

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2013-2014

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

April 17, 2014

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on April 17, 2014. The following Board members were present: Catherine Dearman, RN, PhD, President; Francine Parker, EdD, MSN, RN, Vice-President; E. Laura Wright, PhD, MNA, CRNA, Secretary; Pamela Autrey, PhD., MSN, RN; Cheryl Bailey, RN, BSN, MBA; Melissa Bullard, LPN; Miriam Ellerbe, LPN; Gladys Davis Hill, MSN, RN; Gregory Howard, LPN; Chrystabell King, LPN; Amy Price, MSN, RN; and Carol Stewart, CRNP, MSN. Genell Lee, Executive Officer, and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Peggy Benson, MSN, RN, Legal Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; Charlene Cotton, MSN, RN, Advanced Practice; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Honor Ingels, Chief Legislative and Information Officer; Cathy Russell, MSN, RN, PhD, Nursing Education Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Wyatt Gantt, Special Investigator; Howard Kenney, Chief Special Investigator; Brad Jones, IT Systems Specialist; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

B. Declaration of Quorum

A quorum was declared with twelve Board members present. Vicki P. Karolewics, Ed.D. was 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
2. Adoption of Agenda

On April 17, Dr. Parker moved that the Board approve the Agenda. Ms. Price seconded. Motion carried without objection.

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes applications that met all requirements by March 24, 2014. The Joint Committee met April 15, 2014, to review the applications for collaborative practice listed in the roster.

The Board of Medical Examiners (BME) met on April 16, and deferred action on the following applications due to the physician's failure to pay the fees to BME: 1) Sharon Allen, 1-097466, and Dr. Michael Catenacci, 27015; 2) Joshua Christian, 1-124990, and Dr. Sakina Kamal, 16537; 3) Timothy Frye, 1-117395, and Dr. Alan Craig, 10582; 4) Laurel Holladay, 1-143764, and Dr. Abdul Siddiqui, 30272; 5) Courtney Hood, 1-095579, and Adrienne Shuler, 28742; 6) Belle Peters, 1-118024, and Dr. Monisha Goyal, 23190; and 7) Elizabeth Roberts, 1-076649, and Dr. Adeel Rabbani, 27840.

The following applicants reported termination or withdrawal of collaboration prior to Joint Committee review and were approved for the period from date of temporary approval through the date of termination: 1) Susan Bentley, 1-031194, and Dr. Filomeno Gapultos, Jr., 8801; 2) John Grimes, 1-083810, and Dr. Matthew Smith, DO-0930; 3) Browning Harvey, 1-112907, and Dr. Ng Chonn, 31237; 4) Joyce Loyd, 1-083029, and Dr. Daniel Banach, 23409; 5) Sylva D. Hill, 1-063828, and Dr. Paul J. Megehee, 25257; 6) John Hayes, Jr., 1-099073, and Dr. Robert Hunter, 28759; 7) Rhoda L. Juzang, 1-041110, and Dr. Susan Jordan, 19354; and 8) Tiffany McGinnis, 1-143172, and Dr. Michelle Jackson, 18274.

The following corrections were made to the roster: 1) Mary England, 1-131970, and Dr. Racquel Innish-Shelton, 28895, withdrew the request for additional formulary of antineoplastic

agents; 2) Laura Romundstad, 1-126813, and Dr. Kelly Godby, 27796, includes Dr. Harry Erba, 31788, as a covering physician; 3) Kathy Garner, 1-068901, and Dr. Myhammad Kaleem, 26748, includes Dr. Clay Rowe, 13429 as a covering physician; 4) Suzzan Nelson, 1-084184, and Dr. Basel Hejjo-Alrefai, 18542, additional skills for arthrocentesis and joint injections of the shoulder, elbow, knee and greater trochanteric bursa was approved, carpometacarpal joint injection is not allowed by BME; and 5) Kimberly Ochab, 1-042956, and Dr. Eric Gene Becker, DO420, includes Dr. George Tarbutton, 29698, as a covering physician.

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

On April 17, Dr. Wright moved that the Board approve the applicants for collaborative practice as listed in the roster and corrections, excluding the items deferred by the Joint Committee. Mr. Howard seconded. Motion carried without objection.

