

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2014-2015

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

March 12-13, 2015

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on March 12, 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; Cheryl Bailey, RN, BSN, MBA; LaDonna Burns, LPN; Peggie Carpenter, BA, LPN; Catherine Dearman, RN, PhD; Chrystabell King, LPN; Jill B. Hightower, MSN, RN; and Amy Price, MSN, RN. Peggy Benson, MSN, RN, Deputy Director/Interim Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Brad Jones, IT Systems Specialist; Honor Ingels, Chief Legislative and Information Officer; Charlene Cotton, MSN, RN, Advanced Practice; Joyce Jeter, MSN, RN, Practice/Continuing Education; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Cathy Boden, MSN, RN, Legal Nurse Consultant; Dawn Daniel, MSN, RN, Probation Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Howard Kenney, Chief Special Investigator; Nate Nunnelley, Special Investigator; Wyatt Gantt, Special Investigator; Dave Pinnock, Special Investigator; 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 on March 12, and nine members present on March 13. Melissa Bullard, LPN, was not present on March 12. Amy Price, MSN, RN; Jill B. Hightower, MSN, RN; and E. Laura Wright, PhD, MNA, CRNA, were not present on March 13. Helen T. McAlpine, EdD, was not present for the meeting.

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

On March 12, Dr. Wright moved that the Board reorder the agenda by discussing item IX.B. first and then item XI.A. Ms. Bailey seconded. Motion carried without objection.

2. Adoption of Consent Agenda

The following items were accepted on the Consent Agenda:

- II.A. January 22-23, 2015 Board Meeting Minutes
- II.B. February 19, 2015 Board Meeting Minutes
- III.A. Board Action Follow-up
- VI.B.1 Deputy Director Report
- 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.6. Probation Monitoring Report
- VI.E. Legislative Update
- IX.A.1. Practice Report
- IX.B.1. Continuing Education Report
- X.A. Education Report

On March 12, Dr. Wright moved that the Board adopt the Consent Agenda. Ms. Hill seconded. Motion carried without objection.

3. Adoption of Agenda

On March 12, Dr. Dearman moved that the Board adopt the Agenda, as amended. Ms. King seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. January 22-23, 2015 Board Meeting Minutes

The January 22-23, 2015, Board Meeting Minutes were accepted on the Consent Agenda.

B. February 19, 2015 Board Meeting Minutes

The February 19, 2015, Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow Up

Ms. Benson'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. NCSBN Executive Officer Meeting – NLC Update

Ms. Benson reported that NCSBN is going to push the National Licensure Compact (NLC) hard at the Midyear meeting. There were twenty-three states in the compact and two additional states have joined.

Ms. Benson reported that NCSBN has not answered the questions she raised.

V. NATIONAL COUNCIL LICENSURE EXAMINATIONS

VI. REPORTS

A. Executive Officer

B. Deputy Director

1. Report

A written report outlining the activities of the Deputy Director

was accepted, as information, on the Consent Agenda.

2. Organizational Chart

Ms. Benson reported that she drafted two different organizational charts for the Board's review.

The Board reviewed the organizational charts and provided feedback.

Ms. Benson reported that she will work on the organizational chart and bring back before the Board at a future meeting.

3. Marketing and Public Relations Discussion Points

Ms. Benson provided a copy of the marketing and public relations talking points for the Board's information and review.

The Board reviewed the marketing plan.

4. AARP and Delegation

Ms. Benson reported that AARP Alabama is interested in meeting with groups connected to the issue of nurse delegation to discuss if there is an opportunity to allow nurses to delegate additional health maintenance tasks to direct care workers, the barriers to allowing the delegation of additional tasks in Alabama, and any additional ideas on helping family caregivers who care for a loved one in the community. AARP representatives would like to come to the April or May Board meeting to discuss the issue of delegating health maintenance tasks in the community.

Ms. Jeter reported that the Department of Human Resources (DHR) and the Department of Youth Services (DYS) have unlicensed personnel administering medications and there is not a rule for this.

Ms. Benson reported that the Board had dialogue with DHR in 2012 and they sent a delegation proposal. The proposal was never approved by the Board and no more communication occurred. The nurses have been teaching and training unlicensed personnel but the Board was not aware that DHR was doing this.

