

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING

State Office Building
333 Willoughby
9th Floor, Conference Room A
Juneau, AK
BOARD OF NURSING

Board of Nursing Minutes
February 7, 8, 9, 2018

By authority of AS 08.01.070(2) and in compliance with the professions of AS 44.62, Article 6, a meeting of the Board of Nursing was held in the State Office Building, 9th Floor Conference Room A, Juneau, AK

February 7, 2018

CALL TO ORDER

Called the meeting to order at 9:00 am

Agenda Item 1

Roll Call

Those present, constituting a quorum were:

- Chair: Jennifer Stukekey LPN, Wasilla
- Secretary: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham
- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Public Member: Linda Hutchings, Soldotna, telephonically

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator

Members of the Public in attendance:

- Beth Farnstrom- Alaska Nurses Association
- Kierke Kussart – ACPE
- Courtney Johnson – DLA
- CeCe Brenner - UAS
- Jeff Jessee – Dean College of Health, Vice Provost, UAA
- Marianne Murray DNP, MSN, RN, CHSE Director UAA School of Nursing
- Roxanne LeFleur RN - UAA
- Regena Deck - UAA
- Laura Sarcone, CNM – APRN Alliance - telephonically
- Janice Floyd MSN, RN – Charter College - telephonically
- Jeremy Osborn – Bethel - telephonically
- Terra Orley, RN – Faith Community Nurses
- Jeannie Monk RN - ASHNA
- Jeff Logan
- Chevlee Gidden – Bartlett Regional Hospital
- Liz Bishop – Bartlett Regional Hospital
- Elaine Ponchione, APRN
- Pamela Grogan, UAA

Agenda Review

Agenda Modifications

On a motion made by Sharyl Toscano, seconded by Julie Gillette, and carried with 6 ayes, it was

Resolved that the agenda be accepted with the following changes:

Add Agenda Item 26, NCSBN NCLEX test plan review

Ethics Disclosures:

Sharyl Toscano reported attending the CORE Meeting in Chicago, IL in January 2018.

Minutes

On a motion made by Sharyl Toscano, seconded by Julie Gillette, and carried with 6 ayes, it was

Resolved that the minutes be accepted with the following changes: Correct the regulation number on page 3 from 12 AAC 44.380 to read 12 AAC 44.430 so to match the regulation on page 15.

Agenda Item 2: Public Testimony

Jeremy Osborn – Bethel – testimony regarding 12 AAC 44.060 Re: nursing education programs administrator qualifications. He expressed concerns about the MSN degree in administering parts of the education program and the difficulty in recruiting and retaining nursing with BSNs let alone MSNs in the rural areas of Alaska. He believed that the program could be developed by a nurse with a MSN and the administrator of the program could be a non-nurse. The administrator would be in charge of the budget and responsible for notifying the board of any changes.

Jeannie Monk – ASHNA – She thanked us for having the meeting in Juneau. Testimony was provided on HB 312 on workplace violence. The purpose of this bill is to keep nurses safe as the patients and visitors are hitting, spiting, punching, and cursing health care workers.

Jeff Jesse – Dean College of Health at UAA – Vice Provost

He stated that UAA has a goal of doubling health care graduates by 2025. They are working closely with the Department of Labor. The University, after traveling throughout the state and holding a workforce stakeholders meetings believes there is an increase of BSN nurses in order for hospitals to achieve Magnet Status.

Terra Orley RN– Expressed concern regarding the proposed regulation for an increase in the uncompensated professional hours requirement from 30 to 60 hours. Nurses will have difficulty meeting this requirement for this renewal cycle.

Regina Deck RN – Assistant Professor from the UAA Associate program in Juneau She stated the rural Associate Degree programs are working and growing. She asks for continued support of these programs and the area is able to grow and retain their own nurses. She supports crime bill (HB312) to keep health care providers safe. Generally, nurses do not like to report the violence they experience.

Sharyl Tocasco requests that the minutes reflect robust testimony for support of BON going to more rural sites to support nursing in the state.