Ms. Benson reported that the automatic termination of certification notices for advanced practice nurses was rolled out on April 1, 2014. Termination notices are automatically sent to BME. Standard protocols and specialty protocols are now on the web site and the feedback has been positive. There is a template for requesting new skills that have never been approved so all requests will be in the same format.

Ms. Benson previewed the changes to the web site for advanced practice nursing. Online applications for advanced practice went live on April 14, and fourteen applications were received. The BME also gets a copy of the online application automatically.

III. BOARD TRAVEL

A. NCSBN 2014 Discipline Case Management Conference, June 4-6, 2014 – Park City, Utah

Dr. Autrey, Ms. Bullard, and Ms. Bailey were approved to attend.

IV. POLICY

A. ABN Administrative Code, Chapter 610-X-8, Disciplinary Action

Ms. Henley reported that the Board periodically reviews

regulations to determine if amendments are needed. Most of the proposed revisions simply clarify existing practices. The major change is to 610-X-8-.03, in that this section will now clearly take into account the expanded scope of practice of CRNP's and CNM's in the prescribing of controlled substances and make clear the consequences of inappropriate conduct in that regard. Other significant changes are in section 610-X-8-.11, regarding reinstatement of revoked licenses. The changes in this section, clarify the instances in which a nurse may be required to undergo a comprehensive chemical dependency evaluation as a part of the application process for reinstatement of a revoked license. It also proposed to return to the practice that was used prior to the last revision of the rules regarding drug screening of the applicants for reinstatement of a revoked license. Applicants will have to have twelve months of negative drug screens immediately prior to their application, without regard to when their chemical dependency evaluation was completed. The amendments to the rules will further clarify that the chemical dependency evaluation must have been completed no more than twenty-four months prior to the date of the application and the recommendation of fitness to return to the practice of nursing must have been completed no more than twelve months prior to the date of the application.

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

The Board reviewed the proposed amendments and made minor changes.

On April 17, Mr. Howard moved that the Board approve the changes, as amended, to ABN Administrative Code, Chapter 610-X-8, Disciplinary Actions. Dr. Wright seconded. Motion carried without objection.

B. ABN Administrative Code, Rule 610-X-5-.08, Requirements for Practice by Physicians and CRNPs

Ms. Benson reported that the Joint Committee was not opposed to the proposed rules but deferred review until the June meeting.

Dr. Wright was not present from 10:15 to 10:16 a.m.

C. ABN Administrative Code, Rule 610-X-5-.19, Requirements for Collaborative Practice by Physicians and CNMs

Ms. Benson reported that the Joint Committee was not opposed to the proposed rules but deferred review until the June meeting.

D. ABN Administrative Code, Rule 610-X-5-11, Prescriptions and Medication Orders by CRNPs

Ms. Benson reported that the Joint Committee was not opposed to the proposed rules but deferred review until the June meeting.

E. ABN Administrative Code, Rule 610-X-5-22, Prescriptions and Medication Orders by CNMs

Ms. Benson reported that the Joint Committee was not opposed to the proposed rules but deferred review until the June meeting.

F. Staff Guidelines for Informal Disposition of Cases

Ms. Henley reported that the Board established guidelines for informal disposition of applications and disciplinary cases and for the levying of administrative fines in order to provide direction to staff in processing complaints falling into certain categories. The guidelines for informal disposition were last changed in 2010, when the Board adopted a chart format for ease of review and location of types of conduct.

The Board's Strategic Plan for FY 2014-2018 has as one of its goals to increase efficiency and effectiveness of regulatory functions. One of the methods identified for doing this is revision of the Board guidelines for informal disposition of disciplinary cases.

Anecdotal comments made over the course of time by various users of the guidelines (Board members and staff) suggest that one of the weaknesses of the current guidelines is the inability to discern how to treat persons with multiple violations of a similar type or multiple different types of violations. Also, the current guidelines do not provide detailed guidance in some instances regarding the type of probation or suspension to be offered for particular violations. Finally, some Board staff members have suggested that changes in levels of discipline for certain conduct might be appropriate.

