

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2009-2010
Suite 350, RSA Plaza
770 Washington Ave
Montgomery, Alabama
September 16-17, 2010

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on September 16, 2010. The following Board members were present: Sylvia Nobles, MSN, CRNP, Vice-President; Sharon Pugh, LPN, Secretary; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Cathy Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Lynda F. LaRue, RN, ADN, CMTE; Martha G. Lavender, RN, DSN; Amy Price, MSN, RN; Gregory D. Pugliese, JD; and E. Laura Wright, MNA, CRNA. 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, Advance Practice; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Frank Mitchell, Chief Special Investigator; David Pinnock, Special Investigator; Wyatt Gantt, Special Investigator; Nate Nunnelley, Special Investigator; Danny Bond, Special Investigator; Ginny Pettway, Docket Clerk; Pam Jenkins, Legal Research Assistant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Katie Wetherbee, Assistant General Counsel; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with twelve Board members present on September 16, and thirteen members present on September 17. Pamela Autrey, PhD., MSN, RN, arrived at 9:01 a.m. on September 16.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

XII.A.13 Tomeka Charie Ortiz Carman was deleted from the agenda.

XII.A.27 Charlotte A. Roberts Hanly was deleted from the agenda.

2. Adoption of Consent Agenda

The following items were accepted on the Consent Agenda:

- II.A. July 15-16, 2010 Board Meeting Minutes
- II.B. August 19, 2010 Board Meeting Minutes
- III.A. Board Action Follow-up
- V.A. FY 2010 3rd Quarter NCLEX-PN® Results
- V.B. FY 2010 3rd Quarter NCLEX-RN® Results
- VI.A. Executive Officer
- VI.A.2. FYI
- VI.E. Operations/Personnel Report
- VI.F. Licensing Division
- VI.G. Board Member Attendance
- VII.A. 2009-2013 Strategic Plan Update
- IX.A.1. Practice Report
- IX.B.1. Continuing Education Report
- X.A. Education Report

On September 16, Mr. Pugliese moved that the Board adopt the Consent Agenda. Dr. Lavender seconded. Motion carried without objection.

3. Adoption of Agenda

On September 16, Dr. Lavender moved that the Board adopt the Agenda, as amended. Mr. Howard seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. July 15-16, 2010 Board Meeting Minutes

The July 15-16, 2010 Board Meeting Minutes were accepted on the Consent Agenda.

B. August 19, 2010 Board Meeting Minutes

The August 19, 2010 Board Meeting Minutes were accepted on the Consent Agenda.

C. Correction to September 2008 Minutes

Ms. Lee reported that during the course of correcting legal cases in License 2000, a discovery was made that an error occurred in a consent order that led to an error in the Board meeting minutes. In September 2008, a consent order was presented to the Board for Allyson Greer Brady Hayes, RN, 1-062737. The Board approved the consent order. An error in the consent order was missed by multiple individuals and the consent order was for a maximum of twenty-four months suspension rather than the usual twelve. The September 2008 Board meeting minutes states the usual conditions that the suspension would not extend beyond twelve months.

Ms. Lee provided copies of an extract of the September 2008 minutes for the Board's information and review.

On September 16, Mr. Pugliese moved that the Board approve the correction to the September 2008 minutes by striking twelve and replacing it with twenty-four. Ms. Wright seconded. Motion carried without objection.

III. OLD BUSINESS/FOLLOW-UP

A. 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.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. FY 2010 3rd Quarter NCLEX-PN® Results

The 3rd Quarter NCLEX-PN® Results for FY 2010 were accepted on the Consent Agenda.

B. FY 2010 3rd Quarter NCLEX-RN® Results

The 3rd Quarter NCLEX-RN® Results for FY 2010 were accepted on the Consent Agenda.

VI. REPORTS

A. Executive Officer

1. Report

Ms. Lee provided a written report to the Board outlining her activities from July 1, 2010, through August 31, 2010.

In addition to her written report, Ms. Lee reported that 10% of the RNs eligible to renew have renewed. Ms. Lee also reviewed the technical problems with RN renewal.

Ms. Lee reported that the Governor has declared another 2% proration and wants \$5,000 back from the scholarship money. Ms. Lee reported that all but \$2,000 has been dispersed and that will be transferred back into the Education Trust Fund.

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>
Moseley, David Boyd	2-056366	07/08/2010
Maund, Elizabeth Brooke	2-052767	07/09/2010
Hyde, Jillian Tate	1-108866	07/12/2010
Moore, Lenora Mae	2-060508	07/12/2010
Norris, Rhonda Leigh	2-029657	07/13/2010

Creel, Katie Suann	2-051768	07/13/2010
Wilson, Joan Gertrude	1-067382	07/16/2010
Allen, Sandra Ebenezer	1-092939	07/16/2010
Marable, Amy Lynn	2-056885	07/16/2010
Browning, Mary Beth	1-121033	07/20/2010
Sorrells, Tamra Marie	2-035675	07/22/2010
Brock, Ashley Pepper	1-091046	07/22/2010
Mathis, Wendy Ruth	1-043742	07/26/2010
Beasley Jimmie Lee	1-125153	07/27/2010
Porter, Roger Mims	1-087291	07/28/2010
Aust, Elizabeth Anne	1-090764	07/29/2010
Bell, Alexis E.	2-058668	07/30/2010
Tolliver, Debra Ann	1-100561; 2-024851	08/06/2010
Hill, Marquetta Renee	2-031071	08/06/2010
Breeding, Clarissa Jaye	1-115252	08/11/2010
Hettinger, Linda Diane	2-058812	08/11/2010
Austin, Kimberly Michelle	1-104609	08/12/2010
Benefield, Margaret Mary	2-034612	08/13/2010
Garcia, Cynthia Nichole Deleon	1-115949; 2-049002	08/16/2010
Elmore, Tracy Alison	1-090542	08/18/2010
Harlow, Beverly A.	1-022785	08/20/2010
Black, Penny Maranda	2-052653	08/20/2010
Jeffries, Christina Louise	2-053319	08/23/2010
Ransom, Kathy Rena	1-095182; 2-046025	08/24/2010
Millsap, Dimitri Joelle	1-071143	08/25/2010
Perkins, Christine Lynn	2-018885	08/25/2010

2. FYI

Ms. Lee provided the following items for the Board's information: (1) a copy of the 2010-2011 Board of Medical Examiner's members; (2) a letter from Alabama Southern Community College announcing Dr. Reginald Sykes as

President; (3) a letter from Jefferson Davis Community College announcing Susan Mack as Director of Nursing; (4) a letter from Martin Methodist College regarding their intent to place senior level nursing students in a pediatric clinical rotation at Decatur General Hospital; and (5) a letter from Wallace State Community College-Hanceville announcing Deborah Hoover as the new Director of Nursing.

3. Healthcare Integrity Protection Databank Reporting

Ms. Lee reported that the Secretary of the U.S. Department of Health and Human Services, acting through the Office of Inspector General (OIG), was directed by the Health Insurance Portability and Accountability Act of 1996 to create the Healthcare Integrity and Protection Data Bank (HIPDB) to combat fraud and abuse in health insurance and health care delivery.

The HIPDB is primarily a flagging system that may serve to alert users that a comprehensive review of practitioner's, provider's, or supplier's past actions may be prudent. The HIPDB is intended to augment, not replace, traditional forms of review and investigation, serving as an important supplement to a careful review of practitioner's, provider's or supplier's past actions. Information reported to the HIPDB is considered confidential and shall not be disclosed except as specified in the HIPDB regulations.

One of the issues addressed in recent news articles is the reporting of nurses to HIPDB. Gaps in reporting seemed prevalent. Some agencies in Alabama have not reported to HIPDB.

The Board's historical data was reported to HIPDB by the National Council of State Boards of Nursing, Inc. (NCSBN) in 2000. Multiple errors occurred and the EO made the decision that the ABN would report to HIPDB directly. For the first four years, the EO reported all discipline. Leslie Vinson, Executive Secretary, reports the Board's disciplinary actions directly into HIPDB following Board meetings where disciplinary actions occur. In addition, Ms. Vinson reports changes or revisions to Board actions.

Back in 2006, HIPDB began inserting comments on the reports indicating whether the report was made within thirty days of Board action. A memorandum was sent to them

regarding the problems with making that notation on applicants because applicants can not be entered into HIPDB. In July 2010, a letter was received from HIPDB listing thirteen individuals that HIPDB said were missing from HIPDB but were posted on the Board's web site. The audit occurred from 2008 – 2009.

Of the thirteen cases listed, staff input data on three. The remainder either did not belong in HIPDB or were already included. In 2008, there were 392 disciplinary actions eligible for entry into HIPDB. In 2009, there were 375 disciplinary actions eligible for entry into HIPDB. Out of a total of 767 cases, only three were missing from HIPDB. Of the three that were missing, one had been entered but had been deleted based on an appeal. The case was added back in after a review of the HIPDB regulations.

