

ALABAMA BOARD OF NURSING

ANNUAL BOARD MEETING

Fiscal Year 2009-2010

Suite 326, RSA Plaza

770 Washington Ave

Montgomery, Alabama

November 19-20, 2009

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on November 19, 2009, with the following Board members present: Mike Harper, CRNA, JD, President; Debra Davis, DSN, RN, Vice-President; Pamela Autrey, Ph.D., MSN; Harry I. Brown, Jr., MA, MBA, CFP®; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Maggie Lee Hopkins, LPN; Patricia LeCroy, MSN, RN; Rose Linsky, MSN, RN; 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: Charlene Cotton, MSN, RN, Advanced Practice; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Nursing Education; Carolyn Morgan, MSN, RN, Continuing Education/Practice; Jennifer Weaver, Chief Fiscal Officer; Frank Mitchell, Chief Special Investigator; Wyatt Gantt, Special Investigator; Danny Bond, Special Investigator; David Pinnock, Special Investigator; Ginny Pettway, Docket Clerk; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, 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 on November 19, 2009, and twelve members present on November 20, 2009. Gregory Howard, LPN, Secretary, was not present.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was given in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

V.B. 4th Quarter NCLEX-RN Results were removed from the Consent Agenda and placed on the agenda for discussion

VI.B.2. Executive Officer Evaluation was moved to Friday

2. Adoption of Consent Agenda

The following items were accepted on the Consent Agenda:

II.A. September 17-18, 2009 Board Meeting Minutes

II.B. October 15, 2009 Board Meeting Minutes

III.A. FY 2010 Board Action Follow-up

V.A. 4th Quarter NCLEX-PN Results

VI.A. Executive Officer

VI.A.2. FYI

VI.B.1. President's Report

VI.D.1. General Counsel/Deputy Attorney General

VI.D.2. Voluntary Disciplinary Alternative Program

VI.D.3. Probation Monitoring

VI.E. Operations/Personnel Report

VI.F. Licensing Division

VI.H. Board Member Attendance

VII.A. 2009-2013 Strategic Plan Update

VIII.A.1. Education Report

VIII.B.1. Practice Report

VIII.D.1. Continuing Education Report

On November 19, Ms. Price moved that the Board adopt the Consent Agenda, as amended. Ms. Linsky seconded. Motion carried without objection.

3. Adoption of Agenda

On November 19, Mr. Brown moved that the Board adopt the Agenda, as amended. Ms. Hopkins seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. September 17-18, 2009 Board Meeting Minutes

The September 17-18, 2009 Board Meeting Minutes were accepted on the Consent Agenda.

B. October 15, 2009 Board Meeting Minutes

The October 15, 2009 Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. FY 2010 Board Action Follow-up

Ms. Lee's report of Board action follow up was accepted, as information, on the Consent Agenda.

IV. NATIONAL COUNCIL OF STATE BOARDS OF NURSING, INC.

A. Report from the Board of Directors: Dr. Autrey

Dr. Autrey reported on the NCSBN Board of Directors of meeting.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. 4th Quarter NCLEX-PN® Results

The 4th Quarter NCLEX-PN® Results were accepted, as information, on the Consent Agenda.

B. 4th Quarter NCLEX-RN® Results

Ms. Drake-Speer reported that there was an error on the NCLEX-RN® Results for the 3rd Quarter. A graduate of Beville State Community College was listed on Alabama Southern Community College's report. NCSBN has been notified and it will be corrected.

VI. REPORTS

A. Executive Officer

1. Report

Ms. Lee provided a written report to the Board outlining her activities from September 1, 2009, through October 31, 2009.

In addition to her written report, Ms. Lee reported that as of November 19, only 40% of LPNs eligible to renew have renewed.

The Center for Advancing Technology at Auburn University is redesigning the Board's web site. There should be a prototype to show the Board at the December 2009 Board meeting.

Ms. Lee reported that the strategy for becoming a check book agency will be discussed at the December meeting. Dr. Autrey requested that Ms. Lee do a cost benefit analysis.

Ms. Lee reported that Cyberbest Technologies has almost completed the requirements for the Licensing Management System.

Pursuant to Alabama Board of Nursing Administrative Code, Rule 610-X-8-.05, Ms. Lee accepted the voluntary surrender for revocation for each of the following Alabama nursing licenses:

<u>Licensee's Name</u>	<u>License Number</u>	<u>Date of Acceptance</u>
Rowan, Amy Denise	1-082080	09/02/2009
Garrick, Jennifer Sue	2-039934	09/03/2009
Sullivan, Cornella Leann	2-058050	09/03/2009
Beck, Shirley A.	2-010850	09/08/2009
Salinas, Susan Paige	1-107990	09/10/2009
Payne, Michael Shaun	1-074869	09/10/2009
Bamberg, Teresa Ann	2-044498	09/14/2009
Robbins, Connie Jean	1-070247	09/22/2009
Sweat, Elizabeth Marie	1-031032; CRNP	09/24/2009

Joiner, Ethel M.	2-013149	09/25/2009
Cox, Aubrey Stephen	1-084844; 2-038817	09/25/2009
Snelling, Teresa Lane	1-106594	09/30/2009
Goins, Amanda Jolee	2-055860	09/30/2009
Love, Joan E.	1-021772	10/02/2009
Del Rivero, Sherrie Lynnette	1-118463	10/05/2009
Johnson, Cedric Frances	1-083562	10/16/2009
Blakely, Charlotte N.	1-030582	10/19/2009
Price, Melinda Yvonne	2-051302	10/19/2009
Reynolds, Amy Elizabeth	1-089719	10/22/2009
Epps, Alicia Nicole	2-056073	10/23/2009
Collum, Jennifer Lynn	1-074442	10/26/2009
Newsom, Joann	2-050093	10/27/2009

2. FYI

Ms. Lee provided the following item for the Board's information: (1) a copy of a letter from the Assisted Living Association of Alabama and a copy of Ms. Lee's response; and (2) a copy of a letter from Snead State Community College announcing that Ms. Amy Langley has been appointed to the position of Interim Director of Health Sciences.

3. Calendar Year 2010 Meetings

Ms. Lee reported that at each November meeting, the Board establishes Board meeting dates for the next calendar year. In addition to the scheduling for Board members and staff, a year plan allows posting of the dates on the Board's web site and the Secretary of State's web site. Posting on the Secretary of State's web site is required by the Open Meetings Act.

A review of national and state-wide meetings occurred to assure that, as much as possible, there would be no conflict. Ms. Lee provided the following proposed meeting dates for the Board's review and approval: January 21-22, 2010; February 18, 2010; March 18-19, 2010; April 15, 2010; May 20-21, 2010; June 17, 2010; July 15-16, 2010; August 19,

2010; September 16-17, 2010; October 21, 2010; November 18-19, 2010; and December 16, 2010.

The Board reviewed and discussed the proposed dates.

On November 19, Ms. Linsky moved that the Board approve the meeting dates for calendar year 2010. Ms. Bullard seconded. Motion carried without objection.

