

ALABAMA BOARD OF NURSING

ANNUAL BOARD MEETING

Fiscal Year 2011-2012

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

November 17-18, 2011

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:01 a.m. on November 17, 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; Monica Cauley, MSN, RN; Catherine Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Lynda F. LaRue, RN, ADN, CMTE; Martha G. Lavender, RN, DSN; Gregory D. Pugliese, JD; Carol Stewart, MSN, 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; 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; Tina Leonard, Docket Clerk; 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, General Counsel.

B. Declaration of Quorum

A quorum was declared with twelve Board members present on November 17, 2011, and eleven members present on November 18, 2011. Gregory Howard, LPN, arrived at 1:00 p.m. on November 17. Monica Cauley and Greg Pugliese were not present on November 18.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was given 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. September 15-16, 2011 Board Meeting Minutes
- II.B. October 20, 2011 Board Meeting Minutes
- III.A. FY 2011 Board Action Follow-up
- III.B. FY 2012 Board Action Follow-up
- VI.A. Executive Officer
- VI.A.2. FYI
- VI.B.1. President's Report
- VI.D.1. General Counsel/Deputy Attorney General
- VI.D.3. Voluntary Disciplinary Alternative Program
- VI.D.4. Investigations Report
- VI.D.5. Legal Nurse Consultant Report
- VI.D.6. Probation Monitoring Report
- VI.D.7. Public Records Request
- 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 November 17, Dr. Lavender moved that the Board adopt the Consent Agenda. Ms. Price seconded. Motion carried without objection.

3. Adoption of Agenda

On November 17, Dr. Wright moved that the Board adopt the Agenda, as amended. Ms. Price seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. September 15-16, 2011 Board Meeting Minutes

The September 15-16, 2011 Board Meeting Minutes were accepted on the Consent Agenda.

B. October 20, 2011 Board Meeting Minutes

The October 20, 2011 Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. FY 2011 Board Action Follow-up

Ms. Lee's report of FY 2011 Board action follow up was accepted, as information, on the Consent Agenda.

B. FY 2012 Board Action Follow-up

Ms. Lee's report of FY 2012 Board action follow up was accepted, as information, on the Consent Agenda.

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

A. Report from the Board of Directors: Dr. Autrey

Dr. Autrey reported her attendance at the September Board of Directors Meeting and the Leadership Succession Committee.

B. Exam Committee: Dr. Autrey and Dr. Dearman

Dr. Dearman and Dr. Autrey reported on their attendance at the Exam Committee Meeting.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. 4th Quarter NCLEX-PN® Results

The Board reviewed and discussed the NCLEX-PN® results.

B. 4th Quarter NCLEX-RN® Results

The Board reviewed and discussed the NCLEX-RN® results.

VI. REPORTS

A. Executive Officer

1. Report

Ms. Lee provided a written report to the Board outlining her activities from September 1, 2011, through October 31, 2011.

In addition to her written report, Ms. Lee reported that there are approximately 11,000 LPNs that have not renewed.

Ms. Lee reported that the Examiners of Public Accounts have completed the legal compliance audit for October 1, 2008 through September 30, 2011. Ms. Lee reviewed the possible findings.

Ms. Lee introduced Patrick Samuelson, Assistant General Counsel.

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>
Prater, Richard Hayes	1-068534	09/01/2011
Glenn, Kathy A.	2-017849	09/01/2011
Haynes, Jerri Lynn	1-122328; 2-053422	09/12/2011
Allen, Lisa Jo	2-058832	09/15/2011
Sweatt, Anthony B.	1-115345	09/15/2011
Cook, Rachel Diane	2-049632	09/16/2011
Schaefer, Pamela Ann	2-051999	09/19/2011
Collier, Kelli Rae	1-075941	09/22/2011
Pierce, Jennifer Kathryn	2-062379	09/22/2011

Rogers, Susan Elizabeth	1-057236	09/23/2011
Johnson, Charlotte Otinger	2-053243	09/26/2011
Barbour, Janet Elizabeth	1-037553	09/27/2011
Farwell, Aileen Louise	1-093713	09/27/2011
Burns, Josetta	2-054345	09/28/2011
Jackson, Marchelle Sharice	1-093714; 2-047817	09/29/2011
Elder, Angela Denita Cork	2-044568	09/30/2011
Shewbart, Leah Rachelle	1-095392	10/03/2011
Ward, Barbara Ann	2-053633	10/05/2011
Girten, Stephanie Estelle	2-057723	10/06/2011
Moffett, Jennifer Nicole	1-116675	10/11/2011
Sansing, Tangelia Carol	1-121088	10/11/2011
Lang, Lakisha Shrei	1-106637	10/12/2011
Williams, Roger Warren	2-024521	10/13/2011
Kyatt, Susan Marinda	1-051180	10/13/2011
Walker, Cynthia Lynn	1-120148	10/13/2011
Sutter, Sharon Frances	1-036578	10/14/2011
Vales, Lavon Annette	2-038566	10/17/2011
Johns, April Lynette	1-115698	10/18/2011
Macklin, Staci Deann	1-131792	10/18/2011
Cotten, Shellie Ann	2-061335	10/19/2011
Alexander, Debra Leigh	1-118433	10/20/2011
Varden, Leah Anne	1-046910	10/20/2011
Spellman, Derek Thomas	1-068097	10/21/2011
Spencer, Carrie Mae	1-056352; 2-010556	10/24/2011
Mitchell, William Joseph	1-073321	10/25/2011
Cartwright, Autumn Lynn	1-095718	10/25/2011
Lombard, Diane Gustin	1-109556	10/26/2011
Smith, Rosetta G.	1-111070; 2-011138	10/27/2011

2. FYI

Ms. Lee provided a copy of a letter from Lawson State Community College announcing Dr. Shelia Marable as the

Chair for the ADN Program and the Associate Dean of Health Professions for the Board's information.

