

TENNESSEE BOARD OF NURSING
227 French Landing, Iris Room, First Floor
Heritage Place Metro Center
Nashville, TN 37243

December 5-6, 2007

MINUTES

Call to Order	Donna Roddy, Vice-Chairman, called the meeting to order at 8:30 a.m. on Wednesday, December 5, 2007
Roll Call/Declaration of a Quorum	The Vice-Chairman declared a quorum present.
Members Present	Donna Roddy, R.N., Vice-Chairman Terri Bowman, L.P.N. Kathleen Harkey, Public Member Debbie Holliday, L.P.N. Wanda Hooper, R.N. Judy Messick, L.P.N. John Preston, A.P.N. Marian Stewart, R.N.
Members Absent	Cheryl Stegbauer, R.N., Chairman Barbara Brennan, R.N. Carol Thompson, A.P.N.
Staff Present	Elizabeth Lund, Executive Director Martha Barr, Assoc. Executive Director Joan Harper, Administrative Director Sheila Bush, Board Manager Wilma James, Deputy General Counsel Lexi Whittemore, Assistant General Counsel Mona Jean-Baptiste, Assistant General Counsel Christopher Larkin, Assistant General Counsel

Nicole Armstrong, Assistant General Counsel
Sandra Sturgis, Special Assistant to Commissioner of Health
Al Partee, General Counsel
Jay Reynolds, Administrative Law Judge
Tanya LaDeaux, Paralegal
Ernie Sykes, Assistant General Counsel
Diona Layden, Assistant General Counsel

Introduction of Staff

Elizabeth Lund and Wilma James introduced the staff.

Guests in the Audience

Ms. Roddy recognized and welcomed Four Rivers Practical Nursing Program, Ripley, TN.

Approval of Minutes

John Preston made the motion to accept the minutes as presented. Debbie Holliday seconded the motion. The motion carried.

Conflict of Interest Policy

Ms. James, Deputy General Counsel, reviewed the Conflict of Interest and Confidentiality Policies.

Agreed Orders

Ann Lynette Lloyd LPN 40592

Ms. Lloyd was not present. Ms. Lexi Whittemore represented the State. After discussion, Ms. Hooper made the motion to accept the agreed order as presented. Dr. Preston seconded the motion. The motion carried. Ms. Lloyd's license will be suspended until she has been evaluated and signed a contract with TNPAP. After a contract has been signed, Ms. Lloyd's license will be on probation for the length of the TNPAP contract not less than 3 years. Ms. Lloyd was also assessed case costs.

Cynthia T LPN 45374
Huddleston

Ms. Huddleston was presented and represented by Brandi Snow Bozarth, Attorney. Mona Jean-Baptiste represented the State. After discussion, Ms Hooper made the motion to accept the agreed order

as presented. Dr. Preston seconded the motion. The motion carried. Ms. Huddleston's license will be suspended until she has been evaluated and signed a contract with TNPAP. After a contract has been signed, Ms. Huddleston license will be placed on probation for the length of the TNPAP contract. Ms. Huddleston was also assessed case costs.

Gerri Hejl Adkins RN 107494

Ms. Adkins was not present and Ms. Jean-Baptiste represented the State. After discussion, Ms. Hooper made a motion to accept the agreed order as presented. Dr. Preston seconded the motion. The motion carried. Ms. Adkins' license will be placed on probation for one year with the condition that she obtained ten Continued Competency Units in Medicine Administration Charting within one year of ratification of this Order. Ms. Adkins was also assessed case costs.

Contested Cases

Karen D Brewer LPN 41254

Ms. Brewer was not present nor represented by legal counsel. Diona Layden represented the State. Mr. Jay Reynolds was the Administrative Law Judge. Ms. Layden asked the Board for permission to proceed in default. After discussion, Dr. Preston made a motion to proceed in default. Ms. Holliday seconded the motion. The motion carried. Ms. Layden passed out the Notice of Charges. Ms. Brewer has been charged with violating T. C. A. 63-7-115 (a) (1), (C), (F) and (G) and Board Rule 1000-2-.13 (1) (f), (g), (l) and (v). After discussion, Mr. Preston made a motion to find Ms. Brewer guilty of the charges as amended. Ms. Holliday seconded the motion. Dr. Preston made a motion for Ms. Brewer's license to be revoked, assess one type (A) civil penalty in the amount of \$1,000.00 and assess case costs. Ms. Holliday seconded the motion. The motion carried.