Ms. Benson asked the Board to decide if they want to see and approve each program that wants to delegate medication administration to unlicensed personnel or draft standard rules and training for delegating medication administration.

C. Financial Reports

1. Report

Ms. Davis, Chief Fiscal Officer, provided a report of Revenues Expenditures Summary, Revenues, Expenditure Budget Comparison, and a comparison chart for year-end 2013, 2014 and 2015.

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from January 3, 2015 through February 23, 2015, 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 February 20, 2015, was accepted, as information, on the Consent Agenda.

3. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of February 20, 2015, was accepted, as information, on the Consent Agenda.

4. Investigations Report

A written report of active investigations per investigator as of February 19, 2015, 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 nurse consultant as of February 20, 2015, 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 February 20, 2015, was accepted, as information, on the Consent Agenda.

E. Legislative Update

A legislative update was not provided.

VII. BOARD TRAVEL

A. 2015 APRN Roundtable, State-based Challenges and Solutions, Rosemont, IL – April 15, 2015

No one requested to attend.

VIII. ADVANCED PRACTICE

A. Roster of Collaborative Practice Applicants

Ms. Cotton reported that the roster includes applications for collaborative practice that met criteria as of February 16, 2015 for fast track approval without Joint Committee review. The Board of Medical Examiners (BME) will meet on March 17, 2015, to consider the fast track applications.

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

On March 12, Dr. Dearman moved that the Board approve the applicants for collaborative practice as listed in the roster. Ms. King seconded. Motion carried without objection.

B. Add Cryotherapy to Standard Protocols

Ms. Cotton reported that the Board of Medical Examiners proposed the addition of cryotherapy of non-pigmented superficial lesions to the Standard Protocols for Certified Nurse Midwife (CNM) and Certified Registered Nurse Practitioner (CRNP) to include the standard language:

“Cryotherapy of non-pigmented superficial lesions – allowed to perform on the face, only on skin lesions not to exceed 5 mm in diameter and not below the dermis. Cryotherapy on anatomically sensitive areas, such as the eyes, must be evaluated by the physician prior to treatment”.

This skill is requested frequently and is routinely approved by both the Board of Medical Examiners and the Board of Nursing. The BME proposal did not make recommendations about particular nurse practitioner specialties that would be eligible to perform cryotherapy of non-pigmented superficial lesions.

The Board is asked to consider whether cryotherapy of non-pigmented superficial lesions should be added to all CRNP protocols. If excluded from the Standard Protocol for certain specialties, such as Psych-Mental Health or Neonatal, an individual P-MH or Neonatal CRNP specialty may apply to the Board and provide rationale to include the procedure in his or her practice.

On March 12, Dr. Wright moved that the Board amend the Standard Protocols for certified nurse midwife and certified nurse practitioner, excluding neonatal and psychiatric-mental health, to add cryotherapy of non-pigmented superficial lesions. Ms. Hill seconded. Motion carried without objection.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on the standardized procedures, as of February 20, 2015, was accepted, as information, on the Consent Agenda.

2. Delegation Curriculum

Ms. Jeter reported that this is the final curriculum that has been reviewed and approved by the SDE. Act 2014-437 required that the State Department of Education (SDE) develop training guidelines “in consultation with the Alabama Board of Nursing” for the administration of glucagon and insulin by unlicensed school personnel.

Act 2014-437 section 3 (a) specifically states that guidelines shall be developed in consideration of the recommendations of American Academy of Pediatrics, the National Diabetes Education Program, and any other appropriate published medical guidelines. The current guideline was developed utilizing four resources that encompass the recommendations of the American Academy of Pediatrics and National Diabetes Education Program.

The curriculum consists of the resource manual that has guidelines to implement the training program. Appendices include: power points for Tier I and II training; power point for Tier III training for administration of Glucagon and Insulin; skilled competencies; and test with answers.

Jennifer Ventress, Nurse Administrator, Alabama Department of Education, was present and reviewed the changes that were made at the recommendation of the Department of Justice. If approved by the Board, the curriculum will be used beginning March 13, 2015 to teach lead nurses. Jennifer Ventress and Sherry Coleman will teach the curriculum.

The Board reviewed and discussed the proposed curriculum.

The Board suggested minor changes.

