

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2009-2010

Suite 326, RSA Plaza

770 Washington Ave

Montgomery, Alabama

March 18-19, 2010

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on March 18, 2010. The following Board members were present: Pamela Autrey, PhD., MSN, RN, President; Sylvia Nobles, MSN, CRNP, Vice-President; Sharon Pugh, LPN, Secretary; Melissa Bullard, LPN; Maggie Lee Hopkins, LPN; 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: Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Jennifer Weaver, Chief Fiscal Officer; Frank Mitchell, Chief Special Investigator; David Pinnock, Special Investigator; Wyatt Gantt, Special Investigator; Nate Nunnelley, Special Investigator; Danny Bond, Special Investigator; Ginny Pettway, Docket Clerk; Vicky Moseley, Docket Clerk; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with eleven Board members present on March 18, and ten members present on March 19. Monica Cauley, MSN, RN, was not present for the meeting. Lynda LaRue arrived at 8:45 a.m. on March 19.

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 Consent Agenda

The following items were accepted on the Consent Agenda:

- II.A. January 21-22, 2010 Board Meeting Minutes
- II.B. February 18, 2010 Board Meeting Minutes
- III.A. Board Action Follow-up
- V.A. FY 10 1st Quarter NCLEX-PN Results
- V.B. FY 10 1st Quarter NCLEX-RN Results
- VI.A. Executive Officer
- VI.A.2. FYI
- VI.D.1. General Counsel/Deputy Attorney General
- VI.D.2. Voluntary Disciplinary Alternative Program
- VI.D.3. Probation Monitoring
- VI.E. Operations/Personnel Report
- VI.F. Licensing Division
- VI.G. Board Member Attendance
- VII.A. 2009-2013 Strategic Plan Update
- IX.A.1. Practice Report
- IX.B.1. Continuing Education Report
- X.A. Education Report

On March 18, Ms. Price moved that the Board adopt the Consent Agenda. Ms. Pugh seconded. Motion carried.

3. Adoption of Agenda

On March 18, Ms. Nobles moved that the Board adopt the Agenda, as amended. Mr. Pugliese seconded. Motion carried.

II. REVIEW OF MINUTES

- A. January 21-22, 2010 Board Meeting Minutes

The January 21-22, 2010 Board Meeting Minutes were accepted on the Consent Agenda.

B. February 18, 2010 Board Meeting Minutes

The February 18, 2010 Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow Up

Ms. Lee's report of Board action follow up was accepted, as information, on the Consent Agenda.

IV. NATIONAL COUNCIL OF STATE BOARDS OF NURSING, INC.

A. Report from Midyear Meeting, March 9-10, 2010

Ms. Price, Ms. Bullard, and Dr. Autrey reported on their attendance on the NCSBN Midyear Meeting and provided handouts from the meeting for the Board's review.

Ms. Lee discussed the issue of fingerprinting and the difficulty of finding a law enforcement agency that will do fingerprints for non-law enforcement individuals.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. FY 2010 1st Quarter NCLEX-PN® Results

The 1st Quarter NCLEX-PN® Results for FY 2010 were accepted on the Consent Agenda.

B. FY 2010 1st Quarter NCLEX-RN® Results

The 1st Quarter NCLEX-RN® Results for FY 2010 were accepted on the Consent Agenda.

VI. REPORTS

A. Executive Officer

1. Report

Ms. Lee provided a written report to the Board outlining her activities from January 1, 2010, through February 28, 2010.

In addition to her written report, Ms. Lee reported that the construction of the new Board room is underway. The room is anticipated to be ready by the May Board meeting.

Pursuant to Alabama Board of Nursing Administrative Code, Rule 610-X-8-.05, Ms. Lee accepted the voluntary surrender for revocation for each of the following Alabama nursing licenses:

<u>Licensee's Name</u>	<u>License Number</u>	<u>Date of Acceptance</u>
Deloach, Pamela Darlene	2-029458	01/04/2010
Health, Carolyn Ann	2-038990	01/04/2010
Hinote, Brenda L.	1-031891; 2-007670	01/04/2010
Butler, Cynthia Renae	1-076396	01/05/2010
West, Ronda Jane	2-058908	01/06/2010
Alford, Lisa Kay	1-087419	01/06/2010
Ferraro, Katherine	1-084546	01/06/2010
Kemp, Brenda Louise	2-041136	01/07/2010
Lynch, Jacqueline J.	2-015323	01/08/2010
Robinson, Ann Marie	1-084719; 2-040998	01/11/2010
Virgil, Elizabeth Bell	1-076965; 2-013291	01/12/2010
Sargent, Tonya Denise	1-070923	01/13/2010
Busch, Xan Charlene	1-090529	01/19/2010
Scott, Nancy Jalyon Crawford	1-089429	01/19/2010
Jackson, Michelle Ann	1-066563	01/19/2010
Jarrell, April Lashondra	2-058058	01/19/2010
Little, Stephanie Elaine	2-050002	01/19/2010
Morgan, Peggy Virginia	1-084568	01/19/2010
Scott, Jeanne Booth	1-033254	01/21/2010
Blaylock, Joanna Lea	2-053917	01/21/2010
Moore, Misty Marie	2-047023	01/29/2010