Based on the Board's stated strategic goal and the comments noted above, Board staff undertook to develop for the Board's consideration a full scale replacement of the existing guidelines. The following is a summary of substantial changes reflected in the replacement guidelines: 1) the proposed replacement guidelines continue to utilize a chart format, but the layout of the chart has been changed to permit increased detail both in descriptions of types of conduct falling within violations and levels of discipline to be offered for the particular conduct; 2) the violations have

changed slightly to reflect those currently in use in the new License Management System (LMS); 3) clarifies whether certain conduct/violations will warrant timed probation or probation until conditions are met; timed practice probation is reserved for serious isolated violations, violations with adverse effects on patients, or patterns of conduct; 4) first positive drug screen for marijuana with no evidence of impairment in the workplace or substance use disorder given a reprimand and fine, rather than one year illegal/illicit probation; 5) some application fraud/deceit receives letter of admonishment as opposed to reprimand and fine; and 6) failure to disclose a felony conviction on application for licensure increased to probation until conditions met.

Ms. Henley provided copies of the current staff guidelines and the proposed staff guidelines for the Board's review and approval.

The Board reviewed and discussed the proposed changes and made minor changes.

On April 17, Ms. Hill moved that the Board approve the new staff guidelines, as amended. Dr. Parker seconded. Motion carried without objection.

Ms. Stewart was not present from 2:11 to 2:15 p.m.

Dr. Parker was not present from 2:15 to 2:19 p.m.

Dr. Wright was not present from 2:10 to 2:39 p.m. and was not present for the vote.

Ms. Price was not present from 2:32 to 2:39 p.m. and was not present for the vote.

V. EXECUTIVE OFFICER

A. Survey of Chief Nursing Officers and Practical Nursing Programs Regarding PN Practice

Ms. Lee reported that the Board added questions to the LPN renewal in 2013 to try and determine some of the issues related to PN practice. A review of the NCSBN Environmental Scan at the March 2014 Board meeting led to more discussion about employment of LPNs. The Board directed that two surveys be established to determine what PN Program Directors and Chief Nursing Officers could add to the Board's discussion of the future of LPN practice.

Two surveys were developed for the two different groups. The surveys are short and allows the individual to select answers from

a pre-determined list and also allows them to include their own comments. The surveys will be sent to the PN Program Directors and Chief Nursing Officers with a link to the appropriate survey on Survey Monkey.

Ms. Lee provided copies of the two proposed surveys for the Board's review and approval.

Dr. Wright and Ms. Price were not present for the discussion or vote.

On April 17, Ms. Bullard moved that the Board approve the two surveys. Mr. Howard seconded. Motion carried without objection.

B. Legislative Update

Ms. Lee reported that the legislature finished early this year. SB 57 Diabetes bill passed and there will be a signing ceremony.

In May proposed glucagon rules will be brought to the Board for review and approval. If approved, it starts the rule making process. The training is already developed. The goal is to have the Glucagon training completed by the time school starts back this fall. The focus is how to prevent the need for Glucagon.

Ms. Lee reported that in May she plans to bring a recommendation for an Advisory Council to talk about insulin delegation. There will be training statewide. Children's Hospital has agreed to assist the ABN with putting something online and a short video so the school nurses can show it.

There are three skills sessions for school nurses scheduled for this summer and all three are full. There is a waiting list. Diabetes is included in that training. The plan is to have everything ready and in place by the 2016-2017 school year which is when the bill goes into effect.

Ms. Lee reported that she communicated with Dr. Bice and he is fine with the plan.

There is a meeting on May 2 with the Department of Justice and the lawyers to talk about the bill and how to implement.

Another bill passed which says school nurses can stock epinephrine and use it on someone that has their first anaphylactic

reaction at school. Staff will look at this issue to see if there needs to be rules.

The proposed bill changing the rule making process did not pass. HB 31 Abortion bill did not pass but other abortion bills did pass. The lay midwife bill did not pass.

Mr. Ingels reported that when Senator Reed rejected the NPAA regarding a bill to change the composition of the Board, it went nowhere. Senator Reed's position is that it is dead unless the CRNAs are included.

