

# ALABAMA BOARD OF NURSING

## REGULAR BOARD MEETING

Fiscal Year 2011-2012

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

December 15, 2011

### I. CALL TO ORDER

#### A. Roll Call

The meeting was called to order at 9:04 a.m. on December 15, 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; Greg Howard, LPN; Lynda F. LaRue, RN, ADN, CMTE; Martha G. Lavender, RN, DSN; Greg Pugliese, JD; Carol Stewart, CRNP; and E. Laura Wright, MNA, CRNA, PhD. 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; Cathy Boden, MSN, RN, Legal Nurse Consultant; Dawn Daniel, MSN, RN, Probation Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Patrick Samuelson, 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 December 15, Mr. Pugliese moved that the Board approve the Agenda, as amended. Ms. Hopkins seconded. Motion carried without objection.**

II. OPEN FORUM

A. Veterans' Administration Proposal for Federal Supremacy of CRNP and CNS License, Mary S. Lovelady, MSN, ANP-BC

Ms. Cotton reported that Mary Lovelady, MSN, CRNP, has practiced in the Veterans Health Administration for more than thirty-nine years. Ms. Lovelady holds approval for collaborative practice as a CRNP with an Alabama physician at the VA Medical Center. She also holds approval by the ABN, with exemption from the requirement for an Alabama licensed physician, for collaborative practice with a physician licensed in Georgia in practice at the Montgomery VA.

Ms. Lovelady conducted a power point presentation on Transforming APRN (Advanced Practice Registered Nurse) Practice in Veterans Health Administration and answered questions from the Board.

B. Mark Wilkerson, Hearing Officer

Ms. Lee reported that Mark Wilkerson, Esq. has been the Board's hearing officer for over twenty years. Mr. Wilkerson was invited to the Board meeting to discuss any issues, answer questions from the Board regarding how he made his decision, and anything about processes that are not specific to a discipline case.

Mr. Wilkerson answered questions from the Board about the Administrative Procedures Act and nursing education program hearings.

The Board requested that Mr. Wilkerson issue a scheduling order for the nursing education program hearings.

Mr. Howard was not present for the discussion.

C. First Lab: Dr. James Ferguson, Medical Director; Amanda Morrison, Account Manager

Ms. Lee reported that First Lab is the third party administrator for the Board's drug screening program. Dr. James Ferguson is the Medical Director and Amanda Morrison is the account manager for the Board.

Dr. Ferguson conducted a power point presentation on drug screens and answered questions from the Board.

Mr. Pugliese was not present from 11:47 a.m. to 11:49 a.m.

Ms. Price was not present from 12:10 p.m. to 12:18 p.m.

Mr. Howard was not present for the discussion.

D. Dissertation Report: Male Nurse Faculty: Common Themes and Shared Meanings, John Hankins, MSN, MBA, EdD

Ms. Lee reported that John Hankins, Ed.D., RN, MBA, MSN, is the State Director of Public Health Nursing. Mr. Hankins received graduate scholarship funding from the Board for one year. He recently completed his doctorate in education administration at the University of Alabama. Mr. Hankins was asked to present his dissertation report to the Board not only for interest but also as a Board scholarship recipient.

Mr. Hankins conducted a power point presentation on Male Nurse Faculty: Common Themes and Shared Meanings, and answered questions from the Board.

Mr. Howard was not present for the discussion.

III. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the Joint Committee met on December 13, 2011 to review the applications for collaboration with Alabama physicians as listed in the published roster. The Board of Medical Examiners met on December 14, and accepted the Committee's recommendations but added stipulations on lumbar puncture.

Ms. Cotton reported that Shanda Felise, 1-092873, and Dr. Barbara Mitchell, 18553, withdrew their application; and Lisa Diane Foreman, 1-057085, and Dr. Elquis M. Castillo, 00016440, terminated the collaboration during the period of temporary approval and prior to review by the Joint Committee.

