

ANNUAL REPORT

OHIO BOARD OF NURSING

July 1, 2009 through June 30, 2010



The mission of the Ohio Board of Nursing is to actively safeguard the health of the public through the effective regulation of nursing care.

Prepared for the Honorable Ted Strickland, Governor



Ohio Board of Nursing

www.nursing.ohio.gov

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December 1, 2010

The Honorable Ted Strickland
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Dear Governor Strickland:

On behalf of the Ohio Board of Nursing (Board), we are pleased to submit this annual report for state fiscal year 2010, in accordance with Section 4723.06 of the Revised Code. The report highlights the work of the thirteen-member Board, supported by a staff of fifty-eight employees.

The Board administered and enforced the provisions of Ohio Revised Code Chapter 4723. Licenses and certificates were issued and renewed to qualified individuals; education and training programs were surveyed and approved; and licensees and certificate holders were disciplined and their practice monitored if they violated the Nurse Practice Act or administrative rules regulating practice.

Thank you for your ongoing support as the Board continues its work for public protection and safe nursing care.

Respectfully yours.

A handwritten signature in cursive script that reads "Bertha M. Lovelace".

Bertha Lovelace, RN, CRNA
President

A handwritten signature in cursive script that reads "Betsy J. Houchen".

Betsy Houchen, RN, MS, JD
Executive Director

Mission

The mission of the Ohio Board of Nursing is to actively safeguard the health of the public through the effective regulation of nursing care.

Overview

The Board met seven times during the year for a total of fifteen meeting days. Meetings were held at the Board office, 17 South High Street, Suite 400, Columbus, Ohio. In the fall of 2009, the Board elected Bertha Lovelace as Board President and re-appointed Betsy J. Houchen as Executive Director. For all or part of fiscal year 2010, the following individuals served as Board members: (See Appendix A for a detailed roster)

Bertha Lovelace, RN, President
Patricia Protopapa, LPN, Vice President
Anne Barnett, RN, Supervising Member for Disciplinary Matters
Janet Boeckman, RN
Patricia Burns, LPN
Judith Church, RN
Kathleen Driscoll, RN
Delphenia W. Gilbert, RN
Lisa Klenke, RN
Maryam W. Lyon, RN
Johnnie Maier, Jr., Consumer Member
J. Jane McFee, LPN
Melissa Meyer, LPN
Tracy Ruegg, RN
Roberta Stokes, RN
Eric Yoon, RN

In addition to carrying out its responsibilities pursuant to Chapter 4723. of the Revised Code, the Board conducted strategic planning. The Board adopted the following Strategic Initiatives to promote public safety and the safe practice of nursing:

1. Assure licensees and certificate holders meet statutory and regulatory requirements to be licensed or certified to practice in Ohio and are appropriately credentialed to practice, while maintaining an efficient and effective system to license or certify applicants as quickly as possible to enter or remain in the workforce.
2. Efficiently handle complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving chemical dependency or practice issues, provide alternatives to discipline programs, if determined appropriate.

3. Approve pre-licensure education programs to assure the programs maintain academic and clinical standards for the preparation of entry-level nurses.
4. Assure licensees and certificate holders maintain competency based on continuing education standards set forth in the Nurse Practice Act and administrative rules.
5. Address pertinent regulatory issues and requirements for licensees and certificate holders and provide greater clarity about the requirements to those regulated by the Board.
6. Implement technological systems to increase organizational efficiency and the use of resources.

Nursing Education

The Board approves pre-licensure education programs to assure the programs maintain academic and clinical standards for the preparation of entry-level nurses.

- The Board convened the Advisory Group on Nursing Education. The Advisory Group provided recommendations to the Board concerning issues related to nursing education and Administrative Code Chapter 4723-5, the education rules, and reviewed the Carnegie Report that provided recommendations for nursing education.
- The Board reviewed and maintained the approval status of 159 education programs (86 registered nurse programs and 73 practical nurse programs).
- Board staff conducted site visits to 48 approved education programs. The Board subsequently reviewed the programs for re-approval.
- The Board found certain nursing education programs were not meeting or maintaining the regulatory requirements. Therefore, six programs were placed on provisional approval status and two programs were notified of the Board's recommendation to withdraw Board approval.
- The Board maintained the approval status of 22 Dialysis Technician Training Programs; 19 Medication Aide Training Programs; and 3 Community Health Worker Training Programs.

