

TENNESSEE BOARD OF NURSING
227 French Landing, Iris and Popular Rooms
Heritage Place, Metro Center
Nashville, TN 37243
February 18, 2009

MINUTES (AMENDED)

Call to Order	Cheryl Stegbauer, Chairperson called the meeting to order at 8:30 a.m.
Roll Call/Declaration of a quorum	The Chairperson declared a quorum was present.
Members Present	Cheryl Stegbauer, A.P.N., Chairperson Donna Roddy, R.N., Vice-Chairperson Terri Bowman, L.P.N. Barbara Brennan, R.N. Marilyn Dubree, R.N. Debbie Holliday, L.P.N. Judy Messick, L.P.N. Marian Stewart, R.N. Betty Thompson, R.N. Carol Thompson, A.P.N.
Members Absent	Kathleen Harkey, Consumer Member
Staff Present	Elizabeth Lund, Executive Director Elizabeth Miller, Director of Health Related Boards Alison Cleaves, Deputy General Counsel Martha Barr, Nursing Consultant Donna Fairchild, Nursing Consultant Joan Harper, Administrative Director Sheila Bush, Administrative Manager Ernie Sykes, Assistant General Counsel
Introduction of Staff	Elizabeth Lund introduced the staff.
Guest in the Audience	Stegbauer welcomed and recognized the guest in the audience.
Conflict of Interest Statement	Cleaves reviewed the Conflict of Interest Statement and the Confidentiality Policy.

Approval of Minutes

Roddy made the motion to approve the minutes as presented. Brennan seconded the motion. The motion carried.

Consent Agenda

Brennan made the motion to approve the consent agenda as presented. C. Thompson seconded the motion. The motion carried.

Tennessee Professional Assistance Program

Mike Harkreader, Executive Director, presented a written and oral report. Mr. Harkreader informed the Board that Tennessee Professional Assistance Program (TNPAP) is currently monitoring 373 nurses.

Tennessee Center for Nursing

Ann Duncan, Executive Director, presented a written and oral report. Ms. Duncan stated that TCN is currently working on ways to reduce cost concerning the renewal of the contract that the Tennessee Center for Nursing (TCN) has with the Board.

Committee Meetings

The Finance and Practice Committee met from 9:10 a.m. until 10:00 a.m. The Finance Committee discussed the RFI process in progress for a professional assistance contract. The TNPAP contract expires June 30, 2009. The Board heard a request for a contract amendment to the five year contract with TCN. There was discussion and concern expressed about the ability of the BON to financially support the contract. The Finance Committee requested both TNPAP and TCN document how the deliverables in their respective contracts align with the Board's core mission to protect the public. After hearing the Finance Committee's recommendation, the Board acted to accept the recommendation and defer contract decisions until the March 25-26, 2009 meeting.

The Finance Committee presented to the Board of Nursing information that the budget has rapidly decreased and the Committee is requesting additional information concerning the following:

- Revenue breakdown (ex. licensure fees)
- Benchmarking (licensees/staff from NCSBN if available)
- Work represented by current contracts (alignment with BON purpose)
- Average cost to licensees for TNPAP services
- Retention and/or return to work rate from TNPAP services
- Reductions already achieved by Board staff (ex. travel, supplies,)

- Average fees that nurses in the other states pay for renewal fees
- Sunset Review History, what happens when a board has a deficit?
- Summary of planned costs savings by eliminating *Nursing Perspectives*

The Practice Committee met to discuss the request for an Advisory Opinion from Michael Chapman, R.N.

Mr. Chapman's question pertained to "Working shifts longer than 12 hours". The Board's decision was to refer Mr. Chapman to the following rules: The Board is responsible to protect the health and safety of the citizens of Tennessee through regulation of its licensees. The Tennessee Board of Nursing Rules and Regulations 1000-1-.04(3) (a) hold the nurse responsible for all personal acts of negligence under the law:

(3) Responsibility

(a) Responsibility. Each individual is responsible for personal acts of negligence under the law. Registered nurses are liable if they perform delegated functions they are not prepared to handle by education and experience and for which supervision is not provided. In any patient care situation, the registered nurse should perform only those acts for which each has been prepared and has demonstrated ability to perform, bearing in mind the individual's personal responsibility under the law.