On March 12, Dr. Wright moved that the Board approve the Diabetes Curriculum. Ms. King seconded. Motion carried without objection.

B. Continuing Education

1. Report

A written report on Continuing Education Providers as of

February 20, 2015, was accepted, as information, on the Consent Agenda.

X. EDUCATION

A. Report

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

B. Virginia College Mobile ADN Program Monthly Progress Report

Ms. Benson reported that the monthly progress report from Virginia College Mobile ADN Program was provided for the Board's information and review.

XI. POLICY

A. Final Certification, ABN Administrative Code, Rule 610-X-7-.10, Delegation of Administration of Glucagon and Insulin in the School Setting

Ms. Jeter reported that the issue of delegation of glucagon and insulin in the schools has been an ongoing issue since delegation rules were written in 2001. During the 2014 regular legislative session, the Alabama legislature passed Act No. 2014-437. The Board passed the proposed rule at the September 2014 meeting and the proposed rule was posted on the Board's website. The proposed rules were published in the February 28, 2015 *Alabama Administrative Monthly*. The draft rules were shared with numerous stakeholders with very few adjustments which are not substantive.

Ms. Jeter provided copies of the proposed rule for the Board's review.

The Board reviewed and discussed the proposed rule.

On March 12, Dr. Wright moved that the Board approve, as final certification, ABN Administrative Code, Rule 610-X-7-.10, Delegation of Administration of Glucagon and Insulin in the School Setting. Ms. Hill seconded. Motion carried without objection.

XII. DISCIPLINARY CASES

On March 13, Ms. Hill moved that the Board enter into Executive Session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific applicants and licensees. Ms. Bailey seconded. Motion carried with all in favor (Ms. King, Ms. Burns, Ms. Hill, Ms. Bailey, Ms. Bullard, Ms. Carpenter, Dr. Dearman and Dr. Baker).

Dr. Parker reported that the Board would reconvene in open session at approximately 9:00 a.m.

The Board reconvened in open session at 8:45 a.m. and voted on the Consent Orders.

A. Consent Orders

1. Nevins, Anthony Lamar – RN, 1-083088

Mr. Nevins signed a Consent Order that would place his RN license on probation for a period of twelve months, with illegal/illicit drug-use stipulations, require him to successfully complete a Board-approved educational course on understanding substance use disorder, and pay a fine in the amount of \$600.00.

Ms. Carpenter recused herself from the discussion and vote concerning Mr. Nevins.

On March 13, Ms. Bullard moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

2. Haynes, Jackie Diane – LPN, 2-053751

Ms. Haynes signed a Consent Order that would suspend her LPN license for a minimum of three months and until such time as she provides evidence of: (a) successful completion of Board-approved educational courses on fall prevention in the elderly and elder abuse; (b) payment of a fine in the amount of \$500.00; and (c) receipt of the employer notification by the Board.

On March 13, Dr. Dearman moved that the Board accept

the Consent Order. Ms. King seconded. Motion carried without objection.

3. Floyd, Joyce Demetria – RN, 1-132193

Ms. Floyd signed a Consent Order that would terminate her September 30, 2013, 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. Floyd 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. Floyd'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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

4. Migliori, Jessica Ann – RN, 1-133237

Ms. Migliori signed a Consent Order that would terminate her November 14, 2014, 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. Migliori 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. Migliori'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 Board-approved educational courses on understanding substance use disorder and 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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

5. Slaton, Andrea Lynn – LPN, 2-052195

Ms. Slaton signed a Consent Order that would terminate her July 19, 2013, Order upon the Board's acceptance of this instant Order that would suspend her LPN license until such time as she provides evidence 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. Slaton 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. Slaton's license will be

reinstated on probation for a period of twelve 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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

6. Summersell, Steven Kennedy – RN, 1-128670

Mr. Summersell signed a Consent Order that would terminate his September 20, 2013 Order upon the Board's acceptance of this instant Order that would suspend his RN license for a minimum of three months and until such time as he provides 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; (f) payment of appropriate fees; and (g) payment of a fine in the amount of \$1,600.00. Upon reinstatement, Mr. Summersell'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.