Agenda Item 3: Old Business

Uncompensated Activities

On a motion by Joe Lefluer and seconded by Julie Gillette board, and carried with 7 ayes:

Resolved the board will table discussion on the list of uncompensated activities until Friday, February 9.

Board of Nursing Governance Policies

Governance Polies adopted at the last meeting inadvertently required board members to approve all APRN applications.

On a motion made by Joe Lefleur and seconded by Starla Fox, and carried with 6 ayes, **Resolved** to revise the board governance policies regarding the board member review all affirmative professional fitness answers.

On a motion made by Starla Fox and seconded by Sharyl Toscano, and failed with 3 ayes and 3 nays,

Resolved to edit the decision making and procedure to require the APRN member or EA if the EA holds APRN credentials to review APRNs plan of consultation, transcripts, and reference letters.

On a motion made by Joe Lefleur and seconded by Wendy Thon, and carried with 7 ayes:

Resolved that the APRN application review is delegated to the EA or to a licensed board member.

Botox Advisory

Discussion occurred and the Board does not want to address dermal fillers or a nurse administering Botox for the relief of migraine headaches.

On a motion made by Sharyl Toscano, seconded by Starla Fox, and carried with 6 ayes, **Resolved** that the Botox Advisory be revised with the following changes: Strike Botox from the current advisory and replace/change to neural modulators.

BREAK

Let the record reflect that the BON is in recess at 10:08.

Let the record reflect that the BON is in session at 10:15.

Agenda Item 4: Annual Review of Education Programs

UAA School of Nursing Annual Report and Review of NCLEX Pass Rates

Presentation by Dr. Marianne Murray

On a motion made by Joe Lefleur, seconded by Starla Fox and carried with 7 ayes, it was **Resolved** that the Board of Nursing for the State of Alaska approve the ongoing Associate, Baccalaureate, and Graduate degree nursing educational programs offered by the University of Alaska.

Charter College School of Nursing Annual Report and Review of NCLEX Pass Rates
Presentation by Janice Floyd

On a motion made by Joe Lefleur, seconded by Starla Fox and carried with 7 ayes it was **Resolved** that the Board of Nursing for the State of Alaska approve the ongoing Associate degree nursing educational program offered by Charter College.

Agenda Item 5 Clarification on Regulation 12 AAC 44.060 (e) Role of School Administrators

The Board of Nursing reviewed regulation 12 AAC 44.060 (c) and (e). It was determined that this regulation provides the necessary authority to school administrators regarding policies and procedures necessary to administer their schools of nursing. No motion or board action was taken.

Agenda Item 6 Clarification on Regulation 12 AAC 44.090 (c), (d), (e) and (f) Adjunct Faculty

Adjunct faculty refers to a skill set and not whether the faculty is employed full or part-time. Adjunct faculty may be used in didactic education, clinical skills, or in simulation/lab skills settings. No motion or board action was taken.

Agenda Item 7 Update of Nursing Stakeholders Meeting

A PowerPoint presentation was given by Dr. Marianne Murray, UAA School of Nursing and Pam Grogan, UAA. The presentation discussed the goals of increasing the number of health care professionals educated at UAA. There is a potential of using simulation up to 50% per the NCSBN guidelines.

**Agenda Item 8 Clarification on Regulation 12 AAC 44.060
LPN Program Start-ups**

Kierke Kussart from ACPE discussed the process / definitions for a school to receive post-secondary approval. They focus on consumer protections and financial soundness of the school and program. The course catalog is reviewed for a perspective of protecting the student. The Board of Nursing approves the curriculum. APCE grants approval contingent on the BON support of the curriculum. The BON also needs to approve contingent on approval from APCE.

The Board of Nursing determined that a Nurse Practitioner with a Master's degree may qualify as an administrator for an LPN program. They may teach in the program provided the requirements of 12 AAC 44.090 are met.

LUNCH

Let the record reflect that the BON is in recess at 12:17.

