

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2014-2015

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

December 11, 2014

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:28 a.m. on December 11, 2014. The following Board members were present: Catherine Dearman, RN, PhD, President; Francine Parker, EdD, MSN, RN, Vice-President; E. Laura Wright, PhD, MNA, CRNA, Secretary; Pamela Autrey, PhD., MSN, RN; Cheryl Bailey, RN, BSN, MBA; Melissa Bullard, LPN; Gladys Hill, MSN, RN; Gregory Howard, LPN; Chrystabell King, LPN; Amy Price, MSN, RN; and Carol Stewart, CRNP, MSN. Peggy Benson, MSN, RN, Deputy Director, and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Honor Ingels, Chief Legislative and Information Officer; Charlene Cotton, MSN, RN, Advanced Practice; Joyce Jeter, MSN, RN, Practice/Continuing Education; Cathy Russell, MSN, RN, PhD, Nursing Education Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, Deputy Attorney General/General Counsel.

B. Declaration of Quorum

A quorum was declared with eleven Board members present. Miriam Ellerbe, LPN, was not present.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

V.A. Conversation with EO was deleted from the agenda.

XI. Letter of Complaint was added to the agenda.

2. Adoption of Agenda

On December 11, Ms. King moved that the Board approve the Agenda, as amended. Ms. Hill seconded. Motion carried without objection.

II. ADVANCED PRACTICE

A. Approval of Collaborative Practices

Ms. Cotton reported that the roster of applications includes all applications for collaboration with Alabama physicians that were completed by November 18, 2014. The Joint Committee met on December 9 to review the applications as listed in the roster. The Alabama Board of Medical Examiners (BME) met on December 10.

The Joint Committee deferred action on the following collaborative practices due to failure of payment to the BME: 1) Ashley Boon, 1-117973, and Dr. Hernando Carter, 28511; 2) Ashley Burchfield, 1-120949, and Dr. Joaquin Arciniegas, 8266; 3) Marsha Burgess, 1-063536, and Dr. Raymond Browne, 13959; 4) Tonia Butler, 1-076337, and Dr. Rodney Morris, 12054; 5) Robin Harris, 1-099499, and Dr. Gene Walker, 15721; 6) Sandra Jones, 1-044795, and Dr. James Roy, 28174; 7) Jacinta Kimani, 1-115537, and Dr. Paul Rover, 18110; 8) Julia Nelms, 1-036847, and Dr. Sadri Avsar, 11653; 9) Stephani Shoaf, 1-110320, and Dr. Sadri Gupta, 32757; 10) Sherri Silas, 1-061711, and Dr. Srilakshmi Settpalli, 33622; 11) Rebecca Thompson, 1-078532, and Dr. Samanger Purcell-Matthew, 31946; 12) Hope Warren, 1-082490, and Dr. Kynard Adams, 10658; 13) Hope Warren, 1-082490, and Mary Casals, 19060; 14) Michelle Watson, 1-091825, and Dr. Rick Harrelson, 17429; 15) Jennifer Weldon, 1-045373, and Dr. Mark Wilson, 15807; 16) Rachel Wiggins, 1-123127, and Dr. Hector Salemi, 22418; 17) Wilma Baliem, 1-046774, and Dr. Carole Norden, 12834; 18) Diane Bonnell, 1-083666, and Dr. Eric Roth, 22367; 19) Stacie Gray, 1-110629, and Dr. Alan McCool, 27398; 20) Vanessa Jones, 1-088208, and Dr. William Taylor, 8982; 21)

Jo Roberson, 1-058198, and Dr. Craig Sherman, 22322; 22) Candace Short, 1-079259, and Dr. Asha Voss, 23245; and 23) Susannah Smith, 1-102256, and Dr. Daniel Cameron, 25401.

The following applications were withdrawn prior to commencing practice or terminated the collaboration after brief practice: 1) Ashley Little, 1-114193, and Dr. Thomas Perkins; 2) Ann Adams, 1-114362, and Dr. Emily Keener, DO-1283; 3) Nancy Gaudet, 1-092613, and Dr. Warren Tyon, 28017; 4) Ira Shrestha, 1-111664, and Dr. Robert Chadband, 15685; 5) Nakia Littlejohn, 1-111424, and Dr. Eric Leaohardt, DO-1142; 6) Steadman McPeters, 1-106689, and Dr. Mark Sapp, 32039; 7) Susan Miller, 1-110128, and Dr. Mark Murphy, 21871; and 8) Valerie Haney, 1-084318; and Dr. Juan Carmona. 23266.