Brame, Pamela Renee	1-062590; 2-032415	02/08/2010
Sparks, Joan Rochele	2-055891	02/08/2010
Vinzant, Laura Michele	2-051880	02/08/2010
Schofield, Kathy Brooks	2-050143	02/09/2010
Hone, Amanda Belle	2-051946	02/16/2010
King, Kerri Ann	1-085450	02/18/2010
McDaniel, Shelly Marie	2-059390	02/18/2009
Fultz, Michelle Marie	2-056544	02/19/2010
Watson, Cynthia Diane	1-057370; 2-030268	02/24/2010
West, Leslie Dawn	1-084434	02/24/2010
Weaver, Pamela L.	2-015864	02/24/2010
Rogers, Vincent Everett	2-040311	02/24/2010
Dover, Brandon Ray	1-110216	02/26/2010
Lambert-Gleeson, Tonya Renee	1-069918	02/26/2010

2. FYI

Ms. Lee provided the following items for the Board's information: (1) a copy of an article from *Nursing Management* on the value of simulation education; (2) a copy of a study on county health rankings in Alabama; (3) a copy of the National League for Nursing's Nursing Data Review Academic Year 2007-2008; (4) a copy of a letter from South University reporting that Rose Kearney-Nunnery resigned as Dean of the College of Nursing and Dan Coble is acting Dean; and (5) a copy of a letter from UAB School of Nursing regarding the Accelerated Masters Entry Pathway.

3. Legislative Update

Ms. Lee reported that the lay midwife bill hasn't been placed on the Committee agenda. The scholarship bill passed the Senate but has not made it to the House Committee. Ms. Morgan attended a public hearing on HB 173, Ventilator Bill of Rights. This bill went to a sub-committee of the Health Committee.

The nurse practitioner bill was introduced last week. This bill provides for nurse practitioners and nurse midwives to

prescribe schedule III through V controlled substances, changed the composition of the Joint Committee by removing the certified nurse midwife from the committee, and provides that the Board of Medical Examiners (BME) be the certifying body to issue certificates of qualification to prescribe controlled substances. The Nurse Practitioner Alliance of Alabama (NPAA) is opposed to this.

Ms. Lee reported that if the bill were to pass as written and a nurse practitioner was reported for issues with prescribing controlled substances, the nurse practitioner would have to answer to the BME and the ABN.

4. Request for Attorney General Opinion

Ms. Lee reported that in the FY 2009 Regular Legislative Session, the legislature passed the budget appropriation act that included a transfer of \$2.5 million from the Board of Nursing Trust Fund to the State General Fund in equal amounts in FY 2010. Until March 1, 2010, no funds had been transferred. The Executive Budget Office contacted Ms. Weaver and provided directions regarding the transfer of funds.

Ms. Lee reported that she and Ms. Henley reviewed some legal cases where the same activity occurred in the past as well as prior Opinions of the Justices. The case law and prior opinions seem to support the Board's position that because the Nurse Practice Act prohibits the transfer of money to the general fund from the ABN, it was unlawful for the appropriations bill to include a transfer. **Code of Alabama, 1975, 34-21-4** provides that revenues generated by the Board are to be placed in the Board's trust fund with the State Treasury and states, in part, "...No unexpended funds of the board of nurses' examiners and registration or the board of nursing shall ever revert to the state of Alabama but shall remain the property of the board of nursing."

The Alabama Supreme Court has said that "the removal or disregard of earmarking is not a matter properly included in an appropriation bill. Presumably, the earmarking could be removed in a proper single-subject bill or in a properly constituted revenue bill, but until such an action is taken, no appropriation bill can appropriate such funds other than as they were earmarked." Childree v. Hubbert, 524 So.2d 336, 341 (Ala. 1998).

The Board has the authority to request an Attorney General's opinion regarding whether the Governor and Legislature can, in fact, order a transfer of funds from the Board of Nursing Trust Fund to the State's General Fund in an appropriations bill when that conflicts with the Nurse Practice Act.

The Board discussed whether to request an Attorney General's opinion.

On March 18, Ms. Nobles moved that the Board approve the request of an Attorney General's opinion regarding the legality of transferring \$2.5 million from the Board of Nursing Trust Fund to the State's General Fund through an appropriations bill. Mr. Pugliese seconded. Motion carried without objection.

B. Executive Committee

1. President's Report

There was no report from the President.

2. July Board Meeting Dates

Ms. Lee reported that the Board established Board meeting dates at the November 2009 meeting. Meetings are scheduled the third Thursday and every other month the third Friday as well. Dr. Autrey was elected to the Board of Directors of the National Council of State Boards of Nursing and has a conflict with the July 15-16, 2010 meeting dates. She requested that the Board consider changing the July meeting dates.

The Board discussed the following options: 1) move the meeting to July 8-9, 2010; 2) move the meeting to July 22-23, 2010; and 3) leave the meeting as scheduled for July 15-16, 2010 and have the Vice-President conduct the meeting in the absence of Dr. Autrey.

On March 18, Dr. Lavender moved that the Board leave the July Board meeting as scheduled. Mr. Pugliese seconded. Motion carried without objection.

C. Financial Reports

1. Reports

Ms. Weaver, Chief Fiscal Officer, provided a Revenue and Expenditure Summary for FY 2010. Revenues and expenditures for FY 2010, and a spreadsheet reflecting payments for all in-state and out-of-state travel-related expenses through January 31, 2010, was presented. Ms. Weaver also provided a cost allocation report with a breakdown of expenditures by program and object codes, along with a report of dishonored checks through January 31, 2010. Ms. Weaver provided a variance report reflecting actual expenditures and revenue variances from the budget through January 31, 2010, and cash balance as of January 31, 2010.

