



Board of Nursing

Office of Professional Regulation, Vermont Secretary of State

89 Main Street, 3rd Floor • Montpelier, VT 05620-3402

<https://sos.vermont.gov/opr/>

MINUTES

December 11, 2023

Remote Meeting

1. **Call to Order:** The meeting was called to order at 8:53 a.m. by the Chair, Jennifer Laurent.

Board members present: Jennifer Laurent, Jennifer Lyon, Daniel Coane, Luana Tredwell, Deb Belcher, William “Jamie” Floyd and Matthew Choate.

Absent: Ginger Gillette-Kent and Kelly Sinclair

Staff members present: Shiela Boni, Nursing Board Executive Officer; Carrie Phillips, Pharmacy Executive Officer; Lauren Layman, Board Counsel; Noura Eltabbakh, General Counsel; Emily Trudeau, General Counsel, Kristin Donnelly, Case Manager; Elizabeth Kneen, Case Manager, Julie Bowen, Docket Clerk, Corrine Reynolds, Licensing Administrator; Kamanie Sweet, Licensing Administrator; Michelle Lavoie, Licensing Administrator, Laticia Garcia, Enforcement Licensing Administrator; Kris Bowdish, OPR Deputy Chief Investigator; Matthew Kinsley, Investigator, Kevin Rushing, OPR Director, Agatha Kessler, OPR Deputy Director, Dylan Bruce, Data Analyst, Stacey Drinkwine, SOS Administrative Services Director, and Michelle Erno, SOS Administrative Services Manager.

Prosecuting Attorneys: Jennifer Colin, Rachel Heath, Ultan Doyle and George Hasselback.

Guests: Kevin Lumpkin, Attorney; Pamela Eaton, Attorney; and Helen Papeika, VTSU

2. **Budget Discussion:** Kevin Rushing, OPR Director; Agatha Kessler, OPR Deputy Director, and Dylan Bruce, OPR Data Analyst

- Currently OPR is not recommending any fee increases.
- OPR renovations are expected to be completed in January 2024. With the renovations, OPR is paying less per square foot for office space.
- Budget Review Process:
 - OPR Special Fund Agency: Self-funded through revenues, expenses, fund balance. Currently the fund balance is negative. OPR fiscal year runs from July 1 to June 30.
 - The Nursing Compact has decreased RN applications, which has decreased the amount available from nursing fees. Likewise, we have had a decrease in LNA applications.
 - Indirect Expenses: What is covered for FY23 OPR Admin
 - Rent decrease per square footage
 - IT contract decrease; SOS budget mitigation
 - Staff-vacancy savings

- Board Comments:
 - Chair Laurent discussed how APRNs must pay both RN & APRN renewal fees, plus certification & DEA fees, for a total of \$990 every two years. The Chair requests that moving forward, the legislature take this into account when considering APRN fees.
 - Agatha: Good point, fee may not accurately reflect the profession. The fee increase was from a legislative fee bill that applied an inflation factor. The nursing budget will open the door for the fund balance. The compact license has dropped revenue which has led to OPR & Nursing Board to cover expenses.
 - Chair Laurent: Thanked Kevin, Agatha, and Dylan for their time discussing the Nursing Board budget.

3. Approval of Minutes from November 13, 2023

William “Jamie” Floyd moved to approve the minutes of November 13, 2023. Jen Lyon seconded. The motion passed unanimously. Daniel Coane and Luana Tredwell abstained.