4. Forum of State Nursing Workforce Centers – Recommended Minimum Datasets

Ms. Lee reported that the National Forum of State Nursing Workforce Centers is an organization that those states with Centers for Nursing and other workforce centers can join. The Alabama Board of Nursing is a member (until our dues expire this year). Allison Terry worked on the committee that came up with minimum data sets.

Since the Board started the Center for Nursing, various types of data including salaries, hours of work, number of employers, etc., has been asked at the time of license renewal. Questions asked at each renewal has expanded so that the time it takes to renew a license is extended. For LPN renewal this year, we had to increase the internet session time because those attempting to renew were timing out as they answered the workforce survey.

In reviewing the minimum data set for SUPPLY, the Board collects many pieces of that data already. However, it is not necessary to ask nurses their current license status because we have that information in our data base. The year of birth is also in our database. There are questions about type of position and facility of primary employer, highest levels of education, and areas of practice. Because the Board sells mailing labels, those questions often lead to giving buyers a better choice rather than just a list of all nurses. The information is useful for purposes beyond workforce.

The minimum data set for DEMAND is much more problematic. The data suggested for collection includes surveying facilities to ask about full-time equivalent (FTE) positions. In fact, that only provides one particular slice of the picture as it relates to the demand for nurses. Ten years ago there was not a huge demand for school nurses but changes in federal law impacted the demand. More and

more nurses are working in the community setting so only asking about facilities does not really provide a comprehensive demand model. In discussions with facility associations, they often find it difficult to have their members respond to surveys related to detail about their positions.

Nursing education was also addressed by the Forum in developing a minimum data set. The Board has a nursing education annual report completed by the nursing programs in Alabama. As we learned in last year's report, not all schools provided faculty salary data or detail about the gender and ethnicity of students. The purpose of the nursing education annual report is to determine compliance of the program with standards established by the Board. Attempts to survey faculty specifically have been unsuccessful (less than 50% response rate) and attempts to collect data on the nursing education annual report resulted in inconsistencies.

Ms. Lee provided copies of the minimum data set for SUPPLY, the minimum data set for DEMAND, and the minimum data set for Education for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 20, Ms. Linsky moved that due to the transfer of \$2.5 million from the Board's Trust Fund to the State's General Fund that the Board not participate in collecting additional data due to the Board's financial constraints. Ms. LeCroy seconded. Motion carried without objection.

5. Workforce Data Collection and Analysis

Ms. Lee reported that with the departure of Allison Terry and the required reduction in services, some nursing organization groups have discussed attempting to assist the Board by paying for some data analysis if the Board will collect data. Dr. Davis asked about whether the Board could accept financial gifts to aid in data analysis. *The Nurse Practice Act* states, "Accept gifts and grants upon terms and conditions imposed by it through official resolutions." We can receive gifts but it has to be within our spending authority and the budget analyst could in fact recommend that the money be transferred to the general fund.

The Board discussed some of the possible issues such as: 1) determining how much it would cost to collect the data and perform data analysis; 2) identifying the role the Board would have in the process; and 3) identifying the role the organization would have in the process.

The Board discussed the collection and analysis of workforce data.

On November 19, Ms. Pugh moved that the Board not take any action on the workforce data collection and analysis due to the budget constraints placed upon the Board by the transfer of \$2.5 million to the General Fund. Dr. Autrey seconded. Motion carried without objection.

Ms. LeCroy suggested that the Board revisit the Strategic Plan since the Board does not have the financial resources to carry out the plan due to the transfer of \$2.5 million to the General Fund.

B. Executive Committee

1. President's Report

There was no President's Report.

2. Executive Officer Evaluation

On November 20, Dr. Autrey moved that the Board enter into Executive Session to discuss general reputation and character, and professional competence of a specific licensee. Ms. Linsky seconded. Motion carried without objection.

Dr. Davis was not present for the vote.

Mr. Harper reported that the Board would reconvene in open session at approximately 11:00 a.m.

The Board reconvened in open session at 11:03 a.m. and provided the Executive Officer with her annual evaluation.

C. Finance

1. Report

Ms. Weaver provided a Revenue and Expenditure Summary for FY 2009. Revenues and expenditures for FY 2009, and a spreadsheet reflecting payments for all in-state travel and out-of-state travel-related expenses through September 30, 2009, was presented. Ms. Weaver also provided a cost allocation report with a breakdown of expenditures by program and objects codes, along with a report of dishonored checks by fee type, dishonored checks by license type, dishonored checks financial history through September 30, 2009, and a report on the number of out-of-state trips to date for each Board member. Ms. Weaver provided a variance report reflecting actual expenditures and revenue variances from the budget through September 30, 2009, cash balance, ratio analysis and an explanation of the ratio analysis.

Ms. Weaver reported that the Board received three bad checks this month.

The Board reviewed and discussed the reports with Ms. Weaver.

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from August 29, 2009 through October 30, 2009, the number of open disciplinary cases, and the number of cases on appeal or subject to litigation was accepted, as information, on the Consent Agenda.

2. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of October 31, 2009 was accepted, as information, on the Consent Agenda.

3. Probation Monitoring

A written report on the number of nurses monitored on probation as of October 29, 2009 was accepted, as

information, on the Consent Agenda.

E. Operations/Personnel Report

A written report of the Board's operations and personnel was accepted, as information, on the Consent Agenda.

F. Licensing Division

A written report on the number of licenses issued from October 1, 2008, through September 30, 2009, and a report of 2009 LPN Renewal through October 28, 2009 was provided for the Board's information.

G. Legal Counsel

There was no report from Legal Counsel.

H. Board Member Attendance

A written report on Board member attendance was accepted, as information, on the Consent Agenda.

VII. STRATEGIC PLANNING

A. 2009-2013 Strategic Plan Accomplishments

An update of the ABN 2009-2013 Strategic Plan Accomplishments, was accepted, as information on the Consent Agenda.

VIII. EDUCATION, PRACTICE, ADVANCED PRACTICE AND RESEARCH

A. Education

1. Report

A written report on nursing education was accepted, as information, on the Consent Agenda.

2. Stillman College BSN Program Review

Ms. Drake-Speer reported that Stillman College nursing program received provisional approval from the Board on July 26, 2006. The first class graduated in May 2009. Nine

students graduated in May and one in August. As of September 30, 2009, six students had tested resulting in four passing and two failing for a 66.7% pass rate.

On September 11, 2009 Board staff conducted a comprehensive on-site evaluation to determine if standards for approval are being met. Staff concluded that there was insufficient evidence provided to show that there is adequate financial support and resources to meet the outcomes of the nursing program. Resources include but are not limited to financial, educational facilities, equipment, learning aids, technology and instructional support staff.

Ms. Drake-Speer provided a chart reflecting the standards for nursing education programs, indicating if the standard is met or not met for the Board's information and review.

Dr. Charlotte Carter, Vice-President of Academic Affairs, and Dr. Linda Forte, Nursing Program Director, were present and provided copies of their response to the Board's survey visit.