Chastity Ann Sanders RN 138293 Ms. Sanders was not present nor represented by legal counsel. Ms. Jean-Baptiste represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Jean-Baptiste asked for a motion to proceed in default. After discussion, Ms. Hooper made the motion to proceed in default. Ms. Stewart seconded the motion. The motion carried. Ms. Jean-Baptiste passed out the Notice of Charges. Ms. Sanders is being charged with violating T.C.A. 63-7-115 (a) (1), (C) and (F) and Board Rule 1000-1-.13 (1) (b), (d), (e), (u) and (w). After discussion, Ms. Hooper made the motion to find Ms. Sanders guilty of the charges as amended. Dr. Preston seconded the motion. The motion carried. Ms. Hooper made the motion for Ms. Sanders' license to be revoked and she was assessed eight (8) type A civil penalties in the amount of \$8,000.00 and assessed case costs and Ms. Hooper would also like for notification of this discipline to be sent to the Mississippi Board of Nursing. Dr. Preston seconded the motion. The motion carried.

Debra J Carroll RN 92133 Ms. Carroll was not present nor represented by legal counsel. Christopher Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin asked the Board for a motion to proceed in default. After discussion, Ms. Stewart made a motion to proceed in default. Ms. Hooper seconded the motion. The motion carried. Mr. Larkin passed out the Notice of Charges. Ms. Carroll is being charged with violating T. C. A. 63-7-115 (a) (1), (C), (D), (G) and Board Rule 1000-1-.13 (1) (b), (d), (e) and (w). After discussion, Ms. Hooper made a motion to find Ms. Carroll guilty of the charges as amended. Dr. Preston seconded the motion. The motion carried. Ms. Hooper made the motion to revoke Ms. Carroll's license, to assess three type (A) civil penalty for a total of \$3,000.00, assess case costs and revocation of her multistate privileges. Dr. Preston seconded the motion. The motion carried.

Shannon Lee Eagin-Hackett Unlicensed Ms. Eagin-Hackett was not present nor represented by legal counsel. Ms. Whittemore represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Whittemore asked to proceed in default. After discussion, Ms. Hooper made the motion to proceed in default. Dr. Preston seconded the motion. The motion carried. Ms. Whittemore passed out the Notice of Charges. Ms. Eagin-Hackett is being charged with violation T. C. A. 63-7-103 (a) (1) and (2) (A), (B), (C), (D), (E) and (F) and T.C. A. 63-7-112. After discussion, Ms. Hooper made the motion to find Ms. Eagin-Hackett guilty of the charges as amended. Dr. Preston seconded the motion. The motion carried. Ms. Hooper made the motion to fine Ms. Eagin-Hackett with fifty-nine (59) type (A) civil penalties for a total of 29,5000.00 and case costs. dr. Preston seconded the motion. The motion carried.

Valerie Jean Jones Unlicensed Ms. Jones was not present nor represented by legal counsel. Ms. Nicole Armstrong represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Armstrong as the Board to proceed in default. After discussion, Ms. Hooper made the motion to proceed in default. Ms. Stewart seconded the motion. The motion carried. Ms. Armstrong passed out the Notice of Charges. Ms. Jones is being charged with violating T.C.A. 63-7-107. After discussion, Ms. Hooper made the motion to find Ms. Jones guilty of the charges as amended. Dr. Preston seconded the motion. The motion carried. Ms. Hooper made the motion to fine Ms. Jones two type A civil penalties in the amount of \$2,000.00 for each month she represented herself as a registered nurse and case costs. Dr. Preston seconded the motion. The motion carried.

Beverly Bright RN 128451 Ms. Bright was not present nor represented by legal counsel. Mr. Larkin represented the state. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin asked the Board to proceed in default. After discussion, Ms. Hooper made the

motion to proceed in default. Ms. Holliday seconded the motion. The motion carried. Mr. Larkin passed out the Notice of Charges. Ms. Bright 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) (a), (c), (f), (g) and (w). After discussion, Ms. Hooper made the motion to find Ms. Bright guilty of the charges as amended. Ms. Holliday seconded the motion. The motion carried. Ms. Hooper made the motion to revoke Ms. Bright's license and multistate privileges along with one type A civil penalty in the amount of \$1,000.00 and case costs. Ms. Holliday seconded the motion. The motion carried.

