



ALABAMA BOARD OF NURSING

# INSIGHTS

## Ensuring Due Process During Investigations Peggy Sellers Benson MSN, RN, MSHA, NE-BC

I would like to take this opportunity to discuss how complaints are processed by the staff of the Alabama Board of Nursing (ABN) and how the Board ensures a fair and open due process. Our goals are to educate, inform, and provide information related to Board discipline and investigations.

The investigation of a licensed nurse, regardless of how the complaint comes to the attention of the ABN, can generate a variety of emotions and questions from the nurse under investigation. The ABN takes numerous steps to ensure fairness for the nurse during the process of the complaint which has alleged a violation of the Nurse Practice Act (NPA). To improve investigation and discipline information access, in 2015, Board staff created a page on our website dedicated to discipline and investigations. The information can be readily accessed twenty-four hours per day at <https://www.abn.alabama.gov/discipline/>.

The complaint process starts with the ABN receiving a complaint against individual licensed nurses who are alleged to have violated the legal standard for nursing. Most complaints are submitted through the Boards website (<https://www.abn.alabama.gov/complaints/>). The written complaint may arise from various sources, including employers, law enforcement, patients, relatives, and consumers.

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## Reminder: ABN Offices Open by Appointment

As our state begins to return to normalcy in the wake of the worst of the COVID-19 crisis, the Alabama Board of Nursing is once again accepting visitors. However, out of an abundance of caution and to coordinate scheduling, we do ask that nurses and the public contact the staff in advance to schedule an appointment. If you do not know the contact information for the staff member you

wish to see, please call (334) 293-5200, or email [abn@abn.alabama.gov](mailto:abn@abn.alabama.gov), and we will direct your question appropriately.

As always, if you require assistance with any issue, please feel free to contact us via telephone, social media, Live Chat on the Board's website, or by emailing us at [abn@abn.alabama.gov](mailto:abn@abn.alabama.gov).

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# APN NEWS

## ABN CERTIFIES RULES EXPANDING FTE ALLOWANCE

On Friday, April 16, 2021, the Alabama Board of Nursing held a virtual Board meeting to certify changes to ABN Administrative Code Chapter 5 - Advanced Practice - Collaborative Practice. The revisions, which were published for public comment during the month of March, represent the culmination of months of work between the staffs of the ABN and the Alabama Board of Medical Examiners (ABME).

The most significant change is expansion of the per-physician full-time equivalent (FTE) limitation from 160 to 360 hours per week. The effect of this change will be to allow each physician to collaborate with the equivalent of nine advanced practice providers, rather than the present limit of four. In accordance with the Alabama Administrative Procedure Act, the amended rules take effect on June 14.

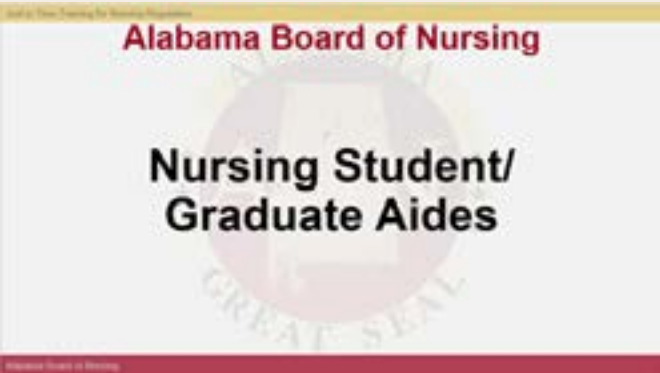
### ATTENTION CRNPS AND CNMS: COLLABORATING PHYSICIANS MUST FILE COMMENCEMENT FORMS WITH THE ABME

Following each meeting of the Joint Committee, the Board of Nursing is forced to deny a relatively large number of collaborative practice applications that are otherwise fully compliant with the rules, through no fault of the advanced practice nurse. This is a result of the continuing trend of collaborating physicians failing to file their Commencement Forms and pay their fees to the Board of Medical Examiners (ABME).

As a reminder, **while the ABN will continue to grant temporary approvals to nurses who have filed all the necessary applications and paperwork for new collaborations, their collaborating physicians will not be approved to activate the collaborative practice until they have done the same with the ABME. We urge all CRNPs and CNMs to ensure that their collaborating physicians do so as early as possible, preferably concurrent with the nurse filing with the ABN, to ensure that active collaborative practice and provision of care to Alabama patients are not delayed.**

# INTRODUCING JUST IN TIME TRAINING

In recent weeks, the ABN production staff has begun releasing short informational videos to address identified needs among nurses, nursing students, and the public. Check out these new videos for a sample of what we have been working on:



# ENSURING DUE PROCESS FOR NURSES

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Following receipt of the complaint, a notice of an investigation is mailed to the nurse with instructions on whom to contact at the ABN. Therefore, it is vital that you keep your mailing address and email address up to date at the Board through My Profile, which you may edit at any time (<https://www.abn.alabama.gov/my-profile/>).

