

**TENNESSEE BOARD OF NURSING  
227 French Landing, Suite 100, Iris Room  
Heritage Place MetroCenter  
Nashville, TN 37243**

**September 27, 2007**

**MINUTES**

Call to Order	Cheryl Stegbauer, Chairman, called the meeting to order at 8:00 a.m. on Thursday, September 27, 2007.
Roll Call/Declaration of a Quorum	The Chairman declared a quorum present.
Members Present	Cheryl Stegbauer, R.N., Chairman Donna Roddy, R.N., Vice Chairman Barbara Brennan, R.N. Kathleen Harkey, Public Member Debbie Holliday, L.P.N. Wanda Neal Hooper, R.N. John Preston, A.P.N. Marian Stewart, R.N.
Members Absent	Terri Bowman, L.P.N. Judy Messick, L.P.N. Carol Thompson, A.P.N.
Staff Present	Elizabeth Lund, Executive Director Martha Barr, Assoc. Exec. Director Madeline Coleman, Nurse Consultant Joan Harper, Board Administrator Ernie Sykes, Assistant General Counsel
Approval of Minutes	Preston moved and Stewart seconded the motion to approve the February 22, 2007 minutes as distributed. The motion carried.
Consent Agenda	Hooper moved and seconded by Preston to adopt the consent agenda.

6-yes  
Carried

Middle Tennessee  
School of  
Anesthesia

Speaking to the Program:  
Dr. Phil Hunt—President  
Ms. Mary E. DeVasher-Vice  
President/Dean.

Hooper moved and seconded by Preston to grant Middle Tennessee School of Anesthesia a letter of intent and initial approval.

6-yes  
Carried

Lipscomb University

Speaking to the Program:  
Dr. Linda Norman—Past Director  
Ms. Geri Reeves--Director

Stewart moved and seconded by Harkey to place the Lipscomb/Vanderbilt Partnership Program on conditional approval.

6-yes  
Carried

8:25 a.m.  
8:30 a.m.

Brennan present.  
Roddy present.

Tennessee Board of Regents  
Online Degree Program

Recusal

Stewart recused herself and left the room.  
Speaking to the Program:  
Dr. Paula Short—Vice Chancellor  
Academic Affairs  
Dr. Pam Holder—Coordinator, Nursing  
Education  
Dr. Cynthia Swafford—Executive  
Committee  
Dr. Richard Rhoda—THEC Executive  
Director

Roddy moved and seconded by Preston to grant initial approval to the Tennessee Board of Regents Online Degree Program at

Tennessee Board of Regents Colleges and the one University that grant associate degrees in nursing.

6-yes  
Carried

University of Tennessee  
Health Science Center  
Recusal

Stegbauer recused herself and left the room.  
Stewart returned. Roddy assumed the chair.

Speaking to the Program:  
Dr. Susan Jacobs—Executive Associate  
Dean

Hooper moved and seconded by Stewart to grant full approval to the baccalaureate nursing program at the University of Tennessee Health Science Center.

6-yes  
Carried

Attendance

Stegbauer returned and assumed the chair.

Bethel College

Speaking to the Program:  
Mary Bess Griffith--Interim Director

Roddy moved and seconded by Preston to place the baccalaureate nursing program at Bethel College on conditional approval.

6- yes  
Carried

South College

Speaking to the Program:  
Judy Whedbee-Chair

Roddy moved and seconded by Stewart to place the baccalaureate nursing program at South College on continuing conditional approval.

6-yes  
Carried

University of Phoenix

Speaking to the Program:  
Dr. Pam Fuller—Associate Dean  
Marcia Edwards—Campus Chair

Hooper moved and seconded by Roddy to defer action on the RN to BSN Nursing

Program at the University of Phoenix until the next business meeting of the Board of Nursing. The program is requested to provide up-to-date curriculum vitae on faculty, provide a report that speaks to who teaches each course and name the teaching credential the faculty member holds that is appropriate for teaching the course.

6-yes  
Carried

Tennessee Technology  
Center at Harriman

Speaking to the Program:  
Rae Ellis—Coordinator

Preston moved and seconded by Roddy to grant the request for initial approval and separation of the Tennessee Technology Center at Harriman from the parent program at Appalachian State Regional Practical Nursing Program.

7-yes  
Carried

Policy re: Time  
Frames for Submission  
of Advisory  
Opinion Requests

Preston moved and seconded by Hooper to adopt a policy that sets a 45 day time frame for submission of advisory private ruling requests.