Teresa Dressel

RN 112402

Ms. Dressel was not present nor represented by legal counsel. Ms. Whittemore represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Whittemore asked the Board to proceed in default. After discussion, Ms. Holliday made the motion to proceed in default. Dr. Preston seconded the motion. The motion carried. Ms. Whittemore passed out the Notice of Charges. Ms. Dressel is being charged with violating T. C. A. 63-7-115 (a) (1), (C), (F) and (G) and Board Rule 1000-1-.13 (1), (c), (f), (g) and (w). After discussion, Dr. Preston made the motion to find Ms. Dressel guilty of the charges as amended. Ms. Holliday seconded the motion. The motion carried. Dr. Preston made the motion to revoke Ms. Dressel's license and multistate privileges along with two type A civil penalties in the amount of \$2,000.00 and case costs. Ms. Holliday seconded the motion. The motion carried.

Gina Brown

LPN 54899

Ms. Brown was not present nor represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin as the Board to proceed in default. After discussion, Dr. Preston made the motion to proceed in default. Ms. Stewart seconded the motion. The motion carried. Mr. Larkin passed out the Notice of Charges. Ms. Brown is being charged with violating T. C.A.

63-7-115 (a) (1), (B), (C), (F) and (G) and Board Rule 1000-2-.13(1)(d), (e), (g) and (v). After discussion, Ms. Holliday made the motion to find Ms. Brown guilty of the charges as amended. Ms. Stewart seconded the motion. The motion carried. Ms. Holliday made the motion to revoke Ms. Brown's license along with four type (A) civil penalties in the amount of \$4,000.00 and case costs. Ms. Stewart seconded the motion and the motion carried.

Debra K Hering

RN 104248

Ms. Hering was not present nor represented by legal counsel. Ms. Whittemore represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Whittemore asked the Board to proceed in default. After discussion, Ms. Harkey made a motion to proceed in default. Ms. Stewart seconded the motion. The motion carried. Ms. Whittemore passed out the Notice of Charges. Ms. Hering 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)(e), (j) and (w). After discussion, Dr. Preston made the motion to find Ms. Hering guilty of the charges as amended. Ms. Holliday seconded the motion. The motion carried. Dr. Preston made the motion to revoke Ms. Hering's license, assess one type (A) civil penalty in the amount of \$1,000.00 and case costs. Ms. Holliday seconded the motion. The motion carried.

Melody Phillips

RN 117846

Ms. Phillips was not present nor represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin asked the Board to proceed in default. After discussion, Ms. Hooper made the motion to proceed in default. Ms. Bowman seconded the motion. The motion carried. Mr. Larkin passed out the Notice of Charges. Ms. Phillips is being charges with violating T. C.A. 63-7-115 (a) (1), (F) and (G) and Board Rule 1000-1-.13(1) (j). After discussion, Ms. Hooper made the motion to find Ms. Phillips guilty of the charges as amended. Dr. Preston seconded the motion. The motion carried. After discussion, Ms. Hooper made a motion to

revoke Ms. Phillips license, assess one type (C) civil penalty in the amount of \$500.00 and case costs. Dr. Preston seconded the motion. The motion carried.

Cheryl Y Worthy RN 62883 Ms. Worthy was not present nor represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin asked the Board to proceed in default. After discussion, Ms. Harkey made a motion to proceed in default. Ms. Bowman seconded the motion. Mr. Larkin passed out the Notice of Charges. Ms. Worthy is being charged with violating T.C.A. 63-7-115 (a) (1)(B), (C) and (F) and Board Rule 1000-1-.13 (1). After discussion, Dr. Preston made the motion to find Ms. Worthy guilty of the charges as amended. Ms. Holliday seconded the motion. The motion carried. Dr. Preston made the motion to revoke Ms. Worthy's license, assess twenty-five type (A) civil penalties in the amount of \$6,250.00 and case costs. Ms. Holliday seconded the motion. The motion carried.

Charlotte Rae Whitson LPN 53076 Ms. Whitson was not present nor represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin asked the Board to proceed in default. After discussion, Ms. Harkey made the motion to proceed in default. Dr. Preston seconded the motion. The motion carried. Mr. Larkin passed out the Notice of Charges. Ms. Whitson is being charged with violating T.C.A. 63-7-115 (a) (1), (B) and (G) and Board Rule 1000-2-.13 (1). After discussion, Ms. Hooper made a motion to find Ms. Whitson guilty of the charges as amended. Ms. Hooper made the motion to revoke Ms. Whitson's license, assess one type (A) civil penalty in the amount of \$1,000.00 and case costs. Dr. Preston seconded the motion. The motion carried.

