

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2011-2012

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

January 19-20, 2012

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:02 a.m. on January 19, 2012. The following Board members were present: Amy Price, MSN, RN, President; Martha G. Lavender, RN, DSN, Vice-President; Gregory D. Pugliese, JD, Secretary; Pamela Autrey, PhD., MSN, RN; Melissa Bullard, LPN; Catherine Dearman, RN, PhD; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Lynda F. LaRue, RN, ADN, CMTE; Carol Stewart, CRNP, MSN; 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 Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Katie Drake-Speer, MSN, RN, Education; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Jennifer Broomfield, Chief Fiscal Officer; David Pinnock, Special Investigator; Wyatt Gantt, Special Investigator; Nate Nunnelley, Special Investigator; Danny Bond, Special Investigator; Tina Leonard, Docket Clerk; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

B. Oath of Office

On January 19, Ms. Price led members in the Oath of Office. A written "Oath of Office" was provided to each Board member for signature.

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. Declaration of Quorum

A quorum was declared with twelve Board members present on January 19, and eleven members present on January 20. Miriam Ellerbe, LPN, was not present for the meeting. Dr. Parker was not present on January 20.

E. Review of Agenda

1. Additions, Modifications, Reordering

XII.A.19. Griggs, Ashley Jeanette, RN 1-119496, was deleted from the agenda.

2. Adoption of Consent Agenda

The following items were accepted on the Consent Agenda:

- II.A. November 17-18, 2011 Annual Board Meeting Minutes
- II.B. December 15, 2011 Board Meeting Minutes
- III. OLD BUSINESS/FOLLOW-UP
- III.A. Board Action Follow-up
- VI.A. Executive Officer
- VI.A.2. FYI
- VI.D.1. General Counsel/Deputy Attorney General
- VI.D.2. Assistant General Counsel Report
- 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 January 19, Dr. Lavender moved that the Board adopt the Consent Agenda. Ms. Hopkins seconded. Motion carried.

3. Adoption of Agenda

On January 19, Dr. Lavender moved that the Board adopt the Agenda, as amended. Mr. Pugliese seconded. Motion carried.

II. REVIEW OF MINUTES

A. November 17-18, 2011 Annual Board Meeting Minutes

The November 17-18, 2011, Annual Board Meeting Minutes were accepted on the Consent Agenda.

B. December 15, 2011 Board Meeting Minutes

The December 15, 2011, Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow Up

Ms. Lee's report of 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 on the December 2011 Board of Directors' meeting.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

A. 1st Quarter NCLEX-PN® Results

The 1st Quarter NCLEX-PN® Results for FY 2012 were not available.

B. 1st Quarter NCLEX-RN® Results

The 1st Quarter NCLEX-RN® Results for FY 2012 were not available.

C. Member Board Feedback Request for Proposed 2013 NCLEX-RN Test Plan

Ms. Drake-Speer reported that the NCSBN is recommending a proposed revised 2013 NCLEX-RN® Test Plan for the National Council Licensure Examination for Registered Nurses. The NCLEX Examination Committee made recommendations after reviewing the Report of Findings from the 2011 RN Practice Analysis: Linking the NCLEX-RN® Examination to Practice. The Member Board Feedback Form is due by February 1, 2012. The changes being proposed are largely edits to provide consistency between the PN and RN test plan. The client needs framework because it provides a universal structure for defining nursing actions and competencies is retained as the framework for the 2013 NCLEX-RN® Test Plan. The percentage of test items has been revised based on the practice analysis and psychometric considerations.

Ms. Drake-Speer provided copies of the letter with explanations of the changes for the proposed 2013 NCLEX-RN® Test Plan, a draft executive summary of the Report of Findings from the 2011 RN practice analysis, a track changes version of the proposed 2013 NCLEX-RN® Test Plan matched to the 2010 NCLEX-RN® Test Plan, a document highlighting the rationales for proposed changes, timeline for implementation of the proposed test plan, and the member board feedback form for the Board's information and review.

The Board reviewed the proposed test plan and provided feedback.

VI. REPORTS

A. Executive Officer

1. Report

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

In addition to her written report, Ms. Lee reported that she met with the Public Safety Committee regarding the consolidation of agencies. An investigator with the Attorney General's office conducted the interview.

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>
McCarver, Lynne Lorese	1-047331	11/01/2011
Merriweather, Doris A.	2-015333	11/07/2011
Smith, Shandy Shae	2-053728	11/09/2011
Glenn, Juanita J.	2-057360	11/14/2011
Balentine, Jennifer Lee	1-102689	11/16/2011
Johnson, Jean Ann	1-097006; 2-032587	11/21/2011
Copeland, Amy Laura	1-066388	11/21/2011
Mullins, Tami Denise	1-095155; 2-048350	11/21/2011
Box, Sonia Day	1-067520	11/28/2011
King, Debra Kay	1-051071	11/29/2011
Birch, Theresa Ann	1-128149	11/29/2011
Phillips, Corey Burton	1-114144; 2-056137	12/05/2011
Davis, Stephanie Jame	2-055227	12/05/2011
Galloway, Donna Lynn	1-102899	12/05/2011
Glass, David Allen	2-037949	12/06/2011
Okorie, Shirley Ann	2-046639	12/07/2011
Rogers, Sheyra M.	1-121170	12/07/2011
Marshall, Sherry Aileen	2-053713	12/12/2011
Bengston, Roberta Lucille	1-019526	12/13/2011
Porter, Marsha Gail	2-040372	12/16/2011
Jones, Charles Wayne	1-076670	12/19/2011
Burleson, Shelia Diane	2-035328	12/19/2011

Byrd, IV, Charles Richard	1-126438	12/22/2011
Patterson, Linda Lea	1-076430	12/27/2011
Johnson, Tayanita Lynn	2-056877	12/28/2011

2. FYI

There were no FYI items.

