

Commission Executive Committee (EC) Meeting Minutes

FINAL 7/6/18

April 30-May 1, 2018 Asheville, NC

Minutes prepared by J. Puente and M. Bieniek, staff Minutes reviewed by S. Tedford, Chair, J. Douglas, Vice-chair

COMMITTEE MEMBERS

S. Tedford, AR, Chair	Present
J. Douglas, VA, Vice- Chair	Present
K. Glazier, OK, Member-at-Large	Present
S. Pfenning, ND, Member-at-Large	Present
K. Weinberg, IA, Member-at-Large	Dialed in on April 30 intermittently
Treasurer position vacant	

OTHERS PRESENT

J. Ridenour, Co-Chair, Rules Committee R. Masters, Legal Counsel

STAFF PRESENT

J. Puente, Director, NLC M. Bieniek, Senior Coordinator, NLC

#	Agenda Item	Minutes
	Mon, April 30	
1.	a) Call to Order b) Roll Call c) Declare Quorum Present	 a) S. Tedford called the meeting to order at 9:06 am. b) M. Bieniek completed the roll call. c) S. Tedford declared a quorum present.
2.	Approve Executive Committee Meeting Minutes of Feb 13, 2018	K. Glazier moved to approve the minutes as written and S. Pfenning seconded. The motion carried.
3.	Reports: a) Training and Education Committee Report	 a) K. Glazier reported that committee will be meeting in several weeks. Discussion topics will include FY2019 planning and review of draft fact sheets. J. Douglas suggested a directory of all compact resources be developed so

		 subject matter topics are easy to locate. She also suggested a self- tutorial about the NLC be developed for the public. Members suggested developing a teaching module for faculty as an e- product similar to AONE's Leader to Leader.
	 b) Operations Committee o Discuss Next Committee Charge 	b) Puente updated the EC on the Operations Committee. They have completed the implementation checklist. Puente will ask members who have completed the checklist
	c) Financial Report	 for suggestions for improvements. c) Puente gave the financial report due to the vacancy in the Treasurer position. At the end of first six months of the fiscal year, the budget is 7% over. K Glazier made a motion directing staff to plan a NLC Conference (one-day) and a strategic planning meeting (two-days) with a facilitator and to include funding in the FY19 proposed budget and J. Douglas seconded. The motion carried. S. Pfenning made a motion directing staff to plan for four face-to-face rules committee meetings in FY 19 and to include funding in the FY19 proposed budget and J. Douglas seconded. The motion carried.
4.	Vacant Treasurer Position on the Executive Committee	 Members discussed the vacant position of Treasurer on the Executive Committee due to the retirement of P. Schenk. J. Douglas made a motion to elect a treasurer per the usual election cycle and not to hold a special election and K. Glazier seconded. The motion carried. Members discussed the potential of future consideration of having an immediate past chair as a member of the Executive Committee as well as having an odd number of members on the Executive Committee. Staff is directed to convene the Elections Committee to start the process of advising membership of upcoming vacancies on the Executive Committee.

5.	Executive Session:	Members met in executive session to discuss the potential non-compliance of a member state. There were no motions made after the executive session concluded. GA BON acknowledged an issue with current GA APRN authorization/licensure statute as it relates to the NLC and noted that it intended to seek future legislative support for a statutory remedy.
6.	Compact Team Update a) "What CNOs Need to Know" Mailing b) Media Training	 a) M. Alexander reported on the status of the CNO newsletter. There was confusion about this project and a meeting was held to clarify the purpose of the newsletter. The Leader to Leader for faculty included an advocacy piece. A mailing was sent to NLC states in the NLC last year. The CNO fact sheet will also be used as a handout at exhibits. The fact sheet will discuss practice is where the patient is located and also what CNOs need to know about the NLC. Ridenour mentioned the AONE leader to leader mailing may be a vehicle for communicating CNO updates. b) D. Kappel is researching a vendor to conduct NLC media training.
7.	 New Grad Licensure a) Application for License by Exam Prior to Moving b) Limits on Number of Times an Applicant Can Test in NLC States and Licensee is Referred to Test in Another NLC State vs. Non-compact State 	 a) Executive Committee developed a new charge for the Operations Committee: develop best practices related to implementation of Article 4 (c). Charge to be completed by annual meeting at which member education will take place. Staff is directed to initiate a "NLC Tip of the Week" email to educate members about various aspects of the NLC. b) EC discussed the situation whereby an applicant for license by exam in an NLC home state reaches a maximum number of allowed testing retakes and is provided guidance by a BON to pursue license by exam in another NLC state. Once a license is issued, the licensee can apply for license by endorsement in the home state. The subsequent NLC state to which the

