

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2008-2009

Suite 326, RSA Plaza

770 Washington Ave

Montgomery, Alabama

April 16, 2009

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on April 16, 2009. The following Board members were present: Mike Harper, CRNA, JD, President; Debra Davis, DSN, RN, Vice-President; Gregory Howard, LPN, Secretary; Pamela Autrey, PhD., MSN, RN; Harry Brown, Jr., MA, MBA, CFP®; Melissa Bullard, LPN; Maggie Lee Hopkins, LPN; Patricia LeCroy, MSN, RN; Rose Linsky, MSN, RN; Susan F. Lovett, MSN, CRNP; Amy Price, MSN, RN; and Sharon Pugh, LPN. Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Allison Terry, Ph.D., RN, Director, Center for Nursing; Charlene Cotton, MSN, RN, Advanced Practice Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Continuing Education; Carolyn Morgan, MSN, RN, Practice; Andy Stewart, Licensing/IT Director; Brad Jones, IT Systems Specialist; Richard Pasley, IT Systems Specialist; Richard Boyette, Programmer Analyst; Barbara Johnson, Administrative Services Officer; Carol Smith, Administrative Support Assistant; Cathy Boden, MSN, RN, Legal Nurse Consultant; Moniaree Jones, MSN, RN, Legal Nurse Consultant; and Alice Maples, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with twelve Board members present. Sylvia Nobles, MSN, CRNP, was not present.

C. Review of Agenda

1. Additions, Modifications, Reordering

IX. Letter from Dr. Alan Heins related to correspondence

he received from ABN and the Alabama Board of Medical Examiners was added to the agenda.

2. Adoption of Agenda

On April 16, Ms. Linsky moved that the Board adopt the Agenda, as amended. Ms. Hopkins seconded. Motion carried.

II. STANDARDIZED PROCEDURES

A. Lap Band Adjustments by LPNs – Advanced Surgeons

Ms. Morgan reported that Advanced Surgeons, PC, submitted a standardized procedure application requesting approval for LPNs to perform the lap band adjustments. A letter from Dr. Touliatos was enclosed that requested approval for RNs and LPNs, however, the practice currently has no RNs on staff.

The technical skill required for accessing the lap band port is essentially the same as accessing a vascular port (Port-a-cath). The connection tube carries the solution from the port to the inner band, low-pressure inner tube. The outer rim of the ring is semi-rigid silicone. The procedure is not technically difficult. The consequence of incorrect filling may not be evident for several hours after the patient leaves the office.

This protocol will not be placed as an order on each patient's chart; it will be a standard office procedure/protocol that all nurses will follow on every patient.

Ms. Morgan provided copies of the application, policy and procedure, correspondence from Dr. Touliatos, correspondence from the office manager, program agendas, information on Lap-Band System, and the protocol for lap band adjustments for the Board's information and review.

The Board reviewed and discussed the information provided.

On April 16, Mr. Howard moved that the Board approve the standardized procedure application from Advanced Surgeons, PC, for LPNs to perform Lap Band Adjustments with the presence of a physician in the office. Dr. Davis seconded. Motion carried with two oppositions (Dr. Autrey and Ms. Linsky).

III. POLICY

A. Amendment, ABN Administrative Code, Rule 610-X-4-.07, Licensure by Endorsement

Ms. Lee reported that the newly promulgated continuing education (CE) chapter went into effect March 30, 2009. The Board eliminated the distinction between independent study and attended CE. The current rules for licensure by endorsement specify that only twelve hours of independent study can be used for CE. The amendment is necessary to delete the reference to independent study.

Ms. Lee provided copies of the proposed amendments for the Board's information and review.

On April 16, Ms. Pugh moved that the Board approve amendment to ABN Administrative Code, Rule 610-X-4-.07, Licensure by Endorsement. Ms. Linsky seconded. Motion carried.

