

# ALABAMA BOARD OF NURSING

## REGULAR BOARD MEETING

Fiscal Year 2010-2011

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

April 21, 2011

### I. CALL TO ORDER

#### A. Roll Call

The meeting was called to order at 9:03 a.m. on April 21, 2011. The following Board members were present: Pamela Autrey, PhD., MSN, RN, President; Amy Price, MSN, RN; Vice-President; Sharon Pugh, LPN, Secretary; Melissa Bullard, LPN; Catherine Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Lynda F. LaRue, RN, ADN, CMTE; Martha G. Lavender, RN, DSN; Gregory D. Pugliese, JD; Carol Stewart, CRNP; and E. Laura Wright, MNA, CRNA, PhD(c). 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; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Robert Rollins, IT Systems Specialist; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Pamela Jenkins, Legal Research Assistant; Katie Wetherbee, Assistant General Counsel; and Alice Maples Henley, Deputy Attorney General/General Counsel.

#### B. Declaration of Quorum

A quorum was declared with twelve Board members present  
Monica Cauley, MSN, RN, was 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 April 21, Mr. Pugliese moved that the Board approve the Agenda. Ms. Pugh seconded. Motion carried without objection.**

II. ADVANCED PRACTICE

A. Applications for Collaborative Practice

Ms. Cotton reported the Joint Committee met on April 19, 2011, to review the applications for collaboration with Alabama physicians as listed in the roster. The addendum lists three applications that were not included on the roster of applications in the Board packet.

The Alabama Board of Medical Examiners (ABME) has not received the collaborating physician's fee on nineteen applications, and will no longer grant approval pending receipt of payment. After payment of the fee, applications will be placed on the next available agenda for Board action.

The Joint Committee recommended approval of the collaborative practice applications listed in the published roster and addendum with the following deletions and recommendations on individual applications: (1) defer action on applications that have not submitted the ABME Collaborating Physician fee and commencement notice; (2) recommend approval of the collaborative practice of Shawna Webb CRNP 1-077919 and Dr. Beverly Jordan MD, 25396 (item 195) excluding trigger point injection because Dr. Jordan has not met the requirements of the Board of Medical Examiners; (3) recommend approval of the collaborative practice of Sharon Amanda Green CRNP 1-047062 and Dr. Frank Bennett Pearce MD, 17271 (item 186) including femoral venous puncture; defer action on the other requested procedures pending further communication from Dr. Pearce and Ms. Green; and (4) recommend approval of additional duties in the collaborative practice for Cathy Willis, Acute Care CRNP 1-100006 and Dr. James Edward Davies, Jr. MD, 22781, (item 223) including initiation and maintenance of ventilatory support based upon the education and certification of Acute Care Nurse Practitioner.

Ms. Cotton reported that the ABME Credentials Committee recommended approval of initiation of ventilator support and denial of maintenance of ventilator support. The ABME voted on April 20,

2011, to deny the request for maintenance of ventilator support.

Ms. Cotton reported that the Joint Committee will be reviewing all procedures that have been approved since 1996.

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

**On April 21, Ms. LaRue moved that the Board accept the recommendations of the Joint Committee and approve the applicants for collaborative practice as listed in the published roster with the noted deletions and recommendations on individual applications: (a) defer action on applications that have not submitted the ABME collaborating physician fee and commencement notice; (b) approve the collaborative practice of Shawna Webb, 1-077919 and Dr. Beverly Jordan, 25396, excluding trigger point injections because Dr. Jordan has not met the requirements of the ABME; (c) approve the collaborative practice of Sharon Amanda Green, 1-047062 and Dr. Frank Bennett Pearce, 17271, including femoral venous puncture and defer action on the other requested procedures pending further communication from Dr. Pearce and Ms. Green; and (d) approve additional duties in the collaborative practice for Cathy Willis, 1-100006, and Dr. James Edward Davies, Jr., 22781, including initiation and maintenance of ventilatory support based upon the education and certification of acute care nurse practitioner. Mr. Howard seconded. Motion carried without objection.**

The Board discussed ABME denying approval for maintenance of ventilatory support when it is within RN scope of practice. The Board directed Ms. Lee to draft a letter requesting clarification.

### III. BOARD TRAVEL

- A. NCSBN Long-Term Care Conference: A Regulatory Perspective and Future Implications, Chicago, IL – August 23-24, 2011

Ms. Price, Mr. Howard and Ms. Bullard were approved to attend.