3. LPN Renewal Report

Ms. Lee reported that LPN renewal started September 1, 2011. Notices were sent in June and again in August to all eligible LPNs in Alabama. As of December 31, 2011, 15,658 LPNs renewed active, 89 renewed as active/probation, and 118 renewed as retired. This accounts for a total of 15,865 which is 82.9% of the total eligible to renew. As of January 3, 2012, we had 20 LPNs that reinstated their lapsed licenses after failing to renew on time.

Ms. Lee reported that a little over 3,000 LPNs did not renew. As of January 19, there were 145 reinstatements.

4. Additional Services: University of Alabama Licensing Management System

Ms. Lee reported that in 2009, the Board entered into an agreement with the University of Alabama to develop a customized licensing management system (LMS). The amount of the initial agreement was \$2 million. The LMS was to be up and running by May 2010. Multiple problems, including the unexpected death of one of the key project individuals, prevented the implementation in May 2010. There were some changes to the project in 2010 and as of December 2010, all the Board's online applications were developed and brought in house. We severed our relationship with Alabama Interactive in December 2010. While the development and implementation of online applications set LMS back, the improved services and better control of the accounts for subscriptions was worth the delay.

During 2011, development slowed some as the EO was ill. In December 2011, we went live with the nursing education, nursing practice, and continuing education modules of the

new LMS. Staff is working in those systems now. The development of the remainder of LMS continues and implementation is anticipated in 2012. There are additional services we requested that increases the payment to the University of Alabama. Staff reviewed probation and voluntary disciplinary alternative program (VDAP) monitoring and would like to have that monitoring placed online in addition to the last few online applications that require development (add, change collaborative practice; reinstatement of revoked license; etc). The manual processes in probation and VDAP make it difficult for the assigned staff to keep up with the quantities of paper reports each participant must submit. Delays in dealing with violators would be reduced if the online process was used. Rather than scanning paper copies, the staff could be reviewing the electronic reports to verify accuracy and compliance rather than reviewing the paper reports and then scanning them into the imaging system.

Because of the delays in LMS, we agreed to not make a payment until LMS is implemented fully. The payment of the additional \$500,000 would not occur until later in 2012 or even early 2013.

On January 19, Mr. Howard moved that the Board approve an additional extension of the agreement with the University of Alabama for development of a new licensing management system along with an additional \$500,000 once work is completed. Ms. LaRue seconded. Motion carried without objection.

5. Response to HB 56, Immigration Law

Ms. Lee reported that HB 56 continues to be in the news because of the strict nature of the law. Section 30 is the biggest concern because it requires proof of citizenship any time an individual enters into a business transaction with a state entity. With 80,000 plus licensees, if the Board requires proof of citizenship for each transaction, there are insufficient resources to manage the volume of documents as well as resulting in delays of licensure. The Governor and legislative leadership need to be informed of the Board's concerns.

Ms. Lee provided copies of HB 56 Immigration Law, pertinent sections of HB 56, Attorney General Guidance 1, 2,

3, and a draft letter to Governor Bentley and legislative leaders for the Board's information and review.

The Board discussed the information provided and directed staff to conduct a financial analysis and contact other licensing Boards to determine how they are going to address HB 56.

Ms. Price encouraged the Board members to contact their representatives regarding the impact of requiring proof of citizenship for every business transaction conducted with the State.

The Board requested talking points related to the impact of the immigration law.

Ms. Price requested to invite Joe Decker, Executive Director of the Alabama State Nurses Association (ASNA), and the Alabama Hospital Association to the February Board meeting to provide a legislative update.

6. Marketing Slogan

Ms. Lee reported that during the course of the research project on consumers and advanced practice nursing, AUM marketing students provided a report and suggestions regarding a campaign for educating consumers about nurses and advanced practice nurses. The student projects were presented to the Board in October 2011 and Dr. Jeff Periatt, the AUM faculty member, presented his ideas to the Board.

Some of the information that the Board should consider, from the student project reports, is that more than half of the 4.5 million people populating Alabama reside in the following counties: Jefferson, Mobile, Madison, Montgomery, Shelby, Tuscaloosa, Baldwin, Lee, Morgan and Calhoun. The location of the majority of the population could direct the marketing campaign to test it out in one or more of the most populated counties. Other information about the population is that 68.5% of the Alabama population is Caucasian, 26% is African-American, 48.5% is male, 24% are under 18 years of age and 13% are age 65 and over.

The student projects pointed out that there are two ways people view ads: cognitive and affective. The best ads, according to the student projects, have a strong emotional

appeal while still informing consumers. The student projects offered some slogans for consideration. These are not all the slogans but selected slogans based on review of those presented. The following slogans were not categorized by the students: "Safeguarding Our Present, Nurturing Our Future"; "Who's Caring for You?"; "Know Your Nurses"; and "ABN, Certifying (Licensing?) Nurses You Can Trust for Those You Love".