Insufficient Funds-Administration Revocation

Dr. Preston made the motion to administratively revoke the following licenses for insufficient funds. Ms. Stewart seconded the motion. The motion carried.

Insufficient Funds	Profession
Mary U Boxwell	RN 63915
Lafay L Evans	LPN 64316
Randy L Gibbs	LPN 58491
Rhonda S Jones	LPN 57937
Beverly R Maxwell	LPN 24228
Karen Park	RN 124196

December 6, 2007

Emily Whatley Hentz	RN 121310	Ms. Hentz was present and represented by Mr. Frank Scanlon, Attorney. Ernie Sykes represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Sykes passed out the Notice of Charges. Ms. Hentz is charged with violating T.C.A. 63-7-115 (a) (1) (G) and (F) and Board Rule 1000-1-.13 (j) and (w). Mr. Sykes and Mr. Scanlon gave opening statements. After discussion, Ms. Hooper made a motion to find Ms. Hentz guilty of the charges as amended. Ms. Stewart seconded the motion. The motion carried. Ms. Hooper made the motion to revoke Ms. Hentz's license, assess 4 type (A) civil penalties in the amount of \$4,000 dollars and case costs. Ms. Stewart seconded the motion. The motion carried.
Sarah Oakley	Unlicensed	Ms. Oakley was not present nor represented by legal counsel. Ms. Whittemore represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Whittemore asked the Board to proceed in default. After discussion, Dr. Preston made the motion to proceed in default. Ms. Holliday seconded the motion. The motion carried. Ms. Whittemore passed out the Notice of Charges. Ms. Oakley is being charged with violating T.C.A. 63-7-107. After discussion,

Dr. Preston made the motion to find Ms. Oakley guilty of the charges as amended. Ms. Stewart seconded the motion. The motion carried. Dr. Preston made the motion to fine Ms. Oakley twenty-three type (A) civil penalties in the amount of \$23,000.00 and case costs. Ms. Stewart seconded the motion. The motion carried.

Terri Lancaster

LPN 31102
RN 72806

Ms. Lancaster was not present nor represented by legal counsel. Ms. Layden represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Layden asked the Board to proceed in default. After discussion, Ms. Harkey made the motion to proceed in default. Mr. Preston seconded the motion. The motion carried. Ms. Layden passed out the Notice of Charges. Ms. Lancaster is being charged with violating T.C.A. 63-7-115(a) (1) (B), (C) and (F) and Board Rule 1000-1-.13 (1) (u) and (w). After discussion, Ms. Hooper made the motion to find Ms. Lancaster guilty of the charges as amended. Ms Stewart seconded the motion. The motion carried. Ms. Hooper made the motion to revoke Ms. Lancaster's RN and LPN licenses, assess four type (C) civil penalties in the amount of \$2,000.00 and case costs. Dr. Preston seconded the motion. The motion carried.

Lynn M Crum

RN 118979

Ms. Crum was present but not represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Mr. Larkin and Ms. Crum gave opening statements. Mr. Larkin passed out the Notice of Charges. Ms. Crum is being charged with violating T.C.A. 63-7-115(a) (1), (C), (F) and (G) and Board Rule 1000-1-.13 (1)(b)and (e). After discussion, Ms. Hooper made the motion to find Ms. Crum guilty of the charges presented. Ms. Stewart seconded the motion. The motion carried. Ms. Hooper made a motion to revoke Ms. Crum's license, assess five type (A) civil penalties in the amount of \$5,000.00 and case costs. Ms. Stewart seconded the motion. The motion carried.