7-yes  
Carried

Advisory Rulings

A motion was made, seconded and carried on the following advisory ruling requests:

1. Removal of Epidural Catheters—sent back for more research.
2. Transmission and Logistics of Orders—referred to Practice Committee
3. Biomeridian Vantage Epic Probe—directed attorney to write the requestor a letter that relates that the board is not prepared to speak to whether the device and the information it produces is the practice of nursing; however, a RN may not set aside this issue by

saying that she is not practicing nursing.

4. Injection of Contrast Media by LPNs—Injection of contrast media is beyond the scope of practice of the licensed practical nurse.
5. Who may perform a retinopathy examination?—the question is too broad for the board to respond without more information.
6. Patency of PEG Tubes—Yes, it is within the scope of a registered nurse’s practice to maintain the patency of a PEG tube by inserting a Foley catheter, if circumstances, patient status and condition make that action appropriate.

12:15-1:05

Finance Committee  
Recommendation

Practice and Finance Committees met.

Hooper not present. The committee recommended that a final financial report that identifies the cause of the one year deficit be presented at the next meeting so as to ascertain if the cause of the deficit is a one time issue due to moving costs or if the cause relates to recurring expenses.

Preston moved and seconded by Stewart to grant a new 5-year contract to the Tennessee Center for Nursing (FY 2009=\$507,692) and also to approve an amendment to the contract with the Tennessee Professional Assistance Program (FY 2009=\$581,494). The contract amounts are:

6-yes  
Carried

Practice Committee  
Recommendations

The Practice Committee recommended and seconded by Roddy to:

Approve the following policy relative to LPNs who provide respiratory care to ventilator patients in the home health

setting.

**POSITION STATEMENT ON LPNs  
PROVIDING CARE TO  
VENTILATOR-DEPENDENT  
PATIENTS IN THE HOME HEALTH  
SETTING**

It is the position of the Tennessee Board of Nursing that an LPN may provide home health care to a ventilator-dependent patient, but she may only provide those services which fall within her scope of practice as an LPN, including tracheostomy care and suctioning.

With respect to the ventilator itself, an LPN may neither manage nor maintain such equipment. **Her scope of practice authorizes her merely to monitor the ventilator to ensure it is functioning properly, and to call for assistance if she detects an issue which requires the ventilator to be adjusted, connected, disconnected, cleaned, or otherwise serviced, by a supervising professional who is qualified to manage and maintain such equipment.**

Adopted September 27, 2007

1. Request more information on the performance of certain cosmetic procedures prior to adopting a policy.

Rules Report

Kosten, Rules Coordinator, presented a rules report. Brennan moved and seconded by Holliday to hold a rulemaking hearing on the following:

- Continued Competence rules-- 1000-1 and 2-.14 (2)(b)8.(i)(III) and 1000-1-.14(2)(c)1.(i)(III) Change Parish nursing to Faith Community Nursing/Parish Nursing and 1000-2-.14(2)(c)1.(i)(III) Change Parish

nursing to Faith Community/Parish Nursing (under the supervision of a registered nurse)

- Housekeeping changes to endorsement rules--1000-1-.02(2) Qualifications for licensure—Add the following language “or the approved school has certified to the board that the applicant has met all requirements for a diploma or degree.”
- A proposed one hour continued competence requirement for prescribing APNs
- Accepting photocopies of licensure verification from another state
- Use of titles in advertisements
- Conditions imposed on disciplined licensees—expanding circumstances to impose discipline

6-yes

Carried

Children’s Services  
Guidelines for Assistance  
With Self Administration  
Of Medications

Preston absent. Six members present.  
The board reviewed the document, made suggestions for changes and requested DCS representatives to bring the revisions back to the board. Suggestions included:

- six hours insufficient for training
- use train-the-trainer model
- Internet is not a reliable source for information on medicine
- use National standard list of medication abbreviations and symbols,
- two day reporting for refusal of meds is too long
- nurse must be included in transmission of orders
- nurse should be notified of medicine refusal
- define/describe universal precautions
- guidelines need to be clear that the medication is being self

administered and the unlicensed person is observing that self administration

- separate what monitored person does and what youth does
- clarify when and how documentation occurs
- make it clear on MAR that self administration by youth was observed
- report allergic reactions to nurse for follow-up instructions
- unrealistic expectations for unlicensed personnel relative to patient education

Unreadable Prints  
Policy

Roddy moved and seconded by Stewart to adopt the following policy on unreadable prints.

