

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2010-2011

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

October 21, 2010

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:03 a.m. on October 21, 2010. The following Board members were present: Pamela Autrey, PhD., MSN, RN, President; Sylvia Nobles, MSN, CRNP, Vice-President; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Catherine Dearman, RN, PhD; Maggie Hopkins, 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; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Dawn Daniel, MSN, RN, Probation Monitor; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Karen Grimes, Docket Clerk; 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. Sharon Pugh, LPN, and Gregory Howard, 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 October 21, Ms. Nobles moved that the Board adopt the Agenda. Ms. Price seconded. Motion carried.

II. PUBLIC HEARING

A. Proposed ABN Administrative Code, Chapter 610-X-3, Nursing Education Programs

A public hearing was held for ABN Administrative Code, Chapter 610-X-3, Nursing Education Programs; Rule 610-X-2-.03, Definitions, Nursing Education Programs; Chapter 610-X-4, Licensure; and Rule 610-X-2-.04, Definitions, Licensure.

No one attended the public hearing.

B. Proposed ABN Administrative Code, Rule 610-X-2-.03, Definitions, Nursing Education Programs

C. Proposed ABN Administrative Code, Chapter 610-X-4, Licensure

D. Proposed ABN Administrative Code, Rule 610-X-2-.04, Definitions, Licensure

III. OPEN FORUM

A. First Lab: Peggy Levins, Sara Allen

First Lab did not attend the meeting.

B. Report of Research Presentations at NCSBN First Annual Research Symposium, Jean Lazarus, EdD, RN

Dr. Lazarus reported on her attendance at the NCSBN First Annual Research Symposium and provided handouts for the Board.

C. Appointment of Registered Nurses to the Board: ASNA, Joe Decker, Executive Director, and Debbie Faulk, PhD, RN, Immediate Past-President

Mr. Decker reviewed the process for Board member appointments and answered questions from the Board.

Debbie Faulk, PhD, RN, was also present.

IV. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes 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 information and review.

On October 21, Mr. Pugliese moved that the Board approve the applicants for collaborative practice as listed in the roster. Ms. Wright seconded. Motion carried without objection.

B. Ultrasound Guided Joint Injection by CRNPs

Ms. Cotton reported that Ms. Nobles requested review of Ultrasound Guided Joint Injection for the practice of CRNPs who are authorized to perform joint injections. Family, Adult, Geriatric and Acute Care Certified Registered Nurse Practitioners in collaborative practice with a qualified physician may apply to the ABN and the ABME for approval to perform Arthrocentesis and Joint Injection of Shoulder, Elbow, Knee, Ankle; and Injection of Greater Trochanteric Bursa. Injection of the hip joint is not approved for any specialty of Advanced Practice Nurse.

RNs, including advanced practice nurses, in Alabama are using ultrasonic devices in varied settings. RNs may perform selected ultrasound procedures under standardized procedures within a facility, such as peripherally inserted central venous catheter (PICC line) placement and maternal evaluations for fetal status.

RNs in emergency departments and other clinical practices routinely use ultrasound devices to determine residual urine after voiding. CRNPs and CNMs with authorization for specific ultrasound procedures use that technique in diagnostic procedures within their approved collaborative practice protocols. The ultrasound display can be recorded in the patient's record to demonstrate the anatomic parameters observed during a procedure.

Ms. Cotton provided copies of Adverse Effects of Extra-articular Corticosteroid Injections: A Systematic Review; Best Practice US-Guided Injections; Brown comment: Does Not Improve Benefit; Cunningham abstract; Raza, K et al Ultrasound Guidance; Sibbitt abstract; Sibbitt article; and Joint Aspiration application requirements for ABN and ABME for the Board's information and review.

The Board reviewed and discussed the information provided.

On October 21, Ms. Wright moved that the Board add ultrasound guidance for joint injection procedures as an additional duty, with Board approval, in the practice of CRNPs with documented training and demonstrated proficiency. Ms. LaRue seconded. Motion carried without objection.

