

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2010-2011

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

June 16, 2011

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on June 16, 2011. The following Board members were present: Pamela Autrey, PhD., MSN, RN, President; Amy Price, MSN, RN; Vice-President; Melissa Bullard, LPN; Monica Cauley, MSN, RN; Catherine Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Martha G. Lavender, RN, DSN; Gregory D. Pugliese, JD; Carol Stewart, MSN, 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 Associate; 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; and Katie Wetherbee, Assistant General Counsel.

B. Declaration of Quorum

A quorum was declared with eleven Board members present. Lynda F. LaRue, RN, ADN, CMTE, and Sharon Pugh, 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 June 16, Mr. Howard moved that the Board approve the Agenda, as amended. Ms. Hopkins seconded. Motion carried without objection.

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the Joint Committee met on June 14, 2011 to review the applications for collaborative practice. The roster includes 140 new collaboration agreements and sixteen modified collaboration agreements.

The Board of Medical Examiners (BME) has not received the collaborating physician's fee on the following applications and will no longer grant approval pending receipt of payment: 1) Beverly Bartlett, 1-130234, and Dr. Stuart Cohen, 22108; 2) Eileen Houston, 1-046004, and Dr. Keith Peevy, 7008; 3) Kelley Leonard, 1-087100, and Dr. William Gammill, DO868; 4) Loren Bass, 1-107686, and Dr. Lewis Doggett, 15180; 5) Kala Blakely, 1-124159, and Thomas Perkins, 22846; 6) Wendy Gannon, 1-129314, and Dr. Herbert Kirk Holdsambeck, 10399; 7) Karen Heaton, 1-040318, and Dr. Thomas Christian, 12935; 8) Ramsey Paulk, 1-110642, and Dr. Elizabeth Buffler, 15181; 9) Justin Segrest, 1-105234, and Dr. Vytautas Pukis, 14811; 10) Michelle Tomlinson, 1-082723, and Dr. Gladwyn Murray, 25986; and 11) Susan Dobbins, 1-107972, and Dr. Thomas Howard, 12586.

Ms. Cotton reported that item 120, Richard Wilburn Daniel, 1-046938, was deleted from the roster.

The BME reviewed the request from Dr. Mohammad L. Ahmed, for Hiboombe M. Haamankuli, CRNP, to perform Elective Synchronized Cardioversion on May 25, 2011, and voted to deny the request.

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

On June 16, 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 and addendum with the noted deletions and recommendations on individual applications: a) delete item 120, Richard Daniel; b) defer action on applications that have not submitted the BME collaborating physician fee and commencement notice; and c) note the action of the BME to deny approval for CRNP to perform Elective Synchronized Cardioversion and notify Mr. H. M. Haamankuli, CRNP. Mr. Howard seconded. Motion carried without objection.

III. EDUCATION

A. Administrative Hearing: Spring Hill College

An Administrative Hearing was held with a Hearing Officer and court reporter present. The Hearing began at 1:16 p.m.

The hearing stopped from 3:00 to 3:08 p.m. and from 5:02 to 5:07 p.m.

Ms. Stewart was not present for the hearing.

Mr. Pugliese was not present from 4:00 to 5:30 p.m.

Dr. Autrey was not present from 3:39 to 3:45 p.m.

Ms. Price was not present from 3:46 to 3:49 p.m.

The hearing concluded at 5:30 p.m.

IV. BOARD TRAVEL

A. 2011 NCSBN Annual Meeting, Indianapolis, IN – August 3-5, 2011

Ms. Price, Mr. Howard, Ms. Pugh, Ms. Hopkins, Dr. Dearman, Dr. Lavender, Ms. Cauley and Ms. Bullard were approved to attend.

B. 24th Annual Alabama Governor's Safety & Health Conference, Orange Beach, AL – August 29-31, 2011

Dr. Autrey and Ms. Cauley were approved to attend.

V. PRACTICE

A. Standardized Procedure Application: Mizell Memorial Hospital

Ms. Morgan reported that Mizell Memorial Hospital submitted a standardized procedure request for intravenous administration of defined medications by an LPN. The facility has defined the medications that LPNs, under RN supervision, may administer IV push through a peripheral catheter as: Pepcid 20mg diluted in 10c NS; Protonix 40mg diluted in NS; Demerol up to 25mg diluted in 10cc NS; Morphine Sulfate up to 2mg diluted in 10cc normal saline; Stadol up to 1mg diluted in 10cc normal saline; Toradol up to 30mg diluted in 10cc NS; Phenergan up to 25mg diluted in 10cc NS; Reglan up to 10mg in 10cc NS; Zofran up to 2mg diluted in 10cc NS; Bumex up to 2mg undiluted; Lasix up to 40cg undiluted; Decadron up to 8mg; Solu-Medrol up to 80mg; and D50W in emergency situations only.

