

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

RSA Plaza, Suite 350
770 Washington Avenue
Montgomery, Alabama

April 21, 2016

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on Thursday, April 21, 2016.

The following Board Members were present:

Francine Parker, EdD, MSN, RN, President; Gladys Davis Hill, MSN, RN, Secretary; Natalie Baker, DNP, CRNP; Cheryl Bailey, BSN, MBA; Melissa Bullard, LPN; Peggie Carpenter, BA, LPN; Valerie Dearmon, DNP; Jill Hightower, MSN, RN; Amy Price, MSN, RN; Chrystabell King, LPN; and Executive Officer Peggy Benson, MSHA, MSN, NE-BC. ABN Board Members absent April 21, 2016 were: E. Laura Wright, PhD, MNA, CRNA, Vice-President; Judith LaDonna McDonnell, LPN; and Helen T. McAlpine, EdD.

Staff members attending the meeting were:

Cathy Boden, MSN, RN, Director-Probation Monitoring and Compliance; Dawn Daniel, MSN, RN, Director-Advanced Practice; Mary Ed Davis, RN, MSN, DNP, Director-VDAP; Honor Ingels, Chief Information Officer; Alice Maples Henley, Deputy Attorney General/General Counsel; Patrick Samuelson, Assistant General Counsel; Joyce Jeter, MSN, RN, Practice/Continuing Education Nurse Consultant; Brad Jones, IT Specialist; Angela Kennedy, RN, MSN, Compliance Nurse Consultant; Tonya Smith as recorder; Debra Lett, PhD, MSN, MPA, RN, Education Nurse Consultant; LaDonna Patton, MSN, RN, CEN, Director-Alabama Nursing Resource Center; Robert Rollins, IT Director and Gail Hampton, Attorney.

Visitors attending the meeting:

ITT Technical Institute, Southern Union, South University, and Fortis College.

B. Declaration of Quorum

A quorum was declared with nine Board Members present on April 21, 2016. E. Laura Wright, PhD, MNA, CRNA, Vice-President; Judith LaDonna McDonnell, LPN and Helen T. McAlpine, EdD were not present.

C. Statement of Compliance with Open Meetings Act

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

D. Review of Agenda

1. Additions, Modifications, Reordering

Ms. Benson added to number XI: Other, on the Agenda: Security Updates and Schedule Meetings.

On April 21, 2016, Dr. Baker moved that the Board accept the changes added to the Agenda. Ms. Bailey seconded. Motion carried without objection.

2. Adoption of Agenda

II. BOARD DEVELOPMENT

A. Joy Deupree, PhD, MSN, WHNP-BC, *The Role of Nursing in Creating a Health Literate Health Care System: Are We Prepared?*

Dr. Deupree made a presentation on The Role of Nursing in Creating a Health Literate Health Care System: Are We Prepared? Dr. Deupree discussed The Health Literacy Partnership for Alabama. The objectives she discussed were:

- Background information on state and national trends of the disparities of low health literacy.
- Information on state and national initiatives to improve health literacy.
- Examples of assessments used in clinical and research settings as well as anecdotal approaches to determine patients at risk.
- Review of policy implications.
- Explore of examples or resources for referral of at risk populations.
- Guidelines for nursing curriculum development for this topic.

III. ADVANCED PRACTICE

A. ThermiVa and Thermi-Smooth by Mitzi Thompson, WHNP and Jennifer Lambert, WHNP of Brown, Pearson and Guepet Gynecology of Fairhope, AL. Presentation at 10:00 AM.

Ms. Daniel made a presentation on ThermiVia and Thermi-Smooth, including a conference call with Ms. Wendy Shelton, Office Manager; Ms. Jennifer Lambert, and Ms. Mitzi Thompson. A written report was accepted as information on the Consent Agenda.

Application for Privilege to Perform Skill in Collaborative Practice

1. Mitzi Thompson, Women's Health Nurse Practitioner, and Robert Brown, MD, received approval for collaborative practice in August 2007. Dr. Brown is Board Certified in Obstetrics and Gynecology, and Female Pelvic Medicine and Reconstructive Surgery; and is a Fellow of the American College of Obstetricians and Gynecologists.
2. Jennifer Lambert, Women's Health Nurse Practitioner, and Angela McCool-Pearson, MD, Board Certified in Obstetrics and Gynecology, and a Fellow of the American College of Obstetricians and Gynecologists, received approval for collaborative practice in April 2014.