Slogans categorized as low thinking/high emotion-oriented presented by the students were: "ABN, Always Looking Out for those You Love"; "ABN, We're Here For You"; and "Nursing is Our Priority, Our Vision".

These are not the only slogans available in the world of marketing but while the analysis of marketing production is ongoing, having a slogan to tie all the elements of a marketing campaign together would be beneficial. The Board can select one of these slogans, come up with another slogan, ask for input from others, or elect to postpone selecting a slogan at this time.

The Board discussed possible slogans for the Board's marketing campaign.

On January 19, Dr. Autrey moved that the Board approve the slogan "Know Your Nurse" for the Board's marketing campaign. Mr. Pugliese seconded. Motion carried without objection.

7. Sunset Review

Ms. Lee reported that every four years the Board goes through a Sunset Review. The Sunset process requires an audit by the Examiners of Public Accounts, an appearance before the Joint Legislative Sunset Committee, and then in the 2013 regular legislative session, a bill will be introduced to continue the Board of Nursing for another four years. An engagement letter, received last week, identified the beginning of the Sunset Audit. A letter of invitation to appear before the Sunset Committee will be received once the audit is complete and ready to present to the Committee.

The auditor sends a questionnaire to nurses and we provided names and addresses so that they could select a

sample. The auditor also sends questionnaires to complainants for the past four years. Board members will receive questionnaires as well and it is important for 100% participation and return of the questionnaires as this information is presented to the legislature.

Ms. Lee reported that the Board may have a finding since social security numbers are not on all applications. The Examiners of Public Accounts had said the last four digits of the social security number would suffice but someone requested an Attorney General opinion which requires the entire social security number to be on all applications.

Ms. Lee asked the Board to identify any significant issues that impact the Board at a future meeting so she can present the issues to the auditor.

Ms. Lee provided copies of the Engagement Letter and the 2008 Sunset Audit Report for the Board's information and review.

The Board reviewed and discussed the Sunset Audit.

B. Executive Committee

1. President's Report

There was no report from the President.

2. Executive Officer Evaluation

On January 19, Dr. Wright moved that the Board enter into executive session to discuss the general reputation and character, professional competence, and physical or mental condition of a specific licensee. Mr. Pugliese seconded. Motion carried without objection.

Ms. Price reported that the Board would reconvene in open session at approximately 3:00 p.m.

The Board reconvened in open session at 3:23 p.m. and adjourned for the day at 3:26 p.m.

On January 20, Dr. Wright moved that the Board enter into executive session to discuss the general reputation and character, professional competence, and physical

or mental condition of a specific licensee. Ms. LaRue seconded. Motion carried without objection.

Ms. Price reported that the Board would reconvene in open session at approximately 10:00 a.m.

The Board reconvened in open session at 10:25 a.m. and presented the Executive Officer Evaluation.

Mr. Pugliese was not present for the executive session on January 20.

3. New Executive Officer Evaluation Tool

Ms. Price reported that the Board has discussed revising the Executive Officer evaluation tool and presented a proposed tool for the Board's review.

Dr. Autrey and Ms. Price reviewed the proposed changes and the Board provided feedback.

Mr. Howard requested that the Board develop some mechanism to provide feedback to the EO before the evaluation.

Ms. Price asked the Board to send any additional comments or suggested tools to Dr. Autrey.

The proposed evaluation tool will be reviewed again at the February Board meeting.

Ms. Price was not present from 10:50 a.m. to 10:55 a.m.

Mr. Pugliese was not present for the discussion.

4. Report from Regional Action Coalition Meeting

Dr. Lavender reported on the Regional Action Coalition Meeting and provided copies of the draft application for the Board's information and review.

C. Financial Reports

1. Reports

Ms. Broomfield, Chief Fiscal Officer, provided a Revenue

and Expenditure Summary for FY 2012. Revenues and expenditures for FY 2012, and a spreadsheet reflecting payments for all in-state and out-of-state travel-related expenses through November 30, 2011, was presented. Ms. Broomfield also provided a cost allocation report with a breakdown of expenditures by program and object codes, along with a report of dishonored checks through December 31, 2011. Ms. Broomfield provided a variance report reflecting actual expenditures and revenue variances from the budget through November 30, 2011, and cash balance as of November 30, 2011.

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

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from October 28, 2011 through December 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

A written report on the number of pending cases on the docket of the Assistant General Counsel as of December 28, 2011 was accepted, as information, on the Consent Agenda.

3. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of December 28, 2011 was accepted, as information, on the Consent Agenda.

4. Investigations Report

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

6. Probation Monitoring

A written report on the number of nurses monitored on probation, the number of outstanding probation violations, the number of nurses released from probation, and the number of cases resulting in revocation by Board Order as of December 28, 2011 was accepted, as information, on the Consent Agenda.

7. Public Records Requests

A written report on the number of public records request completed between October 28, 2011 and December 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, 2011, through December 27, 2011, and a report on 2011 LPN renewal, 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 Update

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

VIII. ADVANCED PRACTICE

A. Advanced Practice Nursing

1. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the Joint Committee met on January 17, 2012, to review the applications for collaboration with Alabama physicians. The roster includes applications that met all requirements by December 28, 2011. The Board of Medical Examiners (BME) met on January 18, 2012.