- The Board appointed a Board Education Liaison, Board member Judith Church, to act on behalf of the Board to address questions concerning nursing education programs and determine whether issues warrant further review and consideration by the Board.
- As a cost-saving measure, the Board eliminated two field offices for the education consultants.
- The Board granted new program approval status to fifteen programs:
 - American Institute of Alternative Medicine, Practical Nursing (Columbus)
 - American Institute of Alternative Medicine, Registered Nursing, Associate Degree (Columbus)
 - Bohecker College, Practical Nursing; subsequently name changed to Fortis College (Ravenna);
 - Fortis College, Registered Nursing, Associate Degree (Cuyahoga Falls)
 - Fortis College, Registered Nursing, Associate Degree (Cincinnati)
 - Fortis College, Practical Nursing (Cuyahoga Falls)
 - Fortis College, Practical Nursing (Cincinnati)
 - ITT Technical Institute, School of Health Sciences Nursing Program, Registered Nursing, Associate Degree (Hilliard)
 - Kaplan Career Institute, Registered Nursing, Associate Degree (Brooklyn)
 - Ohio American Healthcare, Registered Nursing, Diploma (Columbus)
 - Ohio American Healthcare, Practical Nursing (Columbus)
 - Ohio Medical Career Center, Practical Nursing (Dayton)
 - Ohio Valley College of Technology School of Nursing, Registered Nursing, Associate Degree (East Liverpool)
 - Southwestern College, Practical Nursing (Dayton)
 - Stautzenberger College, Practical Nursing (Maumee)
- The Board reviewed the performance of nursing education programs by tracking the performance of students taking the NCLEX licensure examination. Programs are required to have a passing rate at or above 95% of the national pass rate for first time test candidates. If programs do not meet the standard, they are required to report how the program will operate to improve the passing rate. Consecutive failures to meet the standard will jeopardize a program's approval status.

NCLEX Passing Percentage for First Time Test Candidates in 2009

	RN NCLEX	PN NCLEX
Ohio	87.62%	88.14%
National	88.42%	85.73%
95% of Natl' Average	83.99%	81.44%

Licensure and Certification

The Board issues licenses and certificates to individuals who meet statutory and regulatory requirements and implements processes to license, certify, and renew applicants as quickly as possible so they may enter or remain in the workforce.

- The Board regulated over 241,000 licenses and certificates, an increase from approximately 223,000 in 2008; 210,000 in 2006; and 191,000 in 2002.
- The Board continued to increase organization efficiency with the use of technology and online renewal. For the 2010 licensed practical nurse renewal, an online renewal rate of approximately 92% was achieved. The Board also developed a system to enable endorsement licensure applicants to check the status of their applications online.
- To assure other states, boards, employers, and the public have necessary and accurate data from Ohio when licensing, disciplining, hiring, or seeking information about licensees, the Board's IT and Licensure staff reviewed and submitted revised data to Nursys, a national database. This completed the first phase of the NCSBN Nursys Data Integrity Project.
- To expedite licensure applicants through the process and authorize their eligibility to take the NCLEX examination more quickly, the Licensure and Fiscal Units streamlined work processes between the units. This change resulted in a reduced licensure processing time of 5-7 business days.
- The Board continued use of the Systematic Alien Verification for Entitlements (SAVE) Program, an inter-governmental information sharing initiative designed to aid agencies in determining immigration status and thereby ensuring that only entitled non-citizen applicants receive a state license.
- The Board continued to take steps to reduce licensure fraud by phasing out the use of paper wallet cards. Employers now use online licensure verification as primary source verification. The Board eliminated the possibility of the wallet card being altered, forged, or misappropriated, thus mitigating identity theft and fraud.
- The Board agreed to implement primary source verification for advanced practice nurse national re-certification, and amended the administrative rules to authorize implementation of a system for primary source verification.

