

**OHIO BOARD OF NURSING
BOARD RETREAT
APRIL 18-19, 2006
9 A.M. – 4 P.M.**

**THE MISSION OF THE OHIO BOARD OF NURSING IS TO ACTIVELY
SAFEGUARD THE HEALTH OF THE PUBLIC THROUGH THE EFFECTIVE
REGULATION OF NURSING CARE.**

The following Board members and staff participated in the Board Retreat held at the Drury Hotel, 6170 Parkcenter Circle, Dublin, Ohio.

Board Members:

Cynthia Krueger, MSN, RN, President
Teresa Williams, LPN, Vice President
Anne Barnett, BSN, RNC
Janet L. Boeckman, RN, MSN, CPNP
Judith Brachman, Consumer Member
Debra Broadnax, MSN, RN, CNS
Elizabeth Buschmann, LPN
Kathleen Driscoll, JD, MS, RN
Mary Jean Flossie, LPN, NHA
Lisa Klenke, MBA, RN, CNA-A
Bertha Lovelace, RN, BA, CRNA, Supervising Member, Disciplinary Matters
J. Jane McFee, LPN
Kathleen O'Dell, RN, M.Ed., N.C.S.N.

Board Staff:

Betsy Houchen, RN, MS, JD, Executive Director
Lisa Emrich, MSN, RN, Practice & Alternative Programs Unit Manager
Lisa Ferguson Ramos, RN, JD, Compliance Unit Manager
Holly Fischer, JD, General Counsel
Diana Hisle, Executive Assistant
Norma Selders, RN, MS, Education, Licensure & Nursing Practice
Cynthia Snyder, JD, Legislative/Regulatory Specialist (present morning of April 18)
Stacy Thacker, Administrative Unit Manager (present April 19)

Welcome and Updates

President Cynthia Krueger welcomed Board members and staff. Director Betsy Houchen reviewed the Retreat agenda. President Krueger and Director Houchen facilitated the discussions throughout the Retreat. Vice President Teresa Williams read the Board mission statement each day.

Legislative Proposals

On April 18, 2006, the Board members received a memo dated April 18, 2006, distributed by Betsy Houchen and Holly Fischer regarding "Possible Amendments to the Nurse Practice Act (NPA)." Ms. Fischer reviewed and discussed the suggested changes and rationale. For the most part, the document identified legislative changes that have been discussed in the past with the Board. The following information was discussed:

- I. Medication Aide Legislation Related Corrections
§4723.01 Definitions; § 4723.03 Unlicensed practice of nursing; authorized titles and initials; §4723.99 Penalties; [§4723.65.2] §4723.652 Sanctions; and §4723.69 Rules.
- II. Other Corrections and Suggested Law Changes
§4723.01 Definitions; §4723.08 Fees; §4723.24. License renewal; notice of change of address or name; continuing education; inactive license; §4723.28. Disciplinary actions against licensees or certificate holder; investigations; [§4731.22.1] §4731.221 (*Note: reviewed*)

language in the Medical Practices Act) Suspension of certificate of mentally ill or mentally incompetent practitioner; § 4723.32 Exceptions from licensing requirement; § 4723.34 Duty to report misconduct by licensee; § 4723.35 Alternative program for chemical dependency; and § 4723.17 Requirements for administration of intravenous therapy by licensed practical nurse.

- III. Section 4723.09 Application for License; Temporary Permit (January 9, 2006 memorandum attached: Licensure by Endorsement and Examination).
- IV. Dialysis Technician Certificates
§4723.75 Issuance of certificate; demonstration of competency;
§4723.76 Temporary Certificate; and §4723.74 Approval of dialysis training program.

Attached to the April 19, 2006 memorandum were memos dated July 8, 2005 regarding proposed fees and January 9, 2006 regarding licensure by endorsement, previously reviewed by the Board.

Following an overview of the recommendations, President Krueger reminded the Board that they would be discussing the legislative recommendations during the Retreat and specific language could change as staff continued to work on the proposals. Ms. Houchen updated the Board regarding the legislative amendments that LPNAO had proposed. Board staff worked with LPNAO for an agreed upon legislative amendment for the budget corrections bill, but legislators did not include the amendment.