The following applications were deferred by the BME until the collaborative practice fee is paid to BME: 1) Shameka Laranda Cody, 1-116809 and Dr. Michael A. Remillard, 00021972; 2) Karen Spence Faircloth, 1-030650, and Dr. Alan Edward Heins, 00025163; 3) Sharon Milstead Hamlin, 1-076949, and Dr. Lawrence Thomas Williams, DO-0100; 4) Debra Ann Myers, 1-043077, and Dr. Geoffrey Lee Singer, 0026589; 5) Cherie Lea Revere, 1-052358, and Dr. Ghulam Mustafa Awan, 00021944; 6) Kristy Lynn Oden, 1-094352, and Dr. David Alan Hollis, 00011228; 7) Shanda Felise Scott, 1-092873, and Erroll Derwin Crook, 00015213; 8) Deborah Annette Brooks, 1-098039, and Dr. Celia Lloyd Turney, 00011042; and 9) Richard Dewayne Brown, 1-071969, and Dr. Gregory Kane Friedman, 00025542.

The following collaborations were terminated by the CRNP or the physician during the period of temporary approval and prior to review by the Joint Committee: 1) Candise M. Smith, 1-108588, and Dr. Jeremy Stidham, 28400; and 2) Michelle L. McKenzie, 1-121734, and Dr. Vadilal Dilip, 13145.

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

On January 19, Mr. Pugliese moved that the Board accept the recommendations from the Joint Committee and approve the applicants for collaborative practice listed in the published roster excluding the applications deferred by the Board of Medical Examiners. Mr. Howard seconded. Motion carried without objection.

Ms. Cotton reported that there was a discussion at the Joint

Committee meeting about how to resolve the differences of opinion on nurse practitioners having controlled substances prescriptive authority for schedules III through V. It was made very clear that there would be opposition to any legislation that identified the ABN as the certifying body. The only way BME will support nurse practitioners having prescriptive authority is for BME to be the certifying body.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on the standardized procedures, as of December 27, 2011, was accepted, as information, on the Consent Agenda.

B. Continuing Education

1. Report

A written report on Continuing Education Provider applications and continuing education plan update as of December 27, 2011 was accepted, as information on the Consent Agenda.

2. Annual Review of Continuing Education Plan

Ms. Morgan reported that in May 1989, the Alabama Legislature passed an amendment to the Nurse Practice Act, which mandated that the Board of Nursing adopt a continuing education program by October 1, 1991. In compliance with the amendment, the Board developed and adopted on March 22, 1991, the continuing education program as Chapter 610-X-10 "Continuing Education for License Renewal," of the ABN Administrative Code. In June 2001, the Executive Officer created the first nurse consultant position for continuing education to address the need identified for further development of this area. The Alabama Board of Nursing 2003 Strategic Plan required ABN staff to "Develop and implement a cost-effective continuing education plan". The Board reviewed the plan during its August 2003 Work Session and the plan was approved for implementation at the September 2003 Board meeting. ABN

staff has regularly updated the plan as a part of the continuing education reports for board meetings.

In compliance with the Strategic Plan for FY 2009-2013, the 2012 Continuing Education plan continues to provide direction as it focuses on the continuing education needs of managers and supervisors, nurses, providers and ABN staff.

Ms. Morgan provided copies of the proposed 2012 Continuing Education Plan for the Board's review and approval.

The Board reviewed the proposed Continuing Education Plan and recommended having regional continuing education programs on hot topics such as NCLEX, legal/ethical issues, and how to recognize substance abuse and impairment.

On January 19, Mr. Pugliese moved that the Board approve the 2012 Continuing Education Plan with the recommendations. Ms. Hopkins seconded. Motion carried without objection.

X. EDUCATION

A. Report

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

B. Response to Board: Judson College ADN Program

Ms. Drake-Speer reported that the Board granted Judson College Associate Degree Program provisional approval at its regular November Board meeting. The Board requested additional information on credit hours, clinical and curriculum flow. The information requested was received in the Board's office November 30, 2011. The curriculum scheme shows how credit hours and contact hours will be calculated across the curriculum. A new clinical grid addresses the Board's concern regarding the number of students and faculty in the clinical setting.

Ms. Drake-Speer provided copies of a letter from Judson College, curriculum outline, course outline, and clinical grid for the Board's information and review.

The Board reviewed and discussed the information provided.

C. Fortis Institute (formerly Tri-State Institute) PN Program

Ms. Drake-Speer reported that Fortis Institute (formerly Tri-State Institute) Practical Nursing Program was provisionally approved by the Board November 2008. It is owned and operated by Education Affiliates, Inc. It is accredited as a branch campus of Fortis Institute in Erie, PA by the Accrediting Council for Independent Colleges and Schools. It is located at 100 London Parkway in Birmingham, AL. Fortis Institute is approved by the Alabama Commission on Higher Education and licensed by the Alabama Department of Postsecondary Education. FY 2011 NCLEX-PN® pass rate for the program was 87.5%. Pursuant to ABN Administrative Code, Rule 610-X-3-.07(5), following receipt of the first fiscal year report of performance of graduates the Board reviews the program to grant approval or continue provisional approval. Staff conducted a survey visit December 20, 2011.

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

On January 19, Dr. Lavender moved that the Board grant full approval to Fortis Institute Practical Nursing Program. Mr. Howard seconded. Motion carried without objection.