Ms. Lee provided copies of the letter from HRSA, the letter to HRSA, and the fact sheet on HIPDB for the Board's information and review.

The Board reviewed and discussed the information provided.

4. Changes in Computers

Ms. Lee reported that the budget for FY 2009 included the purchase of computers for the Board members and staff. There was no purchase of computers and the current computers have been in use for about two and one-half years. The usual replacement is every three years. Money is in the budget in FY 2011 to replace the Board laptops as well as staff computers.

The Board discussed their options and decided to stay with Dell computers with updated software.

5. Process for Nursing Education Program Hearings

Ms. Lee reported that the **Code of Alabama, 1975**, Section 34-21-2(j)(5) specifies the Board's authority for approving and withdrawing approval from nursing education programs.

Staff anticipates three to four nursing education program hearings for FY 2011. The Board conducted three prior nursing education program hearings in the past. The majority of current Board members have not participated in nursing

education program hearings. The process varied in the prior hearings and the Board needs to determine the process to follow for the hearings. Determining the process also aids the staff in scheduling.

In past hearings, the Board was present for all except one. One hearing was held the same as for discipline cases. The institution lost national accreditation and no longer met the standards in the regulations so it was deemed unnecessary for the Board to be present. The other two hearings were conducted with the Board members present.

The education program can put forth any evidence about its success or failures. Typically the President of the institution attends the hearing and testifies. The nursing program director also typically attends and testifies. It would be up to the institution and its attorneys to decide who testifies on behalf of the program.

An advantage of the Board members being present for the hearing is that the Board hears the issues associated with the program. In addition, for the potential decision to withdraw approval from a program, the Board might be better served by attending the hearing.

Staff recommendation is for the hearings to occur in front of the Board during a regularly scheduled Board meeting.

Assuming the hearing is held in the Board's presence, the format and participation is important to determine in advance. At a typical administrative hearing, the Board produces its evidence first and then the school would present its evidence. Subsequent to the school presenting its evidence, and cross-examination by Ms. Henley, the hearing officer could open it up for Board member questions. The Board members should be careful to only ask pertinent questions related to the program itself and not repetitive of prior questions.

Mark Wilkerson, the Board's Hearing Officer, would conduct the hearing and rule on evidentiary issues as well as relevance of questions. The Board would listen to the evidence but would not make a decision the day of the hearing. Mr. Wilkerson would provide a recommended order at the next Board meeting and the Board would render its

decision after review of the evidence, testimony, and the hearing officer's recommended order. The Board can only consider the evidence presented at the hearing and not any information outside the hearing itself. A court reporter would be present to record the testimony and the transcript would be provided to the Board as it is for discipline cases.

The Board could schedule the hearings to coincide with regularly scheduled Board meetings. Although the meetings for calendar year 2011 will not be determined until November 2010, the nursing program hearings could be scheduled on Friday afternoons in January, March, and May following the Board's decisions on discipline. The meetings are scheduled for two days during those months and other business could occur as usual and the hearings scheduled for the second day. Another option would be to set hearings for January, February and March and use a half-day of the February meeting for the hearing.

Two of the hearings were about four hours in length. The hearing where the Board was not present was about an hour. Setting aside half of the meeting day seems reasonable for having the evidence presented.

The Board reviewed their options.

On September 16, Ms. Price moved that the Board accept the process and schedule as presented. Mr. Howard seconded. Motion carried without objection.

6. Board Member Compensation

Ms. Lee reported that the Board establishes Board member compensation in compliance with ABN Administrative Code, Rule 610-X-1-.12(1-2).

Current Board compensation is \$161 per day and has been that amount for two years. The President receives an additional \$161 per month.

On September 16, Mr. Howard moved that the Board approve the Board compensation at \$161 per day with an additional \$161 per month for the Board President for FY 2011. Dr. Lavender seconded. Motion carried without objection.

7. Permission Request to Use Copyrighted Material

Ms. Lee reported that at the August 19, 2010 meeting, the Board reviewed a request from Jones and Bartlett Learning to grant permission to print some of the Board's research in a textbook authored by Allison Terry, former staff member of the Board. No pages were produced by the publisher and the Board deferred action on the request until the use of the Board's material could be reviewed. The publisher subsequently sent the chapter and appendices that show the use of the materials.

A benefit of providing permission is that perhaps the Board's research is further widespread. Another benefit is that the material is published on the Board's web site already so it is available for anyone to reference. A disadvantage of providing permission is that Allison Terry lifted the research materials whole and signed an agreement to reproduce those materials without permission from the Board. Her use of the research for a publication that she anticipates earning royalties from is also negative. The lack of ethical behavior in not requesting the Board's permission before she provided the publisher with the material is of concern.

To date, all the communication related to the use of the material has occurred with the publisher and not with Allison Terry who is responsible for submitting the materials to the publisher.

Ms. Lee provided copies of the proposed agreement and pages from the proposed text for the Board's information and review.

The Board reviewed and discussed the information provided.

On September 16, Mr. Pugliese moved that the Board deny the request to grant non-exclusive use of the materials for publication. Mr. Howard seconded. Motion carried without objection.

The Board discussed the possibility of opening a complaint against Dr. Terry for her unethical behavior. Ms. Lee reported that the staff would evaluate.

B. Executive Committee

1. President's Report

There was no report from the President.

C. Financial Reports

1. Reports

Ms. Weaver provided a Revenue and Expenditure Summary for FY 2010. Revenues and expenditures for FY 2010, and a spreadsheet reflecting payments for all in-state and out-of-state travel-related expenses through July 31, 2010, was presented. Ms. Weaver also provided a cost allocation report with a breakdown of expenditures by program and object codes, along with a report of dishonored checks through July 31, 2010. Ms. Weaver provided a variance report reflecting actual expenditures and revenue variances from the budget through July 31, 2010, and cash balance as of July 31, 2010.

Ms. Weaver reported that the Board has received eight bad checks this fiscal year, but all have been made good.

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

On September 16, Dr. Lavender moved that the Board accept the finance report. Ms. Price seconded. Motion carried without objection.

2. Selection of Post-Baccalaureate Scholarships

Ms. Weaver reported that the **Code of Alabama, 1975**, Section 34-21-60, authorizes the Board to annually award fifteen scholarships in the amount of \$3,800.00 each for post-baccalaureate nursing education. ABN Administrative Code, Chapter 610-X-11, addresses the candidate qualifications, scholarship conditions, selection of recipients, scholarship payments, and consequences of failure to comply with the conditions. The legislature appropriated \$37,725 for FY 2011, which reduces the award to \$2,515 each.

Of the sixty-eight applicants, fifteen were ineligible – four did not submit a transcript, one did not meet hourly requirements, one had not met the residency requirement, one was not attending a school of nursing, nine submitted ineligible proofs of residency, and three did not submit a graduate admission form. Fifteen applicants applied for both scholarships.

The committee members consisting of the Executive Officer and three nurse consultants were supplied with application summaries for each eligible applicant, a copy of the ABN Administrative Code Chapter 610-X-11 for qualifications and criteria for selection, and a tally sheet to list their top fifteen choices. Applicant codes were used so the names of the individuals were not known to the committee members. The committee members returned the tally sheet to the Chief Fiscal Officer for tabulation.

Those applicants receiving unanimous or near unanimous approval from the tally sheets were automatically selected. The remainder of the applicants were reviewed to ensure the recipients/alternates were geographically distributed throughout the state as required.

Ms. Weaver reported that there were more applicants for the post-baccalaureate scholarship than the nursing instructor scholarship.

Ms. Weaver provided a list of recipients and alternates recommended by the committee and a map for the geographic distribution.

On September 16, Mr. Pugliese moved that the Board award the post-baccalaureate nursing scholarship to the applicants recommended by the staff, and in the event any of those selected either refuse the scholarship or are determined ineligible, approve the ranked alternates to replace them. Mr. Howard seconded. Motion carried without objection.

3. Selection of Education Instructor Scholarships

Ms. Weaver reported that Legislation was passed during the 2010 legislative session appropriating \$237,725 of Education Trust Funds to the Board of Nursing to administer scholarships for nurses. During FY 2011, ABN will administer

two scholarship programs: 1) \$37,725 for the Post-Baccalaureate Nursing Education Scholarship which is covered in the ABN Administrative Code, Chapter 610-X-11; and 2) \$200,000 earmarked to “be expended exclusively for scholarships for advanced degrees to train instructors to teach nursing classes in Alabama colleges and universities”.