		applicant is referred, not being the home state, is unable to issue a multistate license and is placed in a position of issuing a single state license to a resident of another NLC state. In this scenario, the applicant should be directed to apply for license by exam in a non-compact state.
8.	Legislative Update	 R. Fotsch provided a legislative update. IL: NCSBN hired a lobbyist in this state. Staff had a meeting with the union and AFL CIO last week. There has not been any ability to negotiate a common ground. Staff and the lobbyist are continuing to work with a coalition. LA: The bill started in the Senate and was very successful. The military testified in support. During past week the bill was in a House Committee and some LPN
		 schools voiced concerns. MA: NLC is still in the healthcare finance committee with an original deadline of April 21 that was extended to May 16 due to the death of the committee chair.
		• MI: Staff spoke with the nursing association lobbyist. She does not believe NLC will move before the summer break due to other priorities. Currently building a coalition and may not see movement until the fall.
		 MN: Unions are opposed to NLC. Passed through two committees. NLC is attached to four bills including an omnibus bill.
		 NJ: Nurses association has been carrying the legislation The medical society was concerned that APRNs were included.
		• NY: No new information to report. The bill was filed with the medical compact.
		• RI: There was a committee hearing a few weeks ago. CNOs testified in support.
		• VT: Will move bill forward in 2019.

			2019 anticipated NLC legislation: IN, NV, WA and VT.
	Rules Committee Report		
9.	a) Memorandum on Rule Publication	,	Commission Members will be asked to notify the office of the Commission once the notice is posted on the BON website.
	b) Role of the Rules Committee in Interpreting Rules		Questions of a legal nature related to the interpretation and application of NLC statute and rules shall be directed to the Executive Committee.
	c) Future Work of the Rules Committee	c)	Ridenour shared the draft future agenda of the rules committee and members discussed the agenda items.
	d) Proposed Rule 601: ACTION FOLLOWING DISCIPLINE In addition to any state requirements, a party state shall require a nurse who holds a single state license in that state due to adverse action to submit a criminal background check from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records before a multistate license may be issued.	d)	Discussion on proposed rules 601, add "unless the individual remains continuously enrolled in federal rap back." Staff directed to remove this proposed rule from the Rules Committee agenda. Refer to Compliance Committee.
	e) Rule 402: Applicant Responsibilities Discuss policy goals of multistate licensure in order to provide framework to legal counsel for the development of a position statement.	e)	 Concepts recommended for a draft memo by legal counsel subject to Executive Committee approval: From this point forward when a state implements the NLC, the default for new licensees shall be the multistate license when ULRs are met. Existing licensees with primary state of residence (PSOR) in a compact state wishing to practice in another compact state shall apply for a multistate license in their PSOR.
	Recess		
	Tues, May 1		
	Continued o Maintaining single state in remote state		iii. Can a nurse holding a single state