Individual nurses are responsible and accountable for their actions if they perform duties that they cannot perform competently for any reason, for example, fatigue. The Board has not jurisdiction over employment issues which should be resolved between the employer and the employee. Brennan made the motion to accept the ruling. B. Thompson seconded the motion. The motion carried.

This advisory private letter ruling applies only to you as the person making the inquiry, and it has no binding precedential value beyond that. T.C.A. 63-7-207 (15) makes the point clear: "Such private ruling shall only affect the licensee making such inquiry, and shall have no precedential value for any other inquiry or future contested case to come before the Board."

The Practice Committee also discussed revising the Position Statement Booklet. Fairchild explain that the only change in the booklet pertained to the Board's policy on "abandonment". The change consisted of adding wording for "accepting on call responsibilities and not responding". After discussion, Dubree made the motion to accept the previous language in the position booklet with no changes. B. Thompson seconded the motion. The motion carried.

The Education Committee did not meet, however, Roddy informed the Board that they have education rules that have not been approved and would like to know where the rules are in the process. Cleaves informed the Board that the rules are in the State Attorney

General's Office for review and that she will contact that office for information concerning the rules.

General Discussion

Fairchild presented the edits to the Position Statement Booklet and the revision to the abandonment policy relating to "on call." After discussion Dubree moved and seconded by C. Thompson to accept the edited booklet and maintain the abandonment policy without change. The motion carried.

Lund informed the Board that Cogent has notified Health Related Boards that several applicants, who had their fingerprints scanned at one of their locations, had unreadable prints and Cogent did a name search without informing Health Related Board. The Board of Nursing had 101 nurses that have been approved and issued licenses based on the name search only that Cogent submitted. Lund asked the Board for direction in how to handle this matter. After discussion, Roddy made the motion not to have the nurses submit to another criminal background check. Stewart seconded the motion. The motion carried.

Ernie Sykes, Attorney for the Board of Respiratory Care and the Office of General Counsel, came before the Board to request a representative from the Board to serve on a task force that the Board of Respiratory Care Board selected to speak on the issues of Ventilator Care. The task force will deal with issues concerning the managing, maintaining and monitoring the ventilator. C. Thompson volunteered to participate on the task force. Roddy seconded the motion. The motion carried.

The Board deferred discussion and vote on endorsing NCSBN model nurse practice act/rules and regulations that accompany the APRN Consensus Paper until the next business meeting of the Board. However, C. Thompson moved and seconded by Roddy to move forward with endorsing the NCSBN Consensus Paper on advanced practice registered nursing and continue reviewing the model law/rule. The motion carried.

The Board decided to change the date of the next business meeting from October 1, 2008 to September 25, 2008 in the Iris Room.

Amended Order

Ernie Sykes, Attorney, represented the Board of Nursing at the December 3 & 4, 2008 meeting concerning the case of Baysa Goldstein, RN 112829. Ms. Goldstein's license was suspended until she came before the Board to show proof of documented sobriety and that she has signed a contract with TNPAP. Ms. Goldstein appeared with her attorney at the December 3 & 4, 2009 and presented documentation that was required. After discussion, C. Thompson voted to accept the documentation presented showing that

Ms. Goldstein has documented sobriety and has signed a contract with TNPAP for five (5) years. Roddy seconded the motion. The motion carried.

Discussion/Recommendation of Joint Committee

Dr. Stegbauer led discussion about endorsing three possible pieces of legislation and/or rule changes supported by the Joint Committee. The first was legislation would permit nurse practitioners to issue handicap placards, the second would permit them to sign death certificates and the third speaks physical exams for peace officers. A motion was made, seconded and passed unanimously.