3. Calendar Year 2012 Meetings

Ms. Lee reported that at each November meeting, the Board establishes Board meeting dates for the next calendar year. For the last several years, the Board meetings occurred on the third Thursday of each month and the third Friday of alternate months. Board meetings are also posted on the Secretary of State's web site in compliance with the open meetings law.

Ms. Lee provided the following proposed meeting dates for the Board's review and approval: January 19-20; February 16; March 15-16; April 19; May 17-18; June 21; July 19-20; August 16; September 20-21; October 18; November 15-16; and December 20.

The Board reviewed the proposed dates and changed the December meeting to December 13.

On November 17, Dr. Wright moved that the Board approve the meeting dates for calendar year 2012, as amended. Ms. Hopkins seconded. Motion carried without objection.

4. Out of State Travel Procedures

Ms. Lee reported that Ms. Broomfield reviewed some changes in the out of state travel procedures at the September 2011 Board meeting. Subsequent to that discussion, the Governor's office changed the process again. A reminder that Governor approval is required for all out of state travel regardless of who is paying for the trip.

The key changes are: (1) prior to submitting the request for Governor approval for out of state travel, Ms. Johnson will need the airline quote (including an itinerary), an agenda for the meeting (conference schedule or committee agenda), and lodging information (including daily rates). If you are attending an NCSBN meeting paid for by NCSBN, we still have to provide this detail. When you receive a Call to Meeting, submit that information to the EO. Once the travel agency sends your airline information and hotel information, forward that to the EO. (2) You have to have receipts for

meals that include not only what was ordered but the transaction receipt to show you paid for the meal. There is now a meal reimbursement form that must be submitted with receipts. (3) Staff will work with you to get all the required data for out of state travel both at the time of the request and for expense reimbursement.

Ms. Lee provided copies of the Governor's July 2011 letter, out of state travel reminders, revised procedures presentation, out of state travel request form, out of state travel request matrix, out of state travel request instructions, out of state meal reimbursement form, and examples for the Board's information and review.

The Board reviewed and discussed the changes to out of state travel.

B. Executive Committee

1. President's Report

There was no President's Report.

2. Executive Officer Evaluation

Ms. Lee reported that the Executive Officer Evaluation process was on the October agenda. The Board tabled the discussion until November. The process is on the November agenda for discussion so that the evaluation can be completed at the December meeting.

In the past, the Board members go into executive session and compile the evaluation and then present the evaluation to the Executive Officer in a public portion of the meeting. In addition, the Executive Officer usually completes a self-evaluation and sends that to Board members in advance of the November meeting.

The Board usually decides the Executive Officer's salary and any increase at the November meeting. However, as of October 1, 2011, the freeze on state employee raises has been in effect for five years.

Dr. Autrey requested that Board members complete the evaluation form and send it to her to collate. Dr. Autrey also requested that if a Board member gives a ranking of below

or above standards that they also provide comments for the ranking.

Dr. Autrey, Dr. Dearman, Ms. Price and Dr. Lavender volunteered to work on revising the evaluation form.

After discussion, the Board decided to conduct the Executive Officer evaluation at the January 2012 Board meeting.

3. Executive Officer Succession Plan

Ms. Lee reported that the Board approved an Executive Officer Succession Plan in October 2010. The Executive Committee added the item to the October 2011 agenda for discussion. The discussion was tabled until the November meeting.

Ms. Lee provided copies of the Succession Plan for the Board's information and review.

The Board reviewed the plan, changed the title to Interim Plan and suggested changes to the plan.

The Board requested a separate plan for short term absences.

Ms. Price requested that the plan be reviewed every year.

4. Institute of Medicine and Nursing Education Summit

Ms. Lee reported that at the July 2011 Board meeting, Dr. Debra Davis and Dr. Dorene Harper presented information about the Institute of Medicine Report (IOM) on the Future of Nursing. At the conclusion, the idea was presented to the Board to co-sponsor a summit in 2012 related to the IOM report and nursing education. Further discussion has not occurred since that meeting. Unfortunately, it is unclear what exactly the deans meant by the Board 'co-sponsoring' a summit with the baccalaureate deans.

The Board had its first summit in 1999 and continued until 2007. The Board did not engage in co-sponsorship but offered the summits to have an ongoing dialogue about issues impacting patients and nursing with nursing leadership throughout the state. While there was some interesting discussion that occurred, the Board made the

decision to cease holding the summits in 2008 and 2009 due to the costs and the lack of progress on issues discussed.

The IOM report has some controversial recommendations including the BSN as entry level education for nursing. While this is a topic that has been discussed for over forty years, and a couple of states have moved in that direction (not as entry level but requiring it in a time certain—New York), the Board would need to clarify what the topics would be at the summit and what the position of the Board is related to those topics. There is also a concern that when the Board co-sponsors an activity that the Board is supporting the ideas presented.

If the Deans want to generate discussion, they could hold a summit that they sponsor and invite the Board to participate as participants. It is unclear why the Board's co-sponsorship is needed. There are also issues associated with the financial responsibilities of all the sponsors, whether a registration fee is charged to cover costs, who would be responsible for continuing education, advertising, registration, etc.

Ms. Lee provided copies of the 1999-2007 Summit Agendas, costs of Summits, and the response from the Deans for the Board's information and review.

The Board reviewed and discussed hosting a summit. After discussion, the Board directed the Executive Officer to draft a letter informing the Deans that the Board would not be able to coordinate a summit due to lack of resources but would participate.

C. Finance

1. Report

Ms. Broomfield provided a Revenue and Expenditure Summary for FY 2011. Revenues and expenditures for FY 2011, and a spreadsheet reflecting payments for all in-state travel and out-of-state travel-related expenses through September 30, 2011, was presented. Ms. Broomfield also provided a cost allocation report with a breakdown of expenditures by program and objects codes, along with a report of dishonored checks by fee type, dishonored checks by license type, dishonored checks financial history through

September 30, 2011, and a report on the number of out-of-state trips to date for each Board member. Ms. Broomfield provided a variance report reflecting actual expenditures and revenue variances from the budget through September 30, 2011, and a cash balance.