**Active Licenses and Certificates
(As of June 30, 2010)**

Type	Number
Registered Nurses (RNs)	168,880
Licensed Practical Nurses (LPNs)	57,086
Advanced Practice Nurses Certificates of Authority	9,010
Advanced Practice Nurses Certificates To Prescribe	4,680
Dialysis Technician Ohio Certified	1,469
Dialysis Technician Temporary Certificate 1	195
Dialysis Technician Temporary Certificate 2	15
Dialysis Technician Temporary Certificate 3	1
Community Health Worker	73
Medication Aide Certificates	94
TOTAL	241,503

**Nurses Licensed by Examination or Endorsement
(July 1, 2009 through June 30, 2010)**

RNs licensed by examination	8,094
LPNs licensed by examination	4,836
RNs licensed by endorsement	2,379
LPNs licensed by endorsement	404
TOTAL	15,713

Continuing Education

The Board assures that licensees and certificate holders maintain competency based on continuing education requirements set forth in the Nurse Practice Act and the administrative rules.

- The Advisory Group for Continuing Education, composed of continuing education approvers and providers, presented recommendations to the Board regarding continuing education issues and reviewed the administrative rules governing continuing education.
- The Board conducted a continuing education audit of 2,943 registered nurses for the 2007-2009 audit period. Verification of completion of the continuing education requirements was conducted for a randomly selected group of licensees.
- Ten Ohio Board of Nursing (OBN) Approvers of Continuing Education continued to assure that providers of continuing education met the requirements set forth in the administrative rules.

Compliance, Discipline, and Monitoring

The Board efficiently handles complaints, investigations, and adjudications to safeguard the health of the public and, in cases involving chemical dependency or practice issues, provides alternatives to discipline programs, as determined appropriate.

- In the Compliance Unit a staff of eight enforcement agents investigated complaints; five adjudication coordinators and three supervising attorneys were responsible for complaint intake review, review of investigations, and disciplinary actions; and five monitoring agents monitored compliance with Board actions and alternative program agreements for chemical dependency.
- During fiscal year 2010, the Board received 6,144 complaints. Based on the evidence obtained during the investigation, the Board pursued disciplinary action or closed the complaint.
- To increase states' access to discipline information, all Board actions were reported to national disciplinary data banks: NURSYS; Division of Practitioner

Data Banks, Health Resources and Services Administration, Department of Health and Human Services; and Sanctions & Exclusions, Office of Inspector General, Department of Health and Human Services.

- The Board implemented the use of Settlement Conferences for post-notice disciplinary cases to expedite the resolution of cases.
- The Board established the Board Hearing Committee to conduct administrative hearings and expedite hearing cases through the Chapter 119. hearing process.
- Monthly meetings with the Assistant Attorneys General (AAG) representing the Board were implemented to coordinate disciplinary processes and assure the timely resolution of disciplinary cases.
- Board staff implemented a new process for AAG review of notice cases for ongoing coordination of cases between the offices and better security of files.
- The Board took additional steps to assure the safety of the public by developing a mechanism to allow the Board to run comparative searches between the Board's licensure database and data from the state's sexual offender eSORN system (Electronic Sexual Offender Registration and Notification). In addition, through the NCSBN, the Board began conducting a comparative search using a nationally compiled sexual offender list.
- The Board conducted complaint investigations and took Board action for public protection. The Board decreased the processing time for discipline by providing complaint forms and Board actions by email; streamlining the case review process; and revising the disciplinary, applicant, and monitoring protocols.
- The Board developed and agreed to proceed with the Patient Safety Initiative, a joint collaboration with nursing employers to more comprehensively review and address nursing practice and systems' issues to improve patient safety. Scott Griffith, Chief Operating Officer of Outcome Engineering, provided a presentation to the Board on Just Culture for regulators.
- Compliance staff continued to represent Ohio on two national committees convened by NCSBN, the Disciplinary Resources Committee and the Chemical Dependency Program Review Committee.