- B. 2011 NCSBN NLC and Consumer Conference, Chicago, IL – June 8-9, 2011

No Board members requested to attend.

#### IV. EXECUTIVE OFFICER

##### A. Update on Legislation

Ms. Lee provided an update on current legislation and provided a copy of the scholarship bill for the Board's information and review.

##### B. Nursys Review

Ms. Lee reported that President Autrey requested that the Board review NurSys, the National Council of State Boards of Nursing, Inc. database for licensing and discipline. Detailed public information can be found at [www.nursys.com](http://www.nursys.com). NCSBN represents that forty-two Boards of Nursing are using NurSys for licensure verification. There are two aspects of NurSys - license verification and discipline.

The Nurse Licensure Compact (NLC) requires that states participate in NurSys for license verification. Twenty-four of the forty-two participating states are in the NLC. One of the requirements in existence until recently was that in order to participate in the licensing function of NurSys, state boards had to agree to allow NCSBN to perform license verifications. While at first glance it may appear that allowing NCSBN to provide license verification is a good idea, there are some legal issues associated with the process. Delegating a government function to a private, not-for-profit association has potential legal issues.

The Board as a state agency cannot select private companies to provide services without going through a process of assuring that the selection is not biased. There are other companies in existence who could request that if NCSBN is designated as an agent for license verification so should they be. It is unclear that the Board could transfer its authority to charge for license verification to a private entity. NurSys is only used for verification to other Boards of Nursing. Thus, the Board still has to provide staff to verify licensure to non-boards of nursing.

The Board reports discipline through the NurSys database. If we know that a nurse is licensed in another state and the ABN disciplines the Alabama license, a discipline "alert" is sent via email to all other states participating in NurSys to alert them that the license was disciplined in Alabama. Other states do the same and notify the ABN when someone licensed in their state, also licensed in Alabama, is disciplined. According to NurSys, most states report discipline through NurSys.

Some Boards select NCSBN as an agent for reporting of disciplinary action to the Healthcare Integrity Protection Databank (HIPDB). The ABN reports to HIPDB directly and does not designate NCSBN as an agent. When HIPDB first required reporting, the ABN used NCSBN as an agent for reporting historical data. However, the multitude of problems associated with accuracy of data led to the determination that the ABN would report directly rather than reporting through NCSBN. Ms. Lee did the actual reporting for about three years and now Ms. Vinson reports discipline to HIPDB. Robert Rollins in IT developed an online application for reporting and that greatly improved the process. NCSBN IT staff contacted Mr. Rollins to find out how he set up the process.

Issues with accuracy of data are repeatedly reported to NCSBN. For example, Ms. Lee was contacted by a licensed nurse requesting correction to her record in NurSys. The Alabama licensed nurse graduated from an Alabama school but was in NurSys as being a graduate of a foreign nursing school. The information was verified in the ABN licensing and imaging databases but could not be changed in NurSys because a different state submitted the data. That state was contacted, by telephone by Ms. Lee, but since Alabama had no authority to change the data, the accuracy of the data was dependent on staff at another board of nursing to take the time to submit corrected data. A check of the data a week later revealed that it was not corrected.

Recently NurSys staff decided to merge records and used the name of the licensed nurse to merge. There is no unique identifier in NurSys so the name is used, which created a whole set of new problems. In attempting to enter a disciplinary action against a nurse licensed in Alabama, Ms. Vinson was unable to do so because the name matched a name already in the database. When NurSys staff was contacted, the solution was to input the Alabama nurse's maiden name so the names would be slightly different. The dates of birth were different but because the "match" criterion was name, the system was going to attach discipline to the wrong individual in another state.

All of these issues were identified to NCSBN and NurSys staff over the course of time since NurSys came into use.

Ms. Lee provided copies of NCSBN Member Board statistics for the Board's information and review.

Ms. Lee previewed Nursys for the Board.

C. Response to Executive Order #2

Ms. Lee reported that Governor Bentley issued Executive Order #2 requiring each state agency to submit a plan for increasing jobs in the private sector. The Board decided that removing the barriers to advanced practice nursing would be the solution recommended.

Ms. Lee provided copies of Executive Order #2, nurse practitioner task force report, and a draft memo for the Board's review.

Ms. Lee reported that she is still working on the recommendation. She is researching the IOM Report and will send the recommendation to the Board via electronic mail before sending to the Governor.