The Joint Committee recommended approving the collaborative practice agreements for standard protocol and standard formulary for items 1-1 through 168-1 as listed in the roster, excluding those deferred due to unpaid physician's fee.

The Joint Committee recommended approving the standard protocol and standard formulary and deferred action on requested additional skills for items: 174-2; 192-2; and 193-2 until approved by the BME. Approve the collaborative practice agreements for standard protocol, standard formulary, additional duties and/or restricted drug classifications as listed in the roster for items 170-2 through 173-2, 175-2 through 178-2, 181-2 through 189-2, 194-2, 195-2, 198-2, 200-2 through 202-2. Approve the modifications to existing collaborative practice for additional locations, duties and/or restricted drug classifications, items 203-3 through 307-3, as stated in the application. Approve the collaborative practice agreement for standard protocol, standard formulary, no covering physician, and remote site for Patricia Pelham, 1-030135, and Dr. Harry Edward Logue, 5861.

On December 11, Dr. Wright moved that the Board accept the recommendations from the Joint Committee and approve the applicants for collaborative practice as listed in the published roster and the addendum, excluding items deferred by the Joint Committee. Ms. Price seconded. Motion carried without objection.

B. Expansion of Criteria for the Fast Track Roster

Ms. Cotton reported that the BME and the ABN jointly adopted the current Fast Track policy and processes for direct Board approval of selected collaborative practice applications without prior review

by the Joint Committee. The Fast Track roster is presented in the months when the Joint Committee does not meet to review collaborative practice applications.

ABME staff initiated discussion with ABN staff to expand the options for Fast Track approval of collaborative practice applications. The Joint Committee reviewed this proposal at the meeting on December 9.

The current Fast Track criteria for collaborative practice applications are as follows: 1) Standard CRNP or CNM Protocol with no additional duties; 2) Standard Formulary for Prescriptive privilege; 3) Covering physician(s); 4) No remote practice sites; and 5) Physician applicants have met all ABME qualifications.

Expanding the Fast Track criteria will allow most applications to be placed on the Board agenda within days and help to minimize fluctuations in the length of the agendas from month to month.

On December 11, Dr. Wright moved that the Board accept the Joint Committee recommendation to revise and expand the fast track criteria for collaborative practice applications. Ms. Hill seconded. Motion carried without objection.

C. New Skill Request: Sacroiliac Joint Injection

Ms. Cotton reported that sacroiliac joint injection has not been approved by the Board of Nursing for the practice of a CRNP. Joanna L. Monroe, CRNP 1-09589, Family NP is in collaborative practice with Dr. Lloyd Dyas MD.12405, Orthopaedic Surgeon in Russellville. They submitted an application for approval to perform sacroiliac joint injections for adjunctive and conservative treatment of sacroiliitis and lumbar degenerative disc disease. The proposed procedure includes injection of methylprednisolone and lidocaine into the sacroiliac joint.

The Board of Nursing, on March 19, 2010, issued a Declaratory Ruling in response to questions from Dr. Steve Sykes regarding spinal injections for pain management. It is within the scope of practice for an Alabama Certified Registered Nurse Anesthetist to perform peripheral nerve blocks and epidural steroid injections, and to place epidural, brachial plexus or femoral catheters for administration of anesthetic and analgesic agents.

In 2013, the Board of Medical Examiners adopted regulations governing Pain Management Practices. The regulations specify the educational qualifications for physicians involved in pain

management and related therapy.

Sacro-iliac joint injection is a therapeutic procedure for relief of pain. This practice falls within the realm of Pain Management Services as regulated by the Alabama Board of Medical Examiners. The Certified Registered Nurse Anesthetist, while not specifically authorized to perform this procedure, has a stronger theoretical and clinical practice foundation related to spinal pain and therapies than the Family Nurse Practitioner.