Let the record reflect that the BON is in session at 1:30.

**Agenda Item 9 Request for Acceptance of CEU Approved by the American Psychologic Assoc.
Presentation was made by Elaine Ponchione, APRN**

On a motion made by Sharyl Toscano, seconded by Julie Gillette, and carried with 7 ayes it was **Resolved** to accept the American Psychological Association as a provider of nursing continuing education hours.

**Agenda Item 10 Bartlett Hospital PICC Line Placement Program Update – Annual Report
Liz Bishop and Chevlee Gidden from Bartlett Regional Hospital**

A one year update report on the PICC program at Bartlett Regional Hospital was given to the board. They believe the success of this program was the ability to send nurses to a larger hospital with a PICC team to gain experience.

On a motion made by Wendy Thon, seconded by Joe Lefleur, and carried with 7 ayes, **Resolved** to accept the report from Bartlett Hospital PICC line placement program and release them from further reports to the Board of Nursing.

Agenda Item 11 Civil Fines

Harriet Dinegar Mills, AAG presented to the board and answered questions

Question: Can the BON institute civil fines that are not reported to NPDB?

Yes, provided it does not go to a patient care issue. It may would work for CEU hour deficiencies. It may also work for administrative errors in completing an application. The civil fines would need to be clearly defined as administrative in content and not disciplinary.

A civil fine may not work for lapsed licenses because of our statutes: 08.68.251, 08.68.160, and 08.68.340.

Agenda Item 12: 2018 Legislation: Bills affecting the BON

HB 90 – from 2017 if passed would require licensees to pay for legal fees as a percentage of licensees on a board. In May 2017 board signed a letter opposing increase in license fees. As the largest board, the nursing board could be used to buffer other boards which are not self-sustaining. The Board remains in opposition to this bill.

HB 245A – Genital Mutilation. This bill is at HHS and effects CNMs and APRNs. The Board did not take a formal position on this bill.

HB 312A– Assault on Health Care Providers. This bill addresses violence in the health care workplace. It would make violence at the workplace a felony.

On a motion made by Wendy Thon, seconded by Starla Fox, with carried with 7 ayes,
Resolved that the Alaska Board of Nursing support HB 312A.

SB 79C – passed and is law. This requires continuing education in 3 areas related to opioid prescribing.

HB 268A – When prescribing opioids patient education is required verbally and in writing that opioids are addictive. Licensing action may occur if the provider habitually fails to provide the written and oral communication. The Board had questions on how this would be verified, how it would be enforced, how to define habitually, how patient records would be protected under HIPPA? The Board did not take a formal position on this bill.

HB 262 – temporary courtesy licenses for military spouses. The Board did not take a formal position on this bill.

Let the record reflect that the BON is in recess at 3:03.

Let the record reflect that the BON is in session at 3:16.

Agenda Item 13: Division Update – Sara Chambers

Financial reports and updates were provided by Melissa Dumas, Administrative Officer

Melissa Dumas, Administrative Officer provided an update of the Board’s financial reports and a review of the revenues and expenditures.

Board Legislative Guidance

Sara Chambers reviewed Board legislative guidance material from the orientation manual.

- Remember that as a board member, you only represent board opinion provided the board has taken a formal position through a motion. Otherwise, you are expressing a personal opinion.
- Visiting representative in very small groups <3 persons or make it public if >3 members are visiting the same legislative office at the same time.

- Few bills related to nursing: HB 268 opioid Rx warning and HB 262 military spouse courtesy license is being expedited.

Licensing Streaming Project – how do we help to speed up licensure for health care workers?

Changes are occurring to our database for online applications to get through the queue more quickly.

Other Updates

There is a licensing file back scanning project under discussion and a plan developing.

A remodel of Anchorage office will be occurring this fiscal year.

By May 2018, On-Board software by Passageways will be in place. This will allow the secure transfer of files to Board members, provide a platform for the board book to be available to board members and the public, permit email balloting.

The Board express concerns regarding the slowness in receiving reimbursements for travel. Some members are awaiting November meeting reimbursements.