All individuals mentioned above are in the Brown and McCool Gynecology office located in Fairhope, Alabama.

Both procedures are described in the individual applications submitted by each CRNP. THERMIva and THERMIsmooth "treatments use radiofrequency energy to gently heat tissue to rejuvenate collagen, without discomfort or downtime" [www.thermi.com] and will be used by this practice to treat tissue laxity and thinning. The competency checklist includes pre-procedure preparations, the procedure with technique and post-procedure care, and clean up. Post-Treatment instructions are provided to each patient.

Each CRNP submitted a Certificate of Inservice indicating completion of training on THERMIva in November 2015. The physicians will assess the patient, order the procedure(s), and be on-site during the procedure. All procedures will be performed in the office.

On April 21, 2016, Dr. Baker moved that the Board approve THERMIva and THERMI smooth as being within the legal scope of practice for a certified registered nurse practitioner with

documented education, training, and experience. Ms. King seconded.

After discussion, Dr. Baker amended her motion for the THERMIva application and Ms. King agreed to the amended motion.

On April 21, 2016, Dr. Baker moved that the Board accept the application for the THERMIva only with the stipulations that they put on their auditing sheets the frequency of their audits. Ms. King seconded. Motion carried without objection.

After discussion, Dr. Baker amended her motion for the THERMIsmooth application and Ms. King agreed to the amended motion.

On April 21, 2016, Dr. Baker moved that the Board decline the application for the THERMIsmooth. Ms. King seconded. Motion carried without objection.

- B. Cryotherapy >5mm, near eyelids and Shave/punch Biopsies >5mm, on eyelids and ears. Carli Taylor, FNP is in collaboration with Dr. Scott Freeman, Dermatology, in Mobile, AL.

Ms. Daniel presented a written report that was accepted as information on the Consent Agenda.

Application for Privilege to Perform Skill in Collaborative Practice
Carli Taylor, Family Nurse Practitioner (FNP) and Scott R. Freeman, MD, Dermatology, received approval for collaborative practice in October 2015.

Ms. Taylor is approved to perform punch biopsies under the Standard Protocol for FNPs: "biopsies not to exceed 5mm in diameter and not below the level of the full dermis; anatomically sensitive areas, such as eyes and ears, must be evaluated by a physician prior to treatment". The skills request states that shave/punch biopsies will involve the ears, especially the helix and antihelix, and the eye lids. Biopsies will not exceed 2cm in diameter or the level of the dermis, and will not involve the internal ear or the eye. The physician will be consulted if the FNP is unsure about the eyelid lesion.

Ms. Taylor reports hands-on training with both dermatologists in this office and the completion of over 75 biopsies.

Ms. Taylor is also approved to perform cryotherapy of non-pigmented superficial lesions under the Standard Protocol for FNPs: "allowed to

perform on the face, only on skin lesions not to exceed 5mm in diameter and not below the dermis. Cryotherapy on anatomically sensitive areas, such as the eyes, must be evaluated by the physician prior to treatment.” The skills request indicates cryotherapy will be applied to lesions which do not exceed 2cm in diameter or below the level of the dermis. Therapy may be performed on the eyelid, but will not include the eye.

Biopsies and cryotherapy are performed at the main office in Mobile, with two physicians on site, and at the satellite office in Chatom, AL, with a covering physician. Upon approval, the FNP reports autonomy to perform the requested procedures at her discretion. A Quality Assurance plan is not included.

On April 21, 2016, Dr. Baker moved that the Board approve the application for the shave/punch biopsy greater than 5mm on eyelids and ears as being within the legal scope of practice for a certified registered nurse practitioner with documented education training and experience and also to approve the application for cryotherapy greater than 5mm, and near eyelids, as being within the legal scope of practice for a certified registered nurse practitioner with documented education, training and experience. Ms. Hill seconded.

After discussion, Dr. Baker amended her motion, Ms. Hill agreed to the amended motion.