C. Hyperbaric Oxygen Therapy for Certified Registered Nurse Practitioners

Ms. Cotton reported that Kristin Tomlinson, CRNP 1-102462, and Dr. Harry E. Studdard requested to modify their collaborative practice protocol with an additional duty for Ms. Tomlinson to supervise Hyperbaric Oxygen Therapy at Mobile Adult Care. Hyperbaric Oxygen Therapy has not been specifically requested in previous CRNP applications, and the ABN has not reviewed or approved the procedure.

The rules for collaborative practice specify the process for ABN review and approval prior to review by the Joint Committee for Advanced Practice Nursing.

The request from Ms. Tomlinson and Dr. Studdard identifies the educational requirements and competencies for the procedure. Ms. Tomlinson provided documentation of course attendance. The physical assessment required prior to patient treatment is within the Standard Protocol for CRNP.

In addition to functions/procedures within the scope of RN practice, perform or assist with laboratory procedures and technical procedures, which include but are not limited to the following: 1) wet mount microscopy and interpretation; 2) microscopic urinalysis; 3) biopsy of superficial lesions; 4) suturing of superficial lacerations; 5) management and removal of arterial and central venous lines; 6) debridement of wounds; 7) aspiration, incision and drainage of superficial lesions; 8) foreign body removal; 9) initial x-ray interpretation, with subsequent required physician interpretation; and 10) cast application/removal.

Ms. Cotton provided copies of the request, Ms. Tomlinson's application, patient flow, and slides for the Board's information and review.

The Board reviewed and discussed the information provided.

On October 21, Dr. Lavender moved that the Board approve Hyperbaric Oxygen Therapy as an additional duty within the scope of practice of certified registered nurse practitioners with documented education, training and experience; and present Hyperbaric Oxygen Therapy to the Joint Committee as an approved procedure for consideration in the collaborative practice protocol for Kristin Tomlinson, CRNP, and Harry E. Studdard, MD. Ms. LaRue seconded. Motion carried without objection.

V. EXECUTIVE OFFICER

A. Interim Succession Plan for EO Position

Ms. Lee reported that the Board discussed a succession plan for the Executive Officer (EO) position and directed the EO to bring forth an interim succession plan at the October 2010 meeting. Currently when the EO is out of the office on leave, an administrative staff person is designated to be in charge. The individual in charge is not necessarily a nurse and is usually Barbara Johnson, Director Administrative Services. Ms. Johnson has thirty plus years with the state and knows the processes related to personnel, finances, and the EO's preferences. In Ms. Johnson's absence, another administrative staff person is selected. Rarely is the EO unavailable by electronic mail or telephone even when out of the office.

The Board could consider appointing one of the existing nurse

consultant staff members to the position. A master's in nursing degree is a minimum requirement for all the nurse consultant staff positions. Another requirement is licensure in Alabama, and, being a U.S. citizen is a requirement. As a result, the Board could select someone immediately who meets the minimum qualifications for the position. Because each nurse consultant has her own responsibilities, the person selected would likely be responsible for interim EO responsibilities as well as her own position requirements. There would be minimal issues with recruitment and continuing operations of the agency if an existing nurse consultant staff member is appointed to the position. The Board could go outside and recruit someone to fill the interim position but that can cause delays and lack of continuity of operations.

The Executive Officer position is unclassified and not a part of the state merit system. The nurse consultant positions are in the state merit system and a nurse consultant appointed to the interim EO position would require reversion rights back to the merit position once a permanent EO is selected. An increase in salary for the additional responsibilities would be expected.

Ms. Lee provided copies of the EO job description, the EO evaluation form, the statutory requirements for the EO position, and the proposed plan for the Board's review.

The Board reviewed and discussed the information provided.

On October 21, Mr. Pugiese moved that the Board approve the succession plan for an interim Executive Officer. Ms. Price seconded. Motion carried.

Ms. Price suggested that the Board review the plan annually and at new Board member orientation.

B. Executive Officer Evaluation

Ms. Lee reported that the Board conducts an annual performance appraisal of the Executive Officer. Various methods have been used including Board members sending their ratings and comments to the Vice-President for tabulation and presenting the evaluation at a Board meeting or the Board meeting in Executive Session to discuss the evaluation and then presenting the evaluation to the Executive Officer. The presentation to the Executive Officer is required to be in public in compliance with the Open Meetings Act.

