

TENNESSEE BOARD OF NURSING  
227 French Landing, Iris and Poplar Rooms  
Heritage Place, Metro Center  
Nashville, TN 37243  
March 25 and 26, 2009

MINUTES

Call to Order	Donna Roddy, Vice-Chairperson called the meeting to order at 8:30 a.m.
Roll Call/Declaration of a quorum	The Vice-Chairperson declared a quorum was present.
Members Present	Donna Roddy, R.N., Vice-Chairperson Terri Bowman, L.P.N. Barbara Brennan, R.N. Marilyn Dubree, R.N. Debbie Holliday, L.P.N. Marian Stewart, R.N. Betty Thompson, R.N. Kathleen Harkey, Consumer Member
Members Absent	Cheryl Stegbauer, A.P.N. Judy Messick, L.P.N. Carol Thompson, A.P.N.
Staff Present	Elizabeth Lund, Executive Director Elizabeth Miller, Director of Health Related Boards Martha Barr, Associate Exec. Director Donna Fairchild, Nurse Consultant Alison Cleaves, Deputy General Counsel Joan Harper, Administrative Director Sheila Bush, Administrative Manager Jean Stone, ASA III Christopher Larkin, Assistant General Counsel Diona Layden, Assistant General Counsel Ernie Sykes, Assistant General Counsel Lexi Whittemore, Assistant General Counsel
Introduction of Staff	Elizabeth Lund introduced the staff.

Guest in the Audience	Roddy recognized and welcomed Four Rivers Practical Program and Appalachian Regional Practical Program.
Conflict of Interest Statement	Cleaves reviewed the Conflict of Interest Statement and the Confidentiality Policy.
Approval of Minutes	Dubree made the motion to accept the minutes as presented. Bowman seconded the motion. The motion carried.
Legislation	Lund, Dubree and Harkey left the Board meeting at 10:30 a.m. to appear before the Senate Operations Committee meeting and returned at 12:00 p.m.
Discussion/Recommendation Finance Committee	The Finance Committee recommended to the full board a \$25 increase in both RN and LPN renewal fees, a five-year contract, renewable each year with TnPAP at the requested amount (\$581,489 per year) and amend the current contract with TCN for one-year (\$382,917). Additionally, the Finance Committee conceptualizes an ongoing review/revision of the tasks (scope of services) outlined in the TCN contract in consultation with legal counsel relative to the appropriate interface between the BON and the TCN Board. {in view of TCN's non profit status--i.e. appropriate boundaries, need for understanding by both boards of the proper relationship, consistent goals} Further, the Committee will monitor the contracts of both TnPAP and TCN to ensure that both adopt efficiencies and best practices. TCN was advised to look externally at other models for self sufficiency. The recommendation passed unanimously.

**Panel 1**

**Roddy, Bowman, Stewart and Dubree**

Teresa Mayhew	RN 80572	Ms. Mayhew was present but not represented by legal counsel. Mr. Christopher Larkin, Attorney, represented the State. Ms. Ann Johnson presided as
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Administrative Law Judge. Mr. Larkin passed out the Notice of Charges. Ms. Mayhew is being charged with violating T.C.A. 63-7-115 (a) (1) (C), (D), (F) and (G) and Board rule 1000-1-.13(1)(b), (d), (e), (f), (g), (r), (s) and (w). After discussion, Dubree made a motion to find Ms. Mayhew guilty of the charges as amended. Stewart seconded the motion. The motion carried. Dubree made the motion to revoke Ms. Mayhew's license, assess three (3) type A civil penalties in the amount of \$1,000.00 each for a total of \$3,000.00 and assessed case costs. Stewart seconded the motion. The motion carried.

William E. Sanders

LPN 39515

Mr. Sanders was not presented nor represented by legal counsel. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson presided as Administrative Law Judge. Ms. Whittemore asked for a motion to proceed in default. After discussion, Stewart made the motion to proceed in default. Dubree seconded the motion. The motion carried. Mr. Sanders is being charged with violating T.C.A. 63-7-115(a) (1) (C) and (F). After discussion, Stewart made a motion to find Mr. Sanders guilty of the charges as amended. Dubree seconded the motion. The motion carried. Stewart made the motion to revoke Mr. Sanders' license, assess one (1) type A civil penalty in the amount of \$1,000.00 and case costs. Dubree seconded the motion. The motion carried.

