

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2014-2015

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

April 16, 2015

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on April 16, 2015. The following Board members were present: Francine Parker, EdD, MSN, RN, President; E. Laura Wright, PhD, MNA, CRNA, Vice-President; Gladys Davis Hill, MSN, RN, Secretary; Natalie Baker, DNP; CRNP; Melissa Bullard, LPN; Peggie Carpenter, BA, LPN; Catherine Dearman, RN, PhD; Jill B. Hightower, MSN, RN; Chrystabell King, LPN; Helen T. McAlpine, Ed.D.; and Amy Price, MSN, RN. Peggy Benson, MSN, RN, Interim Executive Officer 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; Kristine Jordan, Administrative Support Assistant; Melissa Curtis, Administrative Support Assistant; 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; Robert Rollins, IT Systems Specialist; Andy Stewart, Director of Licensing and IT; Barbara Johnson, Administrative Services Officer; 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. Cheryl Bailey, RN, BSN, MBA; and LaDonna Burns, LPN, were not present.

C. Statement of Compliance with Open Meetings Act

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

D. Review of Agenda

1. Additions, Modifications, Reordering

VI. Policy was moved to the third item and VIII. Advanced Practice was moved to the fourth item.

2. Adoption of Agenda

On April 16, Dr. Wright moved that the Board approve the Agenda, as amended. Ms. Hill seconded. Motion carried without objection.

II. NEW DIRECTION

A. Presentation

Ms. Benson presented her vision for the Board and conducted a power point presentation.

Ms. Benson answered questions from the Board.

B. EO Position

Dr. Parker reported that the Board has two options: conduct a search for an Executive Officer or offer the job to Ms. Benson.

On April 16, Dr. Dearman moved that the Board select Ms. Benson as Executive Officer. Ms. King seconded. Motion carried with one abstention (Ms. Carpenter).

III. INTERIM EXECUTIVE OFFICER

A. SB 234 and HB 309

Ms. Benson reported that she met with the Alabama Association of Nurse Anesthetist (ALANA), the Nurse Practitioner Association of Alabama (NPAA), the Alabama State Nurses Association (ASNA), the Alabama Federation of Licensed Practical Nurses (AFLPN), and the Licensed Practical Nurse Association of Alabama (LPNAA) on March 31, 2015. The meeting went well and they agreed to proposed language.

Ms. Benson introduced Susan Alexander, President NPAA. Ms. Alexander reviewed the proposed bill for the Board. The bill would change the composition of the Board by adding an advanced practice nurse and also changes the process for selection of appointees to the ABN. The bill would also clarify that an advanced practice nurse or a physician's assistant, in addition to a physician or dentist, may delegate orders to a registered nurse or licensed practical nurse. The bill passed in the Senate Health Subcommittee and a Senator added language to the immunity section of the bill. The added language would prevent Board members from having immunity for unreasonable and reckless conduct or decisions. The NPAA does not support the added language and are working to get it taken out.

Joy Deupree, NPAA, was also present and addressed the Board. Senator Bussman is a sponsor of the bill and was the one who added the additional language to the immunity section of the bill. Dr. Deupree informed Senator Bussman that the NPAA does not support the additional language. Dr. Deupree met with the lobbyist for the Trial Lawyers regarding the added language.

Ms. Benson reported that she is going to talk to the Board of Medical Examiners (BME) and the Board of Pharmacy also. The Health Committee meets next week and she will meet with them regarding the additional language.

Ms. Benson asked for direction from the Board. The Board supports the bill but does not support it with the additional language regarding individual immunity.

Ms. Benson reported that if the bill passes, the Board will have to make changes to the Administrative Code.

Dr. Baker thanked the groups for their hard work.

IV. BOARD TRAVEL

A. NCSBN Called Special Session of the Delegate Assembly, Chicago, IL – May 4, 2015

No Board member requested to attend.

B. AANP 2015 National Conference, June 9-14, 2015 – New Orleans, LA

Dr. Baker was approved to attend.

V. NCSBN

A. Election of Delegates for Special Session of the Delegate Assembly

Ms. Benson reported there are currently twenty-five member Boards that have enacted legislation to implement the National Licensure Compact (NLC) and they fall under the old compact rules. The new NLC legislation would have to be enacted in the state legislature verbatim without a single word change to be able to enter the compact. This interstate compact does not give your licensees access to all states. The states would in turn need to make arrangements with each other and enter a compact group.