The Board reviewed and discussed the information provided.

On November 19, Dr. Davis moved that the Board: (1) provide a Notice of Deficiency to Stillman College for failure to meet the following ABN Administrative Code standards: (a) 610-X-3-.02(3) the Governing institution shall provide financial support and resources sufficient to meet the outcomes of the nursing education program; and (b) 610-X-3-.04(2) graduates, as a composite of first-time writers, shall achieve no less than an 80% pass rate on a Board selected national licensure exam; and (2) continue provisional approval of the program with the following stipulations: (a) the educational program shall provide evidence of its capability to carry out prescribed minimum standards to educate students of registered nursing and document correction of the deficiency within thirty days from the date of notice. Board staff will conduct a follow-up survey visit after documentation is received to affirm compliance with Rule 610-X-3-.02(3); (b) date of correction to meet the NCLEX-RN® expected passing standard of 80% for first-time writers will be September 30, 2010; and (c) provide a financial report within thirty days from the date of notice. Ms. Linsky seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

3. FY 2009 NCLEX®-PN Results

a. Met Standards

Ms. Drake-Speer reported that the FY 2009 NCLEX-PN® results were sent to each approved practical nursing program on October 16, 2009. ABN Administrative Code, Rule 610-X-3-.04(2) specifies, "Graduates, as a composite of first time writers, shall achieve no less than an eighty percent pass rate on a board selected national licensure exam. The Board shall establish the reporting time period."

The FY 2008 NCLEX-PN® resulted in a Notice of Deficiency to Herzing University Practical Nursing Program for a pass rate of 74.4%. Herzing University had a 91.1% pass rate for FY 2009, which corrects the deficiency in the time period established by the Board.

The remainder of the Board approved practical nursing programs met the 80% pass rate for first-time writers of the NCLEX-PN®.

On November 19, Dr. Davis moved that the Board provide a Notice of Correction to Herzing University practical nursing program for a FY 2009 NCLEX-PN® pass rate of 91.1%; and provide a Notice of Compliance with the NCLEX-PN® outcome standard for the remaining practical nursing programs that have a FY 2009 NCLEX-PN® pass rate of 80% or above. Ms. Pugh seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

4. FY 2009 NCLEX®-RN Results

a. Met Standards

Ms. Drake-Speer reported that the FY 2009 NCLEX-RN® results were sent to each approved registered nursing program on October 16, 2009. ABN

Administrative Code, Rule 610-X-3-.04(2) specifies, "Graduates, as a composite of first time writers, shall achieve no less than an eighty percent pass rate on a board selected national licensure exam. The Board shall establish the reporting time period."

Following the FY 2008 NCLEX-RN® results, one BSN program and three ADN programs received Notices of Deficiency. Jacksonville State University, LBW Nursing-BSN Program had a 75.5% pass rate for FY 2008. The FY 2009 pass rate is 93.9%.

Bishop State Community College-ADN Program had a 75% pass rate for FY 2008. The FY 2009 pass rate is 83.3%.

Chattahoochee Valley Community College-ADN Program received a Notice of Deficiency for a 69.7% pass rate for FY 2007 and a Notice of Continued Deficiency for a 69.4% pass rate for FY 2008. The FY 2009 pass rate is 93.5%.

Calhoun Community College-ADN Program received a Notice of Deficiency for a 78.8% pass rate for FY 2007 and a Notice of Continued Deficiency for a 79% pass rate for FY 2008. The FY 2009 pass rate is 88.3%.

On November 19, Dr. Davis moved that the Board provide a Notice of Correction to: 1) Jacksonville State University BSN Program; 2) Bishop State Community College-ADN Program; 3) Chattahoochee Valley Community College-ADN Program; and 4) Calhoun Community College-ADN Program; and provide a Notice of Compliance to the remaining RN programs that met the NCLEX-RN® standard of 80% or above as required by the rules. Ms. Pugh seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

b. Deficiencies

1. Continued

Ms. Drake-Speer reported that two RN programs that received a Notice of Deficiency following the FY 2008 NCLEX-RN® results were given until September 30, 2010 to correct the failure to meet the standard required by ABN Administrative Code, Rule 610-X-3-.04(2). The two programs continued to fall below the 80% standard for first time writers.

Springhill College-BSN Program had a 79.2% pass rate for first time writers in FY 2008. The FY 2009 results were 78.6%.

Lawson State Community College-ADN Program had a 68.3% pass rate for first time writers in FY 2008. The FY 2009 results were 79%.

On November 19, Ms. Pugh moved that the Board provide a Notice of Continued Deficiency to Springhill College-BSN Program and Lawson State Community College-ADN Program for continued failure to meet the NCLEX-RN® passing standard of 80% passing for first-time writers with a date of correction of September 30, 2010. Dr. Autrey seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

2. New

Ms. Drake-Speer reported that based on the FY 2009 NCLEX-RN® results, there are three ADN programs that failed to meet the NCLEX® outcome standard of 80% for first-time writers.

Snead State Community College-ADN Program had an 88.2% pass rate for FY 2008. The FY 2009 pass rate was 75.5%.

The University of Mobile-ADN Program had a pass rate of 100% for FY 2008. The FY 2009 pass rate was 78.3%.

Herzing University-ADN Program first graduating class had a pass rate of 75% for FY 2009. The PN

to ADN mobility program was provisionally approved in May 2008.

On November 19, Dr. Davis moved that the Board provide a Notice of Deficiency to Snead State Community College-ADN Program and University of Mobile-ADN Program for failure to meet the 80% passing standard established by ABN Administrative Code, Rule 610-X-3-.04(2) with an expected correction date of September 30, 2011; and provide a Notice of Deficiency and Continued Provisional Approval of Herzing University-ADN Program until September 30, 2010 for failure to meet the 80% passing standard established by ABN Administrative Code, Rule 610-X-3-.04(2). Dr. Autrey seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

B. Practice

1. Report

A written report on the standardized procedures was accepted, as information, on the Consent Agenda.

2. Standardized Procedure: Insertion of King Airways – DCH Regional Medical Center

Ms. Morgan reported that DCH Regional Medical Center submitted a standardized procedure application requesting approval for insertion of the KING Airway device by registered nurses.

Through quality management, the hospital has noticed that 15% of intubations are unsuccessful and/or take greater than nine minutes to accomplish from admission or calling of the code to intubation. Study has also shown an increase in the times that anesthesia is busy in surgery and unavailable and the emergency physician(s) is also busy with one or multiple traumas and unavailable when another patient in the Emergency Department or in the remainder of the facility needs a controlled airway. While DCH is a teaching facility, the newly graduated physicians have less than one (1) year

of experience and are not considered skilled in intubations, if they are available. In order to improve the quality of care, provide the immediate oxygenation of patients and decrease the amount of hypoxic brain injuries, DCH would like to implement the use of the KING airway device by trained Registered nurses.

