

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2009-2010

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

August 19, 2010

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:03 a.m. on August 19, 2010. The following Board members were present: Pamela Autrey, PhD., MSN, RN, President; Sharon Pugh, LPN, Secretary; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Catherine Dearman, RN, PhD; Gregory Howard, LPN; Lynda F. LaRue, RN, ADN, CMTE; Martha G. Lavender, RN, DSN; Amy Price, MSN, RN; Gregory D. Pugliese, JD; and E. Laura Wright, MNA, CRNA. 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; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Frank Mitchell, Chief Investigator; Danny Bond, Special Investigator; Nate Nunnelley, Special Investigator; Wyatt Gantt, Special Investigator; Vicky Moseley, Docket Clerk; Teresa Stephens, Docket Clerk; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Katie Wetherbee, Assistant General Counsel; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with eleven Board members present. Sylvia Nobles, MSN, CRNP, and Maggie Lee Hopkins, LPN, 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 August 19, Dr. Lavender moved that the Board approve the Agenda, as amended. Mr. Pugliese seconded. Motion carried without objection.

II. OPEN FORUM

A. AUM Center for Advanced Technologies: Business Process Simulation Final Report

Ms. Lee reported that Auburn University-Montgomery has conducted several projects for the Board of Nursing. In addition to redesigning the Board's web site, AUM was engaged last year to conduct a project to simulate legal processes and conduct "what if" scenarios. The legal staff, EO, and Executive Secretary provided detail about their individual jobs, specific tasks, and how much time was spent performing tasks. Repeated reviews of the processes and time frames occurred.

Refinement of the processes occurred over the past year. In reviewing the final report, it should be noted that anything above 80% capacity is considered as exceeding normal industry standards. The report was also completed prior to the hiring of a second attorney. While there is no intention of leaving a clerical position vacant, that scenario was provided in the event a legal clerical person leaves ABN and approval from the Finance Director or State Personnel becomes an issue.

Gene Akers, Director, Center for Advanced Technologies, and Tobias Mense, IT Consultant, conducted a power point presentation on the process simulation. Joseph M. Defee, CACI, was also present.

Ms. Lee provided copies of the final report and the resources list for the Board's information.

The Board discussed the findings with the presenters.

B. Dissertation Research: Substance Abuse

Ms. Laura Wright, Ph.D. student, UAB School of Nursing, conducted a power point presentation on Substance Abuse among Nurse Anesthetists, Anesthesiologist, and Nurses.

Ms. Wright provided copies of the dissertation and power point slides for the Board.

III. EXECUTIVE OFFICER

A. Succession Planning

Ms. Lee reported that over the course of the last couple of years, the Board mentioned succession planning for the EO position. One NCSBN study was conducted by Charlene Kelly, former EO of Nebraska Board of Nursing, as part of the Institute of Regulatory Excellence (IRE) through NCSBN. NCSBN also did some job analysis and development of competencies for Executive Officers. The intent is to start the discussion and perhaps determine a process for succession planning.

Ms. Lee provided copies the Kelly 07 Final Project, EO Final Job Analysis, Core Competencies, Nuts and Bolts of Succession Planning, Boards and CEO Succession Trends, Top Ten Reason Boards Fail at Succession Planning, Emergency CEO Succession Planning, New CEO and Board Research, Succession Report 04, CEO Succession, and Directorship Boardroom Intelligence for the Board's information and review.

After discussion, the Board directed Ms. Lee to put together an interim plan for their consideration.

B. Update on Call Center

Ms. Lee reported that she and the IT staff met with the Retirement System of Alabama (RSA) and Information Services Division (ISD) about Voice over IP.

Ms. Lee also reported that she has picked a location in the office for the call center.

C. Request for Permission to Use Copyrighted Material

Ms. Lee reported that Allison Terry, former Director of the Center for Nursing, left the employ of the Board in August 2009. An email

was received from Dr. Terry in August 2009 informing the Executive Officer that she would be writing articles related to the research she conducted while employed by the Board. She was informed that she had no ownership interest in the work as she wrote up research as a work for hire and that the Board owned the data and the work product. In July 2010, an email was received from Jones and Bartlett Learning, a publishing company, inquiring about the use of the Board's research in a textbook written by Dr. Terry to be published in September 2010. The publishing company inquired as to the use of the Board's research and was informed that Dr. Terry did not own the work and did not have any authority to transfer copyright to the publishing company. The company sent a proposed permission agreement.