Ms. Lee reported that the Department of Finance took the first installment of the \$2.5 million. As of March 18, the cash balance is just over \$5 million.

Ms. Weaver reported that the Board has received one additional dishonored check.

The Board reviewed and discussed the reports presented with Ms. Weaver.

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from January 5, 2010 through February 28, 2010, the number of open disciplinary cases, and the number of cases on appeal or subject to litigation was accepted, as information, on the Consent Agenda.

2. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of February 28, 2010 was accepted, as information, on the Consent Agenda.

3. Probation Monitoring

A written report on the number of nurses monitored on probation as of February 26, 2010 was accepted, as information, on the Consent Agenda.

4. Calculation of Time Worked in Nursing in Board Orders/Agreements

Ms. Lee reported that most Board Orders, including Voluntary Disciplinary Alternative Program (VDAP) Agreements, require that the licensee work in nursing a set time frame in conjunction with monitored practice. Time not spent working in nursing does not count toward meeting the requirements of the Order. Currently, probation and VDAP calculate the time differently.

In order to be consistent in the calculation, as well as attempt to keep the records electronically to prevent manual counting, the issue needs to be addressed. The quarterly employer reports do not include the amount of time worked during the quarter. The licensee's self-report does include that information.

The reason there is a time specified for working in nursing is so that the licensee can be monitored while practicing nursing. Sometime the work environment can be a trigger and workplace monitoring may help the licensee cope with being in a trigger environment. There is a restriction in chemical dependency orders that the licensee can not work more than eighty hours per pay period.

The Board discussed what is full-time employment, prn, part-time employment, how would any hours less than an eight hour shift be counted, and what would fulfill the eighteen month requirement.

Ms. Lee provided copies of the stipulations in the shell Orders that related to time not employed in nursing for the Board's information and review.

On March 18, Ms. Nobles moved that the Board require an average minimum of ninety-six hours per month to meet the requirement in the Board Orders/Agreements for time worked in nursing. Dr. Lavender seconded. Motion carried without objection.

The Board directed the staff to prorate the hours if the licensee does not work ninety-six hours per month.

E. Operations/Personnel Report

A written report of the Board's operations and personnel was accepted, as information, on the Consent Agenda.

F. Licensing Division

A written report on the number of licenses issued from October 1, 2009, through February 25, 2010, was accepted, as information, on the Consent Agenda.

G. Board Member Attendance

A written report on Board member attendance was accepted as information on the Consent Agenda.

VII. STRATEGIC PLANNING

A. 2009-2013 Strategic Plan Update

An update of the ABN 2009-2013 Strategic Plan, was accepted, as information, on the Consent Agenda.

VIII. ADVANCED PRACTICE

A. Advanced Practice Nursing

1. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the Joint Committee met on March 9, to review the roster of applications for collaboration. The roster includes applications that met all requirements by February 22, 2010. All applicants requesting practice in a site with no collaborating or covering physician on site have provided documentation of a plan for cumulative hours together in a site, in compliance with ABME Administrative Code, Rule 540-X-8-.08 and ABN Administrative Code, Rule 610-X-5-.08, Requirements for Collaborative Practice by Physicians and Certified Nurse Practitioners.

Ms. Cotton provided copies of the roster of collaborative practice applicants for the Board's review and approval.

On March 18, Dr. Lavender moved that the Board accept the recommendations of the Joint Committee and approve the applicants for collaborative practice listed in the published roster. Mr. Howard seconded. Motion carried without objection.

2. Cardiac Surgical Procedures for CRNPs

Ms. Cotton reported that the ABN Administrative Code, Rule 610-X-5-.10 (3) and (4) provide for approval of CRNPs to perform procedures that are not identified in the standard protocol and exceed basic nurse practitioner education.

The Board of Medical Examiners (BME) recommends the guidelines for Initial Physician Assistant Privileges for Cardiac Surgical PAs also be considered for approval of Cardiac Surgical Certified Registered Practitioners. BME adopted the statement of PA privileges at their January 2010 meeting.

The Joint Committee reviewed the statement at the March 9, 2010 meeting. Points for discussion included: 1) procedures for requesting approval to perform the procedures; 2) acceptable documentation for training and supervised procedures; and 3) requirements for progression to "Middle Level Procedure" and "Advanced Level Procedures".

Some of the procedures are already approved for some CRNPs in a few critical care practices. The proposed list includes procedures currently not allowed for Acute Care CRNPs: 1) intra-aortic balloon insertion; 2) removal of left atrial catheter; 3) femoral arterial catheter placement; 4) thoracostomy; and 5) insertion of right heart catheter (Swan Ganz).

Ms. Lee reported that a physician member of the Joint Committee recommended advanced level procedures and would be for any nurse practitioner who works in an acute care setting, not just cardiac surgical.

Ms. Cotton provided copies of the Cardiac Surgical procedures for CRNP and the CRNP/CNM Additional duties for the Board's information and review.

On March 18, Ms. Pugh moved that the Board accept the recommendation from the Joint Committee for nurse practitioners to perform advanced level procedures in an acute care setting. Dr. Lavender seconded. Motion carried without objection.

