

TENNESSEE BOARD OF NURSING

AUGUST 24-25, 2011

MINUTES

1. Call to Order 8:30 A.M. by Dr. Stegbauer

2. Roll Call and Declaration of a Quorum

Present: Donald Bell, APN; Terri Bowman, LPN; Barbara Brennan, RN; Marilyn Dubree, RN; Deborah Holliday, LPN; Arthur Thompson, LPN; Cheryl Stegbauer, RN; Carol Thompson, APN.

Absent: Kathleen Harkey, Public Member; Marian Stewart, RN; Betty Thompson, RN.

A quorum was present.

3. Welcome and Introduction of Guests: Dr. Stegbauer welcomed students from Cumberland University, Belmont University and a guest from the Tennessee Nurses Association.

4. Introduction of Staff: Ms. Lund, Executive Director and Mr. Bozarth, Deputy General Counsel for the Board of Nursing introduced staff members present.

5. Approval of Minutes: Barbara Brennan made a motion to accept the minutes of:

- June 9, 2010
- November 15, 2010 (correction only)
- February 1-2, 2011 with a correction
- March 22, 2011
- April 6, 2011
- May 2, 2011
- May 5, 2011 with amendments
- June 14-15, 2011.

Donald Bell seconded the motion. Motion carried by roll call vote:

Donald Bell- yes, Terri Bowman- yes, Barbara Brennan- yes, Marilyn Dubree- yes, Deborah Holliday- yes, Arthur Thompson- yes, Cheryl Stegbauer- yes, Arthur Thompson- yes, Carol Thompson- yes. Motion carried.

6. Reports

Investigations Report: Denise Moran, Director, presented a report to the board. Complaints thus far for 2011: APN 61; RN 194; LPN 113. Total complaints for all nurses are less than 1% of the whole population. The Board requested additional data on the next Investigations report: average time cases are open, time of the oldest case and factors that delay cases. Ms. Moran agreed to provide these data.

Executive Director's Report: Ms. Lund presented the Executive Director's report. Currently, there are vacant positions on board staff: Medication Aide Certified Director, Board Administrator and ASA 3 who is responsible for Application Review Committee support and a licensure tech. Ms. Lund reported the Health Related Boards staff members were assisting the Board of Nursing with various important tasks. The Board requested additional data on the next Executive Director report: trends related to changes in total nursing population related to numbers of licensees disciplined. Ms. Lund will include these data on the next Executive Director report.

Office of General Counsel Report: There are 186 open complaints on 151 health care providers at this time. Changes made by Shiva Bozarth: keep cases with one attorney until resolved; focus on expeditious management of cases; set goal to resolve cases within 180 days; some staffing changes. Brennan requested that the board have a report of open cases, length of time open and reasons for delay in the interest of public protection. Bozarth agreed to report these data. Stegbauer stated that quarterly meetings are better in terms of having better oversight of board work.

Medication Aide Certified (MAC) Report: Ms. Lund reported that the MAC program director position is vacant. Board staff have prepared applications, contracted for testing and entered this new provider category into RBS. Mr. Bozarth reported that the comments on the rules had been received from the office of the attorney general after review for statutory sufficiency. There will be a full report to the board in October.

TnPAP Report: Mike Harkreader, Executive Director presented a report. There are 423 nurses monitored at this time.

7. Report from Joint Pain Management Committee- Dr. Thompson- An advisory group was formed that consists of representatives from medicine, osteopathy, physician assistants and nursing. Dr. Carol Thompson chairs the group. The committee worked on rules to implement Public Chapter 340. Emergency Rules, effective for 180 days, have been sent to the Attorney General.

Dr. Thompson reported good discussion. There will be an opportunity for the public to express concerns. A rule-making hearing will be held October 26, 2011. Shiva Bozarth explained that the Commissioner of Health will promulgate the rules which will regulate the clinics. The providers will continue to be regulated by their respective board. Clinics will be disciplined by the commissioner's office and providers' practice will be disciplined by the appropriate board.

8. Report of Joint Committee on Hormone Replacement Therapy- Ms. Lund reported that House Joint Resolution 104 authorizes a representative from nursing to collaborate on a task force. This task force will make recommendation to the legislature. Dr.

