

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2009-2010

Suite 326, RSA Plaza

770 Washington Ave

Montgomery, Alabama

October 15, 2009

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on October 15, 2009. The following Board members were present: Mike Harper, CRNA, JD, President; Debra Davis, DSN, RN, Vice-President; Gregory Howard, LPN, Secretary; Harry Brown, Jr., MA, MBA, CFP®; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Maggie Lee Hopkins, LPN; Rose Linsky, MSN, RN; Sylvia Nobles, MSN, CRNP; and Amy Price, MSN, RN. 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 Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Nursing Education; Carolyn Morgan, MSN, RN, Continuing Education/Practice; 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 nine Board members present. Patricia LeCroy, MSN, RN; and Sharon Pugh, LPN, were not present. Pamela Autrey, PhD., MSN, RN, arrived at 9:03 a.m.

C. Review of Agenda

1. Additions, Modifications, Reordering

2. Adoption of Agenda

On October 15, Mr. Howard moved that the Board adopt the Agenda. Ms. Linsky seconded. Motion carried.

II. EDUCATION

A. Nursing Education Program Deficiency Visits

Ms. Drake-Speer reported that the Board reviews NCLEX® each fiscal year. If a nursing program is below the standard, the Board issues a Notice of Deficiency. The notice establishes a time frame for programs to submit a written plan and reports documenting progress to the Board. The Board also conducts surveys as necessary to determine compliance with standards set forth in the ABN Administrative Code, Chapter 610-X-3, Nursing Education Programs.

A deficiency survey visit was conducted for Springhill College BSN, Bishop State Community College ADN, and Jacksonville State University BSN programs.

Ms. Drake-Speer provided copies of the written reports of the comprehensive onsite evaluation for each program for the Board's information and review.

The Board reviewed and discussed the information provided.

B. Herzing University – LPN Program Follow-up Report

Ms. Drake-Speer reported that Herzing University practical nursing program received a Notice of Deficiency for failure of first time writers to meet the 80% NCLEX® passing standard for FY 2008. On January 14, 2009, Ms. Lee conducted a site visit and provided a report to the Board noting that the plan was presented without a systematic plan of evaluation; therefore the educational effectiveness of the plan could not be identified. Herzing University submitted a follow-up plan which included a systematic plan of evaluation but it does not clearly define the standard, program outcome or student-learning outcome that the program is evaluating or assessing. There are goal or action statements, but the expected level of achievement is not specified for all of the statements; therefore the analysis of data collected does not address obtainment of the goal.

The FY 2009 results are not available yet. Currently, the passage rate is 92% with forty-six of fifty first time writers passing the exam.

Ms. Drake-Speer provided copies of the follow-up plan for the Board's information and review.

The Board discussed the information provided and suggested that Ms. Drake-Speer conduct another site visit.

III. ADVANCED PRACTICE AND PRACTICE

A. Joint Committee Applicants

Ms. Cotton reported that at the September meeting, the Board reviewed applicants for the open position on the Joint Committee for Advanced Practice Nursing of the Alabama Board of Nursing and the Alabama Board of Medical Examiners. The Board selected three candidates for interview.

Ms. Cotton provided copies of correspondence submitted by each applicant for the Board's information and review.

1. Mae Carlisle

The Board interviewed Ms. Carlisle.

2. Theresa Wadas

The Board interviewed Ms. Wadas.

3. Grace Vacheresse

The Board interviewed Ms. Vacheresse.

The Board discussed each applicant and narrowed it down to Ms. Carlisle and Ms. Vacheresse.

Ms. Nobles moved that the Board vote on the two applicants. Ms. Linsky seconded. Motion carried.

Ms. Nobles and Mr. Howard voted for Ms. Carlisle.

Dr. Autrey, Dr. Davis, Ms. Linsky, Ms. Hopkins, Ms. Price, Ms. Cauley, and Ms. Bullard voted for Ms. Vacheresse.

Mr. Brown abstained from the vote.

Ms. Vacheresse was selected to fill the RN position on the Joint Committee.

B. Fast Track Applications for Collaborative Practice

Ms. Cotton reported that the roster includes twenty-four applications for collaborative practice which meet the following criteria: 1) collaborative practice; 2) prescriptive privileges for standard formulary; 3) covering physicians; 4) no remote practice sites; 5) standard CRNP protocol with no additional duties; or 6) physician applicants who have met all ABME qualifications.

Applications for remote site practice, additional skills and/or restricted drugs will be presented to the Joint Committee in November.

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

On October 15, Dr. Davis moved that the Board approve the CRNP applicants for collaborative practice as listed in the published roster. Mr. Howard seconded. Motion carried.

C. Amendment, ABN Administrative Code, Rule 610-X-9-.07, Qualifications for Approval to Practice as a Clinical Nurse Specialist

Ms. Cotton reported that the Board reviews each chapter of the Administrative Code every three years. Chapter 610-X-9 is scheduled for review. No substantive changes to rules for CRNA are necessary at this time.

At the September 2009 meeting, the Board recognized the Clinical Nurse Specialist Core Examination of the American Nurses Credentialing Center (ANCC) as meeting the national certification requirement for Board approval as a Clinical Nurse Specialist. In addition, the Board recognized the CNS Core Exam as an examination for Obstetrical/Maternal Child CNS because there is no national exam available for this specialty. In order to renew the CNS approval beyond December 31, 2010, individuals who hold current CNS approval as Obstetrical CNS must submit evidence of certification based on the national examination.

