

# ALABAMA BOARD OF NURSING

## REGULAR BOARD MEETING

Fiscal Year 2011-2012

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

February 16, 2012

### I. CALL TO ORDER

#### A. Roll Call

The meeting was called to order at 9:03 a.m. on February 16, 2012. The following Board members were present: Amy Price, MSN, RN, President; Martha G. Lavender, RN, DSN, Vice-President; Gregory D. Pugliese, JD, Secretary; Melissa Bullard, LPN; Catherine Dearman, RN, PhD; Miriam Ellerbe, LPN; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Lynda F. LaRue, RN, ADN, CMTE; and Carol Stewart, CRNP, MSN. Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Charlene Cotton, MSN, RN, Advanced Practice; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

#### B. Declaration of Quorum

A quorum was declared with eleven Board members present. E. Laura Wright, PhD, MNA, CRNA and Pamela Autrey, PhD., MSN, RN, were not present.

#### 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

NCSBN APRN Committee Meeting and The National Health Policy Conference, Washington, D.C. – February 13-14, 2012, were added to the agenda.

2. Adoption of Agenda

**On February 16, Mr. Pugliese moved that the Board approve the Agenda, as amended. Mr. Howard seconded. Motion carried without objection.**

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes twenty-seven applications for collaborative practice that meet the criteria for fast track approval without Joint Committee review.

Applications for remote site practice, additional skills and/or special formulary will be presented to the Joint Committee at the March 20, 2012 meeting.

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

**On February 16, Mr. Howard moved that the Board approve the applicants for collaborative practice as listed in the published roster. Dr. Lavender seconded. Motion carried without objection.**

III. EDUCATION

A. Fortis College – Montgomery: Application to Establish a New Nursing Program

Ms. Drake-Speer reported that Fortis College-Montgomery submitted a letter of intent and feasibility study which the Board reviewed at its regular November 2011 meeting. Fortis College is a private college accredited by the Accrediting Bureau of Health Education Schools (ABHES). Fortis proposes to implement a curriculum plan which is 106 quarter credits of which 56 are nursing credits. The

remaining 50 quarter credits are liberal arts and science courses. The curriculum is eight quarters with a total of 1500 clock hours (790 theory clock hours, 200 lab clock hours, 510 clinical clock hours). Theory and clinical learning experiences in the areas of adult, maternal/child, and psychiatric/mental health nursing are planned. In the feasibility study submitted the college had clinical agreements with Baptist Medical Center South; Baptist Medical Center East; Crenshaw Community Hospital; Crowne Health Care; Beacons Children Hospital; Belmont Assisted Living; Montgomery Children's Specialty Care; Cedar Crest Living Center and Health South. Articulation agreements are established with Kaplan University, American Sentinel University and National American University.

It is planned for students to enroll each term alternating day and evening enrollments. Each cohort will consist of 24 students. A plan to recruit faculty was also addressed in the feasibility study. At that time there were fifteen prospective faculty candidates. There are written institutional and program policies for faculty and students. The application provides a narrative which addresses the standards for approval set forth in the ABN Administrative Code, Rule 610-X-3-.02

Board staff conducted a survey on January 18, 2012 which served to verify and clarify information in the application. There were no discrepancies noted. There is designated and technologically equipped classroom and lab space. The simulation lab was not set up but high fidelity simulators and other equipment had been purchased.

Ms. Drake-Speer provided copies of the feasibility study and the application for the Board's information and review.

Dr. Jay Ober, Regional Dean of Nursing; Stephanie Mitchell, Program Director; and Lauren Cahill, Regional VP of Operations, were present to answer questions from the Board.

The Board reviewed and discussed the information presented.

**On February 16, Mr. Howard moved that the Board grant provisional approval to Fortis College-Montgomery to establish an Associate Degree Nursing Program. Ms. Hopkins seconded. Motion carried without objection.**

B. Reply to Board's Request for Additional Information: Wallace Community College-Dothan ADN Program, Central Alabama Community College ADN Program, Bishop State Community College ADN Program, Bevill State Community College ADN Program

Ms. Drake-Speer reported that the Board reviewed the follow-up progress reports submitted by programs which received a Notice of Deficiency for failure to meet the NCLEX passing standard of 80% at its regular December 2011 meeting. The Board directed staff to request additional information from Wallace Community College-Dothan ADN Program, Central Alabama Community College ADN Program, Bishop State Community College ADN Program and Bevill State Community College ADN Program. Staff notified programs as instructed by the Board to provide information which identified strengths and weaknesses of the program. Bishop State Community College ADN Program and George C. Wallace Community College-Dothan ADN Program were also requested to include results of analysis of the curriculum and actions taken.