Board members stated that they would like to review the recommendations overnight so they could have additional discussion on the second day of the Retreat. Ms. Houchen requested that the Board consider setting priorities and consider the timing of proposals in light of the elections and transition period. Staff member Cynthia Snyder described her thoughts about the political climate with a new administration and legislature that could impact legislative changes. The Board requested that staff bring a priority listing to the second day of the Retreat for the Board's discussion.

In addition to the recommendations in the Memorandum, Board members requested staff to research Emeritus licensure status for nurses. Also, the Board discussed adding additional automatic bars to the statute and asked if Compact Licensure states have automatic bars to licensure or plan to adopt them. Lisa Ferguson-Ramos responded that based on information we have received, the Compact states do not have nor plan to move toward having automatic bars to licensure. Board members requested additional information on recommended automatic bars. Board members expressed support for adding a felony exclusion with a time limitation and thought it would be helpful for nursing education programs and for those considering entering a nursing program.

Board Advisory Groups and Task Forces

The Board received a written memorandum, dated March 31, 2006, regarding recommendations for Advisory Groups submitted by Norma Selders, and copies of Board Policies, "Board of Nursing Advisory Groups" (4723-B-013) and "Board Member Liaisons and the Board Supervising Member for Discipline" (4723-B-012). Ms. Selders explained that she modeled the recommendations in part based on the structure, function, outcome and future direction of the Medication Aide Advisory Council.

Ms. Selders reviewed the current Advisory Group structure and the recommendations for each group. Ms. Selders stated that the recommendations included consideration of the nursing community and stakeholders having a voice and for the Board to have adequate information for sound decisions. Board

members were in agreement that there could be fewer meetings of Advisory Groups and that the meetings should be "issue oriented." Ms. Krueger suggested changing the name of the "CE Advisory Group" to "OBN Approvers Advisory Group." Ms. Broadnax asked that there be a means for APNs to have a voice at the Board. Ms. Selders added that perhaps stakeholder meetings could be held one to two times a year, as needed, for each group. Holly Fischer suggested that the Board establish a standing subcommittee on Practice consisting of Board members. Meetings could be held one to two times a year, as needed, to seek public opinion regarding issues that arise. As issues are identified through the subcommittee structure or other means, the Board could establish Task Forces to address the issues.

Ms. Houchen discussed the APN Practice Task Force. It was recommended that the APN Task Force continue through completion of the development of the APN decision-making model. The Board discussed whether to continue the Practice Task Force for practice issues for both APNs and RNs. President Krueger stated that we need to define a Task Force and how a Task Force is used. Lisa Emrich discussed the types of practice questions she receives. She stated that her role is to assist nurses to apply the nursing regulations to their individual practices for the purpose of ensuring safety of the public.

Judith Brachman stated that open forums are great for nurses, but she believed consumers need a focus group to allow for more interchange with nurses so the discussion is less intimidating.

There was general consent to the recommendations and the Advisory Group Chairs indicated they were supportive of the recommendations. Ms. Houchen stated that staff would revise the Board policies for Board review at a future Board meeting.

Approval of Pilot Program Facilities and Training Programs

On Tuesday, April 18, 2006 at 3:00 p.m. the Board received and reviewed the Pilot Program Participating Facility Applications from Nursing Homes and Residential Care Facilities, and Training Program Applications. Tables summarizing the information and the facility and training program applications were provided to Board members.

Nursing Homes

LOUISVILLE CENTER FOR REHABILITATION & NURSING CARE, INC., LOUISVILLE

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY J. JANE MCFEE, THAT THE BOARD FIND LOUISVILLE CENTER FOR REHABILITATION & NURSING CARE, INC. OF LOUISVILLE, OHIO INELIGIBLE AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM, AS THE DEPARTMENT OF HEALTH HAS FOUND IN THE TWO MOST RECENT SURVEYS OR INSPECTIONS OF THE FACILITY THAT THE FACILITY IS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATION. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. MARY JEAN FLOSSIE ABSTAINED.

LANFAIR CENTER FOR REHABILITATION & NURSING CARE, INC., LANCASTER

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY LISA KLENKE, THAT THE BOARD APPROVE LANFAIR CENTER FOR REHABILITATION & NURSING CARE, INC. OF LANCASTER, OHIO AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. MARY JEAN FLOSSIE ABSTAINED.