3. ADPH Rule for X-ray Orders by CRNP, CNM & PA

Ms. Cotton reported that the Alabama Department of Public Health (ADPH) inspects and licenses x-ray machines. Currently, ADPH regulations limit x-ray procedures on human beings to order from a licensed practitioner of the healing arts (physician, dentist, chiropractor, and podiatrist). Providing x-ray services without a valid order, as defined by ADPH, could lead to sanctions against the license holder and cascading consequences related to reimbursement for Medicare, Medicaid and other third party payers. Consequently, x-ray providers have declined to accept orders from CRNPs and CNMs.

The CRNP and CNM are authorized in the Standard Protocol to order radiological procedures. Conflicts between the regulations of the Alabama Department of Public Health for Radiation Control and the approved protocols of CRNP and CNM were identified in 1996. The same conflict exists with physician assistant job descriptions. The Joint Committee raised these questions in 1997, and again in 2000, in an attempt to resolve the conflicts in legal authority to order radiographic diagnostics.

In December 2000, the ADPH issued clarification of Rule 420-3-26-.06 (3) (b) of the Alabama Radiation Protection Rules Related to Authorization of Medical X-Rays to Patient by Physician Assistants, Certified Registered Nurse Practitioners, and Nurse Midwives. The statement acknowledged collaborative practice, but did not give clear authority for CRNPs and CNMs to order x-rays without a direct verbal order from the physician.

In September 2009, the Board received a report from a CRNP about ADPH radiation safety inspections and memoranda specific to CRNP and CNM orders. Dr. Paul Nagrodzki, BME Board member, member of the Joint Committee and chairperson of the State Committee on Public Health, presented the problem to Dr. Don Williamson

and the ADPH Radiation Safety Division.

At the meeting on February 17, 2010, the State Committee on Public Health proposed changes to the ADPH rule. A public hearing was held on March 12, 2010.

Ms. Cotton provided copies of the ADPH 2000 and 2008 Memorandum, standard protocol for CRNP and CNM, and the ADPH rule proposal for CRNP and CNM for the Board's information and review.

The Board reviewed and discussed the information provided.

On March 18, Mr. Howard moved that the Board affirm the proposed change in ADPH Rule 420-3-26-.06, Radiation Safety Requirements for Users of X-Ray in Healing Arts or Services of X-Ray Equipment to allow CRNP and CNM in collaborative practice to order X-rays; and recommend insertion of "license physician's assistant" in paragraph (c) to read: "a written order for each exposure shall be prepared by the licensed practitioner of the healing arts, licensed physician's assistant, certified registered nurse practitioner or certified nurse midwife....". Ms. Hopkins seconded. Motion carried without objection

Ms. Lee reported that the proposed changes will be reviewed for final certification at the Department of Public Health's April 2010 meeting.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on the standardized procedures activity as of February 26, 2010, was accepted, as information, on the Consent Agenda.

B. Continuing Education

1. Report

A written report on Continuing Education Provider

applications, the LPN continuing education audit, and CE Provider training was accepted, as information on the Consent Agenda.

X. EDUCATION

A. Report

A written report on nursing education programs and a proposal for hybrid on-line mobility program from Wallace Community College Selma was accepted, as information, on the Consent Agenda.

B. Spring Hill College BSN Program: Update on Progress for Continued Deficiency

Ms. Drake-Speer reported that Spring Hill College BSN Program failed to meet the outcome standard of 80% pass rate for first time NCLEX-RN® writers for FY 2008. The pass rate for FY 2008 was 79.2%. A written plan of improvement was submitted on April 16, 2009, and a follow up progress report was submitted on November 1, 2009. The pass rate for FY 2009 was 78.6%. An onsite survey visit was conducted on September 15, 2009. The program received a Notice of Deficiency for FY 2008 and a Notice of Continued Deficiency for FY 2009.

Dr. Meg Cole, Division Chair, and Dr. Sims, Provost, provided an update and answered questions from the Board.

C. Stillman College BSN Program: Progress Report

Ms. Drake-Speer reported that Stillman College BSN Program received provisional approval from the Board on July 26, 2006. The first class graduated May 2009. The FY 2009 NCLEX-RN® pass rate was 66.7%. A comprehensive onsite evaluation of the program was conducted on September 11, 2009. Dr. Carter, Vice-President of Academic Affairs, and Dr. Forte, Nursing Program Director, attended the November 2009 Board meeting and addressed the pass rate and the survey visit report. The Board continued the provisional approval until September 30, 2010. In addition, the Board issued a Notice of Deficiency that required Stillman College to submit evidence of the educational program's capability to carry out prescribed minimum standards within thirty days of receipt of the Notice. A report was received in January 2010 in response to the Notice of Deficiency. After reviewing the report, it did not adequately address the issues and it was the same report that was submitted at the November 2009 Board meeting. Ms. Drake-Speer

asked to meet with the President, the Director of Financial Aid, the Director of Auxiliary Services and the Vice-President of Fiscal Affairs. During the visit, the issue with books not being available and students receiving bookstore vouchers that they were unable to use was clarified.

Ms. Drake-Speer provided copies of the President's response, the program director's response, budget information, resources, and faculty information for the Board's information and review.

The Board reviewed and discussed the information provided.

On March 18, Ms. Nobles moved that the Board provide a Notice of Compliance to Stillman College for submission of evidence of the educational program's capability to carry out prescribed minimum standards as requested in the Notice of Deficiency. Dr. Lavender seconded. Motion carried without objection.