Legislation

Bill # and Sponsor	Description	Board of Nursing Position
Senate Bill 9-Black	Creating a new profession within the Board of Nursing-Certified Medication Technician	Opposed
Senate Bill 108-Black	Mandating one of the APN's appointees to be a CRNA	Opposed

Nursing School Programs Hearing

Nashville State Technical Community College	AD	Speaking to the program, Dr. Paula Short, Vice Chancellor of Academic Affairs for the Tennessee Board of Regents, Dr. Francisca Farrar, Consultant, Debra Simpkins Bauer, Vice President of Finance and Van Allen, President. Documentation presented requesting an approval of the
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letter of intent to develop and establish an AD nursing program. After discussion, C. Thompson made the motion to grant approval for a letter of intent to develop and establish an AD nursing program at Nashville State Technical Community College. Steward seconded the motion. The motion carried. B. Thompson recused.

Pellissippi State Technical Community College AD

Speaking to the program, Dr. Paula Short, Vice Chancellor of Academic Affairs for the Tennessee Board of Regents, Ms. Susan Sanders, Consultant and Dr. Anthony Wise, Vice President. Documentation presented requesting an approval of letter of the intent to develop and establish an AD nursing program. After discussion, Dubree made a motion to grant approval for a letter of intent to develop and establish an AD nursing program at Pellissippi State Technical Community College. Roddy seconded the motion. The motion carried. C. Thompson voted no and Stegbauer recused.

Lincoln Memorial University AD

Dr. Mary Anne Modrcin, Dean and Ms. Tammy Dean, Chair, presented documentation requesting lifting the conditional approval and granting full approval. After discussion, Roddy made the motion to lift conditional approval and grant full approval for the AD nursing program at Lincoln Memorial University. Holliday seconded the motion. The motion carried.

King College MSN

Dr. Carol Robinson, Dean presented documentation requesting lifting conditional approval for the MSN program. After discussion, C. Thompson made a motion to lift conditional approval and to grant full approval of the MSN program. Roddy

seconded the motion. The motion carried.

Austin Peay State University

BSN

Dr. Francisca Farrar, Director presented documentation concerning the progress report of the BSN program. Austin Peay State University had an NCLEX-RN, pass rate of less than 85% for two consecutive years. After discussion, Roddy made the motion to place Austin Peay State University BSN program on conditional approval. B. Thompson seconded the motion. The motion carried.

Tennessee Technology Center at Memphis

PN

Theresa Isom, Director, presented documentation concerning the progress report of the PN program. Tennessee Technology Center at Memphis had an NCLEX-PN, pass rate of less than 85% for two consecutive years. After discussion, B. Thompson made a motion to place Tennessee Technical at Memphis on conditional approval. Roddy seconded the motion. The motion carried.

Bethel College

BSN

Mary Bess Griffith, Director, presented a progress report to the Board for the BSN program. Bethel College remains on conditional approval.

Consent Orders

C. Thompson made the motion to accept the Consent Orders as presented. Messick seconded the motion. The motion carried.

Cindy Jo Adcock
Julie Carol Blanchard

LPN 61225
RN 13782

Revoked.
Suspended until TNPAP evaluation. Once the TNPAP contract has been signed, Ms. Blanchard license will be placed on probation to run concurrent with the TNPAP contract but for no