On April 21, 2016, Dr. Baker moved that the Board deny the shave/punch biopsy greater than 5mm on eyelids and ears and the cryotherapy procedures greater than 5mm near the eyelids. Ms. Hill seconded. Motion carried without objection.

IV. EDUCATION

A. Education Report

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

B. South University

Dr. Lett presented a report to the Board that the Board staff conducted a comprehensive survey of the Baccalaureate program at South University Montgomery campus on January 26, 2016. South University was granted provisional approval January 2010 and received full approval February 2013. South University failed to

achieve the required 80 percent outcome score for FY 2015, with a 3 year rolling average outcome score of 47.2 percent. A plan of correction is due no later than September 30, 2016. First quarter 2016 outcome score results are 100 percent with 2 candidates successfully passing the NCLEX®-RN. South University Baccalaureate program is accredited by American Association of Colleges of Nursing (AACN).

At the conclusion of the January 26, 2016 site visit, an exit interview was conducted with Dr. Richard McElhaney (Program Director), Mr. Victor Biebighauser (President), Dr. Mable Smith (Dean, College of Nursing-Public Health), Ms. Kandis Steele (Dean of Academic Affairs), and Dr. Russell McGuire (Department Chair, Faculty-Nursing). Preliminary findings were shared from the evaluation of the Baccalaureate Nursing Program and relevance to ABN Administrative Code 610-X-3 encompassing requirements for compliance.

South University is not in compliance with the following sections of ABN Administrative Code 610-X-3 as listed below. A Notice of Deficiency should be issued accordingly.

ABN ADMINISTRATIVE CODE, Chapter 610-X-3:

- 1) § 610-X-3-.05(4)
- 2) § 610-X-3-.02(6), (9), (10), (11), (12)(f), (12)(g)
- 3) § 610-X-3-.05(5)

On April 21, 2016 Ms. Hill moved that the Board approve sending a letter of deficiency to South University Montgomery Campus to address the deficiencies that are noted by September 30, 2016. Dr. Dearmon seconded.

After discussion, Ms. Hill amended her motion, Dr. Dearmon agreed to the amended motion.

On April 21, 2016, Ms. Hill moved that the Board approve the issuance of a notice of deficiency to South University Montgomery Campus to include a Plan of Correction due to the Board by July 30, 2016. Dr. Baker seconded. Motion carried without objection.

V. EXECUTIVE OFFICER

A. Fortis Request for Extension of Time

Ms. Constance Woulard, RN, MSN, Dean of Nursing with Fortis College, Montgomery Campus, sent a letter requesting in writing that the Board consider the following:

1. Tie the timeline requirements as presented in the Board's March 30, 2016 Notice of Deficiency and Continued Provision Approval to the dates the institution received same, rather than the suggested date of March 23, 2016. While the Notice of Deficiency was presented and discussed by the Board at the Alabama Board of Nursing Meeting held on that date, the institution was not provided a copy until it was received by us on April 1, 2016. While many of the items in the Notice of Deficiency were known to us prior to the board meeting, there were a few significant changes and additions that were not clear to the institution until we received the document.
2. Adjust the timeline days on the Program Outcomes Plan and the Written Systematic Plan for Program Evaluation to 90 days from the current 30 days. Based upon our meeting with Dr. Lett on April 6, 2016 we believe we need the additional time to incorporate the new information and requirements that were presented to us in order to complete these items properly.
3. Adjust the timeline for the ADA policy to 60 days from the current 30 days. We were unaware that our current ADA policy would require a complete revision by the Board of Nursing as was made clear to us at our meeting on April 6, 2016. Due to the broad nature of compliance with the ADA, our draft policy will require review by counsel and we are requesting the additional time to get that accomplished.

Dr. Lett reported to the Board, stating that she had met with Fortis College prior to the March 2016 Board meeting and giving a brief summary of the meeting.

On April 21, 2016, Ms. Hill moved that the Board accept the request to adjust the timeline schedule for the Program Outcomes Plan and the Written Systematic Plan for Program Evaluation to 90 days, adjust the timeline for the ADA policy to 60 days, and allow the start date to be April 1, 2016, the date that Fortis College received the letter of deficiency. Dr. Baker seconded. Motion carried without objection.

B. NURSYS Update (data findings)

Ms. Benson gave a brief report to the Board on the NURSYS data findings.