XI. POLICY

A. ABN Administrative Code, Rule 610-X-3-.05, Outcome Standards

Ms. Lee reported that during the course of the Board's review of the issues in nursing education program hearings, the reporting period for NCLEX® scores was discussed. Staff recommends adding the fiscal year reporting period to the outcome standards rule. The NCLEX® results are available on a quarterly basis. While there may be other changes to the outcome standards as the Board analyzes and reviews the nursing education program annual reports, including the reporting period to the rule now is not a problem.

Ms. Lee provided copies of the proposed rule and the NCSBN survey on NCLEX® pass rates for the Board's information and review.

The Board reviewed and discussed the proposed rule.

On January 19, Mr. Howard moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-3-.05, Outcome Standards. Ms. Hopkins seconded. Motion carried without objection.

The Board requested additional information on how other Boards calculate rolling NCLEX® averages as well as procedures for removing graduates who delay taking the NCLEX® for six to twelve months after graduation.

B. ABN Administrative Code, Rule 610-X-3-.02, Standards of Approval

Ms. Lee reported that the Board added a requirement for nursing administrators of nursing education programs to have experience in nursing education. Repeatedly the Board sees that even with that requirement, individuals accept nursing administrator positions without the experience of having taught in a university, college, or technical program. Individuals tell staff that their experience with continuing education or patient education qualifies them to know about education. Staff recommends adding a clause to that section of the rule specifying that the experience required is actually academic in nature.

The Board requirements for the governing institution to be licensed and accredited have evolved over time. Within the last one to two years, the focus on accreditation of the governing institution increased. The last time the rules were changed, the Board required that the governing institution offering a nursing education program be accredited. While it is not an issue in Alabama, the issue for endorsement applicants continues. For example, an endorsement applicant that graduated from a diploma program approved by the Board of Nursing in another state would not be eligible as most diploma programs are not in accredited institutions. Practical nursing programs are also often not offered by accredited institutions. A petition for a declaratory ruling was granted by the Board in December to an applicant who went to a PN program in another jurisdiction that was approved by the Board in that state but not offered by a governing institution that was accredited. The Board may not want to change the current rule but a discussion is in order, particularly as it relates to endorsement applicants, so that the staff know how to deal with applications.

Ms. Lee provided copies of the proposed rule, accreditation survey

results, and the nursing education section Member Board Profiles for the Board's information and review.

The Board reviewed and discussed the proposed rule and made minor changes.

On January 19, Mr. Howard moved that the Board approve amendment to ABN Administrative Code, Rule 610-X-3-.02(6)(d), Standards for Approval. Dr. Dearman seconded. Motion carried without objection.

On January 19, Dr. Dearman moved that the Board maintain ABN Administrative Code, Rule 610-X-3-.02(2). Dr. Wright seconded. Motion carried.

C. ABN Administrative Code, Rule 610-X-3-.06, Deficiencies

Ms. Lee reported that during the course of nursing education program hearings in 2011, Respondents raised the issue of how much time a program was given to correct a deficiency or multiple deficiencies. The Board determined a few years ago that registered nurse programs would have two years to correct NCLEX® deficiencies and practical nursing programs would have one year. Provisionally approved programs have historically been given one year to correct the NCLEX® outcome standard for first-time writers. Staff recommends placing the time frames in the regulations so that it is specified in rule rather than in a separate motion in the minutes.

The proposed rules contain the Board's decisions about the time frames for correcting NCLEX® scores of first-time writers. The Board can change any portion of the rule or the recommended time frames.

Ms. Lee provided copies of the proposed rule and the NCSBN survey of deficiencies for the Board's information and review.

The Board reviewed the proposed rule and made minor changes.

On January 19, Mr. Pugliese moved that the Board approve amendments to ABN Administrative Code, Rule 610-X-3-.06, Deficiencies. Ms. LaRue seconded. Motion carried without objection.

D. New ABN Administrative Code, Rule 610-X-3-.11, Withdrawal of Approval

Ms. Lee reported that there is a difference between a program voluntarily closing and the Board withdrawing approval. During 2011, the Board withdrew approval from a provisionally approved program and the issues of transfers of students, how to teach out, etc. came up. The rules in Chapter 3 address the voluntary closure of a program by an institution but do not address withdrawal of approval by the Board. Staff recommends that the Board add a section to the nursing education program rules specific to the Board's withdrawal of approval of a program.

The proposed new rule addresses what the governing institution is expected to do should the Board withdraw approval from a program. As the Board saw in the withdrawal of approval, issues of transfers of students versus teaching out a class, when to stop admissions, and retention of records are just some of the issues to consider.

Ms. Lee provided copies of the proposed rule and the NCSBN survey results for the Board's information and review.

The Board reviewed the proposed rule and made minor changes.

On January 19, Mr. Pugliese moved that the Board approve the new ABN Administrative Code, Rule 610-X-3-.11, Withdrawal of Approval, as amended. Mr. Howard seconded. Motion carried without objection.

XII. DISCIPLINARY CASES

On January 20, Ms. LaRue 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. Mr. Pugliese seconded. Motion carried without objection.

Ms. Price 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. Hill, Vista Danielle – LPN Exam Applicant

Ms. Hill signed a Consent Order that would allow her to take the NCLEX-PN®, and if successful, her license, when issued will be placed 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.

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

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Bullard seconded. Motion carried without objection.

2. Cameron, Claire Jones – RN, 1-132174

Ms. Cameron signed a Consent Order that would place her 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 \$1,000.00.