At the May board meeting, the Board approved the following guidelines for the \$200,000 earmarked funds since the only legislative restriction is it be spent for advanced degrees to train instructors to teach nursing classes in Alabama colleges and universities: 1) Forty scholarships in the amount of \$5,000 each for both masters and doctoral recipients; 2) Qualifications: (a) must have been a resident of Alabama for a period of at least one year immediately preceding application with two proofs of residency; (b) must have an active unencumbered Alabama registered nurse license; (c) must have been admitted to an accredited program seeking an advanced degree enabling the candidate to train instructors to teach nursing classes in Alabama colleges and universities, applicants may attend programs outside the state, if professionally accredited; (d) must hold or substantially meet the requirements for a baccalaureate degree in nursing from an accredited school of nursing; an official transcript or certification from the registrar stating requirements were met is required; (e) must agree to teach nursing full-time in an Alabama college or university for at least one year immediately after graduation; (f) must be a person of good character; and (g) must submit a completed application with all required documentation on or before July 30, 2010.

The Board also approved the following scholarship conditions: (a) must teach nursing full-time in an Alabama college or university for at least one year immediately following completion of the graduate program; (b) must attend school for at least six (6) hours for two consecutive semesters and funds must be disbursed prior to October 1, 2011; (c) must sign a promissory note and an agreement to fulfill obligations; and (d) must keep the Board informed of the status of the above conditions and must immediately inform the Board of the failure to comply with the conditions. The Board recommended the following guidelines for selection of scholarship recipients: (a) an applicants already teaching at a school of nursing; (b) students at Alabama schools seeking doctorate in nursing, other doctoral degree

in a health related field, MSN or other master's degree in a health related field; (c) students at schools outside Alabama seeking doctorate in nursing, other doctoral degree in a health related field, MSN, or other master's degree in a health related field; and (d) recipients of this scholarship may not receive the Post-Baccalaureate Nursing Education Scholarship.

Of the fifty-eight applications received, seven were ineligible – one did not have the educational requirements, two did not submit transcripts, one is receiving a certificate instead of an advanced degree, and five submitted ineligible proofs of residency. Fifteen applicants applied for both scholarships.

The committee members consisting of the Executive Officer and three Nurse Consultants were supplied with application summaries for each eligible applicant, qualifications and criteria for selection, and a tally sheet to list their top choices. Applicant codes were used so the names of the individuals were not known to the committee members. The committee members returned the tally sheet to the Chief Fiscal Officer for tabulation.

Those applicants receiving unanimous or near unanimous approval from the tally sheets were automatically selected. The remainder of the applicants were reviewed to ensure the guidelines listed above were followed.

Ms. Weaver provided a list of recipients and alternates recommended by the committee and a map for the geographic distribution.

On September 16, Dr. Lavender moved that the Board award the education scholarship to the applicants recommended by the staff, and in the event any of those selected either refuse the scholarship or are determined ineligible, approve the ranked alternates to replace them. Mr. Howard seconded. Motion carried without objection.

Dr. Lavender expressed her appreciation for the hard work of the staff in reviewing the applications.

Ms. Lee reported that she has asked the Alabama State Nurses Association (ASNA) to address with the legislature allowing the Board more flexibility in administering the

scholarships. There are not enough nursing education jobs so there are not as many applicants.

4. FY 2012 Budget

Ms. Weaver reported that the FY 2012 budget will be due in the budget office on November 1, 2010. The proposed budget is typically presented at the September Board meeting so that it can be submitted by the deadline without requiring a special meeting of the Board.

Ms. Weaver provided copies of the FY 2012 Proposed Budget Worksheet - Expenditures, FY 2012 Proposed Budget Worksheet - Revenues, and the FY 2012 Proposed Budget Assumptions for the Board's information and review.

The Board reviewed and discussed the proposed FY 2012 budget.

On September 16, Dr. Lavender moved that the Board approve the FY 2012 proposed ABN Trust Fund expenditure budget. Ms. Pugh seconded. Motion carried without objection.

D. Legal Division

1. General Counsel/Deputy Attorney General

Ms. Henley reported on the activities of the Legal Division from June 26, 2010 through August 27, 2010, the number of open disciplinary cases, the number of licensees with past due disciplinary fines, and the number of cases on appeal or subject to litigation.

Ms. Henley also provided a written report.

2. Assistant General Counsel Report

Ms. Wetherbee reported on the number of applicants, Board order violations, probation violations, and VDAP violations.

Ms. Wetherbee also provided a written report.

3. Voluntary Disciplinary Alternative Program

Ms. Davis reported on VDAP participants and terminations

as of August 27, 2010, the number of VDAP agreements signed, the number of past due VDAP fee, and the number of open VDAP violations.

Ms. Davis also provided a written report.

Ms. Nobles requested to look at the recidivism rate for VDAP participants. Ms. Lee reported that once the new licensing management system is complete, the staff will look at the recidivism rate.

4. Investigations Report

Mr. Mitchell reported on the number of open investigations per investigator, and provided a written report.

5. Legal Nurse Consultant Report

Ms. Boden and Ms. Patton reported on the number of open cases per legal nurse consultant, and provided a written report.

Ms. Boden reviewed the process for how legal cases get to the nurse consultants.

Dr. Lavender requested to see trended data on the General Counsel report.

6. Probation Monitoring Report

Mr. Pinnock reported on the number of nurses monitored on probation as of August 25, 2010, the number of outstanding probation violations, the number of past due probation fines, the number of cases resulting in revocation by order, and the number of nurses released from probation.

Mr. Pinnock also provided a written report.

7. Public Records Request

Ms. Jenkins reported on the number of public records request from July 1, 2010 through August 27, 2010, and provided a written report.

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, 2009, through August 25, 2010, was accepted, as information, on the Consent Agenda.

G. 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 Update

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

VIII. ADVANCED PRACTICE

A. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the Joint Committee met on Tuesday, September 14, 2010, to review the applications for collaboration with Alabama physicians as listed in the roster.

The roster includes applications that met all requirements by August 20, 2010. Applicants requesting practice in a site with no collaborating or covering physician on site have provided documentation of a plan for cumulative hours together in a site.

Ms. Cotton reported that the Joint Committee recommended deferring action pending additional information on the plan for remote site practice at the Quickcare Clinic for Stephanie Tittle, 1-105754, and Dr. Allen Campbell, 00012445; and approve the collaborative practice for Eunice Augustus, 1-064660, and Dr. Raynon Andrews, 00024811, for June 30, 2010 through July 6, 2010.

The Committee recommended approving the collaborative practice upon payment of the collaborating physician fee to the BME for the following: (1) Bonnie Lioce, 1-087797, and Dr. Dorothy Nord, 00024214; (2) Merri Lorina, 1-080499, and Dr. Mary Kathleen Ingram, 00025165; (3) John Willis, 1-114309, and Dr. Jattinder Sachdev, 00012995; (4) Mary Ellen Burgess-Parker, 1-073481, and Dr. Muhammad Tariq, 00024225; (5) Stephanie Hammond, 1-096651, and Dr. Johnny Carter, DO284; (6) Katie Dixon, 1-102057, and Dr. John Ward, 00013511; and (7) Melanie Amberger, 1-073766, and Dr. Eric Johnson, 00014861.

The Committee recommends approving the collaboration for Stella Vinson, 1-061816, and Dr. Dimitiri Yanez, 00029635, with the limitation that Ms. Vinson may perform insertion of IUD and placement of subdermal contraceptive implant only when Dr. Yanez or Md. Maddox is available; and approve the collaboration for Ms. Stella Vinson, 1-061816, and Dr. Stacy Goode, 0027479, and deny the request for insertion of IUD and placement of subdermal contraceptive implant.

The following were deleted from the roster due to incomplete applications: (1) Cathy Eubanks, 1-073520, and Dr. William Stone, 6569; (2) Debbie Hamby, 1-052205, and Dr. Thomas Gaskin, 5337; (3) Wanda Hicks, 1-090842, and Dr. Marion Carroll, 3960; (4) Ramona Lazenby, 1-039092, and Dr. Maryluz Fuentes, 24127; (5) Susan Powell, 1-068161, and Dr. Dick Owens, 7870; (6) Stephanie Weems, 1-103953, and Dr. Caswell Harrigan, 13868; and (7) Kimberly Young, 1-098727, and Dr. Gregory Cheatham, 23538.

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

On September 16, Dr. Lavender moved that the Board accept the recommendations from the Joint Committee and approve the applicants for collaborative practice listed in the published roster and addendum with the noted deletions and recommendations on individual applications. Ms. Pugh seconded. Motion carried without objection.

B. Trigger Point Injections

Ms. Cotton reported that in July 2010, a physician member of the Joint Committee objected to the request from Kelli McAllister, CRNP to perform trigger point injections. The Joint Committee deferred action on the request, and planned further review at the September meeting. Ms. McAllister received approval of the

collaborative practice with Dr. Hovey, including cryotherapy of benign lesions and partial toe nail removal. She initially received approval in March 2008 to perform trigger point injections, and received approval for the procedure in practice with two subsequent collaborating physicians.