The annual appraisal is scheduled for the November 2010 Board meeting. Since there are so many new Board members, a discussion of the process that will be used is important in advance of the meeting. Another component of the evaluation is a self-evaluation by the Executive Officer that is typically sent to Board members two weeks in advance of the annual performance appraisal.

In the past there have been discussions about soliciting input from the staff. The first evaluation in 2000 resulted in a 'stuffing the ballot box' with more comments received than were sent out. At that point the Board decided not to include staff evaluations or comments into the Board's process. A couple of years ago the discussion again arose about the "360 degree" process of soliciting input. The Board elected at that point not to request comments from the staff.

The proposed process is to have the EO perform a self-evaluation that is mailed to each Board member two weeks in advance of the November meeting. At the November meeting, the Board members would meet in executive session to discuss with each other the evaluation and determine the ratings for each category. The evaluation would be provided in public to the EO by the Board. The President and the EO sign the evaluation and the evaluation is part of the EO's personnel record.

Ms. Lee provided copies of the EO evaluation form for the Board's information and review.

The Board reviewed and discussed the EO evaluation process and form.

On October 21, Ms. Nobles moved that the Board use the same evaluation form, the EO self evaluation, and present the evaluation in open session. Ms. Hopkins seconded. Motion carried without objection.

Dr. Autrey requested that the Board develop a tool for the staff to evaluate the EO at a future Board meeting.

C. FY 2010 End Report of Board Actions

Ms. Lee reported that September 30, 2010 ended FY 2010. October 1, 2010 started FY 2011. Although the FY 2010 Annual Report will include a report on the FY 2010 Board Actions, a review by the Board is in order.

Ms. Lee provided copies of the FY 2010 Board Follow-Up Table for the Board's information and review.

The Board reviewed and discussed the FY 2010 Board actions.

Ms. Nobles was not present for the discussion.

D. Press Releases for Board Appointments

Ms. Lee reported that the Governor makes the appointments to the Board. A recent inquiry by new Board members related to issuing press releases for appointments of new Board members was explored. The Governor's press secretary indicated in an email to the Executive Officer that due to the volume of Board and Commission appointments made by the Governor, press releases were not issued from his office.

One of the issues is raising awareness of Board appointments to get the word out in a different format that might alert interested parties about the process. Another issue is that with the changes in the Governors' administrations that could occur every four years, each Governor may or may not allow press releases generated by the Board. The Board's list serves have been used to notify nurses when there are Board vacancies and could be used to notify individuals and organizations of Board appointments. Recent materials regarding public relations communications indicates that print media are frequently looking for "filler" information.

When contacted previously, the EO encouraged individual Board members to have their organizations issue press releases if that was their decision. The number of inquiries from Board members increased so that discussion about how to deal with the possibility of issuing press releases from the Board is required.

The Board discussed their options for issuing press releases.

The Board directed Ms. Lee to draft a press release announcing Ms. Noble's replacement on the Board, and send it to the Governor's office to see if they will allow it.

E. Alabama Nursing Hall of Fame Call for Nominations

Ms. Lee reported that the Board nominated several individuals over the years for induction into the Alabama Nursing Hall of Fame

at the Capstone College of Nursing, University of Alabama. The Board's nominations have been related to the Board in some way either as former Board members or staff.

The Board nominated Dr. Billie Rozell twice and neither time was she inducted. The Board also nominated Dr. Elaine Klein and she was not inducted.

Ms. Linna Denney, the first Executive Officer of the Board was nominated and her family donated her induction plaque and line drawing to the Board.

Ms. Lee provided copies of the nomination information and prior inductees nominated by the Board.

The Board reviewed and discussed the information provided.

On October 21, Dr. Lavender moved that the Board nominate Dr. Elizabeth Stullenbarger, David Fagan, and N. Genell Lee for induction into the Alabama Nursing Hall of Fame. Mr. Pugliese seconded. Motion carried without objection.