ALTERCARE OF NAVARRE CENTER, NAVARRE

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY LISA KLENKE, THAT THE BOARD APPROVE ALTERCARE OF NAVARRE CENTER OF NAVARRE, OHIO AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION WAS DEFEATED BY MAJORITY VOTE OF THE BOARD MEMBERS. TERESA WILLIAMS, LISA KLENKE AND ELIZABETH BUSCHMAN VOTED IN FAVOR. ANNE BARNETT, KATHLEEN O'DELL, KATHLEEN DRISCOLL, JANET L. BOECKMAN, J. JANE MCFEE, JUDITH BRACHMAN, DEBRA BROADNAX AND CYNTHIA KRUEGER OPPOSED. BERTHA LOVELACE AND MARY JEAN FLOSSIE ABSTAINED.

VANDALIA PARK, VANDALIA

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD FIND VANDALIA PARK IN VANDALIA, OHIO INELIGIBLE AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM, AS THE DEPARTMENT OF HEALTH HAS FOUND IN THE TWO MOST RECENT SURVEYS OR INSPECTIONS OF THE FACILITY THAT THE FACILITY IS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

GABLES CARE CENTER

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD FIND GABLES CARE CENTER OF HOPEDALE, OHIO INELIGIBLE AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM, AS THE DEPARTMENT OF HEALTH HAS FOUND IN THE TWO MOST RECENT SURVEYS OR INSPECTIONS OF THE FACILITY THAT THE FACILITY IS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

CARRIAGE INN OF DAYTON, DAYTON

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY J. JANE MCFEE, THAT THE BOARD FIND CARRIAGE INN OF DAYTON, DAYTON OHIO INELIGIBLE AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM, AS THE DEPARTMENT OF HEALTH HAS FOUND IN THE TWO MOST RECENT SURVEYS OR INSPECTIONS OF THE FACILITY THAT THE FACILITY IS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

MARJORIE P. LEE RETIREMENT COMMUNITY, CINCINNATI

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY DEBRA BROADNAX, THAT THE BOARD DISAPPROVE MARJORIE P. LEE RETIREMENT COMMUNITY OF CINCINNATI, OHIO AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

LOGAN ELM HEALTH CARE, CIRCLEVILLE

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY DEBRA BROADNAX, THAT THE BOARD FIND LOGAN ELM HEALTH CARE, CIRCLEVILLE, OHIO INELIGIBLE AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM, AS THE DEPARTMENT OF HEALTH HAS FOUND IN THE TWO MOST RECENT SURVEYS OR INSPECTIONS OF THE FACILITY THAT THE FACILITY IS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATION. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. MARY JEAN FLOSSIE OPPOSED.

Residential Care Facilities

CARRIAGE HOUSE ASSISTED LIVING, STEUBENVILLE

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY DEBRA BROADNAX, THAT THE BOARD APPROVE CARRIAGE HOUSE ASSISTED LIVING, IN STEUBENVILLE, OHIO AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. JUDITH BRACHMAN AND KATHLEEN O'DELL OPPOSED.

ARDEN COURTS OF BATH, AKRON

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE ARDEN COURTS OF BATH, IN AKRON, OHIO AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE WAS ABSENT FOR THE VOTE.

ARDEN COURTS OF PARMA, PARMA

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY MARY JEAN FLOSSIE, THAT THE BOARD APPROVE ARDEN COURTS OF PARMA, IN PARMA, OHIO AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE WAS ABSENT FOR THE VOTE.

ARDEN COURTS OF ANDERSON, CINCINNATI

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD APPROVE ARDEN COURTS OF ANDERSON, IN CINCINNATI, OHIO AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE WAS ABSENT FOR THE VOTE.

OTTERBEIN NORTH SHORE RETIREMENT COMMUNITY, LAKESIDE-MARBLEHEAD

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY TERESA WILLIAMS, THAT THE BOARD APPROVE OTTERBEIN NORTH SHORE RETIREMENT COMMUNITY, IN LAKESIDE-MARBLEHEAD, OHIO AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL OPPOSED. DEBRA BROADNAX WAS ABSENT FOR THE VOTE.

Training Programs

ABSOLUTE HEALTH CARE TRAINING CENTER, NORTH CANTON

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE ABSOLUTE HEALTH CARE TRAINING CENTER AS A MEDICATION AIDE TRAINING PROGRAM, FINDING THAT IT MEETS THE REQUIREMENTS OF RULE 4723-27-07 OAC. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. MARY JEAN FLOSSIE ABSTAINED. DEBRA BROADNAX WAS ABSENT FOR THE VOTE.