**BOARD OF NURSING POLICY  
UNREADABLE FINGERPRINTS  
TAKEN FOR CRIMINAL  
BACKGROUND CHECK**

Health care consumers are dependent upon professional licensing boards to conduct appropriate screening of applicants. The Board of Nursing has the responsibility of protecting the health, safety and welfare of the citizens of the State of Tennessee and to that end has a duty to exclude individuals who pose a risk to the public health, safety and welfare. One means of predicting future behavior is to look at past behavior. Checking whether applicants for licensure or registration have a criminal history and examining the nature of that history can provide significant information for boards to use in making licensure decisions. To that end, the Board of Nursing asks all new applicants to obtain a criminal background check and have the results transmitted to the Board for examination. In most cases, the fingerprints are clear and easily readable. However, some individuals

cannot get readable fingerprints. For applicants who twice have submitted unreadable prints, the Board of Nursing adopts the following policy relative to unreadable fingerprints:

The board shall require the applicant to submit to an FBI/TBI fingerprint scan through the State of Tennessee's approved vendor.

6-yes  
Carried

Complaint Processing  
Policies

Roddy moved and seconded by Stewart to adopt the following policy on complaint processing.

TENNESSEE BOARD OF NURSING  
POLICY  
COMPLAINT PROCESSING

Purpose: To set out a policy for processing certain drug related complaints. The purpose of the board is to safeguard life and health of the citizens of Tennessee. The board has the additional responsibility to assist in the rehabilitation of impaired nurses. Since 1981 the Tennessee Professional Assistance Program (predecessor organization Tennessee Peer Assistance Program) has monitored nurses requiring assistance. In 1983 the Board of Nursing endorsed TNPAP as a proper channel for reporting impaired nurses to meet mandatory reporting requirements found in rule 1000-1 and 2-.13(1)(s).

Complaint	Action by Investigations Division
Positive UDS on pre employment physical (illegal or scheduled drug)	Send letter to respondent with copy of TNPAP brochure unless

	further action required by P1 reviewers. Send letter of concern or warning as indicated. Send letter to complainant explaining actions.
Drug related complaint from employer--First Offender	Refer to TNPAP to ensure that it is indeed a first offense. If so, refer to TNPAP for evaluation referral and contract as indicated by evaluation. Send letter to complainant explaining actions.

6-yes  
Carried

#### Case Logistics

Sykes reported that new administration in the Office of General Counsel is developing and issuing new policies that will impact case logistics. Sykes will have input into this process.

#### Abuse Registry Cases

Sykes presented an analysis of abuse registry issues. The board requested Sykes to send a letter to other state agencies that are obligated to report abuse to request that abuse cases due to diversion of drugs be referred to the Board of Nursing for processing.

#### Attorney General Opinion 07-116

Sykes explained the August 8, 2007 Attorney General's Opinion # 07-116. A

Provision of Medical Services

physician may not be an employee of a nurse for provision of medical services; however, the supervision required for certain advanced practice nurses may be provided through an independent contractor arrangement with a physician. The opinion made a clear distinction between an employee and an independent contractor arrangement.

Open Forum

Stegbauer announced an Open Forum. There were no speakers.

Melissa Carter  
Request for  
Reinstatement  
Of RN License

Brennan moved and seconded by Stewart to reinstate the license (single state) of Melissa Carter on probation concurrent with a requirement that she maintain a TNAP contract that mirrors the Kentucky order. The reinstatement of the license will not commence until such time that she obtains a TNPAP contract.

Follow-Up  
Medication  
Technician  
Issue

Richard Russell, THCA, spoke to a workgroup formed to discuss a proposed medication administration certified (MAC). The board has accepted an invitation to send two representatives, Wanda Hooper and Elizabeth Lund, to the group's meetings.

TNPAP Oversight  
Committee

Mike Harkreader, TNPAP Director, requested a board member volunteer to serve on the TNPAP Oversight Committee. Brennan volunteered.

Announcement:  
Resignation of  
Madeline Coleman,  
Nurse Attorney

Lund announced the resignation of Madeline Coleman, RN, JD, Nurse Consultant effective October 15, 2007. The board wished Coleman the best in her new position with Health Care Facilities.

Adjournment

5:00 p.m.

Cheryl Stegbauer, Ph.D., RN  
Chairman

Date

Elizabeth J. Lund, MSN, RN  
Executive Director

Date

Ratified by the Board of Nursing February 27, 2008.