Ms. Monroe's application includes trapezius/rhomboid muscle group trigger point injection. These procedures have been approved in the past by the Board of Nursing and the Board of Medical Examiners for CRNPs in collaboration, but are presently restricted by the BME.

Ms. Cotton provided copies of Joanna Monroe's application for privilege, statutes and rules, and the Declaratory Ruling for the Board's information and review.

The Board reviewed and discussed the information provided.

On December 11, Dr. Wright moved that it is not within the scope of practice for a certified registered nurse practitioner to perform sacro-iliac joint injection. Dr. Parker seconded. Motion carried without objection.

D. New Skill Request: Neurosurgical Procedures

Ms. Cotton reported that Danielle Nicole 'Nikki' Chason, Adult-Gerontological Acute Care Nurse Practitioner, received approval in March 2014 for collaboration with Anthony Martino, MD, Chair, Department of Neurosurgery, University of South Alabama, Mobile. The proposed procedures involve: (a) accessing existing devices: CSF [cerebrospinal fluid] shunt tap, deep brain stimulation (DBS) interrogation, programmable shunt interrogation with and without setting adjustment; (b) removal of temporary devices: halo pin removal and ventriculostomy/ ICP [intracranial pressure] monitor bolt/ drain removal; and (c) inserting external metal marker through scalp to skull surface at points determined by radiologist: bony fiducial placement for DBS.

The applications outline each procedure, with plan for instruction, supervised practice and on-going quality monitoring. The primary risks for each procedure include but are not limited to infection and superficial bleeding, which may be avoided by use of proper technique. Interrogation procedures use only external

sensors/transducers and do not carry risk of bleeding.

In previous Board decisions, RNs were authorized under Standardized Procedures to manage specified neurological monitoring devices. Vagal Nerve Stimulator Interrogation with and without voltage change was added to the Standard Protocol for all CRNP specialties. Individual CRNPs have been approved to perform (a) Sphenoidal Electrode Removal and (b) Programmable Shunt Interrogation with and without Setting Adjustment.

The Board of Medical Examiners, on Nov 19, 2014, approved Dr. Martino's request to train a Physician Assistant and the CRNP, Ms. Chason, in the listed procedures.

In previous Board decisions, RNs were authorized under Standardized Procedures to manage specified neurological monitoring devices. Vagal Nerve Stimulator Interrogation with and without voltage change was added to the Standard Protocol for all CRNP specialties. Individual CRNPs have been approved to perform (a) Sphenoidal Electrode Removal and (b) Programmable Shunt Interrogation with and without Setting Adjustment.

The Board of Medical Examiners, on Nov 19, 2014, approved Dr. Martino's request to train a Physician Assistant and the CRNP, Ms. Chason, in the listed procedures.

A Board decision to approve the requested procedures as being within the legal scope of practice for a certified registered nurse practitioner with documented education, training and experience would be consistent with previous decisions on procedures with comparable limited potential to harm vital organs and using comparable technique.

Ms. Cotton provided copies of Chason Neurosurgery, statutes and rules, report from BME, and an article: Fiducial Point Placement for the Board's information and review.

Dr. Dearman recused herself from the discussion.

The Board reviewed and discussed the information provided.

On December 11, Ms. Stewart moved that the Board approve the application for Danielle Nicole Chason, to initiate training with supervised practice in the following procedures and forward the application to the Joint Committee with recommendation for approval in their practice: (1) halo pin removal; (2) CSF Shunt Tap; (3) Ventriculostomy/ICP monitor

bolt/drain removal; (4) deep brain stimulation (DBS) interrogation; (5) bony fiducial placement for DBS; and (6) programmable shunt interrogation with and without setting adjustment. Dr. Wright seconded.

After discussion, Ms. Stewart withdrew her motion.

This item was deferred until the next meeting in order to get more information on the requested procedures.

The Board directed the staff to notify the nurse of the Board's decision.

Ms. Price requested that the staff provide information on what other states are doing or have done when considering changes to the scope of practice for advanced practice nurses and registered nurses.

III. OPEN FORUM

A. Mark Wilkerson, Esq., Hearing Officer

Mark Wilkerson, Esq., Hearing Officer reviewed his background as a hearing officer and answered general questions from the Board.