A licensing fee analysis will be presented at the May 2017 BON meeting.

Let the record reflect that it is 4:37 and the Board of Nursing is in recess until 9:00 am February 8, 2018.

Thursday, February 8, 2018

CALL TO ORDER

Called the meeting to order at 9:00 a.m.

ROLL CALL

Those present, constituting a quorum were:

- Chair: Jennifer Stukey LPN, Wasilla
- Secretary: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan

- RN Member: Starla Fox, RN, Dillingham
- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Public Member Linda Hutchings, Soldotna, telephonically

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator was not present for most of the session.

Agenda Item 14: Executive Session

On a motion duly made by Sharyl Toscano, seconded by Starla Fox and carried with 7 ayes, it was

RESOLVED that the Alaska Board of Nursing enter into executive session in accordance with AS 44.62.310(d)(1), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the Administrative Law Judge's proposed decision.

Let the record reflect that the Alaska Board of Nursing entered into Executive Session at 9:01. The door was locked and only board of nursing members are present; staff left the room.

Let the record reflect that the Board of Nursing took a short recess at 10:15.

Let the record reflect that the board is back in executive session at 10:25.

On a motion made by Sharyl Toscano, seconded by Starla Fox and carried with 7 ayes, it was

RESOLVED that the Alaska Board of Nursing enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing cases and reports by the investigative team. Board staff is to remain during the session.

Board Staff left the room at 10:30 returning at 12:15 p.m.

Let the record reflect the Board of Nursing is back in open session at 12:31 p.m.

Roll Call

Those present, constituting a quorum were:

- Chair: Jennifer Stukey LPN, Wasilla
- Secretary: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham
- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Linda Hutchings, Soldotna, Public Member, telephonically

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator

Public Members present

Beth Farnstrom, AANA

On a motion duly made by Jennifer Stukey and seconded by Sharyl Toscano and carried with 7 ayes, it was

Resolved that the Alaska Board of Nursing has considered the proposed decision submitted by Administrative Law Judge Bride Seifert. The Board does not modify the findings of fact in the proposed decision. In accordance with AS 44.64.060(e)(3), revises the disposition of the case as follows:

Apart from differences in the educational and other requirements set out in statutes and regulations, the Board does not attach a different standard to licensure as an Advanced Practice Registered Nurse (APRN) from the standard for a Registered Nurse (RN). Insofar as the proposed decision might be read to imply that a less stringent level of trustworthiness or integrity is required for RN licensure, the Board rejects that implication.

In its decisions, the Board has differentiated between applications for a new Alaska license, on the one hand, and discipline against practitioners who already hold a license on the other. The consent agreements cited at footnotes 50-52 of the proposed decision relate to Alaskans who already hold a license. In appropriate cases, the Board has been willing to work with these individuals to return them to good standing. The Board has been cautious, however, to issue new licenses to applicants whose history gives rise to concerns about whether they have a good character needed to practice. Where prior misconduct, such as theft is long in the past, the Board has been willing to grant a license is of special concern.

In the case of Mr. Acha, the Board notes that the misconduct regarding the laptop, which resulted in a reprimand from another state's board, occurred in late 2016 and early 2017. Mr. Acha has shown a pattern of concealing or minimizing that conduct that

continued through his Alaska application process and his Alaska hearing in 2017. As this Board has held in prior decisions, it is critically important for nurses to be honest, forthright and willing to acknowledge the errors they make. Under the circumstances of this case, a majority of the Board believe it would be unwise to grant Mr. Acha either of the new licenses for which he has applied.

On a motion duly made by Starla Fox and seconded by Wendy Thon and carried with 6 ayes, 1 nay, it was

RESOLVED that the Board of Nursing for the State of Alaska, The Alaska Board of Nursing having examined the proposed Consent Agreement, Decision and Order in Case No. 2017-000484, in the matter of Alia Parker, Authorization No. 106045, adopts this Consent Agreement, Decision and Order in this matter.