The Board reviewed and discussed the reports with Ms. Broomfield.

2. Scholarship Recipient: April Zaiden

Ms. Broomfield reported that April Boles Zaiden, 1-095642, was selected as the third alternate of the Nursing Education Graduate Scholarship by the Board in September 2011. She received disbursements totaling \$2,500.00.

In May 2011, Ms. Zaiden called Ms. Broomfield because she had dropped out of school for spring semester. Ms. Zaiden was informed that, as per her scholarship agreement conditions, she must attend school for at least 6 hours for two consecutive semesters. At that time Ms. Zaiden stated she had to drop out to care for her daughter after her suicide attempt. Ms. Zaiden stated that she needed to have the debt cancelled.

The repayment is required if the scholarship recipient does not meet the obligations or conditions of the promissory note and scholarship agreement. Ms. Zaiden's failure to comply with the terms of her agreement and promissory note violate the terms of the agreement. The agreement only allows cancellation of the debit if the recipient demonstrates by substantial medical evidence that the recipient has a mental impairment and/or physical impairment rendering the recipient unable to fulfill the conditions.

Ms. Broomfield provided copies of the letter requesting debt forgiveness, and the signed agreement and promissory note for the Board's information and review.

The Board reviewed and discussed the information provided.

On November 17, Mr. Pugliese moved that the Board enforce the scholarship agreement and promissory note between the Board and April Zaiden. Ms. Price seconded. Motion carried without objection.

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from August 26, 2011 through October 27, 2011, 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. Assistant General Counsel Report

There was not an Assistant General Counsel Report.

3. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of October 31, 2011 was accepted, as information, on the Consent Agenda.

4. Investigations Report

A written report of active investigations per investigator as of October 28, 2011 was accepted, as information, on the Consent Agenda.

5. Legal Nurse Consultant Report

A written report on the number of open cases assigned to each legal nurse consultant as of October 28, 2011 was accepted, as information, on the Consent Agenda.

6. Probation Monitoring Report

A written report on the number of nurses monitored on probation as of October 27, 2011, the number of outstanding probation violations and the number of past due fines was accepted, as information, on the Consent Agenda.

7. Public Records Request

A written report on the number of public records request completed between August 27 and October 28, 2011 was accepted, as information, on the Consent Agenda.

E. Operations/Personnel Report

A written report of the Board's operations and personnel, along with a call allocation summary and a telecommunications report was accepted, as information, on the Consent Agenda.

F. Licensing Division

A written report on the number of licenses issued from October 1, 2010, through September 30, 2011, and a report of 2011 LPN Renewal through September 30, 2011 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 Accomplishments

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

VIII. ADVANCED PRACTICE

A. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the Joint Committee met on November 8 to review the applications for collaboration with Alabama physicians as listed in the published roster. The Board of Medical Examiners (BME) met on November 9, 2011 and accepted the recommendations of the Joint Committee to approve the applications presented in the published roster.

Ms. Cotton reported that the Joint Committee recommends approval of the collaborative practice between Leasha Laster, CRNP, 1-047257, and Dr. Daniel Dahl, Psychiatrist at the Shoals VA Community Based Outpatient Clinic location with an exception to the requirement for collaborating physician to be present with the CRNP for 10% of the CRNPs total practice hours, with stipulation of visual video conference as part of the telemedicine capability. Dr.

Ken Collins is approved as a covering physician and will be in the clinic at least four hours weekly.

The Committee also recommends approval for the collaborative practice of Selisa Helvacioğlu, CRNP, and Dr. William F. Sullivan for Ms. Helvacioğlu to provide care to female patients in the rheumatology practice, including formulary protocols for antineoplastic agents and gold compounds as refills under the physician's protocol.

Item 98, Candace Wilson Cassady, and Dr. Mark Sims Boatright, have not paid the BME physician's fee.

The following collaborative practice applicants terminated the collaboration during the period of temporary approval and prior to review by the Committee: 1) Amelia McCarrell Frazier, 1-118246, and Dr. Mark S. Maldia, 20167; and 2) Sharon Sue Noland, 1-130094, and Dr. Victor M. Vargas, 31055.

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

On November 17, Dr. Dearman moved that the Board accept the recommendations from the Joint Committee and approve the applicants for collaborative practice listed in the published roster. Ms. Pugh seconded. Motion carried without objection.

Mr. Pugliese was not present for the discussion or vote.

C. APRN Consensus and Alabama Law

Ms. Cotton reported that regulation of advanced practice nursing has evolved over fifty years, producing variation in education and regulation across the country. Differences in legal recognition and authority for practice have created barriers to mobility of advanced practice nurses from state to state, as well as confusion among consumers, payers, potential APN students, and colleagues in other clinical professions.

The Alabama Board of Nursing Strategic Plan for 2009 – 2013 includes the evaluation of the NCSBN consensus documents. The NCSBN endorsed the *Consensus Model for APRN Regulation: Licensure, Accreditation, Certification and Education* in 2008. The NCSBN House of Delegates adopted a model for legislative language consistent with the recommendations of the *Consensus Model*.

The National Council developed suggested statutory language for state Nurse Practice Acts and Board of Nursing rules/regulations. The Model Act includes chapters for licensure, education, disciplinary action, multi-state license compact, and other topics pertaining to Board of Nursing activities. The model language is not required or imposed on any Board of Nursing. The Alabama Nurse Practice Act and the ABN Administrative Code differ from the model language in some respects, but are consistent in many elements.

