

**TENNESSEE BOARD OF NURSING
Millennium Maxwell House Hotel
2025 MetroCenter Blvd.
NASHVILLE, TN 37228**

October 17, 2006

MINUTES

Call to Order	Cheryl Stegbauer, Chairman, called the meeting to order at 8:30 a.m. on Tuesday, October 17, 2006.
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 Terri Bowman, L.P.N. Wanda Hooper, R.N. John Preston, A.P.N. Marian Stewart, R.N. Carol Thompson, A.P.N.
Members Absent	Barbara Brennan, R.N. Kathleen Harkey, Public Member Debbie Holliday, L.P.N. Judy Messick, L.P.N.
Staff Present	Elizabeth Lund, Executive Director Martha Barr, Assoc. Exec. Director Madeline Coleman, Nurse Consultant Joan Harper, Board Administrator Juanita Presley, Assistant General Counsel Robbie Bell, Director, Health Related Boards
Introduction of Staff	E. Lund introduced the staff present.
Recognition and Welcome to Visitors	C. Stegbauer recognized and welcomed guests. J. Preston moved and seconded by M. Stewart to adopt the consent agenda.
Consent Agenda	6-yes carried

Tennessee Board of Regents
Master of Science in Nursing
Regents Online Degree Program
(RODP)

Speaking to the Program:
Dr. Pam Holder—Coordinator, Nursing
Education, RODP
Dr. Paula Short—Vice Chancellor
Academic Affairs

D. Roddy moved and seconded by J.
Preston to grant the request of the Tennessee
Board of Regents Master of Science in
Nursing Online Degree Program for full
approval.

6-yes
carried

Northeast State Community College

Speaking to the Program:
Dr. Pam Holder--Consultant
Dr. William Locke—President
Dr. Carole Shaw—Vice President
Mr. Don Coleman--Dean

W. Hooper moved and seconded by J.
Preston to grant the request of Northeast
Community College for a letter of intent to
begin an associate of applied science in
nursing program.

5-yes
1-no
carried

Tennessee Board of Regents
Regents Online Degree Program
(ROPD)—Associate Degree

Speaking to the Program:
Dr. Pam Holder—Coordinator, Nursing
Education, RODP

D. Roddy moved and seconded by J.
Preston to grant the request of the Tennessee
Board of Regents Online Degree Program a
letter of intent to establish an associate
degree in nursing program.

3-yes
2-no
1-recused (Stewart)
1-abstain

carried

South College

Speaking to the Program:
Judy Whedbee, MSN, RN—Chair,
Department of Nursing
Dr. Kimberly Hall—Vice President

D. Roddy moved and seconded by M. Stewart to place the nursing program at South College on conditional approval and request a progress report at the time of the board's next business meeting.

6-yes
carried

King College

Speaking to the Program:
Dr. Johanne Quinn—Dean
Dr. Susan McCormick—Faculty
Dr. Gregory Jordan—President
Dr. Tracy Parkinson—Dean of Faculty

J. Preston moved and seconded by C. Thompson to grant the masters in nursing program at King College a letter of intent and initial approval with the following understanding: consultation to ensure that CNS graduates are eligible for national certification, adequate faculty support to enable graduates to write certification examinations and a progress report at the next business meeting.

6-yes
carried

Tennessee Technology Center
at Crossville

Speaking to the Program:
Linda Bilbrey—Practical Nursing Program
Director
Mr. Jim Purcell—School Director

D. Roddy moved and seconded by M. Stewart to grant the request to ad an evening

LPN program at TTC Crossville.
6-yes
carried

Appalachian Regional Practical
Nursing Program

Speaking to the Program:
Rae Ellis—Practical Nursing Coordinator
Mr. David Browder—Director, TTC at
Jacksboro
Mr. Dwight E. Moody, Director, TTC at
Oneida/Huntsville
Patty Leach—Faculty

W. Hooper moved and seconded by J.
Preston to grant the request of the
Appalachian Practical Nursing Program for
a part time 18 month evening program at the
Jacksboro campus.
6-yes
carried

J. Preston moved and seconded by M.
Stewart to grant the request for a satellite
program in Fentress County.
6-yes
carried

Open Forum

C. Stegbauer announced an open forum.
There were no speakers.

Tennessee Center for Nursing (TCN)

Ann Duncan, Executive Director, presented
a written report.

