I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:04 a.m. on December 13, 2012. The following Board members were present: Amy Price, MSN, RN, President; Martha G. Lavender, RN, DSN, Vice-President; Carol Stewart, CRNP, MSN, Secretary; Pamela Autrey, PhD., MSN, RN; Melissa Bullard, LPN; Catherine Dearman, RN, PhD; Miriam Ellerbe, LPN; Maggie Hopkins, LPN; Gregory Howard, LPN; and Francine Parker, EdD, MSN, RN. Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Charlene Cotton, MSN, RN, Advanced Practice; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Peggy Benson, MSN, RN, Legal Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with ten Board members present. Eugene Akers, PhD, E. Laura Wright, PhD, MNA, CRNA, and Lynda F. LaRue, RN, ADN, CMTE, 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**

2. **Adoption of Agenda**

   On December 13, Dr. Dearman moved that the Board approve the Agenda, as amended. Ms. Hopkins seconded. Motion carried without objection.

II. **OPEN FORUM**

A. **Mark Wilkerson, Hearing Officer**

   Mr. Wilkerson was invited to the Board meeting to discuss any issues, answer questions from the Board regarding how he makes his decisions, and anything about processes that are not specific to a discipline case.

   Mr. Wilkerson answered questions from the Board.

B. **Changes in ANA and ASNA, Joe Decker, Executive Director, ASNA**

   Joe Decker, Executive Director, ASNA, reviewed the changes to ANA and ASNA and answered questions from the Board.

   Mr. Decker announced that he is retiring from ASNA effective December 31, 2012. John Zeigler will be the Executive Director as of January 1, 2013.

III. **ADVANCED PRACTICE**

A. **Approval of Collaborative Practices**

   Ms. Cotton reported that the roster includes forty-two applications for collaborative practice that meet the criteria for fast track approval without Joint Committee review. The Board of Medical Examiners (BME) met on December 12, 2012 to consider the fast track applications. Applications for remote site practice, additional duties and/or special formulary will be presented to the Joint Committee at the January 15, 2013 meeting.
Ms. Cotton provided copies of the roster for the Board’s review and approval.

On December 13, Mr. Howard moved that the Board approve the applicants for collaborative practice as listed in the published roster. Ms. Stewart seconded. Motion carried without objection.

At the November 13, 2012 Joint Committee meeting, the Committee made the following recommendations: 1) approve the collaboration of Billy Joe Golden, 1-091623, and Dr. Judy Travis, 11061 for the period of May 2, 2012 through October 4, 2012; and recommend that the respective boards pursue appropriate measures to address each applicant’s individual responsibility to obtain timely documentation of collaborative practice approval; and 2) deny the exemption from collaboration time for Debbie Jean Hamby, 1-055205 and Dr. Nidal Morrar, 26860.

On December 13, Ms. Bullard moved that the Board accept the recommendations of the Joint Committee. Ms. Hopkins seconded. Motion carried without objection.

IV. BOARD DEVELOPMENT

A. Additional Skills for CRNPs/CNMs

Ms. Cotton reviewed the statutory authority and regulations for advanced practice nursing, standard and specialty protocols, additional skills, critical care procedures, a summary of functions that are not specific to CRNP practice, functions specified for CRNP and CNM practice, and those procedures that are restricted for BME review.

Ms. Cotton provided copies of standard protocols for CRNP and CNM, specialty protocols, application requirements for joint aspiration and injection, colposcopy, and 2012 skills sheet for the Board’s information.

B. Board Self Evaluation Results

Ms. Price reviewed the results of the Board Self Evaluation.

The Board discussed the results of the evaluation. Ms. Price will analyze the strengths and weaknesses based on the results.
V. BOARD TRAVEL


Mr. Howard and Dr. Parker were approved to attend.

VI. PETITION FOR DECLARATORY RULING

A. Sarah Owens Watts – Scholarship Recipient

Ms. Lee reported that Sarah Owens Watts received an instructor scholarship in FY 2011. She received $2,500 in January 2011 and $2321.70 in July 2011 for the Nursing Instructor Scholarship. The total paid was $4821.70. Ms. Watts graduated with her MSN in August 2012 from Samford. Rather than seeking employment as an instructor, Ms. Watts enrolled in Mercer University’s PhD program.