Ms. Cotton provided copies of the proposed rule change for the Board's review and approval.

The Board reviewed and discussed the proposed rule change.

On October 15, Ms. Linsky moved that the Board approve the

amendment to the ABN Administrative Code, Rule 610-X-9-.07, Qualifications for Approval to Practice as a Clinical Nurse Specialist. Mr. Howard seconded. Motion carried.

D. New, ABN Administrative Code, Rule 610-X-9-.12, Reinstatement

Ms. Cotton reported that the proposed rule 610-X-9-.12, Reinstatement of Approval to Practice as a Clinical Nurse Specialist defines the requirements for the active RN whose CNS approval has lapsed due to lack of certification or non-renewal. Reinstatement of APN status is an option on the application for reinstatement of a lapsed license and APN approval. In addition, with an active RN license, the RN may apply for reinstatement of advanced practice nursing separately from RN license renewal or reinstatement. The application includes payment of fees and verification of national specialty certification. After reinstatement, the CNS approval is active for the period of the RN license or the national specialty certification, whichever expires first.

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

The Board reviewed and discussed the proposed rule.

On October 15, Ms. Linsky moved that the Board adopt the new rule ABN Administrative Code 610-X-9-.12, Reinstatement of Lapsed Approval for Practice as a Clinical Nurse Specialist. Mr. Howard seconded. Motion carried.

IV. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. Uniform Minimum Licensure Requirements

Ms. Lee reported that in 1999, the Delegate Assembly of the National Council of State Boards of Nursing, Inc. (NCSBN) approved uniform core licensure requirements. As is always the case with NCSBN, no member Board is obligated to adopt the uniform core licensure requirements. Each state law varies regarding the requirements for licensure and in some cases, the legislature would have to pass amendments to the Nurse Practice Act in order for some requirements to take effect.

Ms. Lee provided copies of the communication from NCSBN and the uniform core licensure requirements for the Board's information and review.

The Board reviewed and discussed the uniform core licensure requirements.

V. PUBLIC HEARING

- A. ABN Administrative Code, Chapter 610-X-6, Standards of Nursing Practice; Chapter 610-X-7, Standards of Nursing Practice – Specific Settings; Rule 610-X-4-.14, Fee; Rule 610-X-2-.06, Definitions, Standards of Nursing Practice; Rule 610-X-2-.07, Definitions, Standards of Nursing Practice – Specific Settings

A Public Hearing was held for proposed changes to ABN Administrative Code, Chapter 610-X-6, Standards of Nursing Practice; Chapter 610-X-7, Standards of Nursing Practice – Specific Settings; Rule 610-X-4-.14, Fee; Rule 610-X-2-.06, Definitions, Standards of Nursing Practice; and Rule 610-X-2-.07, Definitions, Standards of Nursing Practice – Specific Settings The Public Hearing began at 1:00 p.m.

The deadline for public comments is November 4, 2009.

VI. REQUEST FOR REPAYMENT PLAN ON NURSING EDUCATION SCHOLARSHIP: REGINA NICKELSON, 1-099036

Ms. Lee reported that Regina Nickelson was awarded the Nursing Education Graduate Scholarship by the Board in September 2007. She received disbursements totally \$10,000.

In May 2009, Ms. Weaver sent Ms. Nickelson a letter asking about her graduation as she anticipated graduating in 2009. In September 2009, Ms. Nickelson called requesting a repayment plan as she does not plan to fulfill the scholarship requirements of teaching in a college or university school of nursing for one year post-graduation. She was advised that the Board did not allow repayment plans other than the total amount and she indicated she could not obtain a loan to repay the scholarship money at one time. Ms. Nickelson was invited to come talk to the Board but indicated she had to work.

Ms. Lee reported that this is not a repayment of money to the Board but repayment to the State Treasury of Education Trust Fund (ETF) money. With the current state of tax revenues and anticipated pro-ration of the ETF early in FY 2010, allowing Ms. Nickelson two years to repay the scholarship money would require a second agreement, monitoring by the

Board staff to see if the money was repaid each month, noting the refund amount in the ETD on a monthly basis, maintaining records for the Examiners of Public Accounts, etc.

Ms. Lee provided copies of the letter requesting a payment plan, the signed agreement, and the promissory note for the Board's information and review.

On October 15, Ms. Linsky moved that the Board enforce the scholarship agreement and promissory note between the Board and Regina Nickelson. Mr. Howard seconded. Motion carried.

VII. OTHER

- Mr. Harper welcomed Monica Cauley, Board member.
- Mr. Harper requested that Cyberbest provide an update at the November Board meeting.
- Mr. Harper requested that the Board discuss strategies for becoming a check book agency at the November or December Board meeting.
- Ms. Lee reported that she met with the Examiners of Public Accounts regarding how the Board issues temporary permits and advanced practice approval. During this meeting, becoming a check book agency was discussed. The Examiners informed Ms. Lee that check book agencies are looked at closely and are responsible for following state law, polices and procedures.
- Ms. Lee reported that she invited Stillman College to attend the November Board meeting to discuss their deficiencies and why the program should not be closed, but they have not responded.

VIII. BOARD MEETING DERIEFING

IX. ADJOURNMENT

The meeting adjourned at 1:42 p.m. on October 15, 2009.

Michael D. Harper, President

Gregory Howard, Secretary

Recorder: Leslie Vinson
10/15/2009