Ms. Drake-Speer provided copies of the information requested from Wallace Community College-Dothan ADN Program, Central Alabama Community College ADN Program, Bishop State Community College ADN Program, and Bevill State Community College ADN Program for the Board's information and review.

The Board reviewed and discussed the information provided.

Dr. Lavender expressed concern about the lack of detail in the reports for Central Alabama Community College and Bishop State Community College ADN Programs.

C. Sunset Review Significant Items: Discussion of Nursing Education Programs

Ms. Lee reported that Ms. Price added this item to the agenda to have a discussion about the proliferation of nursing programs in Alabama. As this is a Sunset year, the Board needs to determine whether this is a significant item to include in the review and discuss with the Sunset Committee.

Ms. Lee provided a list of the provisionally approved RN programs since 2008. The only provisionally approved LPN program during this time frame was Tri-State Institute, now Fortis College in Birmingham. The Board provided full approval at the January 2012 Board meeting.

After discussion, the Board decided not to include nursing education programs as a significant item for the Sunset Review.

#### IV. LEGISLATIVE ISSUES

##### A. Nurse Practitioner Alliance of Alabama: Joy Deupree, PhD, RN

Dr. Deupree provided an update on the Nurse Practitioner Alliance of Alabama (NPAA) proposed legislation to allow nurse practitioners to prescribe controlled substances schedules III through V, and provided copies of A White Paper: *The Challenge of Meeting Primary Health Care Needs in Alabama*.

##### B. Alabama State Nurses Association: Joe Decker

Joe Decker, Executive Director, Alabama State Nurses Association (ASNA) provided a legislative update for the Board.

##### C. Immigration Law HB 56

Ms. Lee reported that the Immigration Law passed last year and contains two requirements that impact the Board. The first is that applicants and licensees have to declare they are US citizens with application. The second, and the most difficult to implement, is that the Board has to require proof of US citizenship with each business transaction between a person and the Board. The law allows the following proofs of citizenship: (1) driver's license or identification card if the card states that the person provided satisfactory proof of US citizenship in order for the card to be issued; (2) applicant's birth certificate; (3) pertinent pages of US valid or expired passport; (4) US naturalization or certificate of naturalization verified; (5) Bureau of Indian Affairs card; (6) Consular report of birth abroad; (7) certificate of citizenship; (8) certification of report of birth; (8) American Indian card; (9) final adoption decree; (10) official US military record of service showing place of birth; and (11) extract from US hospital record of birth.

Alabama drivers' licenses do not yet show proof of citizenship on the card.

A draft letter was provided to the Board in January 2012. The Board directed that additional information be obtained.

Communication with other boards indicates that most have not addressed the issue directly with legislators. Larry Dixon, Executive Director of the Board of Medical Examiners, stated that

he wrote a personal letter to each legislator and identified the issues with the law as written. He also indicated that he expected a bill to be introduced on the first day of the legislative session to exempt professional licensing boards from the requirements.

A review of staffing and resource requirements indicates that the Board would need to add at least ten positions in order to match documents with online applications. We would need increased storage capacity in order to save the documents in imaging and be able to prove to the Examiners of Public Accounts that we have checked citizenship for each transaction.

The Board had approximately 77,000 individual transactions in FY 2011. Because most of the licensing transactions occur online, the documents would have to be mailed in and then staff would be required to match up documents with the online applications. For endorsement applicants, for example, we already have to match up transcripts, license verifications, any documentation related to 'yes' answers to regulatory questions, and continuing education to the approximately 2,200 applications received per year. Licensure by examination has over 4,000 applicants annually and in addition to the application, official transcript, official exam results, and any response to 'yes' answers on regulatory questions, the citizenship documents would add to the workload. There are over 69,000 registered nurses so the number of transactions will increase by at least 20,000 during RN renewal years.