Stegbauer volunteered to participate. C. Thompson made a motion to send Dr. Stegbauer to the committee. The motion was seconded by Dubree. Motion carried.

9. Request for Advisory Ruling and Practice Committee Recommendations:

The Board considered a request for private advisory ruling from Deborah Schultz, RN. Ms. Schultz asked the Board if she would be abandoning a patient after more than 24 hours when her supervisors did not provide a staff member to relieve her. Following discussion, Carol Thompson made a motion to advise the nurse that it was not abandonment to leave a facility when she has given reasonable notice to her supervisor that she could no longer safely continue patient care at the end of her shift. As per Board policy on abandonment, “maintaining appropriate licensed staff is the responsibility of the facility.” Dubree seconded the motion. Motion carried. Board attorney, Shiva Bozarth will write the response to Ms. Schultz.

10. Open Forum

There were no requests for discussion.

11. Recess for Lunch 12:00 P.M.-1:00 P.M.

The meeting was called to order at 1:00 P.M.

Roll Call and Declaration of a Quorum

Present: Donald Bell, Terri Bowman, Barbara Brennan, Marilyn Dubree, Deborah Holliday, Cheryl Stegbauer, Carol Thompson.

Absent: Kathleen Harkey, Marian Stewart, Arthur Thompson, Betty Thompson

A quorum was present.

A. Thompson joined the board at 1:50

12. Application Review Recommendations

APPLICANT

RECOMMENDATION

Applications for Licensure by Examination

Mariquette L. Lee
Lyles, TN 37098
Tennessee Technology Center Nashville

Deny due to the fact that she is guilty of a crime, a violation of T.C.A. § 63-7-115 (B) and remains on probation. It is the policy of the Tennessee Board of Nursing not to license individuals on criminal probation.

Applications for Reinstatement

Lori A. Fagan, LPN #60106

Ms. Fagan was present. Following

Erwin, TN 37650

discussion , Brennan made a motion, seconded by Bell, to deny reinstatement of LPN 60106 due to violation of a board order, a violation of T.C.A. §63-7-115 (a) (1) (G). Ms. Fagan may re-enroll in TnPAP and reapply for reinstatement after one year. Motion carried.

Glenda J. McKenzie, LPN #53296
(Revoked 2/18/09)
Nashville, TN 37217

Ms. McKenzie was present. Following discussion, Dubree made a motion to deny reinstatement of LPN 53276 based on lack of documentation of two years of sobriety and failure to follow recommendations of TnPAP in March 2008 and in July 2011. Ms. McKenzie may re-enroll in TnPAP. Bowman seconded the motion. Motion carried.

Janeen Rae Swick, RN #124604 (Expired 3/31/09)
Antioch, TN 37013

Holliday made a motion, which was seconded, to accept the recommendation of denial for reinstatement of Ms. Swick RN license 124604 based on violation of a Board order which is a violation of §63-7-115 (a)(1)(f) and 1000-1-.13(1), unprofessional conduct and §63-7-115(a)(1)(g), violation of a board order. Motion carried.

Michael J. York, RN #142068
Revoked 6/10/08
Martin, TN 38237

Bell made a motion to accept the recommendation of denial of Mr. York's RN license 142068 based on the fact that he is non compliant with a board order, a violation of T.C.A. §63-7-115 (G).

13. High School Equivalency Policy.

T.C.A. §63-7-104(2) requires high school graduation or its equivalent as a qualification for licensure. The Board reviewed an interpretive guideline policy that would consider a college degree as equivalent for RN applicants. C. Thompson made a motion to accept the policy. Bell seconded the motion. During discussion, the policy was amended to require primary source verification of the college degree. The motion carried as amended.

14. Legislative Report

The Board reviewed for information the legislative summary which has been posted on the Board of Nursing Web site.

15. Board Committee Structure and Meeting Schedule for 2012

Brennan made a motion to accept the structure and meeting schedule as presented. Holliday seconded the motion. Motion carried. The Board agreed to meet quarterly going forward. Dates of Board meetings in 2012: February 15, 16; May 15, 16; August 22, 23; November 29, 30.