The following physician fees were not paid as of December 13, 2011: (1) Terri Lynn Hunter, 1-073283, and Dr. Bruce Myle Pava, 00007584; (2) Wanda Lee Malone, 1-040024, and Dr. James Daniel Snipes, 00027324; (3) Michelle Lavell McKenzie, 1-121734, and Dr. Dilip Vadilal Shah, 00013145; (4) Debra Ann Myers, 1-043077, and Dr. Geoffrey Lee Singer, 00026589; (5) Shannon Ardeeser Doyal, 1-096078, and Dr. Russell Dean Ulrich, DO-0047; (6) Haley Beau Trammell, 1-123361, and Dr. Russell Dean Ulrich, DO-0047; and (7) Deborah Annette Brooks, 1-098039, and Dr. Celia Lloyd Turney, 00011042.

The Committee reviewed the details of the following applications regarding requests for additional duties: (1) Whitney Bailey and Dr. Jody Hughes; (2) John Bernhard and Dr. James E. Johnson; (3) Robert Scott Kopf and Dr. James E. Johnson; (4) Stephanie Pruitt and James E. Johnson; and (5) Douglas Stephens and Dr. Jody Hughes. The applicants were previously approved for collaborative practice at UAB Hospital. They submitted applications for the following additional duties with plans for supervised instruction and quality monitoring: (1) Radial Arterial Line Placement; (2) Lumbar Puncture; (3) Central Venous Line Placement, Internal Jugular with ultrasound guidance; (4) Thoracentesis; and (5) Paracentesis. The Committee deferred action on Thoracentesis and Paracentesis. The Committee recommended approval of Radial Arterial Line Placement, Central Venous Line Placement and Lumbar Puncture. The Board of Medical Examiners approved the recommendations for Central Venous Line Placement, Radial Arterial Line Placement and Lumbar puncture with stipulations for documentation of supervised procedures.

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

**On December 15, Mr. Pugliese moved that the Board accept the recommendations from the Joint Committee and approve the applicants for collaborative practice as listed in the published roster excluding the applications deferred by the Board of Medical Examiners or withdrawn by the applicant. Dr. Lavender seconded. Motion carried without objection.**

Ms. Lee suggested that the Joint Committee discuss the role of the Credentials Committee.

Dr. Wright and Ms. Pugh were not present for the discussion or vote.

B. APRN Committee

Dr. Lavender reported on her attendance at the APRN Committee meeting.

IV. EDUCATION

A. Follow-up Progress Report: Jefferson Davis Community College ADN Program

Ms. Drake-Speer reported that the Board reviews the NCLEX® results each fiscal year. If a nursing program is below the standard, the program receives a Notice of Deficiency from the Board. The notice establishes a time for programs to submit a written plan and reports documenting progress to the Board.

The Board issued a Notice of Deficiency to Jefferson Davis Community College for FY 2010 for a composite of first time writers pass rate of 67.2%. A written plan addressing the deficiency was received in the Board's office May 9, 2011. The Board reviewed the plan and discussed it with representatives from the program at the July 2011 Board meeting. A follow-up progress report was received on November 8, 2011. The program's NCLEX-RN® results for FY 2011 were 85.7%. A Notice of Correction was approved by the Board at the November 2011 meeting.

The follow-up progress reports addresses results of strategies implemented in the previously submitted plan of improvement: (1) Systematic Evaluation Plan (SEP) revisions; (2) Profile of at risk students and plan to address these students; (3) Curriculum review; (4) Comprehensive Assessment Plan; (5) Faculty development; and (6) Computerized comprehensive assessment and review.

Ms. Drake-Speer provided copies of the follow-up progress report for the Board's information and review.

The Board reviewed and discussed the follow-up progress report.

Dr. Wright and Ms. Pugh were not present for the discussion.

B. Follow-up Progress Report: Lurleen B Wallace Community College ADN Program

Ms. Drake-Speer reported that the Board issued a Notice of Deficiency to Lurleen B. Wallace Community College for FY 2010 for a composite of first time writers pass rate of 70.0%. A written plan addressing the deficiency was received in the Board's office May 9, 2011. The Board reviewed the plan and discussed it with representatives from the program at the July 2011 Board meeting. A follow-up progress report was received on November 8, 2011. The program's NCLEX-RN® results for FY 2011 were 86.1%. A Notice of Correction was approved by the Board at the November 2011 meeting.

