

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2008-2009

Suite 326, RSA Plaza

770 Washington Ave

Montgomery, Alabama

February 19, 2009

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:01 a.m. on February 19, 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; Sylvia Nobles, 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., Director, Center for Nursing; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Continuing Education; Carolyn Morgan, MSN, RN, Practice; Cathy Boden, MSN, RN, Legal Nurse Consultant; and Alice Maples, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with thirteen Board members present.

C. Review of Agenda

1. Additions, Modifications, Reordering

2. Adoption of Agenda

On February 19, Ms. Linsky moved that the Board adopt the Agenda, as amended. Mr. Brown seconded. Motion carried.

II. BOARD TRAVEL

A. ACAPNEP Nursing Student Retention Workshop, Montgomery, AL – March 5, 2009

Ms. Linsky was approved to attend.

B. National Conference for Nurse Practitioners, Boston, MA – April 25-28, 2009

No Board members requested to attend.

III. STANDARDIZED PROCEDURES

A. Echocardiographic Bubble Study – Thomas Hospital

Ms. Morgan reported that Thomas Hospital submitted a standardized procedure application for RNs to perform the procedure of injecting the fluid/air mixture while monitoring the patient for any adverse signs. The Echocardiographic Bubble Study is performed in order to ascertain right to left cardiac shunt. The procedure is performed during an Echocardiographic study under the direction of a cardiologist with the injection of an agitated air/fluid mixture.

Ms. Morgan provided copies of the application, policy and procedures; organized program of study, competency checklist, and an article on Air Embolism for the Board's information and review.

The Board reviewed and discussed the information provided.

B. Removal of Boomerang Catalyst Device – Thomas Hospital

Ms. Morgan reported that Thomas Hospital submitted a standardized procedure application for RNs in Medical Intensive Care Unit (MICU), Surgical Intensive Care Unit (SICU), Cardiovascular Lab and Cardiovascular Unit (CVU) to perform Boomerang Catalyst Device removal with the physician physically present in the facility. The Boomerang Catalyst Device is inserted by the physician in lieu of a typical arterial closure device following a procedure in the cardiovascular lab or in the interventional radiology department.

The advantage of using a Boomerang Catalyst Device over a

traditional sheath is the amount of time the nurse has to hold manual pressure to the arterial puncture site to achieve hemostasis. With the Boomerang no foreign object is left in the body.

Ms. Morgan provided copies of the application, background information on the Boomerang Device versus arterial/venous sheath, policy and procedure, organized program of study, and the competency checklist for the Board's information and review.

The Board reviewed and discussed the information provided.

Ms. LeCroy moved that the Board approve the standardized procedure application from Thomas Hospital for RNs in MICU, SICU, Cardiovascular Lab and Cardiovascular Unit to perform Boomerang Catalyst Device removal with the physician physically present in the facility. Mr. Howard seconded. Motion carried.

C. Verification of Fetal Presentation via Ultrasound – Thomas Hospital

Ms. Morgan reported that Thomas Hospital submitted a standardized procedure application for RNs to perform verification of fetal presentation via ultrasound. Thomas Hospital proposes that the verification of vertex presentation using ultrasound will be performed prior to the initiation of Oxytocin or cervical ripening agents. They further propose that the RN will be limited to verification of fetal presentation that was clarified to mean the situation where the head is the presenting part in the pelvis. The nurses would not be determining the position of the head.

Ms. Morgan provided copies of the application, policy and procedure, organized program of study, proposed objectives, outline and evaluation, and the competency checklist for the Board's information and review.

The Board reviewed and discussed the information provided.

IV. POLICY

A. Final Certification, ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure

Ms. Drake-Speer reported that the Board approved changes to

ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure, at the September 2008 Board Meeting. The proposed rules were filed with the Legislative Reference Service and published in the September 30, 2008 *Alabama Administrative Monthly*. Following receipt of public comments, the Board elected not to provide final certification but made changes and republished.

The Board approved changes to the rules at the November 2008 Board meeting. The proposed changes were filed with the Legislative Reference Service and published in the December 31, 2008 *Alabama Administrative Monthly*. The proposed changes were posted on the Board's web site, sent via List Serve to all Board-approved continuing education providers, and sent via electronic mail to various nursing organizations. The Board held a public hearing on January 22, 2009 and the only comment received was from Katie Drake-Speer, ABN Nursing Consultant for Continuing Education, and it related to neonatal resuscitation programs. The deadline for public comment was February 4, 2009.