The complaint is assigned to a Special Investigator, who then collects information from many sources. Searches of the State Judicial Information System (SJIS), NURSYS®, employers, patient records, and the internet are routinely performed in the course of all investigations. The Board asks the nurse to provide specific records in connection with the Board’s investigation. Contact with the Special Investigator is the first, but not only, opportunity for the nurse to provide a written response to the allegation(s) and any evidence to refute the allegation(s). Registered nurses employed by the Board review allegations that involve practice as a nurse, including the records gathered in the investigation.

Board staff seek to resolve complaint investigations within six months, if possible. However, the process may be lengthened by other factors, including locating witnesses that may have moved, delays in response to subpoenas, lack of cooperation from witnesses or nurses, and subsequent complaints.

A nurse who is under investigation is eligible to maintain and renew his or her active license during the investigation. Additionally, the nurse may continue to practice or seek employment as a nurse. The ABN directs the nurse to keep the Board apprised, in writing, of nursing employment and contact information. This is to ensure that we will be able to contact the nurse.

During the investigation, the nurse may seek and retain legal counsel. Some nurses misunderstand the role of the Board and request appointment of an attorney to represent the individual. The ABN does not pay for an attorney for the nurse and does not provide legal services or advice.

The U.S. Constitution, the NPA, and the Alabama Administrative Procedure Act ensure due process rights. Investigations are private and, if the nurse wants Board staff members to respond to inquiries from specific individuals during the course of the investigation, the ABN requires the nurse to submit a release form.

At the conclusion of the investigation, a Board attorney determines whether there is sufficient evidence to substantiate a violation of the NPA. If the complaint is dismissed, there is no public record of the allegation.

## NOTES

**Free CE Offerings Available on the ABN Website**

As we have for many years, the ABN is pleased to offer licensees dozens of hours of Board-developed CE, at no cost to the nurse. To access these courses, simply log into [My Profile](#) on the Board’s website and choose “My CE Record.” On this page, you are able to review your current CE credit and to access the courses, using the “Online Courses” tab.

This page is especially useful for nurses preparing to renew their licenses, as it serves as a one-stop shop for more than enough CE hours to satisfy the 24-hour requirement for Renewal.



**Don't Let Burnout Get the Best of You**  
**LaDonna M. Patton, MSN, RN, CEN, FRE**

Over the past 14 months, individuals in the healthcare and service industries, among others, have endured unfathomable stress. The pandemic has given rise to a secondary epidemic - burnout. It's important to know that burnout is more than simply extreme tiredness. It is a combination of physical fatigue, emotional exhaustion, and cognitive weariness. Yet, nurses... keep going and providing patient care where there is a need.

The term “burnout” describes an observed loss of motivation & reduced commitment at work. It is important to understand that burnout is not the same thing as depression. Depression is a clinical syndrome, while burnout describes a crisis in one’s relationship with work. The potential for burnout is heightened when work involves a need to engage in therapeutic relationships and work with others.

So how can you identify burnout in yourself?



**RISK FACTORS**

- High workload
- Low staffing
- Long shifts
- High psychological demand
- Low autonomy
- Job insecurity

**SIGNS OF BURNOUT**

- Sick days/ work absence
- Intention to leave the job
- Decreased task performance
- General & mental health (i.e., sleep)
- Poor quality of care/ safety

(Dall'Ora et al., 2020)

First, consider your risk factors, including adverse job characteristics. Examples include high work-load, low staffing levels, long shifts, low schedule flexibility, time pressure, job demands, role conflict, low autonomy, and poor support (Dall’Ora et al., 2020).

The #1 sign of burnout is the use of sick days. In the absence of an acute illness, or recurring chronic condition, the frequent, unplanned use of sick days likely indicates burnout. In Monday-to-Friday jobs, this often presents as call-outs on Fridays or Mondays. A burned-out nurse may be very cynical and may even express intentions to leave the job. There are also negative impacts to overall general and mental health. These can manifest in weight loss or gain, smoking, anxiety, anger, and increased use of alcohol or other substances.

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**Don't Let Burnout Get the Best of You**  
**(Continued)**

Obviously, when nurses are not well, patients are likely to suffer. Burnout in nursing leads not only to increased missed care issues, but also to other safety issues, especially if the nurse does not feel safe at work, as a result of bullying or exposure to other abuses from patients, family, or visitors.

Now that we have discussed identification of burnout, how can nurses cope with it?

First, you should prioritize good sleep habits, nutrition, exercise, social connection, and other practices, such as meditating, journaling, and enjoying nature, that promote health and emotional well-being. If you’re having trouble squeezing such activities into your packed schedule, give yourself a week to assess exactly how you are spending your time.