The Consent Agreement, Decision and Order take immediate effect upon signature of the Order in accordance with the approval of the Board of Nursing.

On a motion duly made by Julie Gillette and seconded by Joe Lefleur and carried with 5 ayes, 1 nay, it was

RESOLVED that the Board of Nursing for the State of Alaska, The Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order under Case No. 2017-000593 in the matter of Elaine A. Ponchione (NURU1045), adopts this Consent Agreement, Decision and Order in this matter.

The Consent Agreement, Decision and Order takes immediate effect upon signature of this Order in accordance with the approval of the Alaska Board of Nursing.

On a motion duly made by Julie Gillette and seconded by Wendy Thon and carried with 7 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, hereby ordered that Default is entered against Betty J. Cooley and that Cooley's practical nurse license number NURP6442 is revoked.

In accordance with AS 44.62.550 and 12 AAC 44.785, the Board will allow Cooley to apply for reinstatement of this license after one year has elapsed following the effective date of this Decision.

Under this provision, any reinstatement of Cooley's practical nurse license shall be conditioned subject to:

- 1) Payment of a civil fine in the amount of \$1,500 for Cooley's repeated failure to respond to requests for documentation;
- 2) Mandatory audits to monitor compliance with the continuing education requirements, where satisfactory documentation to verify Cooley's completion of the

required continuing education activities must be received and approved by the Board or its designee prior to the processing of the renewal/ reinstatement of her practical nurse license. This requirement will remain until Cooley's practical nurse license been renewed/ reinstated subject to this mandatory audit requirement for two license periods.

On a motion duly made by Starla Fox and seconded by Julie Gillette and carried with 7 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, The Alaska Board of Nursing, having examined the Voluntary Surrender of Registered Nurse License in the matter of Lani L. Jackson, Registered Nurse License No. NURR29523, Case No. 2017-000499, hereby adopts the surrender in its entirety, effective immediately.

On a motion duly made by Joe Lefleur and seconded by Starla Fox and carried with 7 ayes it was

RESOLVED that the Alaska Board of Nursing having examined the Voluntary Surrender of Registered Nurse License in the matter of Mark R. Messner, Registered Nurse License No Nurr29523, Case No. 2017-000499, hereby adopt the surrender in its entirety, effective immediately.

On a motion duly made by Joe Lefleur and seconded by Wendy Thon and carried with 7 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, The Alaska Board of Nursing, having examined the Voluntary Surrender of Registered Nurse License in the matter of Faye J. Roberts, Registered Nurse License No. NURR23838, Case No. 2017-000503, hereby adopts the surrender in its entirety, effective immediately.

On a motion made by Joe Lefleur and seconded by Julie Gillette and carried with 6 ayes and 1 abstentions it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Voluntary Surrender of the nurse practitioner's authorization in the matter of Steven Smalling, Alaska Nurse Practitioner's Authorization No NURU854, Case Number 2017-000618, hereby adopts the surrender in its entirety, effective immediately.

On a motion duly made by Starla Fox and seconded by Joe Lefleur and carried with 6 ayes and 1 abstentions it was

RESOLVED that the Board of Nursing for the State of Alaska, The Alaska Board of Nursing, having examined the Voluntary Surrender of the nurse practitioner's authorization in the matter of Laurie Stevenson, Alaska Nurse Practitioner's

Authorization No. URU917, Case Number 2017-000588, hereby adopts the surrender in its entirety, effective immediately.

On a motion duly made by Julie Gillette and seconded by Joe Lefleur and carried with 7 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the Voluntary Surrender of Practical Nurse License, in the matter of Roberta L. Valandra, Practical Nurse License No. NURP5322, Case No. 017-000346, hereby adopts the surrender in its entirety, effective immediately.