Tennessee Professional Assistance Program
(TNPAP)

Elaine Eaton, Manager, presented a written
report.

Department of Children's Services
Curriculum to Train Unlicensed Personnel
Medication Administration

Kristi Faulkner, attorney, introduced the DCS staff present. After some introductory comments and question by the board DCS decided to withdraw their request for board guidance and resubmit in the form of an advisory opinion request at a later board meeting.

Just Culture Statement and Blameworthy
Criteria Policy

D. Roddy moved and seconded by C. Thompson to endorse the following policy:

PURPOSE: To set out the Health Related Board's philosophy concerning learning, justice and accountability.

POLICY:

A. Given that:

1. Medical errors and patient safety are a national concern to all involved in health care delivery.

2. The Health Related Boards are legally and ethically obligated to hold practitioners accountable for their competency and behaviors that impact patient/client/resident care.

3. A punitive environment does not fully take into effect systems issues, and a blame-free environment does not hold practitioners appropriately accountable.

B. We resolve that the Health Related Boards will:

1. Strive for a culture that balances the need for a non-punitive learning environment with the equally important need to hold persons accountable for their actions.

2. Judge based on behavior, not the outcome.

3. Distinguish between human error, at-risk behavior, and intentional reckless behavior.

4. Foster a learning environment that encourages the identification and review of all error, near-misses, adverse events, and system weaknesses.

Subject: Patient Safety: Culture of Learning, Justice and Accountability

5. Support the prevention of future errors by promoting the use of a wide range of responses to safety-related events including coaching, non-disciplinary counseling, additional education or training, demonstration of competency, addition supervision and oversight and disciplinary action when appropriate to address performance issue.

6. Work to share information across organization to promote continuous improvement and ensure the highest level of

patient/client/resident/staf
f safety.

(a) Collaborate in efforts to establish a statewide culture of learning, justice and accountability to provide the safest possible environment of patients/clients/residents.

7. In reviewing complaints filed with the Boards, the consultants and staff will consider the following blameworthy activity that may result in board action:

(a) An event or medical error that is a result of a practitioner's actions while under the influence of alcohol or drugs.

(b) The practitioner responsible for the error has blatantly disregarded the facility's policies and procedures or professional standards of practice.

(c) The practitioner is being purposefully or recklessly unsafe.

(d) The practitioner commits an intentional and/or criminal act (including abuse, neglect or misappropriation of patient/resident

property).

6-yes
carried

Culture Change/Unlicensed Personnel W. Hooper moved and seconded by M. Administering Medication Stewart to appoint a task force to study culture change, particularly in the long term care setting, in reference to unlicensed personnel administering medication.

6-yes
carried

The chairman appointed the following members: Robbie Bell, Marian Stewart, two TNA members (Laura Beth Brown), Patty Scott (Home Health), Terri Bowman, Judy Eads, Richard Russell (THCA), Ann Duncan (TCN), and Cheryl Stegbauer.

Legislative Update

Sharon Atkins, TNA, reported that TNA will drop legislation to reauthorize the board with full legal authority.

Criminal Background Checks (CBC) Update

E. Lund reported that criminal background checks rules have been implemented that require national background checks on new licensees.

Disaster Planning Committee

Robbie Bell called for a volunteer to serve on the Disaster Planning Committee. Wanda Hooper volunteered to serve.

National Council of State Boards of Nursing Annual Meeting

Attendees at the August meeting held in Salt Lake City, Utah included: Delegates: Donna Roddy, Elizabeth Lund Alternates: Carol Thompson, Martha Barr

Nursing Perspectives

Ann Duncan and E. Lund reported on Nursing Perspectives, the board's magazine published jointly with TCN through Publishing Concepts Incorporated (PCI). The third issue has been sent to PCI and will

be mailed to all licensees in November.
Feedback from readers remains positive.