Ms. Lee reported that Jones and Bartlett Learning has not provided any sample pages of the proposed work and did not respond when asked about a disclaimer.

Ms. Lee reported that the intellectual property actually belongs to the State of Alabama. There is an Attorney's General opinion which addresses Archives and History allowing a private company to reproduce a painting. In that case, Archives and History was receiving payment for the sale of the prints associated with the painting. The Attorney General's opinion suggests that the Board can grant a non-exclusive license to the publishing company, if it chooses to do so, without going through any other processes. Another option is to require a review of the proposed work prior to making a decision. Another option is to deny the request and allow the work to be referenced only but not a discussion about the research projects.

Ms. Lee provided copies of the Attorney General's opinion, emails between the EO and Allison Terry, emails between the EO and Jones and Bartlett Learning, and the Permission agreement from Jones and Bartlett Learning for the Board's information and review.

The Board reviewed and discussed the information provided.

On August 19, Ms. Wright moved that the Board defer the decision on granting permission and request to see the galley proofs. Ms. Price seconded. Motion carried without objection.

IV. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes twenty-one applications for collaborative practice that meet the following criteria: 1) collaborative practice; 2) prescriptive privileges for standard formulary; 3) covering physicians; 4) no remote practice sites; 5) standard CRNP protocol with no additional duties; and 6) physician applicants have met all ABME qualifications.

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

On August 19, Mr. Pugliese moved that the Board approve the applicants for collaborative practice as listed in the roster. Ms. Pugh seconded. Motion carried without objection.

B. Clinical Nurse Specialist Competencies

Ms. Cotton reported that the National Association of Clinical Nurse Specialists (NACNS) released the Executive Summary on Clinical Nurse Specialist Core Competencies, reporting activities from 2006 to 2008. The core CNS competencies are comprehensive, entry-level competencies and behaviors expected of graduates of master's and post-master's programs to prepare registered nurses as Clinical Nurse Specialists. These competencies reflect practice across all populations, settings, and specialties. NACNS invites organizational endorsement of the validated competencies and behaviors.

The competencies were validated in 2008 using an on-line survey process. More than a thousand respondents completed the survey, including about 575 self-identified clinical nurse specialists. The validation process was published in 2009, in conjunction with development of the CNS Core Competencies examination by the American Nurses Credentialing Center (ANCC). The Core Competencies exam was intended to provide an option for certification in the CNS role, without focusing on a specific clinical specialty. CNS certification examinations are available for populations across the lifespan, with the exception of Maternal – Infant/Obstetric Nursing. ANCC launched the exam in September 2009, but suspended enrollment and retired the exam in December 2009, due to the low volume of applicants.

Ms. Cotton reported that the Board reviewed the rules in 2009.

Following the abrupt retirement of the CNS Core Competency Exam, the Board did not proceed with rules related to the Core exam.

Ms. Cotton provided copies of the CNS Core Competencies Executive Summary and the Core Practice Doctorate CNS Competencies for the Board's information and review.

The Board reviewed and discussed the information provided.

C. Appointment to Joint Committee

Ms. Cotton reported that the Nurse Practice Act defines the membership and functions of the Joint Committee for Advanced Practice Nursing. Members are appointed to three-year terms, and may be reappointed for one additional term. The Board of Nursing appoints the nurse members, and the Board of Medical Examiners appoints the physician members.

The nurse members must include at least one CRNP in collaborative practice and one CNM in collaborative practice. The third position requires a Registered Nurse, but does not require the RN to be in collaborative practice as a CRNP or CNM. The term for the open RN position on the Joint Committee is October 1, 2010 through September 30, 2013.

Presently, Ms. Nobles is the only ABN Board member on the committee. In 2006-2007, some nurse practitioners communicated to the Board their opinion that all nurse members of the committee should be in collaborative practice. In 2007, the Board identified the following factors for evaluating candidates for the Joint Committee: 1) full-time practice as CRNP or CNM; 2) specialty of clinical preparation and certification; 3) familiarity with Alabama statutes and regulations for advanced practice and collaboration; 4) affiliation with professional organizations for CRNPs or CNMs in Alabama; 5) experience in negotiating policy and practice parameters, such as institutional credentialing; and 6) representation of Alabama population and geographical regions.