B. Simulation of Legal Cases Moving Forward, Larry Ward, Junior IT Consultant, AUM

Ms. Henley introduced Tobias Mense, Sr. Technology Officer, and Larry Ward, Jr., IT Consultant, Auburn Montgomery Center for Advanced Technology.

Mr. Ward conducted a power point presentation on Simulation of Legal Cases Moving Forward.

C. Safe Handling of Chemotherapy: Susan Alverson, Executive Officer, Board of Pharmacy

Susan Alverson, Executive Officer, Board of Pharmacy, did a presentation on Safe Handling of Chemotherapy.

The Board discussed collaborating with the Board of Pharmacy on education regarding the safe handling of chemotherapy.

IV. STRATEGIC PLANNING

A. FY 2014-2018 Strategic Plan

Dr. Dearman reported that the ABN's 100 year anniversary is coming up. The Board discussed options for the centennial celebration.

The Board would like to request that the Governor make 2015 the Year of the Nurse. The theme of the celebration will be "100 Years of Regulatory Excellence. The event is being planned for August 2015.

The Board discussed recognizing the nurses that have been licensed for fifty years or more, and having someone from the National Council of State Boards of Nursing (NCSN) to attend. Staff will work on a history based on the minutes and other items that complements but does not replace the history video.

V. EXECUTIVE COMMITTEE

A. Conversation with Executive Officer

This item was deleted from the agenda.

VI. PRACTICE AND CONTINUING EDUCATION

A. Standardized Procedure Report

The FY 2014 Annual Standardized Procedure Report was provided for the Board's information and review.

VII. EDUCATION

A. South University

Dr. Russell reported that on November, 17, 2014, the Board of Nursing received documentation from the Office of the Attorney General that stated that the Alabama Commission of Higher education withdrew programmatic approval from South University. The education consultant contacted Dr. French, Director for the Office of Institutional Effectiveness, to ascertain the date approval was withdrawn. Dr. French provided the Board with the

documentation that had been sent to South University's parent company, Education Management Corporation (EDMC). On May 22, 2014, the Alabama Commission of Higher Education (ACHE) provided Education Management Corporation a letter of termination of South University programmatic approval for failure to comply with state authorization provisions. South University-Montgomery, a branch campus of South University in Georgia, was removed from the Alabama Commission on Higher Education's Inventory of Non-Resident institutions.

Dr. Russell provided copies of the letter from the ACHE regarding the renewal of deck audit, and the letter from ACHE regarding the termination of programmatic approval.

The Board reviewed and discussed the information provided.

On December 11, Ms. Bullard moved that the Board issue a Notice of Deficiency to South University-Montgomery for failure to comply with the outlined sections of the ABN Administrative Code, Chapter 610-X-3-.06(2) with an expected correction date of January 31, 2015. Dr. Wright seconded. Motion carried without objection.

B. Breckenridge School of Nursing ADN Program – Bessemer (ITT Technical Institute)

Dr. Russell reported that the Board issued a Notice of Deficiency to Breckenridge School of Nursing ADN Program at ITT Technical Institute in Bessemer for failure to comply with ABN Administrative Code, Rule 610-X-3-.02(6). The institution failed to provide a qualified nursing administrator for periods of time between the grant of provisional approval in November 2011 until June 19, 2013.

Ms. Lynell Rogers, program director, attended the August 2013 Board meeting to address the multiple deficiencies that were issued and provide the Board with an update regarding accomplishments towards correcting the deficiencies.

On December 11, Dr. Wright moved that the Board provide a Notice of Correction to Breckenridge School of Nursing and Health Sciences-Bessemer for complying with the outlined sections of the ABN Administrative Code, Chapter 610-X-3. Ms. Price seconded. Motion carried without objection.

C. Voluntary Closure Virginia College-Mobile ADN Program

Dr. Russell reported that Virginia College–Mobile was granted provisional approval, January 2009 and received full approval February 2013. Following the FY 2013 NCLEX-RN® results, Virginia College- Mobile RN program had a 42.9 % first-time writer pass rate on the NCLEX-RN® and 42.11% for FY 2014. Based on the school’s current performance, it is mathematically impossible to meet the outcome standard in FY 2015.