The model APRN language includes these elements: (1) Regulation by the board of nursing without requirement for supervision or collaboration protocol with physician; (2) Definition of Advanced Practice Registered Nurse as a provider of direct care to individuals; (3) Delineating four practice roles for the APRN: Certified Registered Nurse Anesthetist, Certified Nurse Practitioner, Certified Nurse Midwife, Clinical Nurse Specialist; (4) Scope of practice and services is defined by patient need, rather than by setting; (5) Designation of APRN as Licensed Independent Provider with prescriptive authority; (6) Recognition as Primary Care Provider in statute; (7) APRN education program prepares for one role and has a population focus in at least one of six populations, which are to be listed in regulation: Family/individual across the lifespan, Adult-gerontology (Acute and Primary), Neonatal, Pediatrics (Acute and Primary), Women's health/gender-related; Psychiatric-Mental Health; (8) Definition of broad-based APRN education, with graduate level core content: Pathophysiology, Pharmacotherapeutics, Health assessment; (9) Accreditation of graduate nursing education programs and APRN certifying organizations, based on nationally accepted standards; (10) National specialty certification for entry to practice, and ongoing certification for renewal of APRN; and (11) Recommendation for mutual license recognition of APRN through the Nurse Licensure Compact and APRN Compact.

The NCSBN staff compared the model law and rules with each state APN law and rule to identify elements that would have to be changed in statute or regulation. The summary for Alabama states recommended changes: (1) Titling: change from Advanced Practice Nurse to Advanced Practice Registered Nurse (APRN); (2) Role: Certified Registered Nurse Practitioner to Certified Nurse Practitioner (CNP); (3) All four roles should be licensed exclusively by the board of nursing, without joint regulation by Board of Medical

Examiners; (4) All four roles should be authorized to practice

independently in an advanced role and prescribe independently;
and (5) Population foci should be listed in board of nursing rules.

The Board reviewed the similarities and differences between the model APRN language and the Alabama laws for regulation of Advanced Practice Nursing.

Ms. Cotton provided copies of the Consensus Model for APRN Regulation, NCSBN APRN Model Article XVIII, the NCSBN tool kit for APRN, and Alabama comparison of current law and rule with the APRN Consensus Model.

The Board reviewed and discussed the information provided.

Mr. Pugliese was not present for the discussion.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on the standardized procedures was accepted, as information, on the Consent Agenda.

B. Continuing Education

1. Report

A written report on continuing education providers and a CE plan update was accepted, as information, on the Consent Agenda.

X. EDUCATION

A. Report

A written report on nursing education was accepted, as information, on the Consent Agenda.

B. Education Program Deficiencies Processes

Ms. Lee reported that the Board had four nursing education program hearings during 2011 for programs that failed to meet the

passing standard of 80% of first-time writers. Now that the hearings are completed, a discussion about the issues raised about the Board's processes is in order. A debriefing of the hearings and any improvement in the processes associated with nursing education programs could perhaps clarify future action.

The Board discussed the reporting period for NCLEX® results, improvement plans, outcome standards, time period to correct deficiencies, time schedule for nursing education program hearings, the role of the Board during the hearing, consistency in decisions, the use of "closing a program" vs. "withdrawal of approval", and withdrawal of approval by the Board.

After discussion, the Board decided to add the reporting period for NCLEX® results and the time period to correct deficiencies to the rules.

The Board directed staff to change the verbiage in the correspondence making it clear that the Board has reviewed the improvement plan but is not approving the plan. The Board also discussed giving the program a copy of the deficiency report.

The Board discussed presenting the annual reports at the hearings.

The Board requested to review the fee schedule and adding a part time consultant to assist the nursing education consultant.

Ms. Lee reported that the staff will look at adding procedures for programs that have approval withdrawn and extending the time period to go to hearing.

C. Application for New ADN Program, Judson College

Ms. Drake-Speer reported that Judson College, located in Marion, Alabama, is accredited by the Commission on Colleges – Southern Association of Colleges and Schools. Judson is a private educational program. Judson seeks to establish an Associate Degree in Nursing program. The application addresses Rule 610-X-3-.02 Standards of Approval of the ABN Administrative Code. Submitted within the application is the budget and financial resources information which is stated as "adequate to establish, support and sustain the Associate Degree in Nursing program." Kandace Shoults, the Program Director, has an active unencumbered Alabama license. Karol Purdie began as a faculty member August 2011. There are plans outlined to recruit additional faculty.

The proposed curriculum includes liberal arts and other courses supportive of nursing. A visit was made to campus October 18, 2011. There are adequate educational facilities and equipment for starting a nursing program. The library has purchased databases and books to support the nursing curriculum.

Ms. Drake-Speer provided copies of the application for the Board's information and review.

Dr. David Potts, President, Kandace Shoults, Program Director, and Sara Kiser, Dean, were present to answer questions from the Board.

The Board requested additional information on credit hours, clinicals and curriculum flow. The information is due in the Board office by December 1, 2011.

On November 17, Dr. Lavender moved that the Board grant Provisional Approval to Judson College. Ms. Hopkins seconded. Motion carried with four oppositions (Dr. Dearman, Ms. Price, Ms. Bullard and Ms. Cauley).

Mr. Pugliese was not present for the vote.

D. FY 2011 NCLEX Results Outcomes

1. RN Programs

Ms. Drake-Speer reported that each approved registered nursing program received the FY 2011 NCLEX-RN® results by electronic mail on October 19, 2011. ABN Administrative Code Rule 610-X-3-.05(2) specifies, "Graduates, as a composite of first-time writers, shall achieve no less than an eighty percent (80%) pass rate on a Board selected national licensure exam. The Board shall establish the reporting time period."

Board approved nursing programs that did not meet the 80% passing standard for first-time writers of the FY 2011 NCLEX-RN® are: (1) Spring Hill College – 75%; (2) Chattahoochee Valley Community College – 74.4%; (3) Herzing University – 72.7%; (4) Virginia College Birmingham (provisionally approved) – 27.3%; and (5) Virginia College Montgomery (provisionally approved) – 57.1%.