Ms. Morgan provided copies of the policy, organized program of study, evaluation tests, competency checklists and ABN approval summary of facilities and medications for LPN IV push for the Board's information and review.

The Board reviewed and discussed the information provided.

On June 16, Ms. Wright moved that the Board approve the standardized procedure application from Mizell Memorial Hospital for LPNs to administer the medications defined in the application by IV push under the supervision of an RN. Mr. Howard seconded. Motion carried without objection.

B. Sclerotherapy of Telangiectasia with Saline: Plastic Surgery Associates of Montgomery

Ms. Morgan reported that Plastic Surgery Associates of Montgomery submitted a standardized procedure application for RNs to perform sclerotherapy using hypertonic saline. Only one RN in the practice will be performing the procedure if approved.

Ms. Morgan provided copies of the application, policy and procedure, proposed organized program of study, signatures and BME opinions for the Board's information and review.

The Board reviewed and discussed the information provided.

On June 16, Mr. Pugliese moved that the Board approve the standardized procedure application from Plastic Surgery

Associates of Montgomery for RNs to perform sclerotherapy using hypertonic saline after evaluation by the physician and after documentation to the ABN of the nurses' successful completion of an organized program of study, supervised clinical practice and demonstration of competency. Mr. Howard seconded. Motion carried without objection.

VI. EXECUTIVE OFFICER

A. Education Program Survey: Clinical Facilities

Ms. Lee reported that the Board approved a survey for distribution to healthcare organization Chief Nursing Officers (CNOs) related to clinical facilities for nursing students. The approved survey was distributed via list serve to CNOs on May 24, 2011 with a deadline of June 3, 2011. The Board discussed producing a survey for nursing education programs to address the same issues of clinical site availability.

Ms. Lee provided copies of the proposed nursing education program survey for the Board's review and approval.

The Board reviewed the proposed survey and made minor changes.

On June 16, Dr. Dearman moved that the Board approve the proposed survey for distribution to PN and RN programs in Alabama. Ms. Wright seconded. Motion carried without objection.

Ms. Lee reported that the sixty-six responses have been received from the clinical agency survey.

B. Election of Delegates to Annual Meeting

Ms. Lee reported that the ABN is a member of the National Council of State Boards of Nursing, Inc. (NCSBN). Each member board has the authority to have two delegates attend and vote on issues raised with the Delegate Assembly at the Annual Meeting. NCSBN pays for two delegates to attend. The ABN usually elects two alternate delegates in the event the elected delegates are unable to attend.

Mr. Pugliese nominated Dr. Lavender to be a delegate and Ms. Bullard nominated Mr. Howard to be a delegate. Ms. Price seconded.

Mr. Pugliese nominated Dr. Dearman to be an alternate and Ms. Hopkins nominated Ms. Cauley. Dr. Lavender seconded.

Dr. Lavender and Mr. Howard were elected as delegates without objection.

Dr. Dearman and Ms. Cauley were elected as alternate delegates without objection.

C. Summary of Recommendations to 2011 Delegate Assembly

Ms. Lee reported that the NCSBN Board of Directors released its recommendations to the membership in May 2011. There is a requirement throughout most sections to require state and federal fingerprint background checks. While NCSBN held repeated presentations about the amount of resources needed to implement a fingerprinting program, little to none has been mentioned about the outcome of fingerprinting.

There is also a requirement to verify education but the document does not seem to call for primary source verification of education. Many states do not primary source verify education for endorsement applicants. Alabama does. Alabama law requires verification of original state of licensure. The uniform licensure requirements document recommends verification of all states of licensure.

Ms. Lee provided copies of the Summary of Recommendations to 2011 Delegate Assembly, Uniform Licensure Requirements, Singapore application, Nova Scotia application, Slate of Candidates, and Orientation for Delegate Assembly for the Board's information and review.

The Board reviewed and discussed the information provided.

Dr. Autrey requested that Ms. Lee draft talking points for the delegates.

D. Amendment, ABN Administrative Code, Rule 610-X-8-.01, Definitions

Ms. Lee reported that over the past three years, the Board increasingly lapsed licenses for individuals who have physical or mental conditions that impair their ability to safely practice nursing. Definitions of Board lapsed licenses are added to the definitions. In addition, the definitions are placed in alphabetical order to

comply with formatting of definitions in other chapters.