The Board of Medical Examiners sent correspondence on August 2, 2010, to the physician, Dr. Justin Hovey, and Kelli McAllister, CRNP, stating trigger point injection was denied.

In addition, the ABME directed the Ms. McAllister and Dr. Hovey to submit additional documentation of supervised practice for Partial Toenail Resection and Cryotherapy of Benign Superficial Lesions. These two procedures had been approved for her practice with other physicians in 2008 and 2009. The ABME asserted that temporary approval of the procedures should not have been granted. The notice of temporary approval for Ms. McAllister's collaboration with Dr. Hovey stated the requested procedures were restricted to physician supervision. This is standard text, and has been in use for more than five years in reference to procedures that are eligible for approval as additional duties.

Trigger Point Injection was approved in 1997 for CRNP in collaborative practice. Since then, twelve CRNPs have received approval to perform the procedure. Currently, two CRNPs in collaboration with the same physician have approval to perform trigger point injections.

In 2005, a physician member of the Joint Committee stated concerns about trigger point injections, and referred to physician liability premiums for additional procedures, such as trigger point injections, which are designated as office surgery. The RN member of the committee reminded the members that decisions should be made based on safety and risk to the patient, rather than premiums charged by individual liability carriers. The physician offered to provide the Joint Committee with additional information on the hazards of trigger point injections, but did not produce the information before he finished his term on the Joint Committee.

The Committee discussed the history of approval for CRNPs to perform trigger point injections and the lack of adverse reports against CRNPs who held approval to perform these procedures.

Ms. Lee requested that the Committee clarify the process for application review, temporary approval and stipulations for additional duties. The Committee discussed several scenarios of

CRNP qualifications for additional duties, transition from one practice to another and pertinent physician qualification for duties requested by the CRNP in comparison to a CRNPs first application for approval.

On September 16, Mr. Pugliese moved that the Board approve trigger point injections in Ms. McAllister's protocol with Dr. Justin Hovey. Dr. Lavender seconded. Motion carried without objection.

On September 16, Mr. Pugliese moved that the Board affirm the present process for continuation of additional skills in collaborative practice if there is previous approval in collaborative practice, and stipulate physician supervision is required during the period of temporary approval for the CRNP performing the procedure. Ms. Wright seconded. Motion carried without objection.

C. Exemption from On-Site Collaboration

Ms. Cotton reported that Dr. John Curtis requested exemption from on-site collaboration with CRNPs for a proposed practice to provide house calls for in-home assessments of patients enrolled in Medicare Advantage. The proposal includes telephone communication and electronic review of medical records.

The request was referred to the Joint Committee for recommendation to the Board of Nursing and the Board of Medical Examiners.

The Committee recommended deferring action on Dr. Curtis's request for exemption from on-site collaboration and desires additional information from Dr. Curtis about the proposed practice to provide house calls for in-home assessments of patients enrolled in Medicare Advantage.

The discussion of home-based services or house calls by CRNPs included comparison to existing collaborative practices that may choose to add house calls to their patient services.

Ms. Cotton provided copies of Dr. Curtis's request and application for the Board's information and review.

On September 16, Ms. Wright moved that the Board accept the Committee's recommendation to defer action and request

additional information from Dr. Curtis. Ms. Pugh seconded. Motion carried without objection.

On September 16, Ms. Wright moved that the Board accept the Committee's recommendation that CRNPs and physicians in established collaborative practice may conduct house calls within the approved collaborative protocol, in compliance with existing requirements for collaboration time together, and are not required to submit a modified protocol or receive prior approval in order to conduct house calls. Ms. Price seconded. Motion carried without objection.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on the standardized procedure application activity, and the 2010 Annual Report of Standardized Procedures as of August 24, 2010, was accepted, as information, on the Consent Agenda.

2. 2010 Standardized Procedure Report

Ms. Morgan reported that the ABN Administrative Code, Chapter 610-X-6 -.12, includes rules for the practice beyond the basic nursing education of RNs and LPNS through the implementation of Standardized Procedures for practice beyond basic nursing education.

The notice to report was delivered to the Chief Nursing Officers (CNO) on the list serve the first week in February with directions and the due date of April 15. On April 15, only 59% of expected reports had been received, however this is the first year we have received over 50% of the reports on the due date. As of this report, all CNOs have reported from hospitals, home health and hospice agencies, nursing homes, ESRDs, ambulatory surgery centers, medical transport companies and abortion/reproduction centers. All CNOs from known Infusion companies have reported.

Two of the six Abortion/Reproductive Health Centers operating at the time reported performance of "conscious sedation" and "performance of ultrasound to determine

gestational age”. Four reported no procedures beyond basic education. Follow-up was accomplished by emails, letters and phone calls. The answers submitted have been shared with the Alabama Department of Public Health’s Division of Health Care Facilities that regulates the Abortion or Reproductive Health Centers.

Ms. Morgan reported that it continues to be difficult to obtain reports from Infusion Companies since there is no directory, licensure or regulation of them in Alabama. One company reported performing procedures generally reserved for home health agencies including replacing and maintenance of mature gastrostomy tubes, wound vac application and maintenance, nasogastric tube insertion, and replacement/change mature suprapubic catheters. This submission has been forwarded to the Alabama Department of Public Health’s Division of Health Care Facilities.

Ms. Morgan reported that the proposed follow-up includes: publish on the CNO page of the ABN web site; publish in the ABN Annual Report; and provide the report to the nursing education programs via the list serve.

Ms. Morgan provided copies of the 2010 Annual Report data summary for the Board’s information and conducted a power point presentation.

On September 16, Ms. Pugh moved that the Board approve the 2010 report as submitted with the follow-up plans. Ms. Hopkins seconded. Motion carried without objection.

B. Continuing Education

1. Report

A written report on Continuing Education Provider applications, an audit of RNs who have added ABNP numbers to their individual continuing education record, and a CE plan update was accepted, as information on the Consent Agenda.

X. EDUCATION

A. Report

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

B. Chattahoochee Valley Community College ADN Program

Ms. Drake-Speer reported that Board staff and the Executive Officer received complaints from students and a faculty member regarding unfair grading practices in the Chattahoochee Valley Community College (CVCC) Associate Degree Nursing Program related to the preceptorship course. It was alleged that different requirements existed for different students and students were allowed to graduate who did not complete the course requirements. On June 4, 2010, the nurse consultant notified the President, Dean of Instruction and the Program Director of the complaints by electronic mail. Board staff discussed the complaints on June 14, 2010 via phone conference with the administrators and requested a written reply to the complaints. The reply was received on June 18, 2010 from Dr. Laurel Blackwell, President of CVCC. The communication stated that students in the preceptorship course who were assigned to a military facility worked "somewhat fewer hours than their counterparts at other facilities."

The Executive Officer notified President Blackwell of the following concerns: (1) the issue of academic integrity if CVCC was issuing a degree with variations in standards, practices and procedures to obtain the degree; and (2) the issue of the Board's receipt of official transcripts showing that all requirements had been met when not all students met the same requirements for graduation.

The EO requested that CVCC submit names of students enrolled, number of clinical hours each student completed and how demonstration of competency was determined for the Nur 204 Preceptorship course.

Student enrollment for the Nur 204 class during the spring semester totaled fifty students. CVCC adopted the Department of Postsecondary Education (DPE) standardized curriculum, which requires that students complete a ninety contact hour preceptorship experience. Analysis of the data provided by the president reveals: thirty-one of the fifty enrolled students did not complete a ninety contact hour preceptorship experience; twenty-seven students

graduated who did not complete a ninety contact hour preceptorship experience; twenty-one students who did not complete a ninety contact hour preceptorship were made eligible to test for NCLEX® based on transcripts submitted to the ABN and seventeen of these candidates have been licensed as of August 16, 2010; and evidence could not be provided for two students to show that they completed any contact hours for the preceptorship experience.

On August 6, 2010 the Executive Officer, Nurse Consultant, Chancellor Frieda Hill (DPE) and Linda Cater, the Director of Health Careers (DPE) met to discuss the issue. On August 16, 2010 the Board's nurse consultant for nursing education programs conducted an onsite visit to CVCC relevant to this issue. Staff met with the President, Dean of Instruction, Program Chair and the Dean of Student and Administrative Services to further explore this issue and obtain evidence to validate the President's statement in the August 5, 2010 communication, "However we find no evidence that similar deviations from the standardized system-wide syllabi occurred in other nursing courses". Staff was unable to obtain documentation to validate this statement as well as evidence that clinical learning experiences were planned prior to the start of the academic year or semester. CVCC could not produce the following documents: (1) clinical schedule of students placement in facilities and the number of hours; (2) master schedule of clinical agencies utilized for each nursing course in the curriculum that has a clinical component; (3) schedule of clinical assignments for fulltime faculty and adjunct clinical supervisors; (4) summative evaluation of clinical experiences by students; (5) faculty evaluation of clinical agency; (6) course syllabi for Nur 204 and 203 (courses Board received complaints regarding); and (7) correspondence between clinical agencies and program requesting or arranging clinical experiences.