F. Presentation Requests

Ms. Lee reported that last year the Board elected to cancel staff activities in traveling around the state to provide presentations to various groups. The transfer of \$2.5 million to the General Fund was the basis for the cancellation of those activities. Requests for FY 2011 are now coming in and the Board's financial situation has improved to some degree. The Board needs to determine whether to allow staff travel for presentations to various groups throughout Alabama.

The recommendation is that travel resume so long as it does not require overnight lodging. The per diem for a one day presentation that requires overnight travel would be \$150 (\$75 per day) and most presentations can be conducted within a day's travel from Montgomery. A state car is provided for the presentations and thus the cost of gasoline is borne by the Board.

On October 21, Ms. Price moved that the Board resume presentations that do not require overnight lodging unless there is no cost to the Board beyond automobile costs. Ms. Hopkins seconded. Motion carried without objection.

G. AARB Membership

Ms. Lee reported that the Board agreed to stop all dues except for the required \$3,000 per year to the National Council of State Boards of Nursing, Inc. As the Board's membership dues in various organizations came due, the organization was notified that the Board would not renew its membership. The Alabama Association of Regulatory Boards (AARB) charges \$495 per year for membership. The Board joined in the first year of the organization. Meetings of the AARB include investigator conferences once per year and leadership conferences once per year. Board staff participated in both over the years. In addition to the conferences, routine meetings occur that the Executive Officer normally attends as it is a good means to network with other regulatory boards.

The Board's financial situation improved somewhat and the small amount of dues to AARB are well within affordability.

On October 21, Dr. Lavender moved that the Board approve participation in AARB and payment of annual dues. Ms. Price seconded. Motion carried without objection.

VI. POLICY

A. Amendments, ABN Administrative Code, Chapter 610-X-10, Continuing Education for License Renewal

Ms. Morgan reported that in keeping with the three year review cycle, the Board of Nursing reviewed and revised Chapter 610-X-10, Continuing Education for Licensure, in 2009. The changes approved in 2009 related to: 1) adding the definitions from Chapter 610-X-2 to the chapter to be consistent with adopted format for rules; 2) clarification of continuing education, standards and acceptable content for continuing education; 3) revision of the types of continuing education and method of delivery; and 4) addition of language to address the late continuing education compliance fee.

Amendments currently proposed relate to: 1) stating CE requirements for licensure as found in ABN Administrative Code, Chapter 610-X-4, Licensure; 2) removing the specific name of the American Heart Association and American Red Cross for lay courses not accepted since several other organizations currently

offer cardiopulmonary resuscitation and first aid classes designed for lay people; 3) clarifying that serving as a preceptor for student in the clinical setting or presenting a class that is part of the nurse's job requirements are not acceptable for continuing education credit; 4) stating the name for "CME Category 1" continuing education credit to be the same terminology as found in the Medical Examiner's Administrative Code; 5) accepting CE provided by colleges and universities who are accredited by an organization recognized by the U.S. Department of Education and have continuing education as part of their mission; 6) accepting CE provided by state nurses associations which was previously understood but not stated; and 7) allowing current ABN Approved Providers undergoing a change in name and/or ownership with limited changes in the overall organizational structure to retain the same ABN Provider Number with documentation of the organizational changes.

Ms. Morgan provided copies of the proposed changes for the Board's information and review.

The Board reviewed the proposed changes and made one minor revision.

On October 21, Dr. Lavender moved that the Board approve the proposed amendments to ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure. Mr. Pugliese seconded. Motion carried without objection.

B. Amendments, ABN Administrative Code, Rule 610-X-2-.10, Definitions, Continuing Education for License Renewal

Ms. Morgan reported that a proposed amendment to the definition of Provider Number has been suggested in ABN Administrative Code, Chapter 610-X-10, Continuing Education for Licensure. If the Board approves the change to the definition of Provider Number in Chapter 10, the change should also occur in Chapter 610-X-2-.10, Definitions, Continuing Education for Licensure.

Ms. Morgan provided copies of the proposed amendments for the Board's information and review.

The Board reviewed and discussed the proposed amendment.

On October 21, Dr. Dearman moved that the Board approve the amendment to the ABN Administrative Code, Rule 610-X-2-.10, Definitions, Continuing Education for Licensure. Mr.