Ms. Lee reported that in previous meetings the Board has talked about the composition of the Board. Information about the interview committee was sent to Board members. The Board thought the information about the interview committee was sufficient.

Ms. Lee reported that she will talk to the Alabama State Nurses Association to see if they plan to put a CRNP on the nominating committee. There are two CRNAs currently on the committee.

Ms. Lee reported that the scholarships were funded. The scholarship requirements will be brought to the Board in May or June for review.

Dr. Wright and Ms. Price were not present for the discussion.

VI. EDUCATION

A. Fortis College PN Program

Dr. Russell reported that the Board approved Fortis Institute's PN Teach Out plan at the December 2013 meeting. The monthly summaries submitted by Fortis Institute are not clear and difficult to follow. The summaries imply that none of the active students or graduates (students who completed courses without appropriate clinical experiences) have completed clinical experiences in Maternal-Infant nursing. According to the proposed teach out plan, graduates were scheduled to complete all clinical requirements by the end of March 2014 and this goal was not met.

Dr. Robert Anders, Vice-President of Nursing Education Affiliates, Inc., Barbara Holliman, President, and Dr. Cunningham, Dean, were present to address the Board's concerns with the teach out plan, and answer questions from the Board. Dr. Anders provided

additional reports regarding the cohorts and number of enrollment. Dr. Anders advised the Board that Fortis can provide a report of the number of students that are in each clinical area and the number of hours needed. A report on the eleven students that have already graduated or should graduate will be provided to the Board.

Four Fortis Institute students were present and were allowed to speak to the Board. The students reported their concerns with completing clinicals, and the lack of information provided by Fortis Institute.

Dr. Russell provided copies of Fortis Institute PN Program Teach Out Plan and spreadsheet, and Fortis Institute Monthly Report for the Board's information and review.

The Board reviewed and discussed the information provided.

Ms. Price was not present from 1:00 to 1:15 p.m.

B. Virginia College ADN Program

Dr. Russell reported that the Board approved Virginia College-Birmingham ADN Programs Teach Out plan at the January 2014 meeting. The February monthly summary was submitted late due to rescheduling of theory and clinical hours because of inclement weather. The summaries imply that several students are having difficulty matriculating through the program and are therefore being placed in a different cohort.

Barbara Moore, Dean, and Chris Moore, Campus President, were present to address the Board's concerns and answer questions from the Board.

Mr. Moore reported that all students are on track to graduate as indicated in the teach out plan.

Dr. Russell provided copies of Virginia College-Birmingham ADN Programs Teach Out Plan and Spreadsheet; and Virginia College Monthly Report for the Board's information and review.

The Board reviewed and discussed the information provided.

VII. NEXT MEETING: May 15-16, 2014, 9:00 a.m., Suite 350, RSA Plaza

VIII. OTHER

- Ms. Lee reported that Howard Kenney was promoted to Chief Special Investigator.
- Dr. Dearman welcomed the students from Alabama Southern Community College.

IX. BOARD MEETING DEBRIEFING

- Ms. Lee reported that students are not usually allowed to speak to the Board but they asked to speak and had permission from Dr. Dearman, President.
- The Board discussed the issues with schools and clinical hours.
- Dr. Autrey reported that the issues the students talked about validate the Board does not need to approve every school that applies for a nursing program.
- The Board discussed visiting new programs more than once to make sure they are doing what they said they would do. They tell the Board they have clinical contracts when they really just have letters of support.
- Ms. Lee reported that the Board could review the rules and require that new nursing education programs have clinical contracts in place rather than just a letter of support, and the type of clinicals that are required. The Board could tell the programs that the clinical sites are not acceptable.
- Ms. Lee reported that the Board may want to consider putting specific hours for clinicals in the rules.
- Ms. Lee reported that most of the schools that are having trouble are having a hard time finding qualified faculty.
- Dr. Wright and Ms. Price were not present for the Debriefing.

X. ADJOURNMENT

The meeting adjourned at 3:13 p.m. on April 17, 2014.

Catherine Dearman, President

E. Laura Wright, Secretary

Submitted by: _____
Leslie Vinson, Recorder
4/17/2014