While rest, relaxation, and replenishment can ease exhaustion, curb cynicism, and enhance efficacy, they cannot fully address the root causes of burnout. Back at work, you still may face the same impossible workload, untenable conflicts, or limited resources, so it is vital that you take a close look at your mindset and assumptions. What aspects of your situation are truly fixed, and which can you change?

Can you reduce exposure to potential stressors by resetting the expectations of colleagues, clients, and even family members for what and how much you are willing to take on? Is it better for your health if you decline those extra hours or extra shifts? Remember that “No” is a complete sentence. Set ground rules for working together. You may get pushback, but doubters must know that you’re making these changes to improve your long-term productivity and protect your health.

Finally, don’t forget to invest in your development. Although strategy #1 was taking care of yourself physically and mentally, the best antidote to burnout, particularly when burnout is driven by cynicism and inefficacy, is seeking out rich interpersonal interactions and continual personal and professional development.

The sense of being overwhelmed is a signal, not a long-term sentence.

So, is burn-out always a negative experience? So long as it is not only recognized, but also addressed, I say no; it can actually be a positive experience. As we gain experience, suffer from setbacks and disappointments, and implement behavioral changes to address those issues, we grow, we learn, we very often blossom.

The ABN is concerned about nurse well-being because, without nurses, patients suffer. So, light your candle, but don't burn it at both ends!

**References**

Dall’Ora, C., Ball, J., Reinius, M. & Griffiths, P. (2020). Burnout in nursing: A theoretical review. Human Resource Health, 18(41). <https://doi.org/10.1186/s12960-020-00469-9>Data



# POLICY BRIEFING

## A SUCCESSFUL 2021 LEGISLATIVE SESSION FOR THE ABN

On Monday, May 17, 2021, the Alabama Legislature adjourned its 2021 Regular Legislative Session. We are pleased to report that lawmakers once again prioritized issues vital to the nursing profession during the 105-day Session, which aided the ABN in addressing its legislative agenda for the year. The Board's 2021 successes include:

**SB 179** - Sponsored by Senator Linda Coleman-Madison and Representative Pebblin Warren, SB 179, now officially known as Alabama Act No. 2021-275, expands the Board's authority in two ways:

First, the bill gives the ABN authority to create permits for student nurse externs. These currently-enrolled nursing students will be allowed to perform limited, specified nursing tasks under the supervision of licensed nurses. This will allow the students to receive meaningful training to improve their skills, while simultaneously satisfying clinical experience requirements for their nursing degrees, addressing continuing shortages in both staffing for facilities and clinical slots for education programs.

The second provision of SB 179 creates a permitting system for certified medication assistants (MACs). These unlicensed assistive personnel currently work under a nurse delegation program in licensed facilities. While MACs will continue to work under the supervision of nurses, when the permitting system has been implemented, the nurses will no longer delegate limited medication administration to MACs, who will work under their own scope of practice and discipline regime.

**SB 186 (Alabama Act No. 2021-383)** - This legislation, sponsored by Senator Billy Beasley and Representative Jim Carns, gives the ABN the ability to request access to the Prescription Drug Monitoring Program (PDMP) reports of licensed nurses who are under current and substantive investigation for potential violations of the Nurse Practice Act. The bill contains significant safeguards, to ensure that all requests are verified by the State Health Officer, to protect the privacy of innocent licensees.

Finally, the Board wishes to thank Senate President Pro Tempore Greg Reed (R-Jasper) for his continued support of the ABN and his dedication to rural healthcare and the nursing profession. His leadership has been invaluable to recent successes for Alabama nursing.

## A BIG STEP FORWARD IN ALLOWABLE CE

The ABN recently enacted emergency rules to ease the process for documentation of CE and to expand the definition of allowable CE activities. Foremost among the changes is a provision allowing licensees to claim a set number of contact hours for standard national courses, such as ACLS, unless the CE provider awards more hours than those set by the rule. This should satisfy a large number of nurses who have had difficulty documenting their CE for these standard courses.

The rules also allow nurses to claim CE credit for precepting students and orientees, and for educational presentations prepared for work. The Board intends to make these changes permanent by amending Chapter 10 of the ABN Administrative Code with a final rule, which is pending.

## Our nation faces a substance abuse crisis.

At the Alabama Board of Nursing, we see every day the devastating effects of the disease of addiction, which destroys families, careers, and lives.

**But we also see the hope that comes with successful recovery.**

We want to spread that hope and we want you to help us. If you or a loved one has experienced a successful recovery from addiction, you can share your story with others and contribute to our efforts to fight the substance abuse crisis in America.

**Simply send your story to [testimonials@abn.alabama.gov](mailto:testimonials@abn.alabama.gov)**

**and we may share it, or parts of it, through our continuing campaign to encourage recovery among Alabama nurses and the public. You can be assured that you remain anonymous and that your personal information will never be shared without your consent.**

**If you have a recovery story to share, please send it and know that you have helped us help others build a better life.**



**Voluntary  
Disciplinary  
Alternative  
Program**