

## **eNLC Commission Meeting Minutes**

**Final Draft 10/5/17**

*August 15, 2017*

*11:30 am—5:00 pm*

Minutes prepared by Jim Puente, staff  
Minutes reviewed by Sue Tedford, Chair

### **Commissioners Present:**

Joey Ridenour, Arizona Board of Nursing  
Sue Tedford, Arkansas Board of Nursing, Chair  
David Mangler, Delaware Department of Health  
Joe Baker, Florida Board of Nursing  
Jim Cleghorn, Georgia Board of Nursing  
Sandra Evans, Idaho Board of Nursing  
Kathy Weinberg, Iowa Board of Nursing,  
Member-at-Large  
Paula Schenk, Kentucky Board of Nursing,  
Treasurer  
Kim Esquibel, Maine Board of Nursing  
Keva Jackson-McCoy, Maryland Board of  
Nursing (interim)  
Shan Montgomery, Mississippi Board of Nursing  
(Designee)  
Lori Scheidt, Missouri Board of Nursing  
Greg Kohn, Montana Board of Nursing  
(Designee)

Ann Oertwich, Nebraska Board of Nursing  
Denise Nies, New Hampshire Board of Nursing  
Julie George, North Carolina Board of Nursing  
Stacey Pfenning, North Dakota Board of  
Nursing, Member-at-Large  
Kimberly Glazier, Oklahoma Board of Nursing,  
Member-at-Large  
Carol Moody, South Carolina Board of Nursing  
Gloria Damgaard, South Dakota Board of  
Nursing  
Libby Lund, Tennessee Board of Nursing  
Katherine Thomas, Texas Board of Nursing  
Jeff Busjahn, Utah Board of Nursing  
Jay Douglas, Virginia Board of Nursing, Vice-  
Chair  
Sue Painter, West Virginia Board of RNs  
Michelle Mayhew, West Virginia Board of LPNs  
Cynthia LaBonde, Wyoming Board of Nursing

### **Others:**

Demetrius Cianci Chapman, New Mexico Board of Nursing  
Sam Delp, Colorado Board of Nursing  
Rick Masters, NLC Legal Counsel  
Dan Williams, Wisconsin Board of Nursing

### **Staff Present:**

David Benton, CEO, NCSBN  
Maryann Alexander, Chief Officer, Nursing Regulation, NCSBN  
Heather Jemison, Senior Coordinator, NLC, NCSBN  
Nicole Livanos, Associate, State Advocacy and Legislative Affairs, NCSBN  
Jim Puente, Director, NLC, NCSBN  
Nur Rajwany, CIO, NCSBN

**1. Call to Order**

- The Chair called the meeting to order at 11:32 am.
- With 26 jurisdictions represented, the Chair declared a quorum present.
- Special guests included Jeff Rosa and TJ Cantwell from Federation of State Boards of Physical Therapy

**2. Adoption of Consent Agenda**

- J. Ridenour requested that the Commission Bylaws be removed from the Consent Agenda and placed on the Regular Agenda
- D. Mangler made a motion to adopt the remaining item on the Consent Agenda and C. LaBonde seconded. The motion carried.

**3. Bylaws**

- J. Ridenour referenced Bylaws at Page 4, Article III Section 5. She made a request to delete:  
*“The Executive Committee, by a majority vote, shall appoint a successor to hold office for the unexpired portion of the term of the member until the next regular or special meeting of the Commission at which the vacancy will be filled by a majority vote of the Commission.”*
- J. Ridenour made a motion to delete the second sentence in paragraph one of Bylaws Article III Section 5 related to Vacancies and K. Esquibel seconded. The motion carried.
- J. Ridenour made a request to make the following change on Page 6 of the Bylaws Article V Section 3 related to Voting. Change “Each Commissioner is entitled to one vote” to “each Party State.” Legal counsel advised that the change is not necessary as it is clarified in Article II.

**4. Election Results:**

**Acknowledgement of Newly Elected Members of the Executive Committee**

Puente summarized the nominations and elections process and announced the election results.