Ms. Watts requested a deferment on the requirement that she either teach in a college or university until she completes the PhD program by filing a Petition for Declaratory Ruling on November 8, 2012.

Ms. Lee provided copies of the Petition for Declaratory Ruling from Sarah Owens Watts.

The Board reviewed and discussed the Petition for Declaratory Ruling.

On December 13, Dr. Autrey moved that the Board grant the petition. Mr. Howard seconded. Motion carried without objection.

VII. EDUCATION

A. Virginia College – Birmingham

Ms. Lee reported that Virginia College-Birmingham received approval from the Board for an Associate Degree in Nursing Program in September 2008. The NCLEX® results for first-time graduates was 27.3% for FY 2011. The Board issued a Notice of Deficiency and Continued Provisional Approval and gave the program one additional year to correct the outcome standard to
the 80% minimum requirement for first-time graduates. FY 2012 NCLEX® results were 60.6%. In FY 2012, 30 graduates took NCLEX® and 20 graduates were successful.

Virginia College-Birmingham presented an improvement plan to the Board at the June 2012 meeting. Representatives attended the meeting to discuss the improvement plan with the Board. One of the issues identified by the Board was the turn-over of program directors (five since the program started in 2008). A follow up improvement plan was received following the November Board meeting.

The Board’s letter to Virginia College-Birmingham in 2011 indicated that if the NCLEX® results were not at 80% or above for the FY 2012 results, the Board would proceed with an administrative hearing. Based on the changes in the rules averaging NCLEX® scores over a three-year period beginning with FY 2013, the Board’s decision is whether to proceed with an administrative hearing or provide a Notice of Continued Deficiency and Continued Provisional Approval.

Ms. Lee reported that she made an unscheduled site visit on November 29, 2012.

Ms. Lee provided copies of the May 2012 Improvement Plan, the November 2012 Improvement Plan and the Report of Site Visit for the Board’s information and review.

The Board reviewed and discussed the information provided.

On December 13, Dr. Dearman moved that the Board accept the site visit report, provide a Notice of Continued Deficiency and Continued Provisional Approval with an expected correction date of September 30, 2013. Ms. Stewart seconded. Motion carried without objection.

B. Virginia College – Montgomery Improvement Plan

Ms. Lee reported that Virginia College-Montgomery ADN program was provisionally approved by the Board in September 2008. FY 2011 NCLEX® results were 57.1% for the first graduates from the program. The Board provided a Notice of Deficiency with a Continued Provisional Approval to the program. The program was given one additional year until FY 2012 to comply with the outcome standard of 80% of first-time writers passing NCLEX®. FY 2012 results were 86.7%. A Notice of Correction and full approval of the Virginia College-Montgomery ADN program was
approved at the November 2012 Board meeting.

Ms. Lee provided copies of the improvement plan for the Board’s information and review.

VIII. POLICY

A. Amendment, ABN Administrative Code, Rule 610-X-7-.05, Sexual Assault Nurse Examiners

Ms. Lee reported that Dr. Bernard and Chris Joliffe, RN, from the Childrens’ Hospital of Alabama presented information to the Board about pediatric SANE and expected clinical practice. Following those discussions, amendments to the SANE rules are proposed.

While staff do not believe national certification is required for all nurses who perform as sexual assault nurse examiners, at a minimum the program director should comply with those certification standards. Peer review is a hallmark of the program at Children’s and staff believes the peer review concept should be carried through in the rules.

One of the issues is SANE nurses testifying about the ultimate legal question of whether the victim was assaulted. SANE nurses should only testify as to the medical evidence presented during the exam and not try and help either the defense or the prosecutors. Putting that in a rule may not be the best option but should be discussed.

Ms. Lee provided copies of the proposed amendments for the Board’s information and review.

The Board reviewed and discussed the proposed amendments.

On December 13, Dr. Lavender moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-7-.05, Sexual Assault Nurse Examiners. Ms. Stewart seconded. Motion carried without objection.

B. Repeal, ABN Administrative Code, Chapter 610-X-11, Scholarships for Post-Baccalaureate Study

Ms. Lee reported that the legislature passed a new scholarship bill in the 2012 regular legislative session. Changes to the scholarship program in statute requires new rules for the Board’s administration of the scholarship funds. Rather than amending all
sections of existing rules, repealing the current chapter and replacing it with a new chapter is more effective.