On January 20, Ms. LaRue moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

3. Parrish, Mara Lee Grice – RN, 1-082767; CRNP

Ms. Parrish signed a Consent Order that would suspend her license until such time as she provides evidence of successful completion of Board-approved educational courses on ABN Advanced Practice Nursing Standards, Approval and Renewal, and ABN Advanced Practice Nursing Regulations for CRNP and CNM in Collaborative Practice, and pays 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 January 20, Ms. LaRue moved that the Board accept

the Consent Order. Mr. Howard seconded. Motion carried without objection.

4. Moore, Earnest Darren – RN, 1-064034; CRNA

Mr. Moore signed a Consent Order that would place his license on probation for a period of twelve months, with practice-related stipulations, require him to successfully complete Board-approved educational courses on professional boundaries, legal/ethical aspects of nursing and sexual harassment, and pay a fine in the amount of \$1,600.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

5. Currier, Deanna Jo Stone – RN, 1-047699 (Board Lapsed); CRNA

Ms. Currier signed a Consent Order that would approve her reinstatement of lapsed application and place her license on probation for a period of thirty-six months, with practice-related stipulations, require her to successfully complete a Board-approved RN refresher course, and pay a fine in the amount of \$1,000.00.

Dr. Wright and Dr. Autrey recused themselves from the discussion and vote concerning Ms. Currier.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

6. Lema-Chatman, Loyceana Daniel – LPN, 2-061006

Ms. Lema-Chatman 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 class parts 1 through 7, and pays a fine in the amount of \$600.00.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Dr. Autrey seconded. Motion carried without objection.

7. Eaton, Kim Jan Kizziah – RN, 1-063663 (Active/Probation)

Ms. Eaton signed a Consent Order that would terminate her March 18, 2011 Order upon the Board's acceptance of this instant 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 chemical dependency evaluation from a Board-approved provider; (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. Eaton be deemed in need of treatment, her license will be reinstated on probation for a period of sixty months, with chemical dependency stipulations, she will be required to successfully complete a Board-approved educational course on professional accountability, and pay a fine in the amount of \$1,000.00. If not deemed in need of treatment, Ms. Eaton'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 professional accountability, 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 January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

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

Ms. Hays 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 ethics of nursing, and pay a fine in the amount of \$500.00.

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

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

9. Poole, Monica Anne – RN, 1-084966 (Active/Probation)

Ms. Poole signed a Consent Order that would terminate her March 18, 2011 Order upon the Board's acceptance of this instant Order that would place her RN license on probation for a period of twenty-four months, with illegal/illicit drug-use stipulations, require her to successfully complete the three day workshop on the disease of addiction and the 12 step recovery program sponsored by Any Lengths Resources, and pay a fine in the amount of \$1,000.00.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

10. Winters, Tameka Shonte – LPN, 2-058735 (Active/Probation); RN Exam Applicant

Ms. Winters signed a Consent Order that would terminate her November 19, 2010 Order upon the Board's acceptance of this instant Order that would approve her RN Exam Application, and her license, when issued, along with her LPN license, will be placed on probation for a period of twelve months, with practice-related stipulations, she will be required to successfully complete a Board-approved educational course on ethics of nursing, and pay a fine in the amount of \$300.00.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. LaRue seconded. Motion carried without objection.

11. Harper, Jonathan Warren – LPN, 2-059076

Mr. Harper 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 professional accountability and medication safety, and pay a fine in the amount of \$1,200.00.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

12. Mose, Jonathan Daway – LPN, 2-058973

Mr. Mose signed a Consent Order that would place his LPN license on probation until such time as he provides evidence of successful completion of Board-approved educational courses on medication safety, documentation, and professional accountability, and pays a fine in the amount of \$300.00.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

13. Yocum, Cynthia Lynn Gardner – LPN, 2-055380

Ms. Yocum 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 critical thinking and the ABN Mandatory Class Part 2-Standards of Practice and Scope of Practice, and pays a fine in the amount of \$300.00.

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

On January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

14. Buckingham, Vickie L. – RN, 1-114476; LPN, 2-054542 (Lapsed)

Ms. Buckingham 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

15. Colburn, Lacie Darlene – RN, 1-062664

Ms. Colburn 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 chemical dependency evaluation from a Board-approved provider; (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. Colburn'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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

16. Contestabile, Bryan Shane – RN, 1-125212

Mr. Contestabile 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 chemical dependency evaluation from a Board-approved provider; (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, Mr. Contestabile's license will be placed 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 \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, his license status will be considered as and listed as revoked.

Dr. Autrey recused herself from the discussion and vote concerning Mr. Contestabile.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

17. Cumbie, Tammy Melinda Havard – LPN, 2-048597

Ms. Cumbie signed a Consent Order that would suspend her LPN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (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. Cumbie'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 \$1,300.00. 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

18. Graham, Dena Starr – LPN, 2-054440

Ms. Graham signed a Consent Order that would suspend her LPN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (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.

Graham'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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

19. Griggs, Ashley Jeanette – RN, 1-119496 (Lapsed)

Ms. Griggs was deleted from the agenda.