On a motion duly made by Joe Lefleur and seconded by Sharyl Toscano with a vote of 1 aye and 6 nays, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-000314, Christopher Burns, Registered Nurse License #112615 and Authorized Registered Nurse Anesthetist Authorization #113491, did not adopt the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Starla Fox and seconded by Sharyl Toscano and carried with 6 ayes and 1 abstention it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-000454, Certified Nurse Aide Rachael Geary, Temporary Certification #120640, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

The Division may enforce the Consent Agreement by immediately suspending Rachael Geary's license, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

On a motion duly made by Julie Gillette and seconded by Wendy Thon and carried with 5 ayes, 1 nay, and 1 abstention it was

RESOLVED that the Board of Nursing for the State of Alaska, The Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-000662, Certified Nurse Aide Applicant Michael Rose, Certificate #122872, adopt the Consent Agreement, Decision, and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

The Division may enforce the Consent Agreement by immediately suspending Michael Rose's certificate, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

On a motion duly made by Julie Gillette and seconded by Wendy Thon and carried with 5 ayes, 1 nay, and 1 abstentions it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-001127, Certified Nurse Aide Applicant Juriel Williams, Certificate #126883, adopt the Consent Agreement, Decision, and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

The Division may enforce the Consent Agreement by immediately suspending Juriel William's certificate, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

On a motion duly made by Julie Gillette and seconded by Wendy Thon and carried with 7 ayes it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-001053, Brandalyn K. Adams, Certified Nurse Aide number NUAA9586, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

The Division may enforce the Consent Agreement by immediately suspending Respondent's certificate, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

On a motion duly made by Starla Fox and seconded by Joe Lefleur and carried with 6 ayes and 1 abstentions it was

RESOLVED that the Board of Nursing for the State of Alaska, The Board of Nursing for the State of Alaska, having examined the certificate of surrender, Case Number 2017-000989, Angeline L. Horn, certificate number NUAA14638, adopted the certificate surrender in this matter.

This certificate surrender takes effect immediately upon signature of this Order in accordance with the approval of the Board.

On a motion duly made by Starla Fox and seconded by Julie Gillette and carried with 7 ayes it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the license surrender, case numbers 2015-001157 & 2015-001305, Elizabeth A. Stark, license number NURR9367, adopted the license surrender in this matter.

This license surrender takes effect immediately upon signature of this Order in accordance with the approval of the Board.

On a motion duly made by Joe Lefleur and seconded by Starla Fox and carried with 7 ayes it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2017-000924, Margaret Hughes, and license number NURR34644, adopted the Consent Agreement, Decision, and Order in this matter, as amended.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing. The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

Let the record reflect that the Alaska Board of Nursing is in recess from 1:00 p.m. until 3 p.m. for meeting with legislators.

The meeting was called to order at 3:15 p.m.

Those present, constituting a quorum were:

- Chair: Jennifer Stukey LPN, Wasilla
- Secretary: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham
- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Public Member: Linda Hutchings, Soldotna, telephonically

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator

On a motion duly made by Joe Lefleur and seconded by Julie Gillette and carried with 5 ayes and 2 abstentions it was

RESOLVED that upon the petition of the State of Alaska, Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing ("Division") for Summary Suspension of Registered Nurse License NURR35392, and upon evidence presented by the Division, the Alaska State Board of Nursing ("Board") finds that Erinn Marteney poses a clear and immediate danger to the public health and safety if she continues to practice nursing. The Board hereby orders, pursuant to AS 08.68.27 (c), the summary suspension of Erinn Marteney's Registered Nurse License in Alaska NURR35392.

It is further ordered that Marteney's license to practice as a registered nurse in Alaska will remain suspended, until such a time Marteney can demonstrate to the Board that she is fit to practice in a manner consistent with public safety.

This Order shall become effective immediately upon approval by the Board.

On a motion duly made by Joe Lefleur and seconded by Starla Fox and carried with 6 ayes and 1 nay

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2018-000125, Registered Nurse Joe Daryl Bass, License #NURR27066, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

The Division may enforce the Consent Agreement by immediately suspending Joe Daryl Bass' license, without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

The Board of Nursing recessed at 3:30 pm to continue visits to representatives at the Alaska State House. The Board of Nursing will reconvene at 9:00am Friday, February 8, 2018.