Spring Hill College and Herzing University had hearings in FY 2011 for failure to correct the deficiency in the time specified by the Board. Spring Hill College BSN Program received a Notice of Deficiency for FY 2008; a Notice of Continued Deficiency for FY 2009; Administrative Hearing for FY 2010. Spring Hill had a 75% pass rate for FY 2011.

Herzing University was provisionally approved in May 2008. Herzing University received a Notice of Deficiency for FY 2009 and had an Administrative Hearing for FY 2010. Herzing University had a 72.7% pass rate for FY 2011.

Both programs have until FY 2012 to meet the 80% passing standard. If the standard is not met, approval of the programs will be withdrawn.

On November 17, Dr. Lavender moved that the Board provide a Notice of Compliance with NCLEX-RN® outcome standard for nursing programs that have a FY 2011 NCLEX-RN® passing rate of 80% or above. Mr. Howard seconded. Motion carried without objection.

On November 17, Ms. Pugh moved that the Board provide Notices of Correction to the following programs: (1) University of Mobile ADN for a FY 2011 NCLEX-RN® pass rate of 95.2%; (2) Lawson State Community College for a FY 2011 NCLEX-RN® pass rate of 83.8%; (3) Bevill State Community College for a FY 2011 NCLEX-RN® pass rate of 91.8%; (4) Bishop State Community College for a NCLEX-RN® pass rate of 81.8%; (5) Jefferson Davis Community College for a FY 2011 NCLEX-RN® pass rate of 85.7%; (6) Central Alabama Community College for a FY 2011 NCLEX-RN® pass rate of 85.7%; (7) Wallace State Community College-Dothan for a FY 2011 NCLEX-RN® pass rate of 81.3%; and (8) LBW Community College-McArthur for a FY 2011 NCLEX-RN® pass rate of 86.1%. Ms. Bullard seconded. Motion carried without objection.

On November 17, Dr. Lavender moved that the Board provide a Notice of Deficiency to Chattahoochee Valley State Community College for failure to meet the 80% passing rate outcome standard for FY 2011 NCLEX-RN® with an expected correction date of September 30, 2013. Ms. Hopkins seconded. Motion carried without objection.

On November 17, Dr. Dearman moved that the Board provide a Notice of Deficiency and Continued Provisional Approval to Virginia College ADN Programs in Birmingham and Montgomery for failure to meet the 80% passing outcome standard for NCLEX-RN® with an expected correction date of September 30, 2012. Ms. LaRue seconded. Motion carried without objection.

Mr. Pugliese was not present for the discussion or vote.

2. PN Programs

Ms. Drake-Speer reported that the 4th Quarter NCLEX-PN® results were available from the NCSBN on October 15, 2011. These results complete the FY 2011 results for ABN approved PN programs.

Each approved practical nursing program was sent the FY 2011 NCLEX-PN® results via electronic mail on October 19, 2011. ABN Administrative Code, Rule 610-X-3-.04(2) specifies, "Graduates, as a composite of first-time writers, shall achieve no less than an eighty percent (80%) pass rate on a Board selected national licensure exam. The Board shall establish the reporting time period."

All Board approved practical nursing programs met the 80% pass rate for first-time writers of the NCLEX-PN®.

On November 17, Dr. Lavender moved that the Board provide a Notice of Compliance with the NCLEX-PN® outcome standard for the practical nursing programs that have a FY 2011 NCLEX-PN® pass rate of 80% or above. Ms. Bullard seconded. Motion carried without objection.

Mr. Pugliese was not present for the discussion or vote.

XI. REPORTS OF MEETINGS ATTENDED

A. NCSBN Leadership and Public Policy Conference, Alexandria, VA – October 4-6, 2011

Ms. Boden reported on her attendance at the NCSBN Leadership and Public Policy Conference.

B. CAC Meeting, Washington, D.C. – October 19-21, 2011

Ms. Davis reported on her attendance at the CAC Meeting.

XII. DISCIPLINARY CASES

On November 18, 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. LaRue seconded. Motion carried without objection.

Dr. Autrey reported that the Board would reconvene in open session at approximately 9:30 a.m.

The Board reconvened in open session at 9:04 a.m. and voted on the Consent Orders.

A. Consent Orders

1. Turnbow, Kimberly Marie Addie – LPN, 2-058303

Ms. Turnbow 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.

On November 18, Dr. Lavender moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

2. Jernigan, Darlene Prime – LPN, 2-057351

Ms. Jernigan signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and ethics of nursing, and pays a fine in the amount of \$600.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

3. Ethridge, Pamela Jo Britton – RN, 1-045917

Ms. Ethridge signed a Consent Order that would place her RN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on legal/ethical aspects of nursing, and pays a fine in the amount of \$1,000.00.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried with no objections.

4. Conyers, Anne Charlotte Metzger – LPN, 2-032956

Ms. Conyers signed a Consent Order that would suspend her LPN license for a minimum of one month and until such time as the Board is in receipt of satisfactory documentation of: (a) payment of a fine in the amount of \$500.00; (b) successful completion of Board-approved educational courses on ethics of nursing practice and nursing and professional boundaries; (c) accrual of requisite continuing education contact hours; and (d) payment of appropriate fees. Upon reinstatement, Ms. Conyers' license will be placed on probation for a period of twelve 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 November 18, Ms. Hopkins moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

5. Gatlin, Gwynn Elizabeth Couch – RN, 1-110868

Ms. Gatlin signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, she will be required to successfully complete Board-approved educational courses on chemical dependency, professional accountability, ethics, and ABN scope of practice and standards of practice, and pay a fine in the amount of \$300.00.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

6. Crew, Eva Dawn – RN, 1-106824 (Active/Probation); LPN, 2-047402 (Lapsed)

Ms. Crew signed a Consent Order that would terminate her January 21, 2011 Order upon the Board's acceptance of this instant Order that would suspend her license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (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. Crew'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. Should Ms. Crew attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 18, Ms. Bullard moved that the Board accept the Consent Order. Ms. Pugh seconded. Motion carried without objection.