Chair

Sue Tedford, MNSc, APRN (AR) (Term ends September 30, 2019)

Vice-Chair

Jay P. Douglas, MSM, RN, CSAC, FRE (VA) (Term ends September 30, 2018)

Treasurer

Paula Schenk, MPH, RN (KY) (Term ends September 30, 2018)

Members-at-Large

Kim Glazier, RN, M.Ed. (OK) (Term ends September 30, 2019)

Stacey Pfenning, DNP, APRN, FNP (ND) (Term ends September 30, 2019)  
Kathy Weinberg, MSN, RN (IA) (Term ends September 30, 2018)

**5. Chair's Introductory Comments**

- Chair S. Tedford commented on the significant amount of progress made in the past year with the eNLC. She offered gratitude and was complimentary of the work completed by NCSBN staff.
- The Chair asked members if there were any additional items to add to the agenda and there were none.

**6. Committees:**

**Identification of Committees, Charges and Committee Appointments**

Members volunteered for participation on various committees or submitted the name of board staff to participate on a committee. Additionally, various NCSBN staff will participate in the committee meetings.

- a. Rules Committee: (a standing committee)
  1. Joey Ridenour (AZ), Co-Chair
  2. Nathan Goldman (KY), Co-Chair
  3. Kim Esquibel (ME)
  4. Michelle Mayhew (WV-PN)
  5. Carol Moody (SC)
  6. Stacey Pfenning (ND)
  7. Debbie McKinney (OK)
  8. Brett Thompson (MS)
  9. Rick Masters, Special Counsel to Commission
- b. Training and Education Committee
  1. Ann Oertwich (NE) Co-Chair
  2. Kim Glazier (OK) Co-Chair
  3. Tony Graham (NC)
  4. Lisa Hastings (WY)
  5. Erin Matthies (SD)
  6. Shan Montgomery (MS)
- c. Operations Committee
  1. Mark Majek (TX) Co-Chair
  2. Sue Painter (WV-RN) Co-Chair
  3. Jeff Busjahn (UT)
  4. Amanda Garland (ME)
  5. Darcy Hammond (OK)

The Election, Compliance and Policy Committee members will be appointed at a later date.

**7. Rulemaking:**

- R. Masters commented that Article VIII of the eNLC model legislation is limited in what constitutes an emergency. He further stated that an emergency rule must fall into a specific category (imminent threat to public safety and welfare, rules had to be made to prevent loss of commission funds, to meet a deadline for promulgation of federal law and rule.)
- Establishment of a date by which compact must be implemented falls in to this emergency rule category. The date listed in the proposed rule is only a template. The Commission will decide what the implementation date will be.
- T. Abram suggested consideration of a “no earlier than” date. R. Masters agrees.
- R. Masters advised that member states of each compact will reciprocally recognize unencumbered licenses in either compact for a period of three to six months. Both compacts would need such a rule. The four states that have not passed the eNLC would need to promulgate the rule.
- J. Baker made a motion to adopt the emergency rule *as “Implementation of the Multi-State License Process and Issuance of licenses under the compact in all party states shall begin on January 19, 2018”* and J. Ridenour seconded. The motion carried.
- Grandfathering does not meet criteria for emergency rulemaking.
- Members agreed that grandfathering rules can be discussed at another meeting.

**8. Financial:**

**a. Memorandum of Understanding (MOU) with NCSBN**

- The Commission is a separate entity from NCSBN; a statutorily created entity that is distinct from NCSBN.
- The Chair and the NCSBN CEO will negotiate an MOU fee and will discuss at the next Executive Committee meeting.

**b. Determine Annual Fee**

Members decided that the amount of the annual fee will be discussed and determined at a later date. Members requested information on the estimated expenses of the Commission.