Dana C. Wallis

LPN 43790

Ms. Wallis was present but not represented by legal counsel. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson was the Administrative Law Judge. Ms. Whittemore passed out the Notice of Charges. Ms. Wallis is being charged with violating T.C.A. 63-7-115 (a) (1) (C), (F) and (G) and Board rule 1000-1-.13 (1) (j). After discussion, Stewart made

a motion to find Ms. Wallis guilty of the charges as amended. Dubree seconded the motion. The motion carried. Stewart made the motion to revoke Ms. Wallis' license, assess one (1) type A civil penalty in the amount of \$500.00 and case costs. Dubree seconded the motion. The motion carried.

**Panel 2**  
**Brennan, Harkey, Holliday and B. Thompson**

Kimberly Carter Nichols	LPN 60321	Ms. Nichols was not present nor represented by legal counsel. Mr. Ernie Sykes, Attorney, represented the State. Mrs. Joyce Grimes Safely presided as Administrative Law Judge. Mr. Sykes asked for a motion to proceed in default. After discussion, Holliday made the motion to proceed in default. Harkey seconded the motion. The motion carried. Mr. Sykes passed out the Notice of Charges. Ms. Nichols is being charged with violating T.C.A. 63-7-115(a) (1) (C), (D) and (F) and Board rule 1000-2-.13(1) (a), (b), (c), (d), (g), (t) and (v). After discussion, Holliday made the motion to find Ms. Nichols guilty of the charges as amended. B. Thompson seconded the motion. The motion carried. Holliday made the motion to revoke Ms. Nichols' license, assess eighteen (18) type A civil penalties in the amount of \$500.00 each for a total of \$9,000.00 and assess case costs. B. Thompson seconded the motion. The motion carried.
Amanda L. Raulston	RN 95747	Ms. Raulston was present and represented by Laurie Doty, Attorney. Ms. Diona Layden, Attorney, represented the State. Mrs. Joyce Grimes Safley presided as Administrative Law Judge. Ms. Layden passed out the Notice of Charges. Ms.

Raulston is charged with violating T.C.A. 63-7-115 (a) (1) (F) and (G) and Board rule 1000-1-.13(1) (b), (d) and (e). After discussion, Holliday made the motion to find Ms. Raulston guilty of the charges as amended. B.Thompson seconded the motion. The motion carried. Holliday made the motion to revoke Ms. Raulston's license, assessed five (5) type A civil penalties in the amount of \$1,000.00 each for a total of \$5,000.00 and assess case costs. B. Thompson seconded the motion. The motion carried. Harkey abstained.

Teresa A. Keller

RN 138454

Ms. Keller was not present nor represented by legal counsel. Mr. Ernie Sykes, Attorney, represented the State. Mrs. Joyce Grimes Safley presided as Administrative Law Judge. Mr. Sykes asked for a motion to proceed in default. After discussion, Holliday made the motion to proceed in default. B. Thompson seconded the motion. The motion carried. Mr. Sykes passed out the Notice of Charges. Ms. Keller is being charged with violating T.C.A. 63-7-115 (a) (1) (G). After discussion, Holliday made the motion to find Ms. Keller guilty of the charges as amended. B. Thompson seconded the motion. The motion carried. Holliday made the motion to revoke Ms. Keller's license, assess one (1) type A civil penalty in the amount of \$1,000.00 and assess case costs. B. Thompson seconded the motion. The motion carried.

### Consent/Agreed Orders

Dubree made the motion to accept the Consent/Agreed Orders as presented. Bowman seconded the motion. The motion carried