Ms. Drake-Speer provided copies of the proposed changes, the current Chapter 610-X-10, and the written comments for the Board's information and review.

The Board reviewed and discussed the information provided.

Dr. Davis moved that the Board repeal ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure and approve, as final certification, new ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure. Ms. Linsky seconded. Motion carried.

B. Final Certification, ABN Administrative Code, Chapter 610-X-2-.10, Definitions, Continuing Education for Licensure

Ms. Drake-Speer reported that the Board approved changes to ABN Administrative Code, Chapter 610-X-2-.10, Definitions, Continuing Education for Licensure, at the September 2008 Board Meeting. The proposed rules were filed with the Legislative Reference Service and published in the September 30, 2008 *Alabama Administrative Monthly*. Following receipt of public comments, the Board elected not to provide final certification but made changes and republished.

The Board approved changes to the rules at the November 2008 Board meeting. The proposed changes were filed with the

Legislative Reference Service and published in the December 31, 2008 *Alabama Administrative Monthly*. The proposed changes were posted on the Board's web site, sent via List Serve to all Board-approved continuing education providers, and sent via electronic mail to various nursing organizations. The Board held a public hearing on January 22, 2009 and there were no comments specific to the definitions. The deadline for public comment was February 4, 2009.

Ms. Drake-Speer provided copies of the proposed changes for the Board's information and review.

The Board reviewed and discussed the information provided.

Ms. Linsky moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-2-10, Definitions, Continuing Education for Licensure. Mr. Howard seconded. Motion carried.

C. Review of Staff Guideline: Illegal Practice

Ms. Maples reported that the Board reviewed staff guidelines for illegal practice in March 2008. The staff recommended going back to the reprimand and fine rather than suspension unless the individual practiced on a lapsed license for over one year. The current guidelines are: a) letter of admonishment: practicing without a license or advanced practice approval for seven days or less and there was no adverse patient outcome; b) reprimand and fine: practicing without a license or advanced practice approval for eight days to six months; c) probation: practicing without a license or advanced practice approval for six months to one year; and d) suspension followed by probation: practicing without a license or advanced practice approval for one year or more.

While the case mentioned in the March 2008 information most likely led to the outcome, the staff have a question regarding the letter of admonishment category. If an individual practices in the patient care arena for any length of time without having the proper credentials, is it appropriate to issue a letter of admonishment for that practice? There are four months for an individual to renew and there are significant ramifications for facilities that have an individual with a lapsed license working in a licensed position and providing patient care.

If there is a desire to reduce the level of discipline, perhaps a public reprimand for individuals who work without a license for

seven days or less would be more appropriate. Leaving off the fine separates that individual from the one who works eight days to six months without proper credentials.

Ms. Maples provided copies of the March 2008 information for the Board's information and review.

The Board discussed changing the staff guidelines for illegal practice.

On February 19, Ms. Nobles moved that the Board disapprove changes to the Staff Guidelines for Illegal Practice. Ms. Lovett seconded. Motion carried with four oppositions (Mr. Howard, Ms. Pugh, Ms. Price, and Ms. Bullard) and one abstention (Mr. Brown).

Mr. Harper requested that the Staff Guidelines for Illegal Practice be reviewed again at the March Board meeting.

Dr. Davis suggested reviewing the guidelines now rather than postponing until March.

Mr. Harper opened the floor for further discussion.

Dr. Autrey moved that the Board amend the staff guidelines for practicing without a license or advanced practice approval for seven days or less to a reprimand and fine. Ms. Pugh seconded.

After discussion, Dr. Autrey withdrew her motion.

Ms. Linsky moved that the Board amend the Staff Guidelines for Illegal Practice to: a) reprimand and fine: practicing without a license or advanced practice approval for up to six months; b) probation: practicing without a license or advanced practice approval for six months to one year; and c) suspension followed by probation: practicing without a license or advanced practice approval for one year or more. Mr. Howard seconded. Motion carried with one abstention (Ms. LeCroy).

D. Review of ABN Administrative Code, Chapter 610-X-6, Standards of Nursing Practice

Ms. Morgan reported that the Board reviews regulations every

three years with periodic changes as dictated by practice. The last changes were made to the chapter in 2007. Board staff have reviewed the chapter and propose changes. Proposed changes will provide clarification and a more user-friendly language for licensees and providers. The proposed changes relate to the addition of definitions to Chapter 610-X-6 related to practice; provision of clarification of practice issues as defined in the statute; addition of sections on assessment, documentation, medical administration and wound care reflecting the more frequently asked questions and reasons for disciplinary action; separation of practice in specific settings to Chapter 610-X-7 for clarification; and additions of declaratory rulings by the Board.