		license in a remote state and DCOD to
	when PSOR is in NLC state	license in a remote state and PSOR in a NLC state be required to obtain a multistate license? This needs to be addressed.
	 "Are Federal/VA Employees Subject to State Law?" (example: WV Nurse Practices in KY and PSOR is WV. Can she be Required to Obtain a WV Multistate License?) This is a Conflict of Law Question as to Which Prevails – State or Federal. 	iv. A licensee working in a remote state within a federal facility may practice on a single state license issued by the remote state and is not required to obtain a multistate license.
	reueral.	A licensee employed by the federal government holding a multistate license in the PSOR shall not hold an additional single state license in a remote state.
		Next steps: Legal counsel shall provide draft legal memo to Executive Committee by June 1, 2018.
		Executive Committee, as part of future strategic planning shall also draft mission / vision and policy goals as related to the position statement.
		Staff directed to schedule Commission meeting on July 17, 2018 to discuss the draft position statement.
	 Percentage of total licensees in each state who hold a multistate license. Duplicate Multistate License Report. 	Members reviewed a report, which provided the percentage of multistate license holders in NLC states.
10.	Legislation Review Process for Material Deviations and Acceptable Enabling Language (Puente, All)	 Members discussed processes for review of NLC legislation when a bill is introduced in a state. Members suggested these steps: NCSBN Legislative affairs staff becomes aware of a bill that is proposed or introduced and sends the language to Director, NLC. Director, NLC requests that legal counsel review and comment on the bill language to determine substantial equivalence to model legislation.
		 Legal counsel will advise if substantial equivalence exists and will draft a

		 legal memo to Executive Committee identifying material deviation(s), if appropriate. Executive Committee will review and approve final version of legal memo. Director, NLC will discuss any material deviation with the EO of the state and share the approved legal memo. Director, NLC will coordinate a meeting between EO, EC and legal counsel to discuss the material deviation and remedies or impact.
11.	Legal Counsel Services: Succession Planning	Members discussed legal counsel succession planning with R. Masters. Masters commented that he does not plan to retire in the next 7 years. Also, Masters has been in discussion with general counsel of a compact state about assisting with compact-related legal work in the future following retirement.
12.	Committee Appointments	 Members made the following appointments and changes from the list of volunteers gained at Midyear meeting: <u>Policy Committee:</u> Appoint Amy Fitzhugh (NC) as Chair and replacing J George (NC). Appoint Adrian Guerrero (KS) replacing Libby Lund (TN). Remaining committee members are S. Evans (ID), J Baker (FL) and S. Pfenning (ND). <u>Compliance Committee:</u> Chair is Fred Knight (AR) Alternate is Jay Douglas (VA), if Fred cannot be Chair.
13.	New Commission Logo	Members reviewed revised sample logos based on feedback received at Midyear meeting. Logos A1, B1 and B2 were selected as finalists and full Commission will vote on at annual meeting.
14.	Planning: Marketing Communications and Interactive Services	J. Douglas made a motion that as of the dissolution of the original NLC in June 2018, the enhanced NLC shall be known as the NLC and S. Pfenning seconded. The motion carried. Other related discussion was covered in the

		minutes under agenda item 3(a).
15.	Midyear Meeting Evaluation Results	 EC Members decided that a pre-meeting communication should include notice that previously sent meeting materials will not will not be provided at the meeting EC Members also emphasized that there needs to be more direction/reminders for the speaker to introduce themselves prior to speaking so that everyone knows who is addressing the commission.
16.	Room Set-up for Future Commission Annual Meetings	 Members suggested that special seating be provided for priority staff. Members also suggested that 3 ft. wide tables be provided when available. It was also suggested that meeting evaluation results be provided to Colleen Neubauer so that she may take suggestions into consideration for future meetings. Staff will share results with her.
17.	Open Discussion (all)	There was no additional discussion at this time.
18.	Commission Meeting: (Members Dial-in) Vote to Publish Rules	 See minutes of May 1, 2018 Commission meeting. Staff is directed to add Fred Knight (AR) to the rules committee email group.
	Adjourn	The meeting adjourned at 4:00 pm.
	FUTURE MEETINGS	
	July 10, 2018 at 2:00 pm Central (teleconference)	