

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)
STATE BOARD FOR NURSING (BON)

Meeting Minutes
Thursday, May 4, 2023
11:00 am- 1:00 pm

Members present: Kenya Beard, RN Chair; Edmund J.Y. Pajarillo, RN Vice Chair; Edonn Ball, RN; Diane Ceravolo, RN; Jamesetta Newland, RN; Sherley John, RN; Frances Iacobellis, RN; Ralph Derrico, RN; Deborah Stamps, RN; Gwendolyn Lewis, RN

Members excused: Maria Vezina, RN; Samantha De Los Santos, Public Member; Heidi Mix, RN

State Education Department Staff present: Suzanne Sullivan, RN, Executive Secretary; Eileen Avery, RN, associate in nursing education; Scott Prince, Administrative Assistant Trainee 1

Guest Observers: Marilyn Dollinger, DNS RN ANA-NY President; Jeanine Santelli, RN, ANA-NY Executive Director; Amy Kellogg HSE for ANA-NY; Cailin Anderson HSE for ANA-NY; Edie Brous RN Esq.

Call to Order and Approval of Prior Meeting Minutes:

The meeting was called to order at 11:08 AM. The approval of the February 2023 BON meeting minutes was deferred due to lack of quorum.

News and Reports/Announcements:

Ms. Sullivan wished all BON Members a Happy National Nurses Month and thanked them for their service on the BON. She announced that this is Dr. Beard's last meeting as a voting member of the BON and BON Chairperson. She thanked Dr. Beard on behalf of the State Education Department and the Board of Regents for her exemplary leadership and service on the BON. Ms. Sullivan presented Dr. Beard with a Certificate of Recognition.

Ms. Sullivan announced that Executive Order # 4, which allows nurses licensed in other states to practice in New York State, would remain in effect until 5/22/2023. She questioned uncertainty regarding whether the EO will be renewed, since federal COVID-19 emergency measures would expire on May 19, 2023. The federal emergency measures allowed for more widespread surveillance of COVID-19 as well as measures to reduce transmission of COVID-19.

Ms. Sullivan announced that the 2024 State Budget was enacted on May 1, 2023. The budget law included provisions extending the effective date (until 2029) of New York's Advanced Home Health Aide Law and other provisions that will require hospitals to offer to at-risk patients additional screening for Hepatitis C and Syphilis. She also described a new law in the budget that will enhance privacy protection of reproductive health information of patients, including information regarding patients seeking abortion services in New York State. She noted that the new budget law did not include the enhanced nurse license compact. Ms. Sullivan also described a bill that would allow registered nurses and licensed practical nurses licensed in other states to obtain "temporary authorization" to practice in New York State pending a review of their New York State nurse license applications.

Ms. Sullivan reminded BON Members that the FBI investigation of Florida nursing programs is ongoing and of the importance of remaining impartial when serving on disciplinary panels. Ms. Sullivan also encouraged BON members to consider participating in NCSBN's 2023 Virtual NCLEX Conference to be held on September 21, 2023.

Ms. Sullivan noted that the NCSBN ceased offering several online courses, which many New York licensed nurses who were subject to discipline used to take. Ms. Sullivan asked BON Members to review new online ethics courses offered by NCSBN, which the BON could recommend for nurses who have been found to have committed professional misconduct. The names of the NCSBN courses were "Righting a Wrong: Ethics and Professionalism in Nursing" and "Upholding the Standard: Professional Accountability in Nursing. Ms. Sullivan noted that it would be difficult to find suitable coursework in medication administration for nurses who have been disciplined for medication errors.

Presentation on the Progression of Cases Through the Disciplinary System by Dennis Spillane, Executive Director of the Office of Professional Discipline (OPD)

Mr. Spillane provided a detailed overview of the State Education Department's Office of Professional Discipline. He described the types of cases that OPD handles, and the role that BON Members play in assisting OPD with the cases. Mr. Spillane provided an in-depth description of how OPD investigators and prosecutors manage discipline cases, from the point at which OPD receives a complaint of alleged misconduct and during the investigation into alleged misconduct. He described how OPD determines whether there is sufficient evidence the licensed professional committed professional misconduct. He then described how OPD tries to resolve cases, such as closing cases for lack of evidence, issuing administrative warnings, settling cases, or bringing them to hearing. Mr. Spillane outlined his role as Professional Conduct Officer. Mr. Spillane answered BON Members questions regarding discipline cases. BON Members and Mr. Spillane engaged in a discussion of the challenges associated with discipline cases, and how to resolve issues when a health care facility fails to meet regulatory. BON Members asked Mr. Spillane to return at the next scheduled BON meeting to continue the discussion and to describe OPD's role in moral character cases and restoration cases.

Additional Business:

Dr. Beard encouraged greater in-person participation in BON meetings to ensure the BON has quorum to conduct business and described future plans for the BON. She noted that her term on the BON will end on May 31, when Mr. Pajarillo will take over as BON chairperson. BON Members agreed on potential future dates for BON meetings, including, September 14, 2023; January 11, 2024; March 28, 2024, and June 6, 2024. Ms. Sullivan will follow up with an email to solicit interest in serving as Chair, Vice Chair positions, and for participation in one of the three committees and as Chair of each committee or member at large.

The meeting adjourned at 1:05 PM.