XI. POLICY

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

Ms. Henley reported that the Board reviews regulations every three years. Changes were made to Chapter eight in 2005. The Board reviewed proposed changes at the December 2008 meeting and again at the February 2009 meeting. Because substantial revisions to ABN Administrative Code, Chapter 610-X-6, Standards of Practice, were likely to impact the discipline rules, it was decided that further work on the discipline rules would stop until final passage of the new standards of practice rules.

Proposed changes address: 1) changes in the rules regarding standards of practice and conduct; 2) clarification of professional boundaries; 3) definition of the new statutory provision regarding the inability to safely practice due to illness, inebriation, mental and physical conditions, and excessive use of drugs, narcotics, alcohol, chemicals and other substances; 4) addressing the variety of methods employed to avoid criminal convictions; 5) clarification of requirements for reinstatement of a revoked license; and 6) closing loopholes in regulatory explanations of grounds for discipline.

Ms. Henley provided copies of the current ABN Administrative Code, Chapter 610-X-8, and the proposed chapter for the Board's review and approval.

The Board reviewed the proposed chapter and made minor changes.

On March 18, Ms. Nobles moved that the Board repeal ABN Administrative Code, Chapter 610-X-8, Disciplinary Action and approve the new ABN Administrative Code, Chapter 610-X-8, Disciplinary Action, as amended. Mr. Howard seconded. Motion carried without objection.

Ms. Price was not present for the vote.

B. ABN Administrative Code, Chapter 610-X-2-.08, Definitions, Disciplinary Actions

Ms. Henley reported that the definitions are at the beginning of disciplinary actions chapter and also in Chapter 610-X-2.

Ms. Henley provided copies of the current Rule 610-X-2-.08 and the proposed rule for the Board's review and approval.

The Board reviewed and discussed the proposed changes.

On March 18, Mr. Howard moved that the Board repeal ABN Administrative Code, Rule 610-X-2-.08, Definitions, Disciplinary Action and approve the new ABN Administrative Code, Rule 610-X-8.02, Definitions, Disciplinary Action. Ms. Pugh seconded. Motion carried without objection.

Ms. Price was not present for the discussion or vote.

XII. DISCIPLINARY CASES

On March 19, Ms. Pugh moved that the Board enter into Executive Session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific applicants and licensees. Ms. Price seconded. Motion carried without objection.

Ms. LaRue was not present for the vote to enter into Executive Session.

Dr. Autrey reported that the Board would reconvene in open session at approximately 9:15 a.m.

The Board reconvened in open session at 9:25 a.m. and voted on the Consent Orders.

A. Consent Orders

1. Compton, Carol Waynette Ozio – LPN Exam Applicant

Ms. Compton signed a Consent Order that would allow her to take the NCLEX-PN and if successful, issue her license on probation for a period of twelve months, with illegal/illicit drug-use stipulations and require her to successfully complete a Board-approved educational course on chemical dependency.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

2. Cole, Christina Lee McGough – LPN, 2-053894

Ms. Cole signed a Consent Order that would place her LPN license on probation for a period to run concurrent with her Court ordered probation, but not less than twelve months, with practice-related stipulations, require her to successfully complete a Board-approved educational course on professional accountability, and pay a fine in the amount of \$300.00.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

3. Brackin, Jessica Maeve – LPN, 2-055865

Ms. Brackin signed a Consent Order that would place her LPN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations and require her to successfully complete a Board-approved educational course on chemical dependency.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

4. Brons, Suzanne – RN Endorsement Applicant

Ms. Brons signed a Consent Order that would approve her RN Endorsement application and issue her license on probation for a period twelve months, with illegal/illicit drug-use stipulations and require her to successfully complete a Board-approved educational course on chemical dependency.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

5. Gardner, Michelle Yolando Gibson – LPN, 2-044857; RN Exam Applicant

Ms. Gardner signed a Consent Order that would approve her to take the NCLEX-RN®, and place her LPN license on probation for a period to run concurrent with her Court ordered probation, but not less than twelve months, with practice-related stipulations, require her to successfully complete a Board-approved educational course on professional accountability and pay a fine in the amount of \$1,200.00. Should Ms. Gardner pass the NCLEX-RN®, her license will be issued with the same terms and conditions.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Price moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

6. Taylor, Marlyn – LPN, 2-053583

Ms. Taylor signed a Consent Order that would suspend her LPN license until such time as she provides evidence of successful completion of Board-approved educational courses on legal/ethical aspects of nursing and professional accountability, and pays a fine in the amount of \$1,600.00. In no event will this period of suspension extend beyond

twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

7. Bagguley, Kimberly Dawn Haynie – LPN Endorsement Applicant

Ms. Bagguley signed a Consent Order that would approve her LPN Endorsement application and issue her LPN license on probation, for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

8. Frost, Nina Katherine Cleveland – RN Endorsement Applicant

Ms. Frost signed a Consent Order that would approve her RN Endorsement application and issue her RN license on probation for a period of sixty months, with chemical dependency stipulations, and require her to pay a fine in the amount of \$1,000.00.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Wright moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

9. Henderson, Lauren Kent – RN, 1-033212 (Lapsed)

Ms. Henderson signed a Consent Order that would suspend her RN license until such time as she provides evidence of an unencumbered license in all states in which she holds a

license.