D. Videotaping of Administrative Hearings

Ms. Lee reported that Freedom Court Reporters/Dunn King offer videotaping of administrative hearings. The Board members recently viewed the taping of a hearing. There are two methods for taping - taping the hearing separately from the transcript or taping the hearing with synchronization with the transcript. The recent hearing demonstrated the synchronization of the transcript with the hearing witnesses.

While it is not cost effective to videotape each administrative hearing, it would be helpful for the Board to give the staff some direction in future videotaping of hearings. Ms. Henley and Ms. Lee discussed possibilities and some general suggestions are to videotape those hearings where there are competing expert witnesses, when the matter is controversial, and when witness credibility is paramount in deciding the case. Because it is not always known in advance when witness credibility will come into question, some further direction from the Board would be useful.

The recent hearing cost \$1,400 for the videotaping of the hearing, synchronization with the transcript, and thirteen discs containing the software to synchronize the video with the transcript. The hearing was longer than most because there were experts testifying on both sides. Not all hearings would be that costly or lengthy.

The Board discussed the types of cases to be videotaped and putting something in the rules.

After discussion, it was decided that the staff would experiment with the videotaping and the Board will provide feedback.

## V. NURSING EDUCATION

### A. Review of Systematic Plans of Evaluation

Ms. Drake-Speer reported that during the course of discussion of nursing education programs, the issues associated with the systematic plans of evaluation (SPE) received attention. While there is often discussion about the outcome standards for nursing education programs, the requirements are specified in the rules.

Board staff reviewed the plans and made some critical comments. The lack of specific directions for a format and data expectations leads to SPE that are cursory, lack analysis, and fail to provide useful data for the Board to review.

Ms. Drake-Speer provided copies of the systematic plans of evaluation for Bevill State Community College-ADN; Bishop State Community College-ADN; Central Alabama Community College-ADN; Jefferson Davis Community College-ADN; Lurleen B. Waalace Community College-MacArthur Campus-ADN; and Wallace Community College-Dothan ADN for the Board's information and review.

The Board reviewed and discussed the systematic plans of evaluation.

The Board discussed creating a work group to review the SPEs and the nursing education annual report.

**On April 21, Dr. Lavender moved that the Board select a work group to provide recommendations to the Board on SPEs and the nursing education annual report. Mr. Howard seconded. Motion carried without objection.**

Dr. Lavender, Dr. Dearman, Ms. Stewart, and Ms. LaRue volunteered to participate. Ms. Drake-Speer will be the staff person assigned to the work group.

### B. Administrative Hearing, Herzing University PN to ADN Mobility Program

An Administrative Hearing was held for Herzing University PN to ADN Mobility Program with a Hearing Officer and Court Reporter present.

The hearing stopped from 1:54 p.m. to 2:01 p.m. and from 3:02 p.m. to 3:10 p.m.

Ms. Price was not present from 1:27 p.m. to 1:31 p.m.

Dr. Lavender was not present from 3:10 p.m. to 3:15 p.m.

Mr. Pugliese was not present from 3:52 p.m. to 3:55 p.m., 4:23 p.m. to 4:27 p.m., and 4:37 p.m. to 4:39 p.m.

Dr. Autrey was not present from 4:17 p.m. to 4:20 p.m.

Ms. Wright left at 4:32 p.m.

VI. NEXT MEETING: May 19-20, 2011, 9:00 A.M., Suite 350, RSA Plaza

VII. OTHER

- Ms. Lee introduced Alicia Nickelson, Administrative Support Assistant II.
- Ms. Lee reported that she has been receiving phone calls from clinical agencies. She was told that there are no clinical slots available.
- Ms. Lee suggested doing a survey to determine if clinical sites are available. Ms. Lee will draft the survey and bring to the May Board meeting for approval.
- Ms. Lee reported that she attended a meeting with the Department of Public Health and the Assisted Living Association. The Assisted Living Association wants LPNs to do IV therapy.
- Ms. Lee reported that the Administrative Hearing for Lawson State Community College is set for May 19 at 1:00 p.m. Springhill College has an administrative hearing scheduled for June 16.
- Ms. Lee reported that Stillman College has filed an appeal.

VIII. BOARD MEETING DEBRIEFING

IX. ADJOURNMENT

The meeting adjourned at 5:30 p.m. on April 21, 2011.

---

Pamela Autrey, President

---

Sharon Pugh, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
4/21/2011