On November 25, 2014, the Board received a letter from Virginia College-Mobile indicating that they will voluntarily close their program.

Dr. Russell provided copies of the letter from Virginia College-Mobile for the Board’s information and review.

On December 11, Ms. Stewart moved that the Board accept Virginia College-Mobile’s notice to close the ADN program. Dr. Wright seconded. Motion carried without objection.

Dr. Russell reported that the program will have to bring a teach-out plan before the Board for approval.

VIII. EXECUTIVE OFFICER

A. Mobile Applications

Ms. Benson reported that the Board had some concerns about cyber security. Ms. Lee sent an email to the Board members regarding cyber security. The mobile applications are no different than the online applications and after about 10 years, the only breach we’ve had is when someone breached the state’s firewalls. In that case, the state would be responsible for providing services such as credit monitoring.

IX. APPLICATION FOR RE-HEARING

A. Joy Thomas, 1-060510; 2-027112

At the November 2014 meeting, the Board considered the case of Joy Thomas, License No. 1-060510 (Active/Probation); 2-027112 (Lapsed). The Board voted to accept the Hearing Officer’s Recommendation in the case and to revoke Thomas’s license, and

an Order was issued to that effect. Thomas emailed the Board contesting the Board's decision and subsequently clarified that she was requesting a rehearing. Lee filed a response to the request for rehearing.

Copies of the hearing transcript, exhibits, hearing officer recommendation, the November 2014 Board Order, Ms. Thomas' email requesting a re-hearing, Ms. Thomas' letter requesting a re-hearing, and a response to Thomas' Motion for Re-hearing, was provided for the Board's information and review.

On December 11, Ms. Price moved that the Board deny the request for re-hearing. Ms. King seconded. Motion carried without objection.

X. NEXT MEETING DATE: January 22-23, 2015, 770 Washington Ave, RSA Plaza Suite 350

XI. OTHER

A. Letter of Complaint

On December 11, Ms. Price moved that the Board enter into executive session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific licensee. Ms. Bailey seconded. Motion carried with all in favor (Ms. Price, Ms. King, Dr. Autrey, Ms. Bullard, Mr. Howard, Ms. Hill, Ms. Stewart, Dr. Wright, Dr. Parker, and Ms. Bailey). Dr. Dearman reported that the Board would reconvene in open session at approximately 2:00 p.m. The Board reconvened in open session at 2:05.

On December 11, Ms. Bailey moved that the Board, following up on Ms. Lee's email to the staff, recognize and approve Ms. Lee's appointment of Ms. Benson as interim leader, and direct Ms. Lee to cease all ABN work and focus on her health, and provide a release from the doctor when she is able to return to work. The Executive Committee will develop policies and procedures for the Executive Officer position. Ms. King seconded. Motion carried with one opposition (Mr. Howard) and nine in favor (Ms. Price, Dr. Autrey, Ms. Hill, Ms. Bullard, Ms. King, Dr. Wright, Ms. Stewart, Dr. Parker and Ms. Bailey).

- Ms. Benson showed the Channel 13 News clip about the ABN for the Board.
- Dr. Dearman presented plaques to the Board members rotating off the Board this year.

- Ms. Benson reported that Ms. Lee placed an ad in the Alabama Nurse for the Nursing Research position and for the Legal Nurse Consultant position.
- Dr. Dearman reported that Ms. Lee's nomination was submitted to the Alabama Nursing Hall of Fame.

XII. BOARD MEETING DEBRIEFING

- Ms. Benson reported that she will get with Ms. Henley to work on education materials related to nursing education program hearings.
- Ms. Hill reported that she will not be able to attend the January 2015 Board meeting.
- Dr. Dearman reported that she would like to invite the Board of Pharmacy EO to a future Board meeting and allow more time for her.
- Dr. Dearman thanked the Board for their support as she served as President of the Board.

XIII. ADJOURNMENT

The meeting adjourned at 2:20 p.m. on December 11, 2014.

Catherine Dearman President

E. Laura Wright, Secretary

Submitted by: _____
Leslie Vinson, Recorder
12/11/2014