Insertion of the KING airway would be limited to registered nurses who have successfully completed ACLS and PALS certification and have successfully completed the organized program of study for KING airway insertion, supervised clinical practice and demonstration of competency.

Ms. Morgan provided copies of the application, protocol, organized program of study, competency checklist, and a description of the KING Airway for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 19, Dr. Autrey moved that the Board approve the standardized procedure application from DCH Regional Medical Center for selected RNs to insert the KING Airway device in accordance with DCH protocol. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles, Mr. Brown and Dr. Davis were not present for the vote.

C. Advanced Practice Nursing

1. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the Joint Committee meeting scheduled for November 17, 2009 was cancelled due to lack of a quorum of nurse members.

The Board of Medical Examiners approved the roster, excluding two applications, based upon review by staff and the physician members of the Joint Committee. Action on the applications for Dr. Elaine Barefield St. John, #11210, with Andrea Jay Harris, 1-082884; and Dr. Sharron Gilmore, #12946, with Stella Vinson, 1-061816, is deferred pending information required by the Board of Medical Examiners from the physician.

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

The Board reviewed and discussed the roster.

On November 19, Ms. LeCroy moved that the Board approve the applicants for collaboration listed in the published roster, excluding the following applications: 1) Dr. Elaine Barefield St. John with Andrea Jay Harris; and 2) Dr. Sharron Gilmore with Stella Vinson. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles, Mr. Brown, Dr. Davis and Dr. Autrey were not present for the vote.

2. Comments on Proposed Amendment of ABN Administrative Code, Rule 610-X-9-.07, Qualifications for Approval to Practice as a Clinical Nurse Specialist

Ms. Lee reported that the Board received notice on November 18, 2009 that the American Nurses Credentialing Center will retire the core Clinical Nurse Specialist exam on July 1, 2010, so there is no need to review the public comments. If the Board does not file a final certification within ninety days, the proposed amendment is moot.

D. Continuing Education

1. Report

A written report on continuing education providers was accepted, as information, on the Consent Agenda.

IX. POLICY

A. Final Certification, ABN Administrative Code, Rule 610-X-4-.14, Fees

Ms. Lee reported that the Board reviewed the fee schedule at the September 2009 meeting. The proposed rule change was filed with the Legislative Reference Service and published in the September 30, 2009 issue of the *Alabama Administrative Monthly*. In addition, the rule was posted on the Board's web site. A public hearing was held at the October 15, 2009 Board meeting.

Ms. Lee reported that there is a comment in the public hearing transcript that the change/add collaboration fee went from \$25 to \$75, but that fee has been \$50 since 2002.

Ms. Lee provided copies of the proposed rules, comments received regarding the fee increases and the public hearing transcript for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 19, Dr. Davis moved that the Board approve, as final certification, ABN Administrative Code, Chapter 610-X-4-.14, Fees. Dr. Autrey seconded. Motion carried without objection.

Ms. Nobles and Mr. Brown were not present for the vote.

B. Final Certification, ABN Administrative Code, Chapter 610-X-6, Standards of Nursing Practice

Ms. Lee reported that the Board reviews regulations every three years. The Standards of Nursing Practice, Chapter 610-X-6 has been reviewed over the past year. At the September 2009 meeting, the Board approved the new chapter. The proposed new chapter was filed with the Alabama Legislative Reference Service and published in the September 30, 2009 *Alabama Administrative Monthly*. The proposed new chapter was posted on the Board's web site and an email went out to all the list serves advising that the rules were posted. A public hearing was held on October 15, 2009. The deadline for comments was November 4, 2009 at 4:30 p.m.

Ms. Lee provided copies of the public hearing transcript, the comments, and the proposed new chapter for the Board's information and review.

The Board reviewed the proposed rules and made minor changes based on the comments received.

On November 19, Dr. Autrey moved that the Board approve, as final certification, repeal of ABN Administrative Code, Chapter 610-X-6, Standards of Nursing Practice; and approve, as final certification, new Chapter 610-X-6, Standards of Nursing Practice, as amended. Ms. Price seconded. Motion carried without objection.

Mr. Brown was not present for the vote.

C. Final Certification, ABN Administrative Code, Rule 610-X-2-.06, Definitions, Standards of Nursing Practice

Ms. Lee reported that the Board approved new rule 610-X-2-.06, Definitions, Standards of Nursing Practice, at the September 2009 Board meeting. The proposed changes to the definitions were filed with the Alabama Legislative Reference Service and published in the September 30, 2009 issue of the *Alabama Administrative Monthly*. The proposed changes were posted on the Board's web site and sent to all list serve members with notice of the proposed changes. A public hearing was held on October 15, 2009.

On November 19, Dr. Davis moved that the Board approve, as final certification, repeal of ABN Administrative Code, Rule 610-X-2-.06, Definition, Standards of Nursing Practice; and approve, as final certification, new ABN Administrative Code, Rule 610-X-2-.06, Definitions, Standards of Nursing Practice. Ms. Hopkins seconded. Motion carried without objection.

Mr. Brown was not present for the vote.

D. Final Certification, ABN Administrative Code, Chapter 610-X-7, Standards of Nursing Practice--Specific Settings

Ms. Lee reported that the Board of Nursing reviewed the ABN Administrative Code, Chapter 610-X-7, Standards of Nursing Practice--Specific Settings over the last year. At the September 2009 meeting, the Board approved the new chapter. The new chapter was filed with the Legislative Reference Service and published in the September 30, 2009 issue of the *Alabama Administrative Monthly*. The proposed rules were also posted on the Board's web site. A notice about the proposed rules was sent to all members of the ABN list serves. A public hearing was held on October 15, 2009 at the Board meeting.

Ms. Lee provided copies of the proposed changes and the public comments for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 19, Ms. Nobles moved that the Board approve, as final certification, ABN Administrative Code, Chapter 610-X-7, Standards of Nursing Practice--Specific Settings. Ms. Hopkins seconded. Motion carried with no objection.

Mr. Brown was not present for the vote.

E. Final Certification, ABN Administrative Code, Rule 610-X-2-.07, Definitions, Standards of Nursing Practice--Specific Settings

Ms. Lee reported that the Board approved ABN Administrative Code, Rule 610-X-2-.07, Definitions, Standards of Nursing Practice--Specific Settings, at the September 2009 Board meeting. The proposed rule was filed with the Legislative Reference Service, and published in the September 30, 2009 issue of the *Alabama Administrative Monthly*. The proposed rules were posted on the Board's web site. A notice of the location of the proposed rules was sent to everyone on the ABN list serve. A public hearing was held on October 15, 2009.

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

The Board reviewed and discussed the proposed changes.

On November 19, Ms. Hopkins moved that the Board approve, as final certification, ABN Administrative Code, Rule 610-X-2-.07, Definitions, Standards of Nursing Practice. Ms. Linsky seconded. Motion carried with no objection.

Mr. Brown was not present for the vote.