FY 2007 marked the first year that two Board members, both CRNPs in collaborative practice, served on the Joint Committee. In 2009, the Board announced the vacant position by list-serve, and requested a letter with resume' from CRNPs in collaborative practice who were interested in the appointment. The Board interviewed three candidates, and appointed Ms. Grace G. Vacheresse, CRNP.

The Board discussed the Joint Committee appointment.

On August 19, Mr. Pugliese moved that the Board reappoint Sylvia Nobles, CRNP, to the Joint Committee. Ms. Price seconded. Motion carried without objection.

D. Joint Committee Report

Ms. Cotton reported that on July 15, 2010, the ABN granted approval of the applications listed on the July roster of applications, pending the recommendation by the Joint Committee for approval. The Joint Committee met on July 20 and recommended approval of the collaborative practice for Marissa Pettus Ramsey, CRNP, and Dr. Nikki Reeves Brannon for the period from May 25 through June 18, 2010. The Joint Committee also recommended approval of the collaborations and defer action on the additional duties for the following: 1) Staci Abernathy, 1-097541, and Dr. Robert Dabal, 29130; 2) Sarah Torsch, 1-093522, and Dr. Robert Dabal, 29130; 3) Cora Passman, 1-108438, and Dr. Steven Mitchell Taylor, 22746; 4) Mark Lynn Smith, 1-072029, and Dr. Lorn Miller, 21488; and 5) Kellie McAllister, 1-074149, and Dr. Justin Hovey, 28546.

Ms. Cotton reported that the Committee recommended denial of the application for collaborative practice of Charles E. Thomas, CRNP and Dr. Charles Alan Ogles. The Committee cited concerns about the plan for emergency care and direct medical intervention by the collaborating physician.

On August 19, Ms. Wright moved that the Board accept the recommendations from the Joint Committee and approve the CRNP applicants for collaboration listed in the published roster and addendum, noting the corrections and deletions. Mr. Howard seconded. Motion carried without objection.

On August 19, Mr. Howard moved that the Board accept the recommendation of the Joint Committee and deny approval of the collaborative practice of Charles E. Thomas, CRNP, 1-084368 at Pediatrics Plus, 429 E Ninth Street, Anniston, AL, and Dr. Charles Alan Ogles, 22026, Family Medicine, Ashland. Ms. Wright seconded. Motion carried without objection.

Ms. Cotton reported that on August 13, 2010 Mr. Thomas submitted a new application with Dr. Shimshon Porat, Pediatrician, with admitting privileges at Jacksonville Medical Center. The application includes details of their plan for after hours and emergency services.

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

On August 19, Mr. Howard moved that the Board approve the collaborative practice of Charles E. Thomas, CRNP 1-084368, at Pediatrics Plus, 429 E Ninth Street, Anniston, and Dr. Shimshon Porat, Pediatrician, 1701-B E Pelham Rd S, Jacksonville AL 36265. Ms. Pugh seconded. Motion carried without objection.

V. POLICY

A. Final Certification, ABN Administrative Code, Chapter 610-X-13, Voluntary Disciplinary Alternative Program

Ms. Lee reported that the Board reviewed and approved changes to ABN Administrative Code, Chapter 610-X-13, Voluntary Disciplinary Alternative Program (VDAP), at the June 2010 Board meeting. The proposed changes were filed with the Alabama Legislative Reference Service and published in the June 30, 2010 *Alabama Administrative Monthly*. In addition to posting on the Board's web site, the proposed rules were mailed to each Board-recognized treatment provider to alert them to the changes and request their input. The deadline for comments was August 4, 2010. The only comments received were that the proposed rules clarified issues and editorial changes. The editorial comments were provided by Dr. Paul Fairley, Medical Director of the Talbott Recovery Campus in Atlanta.

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

On August 19, Mr. Pugliese moved that the Board approve what was published for comment, as final certification, amendments to ABN Administrative Code, Chapter 610-X-13, Voluntary Disciplinary Alternative Program (VDAP). Mr. Howard seconded without objection.