The follow-up progress reports addresses results of strategies implemented in the previously submitted plan of improvement: (1) Grant money for purchase of high fidelity stimulation; (2) Analysis of failing first time NCLEX testers; and (3) Curriculum review.

Ms. Drake-Speer provided copies of the follow-up progress report for the Board's information and review.

The Board reviewed and discussed the follow-up progress report.

Dr. Wright and Ms. Pugh were not present for the discussion.

C. Follow-up Progress Report: Central Alabama Community College ADN Program

Ms. Drake-Speer reported that the Board issued a Notice of Deficiency to Central Alabama Community College for FY 2010 for a composite of first time writers pass rate of 72.2%. A written plan addressing the deficiency was received in the Board's office May 9, 2011. The Board reviewed the plan and discussed it with representatives from the program at the July 2011 Board meeting. A follow-up progress report was received on November 8, 2011. The program's NCLEX-RN® results for FY 2011 were 85.7%. A Notice of Correction was approved by the Board at the November 2011 meeting.

The follow-up progress reports addresses: (1) how NCLEX pass rates are assessed; (2) performance achievements; and (3) analysis of unsuccessful graduates.

Ms. Drake-Speer provided copies of the follow-up progress report for the Board's information and review.

The Board reviewed and discussed the follow-up progress report.

After discussion, the Board directed Ms. Drake-Speer to advise the program to identify strengths and weaknesses and how the program is addressing the weaknesses.

Dr. Wright and Ms. Pugh were not present for the discussion.

D. Follow-up Progress Report: Wallace Community College – Dothan ADN Program

Ms. Drake-Speer reported that the Board issued a Notice of Deficiency to Wallace Community College Dothan for FY 2010 for a composite of first time writers pass rate of 66.3%. A written plan addressing the deficiency was received in the Board's office May 9, 2011. The Board reviewed the plan and discussed it with representatives from the program at the July 2011 Board meeting. A follow-up progress report was received in the Board office on November 8, 2011. The program's NCLEX-RN® results for FY 2011 were 81.3%. A Notice of Correction was approved by the Board at the November 2011 meeting.

The follow-up progress reports addresses: (1) analysis of students that were not successful on the NCLEX-RN®; (2) performance achievements; and (3) continued strategies for ongoing improvement.

Ms. Drake-Speer provided copies of the follow-up progress report for the Board's information and review.

The Board reviewed and discussed the follow-up report.

After discussion, the Board directed Ms. Drake-Speer to advise the program to identify strengths and weaknesses, how the program is addressing the weaknesses, and conduct an analysis of the curriculum.

Dr. Wright and Ms. Pugh were not present for the discussion.

E. Follow-up Progress Report: Beville State Community College ADN Program

Ms. Drake-Speer reported that the Board issued a Notice of Deficiency to Beville State Community College for FY 2010 for a

composite of first time writers pass rate of 79.4%. A written plan addressing the deficiency was received in the Board's office May 9, 2011. The Board reviewed the plan and discussed it with representatives from the program at the July 2011 Board meeting. A follow-up progress report was received in the Board office on November 28, 2011. The program's NCLEX-RN® results for FY 2011 were 91.8%. A Notice of Correction was approved by the Board at the November 2011 meeting.

The follow-up progress reports addresses results of strategies implemented in the previously submitted plan of improvement: (1) NCLEX review conducted for graduating class; (2) remediation program designed to increase success of readmitted students; (3) test security; (4) simulation labs (renovations and purchases); (5) ATI comprehensive testing review plan; (6) faculty development; and (7) program evaluation.

Ms. Drake-Speer provided copies of the follow-up progress report for the Board's information and review.

The Board reviewed and discussed the follow-up progress report.

After discussion, the Board directed Ms. Drake-Speer to advise the program that there was no analysis of where the problems were.

Dr. Wright and Ms. Pugh were not present for the discussion.

F. Report of IOM Meeting with Deans: Dr. Lavender

Dr. Lavender reported on her attendance at the IOM Meeting with the Deans.

V. BOARD TRAVEL

A. 26<sup>th</sup> Annual Conference of the Southern Nursing Research Society, New Orleans, LA – February 22-25, 2012

No Board members requested to attend.

