

TENNESSEE BOARD OF NURSING
227 French Landing, Iris Room
Heritage Place, Metro Center
Nashville, TN 37243
June 2-3, 2010

MINUTES

Call to Order 8:30	Dr. Carol Thompson, Vice-Chairperson called the meeting to order at 8:30 a.m.
Roll Call/Declaration of a Quorum	The Chairperson declared a quorum present.
Members Present	Carol Thompson, A.P.N. Vice-Chairperson Terri Bowman, L.P.N. Barbara Brennan, R.N. Marilyn Dubree, R.N. Kathleen Harkey, Consumer Member Marian Stewart, R.N. Arthur Thompson, L.P.N. Betty Thompson, R.N.
Members Absent	Cheryl Stegbauer, R.N., Chairperson Debbie Holliday, L.P.N. Debbie Malina, A.P.N.
Guests in the Audience	0850 Dr. Carol Thompson recognized and welcomed guests in the audience, including students from Four Rivers Practical Nursing Program, Newbern Campus.
Introduction of Staff	Lund introduced staff. Ashley Carter, Board Attorney, introduced the legal staff.
Staff Present	Elizabeth Lund, Executive Director Martha Barr, Associate Exec. Director Donna Fairchild, Nurse Consultant Joan Harper, Board Administrator
Approval of Minutes of Meeting March 3-4, 2010	Bowman moved to accept the minutes of the Board meeting held March 3-4, 2010. Dubree seconded the motion. The motion carried.
Agenda Review- Ashley Carter	Ashley Carter reviewed the disciplinary

case agenda with the Board.

Contested Case Hearings
June 2, 2010
8:45 A.M.
Judge Carter-Ball Presiding

NAME	LICENSE	ACTION
Leigh Messick	RN 110590	Ms. Messick was present and represented herself <i>pro se</i> . Mr. Marc Guilford, Attorney, represented the State. Mr. Guilford passed out the Notice of Charges. Ms Nichols is charged with violating T.C.A. 63-7-115(a)(1)(F)(G), and Nursing Rule1000-1-.13(1)((u). Following testimony by witnesses and questions and discussion by the Board, Brennan made the motion to find allegations 3, 4, 5 with change to hearing before the Board, 6, 7 with modification that TnpAP advocacy was terminated September 9, 2009, to be true. The motion was seconded. Motion carried. Brennan made the motion to find Ms Messick in violation of T.C.A. 63-7-115(a)(1)(F)(G), and Nursing Rule 1000-1-.13(1)((u).. B. Thompson seconded the motion. The motion carried. Brennan made the motion to revoke the license of the respondent with one type A penalty of \$1000.00 and costs with a cap of \$3,000. Dubree seconded the motion. The motion carried.
Leigh Oakley	RN131097	Marc Guilford requested a continuance of this case which was granted by Judge Carter-Ball.
Ginger Stevens	LPN 67355	Ms. Stevens was not present and not represented by an attorney. Mr. Marc Guilford represented the state. Mr. Guilford made motion to proceed in default. After presentation of evidence of service of notice of charges, Stewart

made a motion to proceed in default. The motion was seconded. Mr. Guilford distributed the notice of charges. Ms. Stevens is charged with violation of T.C.A. 63-7-115(a)(1)(F) and (G) and Nursing Rule 1000-1-.13(1)(t). Following testimony by witnesses, consideration of evidence, questions and discussion by the Board, Dubree made the motion to find allegations 3, 4, 5 to be true. A. Thompson seconded the motion. The motion carried. Dubree made the motion that the respondent was in violation of T.C.A. 63-7-115(a)(1)(F)(G), and Nursing Rule 1000-1-.13(1)(t). Harkey seconded the motion. The motion carried. Dubree made the motion to **revoke** the license and multi state privilege of the respondent along with one type A penalty of \$1,000.00 and costs, with maximum of \$3,000.00. Stewart seconded the motion. The motion carried.