February 9, 2018

CALL TO ORDER

Called the meeting to order at 9:00.

Agenda Item 15

ROLL CALL

Those present, constituting a quorum were:

- Chair: Jennifer Stukey LPN, Wasilla
- Secretary: Wendy Thon, MSN, APRN, FNP-C, FAANP, Eagle River
- Public Member: Julie Gillette, Fairbanks
- Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- RN Member: Starla Fox, RN, Dillingham
- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- Public Member: Linda Hutchings, Soldotna, telephonically

Staff present from the Division of Corporations, Business and Professional Licensing:

- Gail Bernth MSN, APRN, Executive Administrator

Members of the Public in attendance:

- Laura Sarcone - APRN Alliance, telephonically
- Beth Farnstrom- Alaska Nurses Association
- Pat Reynaga-Providence Hospital
- Dennis Murray- ASHNA – telephonically
- Lynn Hartz – APRN Alliance
- Amber Treston – Dental Examiner
- Jeff Logan – JL &A
- Carrie Doyle, APRN, CNS APRN Alliance telephonically

Agenda Review

On a motion made by Julie Gillette, seconded by Joe Lefleur, and carried with 7 ayes, it was **RESOLVED** that the agenda be accepted with the following changes:
Revisiting the continuing competencies later in the morning and adding time for Joe Lefleur to address the board regarding a student project and the UAP medication course.

Agenda Item 16 Scope of Practice for APRNs

On a motion made by Wendy Thon and seconded by Starla Fox and carried with 6 ayes 1 nay the board resolves to change the language of 12AAC44.430 to

RESOLVED that the board recognize advanced and specialized acts of nursing practice as those described in the scope of practice statements published by national professional

nursing associations recognized by the board for advanced practice registered nurses certified by national certification bodies recognized by the Board.

Wendy Thon, Joe Lefleur will work with the APRN Alliance to define national professional nursing organizations and will work to complete the Advisory opinion on scope of advanced nursing practice as started by the Alliance report by Lynn Hartz to be presented at the May 2018 BON meeting.

Agenda Item 17 Future Advisory Opinions

Prescribing Pain Medications

On a motion made by Sharyl Toscano seconded by Joe Lefleur and carried by 7 ayes, **RESOLVED** that the Alaska State Board of Nursing adopt the CDC Chronic Pain Management guidelines dated August 29, 2017 in the Advisory opinion and remove the previously posted guidelines on this topic.

Substance Abuse Advisory Opinion

Discussion on topic. Clients needing information on Marijuana use will be referred to the regulations on alcohol or illegal or controlled substances use in 12 AAC 44.740 and the advisory opinion on Safety to Practice.

Let the record reflect that the BON is in recess at 10:33.

Let the record reflect that the BON is back in session 10:47.

Agenda Item 18: FY 2018 Regulations Project

1. PDMP Continuing Education Regulation: Proposed 12 AAC 44.610(e)

On a motion made by Wendy Thon and seconded by Sharyl Toscano carried by 5 ayes **RESOLVED** to accept the changes in 12 AAC 44. 470 (5) on the PDMP continuing education units.

On a motion made by Wendy Thon and seconded by Joe Lefleur and carried by 7 ayes, **RESOLVED** to accept changes in 12 AAC 44. 440 (e) as written for defining the renewal period for continuing education credits for APRNs

2. Retired Nurse License Status Proposed: Proposed 12 AAC 44.311

On a motion made by Wendy Thon seconded by Julie Gillette and carried with 7 ayes, **RESOLVED** to accept the changes written to the retired nurse license 12. AAC 44.311 (a).

3. Approve ACEN as NLNAC no longer exists: Proposed 12 AAC 44.040

On a motion made by Wendy Thon and seconded by Starla Fox and carried by 7 ayes, **RESOLVED** To accept the written name changes to 12 AAC 44. 040 (a)(2)(e)(j)(l) (1).