7. Balentine, Jennifer Lee Schmidlkofer – RN, 1-102689

Ms. Balentine was deleted from the agenda.

8. Brooks, Kimberly Reney Carnes – LPN, 2-060454

Ms. Brooks signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and the ABN Mandatory Course parts 1 through 7, and payment of a fine in the amount of \$300.00.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

9. Christian, Elizabeth Jennifer Taylor – RN, 1-109396

Ms. Christian 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 standards of practice and scope of practice, documentation, and professional boundaries, and pay a fine in the amount of \$300.00.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

10. Hays, Vivian Allyne Linnan – LPN, 2-044168

Ms. Hays signed a Consent Order that would place LPN license on probation until such time as she provides evidence of successful completion of Board-approved educational courses on professional accountability and chemical dependency, and pays a fine in the amount of \$300.00.

Ms. Bullard recused herself from the discussion and vote concerning Ms. Hays.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

11. Motes, Helena Diane – RN, 1-089340

Ms. Motes 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 evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Ms. Motes be deemed in need of treatment, her license will

be reinstated 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. If not deemed in need of treatment, Ms. Motes' license will be reinstated on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations, she will be required to successfully complete Board-approved educational courses on chemical dependency and blood borne pathogens OSHA training course, and 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 November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

12. Smith, Jr., James Herbert – RN, 1-076458

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

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

13. Valentine, Salisia Shunta Gamble – RN, 1-098772; CRNP

Ms. Valentine 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, documentation, and critical thinking, and pays a fine in the amount of \$300.00.

Dr. Lavender recused herself from the discussion and vote concerning Ms. Valentine.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

14. Washington, Eddie Mae – RN Exam Applicant; LPN, 2-055513

Ms. Washington signed a Consent Order that would place her LPN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete a Board-approved educational course on learning to manage assaultive behavior, and pay a fine in the amount of \$600.00. Ms. Washington is approved to take the NCLEX-RN®, and if successful, her license, when issued, will be placed on probation concurrent with the probation of her LPN license.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

15. Yates, Patricia Elouise Way – RN, 1-113084; LPN, 2-056647 (Lapsed)

Ms. Yates 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. Yates attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

16. Bryant, Sevela Patricia Smith – RN, 1-048385

Ms. Bryant 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 evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (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. Should Ms. Bryant be deemed in need of treatment, her license will be reinstated 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. If not deemed in need of treatment, Ms. Bryant's license will be reinstated on probation for a period of thirty-six 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 \$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 November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

17. Fields, Tammy Michelle – RN, 1-068302; LPN, 2-031976 (Lapsed)

Ms. Fields 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, professional accountability, and documentation, and pay a fine in the amount of \$300.00. Should Ms. Fields attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

18. Fowler, Melissa Leann – RN, 1-122649; LPN, 2-057200 (Lapsed)

Ms. Fowler 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 evaluation for chemical dependency from a Board-approved program; (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. Fowler'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 November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

19. Jackson, Lisa Morton Lemming – RN, 1-111257

Ms. Jackson 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 evaluation for chemical dependency from a Board-approved program; (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. Jackson'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 November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

20. Jolly, Karin Lynette Snell – RN, 1-060540

Ms. Jolly 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 evaluation for chemical dependency from a

Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Ms. Jolly be deemed in need of treatment, her license will be reinstated 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. If not deemed in need of treatment, Ms. Jolly's license will be reinstated on probation for a period of twenty-four 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 \$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.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

21. Locke, Teresa Gayle – LPN, 2-056996 (Lapsed)

Ms. Locke signed a Consent Order that would approve her reinstatement of a lapsed license application and suspend her LPN 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 evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; (g) successful completion of Board-approved educational courses on legal/ethical aspects of nursing and professional accountability; and (h) payment of appropriate fees. Should Ms. Locke be deemed in need of treatment, her license will be reinstated 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 \$2,300.00. If not deemed in need of treatment, Ms. Locke's license will be reinstated on probation for a period of thirty-six 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 \$2,300.00. 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 November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

22. Marsh, Linda Lou Baranowski – RN, 1-106515

Ms. Marsh 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 November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

23. Thomas, Jason Michael – RN, 1-092989

Mr. Thomas signed a Consent Order that would suspend his RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive evaluation for chemical dependency from a Board-approved program; (b) entry into and successful completion of the initial phase of an approved treatment provider (if treatment is recommended); (c) entry into and full participation in an aftercare program (if treatment is recommended); (d) negative random monthly urine drug screens; (e) active participation in Twelve Step Meetings (if recommended); (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Should Mr. Thomas be deemed in need of treatment, his license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, and he will be required to pay a fine in the amount of \$1,300.00. If not deemed in need

of treatment, Mr. Thomas's license will be reinstated on probation for a period of thirty-six months, with illegal/illicit drug-use stipulations, he will be required to successfully complete Board-approved educational courses on chemical dependency and professional accountability, and 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, his license status will be considered as and listed as revoked.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

24. Barnes, Ashley Lauren Gray – LPN, 2-053673

Ms. Barnes 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 professional accountability, and pay a fine in the amount of \$600.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

25. Brown, Shannon Hugh – LPN, 2-056249

Mr. Brown signed a Consent Order that would place his LPN license on probation for a period of twelve months, with practice-related stipulations, require him to successfully complete Board-approved educational courses on learning to manage assaultive behavior and sharpening critical thinking skills, and pay a fine in the amount of \$300.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

26. Cottingham, Amanda Gail Lockman – RN, 1-125907; LPN, 2-052743

Ms. Cottingham 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. Cottingham attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

27. Knoblach, Kim Marie – LPN, 2-049365

Ms. Knoblach 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 a Board-approved educational course on chemical dependency, and pay a fine in the amount of \$300.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

28. Lankford, Vicki Lynne Sisk – RN, 1-041445

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

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

29. Leberte, Sandra Lynn Gray – RN, 1-060425

Ms. Leberte 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 conquering conflict in the clinical setting and critical thinking, and pays a fine in the amount of \$300.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

30. Swain, Marilyn Lorain Shields – LPN, 2-047546

Ms. Swain 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 a Board-approved educational course on chemical dependency and pay a fine in the amount of \$900.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried without objection.