VI. PETITION FOR DECLARATORY RULING

A. Alison Sherman, LPN Endorsement Applicant

Ms. Lee reported that Alison Sherman submitted an application for licensure by endorsement as a licensed practical nurse (LPN) on

June 2, 2011. Ms. Sherman's practical nursing (PN) program is now closed. The PN program was approved by the Virginia Board of Nursing and the State Council for Higher Education for Virginia but the institution, Professional Healthcare, Inc., was not accredited by an accrediting body recognized by the US Department of Education.

Ms. Sherman was informed that she was ineligible for licensure in Alabama due to her graduation from a non-accredited institution. Ms. Sherman submitted an "appeal" of the decision on November 18, 2011 and she was instructed to file a petition for declaratory ruling to bring the issue to the Board's attention. On November 28, 2011, the Board received a Petition for Declaratory Ruling to exempt Ms. Sherman from the requirement to graduate from an accredited institution.

Ms. Lee provided copies of the Petition for Declaratory Ruling, the declaratory ruling rule, and the endorsement and education rules for the Board's information and review.

The Board reviewed and discussed the information provided.

**On December 15, Mr. Pugliese moved that the Board not grant the exemption from the requirement to graduate from an accredited institution recognized by the US Department of Education. Dr. Lavender seconded. Motion failed with seven oppositions (Ms. Bullard, Ms. Stewart, Dr. Dearman, Ms. Price, Mr. Howard, Ms. LaRue and Ms. Hopkins).**

**On December 15, Dr. Dearman moved that the Board grant the exemption and allow Ms. Sherman to endorse her LPN license since the program was approved by the Virginia Board of Nursing. Ms. LaRue seconded. Motion carried with two oppositions (Dr. Lavender and Mr. Pugliese).**

The Board directed Ms. Lee to clear other LPN endorsement applications where the institution was not accredited by an agency recognized by the US Department of Education, if the PN program was approved by the board of nursing.

The Board requested to review the rule related to institution accreditation.

Ms. Price was not present from 2:30 p.m. to 2:33 p.m.

Dr. Wright and Ms. Pugh were not present for the discussion or vote.

B. Bonnie Kemble, Endorsement Applicant

Ms. Lee reported that Ms. Kemble submitted an application for licensure by endorsement as a registered nurse. Ms. Kemble completed the associate in applied science program at the Community College of the Air Force and challenged the practical nursing exam in New York. Ms. Kemble did not graduate from an approved practical nursing program.

Ms. Kemble subsequently completed Excelsior College, an at home study curriculum that has no clinical associated with the program. Alabama law requires graduation from a program that has both theory and clinical in the areas of adult, maternal-infant, pediatrics and psychiatric nursing.

Ms. Lee reported that the Board has never approved any military program other than the Army 91-C Program. The Board has reviewed the Air Force curriculum and it does not meet the minimum educational requirements in Alabama.

Ms. Lee provided copies of the Petition for Declaratory Ruling, the endorsement application and accompanying materials, correspondence from Excelsior College, work history, and correspondence from Ms. Kemble for the Board's information and review.

**On December 15, Dr. Lavender moved that the Board deny the Petition for Declaratory Ruling until Ms. Kemble can provide evidence that she meets the minimum requirements for licensure in Alabama with clinical through an approved school of nursing in the areas of psychiatric, pediatric, obstetric, maternal-infant, and medical-surgical nursing. Ms. LaRue seconded. Motion carried without objection.**

VII. NEXT MEETING DATE

The next Board Meeting is January 19-20, 2012, RSA Plaza, Suite 350.

VIII. OTHER

- Ms. Lee reported that 76% of LPNs have renewed as of December 14, 2011.
- Ms. Lee reported that she emailed the Governor's office regarding

- Board appointments but has not received a response.
- Dr. Autrey requested that the Board members send the EO evaluation to her no later than December 31, 2011.

IX. BOARD MEETING DEBRIEFING

X. ADJOURNMENT

The meeting adjourned at 3:05 p.m. on December 15, 2011.

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Pamela Autrey, President

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Sharon Pugh, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
12/15/2011