4. Certification by Examination – Update of Editor’s Note Proposed 12 AAC 44.800

On a motion made by Wendy Thon and seconded by Joe Lefleur and carried by 7 ayes, **RESOLVED TO** accept editor’s note change on 12 AAC 44.800.

5. Telemedicine Regulations / Advisory: Proposed 12 AAC 44.925 Authority AS 08. 68.100(9)

The board will keep telehealth as an advisory opinion and not change the regulation at this time.

Agenda Item 19 CNA Report

Introduction of Joan Green, BSN, RN as the new Nurse Consultant for the Certified Nurse Aide program. She will be responsible for monitoring pass rates, making site visits throughout the state, approving proctors, and ensuring quality CNA programs and testing.

The materials in the board book were reviewed. No action taken.

Agenda Item 20 Licensing Examiner Report – Lisa Maroney

The materials in the board book were reviewed. No action taken.

Let the record reflect that the BON is in recess at 11:55.
Let the record reflect that the BON is back in session 1:00.

Agenda Item 21 Public Testimony

Beth Farnstrom, AANA – She spoke regarding the increase in volunteer hours at the lack of time to obtain the necessary hours for license renewal. There have been more phone call regarding nurses caring for family members. She also addressed the RN fees are subsidizing the CNA cost of certification, the high retired nurse license fee, the electronics used at the board meetings is helpful, and appreciation for the board traveling to Juneau.

Agenda Item 22 Office Business

Information was presented on the new Policy and Procedure for email voting and how to respond.

Agenda Item 23 Annual Report FY 2018

Discussion occurred about the ongoing goals and accomplishments for 2017 for Annual Report.

Let the record reflect that the BON is on break at 2:05pm.
Let the record reflect that the BON is in session at 2:15pm.

Agenda Item 24 Remedial Education Programs

Material in the board book was reviewed.
Joe Lefleur will look into adding language to mirror the APRN CE and clinical hours required for reinstatement 12 AAC 44.475 (d).

Agenda Item 25 eNLC Update & Discussion

No NLC updates at this time. The work on the fiscal analysis continues. Jennifer Stukey and Gail Bernth will attend an all-day meeting during the NCSBN mid-year meeting to observe the NLC Commission in action.

Addition Agenda Item added upon approval of today's agenda:

Medication management by UAPs and CNAs – Joe Lefleur

The Medication Administration course on the BON website was last updated 5 years ago. A UAA student would like to update this course. She has provided an updated power point presentation as part of her student project.

NCSBN has a psychometrically sound, medication certification program for CNAs and UAPs to administer medication.

No action was taken. It was determined to re-visit this agenda item at the May 2018 meeting.

**Agenda Item 3: Old Business
Uncompensated Activities**

Revisit of competencies for license renewal.

On a motion made by Sharyl Toscano seconded by Joe Lefleur and carried by 5 ayes and 2 nays,

RESOLVED the Alaska Board of Nursing repeals 12 AAC 44.620 (2)(E) "other professional activities approved by the board and included on a list that the board maintains; the board will approve only those activities that meet the definition of "professional activities' in (b) of this section."

On a motion made by Sharyl Toscano and seconded by Starla Fox and carried by 6 ayes and 1 abstention,

RESOLVED to approve the new list of Proposed Continued Competency Professional Activities.

Agenda Item 26 NCSBN RN Test Plan Review

This item was removed from the agenda by consensus due to lack of time.

The meeting adjourned meeting at 3:50 pm until May 7, 8, 9, 2018 in Anchorage.

Respectfully submitted,



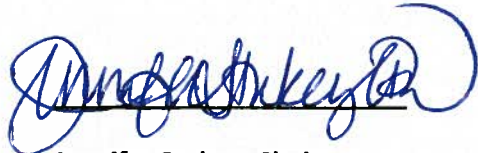
Gail Bernth

Executive Administrator

Alaska Board of Nursing

Approved:

Date: 4/10/2018



Jennifer Stukey, Chair

Alaska Board of Nursing