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

The Board reviewed and discussed the proposed rule.

On June 16, Mr. Pugliese moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-8-.01, Definitions. Ms. Hopkins seconded. Motion carried.

E. Amendment, ABN Administrative Code, Rule 610-X-2-.08, Definitions, Disciplinary Action

Ms. Lee reported that over the past three years, the Board increasingly lapsed licenses for individuals who have physical or mental conditions that impair their ability to safely practice nursing. Definitions of Board lapsed licenses are added to the definitions. In addition, the definitions are placed in alphabetical order to comply with formatting of definitions in other chapters.

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

The Board reviewed and discussed the proposed rule.

On June 16, Dr. Lavender moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-2-.08, Definitions, Disciplinary Action. Mr. Howard seconded. Motion carried without objection.

F. New Proposed Rule, ABN Administrative Code, 610-X-8-.12, Reinstatement of Board Lapsed License

Ms. Lee reported that the Board initiated Board-Lapsed licenses about five years ago when an increasing number of complaints addressed issues of physical and mental conditions that impacted an individual nurse's ability to safely practice nursing. Now that there has been some experience with the process, the legal staff proposes a new rule to address reinstatement of the Board-lapsed license.

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

The Board reviewed and discussed the proposed rule.

On June 16, Dr. Lavender moved that the Board approve new ABN Administrative Code, Rule 610-X-8-.12, Reinstatement of Board Lapsed License. Mr. Howard seconded. Motion carried without objection.

G. Amendment, ABN Administrative Code, Rule 610-X-8-.09, Decisions of the Board

Ms. Lee reported that the Board initiated Board-Lapsed licenses about five years ago when an increasing number of complaints addressed issues related to physical and mental conditions that impacted an individual nurse's ability to safely practice nursing. Now that there has been some experience with the process, the legal staff propose adding board lapsed as one method used by the Board to determine action against a licensee.

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

The Board reviewed and discussed the proposed rule.

On June 16, Ms. Price moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-8-.09, Decisions of the Board. Dr. Dearman seconded. Motion carried without objection.

H. Motion to Modify Consent Order: Bettye Lynn Byrd Bedgood, RN, 1-076852

Ms. Lee reported that Bettye Lynn Byrd Bedgood signed a Consent Order on April 7, 2009 for a Public Reprimand and \$300 fine. Ms. Bedgood also signed an Explanation and Waiver of Rights. The Board accepted the Consent Order on May 22, 2009.

The Board received a Motion to Modify Consent Order on June 9, 2011 from Michael S. McNair, an attorney in Mobile who indicated he represented Ms. Bedgood. The Motion requests that the Board modify language under "Conclusions of Law" as Ms. Bedgood asserts she is unable to find employment as a nurse because of the Consent Order language. McNair also asserts that she was not represented by an attorney and had explanations for her behavior.

Ms. Lee reported that the language used in the Consent Order under "Conclusions of Law" is straight from the Nurse Practice Act and is used as the foundation for the discipline based on the conduct of the respondent.

Ms. Lee provided copies of the Motion to Modify Consent Order, the May 22, 2009 Consent Order and the Explanation and Waiver of Rights for the Board's information and review.

On June 16, Ms. Wright moved that the Board deny the Motion to Modify Consent Order from Betty Lynn Byrd Bedgood. Ms. Cauley seconded. Motion carried without objection.

VII. NEXT MEETING DATE

The next Board meeting is July 21-22, 2011, Suite 350, RSA Plaza.

VIII. OTHER

- Ms. Lee welcomed the students from Chattahoochee Valley Community College and Alabama Southern Community College.
- Ms. Price reported on her attendance at the NCLEX Item Review Subcommittee Meeting. The next NCLEX Item Review meeting is in September.
- Ms. Lee reported that the scholarship bill did not pass. The investigator bill was postponed indefinitely. Employee contribution to the retirement system is going up to 7.25% in October 2011 and then 7.5% in October 2012.
- Ms. Lee reported that she has not received a response from the Governor's office regarding Executive Order #2.
- Ms. Lee reported that she submitted information for Board member appointments to the Governor's appointment secretary and did not receive a response from that either.

IX. BOARD MEETING DEBRIEFING

X. ADJOURNMENT

The meeting adjourned at 5:35 p.m. on June 16, 2011.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Leslie Vinson, Recorder
6/16/2011