Kerri M. Thomas

RN 144986

Ms. Thomas was not present and not represented by an attorney. Mr. Marc Guilford made a motion to proceed in default. Mr. Guilford presented proof of service of notice of charges. Bowman moved to proceed in default. Harkey seconded the motion. The motion carried. Ms. Thomas is charged with violation of T.C.A. 63-7-115(a)(1)(F) and (G) and Nursing Rule 1000-1-.13(1)(h)(u)(w). After presentation of evidence, B. Thompson moved to find allegations of fact 3,4,5, and 8 with modifications to be true. The motion was seconded and carried. B. Thompson made a motion to find Ms Thomas in violation of T.C.A. 63-7-115(a)(1)(F) and (G) and Nursing Rule 1000-1-.13(1)(h)(u)(w). A. Thompson seconded the motion. The

motion carried. B. Thompson made a motion to charge Ms. Thomas with 2 type A civil penalties of \$1,000 each for a total of \$2,000 and court costs not to exceed \$3,000 and **revoke** the license. B. Thompson moved to amend the violation to remove 1000-1-.13(h) and (w). Stewart seconded the motion. The motion carried. B. Thompson restated the penalties. Dubree seconded the motion. Brennan made a motion to amend the motion and decrease civil penalties to \$1,000. Dubree seconded the motion The motion carried.

Loretta Pool

RN 172603

Ms. Pool was not present and not represented by an attorney. Mr. Marc Guilford represented the state. Mr. Guilford made a motion to proceed in default and presented evidence of notice of charges. Brennan moved to proceed in default. A. Thompson seconded the motion. The motion carried . Ms. Pool is charged with violation of T.C.A. 63-7-115(a)(1)(F) T.C.A. 63-7-115(a)(1)(F) and Nursing Rule 1000-1-.13(1)(j). Following presentation of evidence, Bowman moved to find allegations of fact 3 and 4 to be true. Stewart seconded the motion. Motion carried. Bowman made a motion to find Ms. Pool in violation of T.C.A. 63-7-115(a)(1)(F) .C.A. 63-7-115(a)(1)(F) and Nursing Rule 1000-1-.13(1)(j). Harkey seconded the motion. The motion carried. Bowman made a motion to fine Ms. Pool one Type A. civil penalty, court costs not to exceed \$3,000. and **revoke** the license. Harkey seconded the motion. The motion carried.

John C. McNatt

RN 116458
APN 7652

Mr McNatt was present and represented himself *pro se*. Mr. Marc

Arkansas
RN 80237
APN 03064

Guilford, Attorney, represented the State. Mr. Guilford passed out the Notice of Charges. Mr. McNatt is charged with violating T.C.A. 63-7-115(a)(1)(F), and Nursing Rule 1000-1-.13(1)(j). Following admission of evidence, testimony by witnesses and questions and discussion by the Board, Brennan made the motion to find allegations 3, 4, 5, 6, 7, 8, to be true. B. Thompson seconded the motion. Motion carried. Brennan made the motion to find Mr McNatt in violation of T.C.A. 63-7-115(a)(1)(F)(G), and Nursing Rule 1000-1-.13(1)(j). Stewart seconded the motion. The motion carried. Brennan made the motion to consider concurrent probation of the license of the respondent with one type A penalty of \$1000.00 and costs with a cap of \$1,500. B. Thompson seconded the motion. The motion carried. Following discussion, C. Thompson requested that the court reopen proof. Following new testimony and discussion B. Thompson made a motion to withdraw her motion on civil penalties. Brennan made the motion to find allegations 3, 4, 5, 6, 7, 8, to be true, adding 9 "Arkansas license has expired and not renewed". Stewart seconded the motion. The motion carried. Brennan made a motion to find the respondent in violation of T.C.A. 63-7-115(a)(1)(F), and Nursing Rule 1000-1-.13(1)(j). The motion was seconded and carried. Brennan made the motion to impose one type A civil penalty, pay court costs with a \$1,500 limit and **revoke both licenses.**

Introduction of additional legal staff.

Ashley Carter introduced additional

staff.