Robert Lee Bailey	LPN 18993	<p>Mr. Bailey was not present nor represented by legal counsel. Ms. Whittmore represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Whittmore asked the Board to proceed in default. After discussion, Ms. Harkey made the motion to proceed in default. Ms. Stewart seconded the motion. The motion carried. Ms. Whittmore passed out the Notice of Charges. Mr. Bailey is being charged with violating T.C.A. 63-7-115(a) (1), (C), (F) and (G) and Board Rule 1000-2-.13(1) (a). After discussion, Dr. Preston made the motion to find Mr. Bailey guilty of the charges as amended. Dr. Preston made the motion to revoke Mr. Bailey's license assess one type (A) civil penalty in the amount of \$1,000.00 and case costs. Ms. Hooper seconded the motion. The motion carried.</p>
Kristina Rogers-Pellam	RN 133407	<p>Ms. Rogers-Pellam was present but not represented by legal counsel. Mr. Larkin represented the State. Mr. Reynolds was the Administrative Law Judge. Ms. Rogers-Pellam and Mr. Larkin gave opening statements. Mr. Larkin passed out the Notice of Charges. Ms. Rogers-Pellam is being charged with violating T.C.A 63-7-115 (a) (1)(C),(F) and (G) and Board Rule 1000-1-.13 (1)(d), (e), (g) and (w). After discussion, Ms. Hooper made the motion to find Ms. Rogers-Pellam guilty of the charges as amended. Ms. Holliday seconded the motion. The motion carried. Ms. Hooper made a motion to suspend Ms. Rogers-Pellam's license until she has a TNPAP evaluation. Once she has completed the TNPAP evaluation, Ms. Rogers-Pellam's license will be placed on probation for three years. Ms. Rogers-Pellam is also required to take an ethic's course, pay four type (B) civil penalties in the amount of \$500.00 and case costs. Ms. Hackey seconded the motion. The motion carried.</p>

Consent Orders

Ms. Hooper made the motion to accept the Consent Orders as presented. Dr. Preston seconded the motion. The motion carried.

Respondent	Profession	Action
Nancy Toney	LPN 56464	Suspended until TNPAP evaluation. Once evaluation is completed Ms. Toney’s license will be placed on probation. If TNPAP contract is required, probation will run the length of the TNPAP contract no less than three years.
Beatrice E Adewoye	LPN 58450	Reprimanded and ten hours of Continued Competency Units in nursing ethics within one year of the order. Assessed case costs.
Cynthia Ollis Barker	LPN 44941	Suspended until TNPAP evaluation. After evaluation is completed, Ms. Barker’s license will be placed on probation for no less than three years. Assessed case costs.
Sandra Yvette Byrd	RN 57007	Suspended until TNPAP evaluation. After evaluation is completed, Ms. Byrd’s license will be placed on probation for no less than three years. Assess case costs.
Diana L DeMange	RN 134727	Probation for one year and obtain ten hours of Continued Competency Units in nursing ethics with one year. Multistate privilege limited to Tennessee only. Assessed two type (C) civil penalties in the amount of \$200.00 and case costs.
Sheila R Foxworth	LPN 57431	Suspended until Ms. Foxworth submits proof of Continued Competency Units: three hours related to ethics, six hours related to medicine administration and six hours related to charting, then Ms. Foxworth’s license will be placed on probation. Practice limited to Tennessee only. Assessed costs.
Maureen Green	RN 113360	Suspended until TNPAP evaluation. If TNPAP contract is required, once signed, Ms. Green’s license will be placed on probation to run concurrent with the TNPAP contract for no

less than three years. If the TNPAP contract is not required, Ms. Green's license will be placed on probation for one year. Multistate privilege limited to Tennessee only. Assessed costs.

Julie Denise Hardin	LPN 55504	Probation for only one year with condition that Ms. Hardin obtains ten Continued Competency Units in Medicine Administration Charting within one year. Multistate privilege limited to Tennessee only. Assessed \$100.00 dollars in civil penalties and case costs.
Kristen Westerholm	LPN 61599	Suspended until TNPAP evaluation. If TNPAP contract is required, once signed Ms. Westerholm's license will be placed on probation to run concurrent with the TNPAP contract for no less than three years. If the TNPAP contract is not required, Ms. Westerholm's license will be placed on probation for two years. Multistate privilege limited to Tennessee only. Assessed case costs.
Stacy R Williams	RN 133482	Revoked and assessed case costs.
Lisa Washington Sanders	LPN 46056	Revoked and assessed case costs.

Denied Consent Orders

Paula J Gault	RN 55840	Ms. Hooper made the motion to deny the Consent Order due to previous disciplinary actions making Ms. Gault not eligible for TNPAP. Ms. Gault must come before the Board. Ms. Stewart seconded the motion. The motion carried.
Sarah Amanda Newton	RN 153927	Ms. Holliday made a motion to deny the Consent Order based on out of state action. Ms. Stewart seconded the motion. The motion carried. Ms. Newton must come before the Board.
Christe L Veal-Stewart	RN 100900	Ms. Holliday made the motion to deny the Consent Order due to previous TNPAP contracts. Ms. Judy Messick seconded the

motion. The motion carried. Mrs. Veal-Stewart must come before the board.