ARDEN COURTS WESTLAKE, WESTLAKE

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY MARY JEAN FLOSSIE, THAT THE BOARD APPROVE ARDEN COURTS OF WESTLAKE AS A MEDICATION AIDE TRAINING PROGRAM, FINDING THAT IT MEETS THE REQUIREMENTS OF RULE 4723-27-07 OAC. MOTION ADOPTED BY

MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. MARY JEAN FLOSSIE ABSTAINED. DEBRA BROADNAX WAS ABSENT FOR THE VOTE.

OTTERBEIN NORTH SHORE RETIREMENT COMMUNITY, LAKESIDE-MARBLEHEAD

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD APPROVE OTTERBEIN NORTH SHORE RETIREMENT COMMUNITY AS A MEDICATION AIDE TRAINING PROGRAM, FINDING THAT IT MEETS THE REQUIREMENTS OF RULE 4723-27-07 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX WAS ABSENT FOR THE VOTE.

On Tuesday April 18, 2006, the Retreat ended at 4:10 p.m.

Wednesday, April 19, 2006

Legislative Proposals (Continued)

Holly Fischer distributed a list of possible priority levels for the legislative proposals. She requested direction from the Board regarding timing for the changes. Ms. Fischer reviewed each amendment in depth to determine the Board's agreement with the recommendations, the priority level or whether more research or discussion was needed. Following discussion and review, the Board agreed by general consent and requested that a status report of the priority schedule be provided at future Board meetings. The general consensus was as follows:

Expedited Items

- Application for Licensure by Endorsement (4723.09)
- LPNAO Legislative Proposals (4723.01 (F); 4723.32 (A); and (C), (F) – The Board agreed with the changes discussed with LPNAO/ONA representatives
- Addition of a Waiver for Active Duty Military (4723.08 – New (E))
The Board directed that the proposed deployment period be reduced from “twelve months” to “three months.”
- Additional Basis for Disciplinary Action (4723.28 (B) based upon failure to cooperate in an investigation
- Duty to Report Misconduct by Licensee (4723.34) – The Board asked staff to research whether to use the word “utilize” rather than “contracts with” and approved “reason to believe” language

For July 2006 Meeting

The Board asked staff to prepare a written report as follows: (i) identifying potential legislative vehicles/strategies to amend the following items, as referenced in the April 18, 2006 Memorandum; (ii) presenting additional research as noted; (iii) presenting final draft language. The Board approved of the recommendations in the April 18, 2006 Memorandum with changes noted in the timeframes indicated below.

- Medication Aide Legislation Corrections – The Board would like to implement changes by June 2007
- Fee Amendments (4723.08)
 - The Board would like to see revised language 4723.28 (20)
 - Further research and draft 4723.08 (24) language
 - The Board agreed on new language for \$2,000 pre-licensure nursing program application fee with addition of “initial” prior to word “application”

- The Board did not specify a timeframe for fee changes, but asked that staff provide updates on possible legislative vehicles based on the changing political climate in 2006-2007
- Other Technical Corrections (4723.24 (A); 4723.17 (E)(4) – The Board agreed with the changes as in the April 18 Memorandum and would like final language and inclusion in a July 2006 legislative vehicle report

Longer Term – Additional Research Needed

The Board indicated they want to consider the following items for potential legislative change, but would like staff to conduct additional research.

- Disciplinary Actions (4723.28)
 - The Board would like final language on (E) revision (expungement)
 - The Board would like research on (I) revision (confidentiality)
- Suspension of License Based on Certificate of Mentally Ill (Medical Board 4731.221) – The Board would like additional research and final draft language
- Licensure (4723.09) – Felony Preclusion/Felony Bars
 - Research and prepare case law examples of Felony Bar based on expanded list of offenses cited in April 18 Memorandum
 - Research information from other states and other available data regarding the ten-year felony preclusion
- Licensure (4723.09) – “In Good Standing.” Finalize language, including language for temporary work permit
- Dialysis Technician Language – Work with Dialysis Technician Advisory Group to finalize language changes and bring back to Board
- Emeritus licensure status – The Board would like staff to explore this possibility

Compliance/Discipline

The Board discussed consent agreements, non-compliance with consent agreements, and conditions and restrictions. Ms. Ramos suggested incorporating in-office interviews for some of the Priority III and IV complaints. It was also suggested that there could be short suspension time, such as five days prior to probation, based on the violation. The Board agreed that consent agreements would be negotiated on a case-by-case basis considering mitigating factors, and staff would consider employment if recommending a short suspension time in conjunction with a probationary period. Also, staff will review the use of refresher courses. Deliberations were also discussed and it was recommended that NCSBN should develop a video for new Board members about deliberations.