Recess

10:10

Reconvene

10:25 with a quorum by roll call

Agreed Orders

NAME	LICENSE	ACTION
		The Board reviewed agreed orders with background information. Dubree made a motion to accept agreed orders on the following licenses. Brennan seconded the motion. The motion carried.
Charlotte Wright Murray	RN 136935	Probation for two years concurrent with TnPAP contract. If contract is extended by TnPAP, probation will be extended. Brennan seconded the motion. The motion carried.
Christopher Carter	LPN 72255	Revoke
Lori Lea Garriga	LPN 66709	Revoke
Kendra McKeehan	LPN 60101	Revoke
Joanna Phillips	RN 101206	Revoke
Emily Ellis	RN 58513	Suspension until final adjudication of the criminal case.
Carol Ann Batey Hudson	RN 97220	Formal reprimand , three hours CE on charting/documentation, three hours on ethics.
Parker Creel and Jennifer Stakias	RN 160233 RN 160104	Following additional information provided by Ashley Carter, Dubree made a motion to place Creel's and Stakias' licenses on probation for six months, require Creel to obtain three CE hours in proper handling of medication and require Stakias to obtain three CE hours in proper

handling of medication. Stewart seconded the motion. The motion carried.

Shelley Rucker RN 118140 Formal **reprimand**. Dubree made a motion to accept the agreed order. Bowman seconded the motion. The motion carried.

Consent Orders

The Board received a copy of proposed consent orders and reviewed details of each case. The following actions were taken:

NAME	LICENCE	ACTION
Garth Birdwell	RN 75978	Suspension , TnPAP evaluation within 30 days, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Dubree made a motion to accept the terms of the consent order. Brennan seconded the motion. The motion carried.
Bobbie Box	RN 148283	Suspension , TnPAP evaluation within 30 days, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Brennan made a motion to accept the terms of the consent order. Dubree seconded the motion. Motion carried.
Tagania Briggs-Phillips	LPN 67550	Probation for three years to run concurrent with her current TnPAP contract. B. Thompson made a motion to accept the terms of the contract. Stewart seconded the motion. Motion carried

Dawn Cowley	RN 125420	<p>Probation to run concurrent with her current TnPAP contract. B. Thompson made a motion to accept the terms of the consent order. Stewart seconded the motion. The motion carried.</p>
Earlene Cruze	RN 129187	<p>Suspension, TnPAP evaluation, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Dubree made a motion to accept the terms of the consent order. Bowman seconded the motion. The motion failed and more information was requested from the State. Following presentation of additional information by Ashley Carter, Betty Thompson made a motion to accept the consent order. Kathleen Harkey seconded the motion. The motion carried. A roll call vote was taken:</p> <p>Betty Thompson yes Marilyn Dubree yes Barbara Brennan no Kathleen Harkey abstain Bowman yes Marian Stewart yes Arthur Thompson yes</p> <p>The motion carried</p>
Crystal Dean	RN 114975	<p>Void multistate privilege, TnPAP evaluation, comply with recommendation of the evaluation, followed by probation to run concurrent with TnPAP contract if one is recommended. Dubree made a motion to accept the terms of the consent order. A. Thompson seconded the motion. The motion carried.</p>
Jonathan Dean	RN 166808	<p>Probation to run concurrent with TnPAP contract. Brennan made a motion to accept the consent order. Stewart seconded the motion. The</p>

motion carried.

Tammy Dyer	LPN 59164	Suspension , TnPAP evaluation within 30 days, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Brennan made a motion to accept the terms of the consent order. B. Thompson seconded the motion. Following discussion, the motion failed. The Board requested further information from the State. After presentation of additional informationk Stewart made a motion to accept the consent order. Dubree seconded the motion. The motion carried.
Lisa Fair	RN 128161	Probation to run concurrent with TnPAP contract. Stewart made a motion to accept the terms of the consent order. A. Thompson seconded the motion. The motion carried.
Kelly Renee Fine	RN 124508	Suspension , TnPAP evaluation, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Brennan made a motion to accept the terms of the consent order. Stewart seconded the motion. The motion carried.
Deborah Forte	RN 77609	Suspension , TnPAP evaluation, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Stewart made a motion to accept the terms of the consent order. Brennan seconded the motion. The motion carried.
Bridgett Heil	RN 137262	Suspension , TnPAP evaluation within

30 days, comply with the recommendations of the evaluation, followed by **probation** concurrent with the contract if one is recommended, otherwise probation for 3 years. Stewart made a motion to accept the terms of the consent order. Harkey seconded the motion. The motion carried.