Screening Panels

Participant	Profession	Action/Consent Orders
Carol L Branch	RN 77287	Suspended/Probation
Cynthia W Ewton	RN 53947	Suspended/Probation
Dana C Flowers	RN 45425	Revoked and assessed case cost
Betty L Goodwin	RN 73455	Probation
Amandus N Harrison	RN 149324	Suspended/Probation
Leigh Danielle Messick	RN 110590	Probation
Janice E Reasons	RN 77294	Probation
Phyllis A Shelton	RN 74333	Suspended
Stephanie Linna Snowberger	LPN 51924	Probation
Amy Lynn Norris	RN 127992	Revoked

Tennessee Board of Nursing Draft Position Medication Aides Certified

The Tennessee Board of Nursing voted on December 6, 2007 to uphold its previous position not to support a bill that would provide for medication aides certified (MAC). The board discussed the following history and rationale for its position.

The former assistant commissioner of the Department of Health, in 2006, asked the Board of Nursing to look at culture change in the context of the nursing home environment. The Board held a retreat for both educational purposes and discussion in the fall of 2006. Following the retreat the Board agreed to participate in a task force to consider the need for and use of medication aides in the long term care, cottage environment.

Over the course of the task force's meetings, THCA representatives presented the group with a bill to consider. Board of Nursing task force members noted that the draft legislation moved much farther in scope than the Board of Nursing original discussion. When the draft bill came before the Board of Nursing February 2007 for vote, the Board opposed the bill and stated the following patient safety concerns.

- Access to controlled substances with concomitant risks (i.e., theft, illicit sale, unsafe/illegal use)
- Fragmented care with nurse performing assessment and medication technician administering medications
- Expense of creating a new profession
- Burden on board member's time to handle the expected increase in disciplinary cases
- Increased liability of the nurse who must delegate medication administration
- Burden on licensed nurse to delegate/supervise another licensee
- Patient safety concerns related to high risk population, vulnerable population that in many cases may not speak for themselves and increased susceptibility to unknown drug reactions
- Concern with the laxity of phrasing to take "reasonable measures" to prevent the medical assistant from access to controlled substances

Board members crafted a response to the bill and presented testimony to the State Legislature that spoke to research in the literature, vulnerability of the patient population served and the consistency over time of Board positions that interpret the Nurse Practice Act such that it is a violation of the Act for unlicensed personnel to administer medication.

Senate Bill 1163 was referred to a summer 2007 study committee. THCA hosted the meetings that involved a diverse complement of interested parties. Wanda Hooper, RN, represented the Tennessee Board of Nursing. Consensus among the stakeholders was not reached.

The draft bill presented to the Board of Nursing, dated November 12, 2007 continues to contain outstanding public safety issues. The bill:

- Limits the criminal convictions that the Board may consider in denying a certificate to the most egregious crimes such as murder and kidnapping.
- Involves another health related board in the regulation of nursing
- Disregards the matter that licensed practical nurses practice via delegation from a registered nurse and may not re-delegate nursing practice to an unlicensed person.
- Does not address the issue that assessment is not a part of licensed practical nursing practice; LPN collect data for the RN to make an assessment.
- Provides for assessment of patients only on admission and when there is a change in the patient's condition. It does not speak to how a change in condition will be brought to the attention of licensed staff.

The Board of Nursing is charged with regulating nursing practice to protect the public. The basic responsibility of the individual nurse who is required to supervise others is to delegate safely. This delegation involves making a determination as to when the person delegating must be supervised personally.

Board members present at the December Board meeting made the following additional comments:

- Holliday noted that the bill “would allow the MAC to perform duties other than medication administration.” There is a concern that a person might feel rushed to complete medication administration to “go on to do showers.”
- Stewart noted that this bill “would add another facet for LPN schools to handle, concerned as to how programs would manage.”
- Roddy added to Stewart’s comment that “LPN programs currently operate day and evening as well as weekend programs to handle demand.”
- Harkey remarked “From the consumer perspective it is alarming to consider in light of media images of neglect and abuse and nursing homes being required to suspend admissions. This concept of MACs would dilute oversight. I understand the need, but this is too frail a compromise. As a former member of the Board of Education I know the concerns of high school graduates, their abilities and innumeracy.”
- Roddy added that “Current Board rules require programs to be conducted by RNs; this bill allows LPNs to teach.” Roddy expressed concern for clinical placements and noted the burden to the Board to publish passing statistics every quarter. NCLEX passage rates are published on an annual basis. Roddy noted that when one adds the hours of training required for the MAC, it is close to the hours required for LPN education. She questioned adding the delegation requirement to already overburdened licensed nurses. “Would the licensed nurse be willing to put his/her license at stake?”
- The Board discussed the culture of retention and efforts state and nationwide to improve the work environment to retain nurses. The literature reports that nurses want to be freed from non nursing tasks to spend more time on nursing responsibilities. The members discussed that the direction should be focused on providing nurses with support for non nursing duties that could safely be performed by unlicensed personnel rather than using unlicensed personnel to perform nursing functions.
- Roddy reminded the Board of the 4-5 recent cases heard recently where unlicensed individuals have represented themselves as a nurse. This bill could have the consequence of “setting a person up” to represent themselves as a nurse.
- Hooper pointed out in light of patient safety, rather than “focus on a quick fix Band Aid,” suggests looking at the long term rather than adding another layer of personnel.”
- Holliday stated that liability issues are a concern. Holliday has heard voiced that nurses will leave long term care if this bill passes. “Nurses are already struggling and the public cannot afford to lose one good nurse. The consensus of nurses is that nursing remain within their control.”

Members of the Community addressed the Board:

- Linda McBride, Department of Mental Health and Developmental Disabilities and on behalf of Commissioner Gina Betts stated that neither she nor the commissioner “could find anything (in the bill) when a situation became acute that there would be an RN immediately available to assess the patient.” McBride spoke on her own behalf to say that MACs are “not likely to recognize an emergency situation. What in the education (of a MAC) speaks to psychotropic drugs? There is no physiology content on how these drugs work that would give the MAC the ability to recognize (untoward effects).”
- Sharon Adkins, TNA, stated that the Board of Nursing has raised the same issues that TNA has identified. She reported that TNA asked to be at the table to make the bill as safe as possible and workable. Adkins added that there may be other ways to work at the issue, to give the best care and reorganize work such that there would not be a need for a lower skilled provider. In view of the news in the media with nursing homes she doesn’t

think it is a wise time to decrease the level of skill of care givers. Adkins emphasized that TNA is concerned about the public's welfare.

Further Board Member Comments:

- Preston added that it is important to put energy toward supplementing the current non-licensed staff available in long term care so as to provide the non-skilled care necessary to unburden current nurses from non nursing tasks. Doing so would allow nurses to focus their attentions on the skilled aspects of long term care without having to re-purpose any of the non-licensed staff to perform in a manner that is of concern to individuals who are concerned about supporting this proposal.
- Harkey stated that many baby boomers are experiencing the nursing home with family members. She reasoned that the public would prefer an RN or LPN for daily watching than a teenager.
- Hooper noted that persons 65 and older are 21/2 times more likely to have an adverse drug event in addition to polypharmacy.
- Holliday reported that in her experience long term care patients receive as many as 18-20 medications.
- Stewart pointed out the safety risk factor for having a person educated to monitor and assess away from patients.

Further Audience Comments:

- Laura Beth Brown, TNA, stated that she observed some of the best collaboration in the Board of Nursing Unlicensed Personnel Task Force and the task force launched by Senator Black's study group. The latter represented multi disciplinary and broad representation from pharmacy, TNA, long term care, respiratory therapy, Board of Nursing and THCA. She recognized and thanked the group for their work and process.
- Richard Russell, THCA noted that the process has "gone on a long time." He believes the group made many of the changes that the Board of Nursing requested. He stated that "we need to bring this home." He pointed out that Judy Eads requested him to look into cultural change "where LPNs are not just passing out meds. Some nursing homes are interested; some are not. It is not a cost issue. All the feedback regarding medication aides is that it is great—LPNs can focus on other aspects of nursing care." For the record, Russell wants the Board to see where THCA is coming from. He stated that major changes need to be well thought out and pointed out that MACs can no longer (in this bill version) give controlled substances. Russell stated his appreciation for the group's time and thoroughness.

The motion passed unanimously by the members present. One member, Terri Bowman, LPN recused herself. By board policy, Bowman left the board room during the discussion and vote.

The meeting adjourned at 6:45 p.m.

Ratified by the Board of Nursing on February 27, 2008.

Chairman

Date

Executive Director

Date