		less than three (3) years. Assessed costs.
Jimmy L. Clifton	RN 49471	License and multistate privilege revoked.
Shellie R. Doss	LPN 66475	License and multistate privilege revoked.
Jennifer A. Duncan	LPN 66218	License and multistate privilege revoked.
Rita Ervin	RN 160235	License and multistate privilege placed on probation for no less than three (3) years with a TNPAP contract.
Misty D. Evans	RN 153157	Revoked. Bowman was recused.
Gina R. Higgs	LPN 36134	License and multistate privilege revoked.
Sonia M. Hicks	LPN 63708	Revoked.
Hope E. Hood	LPN 27465	Revoked.
LesLeigh Holmes	RN 158724	License and multistate privilege revoked.
James E. Laws	RN 132293	License and multistate privilege revoked.
Misty D. Manning	LPN 71474	License and multistate privilege revoked.
Glenda McKenzie	LPN 53296	License and multistate privilege revoked.
Ronda G. Nations	LPN 35637	License and multistate privilege revoked.
Alecia D. Norman	LPN 70035	License and multistate privilege revoked.
Karen P. Scarbrough	RN 64169	Suspended until TNPAP evaluation. Once a TNPAP contract has been signed, Ms. Scarbrough's license will be placed on probation to run concurrent with the TNPAP contract but for no less than three (3) years.
Barbara J. Bolen	RN 95384	Ms. Bolen voluntarily surrendered her RN license and multistate privilege.
Jill Jolene Colon	RN 157041	Suspended until TNPAP evaluation. Once a TNPAP contract has been signed, Ms. Colon's license will be placed on probation to run concurrent with the TNPAP contract but for no less than three (3) years.
Dana Carol Dyke	RN 111299	License and multistate privilege revoked.
Glenda S. Glenn	RN 67133	Suspended until TNPAP evaluation.

		Once a TNPAP contract has been signed, Ms. Glenn's license will be placed on probation to run concurrent with the TNPAP contract but for no less than three (3) years. If a TNPAP contract is not need, Ms. Glenn's license will be placed on probation for one (1) year.
Tony J. Overstreet	RN 141880	Suspended until TNPAP evaluation. Once a TNPAP contract has been signed, Mr. Overstreet license will be placed on probation to run concurrent with the TNPAP contract but for no less than three (3) years.
Kathy J. Rankin	LPN 62792	License and multistate privilege revoked.
Virginia L. Shadrick	RN 62768	Ms. Shadrick voluntarily surrendered her RN license and her multistate privilege.
Victoria L. Cole	LPN 60906	License and multistate privilege placed on probation to run concurrent with the TNPAP contract for no less than one (1) year.
Nancy Lowery	RN 43857	License and multistate privilege revoked.
Karen Lynn Sartain	RN 127942	License and multistate privilege placed on probation to run concurrent with TNPAP contract.
Phyllis D. Dunlap	LPN 43439	Revoked. Assessed \$1,000.00 civil penalty and case costs.
Beatrice Carin Galloway	LPN 56340	Revoked. Assessed \$6,000.00 and case costs.
Wanda H. Jones	RN 28984	Revoked and assessed costs.
Sonia McCarter	RN 82638	License and multistate privilege revoked.
Leigh Oakley	RN 131097	Suspended until a contract has been signed with TNPAP. Once the contract has been signed, Ms. Oakley's license will be placed on probation to run concurrent with the TNPAP contract. Ms. Oakley's multistate privilege has been revoked.
Mary Beth Eby	RN 68248	Suspended until a contract has been signed with TNPAP. Once the contract has been signed, Ms. Eby's license will

Stephanie Wortham	LPN 44874	<p>be placed on probation to run concurrent with the TNPAP contract. Ms. Eby's multistate privilege has been revoked.</p> <p>Suspended until a contract with TNPAP has been signed. Once a contract with TNPAP has been signed, Ms. Wortham's license will be placed on probation to run concurrent with the TNPAP contract.</p>
Tracy McBrearty	LPN 42220	<p>C. Thompson made the motion to deny the Consent Order as presented. Messick seconded the motion. The motion carried.</p>

Letter of Reprimand

C. Thompson made the motion to accept the Letter of Reprimand as presented. Messick seconded the motion. The motion carried.

Turkessa V. Watkins	LPN 62750	<p>Ms. Watkins was found guilty of unprofessional conduct.</p>
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The meeting adjourned at 4:15 p.m.

These minutes were ratified by the Board of Nursing at the June 4, 2009, meeting.