Ms. LaRue was not present for the discussion.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

10. Marshall, Crystal Kaye – RN, 1-109623

Ms. Marshall signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on ethics of nursing and scope of nursing practice, and pay a fine in the amount of \$500.00.

On March 19, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

11. Plemons, Chrystal Lea Proctor – RN, 1-083829

Ms. Plemons signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on scope of practice and critical thinking, and pay a fine in the amount of \$500.00.

On March 19, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

12. Wood, Dorothy Patricia Cook – LPN, 2-040858

Ms. Wood signed a Consent Order that would place her LPN license on probation for a period to run concurrent with her Court ordered probation, but not less than twelve months, with illegal/illicit drug-use stipulations, and require her to successfully complete a Board-approved educational course on chemical dependency.

On March 19, Mr. Pugliese moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

13. Todd, Georgia Geneva – LPN, 2-046459 (Active/Probation)

Ms. Todd signed a Consent Order that would terminate her November 18, 2005 Order upon the Board's acceptance of this instant Order which would suspend her LPN license for a minimum of three months and until such time as she provides evidence of: (a) negative random monthly drug screens; (b) participation in twelve step meetings; (c) accrual of requisite continuing education contact hours; and (d) payment of appropriate fees. Upon reinstatement, Ms. Todd's license will be placed on probation for a period of forty-eight months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

14. Stracener, Cathy Lynn Dunn – RN, 1-059633 (Active/Probation)

Ms. Stracener signed a Consent Order that would terminate her September 21, 2007 Order upon the Board's acceptance of this instant Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on medication administration and documentation, and pay a fine in the amount of \$800.00.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

15. Schwartz, Elliot David – RN, 1-036968; CRNA

Mr. Schwartz signed a Consent Order that would suspend his RN license for a minimum of three months and until such time as he provides evidence of (a) payment of a fine in the amount of \$600.00; (b) successful completion of Board-approved educational courses on professional

accountability, chemical dependency and critical thinking; (c) accrual of requisite continuing education contact hours; and (d) payment of appropriate fees. Upon reinstatement, Mr. Schwartz's license will be placed on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

16. Shearin, Connie Patricia Jolly – RN, 1-080791

Ms. Shearin signed a Consent Order that would suspend her RN license until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and physical assessment and pays a fine in the amount of \$1,200.00. Upon reinstatement, Ms. Shearin's license will be placed on probation for a period of twenty-four months, with practice-related stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

17. Selby, Celetta Ann – RN, 1-106476

Ms. Selby signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

18. Layton, Alaina Grimes – LPN, 2-054960 (Active/Probation);
RN Exam Applicant

Ms. Layton signed a Consent Order that would allow her to take the NCLEX-RN®, and if successful, and if she has not completed all of the terms of her November 21, 2008 Order, her license will be issued with the same terms and conditions.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

19. Huguet, Alicia Kathryn – RN, 1-103147

Ms. Huguet signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Ms. Huguet's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,300.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

20. Presley, Angela Faye Walls – RN, 1-061625; LPN, 2-031660 (Lapsed)

Ms. Presley signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on chemical dependency and legal/ethical aspects of nursing, and pay a fine in the amount of \$600.00. Should Ms. Presley attempt to renew her LPN license, it too, would be subject to the same

terms and conditions.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

21. Owen, Leannah Roxanne – LPN, 2-047530

Ms. Owen signed a Consent Order that would suspend her LPN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Ms. Owen's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

22. Burgans, Selena Joy Snuggs – RN, 1-109321; LPN, 2-048022 (Lapsed)

Ms. Burgans signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00. Should Ms. Burgans attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

23. Knighthen, Vicky L. Riddle – RN, 1-118999

Ms. Knighthen signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete a Board-approved educational course on chemical dependency and pay a fine in the amount of \$600.00.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

24. Williams, Jennifer Marie – RN, 1-083909

Ms. Williams signed a Consent Order that would suspend her RN license for a minimum of three months, and until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Ms. Williams' license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

25. Posey, David Sanford – RN, 1-076210

Mr. Posey signed a Consent Order that would place his RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require him to successfully complete a Board-approved educational course on chemical dependency and pay a fine in the amount of \$300.00.

On March 19, Ms. Nobles moved that the Board accept

the Consent Order. Ms. Pugh seconded. Motion carried without objection.

26. Barnes, Judy Carol Cartee – RN, 1-072850; LPN, 2-037732 (Lapsed)

Ms. Barnes signed a Consent Order that would suspend her RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (b) entry into and successful completion of the initial phase of an approved treatment provider; (c) entry into and full participation in an aftercare program; (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon reinstatement, Ms. Barnes' license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked. Should Ms. Barnes attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

27. Shaneyfelt, Savannah Elizabeth – RN Exam Applicant

Ms. Shaneyfelt signed a Consent Order that would allow her to take the NCLEX-RN®, and if successful, her license will be issued on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on professional accountability, chemical dependency, blood borne pathogens and DOT Hazmat General Awareness, and pay a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

28. Cunningham, Carol Lynn Kocher – LPN, 2-057897

Ms. Cunningham signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on calming the cognitively impaired and pays a fine in the amount of \$600.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

29. Nelms, Rhonda Gail Goode – RN, 1-087646

Ms. Nelms signed a Consent Order that would place her RN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and documentation, and pays a fine in the amount of \$500.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

30. Staples, Benita Hardnett – LPN, 2-045741

Ms. Staples signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on anger management and pays a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

31. Shaw, Jr., Arnold ONeal – LPN, 2-045308

Mr. Shaw signed a Consent Order that would place his LPN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require him to successfully complete Board-approved educational courses on professional accountability, chemical dependency and scope of practice, and pay a fine in the amount of \$600.00.