B. Final Certification, ABN Administrative Code, Rule 610-X-2-.13, Definitions, Voluntary Disciplinary Alternative Program

Ms. Lee reported that the Board reviewed and approved changes to ABN Administrative Code, Rule 610-X-2-.13, Definitions, Voluntary Disciplinary Alternative Program (VDAP), at the June 2010 Board meeting. The proposed changes were filed with the Alabama Legislative Reference Service and published in the June

30, 2010 *Alabama Administrative Monthly*. The deadline for comments was August 4, 2010. The only comments received were that the proposed changes clarify issues and are clear. There were editorial changes sent in by Dr. Paul Fairley, Medical Director of the Talbott Recovery Center, Atlanta, Georgia.

The proposed changes were posted on the Board's web site, sent via list serve to those individuals on the list serves, and sent via mail to the Board-recognized treatment providers.

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

On August 19, Mr. Howard moved that the Board approve what was published for comment, as final certification, amendments to ABN Administrative Code, Rule 610-X-2-.13, Definitions, Voluntary Disciplinary Alternative Program (VDAP). Mr. Pugliese seconded. Motion carried without objection.

VI. CONTINUING EDUCATION

A. NCSBN as Courtesy Provider

Ms. Morgan reported that once the Board started receiving electronic transmission of CE records from approved providers using the provider numbers, the courtesy providers created some issues including confusion among licensees. Licensees receiving contact hours from courtesy providers with the ABNP number were required to input the contact hours but mandated not to input ABNP numbers from approved providers.

In the spring of 2010 all courtesy providers of record were contacted to determine if the elimination of the courtesy provider number would negatively impact their provision of CE. With the exception of the National Council of State Boards of Nursing (NCSBN), the courtesy providers reported being approved by other accrediting bodies which would result in their organization remaining as a recognized provider for Alabama nurses. With that information, in April of 2010, the Board voted to discontinue use of courtesy provider numbers with the exception of NCSBN.

Ms. Morgan reviewed the difference between approved providers, recognized providers and NCSBN.

Ms. Morgan provided copies of CE course offered at NCSBN, and

NCSBN policies and procedures for the Board's information and review.

The Board reviewed and discussed the information provided.

On August 19, Dr. Lavender moved that the Board require NCSBN to submit information consistent with approved CE providers, comply with the same rules as approved CE providers, and require them to add a statement to the CE certificates informing Alabama nurses that they must add the course to their individual CE record. Ms. Cauley seconded. Motion carried without objection.

VII. REPORT OF BOARD TRAVEL

A. NCSBN Annual Meeting

Dr. Autrey, Ms. Price, Dr. Lavender, Ms. Cauley, Ms. Bullard and Ms. Pugh reported on their attendance at the NCSBN Annual Meeting.

Dr. Autrey reported that she is the Board liaison for the Disciplinary Review Committee.

Dr. Lavender, Ms. Bullard, Ms. Cauley, and Ms. Price provided written reports.

VIII. BOARD TRAVEL

A. 2010 NCSBN Scientific Symposium, Washington DC – September 26, 2010

No Board members requested to attend.

Ms. Lee reported that Dr. Lazarus is presenting the advanced practice study at the meeting.

IX. PENNSYLVANIA FEDERAL CASE REVIEW

Ms. Henley reviewed the U. S. District Court case, Melinda Lamberson Reynolds v. Commonwealth of Pennsylvania and provided copies for the Board.

Ms. Henley reported that the Board must avoid having unwritten rules or

policies that may infringe upon someone's rights. The Board must look at the underlying conduct of each case.

X. NEXT MEETING DATE

The next Board meeting is September 16-17, 2010, Suite 350, RSA Plaza.

XI. OTHER

- The Board discussed adding a substance abuse/addiction course to the nursing program curriculum.
- Ms. Lee reported that the Board could add the requirement to the continuing education rules or to the nursing education program rules as a curriculum requirement.
- Mr. Pugliese requested to see a cost analysis of requiring a CE course on substance abuse/addiction.
- Mr. Howard thanked Ms. Lee for pushing ABN to be a leader in technology.
- Ms. Lee reported that she may ask Gene Akers, AUM Center for Advanced Technology, to collaborate on writing an article for the *Journal of Nursing Regulation*.

XII. BOARD MEETING DEBRIEFING

XIII. ADJOURNMENT

The meeting adjourned at 2:32 p.m. on August 19, 2010.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Leslie Vinson, Recorder
8/19/2010