

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
NURSING PRACTICE
COMMITTEE MEETING MINUTES**

DATE: October 7, 2021

START TIME: 9:00 am

LOCATION: **NOTE:** A physical meeting location is not being provided pursuant to the provisions of Government Code section 11133 (added by Assembly Bill No. 361 (Rivas), Reg. Sess. 2021-2022).

The Nursing Practice Committee of the Board of Registered Nursing held a public meeting via a teleconference platform.

Thursday, October 7, 2021 – 9:00 am – 5:00 pm Committee Meetings

9:01 am

7.0

Call to Order/Roll Call/Establishment of a Quorum

Elizabeth Woods – Chair, called the meeting to order at 9:00 am. All members present. Quorum established at 9:01 am.

**Nursing Practice
Committee:**

Elizabeth Woods, RN, FNP, MSN – Committee Chair
Dolores Trujillo, RN, President
Mary Fagan, PhD, RN, NEA-BC
Jovita Dominguez, RN

**BRN Staff
Representatives:**

Janette Wackerly, MBA, RN, Supervising Nursing Education
Consultant – Staff Liaison
Reza Pejuhesh – Legal Counsel
Loretta Melby – Executive Officer

Committee Meeting started off with Agenda Item 7.4, first, because of a request for a hard stop at 10:00 am from one of the presenters. This was done after the Roll Call.

10:03 am

7.1

Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for
Agenda Item 7.1:

No public comment.

10:10 am

7.2

Review and Vote on Whether to Approve Previous Meeting Minutes:

➤ June 24th, 2021

MOTION:

Elizabeth Woods: Motion, to approve the previous meeting minutes.

SECOND:

Dolores Trujillo

Public Comment for Agenda Item 7.2:

No public comment.

VOTE:

Vote	EW	DT	MF	JD
	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB				

Motion Passed

10:16 am

7.3

Discussion and Possible Action: Regarding the Nursing Practice Committee’s scope, charter, etc.

Committee Member Discussion:

Mary Fagan: Asked to add “emerging issues” to the charter.

Jeanette Wackerly: Recommended to add “common and emerging issues” to the charter.

Mary Fagan: Agreed and asked to add “such as nursing burnout and/or fatigue” as well.

Betty Woods: Requested to add “etc.” to the end of the parenthesis.

MOTION:

Mary Fagan: Motioned to accept the charter with the stated changes.

SECOND:

Elizabeth Woods

Public Comment for Agenda Item 7.3:

Dolores Trujillo: Expressed adding the term “moral distress” with nurses to be added to the Charter.

A new Motion, and Second were made- once the additional amendments were added, by Board President Trujillo.

NEW MOTION:

Mary Fagan: Motioned to add the language of “moral distress” to the Charter.

NEW SECOND: **Dolores Trujillo**

VOTE:

Vote	EW	DT	MF	JD
	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB				

Motion Passed

9:07 am

7.4

Discussion and Possible Action: Regarding request from Atkinson, Andelson, Loya, Ruud & Romo for a formal opinion: “Does a registered nurse commit misconduct subject to disciplinary action when the nurse administers medicinal cannabis to a qualified patient student on a school campus pursuant to a physician’s care plan?”

Committee Member
Discussion:

Reza Pejuhesh: Explained that the effect of this is limited to the parties involved but that it isn’t an isolated incident within school districts and could potentially be a reoccurring issue. Further explained that it would be called a precedential decision and could be relied on for other cases if this issue occurs again.

Elizabeth Woods: Expressed concerns over the issue as to why the Board is dealing with this issue years later.

Reza Pejuhesh: Explained that the Office of Administrative hearings had a decision back in 2018 regarding a different set of circumstances which dealt with the passing of the use for Cannabis with Federal and Local governments. Free and Public Education (FAPE) requires that students receive a free and public education. The Administrative Law Judge had ruled back in 2018 that a student may receive the medicinal Cannabis products at school in order to continue to receive a free and public education.

Mary Fagan: Questioned if the Board can give a formal decision or based on the issue and if there is risk to the Board by giving a formal opinion/decision.

Reza Pejuhesh: Explained that a Board decision may not necessarily be cited for future legal proceedings. These are informal opinions and would be non-binding in the future. Expressed that there wouldn’t be a risk if the Board has an opinion on this issue.

Mary Fagan: Questioned if the Committee should make a motion today for that motion to move forward to Board in November.

Loretta Melby: Expressed that as nurses medicinal uses for products are used constantly and it would be beneficial for the Board to give an opinion. This will allow people to have a reference statement that they can use.

Michael Davis, Attorney: Expressed that this issue has been involved with various circumstances and proceedings over several years. The 2018 case was a separate set of facts with similar circumstances. Further explained that Physicians would have to make the recommendation for a patient based on their experience and that a physician would have to conduct a medical examination initially before making a recommendation for administering medicinal cannabis to a patient.

Elaine Yamaguchi, BPNPT: Explained that this issue will become a bigger issue in the future, and she will also be presenting to her Board.

Dolores Trujillo: Asked if this separate from the FDA drug, Epi DLX.

Michael Davis, Attorney: Explained that this is a separate issue.

Loretta Melby: Further explained that Epi DLX- is CBD and it does not contain the THC.

Mary Fagan: Questioned if this decision be made as declaratory or precedential.

Reza Pejuhesh: Explained that a declaratory decision does not need to be made precedential, necessarily. Further explained that a precedential decision can be used in the future for legal proceedings, cited as authority as an administrative decision, and will not have restrictions or limitations for future issues. A declaratory decision more informal and is not served as precedent for use in other cases.

MOTION: **Mary Fagan:** Motioned to advance this to the full Board in November for further discussion.

SECOND: **Dolores Trujillo**

Public Comment for
Agenda Item 7.4:

Sheri Coburn, California School Nurses Association:
Expressed that medicinal marijuana has been administered to students, under the Compassionate Care Act. Without prescriptive

amounts, school nurses are caught in the quandary of how to administer these medicinal products.

VOTE:

Vote	EW	DT	MF	JD
	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB				

Motion Passed

10:32 am

7.5

Nurse Practitioner Advisory Committee (NPAC) Updates – Informational Only

Loretta Melby provided an update on NPAC activities.

Public Comment for Agenda Item 7.5:

Charlotte Gullap-Moore: Explained that for the information shared on the NPAC, asked for consideration of a Grandfather clause for Nurse Practitioners that are already working.

10:43 am

7.6

Nurse-Midwifery Advisory Committee (NMAC) Updates – Informational Only

Loretta Melby provided an update on NMAC activities.

Public Comment for Agenda Item 7.6:

No public comment.

10:49 am

7.7

Adjournment

Elizabeth Woods, Committee Chair, adjourned this meeting at 10:50 am.

Submitted by:

Accepted by:

McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing

Elizabeth Woods, RN, FNP, MSN
Committee Chair
Nursing Practice Committee
California Board of Registered Nursing