Devonna Attaway  
Betsy Ann Miller

LPN 35112  
Unlicensed

Revoked  
Assessed five (5) type A civil penalties in

Axmacher		the amount of \$1,000.00 each for a total of \$5,000.00 payable and due within six (6) months.
Sarah B. Baines	LPN 70876	Revoked
William Clyde Baker III	RN 113488	Revoked and assessed case costs.
Steven Barrs	LPN 60899	Probation for no less than five (5) years to run concurrent with the TNPAP contract.
Jaye Brooks	LPN 64482	Suspended/Probation
Rebecca M. Carpenter	RN 100619	Revoked
Lindsay Chapman	LPN 69497	Revoked
Teresa Huskey Chastain	RN 85021	Revoked
Stacy L. Daniels	LPN 69708	Suspended/Probation
Ronda A. Despain	LPN 27650	Revoked
Kirstin L. Donati	RN 98255	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Carrie Dovenbarger	Unlicensed	Assessed one (1) type A civil penalty in the amount of \$1,000.00.
Jennifer Feeny	RN 144272	License and multistate privilege revoked.
Charla Mae Fields	LPN 54313	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Rebeca A. Garland	LPN 40644	Revoked
Jana K. Gibson	RN 102295	Revoked
Susan C. Goolsby	APN 7385 RN 11003	Probation and must have a TNPAP evaluation. If a TNPAP contract is recommended the probation will run concurrent with the TNPAP contract. If a TNPAP contract is not required, the probation will be for one (1) year.
Jamey D. Hagan	RN 137777	Probation for no less than one (1) year to run concurrent with TNPAP contract and assessed case costs.
Tammela A. Haverlyy	LPN 38483	Revoked
Catherine Hillebrand	LPN 64277	Voluntarily Surrendered.
Rita Ann Hilton	RN 80817	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Catherine Humphrey	RN 130587	Revoked
Vivian Johnson	RN 43750	Suspended/Probation
Angela Ann Gay Lawson	RN 125579	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Linda Livingston	LPN 40787	Revoked
Sonia McCarter	RN 82638	Revoked
Lynda C. Minton	LPN 22534	Revoked
Stacey P. Scott	RN 142814	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Rhonda M. Simms	LPN 65112	Probation for two (2) years.
Deborah L. Stawski	LPN 43350	Revoked

Norma J. Stokes	LPN 10504	Revoked
Ginger L. Sutherland	LPN 56862	Suspended/Probation
Roscoe Brent Vaughn	RN 149021	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Teresa M. Vestal	LPN 49527	Voluntarily Surrendered.
Karen Marie Perryman-Webb	RN 120489	Revoked
Debra L. White	RN 133664	Suspended/Probation
Katherine Wiggins	RN 73576	Probation for no less than three (3) years to run concurrent with TNPAP contract.
April D. Wiley	LPN 57950	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Jacqueline A. Wilson	RN 154283	Suspended/Probation
Ruth A. Wilson	LPN 58967	Revoked
Susan Faye Woody	RN 53452	Suspended/Probation
Pamela Yoell	RN 97982	Revoked
Tonia Leigh Henry	APN 7691 RN 117866	Probation for one (1) year, ten (10) hours of continuing education in ethics and five (5) hours in record keeping in addition to the continuing education hours required for licensure. Cease and Desist prescribing medication, of any kind, outside her place of employment. Ms. Henry was also assessed two (2) type B civil penalties in the amount of \$500.00 each for a total of \$1,000.00 and case costs.
Carma L. Jack	RN 117934	Revoked and assessed case costs.
Judieth L. Morgan	RN 126172	Probation for one (1) year and assessed case costs.
Amber Brook Rollins	LPN 67685	Revoked and assessed case costs.
Kristi Atkins-Wade	RN 101117	Suspended/Probation. Multi state privilege revoked.
Christopher Beets	RN 92504	Revoked
Donna Y. Gilreath	LPN 60353	Probation for no less than three (3) years to run concurrent with TNPAP contract.
Rita K. Potts	LPN 62913	Suspended/Probation and assessed case costs.
Alisha Dawn Arnold	LPN 65430	Suspended/Probation and assessed case costs.
Deanne Sue Harville	LPN 65442	Revoked

## Letter of Reprimand

Dubree made the motion to accept the Consent/Agreed Orders as presented. Bowman seconded the motion. The motion carried.

Coronda Hillard	LPN 61551	Guilty of unprofessional conduct.
Kimberly L. Patterson	RN 158778	Guilty of unprofessional conduct.