31. Shelton, Matthew Gregory – RN Exam Applicant

Mr. Shelton signed a Consent Order that would allow him to take the NCLEX-RN®, and if successful, issue him a public reprimand.

On November 18, Dr. Wright moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

32. Holliday, Amanda Michelle Kramer – LPN Exam Applicant

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

On November 18, Ms. LaRue moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

33. Johnson, Porsha Renae – RN, 1-116941

Ms. Johnson signed a Consent Order that would issue her a public reprimand.

On November 18, Ms. LaRue moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

34. Sellers, Delcelia Lacasey – LPN Exam Applicant

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

reprimand and require her to pay a fine in the amount of \$300.00.

On November 18, Ms. LaRue moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

35. Spurlock, Amy Lynne Yoder – RN, 1-099484

Ms. Spurlock signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$500.00.

On November 18, Ms. Bullard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

36. Akin, Julie Loraine – RN, 1-066162

Ms. Akin 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 November 18, Ms. LaRue moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

37. Davis, Deborah Ann – RN, 1-078454

Ms. Davis 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 November 18, Ms. LaRue moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

38. Gentzel, David Shelby – LPN Exam Applicant

Mr. Gentzel signed a Consent Order that would allow him to take the NCLEX-PN®, and if successful, issue him a public reprimand and require him to pay a fine in the amount of \$1,000.00.

On November 18, Ms. Bullard moved that the Board

reject the Consent Order. Ms. Price seconded. Motion carried with one opposition (Mr. Howard).

39. Nix, Jennifer – RN, 1-067061

Ms. Nix 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 November 18, Ms. LaRue moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

40. Savage, Shelly M. – RN Endorsement Applicant

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

On November 18, Ms. LaRue moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

41. Bulled-Bowers, Julie Anne – RN, 1-119480

Ms. Bulled-Bowers 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 November 18, Dr. Lavender moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

42. Gardner, Nancy Edwina Windham – RN Endorsement Applicant

Ms. Gardner signed a Consent Order that would approve her RN Endorsement application and issue her a public reprimand.

On November 18, Ms. Pugh moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

43. Hubbard, Lisa Elizabeth McCraw – RN, 1-097263

Ms. Hubbard 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 November 18, Ms. Stewart moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

44. Fields, Latanya Lanise Hall – LPN, 2-057053

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

On November 18, Dr. Lavender moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

45. Nixon, Julia Lee – RN, 1-022808

Ms. Nixon 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 November 18, Dr. Lavender moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

1. Blackmon, Amy Lynn Register – RN, 1-063781

Ms. Blackmon signed a Consent Order that would reinstate her RN license on probation for a period of sixty months, with chemical dependency stipulations, require her to successfully complete the Board Mandatory Course and complete a nurse refresher course, and pay a fine in the amount of \$1,000.00.

On November 18, Mr. Howard moved that the Board accept the Consent Order. Ms. Price seconded. Motion carried without objection.

C. Formal Hearings

On November 18, 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. Hopkins seconded. Motion carried without objection.

Dr. Autrey reported that the Board would reconvene in open session at approximately 10:30 a.m.

1. Anderson, Tracey Roger – RN, 1-109075

On November 18, Ms. Bullard moved that the Board accept the Findings of Fact with correction to number 6, “she” should be “he”, Conclusions of Law, and the Recommendation of the Hearing Officer, and suspend Mr. Anderson’s RN license effective March 1, 2012, unless and until he provides evidence that the Louisiana suspension has been lifted. Upon reinstatement, Mr. Anderson’s license will be placed on probation concurrent with any probationary period imposed by the Louisiana Board or Nursing, but not less than twelve months, with illegal/illicit drug use stipulations. Ms. Hopkins seconded. Motion failed with ten oppositions (Dr. Dearman, Ms. Stewart, Dr. Wright, Ms. Price, Ms. Pugh, Dr. Lavender, Mr. Howard, Ms. LaRue, Ms. Bullard and Ms. Hopkins).

On November 18, Dr. Lavender moved that the Board accept the Findings of Fact with correction to number 6, “she” should be “he”, Conclusions of Law, but amend the Recommendation of the Hearing Officer, to be consistent with past action, and suspend Mr. Anderson’s license until such time as he provides evidence that the Louisiana suspension has been lifted. 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. Upon reinstatement, Mr. Anderson’s license will be placed on probation, with illegal/illicit drug-use stipulations, for a period to run concurrent with his Louisiana probation but not less than twelve months. Dr. Wright seconded. Motion

carried without objection.

2. Griffin, Annie Pearl Naugher – LPN, 2-032341

On November 18, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Griffin's LPN license. Dr. Lavender seconded. Motion carried without objection.

3. Hanly, Charlotte A. Roberts – RN, 1-113785 (Lapsed); LPN, 2-055331 (Lapsed)

On November 18, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law and the Recommendation of the Hearing Officer, and revoke Ms. Hanly's license. Mr. Howard seconded. Motion carried without objection.

4. Jones, Warren Sylvester – LPN, 2-056769 (Lapsed/Probation)

On November 18, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoked Mr. Jones' LPN license. Ms. Hopkins seconded. Motion carried without objection.