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

7. Sanders, Rebekah Katherine – RN, 1-115521 (Lapsed)

Ms. Sanders signed a Consent Order that would suspend her RN license until such time as she provides 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. Sanders' 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 March 13, Dr. Dearman moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

8. Stephens, Ruth Caroline – RN, 1-124741

Ms. Stephens 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 March 13, Dr. Dearman moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

9. Thompson, Candace Lea – RN, 1-100972

Ms. Thompson 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 understanding substance use disorder in nursing, and pay a fine in the amount of \$300.00.

On March 13, Dr. Dearman moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

10. Ward, Lisa Dianne – RN, 1-136726; LPN, 2-053763
(Lapsed)

Ms. Ward signed a Consent Order that would place her RN license on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on critical thinking, documentation, and carotid endarterectomy, and pay a fine in the amount of \$500.00. Should Ms. Ward attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On March 13, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

11. Witherspoon, Cynthia Gee – RN, 1-102313; LPN, 2-044428
(Lapsed)

Ms. Witherspoon 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 substance use disorder and ethics of nursing, and pay a fine in the amount of \$300.00. Should Ms. Witherspoon attempt to renew her LPN license, it too, would be subject to the same terms and conditions.

On March 13, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

12. Yarbrough, Kelly Elizabeth – RN, 1-122055

Ms. Yarbrough signed a Consent Order that would place her RN license on probation until such time as she provides evidence of: (a) payment of a fine in the amount of \$500.00; (b) successful completion of Board-approved educational courses on professional accountability and documentation; and (c) the employer notification has been received by the Board.

On March 13, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

13. Farris, Melissa Kay – LPN, 2-059735

Ms. Farris signed a Consent Order that would suspend her LPN license until such time as she provides evidence of payment of a fine in the amount of \$500.00, and successful completion of Board-approved educational courses on substance use disorder and ethics of nursing practice. Upon reinstatement, Ms. Farris' license will be placed on probation for a period of twelve months, with illegal/illicit drug-use stipulations. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

14. McElroy, Angela Kaye – LPN, 2-054875

Ms. McElroy 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 understanding substance use disorder in nursing, and pay a fine in the amount of \$300.00.

On March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

15. Ostrander, Corinne Amparo – RN, 1-123232

Ms. Ostrander 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 March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

16. Jackson, Jamelia Sade – RN, 1-127383

Ms. Jackson signed a Consent Order that would terminate her August 13, 2014 VDAP Agreement upon the Board's acceptance of this instant Order that would suspend her RN license until such time as she provides 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. Jackson's license will be placed on probation for a period of sixty months, with chemical dependency stipulations, and she will be required to pay a fine in the amount of \$1,000.00. In no event will this period of suspension extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked.

On March 13, Dr. Dearman moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

17. Williams, Stephanie Elise – RN, 1-089293

Ms. Williams signed a Consent Order that would suspend her RN license for a minimum of three months and until such time as she provides 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. Williams' 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 \$500.00. 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 March 13, Dr. Dearman moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

18. Ajdarodini, Ashley Elizabeth – RN, 1-135986

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

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

19. Attaway, Donna Green – RN Exam Applicant

Ms. Attaway signed a Consent Order that allow her to take the NCLEX-RN®, and if successful, her license, when issued, will be placed on probation for a period of twelve months, with practice-related stipulations, require her to successfully complete Board-approved educational courses on ethics of nursing practice and professional accountability, and pay a fine in the amount of \$300.00.

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

20. Stewart, Sonya Leigh – RN, 1-084200 (Lapsed)

Ms. Stewart signed a Consent Order that would approve her reinstatement of a lapsed license application and issue her a public reprimand.

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

21. Thompson, Karen Eyvonne – LPN, 2-061088

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

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

22. Ward, Jr., Randy Hugh – RN, 1-076782

Mr. Ward signed a Consent Order that would issue him a public reprimand.

On March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

23. Fleming, Shareen – LPN, 2-037475 (Lapsed)

Ms. Fleming signed a Consent Order that would approve her reinstatement of a lapsed license application, issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 13, Ms. Bullard moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

24. Waters, Vernesa Lynn Heard – RN Exam Applicant; LPN, 2-064029

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

On March 13, Ms. Bullard moved that the Board accept the Consent Order. Dr. Dearman seconded. Motion carried without objection.