16. Travel Approval

Ms. Lund requested approval for a board member and staff attendance at the NCSBN World Café Education Conference on December 8, 9, 2011 in Chicago. A motion was made and seconded to approve Dr. Stegbauer, Elizabeth Lund and Martha Barr to attend. Motion carried.

Consent and Agreed Orders

The Board read, discussed and considered the following orders for approval.

Shannon Arrick (a.k.a. Shannon Hickerson) RN 103436 Bowman made a motion to accept the agreed order of **suspension/probation**. C. Thompson seconded the motion. Motion carried

Patrisha A. Christopher, RN 91054 C. Thompson made a motion to accept the consent order of **suspension/probation** which was seconded by Bell. Motion carried.

Bryson Gibbs, RN 70816 C. Thompson made a motion to accept the agreed order of **suspension/probation**. Bell seconded the motion. Motion carried.

Terry D. Wicks, RN 81053 C. Thompson made a motion, seconded by Bell to approve the consent order of **suspension**. Motion carried.

Randy A. Earls, RN 143897, APN 11065 Bell made a motion to accept the agreed order of **probation**. Motion seconded by C. Thompson. Motion carried.

Kimberly J. Jesse, RN 100249 C. Thompson made a motion to approve the **probation** agreement. Bowman seconded the motion. Motion carried.

Karen L. Kilgore, RN 159836	C. Thompson made a motion to accept the agreed order of suspension . Motion seconded by Holiday. Motion carried.
Lisa G. Washington, RN 73792	C. Thompson made a motion to accept the consent order of probation . Motion seconded by Bell. Motion carried.
Stephanie C. Anderson, LPN 70450	Dubree recused herself from this case. Brennan made a motion to accept the agreed order of probation . Motion seconded by Holliday. Motion carried.
Jonithan D. Chapman, RN 167865	Bowman made a motion to approve the consent order of suspension/probation . Motion seconded by C. Thompson. Motion carried.
Terria G. Cochran, RN 81036	Bowman made a motion to approve the agreed order of voluntary surrender of the license. Motion seconded by A.Thompson. Motion carried.
Candace L. Johnson, RN 147067	C. Thompson and Stegbauer recused themselves from this case. Dubree made a motion to approve the consent order of probation . Motion seconded by Bell. Motion carried.
Rose Mary Lamb, RN 124553	Bell made a motion to accept the consent order of suspension/probation . Motion seconded by Bowman. Motion carried.
Winfield Allison RN 91033	Bell made a motion <u>not</u> to approve the consent order. Motion seconded by Brennan. Motion carried.
Lisa A. Birdwell-Hartman, RN 79264	Brennan made a motion <u>not</u> to approve the consent order. Motion seconded by C. Thompson. Motion carried.
Courtney T. Gardner, LPN 69237	Dubree made a motion to <u>deny</u> the consent order and return to the board as a contested case hearing. Motion seconded by Holliday. Motion carried.
Laurena K. Glass, RN 59767, APN 15736	C. Thompson made a motion to approve the consent order of nine civil penalties of \$500.00 each for a total of \$4,500. Brennan

seconded the motion. Motion carried.

Sarah E. Green, LPN 71929

Dubree made a motion to accept the consent order of **TnPAP monitoring**. Motion seconded by Bowman. Motion carried.

Discussion Re: Discipline and Monitoring

Shiva Bozarth suggested that the board consider separating discipline from monitoring in board orders. Following discussion, the board expressed its decision to place this topic on the agenda of the next board meeting.

Recess 4:55 P.M.

August 25, 2011

17. Call to Order 8:30 A.M. by Dr. Stegbauer

Roll Call and Declaration of a Quorum

Present: Donald Bell, Terri Bowman, Barbara Brennan, Marilyn Dubree, Deborah Holliday, Arthur Thompson, Cheryl Stegbauer, Arthur Thompson, Carol Thompson.

Absent: Barbara Brennan, Kathleen Harkey, Marian Stewart, Betty Thompson

A quorum was present.

Contested Case Hearing

Judge Stovall Presiding

Judge Stovall instructed the board.