Several items of concern are as follows: 1) the board would be required to implement criminal history FBI background checks on all applicants, which would increase the cost of licensure; 2) applicants would be required to submit fingerprints or biometric data for the FBI background, must disclose if they are in VDAP, must have a valid social security number; 3) if states take adverse action on a licensee in a state they call the administrator of the coordinated licensure information system who then notifies the home state; 4) all licensure data will go to the compact commission including VDAP participants, denials of applicants, discipline, and current significant investigations, regardless of whether that information is non-public or confidential under state law, required to submit a unified data set determined by the commission; 5) no bylaws or rules have been established, no location has been determined and no revenue stream has been identified to sustain this new entity; 6) all rules will be passed with a one vote majority for all states in the compact; 7) the commission shall collect an annual assessment from each member Board based on a formula determined by the commission; and 8) if a state decides to terminate the compact a notice is sent to the Governor by the commission.

NCSBN has stated that they have determined the financial loss would only be about 5% of licensure revenue. However, they did not include the many facets of applications, licensure renewal as well as the loss of licensure verification.

Ms. Benson reported that ABN would lose over \$1.5 million each year if they joined the compact.

Ms. Benson provided copies of the NLC draft legislation, APRN

draft legislation, email to Kathy Apple from Ms. Benson, potential financial loss, potential ABN budget implications, and delegate assembly request from NCSBN for the Board's information and review.

The Board reviewed and discussed the information provided.

On April 16, Dr. Baker moved that Ms. Benson and one staff member attend the Special Session of the Delegate Assembly and vote no on the NLC. Ms. Bullard seconded. Motion carried without objection.

B. NCSBN Website and Board Member Access

Ms. Benson reported that NCSBN has good information on their website and provided each Board member with their login and password.

VI. POLICY

A. Final Certification, ABN Administrative Code, Chapter 610-X-5, Advanced Practice Nursing – Collaborative Practice

Ms. Cotton reported that the Joint Committee advised her that the BME credentials committee recommended not going forward with the proposed rules due to the recent North Carolina Dental Board court ruling. The BME is meeting now so not sure if they will approve the rules or not. The Credentials Committee was hoping to approve and have questions answered by the May meeting.

On April 16, Dr. Wright moved that the Board postpone taking action on the rules until later in the day. Ms. Hill seconded. Motion carried without objection.

On review, Ms. Benson reported that the Board has ninety days from the comment period to approve final certification of the rules. Staff will bring the rules back to the May Board meeting since BME may not pass the rules today.

B. Final Certification, ABN Administrative Code, Rule 610-X-3-.02, Nursing Education Programs Standards for Approval

Ms. Benson reported that the proposed rules were published in the *Alabama Administrative Monthly* and no comments were received.

Ms. Benson provided copies of the proposed rule for the Board's information and review.

The Board reviewed and discussed the proposed rule.

On April 16, Dr. Wright moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-3-.02, Nursing Education Programs Standards for Approval. Dr. Baker seconded. Motion carried.

C. Final Certification, ABN Administrative Code, Rule 610-X-3-.05, Nursing Education Programs Outcome Standards

Ms. Benson reported that the proposed rules were published in the *Alabama Administrative Monthly* and no comments were received.

The Board reviewed and discussed the proposed rule.

Ms. Benson provided copies of the proposed rule for the Board's information and review.

The Board reviewed and discussed the proposed rule.

On April 16, Dr. Wright moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-3-.05, Nursing Education Programs Outcome Standards. Dr. Baker seconded. Motion carried without objection.

D. Final Certification, ABN Administrative Code, Rule 610-X-3-.06, Deficiencies

Ms. Benson reported that the proposed rules were published in the *Alabama Administrative Monthly* and no comments were received.

Ms. Benson provided copies of the proposed rule for the Board's information and review.

The Board reviewed and discussed the proposed rule.

On April 16, Dr. Wright moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-3-.06, Deficiencies. Dr. Baker seconded. Motion carried without objection.

VII. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported the roster includes all collaborative practice applications that were complete by March 20, 2015. The Joint Committee met on April 15 to review the applications listed in the roster. The Alabama Board of Medical Examiners (ABME) meets on April 16.

Item 192-3, listed the wrong physician. The physician should be Brent Barranco, 21946.