25. Howell, Vera Ruth – RN, 1-053699; LPN, 2-011771 (Lapsed)

Ms. Howell 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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

26. Johnson, Sue Ann – RN, 1-069019

Ms. Johnson 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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

27. Moates, Tanya Wilson – RN, 1-067387

Ms. Moates 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 March 13, Ms. Bailey moved that the Board accept the Consent Order. Ms. Hill seconded. Motion carried without objection.

28. Harmon, Vicky Diane – RN, 1-077711; LPN, 2-018531 (Lapsed)

Ms. Harmon 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 March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

29. Hyatt, Cari Elizabeth – LPN, 2-060414

Ms. Hyatt 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 March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

30. Jackson, Pamela Dianne – LPN, 2-038058

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

On March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

31. Jones, Brenda Kay – RN, 1-051435

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 March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

32. Salerno, Cary Beth – RN, 1-114601

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

On March 13, Dr. Baker moved that the Board accept the Consent Order. Ms. King seconded. Motion carried without objection.

B. Reinstatement: Consent Orders

1. Humphrey, Kathleen Louise – LPN, 2-060627

Ms. Humphrey signed a Consent Order that would approve her reinstatement of a revoked license application, issue her a public reprimand and require her to pay a fine in the amount of \$600.00.

On March 13, Ms. Carpenter moved that the Board accept the Consent Order. Dr. Baker seconded. Motion carried without objection.

2. Lewis, Cedric Bernard – RN, 1-091593; LPN, 2-036296

Mr. Lewis signed a Consent Order that would approve his reinstatement of a revoked license application, and place his RN license on probation for a period of sixty months, with chemical dependency stipulations, and require him to pay a fine in the amount of \$1,000.00.

On March 13, Ms. Carpenter moved that the Board accept the Consent Order. Dr. Baker seconded. Motion carried without objection.

C. Formal Hearings

On March 13, Ms. Hill moved that the Board enter into Executive Session in its capacity as a quasi-judicial body to deliberate and discuss evidence and testimony presented during contested case hearings and vote on the outcomes. Ms. Bailey seconded. Motion carried with all in favor (Ms. King, Ms. Burns, Ms. Hill, Ms. Bailey, Ms. Bullard, Ms. Carpenter, Dr. Dearman and Dr. Baker).

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

The Board returned to open session at 9:02 a.m.

1. Bowen, Pamela Louvenia – LPN, 2-043191 (Lapsed/Probation)

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Bowen's LPN license. Ms. King seconded. Motion carried without objection.

2. Buel, Brian Victor – RN, 1-118927

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and place Mr. Buel's license on probation for a period of thirty-six months, or until such time as the Board is in receipt of a comprehensive substance use disorder evaluation from a Board-recognized provider that recommends continued licensure without the need for probation monitoring. Dr. Baker seconded. Motion carried without objection.

3. Carter, Jennifer Dianne – LPN, 2-049057 (Lapsed/Probation)

On March 13, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the

Recommendation of the Hearing Officer, and revoke Ms. Carter's LPN license. Ms. Hill seconded. Motion carried without objection.

4. Chavers, Thelma Renee – RN, 1-133471 (Lapsed/Probation)

On March 13, Ms. Bullard moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Chavers' RN license. Dr. Dearman seconded. Motion carried without objection.

5. Cunningham, Sandra Kaye – RN, 1-077863 (Lapsed/Probation)

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Cunningham's RN license. Dr. Baker seconded. Motion carried without objection.

6. Davis, Donna Larell – LPN, 2-048332 (Active/Probation)

On March 13, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Davis' LPN license. Ms. Hill seconded. Motion carried without objection.

7. Grell, Kerri Ann – RN, 1-128485 (Lapsed)

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Grell's RN license. Ms. Bailey seconded. Motion carried without objection.

8. Gulley, Annthea Elizabeth – LPN, 2-031075

On March 13, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Gulley's LPN license. Dr. Baker seconded. Motion carried without objection.

9. Hill, Vista Danielle – LPN, 2-065891 (Active/Probation)

On March 13, Ms. Bullard moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Hill's LPN license. Dr. Baker seconded. Motion carried without objection.