C. Sunset Audit update

Ms. Benson gave a brief report to the Board about the Sunset Audit.

VI. LEGISLATIVE UPDATE & ANRC

A. Legislative Update, Honor Ingels

Mr. Ingels presented a copy of the Legislative Report to each of the Board members.

The Board discussed and accepted the report.

B. ANRC Report

The ANRC Activity Report was accepted on the Consent Agenda.

VII. REPORT OF MEETINGS ATTENDED

Dr. Dearmon gave a brief report to the Board of the 2016 APRN Roundtable, NCSBN conference she attended on April 5, 2016.

VIII. POLICY

A. Final Certification License card changes (A 1-6)

In September 2015, the Board decided to move away from licensure cards. The Board would issue CE cards to facilitate continuation of the current CE process. The rules below were reviewed in February, posted to the Boards website, and are now ready for final certification. No comments were received.

1. ABN Administrative Code, Chapter 610-X-4 Licensure.
2. ABN Administrative Code, Rule 610-X-5-.07 Authorization For Practice as a Certified Registered Nurse Practitioner.
3. ABN Administrative Code, Rule 610-X-5-.18 Authorization For Practice as a Certified Nurse Midwife.
4. ABN Administrative Code, Rule 610-X-9-.06 Notice Requirements.
5. ABN Administrative Code, Rule 610-X-9-.03 Authorization For Practice as a Certified Registered Nurse Anesthetist.
6. ABN Administrative Code, Rule 610-X-9-.09 Authorization For Practice as a Clinical Nurse Specialist.

On April 21, 2016, Ms. Bailey moved that the Board approve final certification related to license card changes to ABN Administrative Code, Chapter 610-X-4 Licensure, ABN Administrative Code; Rule 610-X-5-.07. Authorization For Practice as a Certified Registered Nurse Practitioner; ABN Administrative Code, Rule 610-X-5-.18 Authorization For Practice as a Certified Nurse Midwife; ABN Administrative Code, Rule 610-X-9-.06. Notice Requirements; ABN Administrative Code, Rule 610-X-9-.03; Authorization For Practice as a Certified Registered Nurse Anesthetist; ABN Administrative Code, Rule 610-X-9-.09. Authorization For Practice as a Clinical Nurse Specialist. Dr. Baker seconded. Motion carried without objection.

IX. BOARD TRAVEL

- A. 2016 NCSBN IT/Operations Conference, Chicago IL,
May 10, 2016

Mr. Rollins, IT Director, will be attending the 2016 NCSBN IT/Operations Conference in Chicago, IL, on May 10, 2016.

- B. American Association of Nurse Practitioners Conference, San Antonio, TX, June 21-26, 2016.

Dr. Baker will be attending the American Association of Nurse Practitioners Conference in San Antonio, TX, on June 21-26, 2016 to represent the Board.

- X. NEXT MEETING DATE:** May 19-20, 2016, 770 Washington Ave, RSA Plaza Suite 350

XI. OTHER

Schedule Board Meetings

Ms. Benson requested that the Board approve eliminating the June 16, 2016, and the October 20, 2016, Board Meetings.

On April 21, 2016, Dr. Baker moved that the Board approve removal of the June 16, 2016, and October 20, 2016, Board Meetings from the calendar. Ms. Hill seconded. Motion carried without objection.

Security Threat Update

On April 21, 2016, Dr. Baker moved that the Board enter into Executive Session to discuss the general reputation, character, professional competence, and physical or mental conditions related to a security threat made toward the Board. Ms. Hill seconded. Motion carried with all in favor (Cheryl Bailey, BSN, MBA; Melissa Bullard, LPN; Peggie Carpenter, BA, LPN; Valorie Dearmon DNP; Jill Hightower, MSN, RN; Amy Price, MSN, RN; Chrystabell King, LPN)

The Board returned to open session.

XII. BOARD MEETING DEBRIEFING

XIII. ADJOURNMENT

The ABN Board meeting adjourned at 1:10 pm on April 21, 2016.

Francine Parker, EdD, MSN, RN
President

Gladys Davis Hill, Secretary

Submitted by: _____
Tonya Smith, Recorder 03/25-26/16