The following applicants received temporary approval and withdrew the application prior to working with the collaborating physician: 1) Kristina Parker, 1-130421, and Ghaith Ajamoughli, 19459; 2) Robin Normand, 1-083180, and Constance Cooper, 32671; and 3) Gregory Neal Cagle, 1-088261, and Sanjay Malhotra, 29375.

The following applicants withdrew the application after the roster was published: 1) Joyce Cleavenger, 1-145739, and Sunil Sharma, 29037; 2) Keeshia Cloud, 1-135656, and Joann Johnson, 4556; 3) Nikita Duke, 1-117650, and Douglas Adams, 22646; 4) Cassandra Kelker, 1-034411, and Pamela Tuck, 23723; and 5) April Robertson, 1-098645, and Ann Still, 21703.

The Joint Committee made the following recommendations: 1) item 162-2, approve the collaborative practice with Dr. Antonia Williams, DO-874 but delete the additional skill for Subdermal contraceptive implant insertion and removal; 2) item 165-2, approve the collaborative practice with Maria Villarreal, 20632, and defer action on the request for neonatal specialty protocol pending clarification of Dr. Villarreal's medical staff privileges; 3) approve the collaborative practice applications listed in the roster 1-1 through 161-2, 163-2, 164-2, 166-2 through 169-2 excluding collaborations 29-1, 31-1, 45-1, 85-1 and 125-1; and 4) approve the modifications to existing collaborative practice for additional locations, duties and/or restricted drug classifications.

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

On April 16, Dr. Wright moved that the Board approve the applicants for collaborative practice as listed in the roster and

corrections, excluding the items denied by the Joint Committee. Ms. Hill seconded. Motion carried without objection.

B. Joint Committee Review of Prohibited Procedures

Ms. Cotton reported that it has been the custom of the committee to review these prohibited procedures annually.

Ms. Cotton reported that she will bring the list of prohibited procedures to a future Board meeting.

C. Perioperative CNS Certification

Ms. Cotton reported that the Competency and Credentialing Institute (CCI) is seeking recognition by the ABN as a national certifying agency for Clinical Nurse Specialist (CNS) working in the perioperative setting. CCI administers other certification exams for RN practice. All of the CCI examinations require documentation of clinical practice in the operating room and perioperative surgical services.

Ms. Cotton reported that NCSBN is currently reviewing this certification exam and comparing it to the APRN Consensus Model. If NCSBN endorses the certification, it will come back before the Board.

Ms. Cotton provided copies of the CNS Perioperative request, certifying organizations, consensus model for APRN regulation, and NCSBN criteria for APRN certification programs for the Board's information and review.

The Board reviewed and discussed the information provided.

On April 16, Dr. Dearman moved that the Board deny the request from Competency and Credentialing Institute for recognition of the Certified Perioperative CNS as a qualifying certification examination for Board approval as Clinical Nurse Specialist. Dr. Baker seconded. Motion carried without objection.

Ms. Price was not present from 10:40 to 10:43 and was not present for the vote.

D. New Skill Request: Insertion of Implantable Cardiac Monitor

Ms. Cotton reported that Jennifer L Trampas, Adult-Gerontological

Acute Care Nurse Practitioner and Paul Tabereaux, MD, cardiologist with subspecialty in electrophysiology, submitted a new skill request for insertion of implantable cardiac monitor. The device was approved by the FDA in February 2014. Medtronic representative was unable to provide information about Nurse Practitioners or Physician Assistants in other states performing the insertion procedure.

The application addresses the indications and precautions for patients. The physician will give the medical order for insertion. All procedures will be performed in the Heart Center of Huntsville Hospital. Dr. Tabereaux will be present in the Heart Center and available to respond. A Medtronic representative will be present to verify the device is transmitting properly to the receiving system.

The application outlines the plan for instruction using a training device and supervised practice with patients. If the Board approves the procedure, the proposed Patient Care Guidelines will be submitted for approval.

The complexity of the procedure is comparable to insertion of Nexplanon® implantable subdermal contraceptive rod which is a permissible procedure for CRNP and CNM. The insertion procedure may carry greater hazards than Nexplanon® insertion because most patients are older age than women receiving contraceptive implants. Therefore, bleeding tendencies and potential problems with skin healing are evaluated prior to the procedure. The Reveal LINQ monitoring capsule does not release any medications.