Ms. Morgan provided copies of the proposed rules for the Board's review.

The Board reviewed the proposed rules and made changes.

Dr. Davis requested that the staff provide more definitions of delegation and assignment.

The proposed rules will be reviewed again at the April Board meeting.

E. Review of ABN Administrative Code, Chapter 610-X-7, Standards of Nursing Practice, Specific Settings

Ms. Morgan reported that the Board reviews regulations every three years. With the addition of the section on practice in residential community mental health settings, the number of specific settings defined in Chapter 610-X-6 increased to four (Registered Nurse First Assistant, Sexual Assault Nurse Examiner, School Nurses, and Alabama Department of Mental Health Residential Community Programs). Board staff have reviewed the rules for specific settings and propose that their movement to a separate chapter within the ABN Administrative Code would provide additional clarity and greater ease of location and reading for licensees and providers. The proposed changes relate to use of Chapter 610-X-7 (previously reserved) for specific practice settings; inclusion of definitions related to specific settings of practice; provision of clarification of practice issues as defined in the statute; and inclusion of declaratory ruling for school nurses related to over-the-counter medications.

Ms. Morgan provided copies of the proposed rules for the Board's information and review.

The Board reviewed and discussed the proposed rules.

Ms. LeCroy requested to see how other states handle delegation in non traditional settings.

The proposed rules will be reviewed again at the April Board meeting.

F. Review of ABN Administrative Code, Chapter 610-X-8, Disciplinary Action

Ms. Maples reported that the Board reviews regulations every three years. The last changes were made in 2005. Board staff reviewed the chapter and drafted proposed changes, which were discussed at the December 2008 Work Session. Following the Work Session, Board staff made changes at the Board's direction. The proposed changes relate to addressing difficulties in articulating professional boundaries; addressing issues of drug and alcohol abuse that do not rise to the level of addiction; addressing the variety of methods employed to avoid criminal convictions; clarifying reinstatement of revoked license requirements; and closing loopholes in regulatory explanations of grounds for discipline.

Ms. Maples provided copies of the proposed rules for the Board's information and review.

The Board reviewed the proposed rules and made changes.

The proposed rules will be reviewed again at the April Board meeting.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. 1st Quarter NCLEX-PN® Results

Ms. Lee provided copies of the 1st Quarter NCLEX-PN® Results for FY 2009.

The Board reviewed and discussed the NCLEX-PN® results for FY 2009.

B. 1st Quarter NCLEX-RN® Results

Ms. Lee provided copies of the 1st Quarter NCLEX-RN® Results

for FY 2009.

Ms. Lee reported that Ms. Drake-Speer will be making a site visit to Lawson State Community College on February 20.

The Program Directors for Calhoun State Community College and Chattahoochee Valley State Community College are on the March Board Meeting agenda to discuss their improvement plan.

The Board reviewed and discussed the NCLEX-RN® results for FY 2009.

VI. EXECUTIVE OFFICER

A. FYI

Ms. Lee provided the following items for the Board's information: (1) a copy of a letter from Amridge University requesting clarification on the administrative rules for starting a new nursing program; (2) a copy of a letter from Chamberlain College of Nursing notifying the Board of its intent to offer the Master of Science in Nursing program online; and (3) a copy of a letter from Jefferson State Community College notifying the Board of expansion of the LPN program to the Pell City campus.

B. Legislative Update

Ms. Lee provided an update on legislation that may have some impact on the Board.

VII. OTHER

- Mr. Harper thanked Ms. Price for her assistance in getting approval to fill the Legal Nurse Consultant position.
- Mr. Howard reported that Excelsior College was discussed at the Board of Directors meeting.
- Ms. Lee reported that the President and Dean of Excelsior College met with NCSBN trying to work collaboratively while trying to change the law in Georgia regarding online nursing programs with no clinical.

VIII. BOARD MEETING DEBRIEFING

IX. ADJOURNMENT

The meeting adjourned at 2:45 p.m. on February 19, 2009.

Michael D. Harper, President

Gregory Howard, Secretary

Recorder: Leslie Vinson
02/19/2009