Joint Board Retreat with Board of Medical Examiners

Donna Roddy volunteered to assist with planning the joint Nursing/Medical Board retreat to be held Spring 2007. Suggested topics for discussion include: prescribing practices, overprescribing and supervision of APNs.

OGC Report

Juanita Presley, Assistant General Counsel, presented a written report on conflict of interest, status of rules, the Political Activity by State Employees policy and the number of cases pending litigation (148).

Rules Report/Vote to Hold a Rulemaking Hearing/Consideration of Impact on Small Business according to Executive Order

Jerry Kosten, Rules Coordinator, presented a draft rulemaking document for the board's consideration. The board referred the proposed education rules to the education committee for review and recommendation. The education committee and guests reviewed the document and brought revisions back to the board. The full board discussed the entire rulemaking notice and directed Mr. Kosten to make certain changes. Next Mr. Kosten advised the board of the Governor's Executive Order that speaks to the impact of proposed rules on small businesses. The board voted to hold a rulemaking hearing on the topics of non refundable fees, additional grounds for unprofessional conduct, revision in the current language concerning stays and reconsiderations of disciplinary matters and a comprehensive revision of school rules.

6-yes
carried

School Approval Policy

D. Roddy moved and seconded by M. Stewart to adopt the following school approval policy:

TENNESSEE BOARD OF NURSING
POLICY
SCHOOL APPROVAL

Purpose: To set out a policy for the annual approval process of professional and practical nursing programs. The purpose of the board is to safeguard life and health of the citizens of Tennessee. It is vital for the health of Tennesseans that nurses are educated appropriately in approved schools of nursing. Consumers attending such schools must be assured that the education provided will prepare them to be successful on the national licensure examination for nurses. Rules of the board set out that graduates of nursing programs shall achieve a first time writer pass rate of 85%. Programs of nursing falling below that minimum will be subject to board action. Authority: T.C.A. 63-7-119, 1000-1-.05 and 1000-2-.05

NCLEX Pass Rate - Board Action

Less than 85%-one year -
Letter of concern/request progress report

Less than 85%- two consecutive years -
Appear before the board/consider
conditional approval

Less than 85%- three consecutive years -
Appear before the board/conditional
approval

Less than 85%- four consecutive years
Appear before the board/may not admit a
class

Less than 85%- four or more consecutive
years – Close program

Note: This policy serves as a guide for the board. The board reserves the right to take

any reasonable action against a nursing program to protect the public based on correspondence, annual reports, school survey visits and testimony before the board.

Reaffirmation of 1985 Standing Board Policy: October 17, 2006

6-yes
carried

Finance Committee Report

D. Roddy moved and seconded by J. Preston to:

1. Grant a 3% salary increase to employees of TCN and TNPAP within the budget of the existing contract.
2. Accept the terms of a new 3 year contract with TNPAP under the following financial arrangement: FY2007-2008=\$511,000, FY2008-2009=\$524,706.00, FY2009-2010=\$538,951.00.

6-yes
carried

Practice Committee

W. Hooper moved and seconded by J. Preston to interpret the practice act such that:

1. it is not within the scope of the practice act for a licensed practical nurse to perform glycolic acid peels;
2. It is not within the scope of the practice act for a registered nurse to formulate treatment plans, write orders and call in prescriptions;
3. It is the board's responsibility to require APNs to hold national certification for renewal of licensure; it is an employer's decision whether to assume the risk of allowing an APN to continue to practice when there is a lapse in certification status.
4. More information is needed in regard to the request relative to an LPN administering IV push drugs in an "emergency."

6-yes
carried

Adjournment

5:20 p.m.

Cheryl Stegbauer, Ph.D., RN
Chairman

Date

Elizabeth J. Lund, MSN, RN
Executive Director

Date