Lucinda Hicks	APN 11588 RN 152438	Probation of RN license to run concurrent with TnPAP contract, APN certificate suspension for six months or until TnPAP releases her to work, whichever occurs first, then probation of APN certificate to run concurrent with TnPAP contract. Brennan made a motion to accept the terms of the consent order. Harkey seconded the motion. The motion carried.
Joni Hix	RN 76103	Probation to run concurrent with TnPAP contract. Bowman made a motion to accept the terms of the consent order. Stewart seconded the motion. The motion carried.
Jackey McDowell	RN 49005	Suspension, TnPAP evaluation, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Dubree made a motion to accept the terms of the consent order. Bowman seconded the motion. The motion carried.
Kimberly Mitchell	RN 159400	Probation to run concurrent with TnPAP contract. Stewart made a motion to accept the terms of the consent order. Bowman seconded the motion. The motion carried.
Monica Phillips	RN 83404	Probation to run concurrent with TnPAP contract. Bowman made a motion to accept the terms of the

consent order. Stewart seconded the motion. The motion carried.

Katherine Reynolds	RN 102212	Void multistate privilege , evaluation through TnPAP, comply with recommendations of the evaluation, followed by probation to run concurrent with TnPAP contract if one is recommended. Bowman made a motion to accept the terms of the consent order. Stewart seconded the motion. The motion carried.
Whitney Taylor Walker	RN 168911	Suspension , TnPAP evaluation within 30 days, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Brennan made a motion to accept the terms of the consent order. Dubree seconded the motion. The motion carried.
Wynn Weems	RN 158987	Probation to run concurrent with TnPAP contract. Dubree made a motion to accept the terms of the consent order. The motion was seconded and carried.
Donna Kay Bailey	LPN 57981	Revoke .Brennan made a motion to accept the revocation. B. Thompson seconded the motion. The motion carried.
Anita Hensley	LPN 66692	Suspension , TnPAP evaluation, comply with the recommendations of the evaluation, followed by probation concurrent with the contract if one is recommended, otherwise probation for 3 years. Bowman made a motion to accept the terms of the consent order. Stewart seconded the motion. The motion carried.

Consent Orders of Revocation

A. Thompson made a motion to accept

the following orders of revocation. Stewart seconded the motion. The motion carried.

Susanne Bajestant	LPN 48702	Revoke
Lisa Chaffin	RN 161750	Revoke
Jamey Hagan	RN 137777	Revoke
Mark Hinkle	RN 137476	Revoke
Julia Huckaby	RN 97873	Revoke
Dena Pinson	LPN 65518	Revoke
John David Roberson	RN 157782	Revoke
Darla Gail Smith	RN 99844	Revoke
Donald Smith	RN 126971	Revoke
Jeanne Lashae Turner	RN 130053	Revoke
Rhonda Wallin	RN 78013	Revoke

Screening Panel Actions

Brennan made a motion to accept Screening Panel Actions. The motion was seconded and carried.

Lorena G. Kelly-Parnham	LPN 64675	Formal reprimand
Judith Rule	RN 103802	Suspension , TnPAP evaluation, comply with recommendations of the evaluation, probation to run concurrent with TnPAP contract if one is recommended, otherwise, probation for a period of three years.

Letters of Reprimand

Following review of the following cases, Brennan made a motion to approve the letters of reprimand. B. Thompson seconded the motion. The motion carried.