Ms. Lee provided copies of Chapter 610-X-11, Post Baccalaureate Scholarship for the Board’s information and review.

On December 16, Dr. Lavender moved that the Board repeal ABN Administrative Code, Chapter 610-X-11, Scholarships for Post-Baccalaureate Study. Mr. Howard seconded. Motion carried without objection.

C. New, ABN Administrative Code, Chapter 610-X-11, Graduate Scholarships

Ms. Lee reported that Act 2012-262 passed the 2012 regular legislative session. The major changes in the bill were that no set amount of money was awarded and each budget year the amount appropriated for scholarships has to be added to the Education Trust Fund budget. Also included is that the Board can take 5% of the total appropriation for administrative costs. Other conditions are basically the same. New rules were written to closely follow the statutory changes.

Ms. Lee provided copies of the proposed new rule 610-X-11, and Act Number 2012-262 for the Board's information and review.

The Board reviewed the proposed new rule and made one minor change.

On December 13, Mr. Howard moved that the Board approve, as amended, new ABN Administrative Code, Chapter 610-X-11, Graduate Nursing Scholarships. Dr. Lavender seconded. Motion carried without objection.

IX. EXECUTIVE OFFICER

A. August 2013 Meeting Date

Ms. Lee reported that although the Board approved meeting dates for calendar year 2013 at the November meeting, it was brought to the EO’s attention that the National Council of State Boards of Nursing (NCSBN) Annual Meeting is August 14-16, 2013. The Board needs to change the meeting date from the 15th to either the 8th or 22nd. The 22nd is suggested by the EO as it provides more time for the staff to prepare.
On December 13, Mr. Howard moved that the Board move the August 2013 Board Meeting date from August 15 to August 22. Dr. Lavender seconded. Motion carried without objection.

B. Request from Alabama Board of Examiners of Psychology

Ms. Lee reported that an *amicus curiae* brief is a “friend of the Court” document that is submitted by non-parties to a case to assist the Court in determining all the issues in a case. The Board has occasionally submitted such a brief when requested in the past. The requests from other agencies to submit a brief on their behalf are few and far between.

On November 29, 2012, the Board received a letter from Lori H. Rall, Executive Officer of the Alabama Board of Examiners in Psychology, requesting that the Board of Nursing submit an *amicus curiae* brief in one of their disciplinary cases. If the decision of the Circuit Court is allowed to stand, it basically places a statute of limitations on Board decisions. The Board of Nursing faced this same issue in a previous case.

Ms. Henley reviewed the administrative record of the case and is of the opinion that the Board of Nursing file an *amicus curiae* brief. If the Board approves the request, the Attorney General’s office has to approve the request and would review a brief prior to its submission to the court.

Ms. Lee provided copies of the letter of request for the Board’s information and review.

On December 13, Mr. Howard moved that the Board submit an *Amicus Curiae* brief in support of the Alabama Board of Examiners in Psychology. Dr. Dearman seconded. Motion carried without objection.

X. STRATEGIC PLANNING

Dr. Lavender led the strategic planning discussion. Each Board member provided input as to what should be included in the strategic plan.

Ms. Lee asked the Board to decide if they want to introduce a bill to promote the full scope of practice for CRNPs and with ABN being the certifying body.

On December 13, Dr. Dearman moved that the Board put forward a bill that allows the full expansion of the APRN Consensus Model in
Alabama. Dr. Parker seconded. Motion carried without objection.

Ms. Price was not present from 1:24 to 1:25 p.m.
Dr. Autrey was not present from 1:27 to 1:28 p.m. and 2:10 to 2:12 p.m.
Ms. Stewart was not present from 2:10 to 2:14 p.m.
Mr. Howard was not present from 2:10 to 2:13 p.m.
Dr. Dearman was not present from 2:14 to 2:16

XI. NEXT MEETING DATE

The next Board Meeting is January 17-18, 2013, RSA Plaza, Suite 350.

XII. OTHER

- Dr. Lavender presented plaques and Governor’s certificates to Ms. Price and Ms. Bullard for their service on the Board.

XIII. BOARD MEETING DEBRIEFING

IX. ADJOURNMENT

The meeting adjourned at 2:33 p.m. on December 13, 2012.

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Amy Price, President                           Carol Stewart, Secretary

Submitted by: ____________________________
Leslie Vinson, Recorder
12/13/2012