10. Kelly, Megan Ann – RN, 1-108615 (Lapsed/Probation)

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Kelly's RN license. Ms. Bailey seconded. Motion carried without objection.

11. Moore, Jennifer Lou – RN, 1-110518 (Lapsed)

On March 13, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Moore's RN license. Ms. Hill seconded. Motion carried without objection.

12. Prewitt, Misty Marie – LPN, 2-052647 (Active/Probation)

On March 13, Dr. Dearman moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Prewitt's LPN license. Ms. Bullard seconded. Motion carried without objection.

13. Ransom, Erica Latrice – LPN, 2-062513

On March 13, Ms. Bullard moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and suspend Ms. Ransom's LPN license until such time as she provides evidence of successful completion of six hours of Board-approved educational courses on Anger Management. Upon reinstatement, Ms. Ransom's license will be placed on probation for a period to run concurrent with her Court-ordered probation but not more than thirty-six months, with practice-related stipulations. In no event will this period of suspension

extend beyond twelve months of the effective date of this Order, and, if such should occur, her license status will be considered as and listed as revoked. Dr. Baker seconded. Motion carried without objection.

14. Windham, Brenda Marie – LPN, 2-054973 (Active/Probation)

On March 13, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Windham’s LPN license. Ms. Hill seconded. Motion carried without objection.

- D. Reinstatements – Formal Hearings

There were no Formal Hearing Reinstatements.

XIII. BOARD DEVELOPMENT

- A. Open Meetings Act

This item was postponed until the May Board meeting.

XIV. DECLARATORY RULING

- A. Isaiah Sankey, 1-041341; CRNP

Ms. Henley reported that on February 20, 2015, Mr. Sankey submitted a petition for a declaratory ruling. Mr. Sankey is employed with the Nurse Practitioner House Call Program that is operated by United Health Care, and that part of his duties and responsibilities include performing a very basic home physical assessment, review of medications and providing education on disease management for members enrolled with United Health Care.

Mr. Sankey contends that ABN Administrative Code, Rule 610-X-2-.05, should not apply to his house calls for United Health Care because the duties and responsibilities do not meet the skill set required to practice as a certified registered nurse practitioner in the State of Alabama. According to Mr. Sankey, United Health Care prefers that a nurse practitioner make the house calls because of the experience and the critical thinking skills that the nurse practitioner bring to the member’s home, but Mr. Sankey says that his duties and responsibilities with the house call program do not rise to the level of

decision making that might be required in a clinical setting.

Ms. Henley provided copies of the petition for a declaratory ruling for the Board's information and review.

The Board reviewed and discussed the request.

Ms. King recused herself from the discussion and vote concerning Mr. Sankey.

On March 13, Dr. Dearman moved that the Board grant the request for a declaratory ruling and deny his request to practice as a CRNP employed with the United Health Care House Call Program in Alabama without the oversight of a collaborating physician. Ms. Hill seconded. Motion carried without objection.

XV. NEXT MEETING DATE: April 16, 2015, Suite 350, RSA Plaza, Montgomery AL

XVI. OTHER

A. EO Update

On March 12, Ms. King moved that the Board enter into executive session to discuss legal ramifications and legal options for controversies not yet being litigated but imminently likely to be litigated. Dr. Dearman seconded. Motion carried with all in favor (Ms. Price, Ms. Burns, Dr. Dearman, Ms. King, Dr. Baker, Ms. Hill, Dr. Wright, Ms. Hightower, Ms. Carpenter, and Ms. Bailey).

Alice Maples Henley, General Counsel to the Alabama Board of Nursing and an attorney licensed to practice law in Alabama, declares as follows: It is my opinion that the exception permitting an executive session for discussions with an attorney regarding legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated if the Board pursues a proposed course of action, found in **Code of Alabama** 1975, Section 36-25A-7(3), is applicable to the discussion planned for this date.

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

The Board reconvened in open session at 10:31 a.m.

Dr. Parker reported that Ms. Lee has informed the Board of her intent to retire effective April 1, 2015.

On March 12, Dr. Wright moved that in light of that news, the Board forego the due diligence review and accept Ms. Lee's

notice of retirement and that we delegate binding authority to the Board President to take all necessary steps to effectuate that process. Dr. Dearman seconded. Motion carried without objection.