Vickie Lynn Arnold	LPN 45227	Letter of reprimand
Bonita Delois Carter	LPN 63453	Letter of reprimand
Catherine Peterson	RN 70039	Letter of reprimand
Damaris Scheffield	LPN 60610	After discussion, Brennan made a motion to accept the letter of reprimand . Stewart seconded the motion. The motion carried.

Recess for Lunch 12:15 P.M.

Reconvene 1:35 PM

Members Present

Carole Thompson, A.P.N.
 Terri Bowman, L.P.N.
 Barbara Brennan, R.N.
 Marilyn Dubree, R.N.
 Kathleen Harkey, Consumer Member
 Marian Stewart R.N.
 Arthur Thompson, L.P.N.
 Betty Thompson, R.N.

Members Absent

Cheryl Stegbauer, R.N., Chairperson
 Debbie Holliday, L.P.N.
 Debbie Malina, A.P.N

**Contested Cases Continued
 June 2, 2010
 1:35 PM
 Judge Joyce Carr-Ball Presiding**

NAME	LICENSE	ACTION
Tammy J. Keller	LPN 62679	Ms. Keller was not present and not represented by an attorney. Rachel Appelt, attorney, represented the state. Ms. Appelt made a motion to proceed in default and presented evidence of notice of charges. It was moved and seconded to proceed in default. The motion carried. Ms. Keller is charged

with violation of .TC.A. 63-7-115(a)(1)(B)(C)(F) and Nursing Rule 1000-2-.13(1)(e)(f)(g)(t). Following presentation of evidence, testimony by witnesses and discussion by the Board, Brennan moved to find allegations of facts 3, 4, 5 with additions, 6, 7, 8, 9, 10 with additions, 11 with additions and amendments, 12, 13 with additions and 14 with amendment, to be true. A. Thompson seconded the motion. Motion carried. Brennan made a motion to find Ms. Keller in violation of T.C.A.. 63-7-115(a)(1)(B)(C)(F) and Nursing Rule 1000-2-.13(1)(e)(f)(g)(t). Brennan seconded the motion. The motion carried. Brennan made a motion to delete the following charge: 63-7-115(a)(1)(B). The second-maker of the motion agreed to the amendment. Harkey seconded the amendment. The motion carried. Brennan made a motion to fine Ms. Keller five Type A. civil penalties of \$1,000 each for a total of \$5,000, court costs not to exceed \$5,000. and **revoke** the license. A. Thompson seconded the motion. The motion carried.

Insufficient Funds/Administrative Revocation Recommendations

Stewart moved and Bowman seconded the motion to ratify the **administrative revocations** of:

Brooke L Hale LPN 69780
Expires 11/30/2011
695 Dogtown Road
Rock Island TN 38581

The motion carried.

Status of Tennessee Center for Nursing (TCN) Contract

Vice chairman Carol Thompson introduced reconsideration of the TCN contract. The contract renewal is close to being signed and much has changed since January 21, 2010 when the board voted to continue the contract. Dr. Thompson recognized Dr. Lois Wagner, Executive Director of TCN, who presented the Board with a written quarterly report. Dr. Wagner presented highlights of the report and made comments to the Board on the effectiveness of TCN. Dr. Thompson asked the Board to review the document overnight and to reorder the agenda to move discussion and vote of this item to June 3rd.

Adjourn Until June 3, 2010 at 8:30 A.M. 5:15 P.M.

Call to Order and Roll Call June 3, 2010, 8:30 A.M.

Members Present

Carol Thompson, A.P.N. Vice-Chairperson
Terri Bowman, L.P.N.
Barbara Brennan, R.N.
Marilyn Dubree, R.N.
Kathleen Harkey, Consumer Member
Marian Stewart, R.N.
Arthur Thompson, L.P.N.
Betty Thompson, R.N.

Members Absent

Cheryl Stegbauer, R.N., Chairperson
Debbie Holliday, L.P.N.
Debbie Malina, A.P.N.