B. Amendment, ABN Administrative Code, Rule 610-X-4-.08, Renewal of License

Ms. Lee reported that the newly promulgated continuing education (CE) chapter went into effect March 30, 2009. The Board eliminated the distinction between independent study and attended CE. The current rules for license renewal specify that only twelve hours of independent study can be used for CE. The amendment is necessary to delete the reference to independent study.

Ms. Lee provided copies of the proposed amendments for the Board's information and review.

On April 16, Ms. Pugh moved that the Board approve amendment to ABN Administrative Code, Rule 610-X-4-.08, Renewal of License. Ms. Linsky seconded. Motion carried.

C. Amendment, ABN Administrative Code, Rule 610-X-4-.10, Reinstatement of Lapsed License

Ms. Lee reported that the newly promulgated continuing education (CE) chapter went into effect March 30, 2009. The Board eliminated the distinction between independent study and attended CE. The current rules for reinstatement of a lapsed license specify that only twelve hours of independent study can be

used for CE. The amendment is necessary to delete the reference to independent study.

Ms. Lee provided copies of the proposed amendments for the Board's information and review.

On April 16, Dr. Autrey moved that the Board approve amendment to ABN Administrative Code, Rule 610-X-4-10, Reinstatement of Lapsed License. Ms. Linsky seconded. Motion carried.

IV. OPEN FORUM

A. Mark Wilkerson, Hearing Officer

Ms. Lee reported that she invited Mark Wilkerson, Hearing Officer, to the Board meeting and introduced him to the Board.

Mr. Wilkerson reviewed his role as hearing officer and answered general questions from Board members.

V. EXECUTIVE OFFICER

A. LPN Renewal

Ms. Lee reported that the staff is in the process of reviewing the LPN renewal processes. Based on a review of 2008 RN renewal, the process between Alabama Interactive (AI) and the Board will go back to pre-2008 functioning processes. In 2007, the LPNs were informed by letter that paper applications would no longer be mailed for future renewals.

There are over 1,000 LPNs with an active license who were born prior to 1946. While older LPNs may use a computer as much as younger ones, we probably need to provide an alternative if the LPN does not have a computer or access to a computer.

The Board discussed whether to provide the option for paper renewals.

On April 16, Ms. LeCroy moved that the Board mail a renewal notice in August 2009 to all active LPNs informing them that they must renew online. Ms. Pugh seconded. Motion carried with one opposition (Dr. Davis).

B. Licensing Management System Proposal: Cyberbest Technologies

Ms. Lee reported that the Board purchased a licensing database, License 2000, in 1999. When the current EO arrived, the product had been purchased and installation was scheduled for January 2000. The product was “sole sourced” through the Department of Purchasing and as a result, there were no requirements developed for the system. It is a Commercial-Off-the-Shelf (COTS) system and it was not customized for ABN because of the costs associated with customization. Also, the system does not allow staff to make significant changes as rules change. The installation of the licensing database caused changes in the organizational structure and the processes for licensing applicants. Approximately \$500,000 was spent for the licensing database in 1999-2000. The initial quote contained modules that the company had not developed and those were cancelled. One upgrade has been purchased in the last nine years for \$84,500.00. Because the database does not meet our needs, including accurate reports from the data entered into the system, the staff began searching for a new system approximately four years ago.

The Board’s strategic plan has a strategy in the Discipline/VDAP section for “Identification of and implementation of a reliable searchable tracking database.” In the advanced practice section, a strategy is “Workable high level database created and maintained for purposes of advanced collaborative practice.”

Contact with other boards of nursing occurred and other Boards are in the same position of needing a licensing database that is specific to the activities of nursing. System Automation, the manufacturer and developer of License 2000, has a web-based product and the entire staff sat through a webinar to look at what is available. The new product does not even have a module for VDAP to use and the current system does at least have monitoring available. The new product is expensive and the company would not give us a quote.