CVCC demonstrates that they are not in compliance with the ABN Administrative Code, Section 610-X-.03-.02(8), (9) (a) and (d), and (11) (e) and (g).

On September 16, Dr. Lavender moved that the Board provide a Notice of Deficiency to Chattahoochee Valley Community College ADN Program for failure to comply with the Standards of Approval for Nursing Education Programs. Ms. Pugh seconded. Motion carried without objection.

On September 16, Mr. Pugliese moved that the Board require Chattahoochee Valley Community College ADN Program to 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. Ms. Hopkins seconded. Motion carried without objection.

XI. POLICY

A. Review, ABN Administrative Code, Chapter 610-X-4, Licensure

Ms. Lee reported that the Board reviews each chapter in the ABN Administrative Code every three years. Chapter 610-X-4, Licensure was last reviewed in 2007. In addition to the review of the chapter, the Board is required by regulations to review the fee schedule at each September meeting. "The Board shall set fees and charges annually. At each September meeting of the Board, the previous schedule of fees and charges shall be automatically readopted unless the Board proposes a revised schedule." (Ala. Admin Code, Rule 610-X-4-.14(7)).

The proposed licensure rules encompass a few changes based on the trends of applications for licensure. The Board is experiencing an increasing number of applications of those licensed in other states who have a suspended or revoked license in another state. Without some foundation to deny consideration of those applications, we investigate and then bring the application to the Board for consideration. The Board should discuss whether those who are suspended or revoked in another state should even be considered for licensure in Alabama.

Currently the only mandatory continuing education for license renewal is the mandatory four-hour class for nurses licensed by examination during the license period. The Board directed the staff to bring forth a proposal to require a course in substance abuse disorders. The one contact hour (50 minute) course is included in the section specific to license renewal. When the Board requires a mandatory course, the Board has to make the course available. We have other online courses so providing a course on substance use disorders is not a problem in providing it. However, we also have to have a mechanism to assure that each licensed nurse is not renewed without having the mandatory class. With the mandatory class for newly licensed nurses, we have a "flag" set in our database for those that need the course. Once a nurse watches the course, the "flag" is removed in the database. At the time of license renewal, if the "flag" is still in place, the nurse is not allowed to renew until completion of the course. In preparation for 2010 RN

renewal, a list serve electronic message was sent to those who still had the “flag” in place. Email messages went to about 3,000 newly licensed RNs. The issues associated with requiring the mandatory course are: (1) when would it go into effect, (2) how would the Board communicate the requirement to licensees, (3) how would the Board evaluate the effectiveness of requiring the course, (4) what would be the expected outcome, and (5) what would be the administrative feasibility of requiring another mandatory course for 80,000 + licensees.

One of the sections of the rules related to advanced practice renewal exempts new graduates from the six hour pharmacology requirement if approved to practice with six months or less remaining in the license period. At the time of the exemption, it is unclear why six months was chosen and from an administrative point of view, would the Board and the public be better served if the exemption was extended to one year or less?

The only recommendation for increase in fees is for the reinstatement of a lapsed license. Currently the late renewal fee and the reinstatement fee of a lapsed license is \$125. Changing the reinstatement fee of a lapsed license to \$150 provides some separation between the two fees. The increase of \$50 is expected to generate additional revenues of \$4,000.00 per year.

Ms. Lee provided copies of the proposed changes for the Board’s review.

The Board reviewed and discussed the proposed changes.

On September 16, Dr. Lavender moved that the Board remove the proposed requirement for license renewal for a one contact hour course on substance use disorders. Mr. Howard seconded. Motion carried with one opposition (Mr. Pugliese) and one abstention (Dr. Dearman).

On September 16, Mr. Pugliese moved that the Board keep the requirement for nurses providing care at a camp for longer than seven days and for nurses providing care and accompanying students from another state to Alabama for longer than seven days to have an active Alabama license. Mr. Howard seconded.

After discussion, Mr. Pugliese withdrew his motion.

On September 16, Mr. Pugliese moved that the Board keep the

requirement for nurses providing care at a camp for longer than seven days per year and for nurses providing care and accompanying students from another state to Alabama for longer than seven days per year to have an active Alabama license. Dr. Lavender seconded. Motion carried with one opposition (Mr. Howard).

On September 16, Dr. Lavender moved that the Board approve the amendments to ABN Administrative Code, Chapter 610-X-4, Licensure. Mr. Howard seconded. Motion carried without objection.

B. Review, ABN Administrative Code, Rule 610-X-2-.04, Definitions, Licensure

Ms. Lee reported that the Board reviews each chapter in the ABN Administrative Code every three years. Rule 610-X-2.04, Definitions, Licensure was last reviewed in 2007. The proposed licensure definitions encompass a few changes based on the trends of applications for licensure. The addition of a definition for Board lapsed is to inform licensed nurses about the potential for the Board to lapse a license. The Board is seeing an increasing number of Board lapsed Orders due to issues of physical or mental conditions that impact an individual licensed nurse's ability to safely practice.

Ms. Lee provided copies of the proposed changes to Rule 610-X-2-.04, Definitions, Licensure for the Board's information and review.

On September 16, Ms. Wright moved that the Board approve the amendments to ABN Administrative Code, Rule 610-X-2-.04, Definitions, Licensure. Ms. Price seconded. Motion carried without objection.

C. Review, ABN Administrative Code, Chapter 610-X-5, Advanced Practice-Collaborative Practice

Ms. Cotton reported that the Board reviews regulations every three years. Changes were made to Chapter 610-X-5, Advanced Practice – Collaborative Practice, in 2006 and 2008. Board staff reviewed the chapter and drafted proposed changes, which were discussed at the June 2010 Board meeting. Following the June meeting, proposed changes were presented to the Joint Committee in July.

The Board of Nursing, the Joint Committee, and the Board of Medical Examiners reviewed Chapter 610-X-5 Advanced Practice –

Collaborative Practice (ABME Administrative Rule Chapter 540-X-8). The Board of Medical Examiners did not agree to changes in the following rules: 1) specialty protocols for temporary approval of collaborative practice; and 2) requirement for on-site collaboration between physician and CRNP/CNM.

Ms. Cotton reported that the statute requires the rules shall be adopted by both the ABN and the ABME. A schedule for adoption and publication of the rules will be coordinated with the Board of Medical Examiners to include changes to ABME Chapter 540-X-8.

Proposed changes to ABN Administrative Code, Chapter 610-X-5 include: 1) add definitions, as published in Chapter 610-X-2, to 610-X-2-.05.; 2) state the requirements and application process for exemption from collaborative practice; 3) add the accumulated Board decisions about practice sites to the definition of 'remote practice site' and to the requirements for practice in remote sites; and 4) include reference to existing rules for advanced practice renewal and continuing education requirements as stated in ABN Administrative Code, Chapter 610-X-4 Licensing and 610-X-10 Continuing Education.

Ms. Cotton provided copies of the proposed revisions to ABN Administrative Code, Chapter 610-X-5, Advanced Practice-Collaborative Practice.

The Board reviewed the proposed revisions and made minor changes.

On September 16, Mr. Pugliese moved that the Board approve the proposed revisions, as amended. Ms. Price seconded.

After discussion, Mr. Pugliese withdrew his motion.

On September 16, Ms. Price moved that the Board approve the proposed revisions, as amended, and prior to sending out for public comment, refer back to the Board of Medical Examiners for an update. Ms. Wright seconded. Motion carried without objection.

D. Review, ABN Administrative Code, Rule 610-X-2-.05, Definitions, Advanced Practice-Collaborative Practice

Ms. Cotton reported that the Board reviews regulations every three years. The Board is reviewing ABN Administrative Code, Chapter 610-X-5 Advanced Practice–Collaborative Practice. The definitions

are in Chapter 610-X-2 and in Chapter 610-X-5. If the Board approves the changes to the definitions in Chapter 610-X-5, the changes should also occur in Chapter 610-X-2.

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

The Board reviewed the proposed amendments and made minor changes.

On September 16, Ms. Price moved that the Board approve the amendments to ABN Administrative Code, Rule 610-X-2-.05, Definitions, Advanced Practice-Collaborative Practice. Mr. Pugliese seconded. Motion carried without objection.