Complaints

Type of Complaint	Number
Action Taken in Another State/Jurisdiction	259
Addendum	2
APN Practice Issues	38
APN lapses	9
Boundaries	47
Community Health Worker Applicant	5
Confidentiality	32
Criminal	310
Default / Child Support	9
Dialysis Applicant	25
Drugs/Alcohol	708
Endorsement Applicant	228
Fraud, Theft	20
Fraud (Medicare/Medicaid)	5
Imposter/Never Licensed	23
Invalid License (lapsed/inactive)	44
Medication Aide Applicant	5
Miscellaneous	1,166
NCLEX Test Applicant	1,568
Non-compliance	193
Nursing Student	5
Patient Abuse	63
Practice	854
Physical Impairment	2
Psychiatric Impairment	24
Renewal Applicant	446
Reinstatement	54
TOTAL	6,144

Licensure Applicants Referred to Compliance for Review

Type	Total Number	Number and Percentage Referred to Compliance
Licensure by examination	12,930	1,568 (12%)
Licensure by endorsement	2,783	228 (8%)
TOTAL	15, 713	1, 796 (11.4%)

Board Actions

Type of Action Taken	Number
Board Order	155
Permanent Surrender	40
Default Order	7
Consent Agreement	592
Notice of Opportunity	242
Immediate Suspension	92
Temporary Suspension	9
Summary Suspension	3
Automatic Suspension	70
Suspension Without Stay	258
Stayed Suspension (Probation)	370
Revocation	0
Permanent Revocation	99
Reprimand	55
Permanent Withdrawal of Application	0
Non-Permanent Withdrawal of Application	13
Voluntary Retirement	10
TOTAL	2,015

Monitoring

Cases	Number
Active cases	1,043
Inactive cases ¹	1,238
Monitoring ceased due to the issuance of an Automatic Suspension and Notice of Opportunity for Hearing	66
Monitoring ceased due to Board release of the licensee/certificate holder from the terms and conditions of their Board Order/Consent Agreements	145
Removed from monitoring due to permanent licensure surrenders	11
TOTAL	2,503

Alternative To Discipline Programs

The Board monitors individuals' compliance with the requirements of confidential alternative to discipline programs and their ability to return to safe practice.

Alternative Program For Chemical Dependency

Monitoring Agents monitored participants' compliance with their Alternative Program Agreements that set minimum requirements necessary for the Board to determine the ability of actively recovering individuals to practice nursing in accordance with the Nurse Practice Act.

Case Description	Number
Applications mailed	80
Applications returned	44
Active cases	82

¹ Cases on inactive monitoring status generally involve suspended licenses or certificates. The case is assigned to "active" monitoring status upon an individual's request for reinstatement and/or entry into a post-suspension consent agreement.

Admissions	28
Successful completions	32
Ineligible for admission	63
Terminations	17

Practice Intervention & Improvement Program (PIIP)

Board staff monitored participants' compliance with their Participatory Agreements that set minimum requirements for practice remediation, including education and worksite monitoring.

Case Description	Number
Referrals	11
Cases admitted	10
Cases active as of 6-30-10	10
Successful completions	3
Refused admission/ineligible	1
Failed to complete terms of program agreement	0

Nursing Practice

The Board addresses pertinent nursing regulatory issues and requirements for licensees and certificate holders and provides greater clarity about the requirements to those regulated by the Board.

- Board staff responded to inquiries regarding the application of the Nurse Practice Act and administrative rules to specific practice situations pertaining to nursing, advanced practice, dialysis care, medication aides, and community health workers.
- The Board convened Committees on Practice to collect and review information concerning practice questions and when necessary,

recommend Interpretive Guidelines for Board approval. One such Committee examined the role of the registered nurse in bariatric procedures and subsequently, the Board adopted an Interpretive Guideline, “The Registered Nurse’s Role in Filling and Unfilling a Client’s Gastric Band.” The Board approved another interpretative Guideline, “The Role of the Registered Nurse During an Emergent Intubation Performed by a Physician.”