**9. Technology:**

**IT / Nursys Changes and Reason Codes and Communication with FBI (Alexander, Rajwany)**

- The database project was delayed due to FBI concerns about single state reason codes in Nursys pertaining to convictions.
- M. Alexander announced that the uncertainty of the FBI stance came to a resolution yesterday.
- FBI instructed that the Commission may have any information or reason codes with the exception of any information related to criminal history record information and there must be no indication that a criminal background check was performed.
- The NCSBN IT Team connected with 14 boards and described the 54 day cycle for the Nursys extract file submission process.
- FBI may offer different interpretations of the federal law in different states as reported by several commissioners describing their respective state’s experiences with FBI audits in some jurisdictions.

- G. Damgaard made a motion to proceed with reason code implementation less a code related to criminal history and C. LaBonde seconded. The motion carried.
- N. Rajwany reported that there will be an enhancement in Nursys.com for employers to view the list of states in which a nurse has authority to practice.

## 10. Communications Strategy & Plan:

### a. Letters

- M. Alexander reported that results of a 2014 NLC survey showed that 25% of nurses in NLC states were not aware that their primary state of residence was in fact an NLC state. This data supports the mailing of letters to all licensees in NLC states to ensure that they are aware of NLC state status and to apprise them of the impending changes in the NLC and transition to eNLC.
- The plan is to send letters on the board's letterhead and signed by the executive officer to licensees, educators and employers.
- The letters include basic info about eNLC, states that are members, grandfathering, ULRs, where to go for more info, date of implementation and e-Notify.
- Each state can modify the letter as needed.
- Every state must approve the letter, provide the board's logo and EO's signature and provide approval for NCSBN to obtain the list of licensee addresses.
- L. Scheidt expressed concern that letters may generate calls. Other concerns include the timing of sending the letters, messaging, a call to action and the need for a unified communication strategy.
- NCSBN will purchase an employer list from the American Hospital Association for mailing to employers.
- Can also use the addresses of employers registered with e-notify.
- Members agreed that letters are to be sent in Sept. and members will be notified of the date.

### b. Videos

- Development of the videos started last year. The key audience is nurses and employers. There are two versions.
- The key messages are to explain eNLC, provide clarity, highlight changes that will impact nurses and to have a call to action where they are directed to ncsbn.org.
- The IS Dept is making two changes to videos requested by members.
- A member made a suggestion to include the implementation date in the videos.
- T. Spangler clarified that user testing has not been performed.

### c. Media Training

- D. Kappel commented that it is challenging to know what to tell people at which time.
- What the messaging needs to convey needs to be decided.
- Marketing Communications Dept will be sending a series of press releases.
- Much info is being shared via Twitter and Facebook.
- There will be a press release about implementation date. BONs will be able to educate their staff first before information is released.

- Media training will also be planned.
- d. Leader-to-Leader Issue for Nurse Executives
  - Marketing Communications Dept. just started working on this project.
- e. Training
  - Training modules are being developed by a work group.
  - Training can be in-person at the BON or members can come to Chicago. States that are new to the eNLC all agreed that they prefer training to take place at the BON.
- f. Article
  - Joe B. requested a generic eNLC article that he can use in FL. D. Kappel and M. Alexander said they can provide such an article.
- g. Commission website
  - The Executive Committee will discuss a logo, a website and content.

**11. Future Commission Meeting Dates**

J. Baker made a motion to move the Oct. 24 meeting date to Oct 2 and added a Dec 12 meeting. Both are by teleconference at 2:00 pm central.

**12. Other Business / Wrap up**

There was no other business discussed.

**13. End of Open Meeting**

The regular meeting adjourned at 4:15 pm.

**14. Executive Session**

- D. Mangler made a motion to go into executive closed session at 4:21pm and K. Weinberg seconded. The motion carried.
- K. Thomas made a motion to come out of executive closed session at 5:04 pm and C. Moody seconded. The motion carried.
- L. Scheidt made a motion to hire Jim Puente as Director of the eNLC and K. Weinberg seconded. The motion carried.

**ADJOURN**

The meeting adjourned at 5:07 pm.