20. Gurley, Katherine Renee – LPN, 2-055707

Ms. Gurley 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

21. Hulsey, Christie Nicole – LPN, 2-058929

Ms. Hulsey signed a Consent Order that would place her LPN license 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

22. Milledge, Jennifer L. Yorks – RN, 1-081911

Ms. Milledge signed a Consent Order that would place her RN 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

23. Nelson, Ashley Tindle – RN, 1-096172 (Lapsed); LPN, 2-049265 (Lapsed)

Ms. Nelson signed a Consent Order that would approve her reinstatement of a lapsed license application and 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. Nelson attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

24. Outzen, Elizabeth Ann Humphries – RN, 1-053482

Ms. Outzen signed a Consent Order that would place her RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, and require her to pay a fine in the amount of \$300.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

25. Robinson, Dianne – LPN, 2-023853

Ms. Robinson 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

26. Thrower, Barbara Ann – RN, 1-094954

Ms. Thrower 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

27. Yarbrough, Katherine Felicia Saxon – RN, 1-047603

Ms. Yarbrough 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.

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

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

28. Brooks, Gloria Anne – RN, 1-073479

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

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

29. Caffie, Latoya Jani Dyck – RN, 1-114944

Ms. Caffie 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.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

30. Jones, Kathy Ann Farrington – RN, 1-035630

Ms. Jones 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.

Ms. LaRue and Dr. Autrey recused themselves from the discussion and vote concerning Ms. Jones.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

31. Moss, Benita Denise – LPN, 2-054772

Ms. Moss 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 standards of practice and chemical dependency, and pays a fine in the amount of \$300.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

32. Rembert, Marnita Jenell – LPN, 2-027441

Ms. Rembert signed a Consent Order that would place her LPN license on probation until such time as she provides evidence of successful completion of a Board-approved educational course on documentation, and pays a fine in the amount of \$300.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

33. McCarthy, Rebecca J. – RN, 1-107128

Ms. McCarthy signed a Consent Order that would suspend her RN 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 chemical dependency evaluation from a Board-approved provider and compliance with all treatment recommendations; (b) entry into and full participation in an aftercare program; (c) negative random monthly urine drug screens; (d) active participation in Twelve Step Meetings; (e) accrual of requisite continuing education contact hours; and (f) payment of appropriate fees. Upon reinstatement, Ms. McCarthy'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 January 20, Mr. Howard moved that the Board accept the Consent Order. Ms. Hopkins seconded. Motion carried without objection.

34. Bryant, Audrey Renee Gulley – LPN, 2-058184

Ms. Bryant 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

35. Burt, Rhonda Lynn – LPN, 2-041678

Ms. Burt 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

36. Freeman, Racheal Duncan – LPN, 2-059555

Ms. Freeman 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

37. Jones, Leighton Owens – RN, 1-128730

Ms. Jones 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

38. Murray, Chiquita Nico – LPN, 2-057000

Ms. Murray 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 January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

39. Oliver, Carolyn Elaine Haines – LPN, 2-058128; RN Exam Applicant

Ms. Oliver signed a Consent Order that would allow her to take the NCLEX-RN®, and issue her a public reprimand and require her to pay a fine in the amount of \$300.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Ms. Stewart seconded. Motion carried without objection.

40. Lawrence, Amy Elizabeth – RN, 1-064173

Ms. Lawrence signed a Consent Order that would issue her a public reprimand and require her to pay a fine in the amount of \$900.00.

On January 20, Mr. Pugliese moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

41. Reed, Lorraine Alicia Smith – LPN, 2-049001

Ms. Reed 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 January 20, Mr. Pugliese moved that the Board accept the Consent Order. Mr. Howard seconded. Motion carried without objection.

42. Isibor, Ololade Augusta Akinsanya – RN, 1-122393

Ms. Isibor 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 January 20, Mr. Howard moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

43. Nettles, Joyce A. – LPN, 2-030734

Ms. Nettles 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 January 20, Mr. Howard moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

44. Turman, Ruby Marie – LPN, 2-024261

Ms. Turman 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 January 20, Mr. Howard moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

45. White, Brenda Faye Pearson – RN, 1-061864; LPN, 2-020181 (Lapsed)

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

Ms. Hopkins recused herself from the discussion and vote concerning Ms. White.

On January 20, Mr. Howard moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

1. Henry, Marilyn Keller – RN, 1-089552

Ms. Henry 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 a Board-approved educational course on professional accountability, and pay a fine in the amount of \$1,000.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

2. Johnson, Michael – RN, 1-107546

Mr. Johnson signed a Consent Order that would reinstate his RN license on probation for a period of sixty months, with chemical dependency stipulations, require him to successfully complete a Board-approved educational course on professional accountability, and pay a fine in the amount of \$1,300.00.

On January 20, Dr. Lavender moved that the Board accept the Consent Order. Mr. Pugliese seconded. Motion carried without objection.

C. Formal Hearings

On January 20, Dr. Lavender 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. Mr. Pugliese seconded. Motion carried without objection.

Ms. Price reported that the Board would reconvene in open session at approximately 10:00 a.m.

The Board returned to open session at 9:30 a.m.

1. Adair, Cerissa Melynn Tyler – RN, 1-110077 (Lapsed)

On January 20, Mr. Pugliese moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Adair’s RN license. Mr. Howard seconded. Motion carried without objection.

2. Burgess, Leigh Ann Selman – RN, 1-130316 (Active/Probation)

On January 20, Mr. Pugliese moved that the Board accept the Findings of Fact, Conclusions of Law, but amend the Recommendation of the Hearing Officer because she violated the terms of her probation by taking medications in direct conflict with her Order, and suspend Ms. Burgess’ RN license until such time as the Board is in receipt of satisfactory documentation of: (a) completion of a comprehensive chemical dependency evaluation from a Board-approved provider; (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. Burgess 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. Burgess’ 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. Ms. Bullard seconded. Motion carried with two oppositions (Dr. Wright and Dr. Lavender).