E. Review, ABN Administrative Code, Chapter 610-X-3, Nursing Education Programs

Ms. Drake-Speer reported that the Board reviews regulations every three years. Changes were made to Chapter 610-X-3, Nursing Education Programs, in 2007. Board staff and the Executive Officer reviewed the current chapter and drafted proposed changes, which were presented to the Board at the June 17, 2010 meeting. Staff received feedback from the Board and modified the document as directed. The Board reviewed the rules at its July meeting and approved circulation of the proposed rules to Deans and Program Directors of Schools of Nursing. The proposed rules were sent out by list serve.

Ms. Drake-Speer provided copies of the proposed amendments for the Board's review.

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

On September 16, Dr. Lavender moved that the Board approve the proposed amendments to ABN Administrative Code, Chapter 610-X-3, Nursing Education Programs. Mr. Pugliese seconded. Motion carried without objection.

Ms. Price was not present for the discussion or vote.

F. Review, ABN Administrative Code, Rule 610-X-2-.03, Definitions, Nursing Education Programs

Ms. Drake-Speer reported that the Board reviews regulations every

three years. The Board reviewed proposed changes to Chapter 610-X-3 at the June and July meetings. Proposed changes to definitions have been amended and are at the beginning of Chapter 610-X-3. If the Board approves the changes to the definitions in Chapter 610-X-3, the changes should also occur in Chapter 610-X-2-.03.

Ms. Drake-Speer provided copies of the proposed amendments for the Board's review.

The Board reviewed and discussed the proposed amendments.

On September 16, Dr. Lavender moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-2-.03, Definitions, Nursing Education Programs. Ms. Pugh seconded. Motion carried without objection.

Ms. Price was not present for the discussion or vote.

G. Alabama Board of Medical Examiners, Chapter 540-X-15, Interventional Pain Management

Ms. Lee reported that Alabama Board of Medical Examiners (ABME) has proposed a new chapter addressing interventional pain management. The rules most likely stem from the ongoing debate about interventional pain management procedures and whether CRNAs or other advanced practice nurses can perform any of the procedures. In the Fall of 2009, Dr. Steve Sykes, an anesthesiologist in Dothan, requested that the Board issue an advisory opinion regarding CRNA practice in interventional pain management. The Board declined as there is no statutory authority for advisory opinions. Dr. Sykes then requested a declaratory ruling. The Board issued a declaratory ruling in March 2010.

The proposed rules were discussed at the June 2010 meeting of the ABME and again at the July meeting. At the August meeting, the ABME approved the proposed rules for filing with the Legislative Reference Service and public notice and comment. The deadline for comment is October 5, 2010. It is anticipated there will be a request for a public hearing on the rules although that is not contained in the notice.

Ms. Lee reported that the Board needs to determine whether to submit comments in writing or in person if there is a public hearing. If ABME approves the rules, and should the issue go before the Legislative Regulatory Oversight Committee, the Board's position

would be important so the staff knows what position is taken by the Board.

Ms. Lee provided copies of the proposed Chapter 540-X-15, Interventional Pain Management, and Dr. Steve Sykes Declaratory Ruling for the Board's information and review.

The Board reviewed the proposed Chapter and directed Ms. Lee to draft the Board's comments and send to ABME after their review.

On September 17, Ms. Nobles moved that Ms. Lee send the draft comments to Board members by electronic mail. Ms. Price seconded. Motion carried without objection.

XII. DISCIPLINARY CASES

On September 17, Ms. Nobles 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. Pugh seconded. Motion carried without objection.

Dr. Autrey reported that the Board would reconvene in open session at approximately 10:00 a.m.

The Board reconvened in open session at 9:35 a.m. and voted on the Consent Orders.

A. Consent Orders

1. Ridley, Pamela Ann – LPN, 2-051967

Ms. Ridley 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 professional accountability, and pays a fine in the amount of \$600.00. Upon reinstatement, Ms. Ridley'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 September 17, Ms. Pugh moved that the Board

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

2. Cummings, Patricia Denise – LPN Exam Applicant

Ms. Cummings signed a Consent Order that would allow her to take the NCLEX-PN®, and if successful, her license when issued will be placed 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 September 17, Mr. Pugliese moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

3. Burr, Martin Edward – LPN, 2-054279

Mr. Burr signed a Consent Order that would place his 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, and require him to successfully complete a Board-approved educational course on chemical dependency.

On September 17, Ms. Pugliese moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

4. Madden, Christy Lajune Brown – RN, 1-103192

Ms. Madden signed a Consent Order that would place her RN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on professional accountability and pays a fine in the amount of \$300.00.

On September 17, Ms. Wright moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

5. Newman, Lisa Carole Robinson – RN, 1-038880

Ms. Newman signed a Consent Order that would terminate her certification of qualification to engage in advanced

practice nursing and suspend her RN license until such time as she provides evidence of successful completion of Board-approved educational courses on ethics of nursing, professional accountability, scope of practice and documentation, and pays a fine in the amount of \$1,600.00. Upon reinstatement, Ms. Newman's license will be placed on probation for a period of twenty-four 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 September 17, Ms. Wright moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

6. Malone, Terrilyn A. Robinson – LPN, 2-057219

Ms. Malone signed a Consent Order that would terminate her March 21, 2008 Order upon the Board's acceptance of this instant 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 courses on documentation, and pay a fine in the amount of \$300.00.

On September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

7. Henderson, Priscilla Mae – LPN, 2-041722
(Active/Probation)

Ms. Henderson signed a Consent Order that would terminate her November 21, 2008 Order upon the Board's acceptance of this instant Order that would suspend her LPN 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 provider 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. Henderson'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 \$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 September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

8. Macewen, Yevonne D. – RN, 1-115748 (Active/Probation)

Ms. Macewen signed a Consent Order that would terminate her July 17, 2009 Order upon the Board's acceptance of this instant 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 chemical dependency evaluation from a Board-approved provider; (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; (g) payment of appropriate fees. If deemed in need of treatment, Ms. Macewen's 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. Macewen'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 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 September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

9. Johnson, Donald Clinton – LPN, 2-057095 (Active/Probation)

Mr. Johnson signed a Consent Order that would terminate his July 17, 2008 Order upon the Board's acceptance of this instant Order that would suspend his LPN license for a minimum of six months, and until such time as the Board is in receipt of satisfactory documentation of: (a) payment of a fine in the amount of \$1,000.00; (b) successful completion of Board-approved educational courses on abuse, critical thinking, legal/ethical aspects of nursing, and documentation; (c) accrual of requisite continuing education contact hours; and (d) payment of appropriate fees. Upon reinstatement, Mr. Johnson's license will be placed on probation for a period of thirty-six 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, his license status will be considered as and listed as revoked.

On September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

10. Holt, Ebony Dashon – LPN, 2-053034 (Active/Probation)

Ms. Holt 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 September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

11. Merriweather, Doris A. White – LPN, 2-015333

Ms. Merriweather 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 \$600.00.

On September 17, Mr. Pugliese moved that the Board

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

12. Zeigler, Bessie D. Belyeu – LPN, 2-018621

Ms. Zeigler signed a Consent Order that would suspend her LPN license until such time as she provides evidence of successful completion a Board-approved educational course on chemical dependency, professional accountability and medication safety, and pays a fine in the amount of \$1,600.00. Upon reinstatement, Ms. Zeigler's license will be placed on probation for a period of twelve 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, her license status will be considered as and listed as revoked.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

13. Carman, Tomeka Charie Ortiz – LPN, 2-059453 (Lapsed)

Ms. Carman was deleted from the agenda.

14. Davis, Leigh Margaret Barrowman – LPN, 2-033372

Ms. Davis 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 professional accountability, standards of practice and patient privacy, and pays a fine in the amount of \$600.00. Upon reinstatement, Ms. Davis' 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 September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

15. Strum, Stevie Lee – LPN, 2-012099

Ms. Strum 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 documentation and medication safety, and pays a fine in the amount of \$800.00. Upon reinstatement, Ms. Strum's license will be placed on probation for a period of twelve months, with practice-related stipulations.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

16. Williams, Diane Lynn – RN, 1-093157 (Lapsed); LPN, 2-036620 (Lapsed)

Ms. Williams signed a Consent Order that would approve her reinstatement of a lapsed license application and 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 documentation, and pay a fine in the amount of \$300.00. Should Ms. Williams attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

17. Spencer, Teri Leigh Smith – LPN, 2-049770

Ms. Spencer 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 \$500.00.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

18. Simmons, Robin Denice Hamilton – RN, 1-033502; CRNA

Ms. Simmons 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 September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

19. Parker, Jackie Lynn Kelley – RN, 1-089193

Ms. Parker 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 chemical dependency evaluation from a Board-approved provider; (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; (g) payment of appropriate fees. If deemed in need of treatment, Ms. Parker's 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. Parker'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 Board-approved educational courses on chemical dependency and professional accountability, and pay a fine in the amount of \$600. 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 September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

20. Clyatt, Nicole Deanne Quinn – LPN, 2-061091

Ms. Clyatt signed a Consent Order that would place her LPN license on probation for a period of sixty months, with chemical dependency stipulations and require her to pay a fine in the amount of \$1,300.00.