Ms. Cotton provided copies of the application and addendum, competency evaluation, Huntsville Hospital protocol, Medtronic Revel LINQ Press Release and Booklet and Reveal LINQ ICM System Overview, and that statutes and rules for the Board's information and review.

Ms. Cotton showed a Youtube video on the proposed procedure.

Dr. Dearman was not present from 10:46 to 10:50 a.m.

On April 16, Dr. Wright moved that the Board approve placement of injectable cardiac monitor as being within the scope of practice for a CRNP with documented education and training, but it is limited to insertion and any complications must be referred to the physician. Ms. Bullard seconded. Motion carried with one abstention (Dr. Dearman).

On April 16, Dr. Baker moved to approve the application of Jennifer L. Trampas, Adult-Gerontological Acute Care nurse practitioner in collaboration with Paul Tabereaux, MD, to initiate training with supervised practice to perform placement of injectable cardiac monitor. Ms. King seconded.

After discussion, Dr. Baker amended her motion.

On April 16, Dr. Baker moved that the Board approve the application of Jennifer L. Trampas, Adult-Gerontological Acute Care nurse practitioner in collaboration with Paul Tabereaux, MD, to initiate training with supervised practice to perform placement of injectable cardiac monitor but increase the number of supervised procedures to fifteen with no simulation and the CRNP cannot remove the cardiac monitor. Forward the application to the Joint Committee with the recommendation for approval in their collaborative practice. Ms. King seconded. Motion carried without objection.

E. Advanced Practice Advisory Council

Ms. Cotton reported that at the January 2015 Board meeting, the Board authorized the formation of an Advanced Practice Advisory Council. Advanced practice professional organizations and educational programs were contacted to recommend participants in the four advanced practice categories.

Ms. Benson reported that the Board needs to approve the list of advisory council members so they can get paid. There are about forty members on the advisory council and twenty-three attended the March advisory council meeting.

The advisory council minutes as well as the action plan will be posted on the Board's web site.

Ms. Cotton provided copies of the March 6, 2015 Advanced Practice Advisory Council minutes and the advisory council member information for the Board's information and review.

On April 16, Ms. Hill moved that the Board appoint the Advanced Practice Advisory Council participants for 2015 and authorize reimbursement as provided in Code of Alabama 34-21-3. Ms. King seconded. Motion carried without objection.

VIII. EDUCATION

A. Report

A written report on nursing education programs was provided for the Board's information.

IX. REPORTS OF MEETINGS ATTENDED

A. NCSBN Midyear Meeting, Louisville, KY – March 17-18, 2015

Dr. Parker and Ms. Benson reported on their attendance at the NCSBN Midyear meeting.

B. NCLEX Examination Committee

Dr. Dearman reported on the NCLEX Examination Committee.

X. OPEN FORUM

Susan Alexander, President NPAA; Joy Deupree, NPAA; and Joe Knight addressed the Board regarding SB 234.

XI. NEXT MEETING: May 21-22, 2015, 9:00 a.m., Suite 350, RSA Plaza

XII. OTHER

- Ms. Price requested to invite the Alabama Telemedicine Group to a future Board meeting to review how telemedicine works.
- Dr. Parker reported that since Ms. Benson was appointed Executive Officer, the Board needs to discuss salary.
- **On April 16, Dr. Dearman moved that the Board discuss a salary in the range of \$125,000 per year, with a possible 5% increase after a six month review. Ms. King seconded.**
- After discussion related to current pay practices for executive nursing positions, Dr. Dearman amended her motion.
- **On April 16, Dr. Dearman moved that the Board request a salary of \$150,000 per year, with a possible 5% increase after a six month review. Ms. King seconded. Motion carried with one abstention (Ms. Carpenter).**
- Dr. Parker reported that the salary request has to go to the Governor's office, Finance Director and the State Personnel Board for approval.

- Ms. Price requested that the Board develop a job description for the Executive Officer position and an evaluation tool.
- Dr. Parker reported that she has an EO job description from 1999.
- Ms. Benson reported that she will ask for Executive Officer job descriptions and evaluation tools from other states.
- The Board will discuss filling the Deputy Director position at a future Board meeting.

XIII. BOARD MEETING DEBRIEFING

XIV. ADJOURNMENT

The meeting adjourned at 2:02 p.m. on April 16, 2015.

Francine Parker, President

Gladys Davis Hill, Secretary

Submitted by: _____
Leslie Vinson, Recorder
4/16/2015