3. Burt, Angela Ruth Dale – LPN, 2-050309 (Lapsed)

On January 20, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Burt's LPN license. Mr. Howard seconded. Motion carried without objection.

4. Elliott, Alyssa Jarrett – LPN Exam Applicant

On January 20, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Ms. Elliott's LPN Exam application. Mr. Howard seconded. Motion carried without objection.

5. Gilreath, Yvette Desire Herald – RN, 1-067312 (Lapsed)

On January 20, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Gilreath's RN license. Ms. Bullard seconded. Motion carried without objection.

6. Pendleton, Latisha Diane Welch – LPN, 2-052450 (Lapsed)

On January 20, Mr. Howard moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Pendleton's LPN license. Mr. Pugliese seconded. Motion carried without objection.

7. Randell, Willie Mae – RN, 1-023072

On January 20, Mr. Pugliese 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 suspend Ms. Randell's RN license until such time as she provides evidence of successful completion of Board-approved educational courses on ethics and professional accountability, and pays a fine in the amount of \$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. Mr. Howard seconded. Motion carried without objection.

8. Raybon, Donna Capps – LPN Exam Applicant

On January 20, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and allow Ms. Raybon to take the NCLEX-PN®, and if successful, issue her a public reprimand. Mr. Howard seconded. Motion carried with one opposition (Ms. Bullard).

9. Sanders, Richard V. – LPN, 2-050958

On January 20, Mr. Pugliese moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Sanders' license. Ms. LaRue seconded. Motion carried without objection.

10. Severance, Gabriele Jackson – RN, 1-104640 (Lapsed)

On January 20, Dr. Lavender moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Severance's RN license. Mr. Pugliese seconded. Motion carried without objection.

11. Tanner, Michael Everette – RN, 1-057402 (Lapsed); LPN, 2-022930 (Lapsed)

On January 20, Mr. Pugliese moved that the Board accept Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer and revoke Mr. Tanner's license. Ms. LaRue seconded. Motion carried without objection.

12. Watters, Anita Linda Thompson – RN, 1-072437

On January 20, Ms. LaRue moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Ms. Watters' reinstatement of a lapsed license application and revoke her RN license. Mr. Howard seconded. Motion carried without objection.

D. Reinstatements – Formal Hearings

There were no Formal Hearing Reinstatements.

E. Case Remanded from Circuit Court: Abigail Vaughn, RN Exam Applicant

Ms. Henley reported that Ms. Vaughn's case was heard by the Board via an administrative hearing. At the time of the hearing, Ms. Vaughn was still on probation with the Tuscaloosa County Circuit Court. The Board rejected the hearing officer's recommendation to allow Ms. Vaughn to test and if successful, immediately suspend her license until she completed her Court ordered probation, and denied her RN Exam application. Ms. Vaughn appealed the Board's decision to the Circuit Court of Montgomery County. Following briefing by the parties and oral argument, the Circuit Court remanded the case to the Board for further consideration in the light of the fact that new evidence had become available. The new evidence was the fact that Ms. Vaughn had completed her court-ordered probation and had been released. The parties conferred regarding the case on remand, and propose a consent order that would allow Ms. Vaughn to take the NCLEX-RN®, and if successful, place her 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 January 20, Mr. Pugliese moved that the Board accept the Consent Order. Dr. Lavender seconded. Motion carried with one abstention (Dr. Dearman).

XIII. BOARD TRAVEL

A. 2012 NCSBN Midyear Meeting, Chicago, IL – March 12-13, 2012

Dr. Autrey, Mr. Howard, Dr. Lavender, Ms. Price, Dr. Parker, Ms. Hopkins and Dr. Dearman were approved to attend.

B. American Academy of Nurse Practitioners Regional 11 Invitational Leadership Meeting, Orlando, FL – February 2, 2012

Ms. Stewart was approved to attend.

XIV. REPORT OF MEETINGS ATTENDED

A. World Cafe' Education Meeting: Shaping the Future for Nursing Education: A New Vision for Approval and Accreditation, Chicago, IL – December 8-9, 2011

Dr. Dearman, Mr. Howard and Ms. Drake-Speer reported on their attendance at the World Cafe' Education Meeting.

XV. NEXT MEETING DATE: February 16, 2012, Suite 350, RSA Plaza, Montgomery AL

XVI. OTHER

- Ms. Price welcomed the students from Southern Union State Community College and Dr. Francine Parker, Board member.
- Ms. Lee reported that she is meeting with the auditor to discuss the possible findings from the legal compliance audit.
- Mr. Pugliese requested that staff look into hiring another nurse consultant for the legal division. Ms. Lee reported that the Board also requested adding a nurse consultant for nursing education and she is conducting a needs assessment to determine where more staff is needed.
- Ms. Lee reported that she received approval to hire an Administrative Support Assistant I for the mail room and a Personnel Assistant III to replace Rebecca Goodson.

XVII. BOARD MEETING DEBRIEFING

XVIII. ADJOURNMENT

The meeting adjourned at 11:08 a.m. on January 20, 2012.

Amy Price, President

Greg Pugliese, Secretary

Submitted by: _____
Recorder: Leslie Vinson
01/19-20/2012