4. Discipline Hearings

- 2022-171 & 172 – *In re: Jessica Jawidzik, Uncontested Hearing: Order to Remove Conditions*
 - The matter was heard on the record. Jen Lyon moved to accept the Order as written, seconded by Matthew Choate. The motion passed unanimously; Jennnifer Laurent was recused.
- 2023-178 – *In re: Fawn Munro, Uncontested Hearing: Stipulation and Consent Order*
 - The matter was heard on the record. William “Jamie” Floyd moved to accept the Order as written, seconded by Matthew Choate. The motion passed unanimously.
- 2023-61 – *In re: Wendy Culligan, Uncontested Hearing: Stipulation and Consent Order*
 - The matter was heard on the record. Daniel Coane moved to accept the Order as written, seconded by Jen Lyon. The motion passed unanimously.
- 2023-170 – *In re: Carole Herzmann, Uncontested Hearing: Stipulation and Consent Order*
 - The matter was heard on the record. Matthew Choate moved to accept the Order as written, seconded by William “Jamie” Floyd. The motion passed unanimously.
- 2023-142 & 143– *In re: Jennie Hubbard, Uncontested Hearing: Stipulation and Consent Order*
 - The matter was heard on the record. Jen Lyon moved to accept the Order as written, seconded by Daniel Coane. The motion passed unanimously; William “Jamie” Floyd was recused.
- 2022-30 & 31 – *In re: Kate Barash-Engel, Uncontested Hearing: Modification Stipulation and Consent Order*
 - The matter was heard on the record. Daniel Coane moved to accept the modified order as written, seconded by Matthew Choate. The motion passed unanimously; William “Jamie” Floyd was recused.

- 2022-272 – *In re: Michele Cardinal, Uncontested Hearing: Stipulation and Consent Order*
 - The matter was heard on the record. Daniel Coane moved to accept the Order as written, seconded by Jen Lyon. The motion passed unanimously; Jennifer Laurent and Launa Tredwell were recused.

5. Executive Officer Report

Shiela Boni:

- OPR submits requests to the legislature for corrections or revisions to OPR statutes We have requested to revise the nursing statute to reflect language in the revised Administrative Rules, replacing any mention of “practice hours” to “continued competency” for RN and LPN renewal sections and to “active practice” for LNA and APRN renewal sections. APRN/LNA’s are still required to have practice hours for renewal and RN/LPN can provide competency verification through practice hours, 20 hours of continuing education, or current national nursing certification. Additional changes OPR will be requesting are to insert correct subsections for all nursing license types.
- Deb Belcher requested that the legislature reevaluate statutory language that prohibits public members on the Nursing Boards from serving on any other health care board. Deb would like to serve on other health care boards besides Nursing. Lauren Laymen said she will look into this for potentially this year or next.
- OPR office renovations: OPR renovations are due to be complete January 2024. Once renovations are complete, Board meetings will be offered in a hybrid model, with a virtual option available for members unable to attend meetings in person. Board members will be notified when hybrid meetings become available.
- License Data: Deb Belcher requested that Shiela share a chart quarterly of the increases of each nursing license type.
- Full Program Approval of Castleton MSN Nursing: Shiela Boni
- Shiela introduced Helen Papeika, Assistant Professor of Nursing for VT State University. Helen discussed BON gave prior provisional approval and had 4 students complete the program. Due to the success, they are adding another cohort to Spring 2024 with 19 students registered.
 - The board has been asked to approve the full program approval VT State University MSN programs. The proposed program name changes from Castleton MSN Nursing programs to VT State University MSN programs. William “Jamie” Floyd moved to accept the proposed name change for the VT State University MSN programs. Jen Lyon moved to accept the motion to accept the full program approval for VT State University MSN programs, seconded by Matthew Choate. The motion passed unanimously.

6. APRN licensure-criminal background checks: Shiela Boni

- Currently OPR has an administrative policy that states APRN license applicants will have to complete criminal background checks on new applications. If a new APRN applicant is issued a provisional ARPN they are unable to get a DEA registration and are unable to credentialed with insurance companies. The proposal to the board is to suspend criminal background checks for APRN’s, if we find a positive result when the APRNs CBC is received, we will refer the case to enforcement. Lauren Layman: Currently we do a background check on the RN and if they have a compact RN, they have the background check completed in their compact state. If an APRN does not complete the CBC at initial licensure, we can require that APRN’s do the background check with their renewal.

- Board questions: William “Jamie” Floyd: Agrees with this proposal and we should treat all nursing licenses equally.
- Lauren Layman: The Board does not need to act on this information. Brought to the Board’s awareness, the Office may draft a policy to review in January’s meeting.
- The Nursing Board agrees with this proposal.

7. Public Comment: No public comment

8. Adjournment

There being no additional business, Jennnifer Laurent adjourned the meeting at 10:25 a.m.

Happy Holidays everyone!