Discussion Regarding Board Meeting Calendar

Ashley Carter presented a request to meet with two panels for disciplinary cases on July 12 and 13, 2010. Staff will search the availability of rooms.

Board Committees

Dr. Thompson volunteered to serve as chairperson of the Education Committee in place of Donna Roddy
Debbie Malina was suggested as a member of the practice committee.

A. Thompson volunteered for the Practice Committee.

Barbara Brennan volunteered to serve on the Finance Committee.

These position changes will be approved by the Chairperson of the Board.

Ventilator Care by LPNs

A task force of the Respiratory Care Board, with nursing board representation by Dr. C. Thompson, met regarding the care of ventilated patients by LPNs. The task force considered a list of tasks for consideration by the Board of Nursing. The BON reviewed the list and requested Dr. Thompson return to the task force with recommendations.

Summary Suspension Hearing in the Matter of Stacy Rayfield, R.N. 111387, A.P.N. 10476

9:25 A.M.

Ashley Carter represented the State of Tennessee in the matter of Stacy Rayfield, R.N., APN: State presented an application for a summary suspension of the respondent's nursing licenses for endangerment of patients due to a pattern of disregard and substandard patient care.

Roll Call

Present:

Carol Thompson, A.P.N. Vice-Chairperson

Terri Bowman, L.P.N.

Barbara Brennan, R.N.

Marilyn Dubree, R.N.

Kathleen Harkey, Consumer Member

Marian Stewart, R.N.

Arthur Thompson, L.P.N.

Betty Thompson, R.N.

Absent:

Cheryl Stegbauer, R.N., Chairperson

Debbie Holliday, L.P.N.

Debbie Malina, A.P.N.

Dr. Thompson declared a quorum

The State maintained that Ms. Rayfield violated T.C.A. 63-7-115 and 67-7-123 and Nursing Rules 1000-011-.13(1)(10), (b), (d), (r), (s), (u) and (w); 1000-.04.08 and .09 and that she continued to practice until the time of the hearing.

The Board heard testimony of witnesses, reviewed evidence presented by the State and asked questions. The Board discussed the case. Brennan made a motion to find the following facts to be true:

1. The Respondent has been at all times pertinent hereto certified by the Board as an Advanced Nurse Practitioner, including a Certificate of Fitness to Prescribe legend drugs, in the State of Tennessee, having been granted a certificate number 10476 on August 13, 2004. The Respondent has been at all times pertinent hereto licensed by the Board as a Registered Nurse in the State of Tennessee, having been granted license number 111387 on June 21, 1996.
2. From on or about November 2007 through January 2009, Respondent practiced nursing as an Advanced Nurse Practitioner at Bell Family Medical Clinic (located in Murfreesboro, Tennessee) and Middle Tennessee Medical (located in LaVergue, Tennessee) under her supervising physician. After leaving this practice, Respondent has continued to practice as a nurse practitioner and most recently has practiced at National Urgent Care (located in Tullahoma, Tennessee). At National Urgent Care, Respondent worked in the place of another advanced practice nurse, while she was on vacation during the

week of May 17, 2010. Since that time, Respondent has continued to write narcotic prescriptions under a different supervising physician.

3. Respondent caused false, misleading and inaccurate patient information to be entered into the database computer records of Bell Family Medical and/or Middle Tennessee medical for approximately 116 individuals. These entities have no record of such persons as patients and cannot verify their identity or establish their existence. The Respondent wrote narcotic prescriptions to these purported patients using her state and federal prescribing privileges. It was often the intent of the Respondent that the person or persons picking up such prescriptions would share a portion of the medication with the respondent for her personal use. The failure to prescribe appropriately is in violation of T.C.A. Sections 63-7-115 and 63-7-123 and Nursing Rules 1000-1-.13(1), (10), (b), (d), (r), (s), (u) and (w) and Nursing Rules 1000-04-.08 and .09. Such actions are also below the accepted standard of care in the locality in which the Respondent practices and constitutes a pattern of unprofessional and deceptive conduct.
4. From on or around November 2007 through January 2009, Respondent prescribed controlled substances to her co-workers, their family members and their friends, including but not limited to N.A., M.W. and G.B. and/or their family