5. Kendrick, Ether Ilene Kilcrease – LPN, 2-052310 (Lapsed)

On November 18, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Kendrick's LPN license. Ms. Bullard seconded. Motion carried without objection.

6. Robinson, Shalae – RN Exam Applicant

On November 18, Ms. Pugh moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and allow Ms. Robinson to take the NCLEX-RN®, and if successful, issue her a public reprimand. Ms. Price seconded. Motion carried without objection.

7. Rogers, Shenita Lashae – LPN, 2-061389

On November 18, Mr. Howard moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer to be consistent with similar cases, and issue Ms. Rogers a public reprimand and require her to pay a fine in the amount of \$300.00. Ms. LaRue seconded. Motion failed with ten oppositions (Dr. Dearman, Ms. Bullard, Ms. Stewart, Dr. Wright, Ms. Price, Ms. Pugh, Dr. Lavender, Ms. Hopkins, Ms. LaRue and Mr. Howard).

On November 18, Dr. Wright moved that the Board accept the Findings of Fact, Conclusions of Law, but reject the Recommendation of the Hearing Officer, to be consistent with similar cases, and place Ms. Rogers' 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. Dr. Dearman seconded. Motion carried without objection.

8. Sauls, Judy Louise Cannon – LPN, 2-058792

On November 18, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer and revoke Ms. Sauls' LPN license. Mr. Howard seconded. Motion carried without objection.

9. Weed, Deadra Lynn Wills – LPN, 2-049673
(Active/Probation)

On November 18, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Weed's LPN license. Ms. Bullard seconded. Motion carried without objection.

D. Reinstatements – Formal Hearings

1. Mizell, Nicole Antoinette Holder – RN, 1-070297

On November 18, Mr. Howard moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and grant Ms. Mizell's reinstatement of revoked license application, and immediately suspend her RN license until such time as she provides evidence that she has completed her Court-Ordered probation. Upon reinstatement, Ms. Mizell's license will be placed on probation for a period of thirty-six months, with practice-related stipulations, and require her to pay a fine in the amount of \$1,000.00. Dr. Lavender seconded. Motion failed with ten oppositions (Ms. Bullard, Dr. Dearman, Ms. Stewart, Dr. Wright, Ms. Price, Ms. Pugh, Dr. Lavender, Mr. Howard, Ms. LaRue and Ms. Hopkins).

On November 18, Dr. Wright moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer to be consistent with prior decisions, and grant reinstatement upon evidence of completion of her Court-ordered probation. Upon reinstatement, Ms. Mizell's license will be placed on probation for a period of thirty-six months, with practice-related stipulations, and she will be required to pay a fine in the amount of \$1,000.00. Dr. Dearman seconded. Motion carried without objection.

XIII. ELECTION OF OFFICERS

A. President

Ms. Lee reported that the ABN Administrative Code, Rule 610-X-1-.03(1) requires that the Board elect from its members a President, Vice-President and Secretary at the annual meeting. The November meeting is considered the annual meeting of the Board.

Ms. Lee provided copies of the rules that detail the functions of the officers for the Board's information and review.

Ms. Pugh nominated Ms. Price for President.

Dr. Lavender moved to close the nominations for President. Dr. Dearman seconded. Motion carried without objection.

Ms. Price was elected President for Calendar Year 2012.

B. Vice-President

Ms. Hopkins nominated Dr. Lavender for Vice-President of the Board.

Ms. Stewart moved to close the nominations for Vice-President. Ms. Pugh seconded. Motion carried without objection.

Dr. Lavender was elected Vice-President for Calendar Year 2012.

C. Secretary

Ms. Stewart nominated Mr. Pugliese for Secretary of the Board.

Ms. Pugh nominated Ms. Bullard for Secretary of the Board.

Ms. Hopkins, Ms. Pugh, Ms. Cauley and Mr. Howard voted for Ms. Bullard.

Dr. Lavender, Ms. LaRue, Ms. Stewart, Dr. Dearman, Ms. LaRue, Ms. Price and Dr. Wright voted for Mr. Pugliese.

Mr. Pugliese was elected Secretary of the Board for calendar year 2012.

XIV. BOARD TRAVEL

A. 36th Annual FARB Forum, Sarasota, FL – January 27-29, 2012

Dr. Autrey was approved to attend.

B. 2012 NCSBN Annual Institute of Regulatory Excellence Conference, San Antonio, TX – January 24-26, 2012

Ms. Bullard was approved to attend.

C. National Health Policy Conference, Washington, D.C. – February 13-14, 2012

Dr. Lavender, Ms. Price, Ms. Stewart, and Dr. Autrey were approved to attend.

XV. NEXT MEETING DATE

Next Regular Meeting: Thursday, December 15 @ 9:00 a.m., Suite 350,
RSA Plaza, 770 Washington Ave, Montgomery, AL

XVI. OTHER

- Dr. Autrey requested that the Board discuss giving licensure verifications to NCSBN.
- **On November 18, Dr. Wright moved that the Board add ITT Technical Institute Bessemer ADN Program and ITT Technical Institute Mobile ADN Program to the agenda. Ms. Price seconded. Motion carried without objection.** Mr. Pugliese was not present for the vote.
- **On November 18, Dr. Wright moved that the Board reverse their prior decision and grant provisional approval to ITT Technical Institute Bessemer ADN Program and ITT Technical Institute Mobile ADN Program based on meeting the minimum standards for approval. Ms. Pugh seconded. Motion carried with one abstention (Dr. Dearman).** Dr. Lavender and Mr. Howard recused themselves from the discussion and vote. Mr. Pugliese was not present for the discussion or vote.

XVII. BOARD MEETING DEBRIEFING

XVIII. ADJOURNMENT

The meeting adjourned at 11:40 a.m. on November 18, 2011.

Pamela Autrey, President

Sharon Pugh, Secretary

Submitted by: _____
Leslie Vinson, Recorder
11/17-18/2011