On September 17, Ms. Wright moved that the Board

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

21. McGatha, Christi Michelle – RN Exam Applicant

Ms. McGatha signed a Consent Order that would allow her to take the NCLEX-RN®, and if successful, her license, when issued will be placed 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 \$300.00.

Dr. Lavender recused herself from the discussion and vote concerning Ms. McGatha.

On September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

22. Sanford, Bridgett Megan – RN, 1-123566; LPN, 2-057892 (Lapsed)

Ms. Sanford 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 chemical dependency evaluation from a Board-approved provider; (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. Sanford'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 \$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. Should Ms. Sanford attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Wright moved that the Board

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

23. Henken, Nancy Ellen Wilburn – RN, 1-062167; LPN, 2-029201 (Lapsed)

Ms. Henken signed a Consent Order that would suspend her 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 provider 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. Henken'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 \$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. Should Ms. Henken attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

24. Smith, Xaviera Rose – LPN, 2-059275

Ms. Smith signed a Consent Order that would place her LPN license on probation for a period of twenty-four 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 \$600.00.

On September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

25. Keyes, Dorothy Nell – RN, 1-087407

Ms. Keyes 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 chemical dependency evaluation from a Board-approved provider; (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. Keyes' 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 \$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 September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

26. Goodgame, Eleanor A. McCutcheon – RN, 1-027168

Ms. Goodgame 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 September 17, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

27. Hanly, Charlotte A. Roberts – RN, 1-113785; LPN, 2-055331 (Lapsed)

Ms. Hanly was deleted from the agenda.

28. East, Alicia Carmon Gobble – RN, 1-085492; LPN, 2-042738 (Lapsed)

Ms. East 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.

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

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

29. Pope, Donna Jean Jackson – RN, 1-059922

Ms. Pope 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 professional accountability and legal/ethical aspects of nursing, and pay a fine in the amount of \$500.00.

On September 17, Mr. Pugliese moved that the Board reject the Consent Order. Dr. Lavender seconded. Motion carried without objection.

On September 17, Mr. Pugliese moved that the staff offer Ms. Pope a Consent Order that would suspend her RN license for a minimum of six months and until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and legal/ethical aspects of nursing and pay a fine in the amount of \$500.00. Upon reinstatement, Ms. Pope's license would be placed on probation for a period of twelve months, with practice-related stipulations. Dr. Dearman seconded. Motion carried without objection.

30. Holston, Jochelle Dunn Nelson – RN, 1-053616

Ms. Holston 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 a Board-approved educational course on documentation and pay a fine in the amount of \$500.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

31. Stewart, Alice Nolin – RN, 1-110855

Ms. Stewart signed a Consent Order that would place her RN license on probation, with practice-related stipulations, until such time as she provides evidence of successful completion of a Board-approved educational course on professional accountability and pays a fine in the amount of \$500.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

32. Miller, Georgia Ann – RN, 1-074836; LPN, 2-033104 (Lapsed)

Ms. Miller signed a Consent Order that would place her RN license on probation, with practice-related stipulations, 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 \$600.00. Should Ms. Miller attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

33. Williams, Pamela Denise – LPN, 2-054415

Ms. Williams 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 chemical dependency and professional accountability, and pays a fine in the amount of \$300.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

34. Acoff, Christine – LPN, 2-047014

Ms. Acoff 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 chemical dependency and professional accountability, and pays fine in the amount of \$300.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

35. Battle, Shavonne – LPN, 2-053870

Ms. Battle 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 chemical dependency and professional accountability, and pays a fine in the amount of \$600.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

36. Hudson, Faye – LPN, 2-034147

Ms. Hudson 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 chemical dependency and professional accountability, and pays a fine in the amount of \$600.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

37. Keel, Therise Jeanine – LPN, 2-042618

Ms. Keel 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 professional accountability and medication safety, and pays a fine in the amount of \$600.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

38. Puckett, Christie Marie – LPN, 2-052704; RN Exam Applicant

Ms. Puckett signed a Consent Order that would allow her to take the NCLEX-RN®, and place her LPN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on documentation, and pays a fine in the amount of \$300.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

39. Ramsey, Marian Ann Trice – RN, 1-070216; LPN, 2-036610 (Lapsed)

Ms. Ramsey signed a Consent Order that would place her RN license for a period of twelve months, with practice-related stipulations, require her to successfully complete a Board-approved educational course on ethics of nursing, and pay a fine in the amount of \$300.00. Should Ms. Ramsey attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

40. White, Pauline Yvette Lovette – RN, 1-109701; LPN, 2-036610 (Lapsed)

Ms. White 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 documentation and professional accountability, and pays a fine in the amount of \$300.00. Should Ms. White attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Price moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

41. Johnson, Karen Denise Watkins – RN, 1-120517; LPN, 2-036795 (Lapsed)

Ms. Johnson signed a Consent Order that would suspend her 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 provider 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. Johnson'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 \$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. Should Ms. Johnson attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order with the correction to Findings of Fact number 10: Addition should be Addiction. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

42. Stephens, Lajuana – RN, 1-076484; LPN, 2-039438 (Lapsed)

Ms. Stephens 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 provider 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. Stephens' 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 \$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. Should Ms. Stephens attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On September 17, Ms. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

43. Colvin, Nancy Darlene – RN, 1-073748; LPN, 2-032579 (Lapsed)

Ms. Colvin 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 provider 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. Colvin'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 \$1,300.00. 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. Should Ms. Colvin attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

Dr. Lavender recused herself from the discussion and vote concerning Ms. Colvin.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

44. Gibbs, Tina Michelle Ferguson – LPN, 2-044661

Ms. Gibbs signed a Consent Order that would suspend her LPN license until such time as she provides evidence of: (a) payment of a fee in the amount of \$600.00 and a fine in the amount of \$300.00; (b) successful completion of a Board-approved educational course on Critical Thinking: Working Effectively with LPNs and UAPs; (c) submission of documentation of compliance with Individual/Group Counseling; (d) submission of self reports; and (e) submission of documentation of Report of Compliance with Treatment by Primary Psychiatrist. Upon reinstatement, Ms. Gibbs' license will be placed on probation for a period of twenty-four months, with mental health 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 September 17, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

45. Thornton, Rex Anne LaDonna – LPN Exam Applicant

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

On September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Wright seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

46. Colvin, Deborah Bernice – RN, 1-069469

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

On September 17, Dr. Lavender moved that the Board accept the Consent Order. Ms. Wright seconded. Motion carried without objection.

Ms. Nobles was not present for the vote.

47. Mancil, Angela Kay Graham – LPN, 2-055541

Ms. Mancil 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

48. Abramo, Rachel Anne Doran – LPN, 2-050340

Ms. Abramo 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

49. Thornton, Brenda Faye Turnipseed – RN, 1-123369; LPN, 2-048356 (Lapsed)

Ms. Thornton 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

50. Thomas, Rosita Rochelle – LPN, 2-059460

Ms. Thomas 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

51. Anderson, Kenyatta Shanee Adams – LPN, 2-057458

Ms. Anderson 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

52. Cole, Alma Reed – RN, 1-118237; LPN, 2-053987 (Lapsed)

Ms. Cole signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$900.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

53. Johns, Jr., Russell Derrell – RN, 1-069850; LPN, 2-032546 (Lapsed)

Mr. Johns signed a Consent Order that would issue him a public reprimand and require him to pay a fine in the amount of \$300.00.

Ms. Cauley recused herself from the discussion and vote concerning Mr. Johns.

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

54. Clifton, Terrie Lynn Morrison – LPN, 2-027416

Ms. Clifton 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

55. Bumbarger, Patti Jean Hansen – LPN, 2-054133

Ms. Bumbarger 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

56. Parker, Sandra – LPN, 2-053969

Ms. Parker 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

57. Dick, Pamela Marchelle Bullard – RN, 1-039854

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

Ms. Bullard recused herself from the discussion and vote concerning Ms. Dick.