X. ELECTION OF OFFICERS

Ms. Lee reported that the ABN Administrative Code, Rule 610-X-1-.03(1) requires that the Board elect from its members a President, Vice-President and Secretary at the annual meeting. The November meeting is considered the annual meeting of the Board.

Ms. Lee provided copies of the rules that detail the functions of the officers for the Board's information and review.

Ms. Hopkins nominated Dr. Autrey for President of the Board.

Dr. Davis moved to close the nominations for President. Ms. Nobles seconded. Motion carried without objection.

Dr. Autrey was elected President for Calendar Year 2010.

Ms. LeCroy nominated Ms. Price for Vice-President of the Board.

Dr. Autrey nominated Ms. Nobles for Vice-President of the Board.

Dr. Davis moved to close the nominations for Vice-President. Ms. Cauley seconded. Motion carried without objection.

Mr. Brown was not present for the vote.

Ms. LeCroy, Ms. Pugh, Ms. Price and Ms. Cauley voted for Ms. Price.

Ms. Hopkins, Ms. Linsky, Dr. Davis, Ms. Nobles, Dr. Autrey, and Ms. Bullard voted for Ms. Nobles.

Ms. Nobles was elected Vice-President for Calendar Year 2010.

Ms. Nobles nominated Ms. Pugh for Secretary of the Board.

Ms. Hopkins nominated Ms. Linsky for Secretary of the Board.

Dr. Davis moved to close the nominations for Secretary. Ms. LeCroy seconded. Motion carried without objection.

Mr. Brown was not present for the vote.

Ms. Price, Dr. Davis, Dr. Autrey, Ms. Pugh, Ms. Cauley, Ms. Nobles, Ms. LeCroy, Ms. Linsky and Ms. Hopkins voted for Ms. Pugh.

Ms. Bullard voted for Ms. Linsky.

Ms. Pugh was elected Secretary of the Board for calendar year 2010.

XI. OPEN FORUM

A. Update on Licensing Management System

The Licensing Management System Update was deleted from the agenda.

B. "A Review of Collaborative Practice Rule in Alabama and Definitions of Collaboration: Perceptions of APN's on the Collaborative Practice Rules": Diana Dowdy, CNM, MSN, RN

Ms. Lee introduced Diana Dowdy, CNM, MSN, RN. Ms. Lee reported that Ms. Dowdy is a member on the Joint Committee and also a DNP student at the University of Alabama at Huntsville.

Ms. Dowdy conducted a power point presentation on On-site Collaboration Time and answered questions from the Board.

Ms. Dowdy provided copies of the power point presentation.

C. Prescriptive Privileges, Lori Lioce, MSN, FNP-BC

Ms. Cotton introduced Lori Lioce, MSN, FNP-BC. Ms. Lioce is the incoming President for the Nurse Practitioner Alliance of Alabama (NPAA).

Ms. Lioce conducted a power point presentation and answered questions from the Board.

Ms. Lioce provided copies of the power point presentation and copies of the nurse practitioner bill that was presented last legislative session. Ms. Lioce reported that Joe Decker, Executive Director of the Alabama State Nurses Association (ASNA), is the new lobbyist for the NPAA.

XII. DISCIPLINARY CASES

On November 20, Ms. Pugh moved that the Board enter into Executive Session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific applicants and licensees. Ms. Cauley seconded. Motion carried without objection.

Mr. Harper reported that the Board would reconvene in open session at approximately 9:30 a.m.

The Board reconvened in open session at 9:04 a.m. and voted on the Consent Orders.

A. Consent Orders

1. Richardson, Cynthia Diana Jones – RN, 1-071581; LPN, 2-031148 (Lapsed)

Ms. Richardson signed a Consent Order that would place her RN license on probation for a period to run concurrent with her Court ordered probation but not less than twelve months, with illegal illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on chemical dependency and anger management. Should

Ms. Richardson attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 20, Ms. LeCroy moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion failed with eleven oppositions (Ms. Price, Ms. Nobles, Ms. LeCroy, Ms. Linsky, Ms. Hopkins, Dr. Davis, Ms. Pugh, Dr. Autrey, Ms. Bullard, Ms. Cauley, and Mr. Brown).

On November 20, Dr. Autrey moved that the staff offer Ms. Richardson a Consent Order that would place her RN license on probation for a period to run concurrent with her Court ordered probation but not less than twelve months, with illegal illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on chemical dependency and anger management, and pay a fine in the amount of \$900.00. Ms. LeCroy seconded. Motion carried without objection.

2. Sims, Jacqueline Marie – LPN, 2-054400

Ms. Sims signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on Legal/Ethical Aspects of Nursing, The Lighter Side, and Dangerous Medications/Coumadin and Insulin, and pays a fine in the amount of \$600.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

3. Williford, Margaret Argo – LPN, 2-051033

Ms. Williford signed a Consent Order that would suspend her LPN license until such time as she provides evidence of successful completion of a Board-approved educational course on legal/ethical aspects of nursing, and pays a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Linsky moved that the Board accept the Consent Order. Dr. Davis seconded. Motion

carried without objection.

4. Copeland, Harriet Maria – RN, 1-069490 (Lapsed)

Ms. Copeland signed a Consent Order that would suspend her RN license until such time as she provides evidence of an unencumbered license in all states in which she holds a license.

On November 20, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Cauley seconded. Motion carried without objection.

5. Lewis, Shenece Nicole – LPN, 2-050530

Ms. Burke signed a Consent Order that would suspend her LPN license until such time as she provides evidence of successful completion of Board-approved educational courses on legal/ethical aspects of nursing and scope of practice, and pays a fine in the amount of \$600.00. Upon reinstatement, Ms. Lewis' license will be placed on probation for a period of twelve months, with practice-related stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

6. Sellers, Terri Lynn Hooker – RN, 1-091928; LPN, 2-032022 (Lapsed)

Ms. Sellers signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete Board approved educational courses on chemical dependency and legal/ethical aspects of nursing, and pay a fine in the amount of \$300.00. Should Ms. Sellers attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

7. Dotson, Edward Stephen – RN, 1-112136

Mr. Dotson signed a Consent Order that would terminate his March 20, 2009 Order upon the Board's acceptance of this instant Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluations for chemical dependency and psychiatric/mental health from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) payment of fines; (g) successful completion of Board-approved educational courses on chemical dependency, documentation, and professional accountability; (h) accrual of requisite continuing education contact hours; and (i) payment of appropriate fees. Should Mr. Dotson be deemed in need of treatment, his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations. If not deemed in need of treatment, Mr. Dotson's license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On November 20, Ms. LeCroy moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

8. Freeman, Wendy Michelle – LPN, 2-050517

Ms. Freeman signed a Consent Order that would terminate her May 16, 2008 Order upon the Board's acceptance of this instant Order that would suspend her LPN license until such time as she provides evidence of successful completion of Board-approved educational courses on documentation, medication safety, and professional accountability, and pays a fine in the amount of \$500.00. Upon reinstatement, Ms. Freeman's license will be placed on probation for a period of twelve months, with practice-related stipulations. In no event will this period of suspension extend beyond twelve months

of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. LeCroy moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

9. Jarrell, April Lashondra – LPN, 2-058058

Ms. Jarrell signed a Consent Order that would suspend her LPN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Ms. Jarrell be deemed in need of treatment her license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Ms. Jarrell's license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, she will be required to successfully complete a Board-approved educational course on professional accountability, and pay a fine in the amount of \$600.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. LeCroy moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

10. West, Ginger Diane Crawford – RN, 1-063014; LPN, 2-017609 (Lapsed)

Ms. West signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a

comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees and a fine in the amount of \$1,300.00. Upon reinstatement, Ms. West's license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. LeCroy moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

11. Hartwig, Jamela Grace Amaied – RN, 1-107256

Ms. Hartwig signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Ms. Hartwig be deemed in need of treatment her license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Ms. Hartwig's license will be reinstated on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations, she will be required to successfully complete Board-approved educational courses on chemical dependency, documentation, scope of practice and professional accountability, and pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be

considered as and listed as revoked.