The Board received “Processing and Disposition of Complaints,” and “Discipline Priorities and Guidelines,” submitted by Lisa Ferguson-Ramos. Ms. Ramos reviewed the documents identifying the section added upon Board approval of the information at the March 2006 meeting. She asked for the Board’s review of

the policies and made recommendations for revisions. The Board reviewed both policies and agreed to the revisions by general consent. Ms. Ramos stated revised versions would be provided at the May Board meeting.

Board Agenda and Processes

The Board received the current Board agenda format, a re-formatted draft Board agenda, and a table indicating a yearly schedule for specific items covered by the Board. Ms. Houchen explained that the purpose of changing the format was to streamline the agenda to make it easier to prepare and to follow. Lisa Klenke suggested adding the Strategic Plan on the schedule under Governance items so the Board would regularly review the progress on reaching the goals for the year. Following review, the general consensus was to begin using the new format for the July 2006 Board meeting and to re-evaluate the revised format as needed.

Strategic Plan

The Board received a copy of the Strategic Plan 2005-2006 Evaluation, submitted by Betsy Houchen. The Board reviewed the outcome measures of each unit and asked questions. Jeannie Flossie recommended that next year all units continue to review management objectives and have action steps. Lisa Klenke suggested that staff review the National Council's Strategic Plan as an example.

Lisa Emrich distributed a draft Strategic Plan for the Practice area and reviewed it with Board members. She explained that certain practice issues could warrant Board clarification through the development of Interpretive Guidelines. The Board discussed the merits of using Interpretive Guidelines and discussed that the Board could not create new standards or rules through this process. Following discussion, Holly Fischer recommended that prior to implementing Interpretive Guidelines, she would like for the Attorney General's office to work with staff in reviewing the use of Interpretive Guidelines and the criteria for establishing such guidelines.

Other topics

Workforce Survey

Betsy Houchen began a discussion regarding questions about the 2003 Board workforce survey and whether the Board should conduct another survey. Ms. Houchen stated that the Board would need to consider the costs and ability of conducting it with on-line renewals or conducting a mass mailing to licensees. Ms. Houchen added that staff could review options and present information to the Board for further consideration.

Development of PREP/PIIP

Lisa Emrich updated the Board on the development of PREP/PIIP. Ms Emrich stated that OAC Chapter 18 will need to be updated and that the law allows for the new process implementations. She stated that more specific information would be presented during the July 2006 Board meeting.

Ethics

Ms. Houchen began a discussion regarding conflicts of interest when Board members and staff work outside of state employment or are in leadership positions of various organizations. Although Board members and staff have had ethics training, questions arise during the course of everyday business that may need to be reviewed. Specifically, questions have recently been asked regarding providing seminars for nurses.

There is an Advisory Opinion (No. 99-003) regarding "State Employees Receiving Payment for Speaking Services." The questions that were posed included, "Does the Ethics Law prohibit a state employee from receiving payments for speaking or writing services provided through a sole proprietorship she established before she became a state employee? Does the

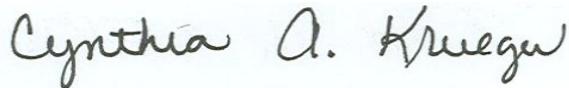
Ethics Law prohibit her from receiving payment for speeches she provides as an employee of her state agency?" The Ethics Commission answered, "No, the law does not prohibit the employee from receiving payment for speaking or writing services through the business she established before she became a state employee, **unless: (1) the payment is from a party that is regulated by**, interested in matters before, or doing or seeking to do business with the state office she serves; or (2) the payment is made for speeches she provides as an employee of her state agency, regardless of the subject of the speech or source of the payment."

Ms. Houchen stated that several staff members have received opinions from the Ethics Commission regarding outside employment issues. Holly Fischer encouraged Board members to contact the Ethics Commission directly should they have questions regarding conflicts of interest.

Adjournment

The retreat adjourned at 4:05 p.m. on Wednesday April 19, 2006.

Cynthia Krueger, MSN, RN, President



Attest:



Betsy Houchen, RN, MS, JD
Secretary