members and/or friends. Respondent also admits that in the case of N.A., she prescribed narcotics to Ms. A. with the intent that Ms. A. would fill prescriptions and return a portion of the medication to the Respondent for her personal use. The failure to prescribe appropriately is in violation of T.C.A. Sections 63-7-115 and 63-7-123 and Nursing Rules 1000-01-.13(1), (10), (b), (d), ®, (s), (u), and (w); and Nursing Rules 1000-04-.08 and .09. Such actions are also below the accepted standard of care in the locality in which the Respondent practices and constitute a pattern of unprofessional and deceptive conduct.

Brennan made a motion to immediately suspend the respondent's R.N. and A.P.N. certificate and the certificate of fitness to prescribe. The motion was seconded by A. Thompson. The motion passed by roll call vote:

Carol Thompson, A.P.N.- yes
Terri Bowman, L.P.N. - yes
Barbara Brennan, R.N.- yes
Marilyn Dubree, R.N. - yes
Kathleen Harkey- yes
Marian Stewart, R.N. - yes
Arthur Thompson, L.P.N. - yes
Betty Thompson, R.N.- yes

C. Thompson stated the conclusions of law, which support the suspension.

The Board set the date for the informal hearing on Wednesday, 9, 2010 at 3:30 P.M. by telephone.

Vote to Hold a Rulemaking Hearing to Amend Rules:

10:55 A.M.

Medication Aides MAC

Dr. Thompson opened a discussion on the amended rule proposal on Medication Aides Certified. The Board voted to hold a rule-making hearing to consider new MAC rules.

Education

Ms. Barr suggested that the rulemaking issue be brought first to the Education Committee of the Board. The Committee would then draft new rules based on the National Council's model rules, with modifications to meet Tennessee's needs. The Board agreed to this approach.

Investigations/OGC Report of Cases and Discussion

Ashley Carter explained the disciplinary process from complaint to discipline. Once OGC receives a complaint, time is needed to follow up with the respondent and witnesses. Monthly disciplinary meetings will improve timeliness of hearings. Average case load at Investigations case review was 35-45 Since March there have been bi-weekly investigations reviews with more than 50 cases. At one bi-weekly review, there were 78 cases. Ms. Carter suggested a report on types of cases.

Adjourn for Lunch

11:30

Vote to Hold a Rulemaking Hearing to Amend Rules: Licensure Fees

The Board referred the fee rulemaking to the Finance Committee.

Vote to Hold a Rulemaking Hearing to Amend Rules:: MAC

The Board will be surveyed for the earliest

possible date to assemble a quorum of the Board.

Continuing Discussion on TCN Contract Renewal

The Board conducted a detailed discussion of the financial status of the Board, possible legislative disapproval of the February 16, 2010 license renewal fee increase, its impact on the budget and the mandate to maintain fiscal self sufficiency. TCN Executive Director, Lois Wagner, was present to answer questions from the Board. Following discussion, the Board voted unanimously not to continue the TCN contract. Dr. Thompson recognized the achievements of the Center and thanked the group for its work.

Summary Suspension Informal Hearing

Bobby Reynolds, R.N., A.P.N.

The Board voted unanimously to continue the informal summary informal hearing, at the request of Mr. Reynolds.

OGC Report

Al Partee, General Counsel, presented a report on the efforts of OGC to improve the work flow of case hearings. This includes collaboration with other government and law enforcement agencies. Challenges include hiring freezes and increases in complaints. The department closed 159 cases in 2008 and 309 in 2009. Case review takes place every two weeks. Screening panels are meeting more regularly at this time. Beginning July, there will be a monthly disciplinary meeting of the Board. Summary suspensions are being used more frequently to help expedite cases. The department has hired several experienced attorneys. Since OGC has a new office near the hearing room, orders can be changed when necessary and printed for signature before adjournment of the Board.

Adjournment

1:45 P.M.