Pugliese seconded. Motion carried without objection.

C. Amendments, ABN Administrative Code, Chapter 610-X-5, Advanced Practice Nursing-Collaborative Practice

Ms. Cotton reported that the ABN and the ABME based on recommendation from the Joint Committee for Advanced Practice Nursing, adopt the regulations for Collaborative Practice of Certified Registered Nurse Practitioners and Certified Nurse Midwives in collaborative practice with physicians.

In July 2010, the Joint Committee for Advanced Practice Nursing reviewed the definitions and regulations for Collaborative Practice. The ABN reviewed the rules in August, and sent revisions to the Joint Committee. At the September 14th meeting, the Joint Committee recommended the ABN and ABME adopt the changes to ABN Administrative Code Rule 610-X-2-.05, Definitions, Advanced Practice Nursing; Chapter 610-X-5 Advanced Practice Nursing – Collaborative Practice; and ABME Administrative Code, Chapter 540-X-8 Advanced Practice Nursing – Collaborative Practice.

The proposed changes to Chapter 610-X-5 include: 1) add definitions, as published in Chapter 610-X-2-.05. Changes in 610-X-2-.05 will be included in 610-X-5-.01 Definitions; 2) state the requirements and application process for exemption from collaborative practice; 3) add the accumulated Board decisions about practice sites to the definition of ‘remote practice site’ and to the requirements for practice in remote sites; 4) include reference to existing rules for advanced practice renewal and continuing education requirements as stated in Chapter 610-X-4 Licensing and 610-X-10 Continuing Education; and 5) for certified nurse midwives, add the statutory provision that all deliveries should be planned to occur in a hospital.

At the September 16-17 meeting, the ABN made minor changes to the proposed rules. The ABME considered these changes at the October 19 meeting and made additional changes.

Ms. Cotton provided copies of the proposed amendments and the changes made by ABME for the Board’s information and review.

The Board reviewed the proposed amendments and made minor changes based on the changes made by the ABME.

On October 21, Ms. Price moved that the Board approve

amendments to ABN Administrative Code, Chapter 610-X-5, Advanced Practice Nursing – Collaborative Practice, and coordinate the rule-making process with the ABME. Dr. Lavender seconded. Motion carried without objection.

D. Amendments, ABN Administrative Code, Rule 610-X-2-.05, Definitions, Advanced Practice Nursing-Collaborative Practice

Ms. Cotton reported that the definitions are in Chapter 610-X-2 and in Chapter 610-X-5. If the Board approves the changes to the definitions in Chapter 610-X-5, the changes should also occur in Chapter 610-X-2.

The Board reviewed the proposed amendments at the September 16-17 meeting and made minor changes. The ABME considered the proposed amendments at the October 19 meeting.

Ms. Cotton provided copies of the proposed amendments for the Board's information and review.

The Board reviewed the proposed amendments.

On October 21, Dr. Lavender moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-2-.05, Definitions, Advanced Practice Nursing – Collaborative Practice. Mr. Pugliese seconded. Motion carried without objection.

VII. NEXT MEETING DATE

The next Board Meeting is November 18-19, 2010, RSA Plaza, Suite 350

VIII. OTHER

- Ms. Lee provided a draft letter providing comments for ABME's proposed rules on interventional pain management. The Board reviewed and approved the letter. The Board selected Dr. Lavender to speak at the public hearing on behalf of the Board.
- Ms. Lee reported that 33% of RNs that are eligible to renew have renewed. Ms. Lee reviewed the issues with RN renewal.
- Dr. Autrey welcomed the students from Southern Union Community College.
- Ms. Lee encouraged the Board members to speak into the microphones.

- Ms. Lee introduced Karen Grimes, Docket Clerk, and Dawn Daniel, Nurse Consultant for Probation.
- Ms. Lee reported that she has not heard anything from Jones and Bartlett Learning regarding the denial to use copyrighted material.

IX. BOARD MEETING DEBRIEFING

X. ADJOURNMENT

The meeting adjourned at 12:00 p.m. on October 21, 2010.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Leslie Vinson, Recorder
10/21/2010