On November 20, Ms. Hopkins moved that the Board accept the Consent Order. Dr. Autrey seconded. Motion carried without objection.

12. Morris, Constance Williams – LPN, 2-057702

Ms. Morris was deleted from the agenda.

13. Schaefer, Pamela Ann Flint – LPN, 2-051999

Ms. Schaefer signed a Consent Order that would place her LPN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete a Board-approved educational course on documentation, and pay a fine in the amount of \$300.00.

On November 20, Ms. Hopkins moved that the Board accept the Consent Order. Dr. Autrey seconded. Motion carried without objection.

14. Bell, Deatrice Latrice – RN, 1-090944

Ms. Bell signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

15. Childers, Ted Lee – RN, 1-049427

Mr. Childers signed a Consent Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if

recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Mr. Childers be deemed in need of treatment his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,300.00. If not deemed in need of treatment, Mr. Childers' license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, he will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$900.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. MS. Hopkins seconded. Motion carried without objection.

16. Cole, Kelly Lynn Wilkerson – RN, 1-059765

Ms. Cole signed a Consent Order that would place her RN license on probation for a period to twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

17. Johnson, C. Dan – RN, 1-038453

Mr. Johnson signed a Consent Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Mr. Johnson's license will be placed on probation for a period of

twenty-four months, with illegal/illicit drug-use stipulations, and he will be required to pay a fine in the amount of \$600.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

18. Parker, Sheila Yvette – RN, 1-112572

Ms. Parker signed a Consent Order that would place her RN license on probation for a period to twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

19. Prater, Jr., Richard H. – RN, 1-068534

Mr. Prater signed a Consent Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Mr. Prater be deemed in need of treatment his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Mr. Prater's license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, he will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$600.00. In no

event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

20. Ritts, Jennifer Ann – LPN, 2-045950

Ms. Ritts signed a Consent Order that would suspend her LPN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Ms. Ritts be deemed in need of treatment her license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Ms. Ritts' license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, she will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

21. Williams, Tracy Renee Milam – RN, 1-114738

Ms. Williams signed a Consent Order that place her RN license on probation for a period of twelve months, with

illegal/illicit drug-use stipulations, she will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

22. Bailey, Katie Priscilla – LPN, 2-028741

Ms. Bailey signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion Board-approved educational courses on legal/ethical aspects of nursing and patient privacy, and pays a fine in the amount of \$600.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

23. Clearman, Brenda Elaine Loper – RN, 1-110347

Ms. Clearman signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on medication errors and professional accountability, and pay a fine in the amount of \$600.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

24. Craig, Kyemma Gweniece – RN, 1-098808

Ms. Craig signed a Consent Order that would place her RN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on patient confidentiality and critical thinking, and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

25. Roberts, Alan Clair – RN, 1-111171; LPN, 2-056988
(Lapsed)

Mr. Roberts signed a Consent Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluations for chemical dependency and a psychiatric/mental illness from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Mr. Roberts be deemed in need of treatment his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Mr. Roberts' license will be reinstated on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations, he will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$900.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

26. Seale, Amanda Sledge – RN, 1-114214

Ms. Seale signed a Consent Order that would place her RN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on patient confidentiality and critical thinking, and pays a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

27. Wright, Mendy Gearhart – RN, 1-071782

Ms. Wright signed a Consent Order that would place her RN license probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on professional accountability and professional boundaries, and pay a fine in the amount of \$600.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

28. Weed, Deadra Lynn Wills – LPN, 2-049673

Ms. Weed signed a Consent Order that would place her LPN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency and pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

29. Young, Evangeline Williams – RN, 1-077577; LPN, 2-038519 (Lapsed)

Ms. Young signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on legal/ethical aspects of nursing, critical thinking, and documentation, and pay a fine in the amount of \$600.00. Should Ms. Young attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Dr. Davis seconded. Motion carried without objection.

30. Farrell, Cynthia Leigh Johnston – RN, 1-089542

Ms. Farrell signed a Consent Order that would suspend her RN license for a minimum of three months and until such time as the Board is in receipt of satisfactory documentation

of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved program and compliance with all treatment recommendations; (b) entry into and full participation in an aftercare program; (c) negative random monthly urine drug screens; (d) active participation in Twelve Step Meetings; (e) accrual of requisite continuing education contact hours; and (f) payment of appropriate fees. Upon reinstatement, Ms. Farrell's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$500.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

31. Fleming, Lauren Elise – RN, 1-109196

Ms. Fleming signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive neuropsychological evaluation from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) individual counseling; (g) accrual of requisite continuing education contact hours; and (h) payment of appropriate fees. Upon reinstatement, Ms. Fleming's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$500.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

32. Temple, Charles Marlen – RN, 1-078591

Mr. Temple signed a Consent Order that suspend his RN license for a minimum of six months and until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved program and compliance with all treatment recommendations; (b) entry into and full participation in an aftercare program; (c) negative random monthly urine drug screens; (d) active participation in Twelve Step Meetings; (e) accrual of requisite continuing education contact hours; and (f) payment of appropriate fees. Upon reinstatement, Mr. Temple's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

Dr. Autrey recused herself from the discussion and vote concerning Mr. Temple.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

33. White, Jennifer Ann Holt – RN, 1-094275

Ms. White signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive neuropsychological evaluation from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Ms. White's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$800.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

34. Armstrong, Jane Marie Guidry – LPN, 2-050045

Ms. Armstrong signed a Consent Order that would issue her a public reprimand.

On November 20, Ms. Linsky moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

35. Green, William Wayne – RN, 1-074720

Mr. Green signed a Consent Order that would issue him a public reprimand.

On November 20, Ms. Linsky moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

36. McDonald, Vernesha C. – LPN Exam Applicant

Ms. McDonald signed a Consent Order that would allow her to take the NCLEX-PN®, and if successful, issue her a public reprimand.