On March 19, Mr. Howard moved that the Board accept

the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

32. Hankins, LaQuita Tawan – LPN, 2-055146

Ms. Hankins signed a Consent Order that would place her LPN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require her to successfully complete Board-approved educational courses on chemical dependency, professional accountability and scope of practice and pay a fine in the amount of \$600.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

33. Jackson, Lynda Sue Lee – LPN, 2-052700

Ms. Jackson signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on anger management, and pays a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

34. Galbreath, Jimmie Dale – RN, 1-041124; LPN, 2-018515 (Lapsed)

Mr. Galbreath signed a Consent Order that would place his RN license on probation until such times as he provides evidence of successful completion of Board approved educational courses on critical thinking, nursing management and documentation, and pays fine in the amount of \$1,000.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

35. Bender, Eumkeea Latasha – LPN Exam Applicant

Ms. Bender signed a Consent Order that would allow her to take the NCLEX-PN®, and if successful, issue her a public

reprimand.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

36. Tucker, Marsetta D. – LPN Exam Applicant

Ms. Tucker signed a Consent Order that would allow her to take the NCLEX-PN®, and if successful, issue her a public reprimand.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

37. Flanigan, Carol Noel Harris – LPN, 2-047949

Ms. Flanigan signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

38. Gilliland, Stephanie Gail – RN, 1-106627 (Lapsed); LPN, 2-047099 (Lapsed)

Ms. Gilliland signed a Consent Order that would approve her reinstatement of a lapsed license application and issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

39. Anthony, Guillaume Chretien – LPN, 2-056983

Mr. Curry signed a Consent Order that would issue him a public reprimand and require him to pay a fine in the amount of \$300.00.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried

without objection.

40. Jacobs, Jessie Lynn – LPN, 2-058953; RN Exam Applicant

Ms. Jacobs signed a Consent Order that would allow her to take the NCLEX-RN®, and issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

41. Pate, Catherine Cooper – RN, 1-052616 (Lapsed)

Ms. Pate signed a Consent Order that would approve her reinstatement of a lapsed license application and issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On March 19, Ms. Pugh moved that the Board accept the Consent Order. Ms. Nobles seconded. Motion carried without objection.

42. Sherrer, Haley Brianne – LPN, 2-053342

Ms. Sherrer signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 19, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

43. Lawson, Heather Nicole Turbyfill – LPN, 2-044882

Ms. Lawson signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 19, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

44. Pope, Shaana Dietre – LPN, 2-053162

Ms. Pope signed a Consent Order that would issue her a

public reprimand and require her to pay a fine in the amount of \$1,000.00.

On March 19, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

45. Louis, Carole Ann Dendy – LPN, 2-051464

Ms. Louis signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 19, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

46. Packa, Donna Jane Rogers – RN, 1-025964

Ms. Packa signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On March 19, Mr. Howard moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

1. Newton, Sarah Amanda – RN, 1-103479

Ms. Newton signed a Consent Order that would reinstate her RN license on probation for a period of thirty-six months, with chemical dependency stipulations, and require her to pay a fine in the amount of \$900.00.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

2. Rowell, Casey Adam – RN, 1-105256

Mr. Rowell signed a Consent Order that would reinstate his license on probation for a period of sixty months, with chemical dependency stipulations, and require him to pay a fine in the amount of \$1,000.00.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

3. Tucker, Sherry Ann Tipton – RN, 1-089944

Ms. Tucker signed a Consent Order that would reinstate her license on probation for a period of sixty months, with chemical dependency stipulations, require her to successfully complete a Board-approved educational course on ethics of nursing and pay a fine in the amount of \$1,000.00.

On March 19, Ms. Nobles moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

C. Formal Hearings

On March 19, Ms. Pugh moved that the Board enter into Executive Session in its capacity as a quasi-judicial body to deliberate and discuss evidence and testimony presented during contested case hearings and vote on the outcomes. Ms. Price seconded. Motion carried without objection.

Dr. Autrey reported that the Board would reconvene in open session at approximately 10:00 a.m.

The Board returned to open session at 10:00 a.m.

1. Dedeaux, Aprill Anne Wigginton – RN, 1-114105

On March 19, Ms. Nobles moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and place Ms. Dedeaux's RN license on probation for a period of thirty-six months, with practice-related stipulations, and require her to pay a fine in the amount of \$900.00. Ms. Price seconded. Motion carried without objection.

2. Lombard, Diane Gustin – RN, 1-109556

On March 19, Ms. Nobles moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and suspend

Ms. Lombard's RN license until such time as she provides evidence of successful completion of Board-approved educational courses on critical thinking, patient assessment and professional accountability. Upon reinstatement, Ms. Lombard's license will be placed on probation for a period of twelve months, with practice-related stipulations. Ms. Bullard seconded. Motion failed with nine oppositions (Ms. Price, Mr. Pugliese, Ms. Hopkins, Ms. Pugh, Dr. Lavender, Ms. Wright, Ms. LaRue, Ms. Nobles, and Ms. Bullard).