The law does not allow verification of citizenship once and then maintain the information in the licensing database for future transactions. The way the law is written, each transaction requires verification of citizenship. There is no way to estimate the delays in licensing but it will occur. There will be an increase in mail requiring sorting of documents and additional staff in the mail room. There may also need to be two shifts in the licensing area. Cyber security insurance would cost about \$50,000 per year and equipment costs would be about \$200,000.

Ms. Lee provided copies of HB 56, the financial projections, and FY 2011 transactions for the Board's information and review.

The Board reviewed and discussed the information provided.

Ms. Lee provided talking points for the Board members to contact their representatives.

The Board asked Ms. Lee to draft a letter for Board members to distribute to their nursing organizations.

V. EXECUTIVE COMMITTEE

A. Executive Officer Evaluation Tool

Ms. Price reviewed the proposed changes to the Executive Officer Evaluation tool. The Board made changes to Part I of the evaluation tool and will continue to work on Part II with the Executive Officer's input.

**On February 16, Ms. Stewart moved that the Board accept Part I with the changes, to include the goals from the 2011 evaluation, and eliminate Part II for the 2012 evaluation. Mr. Howard seconded. Motion carried without objection.**

B. Regional Action Coalition Report: Dr. Lavender

Dr. Lavender reported on the Regional Action Coalition. The application was submitted on January 25, 2012. Dr. Lavender will provide the Board with a copy of the application after it has been approved.

Mr. Pugliese was not present for the discussion.

VI. EXECUTIVE OFFICER

A. Revised Organizational Chart

Ms. Lee reported that the Board approved a revised organizational chart in November 2010. In the prior chart, the probation monitor and VDAP director reported to the Assistant General Counsel. Since the prior Assistant General Counsel left and we hired someone else into the position, a change occurred in the legal division. The probation monitor and VDAP director nurses report to Ms. Henley. The investigators and docket clerk were moved to the Assistant General Counsel. The Chief Special Investigator job is vacant and rather than have the special investigators report to Ms. Henley, the responsibilities of supervision were added to the Assistant General Counsel. While there may be changes in the future, the auditor requested a current organizational chart and with the proposed revisions, the most up to date chart can be provided.

Ms. Lee provided copies of the revised organizational chart for the Board's review and approval.

**On February 16, Dr. Lavender moved that the Board approve**

**the revised organizational chart. Ms. Bullard seconded. Motion carried without objection.**

Mr. Pugliese was not present for the discussion or vote.

B. Mission, Values and Vision

Ms. Lee reported that the Board reviewed the Mission, Values and Vision in July 2010 and made no changes. The Mission, Values and Vision were approved when the FY 2009-FY 2013 strategic plan was approved.

Ms. Lee provided copies of the current Mission, Vision, and Values for the Board's review.

**On February 16, Dr. Lavender moved that the Board affirm the Mission, Values, and Vision. Mr. Howard seconded. Motion carried without objection.**

Mr. Pugliese was not present for the discussion or vote.

C. Strategic Plan Annual Review

Ms. Lee reported that the Board approved the current strategic plan following a retreat in 2009. The strategic plan is for a five year period and is usually reviewed annually. The strategic plan with updates is on the Board's agenda every other month on the consent agenda. The last time the Board discussed the strategic plan was July 2010. Revisions were made at that time due to the budget constraints and the transfer of \$2.5 million from the Board's Trust Fund to the State's General Fund.

**On February 16, Ms. Stewart moved that the Board affirm the strategic plan. Ms. Hopkins seconded.**

After discussion, Ms. Stewart withdrew her motion.

The Strategic Plan Annual Review will be added to the March Agenda for further review.

Mr. Pugliese was not present for the discussion.

VII. OTHER

- Ms. Price welcomed Ms. Ellerbe, Board member.
- Danne Howard, Alabama Hospital Association, provided a legislative

update.

- Dr. Lavender reported on the NCSBN APRN Committee meeting. Mr. Pugliese was not present for the discussion.
- Dr. Lavender and Ms. Price reported on their attendance at the National Health Policy Conference. Mr. Pugliese was not present for the discussion.
- Ms. Stewart provided copies of *State Regulatory and Prescriptive Authority 2012* by the American Academy of Nurse Practitioners for the Board's information.

#### VIII. BOARD MEETING DEBRIEFING

- The Board members reported that they like the new Board report format.

#### IX. ADJOURNMENT

The meeting adjourned at 2:20 p.m. on February 16, 2012.

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Amy Price, President

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Greg Pugliese, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
2/16/2012