About three years ago, the EO approached Alabama Interactive (AI) about building a customized solution for the ABN. Two different employees of AI came to the Board office at two different times. They were to develop requirements for a system so that we could have the specifications for what the system needed to be in case we could not find software to meet our needs. After eighteen months, and the AI employees leaving AI to either transfer within the company or accept other positions, the Board was left without

a product. There were no real requirements developed and it became evident that AI could not customize a licensing system for the ABN.

Staff looked at other COTS software. Unfortunately, other licensing systems were like License 2000—broad data fields but not customizable. One system we reviewed did not have the ability for the Board staff to change the data elements. Another was purchased by another Board of Nursing and in less than six months, the system was abandoned.

ABN staff met with representatives of Cyberbest Technologies, Inc. a couple of months ago. Two Cyberbest staff spent a week at the ABN office (without charge) talking to each staff member discussing our needs and requirements for a system. In addition to the licensing management system, we asked for a case management system for legal, a custom system for VDAP and probation monitoring, a call center (software to use as a knowledge base), and a web-based system that would facilitate use. A high level proposal was presented to the IT staff and EO on March 25, 2009.

Cyberbest proposes to develop a licensing management system, case management system, call center software, and all the other activities associated with regulation of licensees, CE providers, imaging system etc. for \$1.4 million plus. Based on all aspects of the software we are requesting, the price is reasonable. Also, the ABN would own the source code so that we could make changes as we needed to and if we needed Cyberbest's services, we could pay for them through a maintenance agreement or on an as-needed basis. We do not have a maintenance agreement for L2K due to the costs. None of the COTS products we reviewed allows us control of the source code.

During our due diligence, we checked references on the company. Cyberbest has developed systems for various agencies in Alabama. A representative of the Department of Postsecondary Education indicated that Cyberbest followed through on their commitment and if there was money available, they would continue to have them developing software applications for them. A representative of the Retirement Systems of Alabama (RSA) gave Cyberbest Technologies a glowing reference indicating that Cyberbest developed several member applications for the RSA and met their obligations. The RSA representative indicated that they used the onsite/offsite model proposed by Cyberbest and that their seven month project met all timelines and expected

deliverables. RSA indicated they would use Cyberbest again if the need arose. A representative of the Administrative Office of Courts (AOC) indicated that Cyberbest Technologies exceeded the AOC's expectations and that they would use them in the future. All three agency representatives indicated that communication occurred throughout the development and implementation of their projects.

One of the key points in the discussions with Cyberbest was the need to have knowledge transfer from Cyberbest to the Board's IT staff to assure that the IT staff can support the new system. Cyberbest will also convert current data in L2K to the new system so there will not be a need to re-enter data. Data migration from L2K to the new system is included in the price quote.

Tim Wyatt, Solution Architect, presented Cyberbest's proposal to the Board. Prasad Valay, CEO; Mark Stephens, Program Manager; and Satya Chinta, Technical Lead, were also present.

Ms. Lee provided copies of the proposal and budget information for the Board's information and review.

The Board reviewed the information and asked questions of the Cyberbest representatives.

On April 16, Dr. Davis moved that the Board approve the proposal from Cyberbest Technologies, Inc. to develop a customized licensing management system for the Board. Mr. Howard seconded. Motion carried.

Ms. Lee reported that Cyberbest will start development on May 1, 2009.

C. Agency Restructuring Plan

Ms. Lee reported that she is not prepared to talk about the restructuring plan. She will present her plan at the May 2009 Board meeting.

Mr. Harper tabled the item.

D. Nursing Education Annual Report: Failure to Complete

Ms. Lee reported that the 2008 Nursing Education Annual Report was made available online in November 2008. The schools were given until December 1, 2008 to complete the report. One of the institutions did not complete their report until the end of January,

2009. A review of the program reports occurred in February 2009 and electronic mails were sent to the program director or dean to identify the data gaps and asking that the report be completed. A review of the annual reports on March 26, 2009, revealed that four programs did not complete the annual report and data gaps remain. An email was sent to the program director/dean to ask for a reason why the report is incomplete.