**March 26, 2009**

### Panel 1

#### Roddy, Bowman, Dubree, Stewart

Deborah G. Fleming-Zeigler	RN 119691	Ms. Fleming-Zeigler was not present nor represented by legal counsel. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson was the Administrative Law Judge. Ms. Whittemore asked for a motion to proceed in default. After discussion, Bowman made the motion to proceed in default. Stewart seconded the motion. The motion carried. Ms. Fleming-Ziegler is being charged with violating T. C. A. 63-7-115 (a) (1) (G). After discussion, Bowman made the motion to find Ms. Fleming-Ziegler guilty of the charges as amended. Stewart seconded the motion. The motion carried. Bowman made the motion to revoke Ms. Fleming-Ziegler's license, assess one (1) type A civil
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penalty in the amount of \$1,000.00 and assess case costs. Stewart seconded the motion. The motion carried.

Leslie Beth Henley

LPN 38239

Ms. Henley was not present nor represented by legal counsel. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson was the Administrative Law Judge. Ms. Whittemore asked for a motion to proceed in default. After discussion, Dubree made the motion to proceed in default. Bowman seconded the motion. The motion carried. Ms. Henley is being charged with violating T.C.A. 63-7-115 (a) (1) (B), (C) and (G) and Board rule 1000-2-.13(1)(h) and (v). After discussion, Dubree made the motion to find Ms. Henley guilty of the charges as amended. Bowman seconded the motion. The motion carried. Bowman made the motion to revoke Ms Henley's license, assess ten (10) type A civil penalties in the amount of \$1,000.00 each for a total of \$10,000.00 and assess case costs. Dubree seconded the motion. The motion carried.

Angela A. Jackson

RN 121268

Ms. Jackson was present via telephone but not represented by legal counsel. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson was the Administrative Law Judge. Ms. Whittemore passed out the Notice of Charges. Ms. Jackson is being charged with violating T.C.A. 63-7-115(a) (1) (C), (F) and (G) and Board rule 1000-1-.13(1) (e). After discussion, Bowman made a motion to find Ms. Jackson guilty of the charges as amended. Stewart seconded the motion. The motion carried. Bowman made the motion to suspend Ms. Jackson's license until she has a TNPAP evaluation. Once Ms. Jackson has signed a contract with TNPAP, her license will be placed on probation to run

concurrently with the TNPAP contract. Ms. Jackson was also assessed one (1) type A civil penalty in the amount of \$500.00. Stewart seconded the motion. The motion carried.

### **License Denial Appeal**

Joan Rogers

Unlicensed

Ms. Rogers was present and represented by Ricky Wood, Attorney. Ms. Lexi Whittemore, Attorney, represented the State. Ms. Ann Johnson presided as Administrative Law State. Ms. Whittemore passed out the Notice of Charges. Ms. Rogers is being charged with violating T.C.A. 63-7-115 (a) (1) (B) and (F). After discussion, Stewart made the motion to find Ms. Rogers guilty of the charges as amended. Dubree seconded the motion. The motion carried. Stewart made the motion to deny Ms. Rogers licensure by examination. Dubree seconded the motion. The motion carried.

### **Panel 2**

#### **Brennan, Harkey, Holliday and B. Thompson**

Deborah D. Kahler

LPN 43860

Ms. Kahler was not present nor represented by legal counsel. Mr. Ernie Sykes represented the State. Mrs. Joyce Grimes Safley was the Administrative Law Judge. Mr. Sykes asked for a motion to proceed in default. After discussion, Holliday made the motion to proceed in default. B. Thompson seconded the motion. The motion carried. Mr. Sykes passed out the Notice of Charges. Ms.

Kahler is being charged with violating T.C.A. 63-7-115 (a)(1)(C), (D), (F) and (G) and Board rule 1000-2-.13 (1)(b), (d), (e), (f), (g) and (v). After discussion, Holliday made a motion to find Ms. Kahler guilty of the charges as amended. B. Thompson seconded the motion. The motion carried. Holliday made the motion to revoke Ms. Kahler's license, assess thirteen (13) type A civil penalties in the amount of \$1,000.00 each for a total of \$13,000.00. B. Thompson seconded the motion. The motion carried.

