot Program in the Maryland Department of Health; requires the Department to apply for certain federal planning grant funds; requires the Department to apply to participate in a certain demonstration program; extends to a certain date the inclusion of audio-only telephone conversations in the definition of telehealth; and requires the Maryland Health Care Commission to study and make recommendations regarding the delivery of health care service through telehealth.
10. SB 104: Labor and Employment Apprenticeship 2030 Commission and Representation on the Apprenticeship and Training Council. This bill was effective as of October 24, 2023. This bill requires that the Apprenticeship and Training Council and consultants to the Council include representation by individuals who are Asian, Black, and Latino; establishes the Apprenticeship 2030 Commission to make recommendations to expand access to apprenticeship to reduce skill shortages in high-demand occupations and provide affordable training.
11. SB 534: Preserve Telehealth Access Act of 2023, effective date of June 21, 2023. This bill extends to a certain date the inclusion of audio-only telephone conversations under the definition of “telehealth” for the purpose of reimbursement and coverage of telehealth b the Maryland Medical Assistance Program and certain agencies; extends to a certain date a requirement on the Program and certain agencies to provide reimbursement for health care services provided through telehealth on a certain basis and a certain rate; and requires the Maryland Health Care Commission to study and make recommendations regarding the delivery

of health care services through telehealth including payment parity for the delivery of health care services through audiovisual and audio-only technologies.

B. Request to amend the regulation under COMAR 10.27.01, the Examination and Licensure.

1. Specifically, the language under COMAR 10.27.01.03C, addressing Licensure Exceptions for the Nursing Graduate. The specific language to be inserted under section C(2)(b)(iv) would state: “The nursing graduate has taken and failed the NCLEX examination but has not failed the NCLEX examination more than one time within the 120-day period immediately following the submission of the application to the Board.” Additionally, under section C(3)(b), the new change will read: “Immediately, if the nursing graduate fails the second NCLEX examination” instead of “the initial NCLEX examination.”

- Steinberg made a motion to accept the amended language. Gibbons-Baker seconded the motion. Motion passed unanimously.

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

Item 8.A.1. has been reviewed and recommended for approval by the Direct-Entry Midwifery Advisory Committee.

Item 8.B. has been reviewed and recommended for Board review and approval by the Direct-Entry Midwifery Advisory Committee and Practice and Education Committee.

Item 8.C. has been reviewed and recommended for Board review and approval by the Electrology Practice Committee and Practice and Education Committee.

A. Request to the Board for approval of Application for Initial Licensure to Practice Direct-Entry Midwifery:

1. Caitlin Manela

- Lechlitter made a motion to accept and approve the application for initial licensure to practice direct-entry midwifery for Caitlin Manela. Lyons seconded the motion. Motion passed unanimously.

B. Request to the Board for approval of the Renewal Notice and updated Renewal Application to Practice Direct-Entry Midwifery

- R. Hill made a motion to approve the renewal notice and updated application to practice direct-entry midwifery. Gibbons-Baker seconded the motion. Motion passed unanimously.

C. Request for the Board for approval of the Renewal Notice and updated Renewal Application for Licensure to Practice Electrology

- Hayward made a motion to approve the renewal notice and updated renewal application for licensure to practice electrology. Steinberg seconded the motion. Motion passed unanimously.

D. Request to the Board to re-appoint a Committee member who is a licensed electrologist, Elizabeth Spagnolo, LE (E01366) to a second 4 yr. term on the Electrology Practice Committee

- R. Hill made a motion to accept the committee's recommendation to award Elizabeth Spagnolo, LE01366 to a second four-year term on the Electrology Practice Committee. Gibbons-Baker seconded the motion. Motion passed unanimously.

9. Quarterly Reports

(Quarterly Reports are presented during January, April, July, October)

10. Other

None.

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. Turner made a motion to close the open session pursuant to the statutory authority and reasons cited in the written statement. Hayward seconded the motion. Motion passed unanimously.

May 24, 2023 Closed Session Summary

Closed Session was held from 10:00 a.m. to 3:34 p.m. 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 1 RN applicant(s);
- Review of applicants with a criminal history:
 - License 1 RN applicant(s);
 - License 1 LPN applicant(s);
 - Certify 2 MT applicant(s);
 - Certify 1 CNA applicant(s);
 - Certify 2 CNA applicant(s) 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.)