The Army 91 Whiskey also did not respond at all. The program has not had graduates in the last three years and has not responded during the same time frame. There are no regulations that specify that the program has to be active.

University of Alabama in Huntsville BSN Program, University of Mobile ADN and BSN Programs, and Lawson State Community College-Bessemer Campus PN Program have significant gaps in data, as in no report of data on salaries for any faculty. Ms. Lee reported that since the Board materials were prepared, all but the University of Mobile BSN Program submitted data.

Ms. Lee provided copies of the applicable rules for the Board's information and asked the Board for direction on how to deal with the nursing programs that fail to complete the annual report.

The Board reviewed and discussed the information provided.

On April 16, Dr. Davis moved that the staff send a letter to the programs that have not completed the annual report, advising them they have thirty days to complete the report or they will be issued a Notice of Deficiency for failure to respond to the Board. Ms. Hopkins seconded. Motion carried.

VI. CONTINUING EDUCATION

A. 2008 RN Renewal CE Audit

Ms. Drake-Speer reported that each license renewal period ABN staff conducts a continuing education audit. The audit now occurs in January following renewal. Two percent are randomly selected for the audit and includes licensees who failed the previous audit and failed to respond in a timely manner. Notices of Audit were mailed on January 14, 2009. The regular audit excluded the two percent randomly selected due to a special audit that was ongoing. Ms. Drake-Speer reported that in September at the request of the Executive Officer, staff began the review of manual entries made

by nurses from October 2006 through September 2008. A total of 7,936 manual entries were reviewed. A request for information was mailed to continuing education providers and licensees.

Ms. Drake-Speer reviewed the status of both audits.

B. Continuing Education Provider Workshop

Ms. Drake-Speer reported that the ABN has identified the need to have a workshop for continuing education providers related to the continuing education rules. This needs assessment is a result of phone conversations with providers, audit of providers, review of applications, and interaction with providers at speaking engagements. The workshop is scheduled for May 14, 2009 and will be held at the Marriott Conference Center at Capital Hill in Prattville.

Ms. Drake-Speer provided copies of the agenda and reported that it has been revised.

The Board reviewed and discussed the agenda.

Mr. Howard and Ms. Bullard requested to attend the CE workshop.

VII. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the ABN and the Alabama Board of Medical Examiners (ABME) adopted the Joint Committee recommendation to submit certain collaborative practice application to the respective Boards without direct review by the Joint Committee. The roster includes physician applicants who have met all ABME qualifications and fees. The roster does not include applications for remote site practice, additional skills and/or restricted drugs.

Ms. Cotton provided copies of the roster for the Board's review and approval.

On April 16, Ms. Linsky moved that the Board approve the CRNP and CNM applicants for collaborative practice as listed in the published roster. Mr. Howard seconded. Motion carried.

VIII. BOARD TRAVEL

A. Citizen Advocacy Center: "Regulatory Management of Chemically Dependent Healthcare Practitioners", San Francisco, CA – June 17, 2009

No Board members requested to attend.

Ms. Lee reported that Ms. Davis will attend.

IX. OTHER

- Ms. Lee reported that she received a letter from Dr. Alan Heins in response to correspondence he received from ABN and the Board of Medical Examiners regarding a rule change allowing collaborating physicians to elect to authorize non-licensed personnel to give injections at remote sites operated by nurse practitioners or nurse midwives. Ms. Lee provided copies of the letter and her response for the Board's information and review. The Board directed Ms. Lee to send the letter on behalf of the Board.
- Ms. Lee introduced Moniaree Jones, Legal Nurse Consultant, and Carol Smith, Administrative Support Assistant, to the Board.

X. BOARD MEETING DEBRIEFING

XI. ADJOURNMENT

The meeting adjourned at 2:04 p.m. on April 16, 2009.

Original Signatures on File

Michael D. Harper, President

Gregory Howard, Secretary

Recorder: Leslie Vinson
04/16/2009