On November 20, Ms. Linsky moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

37. Ngyiah, Ejang Azinwi Olive – RN Exam Applicant

Ms. Ngyiah signed a Consent Order that would allow her to take the NCLEX-RN®, and if successful, issue her a public reprimand.

On November 20, Ms. Linsky moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

38. Clark, Tiffany Tanesha – RN, 1-118183; LPN, 2-054558

Ms. Clark signed a Consent Order that would issue her a

public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

39. Alakija, Mary Ranti Ajayi – LPN Endorsement Applicant

Ms. Alakija signed a Consent Order that would approve her LPN endorsement application and issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On November 20, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

40. Kendall, Earl Jay – LPN Endorsement Applicant

Mr. Kendall signed a Consent Order that would approve his RN endorsement application and issue him a public reprimand and require him to pay a fine in the amount of \$300.00.

On November 20, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

41. Long, Violetta – LPN, 2-054119

Ms. Long signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On November 20, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

42. McAlexander, Monnica J. Duncan – RN, 1-111709

Ms. McAlexander signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$1,000.00.

On November 20, Dr. Autrey moved that the Board

accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

43. Rodriguez, Anita Belinda Robinson – LPN, 2-046249

Ms. Rodriguez signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Dr. Autrey moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

44. Ward, Emma Jean – LPN, 2-012196

Ms. Ward signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Dr. Autrey moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

45. Grigsby, Nicole Lee Collier – LPN, 2-057687

Ms. Grigsby signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

46. Cook, Nancy Ruth Hilliard – RN, 1-074529

Ms. Cook signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Ms. Nobles moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

47. Cottongin, Mitzi Theresa Williams – RN, 1-039740

Ms. Cottongin signed a Consent Order that would issue her

a public reprimand and require her to pay a fine in the amount of \$300.00.

On November 20, Ms. Pugh moved that the Board accept the Consent Order. Ms. Linsky seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

1. Glass, David Allen – LPN, 2-037949

Mr. Glass signed a Consent Order that would reinstate his LPN license on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, require him to successfully complete a Board-approved educational course on professional accountability and pay a fine in the amount of \$900.00.

On November 20, Dr. Autrey moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried with one opposition (Ms. Price).

2. Irvin, Michael Timmothy – RN, 1-061376 (Lapsed)

Mr. Irvin signed a Consent Order that would reinstate his RN license on probation for a period to run concurrent with his Court ordered probation, but not less than twelve months, with illegal/illicit drug-use stipulations, require him to successfully complete Board-approved educational courses on legal/ethics aspects of nursing and chemical dependency, and pay a fine in the amount of \$300.00.

On November 20, Dr. Autrey moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried with one opposition (Ms. Price).

3. McBrayer, Rhett O’Neal – RN, 1-039757

Mr. McBrayer signed a Consent Order that would reinstate his RN license on probation for a period of sixty months, with chemical dependency stipulations, require him to successfully complete a RN Refresher course with clinical component, and pay a fine in the amount of \$1,000.00.

On November 20, Dr. Autrey moved that the Board accept the Consent Order. Ms. Hopkins seconded.

Motion carried with one opposition (Ms. Price).

C. Formal Hearings

On November 20, Dr. Autrey moved that the Board enter into Executive Session in its capacity as a quasi-judicial body to deliberate and discuss evidence and testimony presented during contested case hearings and vote on the outcomes. Ms. Bullard seconded. Motion carried without objection.

Mr. Harper reported that the Board would reconvene in open session at approximately 9:50 a.m.

1. Adair, Candice Nichole Berry – LPN Exam Applicant

On November 20, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and allow Ms. Adair to take the NCLEX-PN®, and if successful, issue her license on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency and pay a fine in the amount of \$900.00. Ms. Hopkins seconded. Motion carried without objection.

2. Adams, Abubilal Abdul-Malik – LPN, 2-055925
(Active/Probation)

On November 20, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Adams' LPN license. Ms. Hopkins seconded. Motion carried without objection.

3. Barnett, Janet Marie Jenkins – RN, 1-091085
(Active/Probation)

Ms. Lee reported that Ms. Barnett sent a request to submit additional evidence. The Hearing Officer denied the request.

Ms. Lee provided copies of the request and the Hearing Officer's ruling for the Board's information and review.

Dr. Autrey recused herself from the discussion and vote concerning Ms. Barnett.

On November 20, Dr. Davis moved that the Board accept the Findings of Fact, Conclusions of Law and the Recommendation of the Hearing Officer, and revoke Ms. Barnett's RN license. Ms. Hopkins seconded. Motion failed with nine oppositions (Ms. LeCroy, Ms. Nobles, Ms. Linsky, Ms. Hopkins, Ms. Pugh, Dr. Davis, Ms. Cauley, Ms. Bullard, and Mr. Brown).

Ms. Price was not present for the vote.

On November 20, Ms. LeCroy moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer, since Ms. Barnett has satisfied the requirements of her previous Order, and place her license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, and require her to pay a fine in the amount of \$300.00. Ms. Bullard seconded. Motion carried without objection.

Ms. Price was not present for the vote.

4. Carr, Izola Maria Wedgeworth – RN, 1-087685

On November 20, Ms. Linsky moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Carr's RN license. Ms. Pugh seconded. Motion carried without objection.

5. Cook, Shawn M. Smith – LPN, 2-059009

On November 20, Ms. Nobles moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Cook's LPN license. Dr. Davis seconded. Motion carried without objection.

6. Currier, Deanna Jo Stone – RN, 1-047699; CRNA

Ms. LeCroy and Dr. Autrey recused themselves from the discussion and vote concerning Ms. Currier.

On November 20, Dr. Davis moved that the Board accept

the Findings of Fact, Conclusions of Law, and place Ms. Currier's license on lapsed status until such time as she provides evidence that she is safe to practice by undergoing required evaluations. Ms. Nobles seconded. Motion carried without objection.

7. Edwin, Mario Alonzo – LPN, 2-039895 (Active/Probation)

On November 20, Ms. LeCroy moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Edwin's LPN license. Ms. Linsky seconded. Motion carried without objection.

8. Flanders, David Lynn – RN Exam Applicant

Mr. Brown recused himself from the discussion and vote concerning Mr. Flanders.

On November 20, Ms. Linsky moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer and approve Mr. Flanders exam application and suspend his license until he completes treatment. Ms. Hopkins seconded. Motion failed with ten oppositions (Ms. LeCroy, Ms. Price, Ms. Nobles, Ms. Linsky, Ms. Hopkins, Dr. Davis, Ms. Pugh, Dr. Autrey, Ms. Cauley, and Ms. Bullard).

On November 20, Ms. LeCroy moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer, to be consistent with similar cases, and allow Mr. Flanders to take the NCLEX-RN®, and if successful, immediately suspend his license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Mr.

Flanders be deemed in need of treatment his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Mr. Flanders' license will be reinstated on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, he will be required to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$900.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked. Ms. Cauley seconded. Motion carried without objection.