Dr. Parker reported that the Board wishes Ms. Lee well and thanks her for her many years of service to the Board.

On March 12, Dr. Wright moved that the Board appoint Ms. Benson as Executive Officer. Dr. Baker seconded.

After discussion, Dr. Wright amended her motion.

On March 12, Dr. Wright moved that the Board appoint Ms. Benson as Interim Executive Officer. Dr. Baker seconded. Motion carried without objection.

Dr. Parker reported that she sent a letter to State Personnel requesting a stipend for Ms. Benson to cover the time she has served as Interim Executive Officer and to carry forward for as long as she assumes the role.

Dr. Parker provided copies of the letter for the Board's information and review.

The Board discussed whether to post the Executive Officer position and conduct a search or forego that process and appoint Ms. Benson. Ms. Henley reported that there is not a requirement that the Board conduct a search. It is at the Board's discretion. The purpose of the Deputy Director position was succession planning.

Ms. Price reported that she was an advocate for the Deputy Director position, but if the position is truly for succession planning then the Board is allowing the Executive Officer to hire the next Executive Officer.

The Board discussed reviewing the succession plan and having input into hiring a Deputy Director.

On March 12, Dr. Wright moved that the Board have Ms. Benson present her vision to the Board at the April Board meeting and decide at that time whether to conduct an official search or not. Ms. Hill seconded. Motion carried without objection.

Ms. Benson reported that she will send the Board a copy of her resume.

Ms. Benson reminded the Board that since she is presenting her vision, all candidates have to be interviewed the same way should the Board decide to conduct an official search.

Ms. Burns requested to see a job description for the Executive Officer position and the Deputy Director position.

Ms. Benson reported that there is not a job description for the Deputy Director position.

The Board discussed getting a plaque for Ms. Lee for her years of service.

- Ms. Benson provided copies of a letter from a law firm requesting to review any and all disciplinary actions for all advanced practice nurses from January 1, 2000 through present.
- Ms. Benson reported that she received a copy of legislation drafted by the Nurse Practitioner Alliance of Alabama (NPAA). The bill would increase membership of the Board from thirteen to fifteen members by adding two additional advanced practice nurses. The bill would also allow any individual or organization representing nurses to nominate an eligible nurse for appointment to the Board. The bill would clarify that an advanced practice registered nurse or a physician's assistant, in addition to a physician or dentist, may delegate orders to a registered nurse or licensed practical nurse.
- Ms. Benson reported that she contacted the Alabama State Nurses Association (ASNA) and John Zeigler, Executive Director, sent a statement. Ms. Benson provided copies of ASNA's statement and the proposed bill for the Board's information and review.
- Ms. Benson reported that NPAA told her in December that they would not submit a bill if the Board created an Advisory Council that was willing to work with them.
- Dr. Baker reported that NPAA says they are willing to talk with the Board and try to work with the Board. NPAA, as a group, does not feel like ASNA represents them.
- Ms. Benson reported that there were six members from NPAA at the Advanced Practice Advisory Council meeting on March 6. Ms. Benson has an appointment with Susan Alexander, President NPAA on March 23.
- The Board discussed the current nominating process and if there were other options rather than political appointments.
- Ms. Benson reported the she has been in contact with Larry Dixon, Executive Director, Board of Medical Examiners, and he would support the Board having access to the prescription drug monitoring database.
- Ms. Price reported that Ms. Benson has represented the Board very well and can work with any and all constituents.
- Ms. Price thanked Dr. Parker for her leadership and hard work behind the scenes over the last two months.

XVII. BOARD MEETING DEBRIEFING

- Ms. Carpenter reported that it seems to her that some of the nursing organizations have personal agendas. The Board needs to remember that they are here to protect the public not for personal agendas.
- Ms. Benson reported that some nursing organizations are not clear on the new direction.

- Dr. Parker reported that the Board needs to collaborate and build relationships with other nursing organizations.
- Ms. Bailey reported that she is happy with the new direction and Ms. Benson is doing a good job.

XVIII. ADJOURNMENT

The meeting adjourned at 9:52 a.m. on March 13, 2015.

Francine Parker, President

Gladys Hill, Secretary

Submitted by: _____
Recorder: Leslie Vinson
03/12-13/2015