- The Board convened the Advisory Group on Dialysis, comprised of four dialysis technicians, a registered nurse who regularly performs dialysis and care for dialysis patients, a nephrologist, an administrator of a dialysis center, a dialysis patient, a representative of the Ohio Hospital Association, and a representative from the end-stage renal disease network. The Advisory Group advised the Board regarding the qualifications, standards for training and competence of dialysis technicians, and related matters.
- The Board worked with the Medical and Pharmacy Boards to finalize and issue an updated Joint Regulatory Statement in January 2010.
- The Board convened the Committee on Prescriptive Governance (CPG) comprised of a clinical nurse specialist, a certified nurse midwife, a certified nurse practitioner, a registered nurse member of the Board, four physicians who meet the statutory requirements of committee membership, a pharmacist who is actively engaged in clinical pharmacy, and a pharmacist member of the Board of Pharmacy. The Committee developed recommendations regarding the prescribing authority of APNs who hold a certificate to prescribe. This year, CPG focused discussion on a searchable formulary database and the concept of an exclusionary formulary.
- The Board maintained and updated the Formulary that establishes the parameters for drugs prescribed by advanced practice nurses who hold a certificate to prescribe.
- The Board contributed to the creation of a national patient safety database by submitting TERCAP cases to NCSBN. Using TERCAP data, NCSBN will track disciplinary cases involving practice breakdown, develop a national database on patient care, and identify patterns of error, risk factors, and system issues that contribute to practice breakdown. This will assist in the development of new approaches for patient safety. A Board staff member served on the NCSBN TERCAP Committee during the development of the TERCAP tool and subsequently served as Chair of this national committee.

Administration

Administration includes operational support such as legal, fiscal, personnel, legislative and regulatory matters, information technology, and communications.

Communications

Throughout the year, the Board informed the public, licensees, certificate holders, and other interested parties about the Nurse Practice Act and administrative rules governing practice, proposed statutory and regulatory changes, and other issues relating to regulation.

- The Board issued *Momentum*, a magazine published quarterly at no cost to the Board, and distributed the publication to holders of active licenses and certificates.
- The Board redesigned its website to make information more accessible to the public. The Board also regularly updated the site to include electronic versions of brochures, disciplinary actions, nursing education program information, Board meeting materials, upcoming events, FAQs, downloadable forms, and proposed rule changes.
- The Board used an electronic mailing service to send out news and time sensitive e-mail announcements.
- The Board implemented Twitter as another means to timely communicate information to licensees and the public.
- The Board maintained an ongoing liaison and working relationship with multiple state agencies, nursing groups, and other health care stakeholders to foster information sharing.
- The Board scheduled an Open Forum at each Board meeting to provide an opportunity for interested parties to address the Board.

Information Technology

- The Board continued to expand its use of the eLicensing system by providing more detailed discipline information to the general public. Additional disciplinary documents were linked to the license credential or certificate record and to improve public accessibility.
- The Ohio Center for Nursing website continued to be coordinated by the Board and maintained independent of the Board's primary website. Established to promote nursing as a career and provide information about

the nursing workforce in Ohio, this website also functioned as the Ohio Network for Nursing Workforce (ONNW) site for Ohio's membership in the National Forum for State Nursing Workforce Centers.

- An online nursing workforce survey, developed by NCSBN, was implemented by modifying the online renewal site that allows for LPN participation in the survey. NCSBN also distributed the survey to RNs.
- Board staff participated in the state eLicense Policy Work Group and worked with the Office of Information Technology to address eLicense system improvements and a system revision.

Nurse Education Grant Program

The Board provided grant funding to nursing education programs for the purpose of increasing their nursing student enrollments. Ten dollars of each nurse license renewal fee is used to fund the Nurse Education Grant Program (NEGP), established by Sub. House Bill 95 (2003). For the 2009-2011 grant cycle, the Board awarded eleven grants totaling \$2,000,000.

Nurse Education Assistance Loan Program

To assist the State of Ohio in meeting nursing shortages and to encourage students to remain in Ohio as they enter the nursing profession, the Board assists the Ohio Board of Regents in administering the Nurse Education Assistance Loan Program (NEALP). Five dollars of each nurse license renewal fee is used to fund NEALP. This program provides financial assistance to Ohio students as an incentive to serve as nurses, or nursing faculty in Ohio nursing education programs, after graduation. For the application period ending June 1, 2010, \$441,500 was awarded to applicants. Under NEALP, loan recipients are potentially eligible for 100% loan forgiveness based upon their commitment to engage in Ohio nursing employment.

Administrative Rules and Legislation

The Board completed the five-year review of applicable administrative rules, as required by Revised Code Section 119.032. The Board also amended additional administrative rules that were not scheduled for the five-year review, primarily to clarify rule requirements and language.

As mandated by HB 648 (127th GA), which required state agencies to adopt rules regulating access to confidential personal information, the Board promulgated administrative rules, effective October 1, 2010, in accordance with the requested timeline. The Board monitored proposed legislation that could impact the practice of nursing or Board operations, provided Board members legislative reports, and worked with other regulatory boards and interested parties on issues of mutual interest.