On March 19, Ms. Nobles moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Hearing Officer's Recommendation due to the quantity of documentation errors related to narcotics, and suspend Ms. Lombard's license until such time as she provides evidence of successful completion of Board-approved educational courses on critical thinking, patient assessment and professional accountability. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked. Upon reinstatement, Ms. Lombard's license will be placed on probation for a period of twelve months, with illegal/illicit drug-use stipulations, she will be required to successfully complete a Board-approved educational course on chemical dependency and pay a fine in the amount of \$300.00. Ms. Bullard seconded. Motion carried without objection.

3. Tvrdy, Gina Marie – RN, 1-072235 (Lapsed)

On March 19, Mr. Pugliese moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and suspend Ms. Tvrdy's RN license until such time as she provides evidence of an unencumbered license in all states in which she holds a license. Ms. Hopkins seconded. Motion carried without objection.

D. Reinstatements – Formal Hearings

1. Summerlin, Rita Gail Pope – RN, 1-075379

On March 19, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and reinstate Ms. Summerlin's license on probation for a period of thirty-six months, with practice-related stipulations, and compliance with all terms of her judicial probation. Ms. Price seconded. Motion failed with ten oppositions (Ms. Pugh, Dr. Lavender, Ms. LaRue, Ms. Hopkins, Mr. Pugliese, Ms. Bullard, Ms. Wright, Mr. Howard, Ms. Price and Ms. Nobles).

On March 19, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, but reject the Hearing Officer's Recommendation due to the recency of the felony conviction, and deny Ms. Summerlin's reinstatement application. Ms. Hopkins seconded. Motion carried without objection.

XIII. OPEN FORUM

A. Advanced Practice Research: Dr. Jean Lazarus and Dr. Jerry Ingram

Dr. Lazarus and Dr. Ingram conducted a power point presentation on the advanced practice research.

Dr. Ken Linna, Statistician, and Sam Turner, Auburn University Montgomery, were also present.

Ms. Lee reported that Dr. Lazarus is going to write an article for the *Journal of Nursing Regulation* about the advanced practice research.

XIV. DECLARATORY RULING

A. Request from Steve Sykes, MD

Ms. Lee reported that Dr. Steve Sykes of Dothan, Alabama requested a Declaratory Ruling as to whether or not it is within the scope of practice for a CRNA to perform procedures involving the injection of local anesthetics, steroids and analgesics for pain management purposes, including but not limited to, peripheral nerve blocks, epidural injections, and spinal facet joint injections when the CRNA can document education, training, and experience in performing such procedures; and is it within the scope of practice for a CRNA to diagnose a patient and determine a course of treatment.

Ms. Lee provided a copy of Dr. Sykes request for the Board's information and review.

The Board reviewed and discussed the request.

On March 19, Mr. Pugliese moved that the Board respond to the Petition for a Declaratory Ruling even though Dr. Sykes did not explicitly state how he was substantially affected by a Board of Nursing rule, and issue the following ruling: (1) it is within the scope of practice for an Alabama CRNA with the documented education, training and experience to place epidural, brachial plexus, or femoral catheters for use in infusing local anesthetic agents and analgesic agents; (2) it is within the scope of practice for an Alabama CRNA with the documented education, training and experience to perform epidural steroidal injections; (3) it is within the scope of practice of an Alabama CRNA with the documented education, training and practice to perform peripheral nerve blocks; (4) the Board lacks sufficient information to determine whether spinal facet joint injections could fall within the scope of an Alabama CRNAs practice; and (5) it is not within the scope for an Alabama CRNA to make a medical diagnoses, however, if a CRNA is receiving direction from a physician licensed to practice medication or a dentist, the Alabama CRNA may determine the appropriate anesthesia for the circumstances and condition of the selected patient without such conduct being considered the making of a medical diagnoses. Ms. Pugh seconded. Motion carried without objection.

XV. OTHER

- Dr. Autrey welcomed the students from Southern Union State Community College ADN and PN programs, UAB Nursing Administration Graduate Program and Troy University.
- **On March 18, Ms. Nobles moved that the Board enter into Executive Session with the Board's general counsel to discuss the legal ramifications of and legal options for imminent and expected litigation. Ms. Pugh seconded. Oral Declaration by Ms. Henley: "I am an attorney licensed to practice in Alabama and it is my declaration that the discussion to be held in Executive Session is covered by Section 7, Subsection 3 of the Open Meetings Act." Motion carried without objection.**
- Dr. Autrey reported that the Board would reconvene in Open session at

approximately 4:00 p.m. The Board reconvened in Open session at 4:20 p.m.

XVI. BOARD MEETING DEBRIEFING

- Dr. Autrey reminded the Board that if they feel strongly about a discipline case, they should always oppose.
- Ms. Nobles expressed her appreciation for the hard work and time that Ms. Lee and Ms. Cotton have spent working with the NPAA on the proposed bill.
- Mr. Howard requested that the Board look at something other than NCLEX® scores for small nursing programs.
- The Board requested that the staff look at how other states handle small nursing programs before the nursing education program rules come up for review this year.

XVII. NEXT BOARD MEETING

April 15, 2010, 9:00 a.m., Suite 326, RSA Plaza

XVIII. ADJOURNMENT

The meeting adjourned at 10:41 a.m. on March 19, 2010.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____

Recorder: Leslie Vinson
03/18-19/2010