9. Mathis-Colston, Anglela Tellese – LPN, 2-050533

On November 20, Ms. Hopkins moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Mathis-Colston's LPN license. Dr. Davis seconded. Motion carried without objection.

10. Russell, Brenda Kay Barnett – LPN, 2-049500
(Active/Probation)

On November 20, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Russell's LPN license. Ms. Price seconded. Motion carried without objection.

11. Tewksbury, Debra Ann Denney – LPN, 2-054706
(Active/Probation)

On November 20, Dr. Davis moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Tewksbury's LPN license. Ms. Pugh seconded. Motion carried without objection.

D. Reinstatements – Formal Hearings

1. Christie, Theresa Christine Johnson – RN, 1-083130

On November 20, Ms. Linsky moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and reinstate Ms. Christie’s license on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations. Ms. Hopkins seconded.

After discussion, Ms. Linsky amended her motion.

On November 20, Ms. Linksy moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer, to be consistent with similar cases, and reinstate Ms. Christie’s license on probation for a period of sixty months, with chemical dependency stipulations, and require her to pay a fine in the amount of \$1,000.00. Ms. Hopkins seconded. Motion carried without objection.

2. Fisher, Kimberly Dawn Rasberry – RN, 1-074531

On November 20, Dr. Davis moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Ms. Fisher’s reinstatement of revoked license application. Dr. Autrey seconded. Motion carried without objection.

3. Reaves, Delaine Clement – RN, 1-037717

On November 20, Dr. Autrey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and reinstate Ms. Reaves RN license on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations. Ms. Pugh seconded.

After discussion, Dr. Autry amended her motion.

On November 20, Dr. Autrey moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer, to be consistent with similar cases, and reinstate Ms.

Reaves RN license on probation for a period of sixty months, with chemical dependency stipulations, and require her to pay a fine in the amount of \$1,000.00. Ms. Pugh seconded. Motion carried without objection.

E. Petition to Terminate Probationary Status or Alternatively to Set Aside Consent Order: Lorenzo Oswaldo Torres, 1-108857

Ms. Lee reported that on November 21, 2008, the Board accepted a Consent Order executed by Lorenzo Oswaldo Torres, 1-108857. The Consent Order, along with an explanation and waiver of rights, was for twelve months probation and a \$300 fine. Mr. Torres made inappropriate remarks and physical contact of a sexual nature towards several female co-workers. The Consent Order contained the standard stipulation, # 11, Not Employed in Nursing. "Periods of time in which Respondent is not employed as a practicing nurse shall be excluded from computation of time to be served on probation, unless determined otherwise by the Board of Nursing or its designee. Employment in fields other than nursing does not relieve Respondent from compliance with all other terms and conditions of this Order."

On January 12, 2009, the Board received Notification of Receipt of Order from Correctional Medical Services in St. Louis, Missouri. Reportedly Mr. Torres was a supervisor and could no longer work for this organization. Mr. Torres is compliant with his Order but has not worked in nursing since January 2009. On October 22, 2009, the Board received a Petition to Terminate Probationary Status or Alternatively to Set Aside Consent Order from Charles R. Godwin, et al, attorneys for the Respondent.

Mr. Torres did waive his right to counsel and also waived his right to appeal. The time for appeal has passed even if he had a right to appeal which he does not. The petition states in item 5 that "The Petitioner is a native of Belize and although he speaks and superficially understands the English language, he did not understand fully the nature and extent of the accusations against him and the consequences of his resolution of this disciplinary proceeding through informal disposition and consent order. He is not a United States citizen." The licensing information on Mr. Torres indicates he graduated from Jefferson Davis Community College in Brewton, Alabama in 2006. He was taught in English with English textbooks and he passed NCLEX® in 2006.

Mr. Torres blames his probationary status as the reason he can not find a job in nursing. However, his conduct while employed at

Atmore Community Hospital may have more to do with his inability to find a job than his probationary order. The violations occurred in the workplace and without some monitoring of Mr. Torres in the workplace; the Board has no assurances that the conduct will not be repeated. There is no precedent for the Board to terminate a licensee's probationary status just because they are unable to find employment. Neither is there precedent to set aside a Consent Order that was appropriately executed.

Ms. Lee provided copies of the Consent Order and the Petition for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 20, Dr. Davis moved that the Board deny the Petition to terminate probationary status or alternatively to set aside the Consent Order of Lorenzo Oswaldo Torres, 1-108857. Ms. Pugh seconded. Motion carried without objection.

XIII. OTHER

A. Request for Advisory Opinion from Steve Sykes, MD

Ms. Lee reported that on November 4, 2009, the Board received a request for an Advisory Opinion regarding the scope of practice of certified registered nurse anesthetists from Dr. Steve Sykes. On November 5, 2009, Ms. Lee replied to his request asking for additional information. On November 10, 2009, the Board received a response from Dr. Sykes.

Ms. Lee provided copies of the two letters from Dr. Sykes, a copy of her November 5, 2009 letter, and a draft response for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 19, Ms. Nobles moved that Ms. Lee send the letter to Dr. Sykes advising him that neither the Alabama Nurse Practice Act nor the Alabama Administrative Procedures Act permits the ABN to issue advisory opinions. Ms. Pugh seconded. Motion carried without objection.

Mr. Brown was not present for the vote.

B. Next Regular Meeting: Thursday, December 17 @ 9:00 a.m., Suite 326, RSA Plaza, 770 Washington Ave, Montgomery, AL

Ms. Lee reported that the next Board meeting will be held on December 17, 2009 at the RSA Plaza, Suite 326.

- Ms. Lee presented plaques to the Board members who have completed their term (Mr. Brown, Ms. Hopkins, Mr. Harper, Dr. Davis, and Ms. LeCroy).
- Mr. Harper welcomed the visitors.
- Mr. Harper explained to the visitors the issue of the transfer of \$2.5 million from the ABN Trust Fund to the State General Fund.
- Dr. Autrey reported that Ms. Lee has been invited to two nursing organization meetings to give an update, but she had to decline since the Board has eliminated travel for presentations. Dr. Autrey reported that University of Alabama at Birmingham has offered to pay all expenses if Ms. Lee will agree to do the presentation.
- Ms. Lee reported that while she has declined requests for presentations, she will attend meetings that are critical to the core functions of the Board.
- **On November 19, Dr. Autrey moved that if an organization offers to pay all expenses, that the Board allow Ms. Lee to travel for presentations, if she deems appropriate. Ms. Linsky seconded. Motion carried with two oppositions (Ms. LeCroy and Ms. Bullard).**
- Ms. Lee reported that she will send letters to everyone who provided written comments on the proposed rule changes.

XIV. BOARD MEETING DEBRIEFING

XV. ADJOURNMENT

The meeting adjourned at 3:51 p.m. on November 19, 2009 and at 11:43 a.m. on November 20, 2009.

Mike Harper, President

Gregory Howard, Secretary

Submitted by: _____
Leslie Vinson, Recorder
11/19-20/2009