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

58. Barnes, Stephanie Barr – RN, 1-127510

Ms. Barnes 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

59. Chess, Latita Renae – RN, 1-092480

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

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

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

60. Booker, Billy Preston – LPN, 2-052029

Mr. Booker signed a Consent Order that would issue him a public reprimand and require him to pay a fine in the amount of \$300.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

61. Paulk, Jane E. – RN Endorsement Applicant

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

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

62. Streeter, Sarah N. – LPN, 2-054943; RN Exam Applicant

Ms. Streeter signed a Consent Order that would allow her to take the NCLEX-RN®, and if successful, issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

63. Ford, Deafrica Renee – LPN, 2-056368

Ms. Ford 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 September 17, Ms. Price moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

64. Carver, Carol Sue – RN, 1-082641

Ms. Carver 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 September 17, Ms. Nobles moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

65. Sanders, Stanley Gilbert – LPN Endorsement Applicant

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

On September 17, Ms. Bullard moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

66. Wehtje, Nathan Scott – RN, 1-104699

Mr. Wehtje signed a Consent Order that would issue him a public reprimand and require him to pay a fine in the amount of \$300.00.

On September 17, Dr. Dearman moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

67. Quinley, Rhonda Michelle – LPN, 2-058383

Ms. Quinley 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 September 17, Dr. Dearman moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

68. Clements, Rosa Allen Wiggins – LPN, 2-005237

Ms. Clements 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 September 17, Dr. Dearman moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

69. Carroll, Audrey Dawn McAlpin – RN, 1-113197; LPN, 2-056019 (Lapsed)

Ms. Carroll 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 September 17, Mr. Pugliese moved that the Board reject the Consent Order. Ms. Price seconded. Motion carried without objection.

On September 17, Mr. Pugliese moved that the staff offer Ms. Carroll 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 professional accountability and legal/ethical aspects of nursing, and pay a fine in the amount of \$300.00. Dr. Dearman seconded. Motion carried without objection.

70. Brasher, Sara Collins Goforth – RN, 1-076043

Ms. Brasher signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$500.00.

On September 17, Dr. Dearman moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

71. McDaniel, Emily Ruth Bailey – RN, 1-063998

Ms. McDaniel signed a Consent Order that would place her RN license on lapsed status due to health condition. Should Ms. McDaniel's health improve to the point where she is able to practice nursing, her license would be reinstated on a probationary status for a period of time as deemed necessary by the Board.

On September 17, Mr. Pugliese moved that the Board

accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

72. West, Teresa Ann – RN, 1-063015

Ms. West signed a Consent Order that would place her RN license on lapsed status due to health condition. Should Ms. West's health improve to the point where she is able to practice nursing, her license would be reinstated on a probationary status for a period of time as deemed necessary by the Board.

On September 17, Mr. Pugliese moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

There were no reinstatement Consent Orders.

C. Formal Hearings

On September 17, Mr. Pugliese 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. Pugh seconded. Motion carried without objection.

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

The Board returned to open session at 11:15 a.m.

1. Blackwell, Linda Joyce House – RN, 1-038108

On September 17, Ms. Nobles moved that the Board accept the Findings of Fact with the correction to number 6 in the chart: 3/4/09 should be 3/4/08, Conclusions of Law, but amend the Recommendation of the Hearing Officer due to the number of narcotic documentation discrepancies, and suspend Ms. Blackwell's RN license until such time as she provides evidence of successful completion of Board-approved educational courses on critical thinking, patient assessment, and professional accountability, and pays a fine in the amount of \$900.00. Upon reinstatement, Ms.

Blackwell's license will be placed on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations. Ms. Cauley seconded. Motion carried. 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.

2. Brooks, Susan Lee Zensen – LPN, 2-035991

On September 17, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Brook's LPN license. Mr. Pugliese seconded. Motion carried without objection.

3. Campbell, Diane Rebecca Collins – LPN, 2-043356

On September 17, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Campbell's LPN license. Ms. Hopkins seconded. Motion carried without objection.

4. Hamner, Derek Scott – LPN, 2-042249 (Lapsed)

On September 17, Ms. Price moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Hamner's LPN license. Ms. Hopkins seconded. Motion carried without objection.

5. Harrison, Amanda Jill – RN, 1-111510

On September 17, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Harrison's RN license. Dr. Dearman seconded. Motion carried without objection.

6. Head, John Earl – LPN, 2-034713 (Lapsed)

On September 17, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke

Mr. Head's LPN license. Dr. Lavender seconded. Motion carried without objection.

7. Jackson, Paula Marie Harris – RN, 1-076937

On September 17, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Jackson's RN license. Ms. Hopkins seconded. Motion carried without objection.

8. Loring, Autumn Lee Davis – LPN, 2-058628 (Lapsed)

On September 17, Ms. Hopkins moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Loring's LPN license. Ms. Cauley seconded. Motion carried without objection.

9. Lucas, Barbara Jean – RN, 1-071483; LPN, 2-031599 (Lapsed)

On September 17, Ms. Pugliese moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Lucas' license. Mr. Howard seconded. Motion carried without objection.

10. Magee, Antoinette Marie – LPN, 2-057718 (Lapsed)

On September 17, Ms. Cauley moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Magee's LPN license. Dr. Lavender seconded. Motion carried without objection.

11. McGowin, Crystal Lyn Carroll – RN, 1-101518 (Lapsed)

On September 17, Ms. Nobles moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. McGowin's RN license. Ms. Price seconded. Motion carried without objection.

12. Peagler, Edith Michelle Hale – LPN, 2-032004

On September 17, Ms. Price 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 suspend Ms. Peagler's LPN license until such time as she provides evidence of successful completion of Board-approved educational courses on ethics, professional accountability and anger management, and pays a fine in the amount of \$300.00. 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. Mr. Pugliese seconded. Motion carried with one opposition (Ms. Wright).

13. Postell, Dona Shae McDougale – LPN, 2-053206

On September 17, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Postell's LPN license. Dr. Lavender seconded. Motion carried without objection.

14. Ratley, Aida Zukic – RN, 1-107136

On September 17, Mr. Price moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer due to the number of narcotic documentation discrepancies, and suspend Ms. Ratley's RN license until such time as she provides evidence of successful completion of Board-approved educational courses on critical thinking, patient assessment and professional accountability, and pays a fine in the amount of \$900.00. Upon reinstatement, Ms. Ratley's license will be placed on probation for a period of thirty-six 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, her license status will be considered as and listed as revoked. Mr. Howard seconded. Motion carried without objection.

15. Robinson, Jennifer Danielle – LPN, 2-049035 (Lapsed)

On September 17, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Ms. Robinson’s reinstatement of a lapsed license application and revoke her LPN license. Dr. Lavender seconded. Motion carried without objection.

16. Seals, Rebecca R. Sprayberry – LPN, 2-052075 (Lapsed)

On September 17, Ms. Price moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Seals’ LPN license. Dr. Lavender seconded. Motion carried without objection.

17. Sorrells, Sandi Kersker – LPN, 2-052722 (Active/Probation)

On September 17, Ms. Price moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Sorrells’ LPN license. Mr. Pugliese seconded. Motion carried without objection.

18. Williams, Voronica Renee – RN, 1-108509 (Lapsed); LPN, 2-053088 (Lapsed)

The Board reviewed the Respondent’s Opposition to the Hearing Officer’s Recommended Order.

On September 17, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Williams’ license. Ms. LaRue seconded. Motion carried without objection.

D. Reinstatements – Formal Hearings

1. McGee, Sara Lynn – RN, 1-093167

On September 17 Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, but reject the Recommendation of the Hearing Officer due to the recommendations from two physicians at UAB, and

deny Ms. McGee's reinstatement of a revoked license application. Ms. Hopkins seconded. Motion carried without objection.

On September 17, Dr. Lavender moved that the Board reopen this case for discussion. Ms. Wright seconded. Motion carried without objection.

On September 17, Dr. Lavender moved that the Board amend the Findings of Fact to include the recommendations from the two physicians at UAB, and correct Findings of Fact number 10: mediations should be medications. Mr. Howard seconded. Motion carried without objection.

2. Sproul, Melanie Laree – LPN, 2-046921

On September 17 Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, but reject the Recommendation of the Hearing Officer due to multiple offenses and lack of evidence, and deny Ms. Sproul's reinstatement of a revoked license application. Mr. Pugliese seconded. Motion failed with nine oppositions (Ms. Nobles, Ms. Pugh, Ms. LaRue, Ms. Hopkins, Ms. Cauley, Ms. Bullard, Dr. Dearman, Ms. Price and Ms. Wright).

On September 17, Ms. Price moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and reinstate Ms. Sproul's 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. LaRue seconded. Motion carried with two oppositions (Dr. Lavender and Mr. Howard).

XIII. NEXT MEETING DATE

October 21, 2010, RSA Plaza, Suite 350

XIV. OTHER

- Ms. Nobles welcomed the students from Alabama Southern Community College and Southern Union Community College.
- Ms. Lee reported that Ms. Drake-Speer was appointed to the NCSBN Education Committee.

XV. BOARD MEETING DEBRIEFING

XVI. ADJOURNMENT

The meeting adjourned at 11:30 a.m. on September 17.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Recorder: Leslie Vinson
09/16-17/2010