## Legislation

M. Dubree and K. Harkey attended the Senate General Welfare Committee meeting March 25 to represent the Board of Nursing's position on Senate Bill 009. The bill has been substantially amended since the board last took a position. M. Dubree led the discussion with the following report. Senate Bill 009 establishes a new profession within the BON authorizing that profession to administer medications in nursing homes and assisted living facilities. The requirements are: 18 y/o, 12<sup>th</sup> grade graduation or GED, 75 hr. instruction and pass an examination. The BON would establish the exam and review competence every two years.

The board has discussed this legislation at previous meetings, opposed the bill and expressed the following concerns: patient safety concerns with a high risk vulnerable patients susceptible to poly pharmacy, additional care givers having access to controlled substances, fragmentation of care with patient assessments separated from medication administration, expense of creating a new profession, increased liability of the licensed nurse for

delegation, laxity of regulation of the nursing home and assisted living facility to prevent access to controlled substances, burden to Board of Nursing to handle increase in disciplinary actions and review of training programs.

Dubree stated her opinion that the amended bill would have passed rather than rolled for a week had not Senator Roy Herron brought up concerns regarding language in the bill that grants immunity of the licensed nurse for delegation. The immunity provision of the bill concerns the board as well.

Action steps Dubree suggested are to proceed to speak against the bill from a position of knowledge. This will require more information and possibly a called board meeting prior to the next meeting of the Senate Welfare Committee.

Attorney Alison Cleaves responded to the question of how certification is different from licensure. There is no distinction.

K. Harkey stated that two persons on the Board work in long term care and have verified that the pharmacist prepares the medication cart which would go directly to the medication aide to distribute with no licensed nurse involvement.

Dubree pointed out that Senator Black indicated a task force had been in place and indicated stakeholders were in agreement with the bill. It is her understanding the Respiratory Therapy Board is not in opposition. In an economic time with a 9% unemployment rate and an opportunity for a person with only 75 hours (two weeks) of training to improve their income, it is apparent there will be individuals willing to create revenue by training an applicant pool for the board. Though this is not the

primary concern of the bill, passage will create a great deal of oversight needed by the BON.

B. Brennan commented on a perception the BON is perceived more as a group focusing on “what we can’t do rather than what we can do.” She understands the economic dilemma of long term care, but is concerned regarding the lack of oversight. She suggests framing the board’s concerns in a positive manner.

D. Roddy suggested drafting a letter to Senator Black outlining concerns about the bill as well as the fact the Board representatives were in attendance at the Senate General Welfare Committee and were not able to speak. She noted the initial bill required 460 hours of training. Roddy advocates and encourages the use of LPNs for medication administration in nursing homes pointing out their one year training. K. Harkey noted the starting pay for certified nurse aides is \$7.50 per hour and LPN pay is \$13.00. Presumably the medication aide pay would fall somewhere between, \$9-10. She doesn’t believe the risk to patient safety is worth the small cost saving for the nursing home.

The bill allows and intends for the medication aide to work at the same time in a dual role as a certified nurse aide which presents a very dangerous situation. Will the medication pass be rushed to get back to nurse aide duties?

Dubree expressed her impression that the bill would have passed out of committee if Senator Herron had not spoken up to object to the immunity provision. The BON does not want to obstruct doing the right thing, but must be knowledgeable in a very short time frame. Roddy pointed out the Board’s duty to the public to make it perfectly clear

as to its efforts to stop this and not be put in the position of not having said anything.

B. Thompson asked for a filed copy of the amended bill and A. Cleaves assured the board she would obtain a copy and get it directed to the board. After discussion about a meeting to discuss the bill further, Cleaves advised her opinion the urgency of the matter would meet the requirements for a telephonic meeting. There was a motion made to hold a meeting Monday March 30, 2009 at 1:00 p.m. to review, discuss and take a position on the amended bill.

Discussion/Recommendation  
of Joint Board of Medical Examiner/  
Board of Nursing Committee

The Board discussed the Joint Committee's recommendation to hold an open forum on MD/APN issues including the advanced practice nurse consensus paper. Dubree moved and seconded by C. Thompson to endorse the recommendation of the Joint Committee. The motion carried.

Vote to Hold Rulemaking Hearing

Dubree moved and seconded by Stewart to vote to hold a rulemaking hearing to increase biennial renewal fees for RN and LPNs by \$25. The motions carried.

Adjournment: 4:00 p.m.

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