Charles T. Brashier, RN 116444, APN 7651

Stegbauer recused herself from the hearing. Mr. Brashier was present and represented by his attorney. Brian Sims was the attorney for the State. Mr. Simms passed out the notice of charges. Mr. Brashier is charged with violation of T.C.A. §63-7-115(a)(1)(G). Following review of evidence and testimony by witnesses, Bell made a motion to find allegations 1-7 and 9-17 to be true. Holiday seconded the motion. Motion carried. Bell made a motion, seconded by Holiday to find the respondent in violation of T.C.A. §63-7-115(a)(1)(G). Motion carried. Bell made a motion to **revoke** the respondent's RN license 116444 and APN license 7651, assess the respondent one Type A Civil Penalty in the amount of \$1,000 and costs not to exceed \$3,000. Holiday seconded the motion. Motion carried. C. Thompson made the policy statement.

Consent Order

11:10 A.M.

Theresa De Busk RN 51841

Ms. De Busk was present with her attorney Mr. Scanlon. C. Thompson made a motion to accept the order of **nine Type B Civil Penalties** in the amount of \$500 each for a total of \$4,500. Bell seconded the motion. Motion carried.

Re: **Application** of respondent to be granted an APN certificate. Mr. Scanlon argued in support of APN certification. The board interviewed the applicant and a witness who supported certification. Marilyn Dubree made a motion to grant the APN certificate. Bell seconded the motion. Motion carried.

12:00 P.M.-1:00 P.M. Recess for Lunch

Roll Call and Declaration of a Quorum

Donald Bell, Terri Bowman, Barbara Brennan, Marilyn Dubree, Deborah Holliday, Arthur Thompson, Cheryl Stegbauer, Carol Thompson.

Absent: Barbara Brennan, Kathleen Harkey, Marian Stewart, Arthur Thompson, Betty Thompson

A quorum was present.

Consent and Agreed Orders

The Board read, discussed and considered the following orders for approval.

Tracy Grinnell, LPN 48986	C. Thompson made a motion to <u>reject</u> the consent order. Bowman seconded the motion. Motion carried.
Tammy K. Hardin LPN 54317	Holliday made a motion to <u>deny</u> approval of the consent order. Motion seconded by Bell. Motion carried.
Jonathan P. Hudgins, LPN 68618	Dubree made a motion to approve the consent order of probation . Motion seconded by Bell. Motion carried.
Vivian Y. Johnson, RN 43750	Bell made a motion, seconded by Dubree to accept the order to retire the respondent's license. Motion carried.

Laura Brackett McMurray, RN 137362	Bowman made a motion <u>not</u> to approve the consent order. Motion seconded by Dubree. Motion carried.
Derek K. Scott, RN 156082	Mr. Scott was present with his attorney to respond to questions regarding a consent order of probation. After Mr. Scott's testimony, a motion was made and seconded to approve the order of probation . Motion carried.
Melanie B. Simmons, RN 171344	C. Thompson recused herself from this case. Bell made a motion to approve the consent order of probation . Motion seconded by A. Thompson. Motion carried.
Bobbie D. Smith, RN 104211	C. Thompson made a motion to accept the consent order of suspension/probation . Motion seconded by Holliday. Motion carried.
LeAllyn F. Steele, RN 139895	Bell made a motion to approve the consent order of probation . Motion seconded by Holliday. Motion carried.
Sandra K. Stone, RN 72910 (suspended)	Holliday made a motion to accept the agreed order of continued suspension/probation . Motion seconded by Dubree. Motion carried.
Karen Z. Torres, RN 159957	A. Thompson made a motion to <u>deny</u> approval of the consent order. Motion seconded by Holliday. Motion carried.
Sheri L. Wilson, RN 61288	Bowman made a motion to approve the consent order of revocation . A. Thompson seconded the motion. Motion carried.

18. Other Business

The Board considered the issue of social media. There was discussion on options to regulate such as rules or policy and discussion on how to deal with violations of confidentiality that occur in text messages and social networking sites.

19. Next Meeting

A full BON meeting will be held October 5 and 6, 2011 in the Iris and Poplar rooms. Business will be conducted on Oct. 5 and panels on Oct. 6.

20. Adjourn

The meeting adjourned at 2:15 P.M.