

**TENNESSEE BOARD OF NURSING
Teleconference Meeting**

March 30, 2009

Minutes

Roll Call:

<u>NAME</u>	<u>RESPONSE</u>
Cheryl Stegbauer, Board Chairman	Y
Donna Roddy, Vice Chairman	Y
Barbara Brennan	Y
Terri Bowman	Not present
Debbie Holliday	Y
Kathleen Harkey	Y
Marilyn Dubree	Y
Marian Stewart	Not present
Judy Messick	Not present
Betty Thompson	Not present
Carol Thompson	Y

The chairman declared a quorum present and declared the purpose of the meeting to review, discuss and take a position on Senate Bill 009 (Black) as amended. Dr. Stegbauer welcomed members, guests and staff.

Alison Cleaves, Board Attorney, advised the board on legal issues relating to electronic meetings. She requested a motion and a second followed by a roll call vote to determine if the matter or matters to be discussed meet the following requirements:

- 1) The subject matters requires timely action,
- 2) The physical presence of all members is not possible considering the time period required for action, and
- 3) The participation by some or all of the members of the board by electronic or other means is necessary.

Kathleen Harkey made a motion to proceed to conduct this meeting electronically. Marilyn Dubree seconded the motion. The motion carried.

<u>NAME</u>	<u>RESPONSE</u>
Cheryl Stegbauer, APN, Chairman	Y
Donna Roddy, RN, Vice Chairman	Y
Barbara Brennan, RN	Y
Terri Bowman, LPN	Not present
Debbie Holliday, LPN	Y
Kathleen Harkey, Consumer	Y
Marilyn Dubree, RN	Y
Marian Stewart, RN	Not present
Judy Messick, LPN	Not present
Betty Thompson, RN	Not present
Carol Thompson, APN	Y

After meeting the requirements for an electronic meeting, the meeting was turned over to Dr. Cheryl Stegbauer, Chairman.

Discussion: The board discussed its continuing opposition to Senate Bill 009 (Amended) due to public safety concerns and noted its longstanding opinion that the safe administration of medications involves complex skills requiring the degree of knowledge and education held by a licensed nurse.

Dr. Stegbauer remarked that in her time as chairman of the Tennessee Board of Nursing, she has been struck by the knowledge and expertise that this 11 member board brings to issues of the day. Examples of the BON members' experience and background that informs this matter include: 1) a consumer member whose elderly parents died recently after time in long term care; 2) two LPNs who work in long term care; 3) an Advanced Practice Nurse with nursing home experience; 4) nurse educators at all levels (LPN, RN, APN) of nursing education; and 5) administrators with expertise in staffing and managing care.

The members spoke to their opposition of this bill for the following public safety concerns:

- The proposed number of hours of training is insufficient to prepare a person for the responsibilities involved in medication administration. Nurse educator members are very distressed that a two week period of instruction would be considered a safe time frame to teach medication administration. It is unrealistic to expect that even limited aspects of medication administration could be taught during such a brief time with the complexity

involved in this aspect of care. For example, a BON member reported that the average number of medications is 9 per patient in her TN long term care facility; one patient in her care receives 18 medications.

- Patient safety will be adversely affected due to decreased time at the bedside by the nurse. A board member noted that one of the most important opportunities to evaluate patients is when she gives medications. This contact is a time when patients express concerns they know will be understood by a nurse and gives the nurse important time to evaluate the patient's status such as ability to swallow and any change in condition related to medications or other factors.
- The bill envisions the medication aide functioning in both a Nursing Assistant (NA) role and Medication Technician (MT) role at different times within the same shift. Board members expressed concern that the MT would rush through the medication pass to get back to the patient care activities that must be accomplished under the person's NA duties. Members questioned who would have responsibility for NA activities while the assistant is functioning in the MT role.
- In current law, only RNs may delegate nursing responsibilities. RNs delegate to LPNs under their direction responsibilities such as medication administration. This bill would give authority to LPNs in nursing homes and assistive living facilities to delegate that which has been delegated to them. This greatly increases the RN's responsibility as the Board of Nursing holds the RN accountable and responsible for all delegated acts. Board members see the unintended consequence of this change in authority as an unsafe precedent.

The legislature may want to consider the recommendation of board members with regard to staffing patterns. It is suggested that the number of certified nurse aides be increased to provide the LPN additional time with patients, to evaluate patients, give medications, perform treatments, and follow physician orders. There is concern that nurses will leave nursing homes in view of the danger to patients and legal responsibility inherent in nurses delegating medication administration to nursing assistants. It is essential to implement strategies to retain nursing staff and improve quality.

Marilyn Dubree noted, based on her experience on a nursing home board, "Given the Department of Health's emphasis on partnering with Centers for Medicare/Medicaid Services (CMS), and in view of Tennessee's poor nursing home ranking, to let those with lesser education administer medications is not congruent with how to meet CMS regulations."

The Board would welcome the opportunity to address the committee and respond to any questions the committee members may have.

1. Motion: Supported by discussion today and in previous board meetings, the board continues to oppose amended Senate Bill SB009 based on 1) safety issues, 2) amended changes in the bill, 3) delegation issues and 4) reduction in training hours. The board agreed to write a letter to Chairman Rusty Crowe outlining the board's concerns and send representatives of the board to the Senate General Welfare Committee to testify and respond to questions.

Motion Made by: Donna Roddy, Second: Kathleen Harkey

<u>NAME</u>	<u>RESPONSE</u>
Cheryl Stegbauer, APN, Chairman	Y
Donna Roddy, RN, Vice Chairman	Y
Barbara Brennan, RN	Not present
Terri Bowman, LPN	Not present
Debbie Holliday, LPN	Y
Betty Thompson, RN	Not present
Kathleen Harkey, Consumer	Y
Marilyn Dubree, RN	Y
Marian Stewart, RN	Not present
Judy Messick, LPN	Not present
Carol Thompson, APN	Y

The teleconference board meeting adjourned at 2:00 p.m.

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