APPENDIX A
Board Members
(Members for All or Part of Fiscal Year 2010)

Name/Position	City	End of Term
Bertha M. Lovelace, RN, CRNA, President	Shaker Heights	12/31/12
Patricia Protopapa, LPN Vice-President	Canfield	12/31/11
Lisa Klenke, RN	Coldwater	12/31/09
Janet L. Boeckman, RN	Mansfield	12/31/09
Patricia Burns, LPN	Mentor	12/31/09
Kathleen Driscoll, RN	West Chester	12/31/09
Anne Barnett, RN Supervising Board Member for Disciplinary Matters	Junction City	12/31/10
Eric Yoon, RN Chair, Committee on Prescriptive Governance	Springboro	12/31/10
Delphenia W. Gilbert, RN Chair, Advisory Group on Continuing Education	Akron	12/31/11
Judith A. Church, RN Nursing Education Liaison Chair, Advisory Group on Nursing Education	Miamisburg	12/31/12
Johnnie Maier, Jr., Consumer Member	Massillon	12/31/12
Melissa G. Meyer, LPN Chair, Advisory Group on Dialysis	Amelia	12/31/12
Maryam W. Lyon, RN	Sidney	12/31/13
J. Jane McFee, LPN	Perrysburg	12/31/13
Tracy Ruegg, RN	Powell	12/31/13
Roberta Stokes, RN	Cleveland	12/31/13

APPENDIX B FISCAL OPERATIONS FY2010

Revenue	
Income from Fees	\$11,253,961
Transfer to Nursing Ed. Fund*	\$387,180
Transfer to NEGP Fund*	\$774,360
Adjusted Revenue Total	\$10,092,421

*Note: NEALP & NEGP transfers are a quarter behind, as we must complete the QTR before completing the transfer.

Payroll and Personal Services Account	
All Staff	\$4,813,116
Training and Registrations	\$3,200
Court Reporting	\$8,303
Hearing Officers	\$44,365
Expert Witnesses	\$600
Subpoena Fees	\$374
Advisory Group Travel	\$4,439
Bank Lock Box & Bank Fees	\$0
Purchased Services (other)	\$9,652
Actual Spent	\$70,934
Allotment	\$76,729
Remaining	\$5,796

Maintenance Account	
Rent (+space repairs, improve)	\$236,360
Maintenance & Repairs	\$31,419
Office Supplies	\$16,828
Staff Travel	\$37,192
Telephone	\$34,783
Telephone (DAS)	\$34,747
Attorney General	\$48,146
Printing (via DAS)	\$16,204
Printing (Other)	\$11,456
Bank Lock Box & Bank Fees	\$89,682
Computer Services (DAS)	\$27,248
Computer Maintenance (other)	\$5,519
Computer Services	\$0
Other (Postage, Etc.)	\$99,569
Actual Spent	\$689,151
Allotment	\$715,468
Remaining	\$26,317

Equipment Account	
Computer / IT	\$21,848
All other	\$1,366
Actual Spent	\$23,214
Allotment	\$23,214
Remaining	\$0

Refund Account	
Actual Spent	\$937
Allotment	\$1,022
Remaining	\$85

Board Member	
Payroll	\$78,557
Other Expenses	\$0
Actual Spent	\$78,557
Allotment	\$80,000
Remaining	\$1,443

Board Travel & Maintenance	
Travel	\$30,071
Other Expenses	\$6,270
Actual Spent	\$36,341
Allotment	\$38,000
Remaining	\$1,659
OPERATIONAL COSTS TOTALS	\$5,712,250

Special Issues Fund	
Beginning Balance**	\$19,580
New Donations / CE	\$0
Actual Spent	\$0
Fund Balance	\$19,580
FY 09 Allotment	\$5,000

**Cash balance from FY08

NEGP FUND	
Actual Disbursed	\$1,013,838
Administrative Expenses	\$50,617
FY 08 Allotment	\$1,450,000
Remaining	\$436,163
SFY 2009 Appropriation	
Operational Budget 4K90	\$5,699,080
**Special Issues 5P80	\$5,000
Nurse Education Grant 5AC0	\$1,450,000