

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

THE ATWOOD BUILDING
550 WEST 7TH AVENUE, SUITE 1270
ANCHORAGE, AK
BOARD OF NURSING
MEETING MINUTES

July 8-10, 2015

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 Atwood Building, 12th Floor, Conference Room 1270, in Anchorage, Alaska.

Wednesday, July 8, 2015

Agenda Item 1 CALL TO ORDER

Denise Valentine, MS, RN, ANP, Chairperson, called the meeting to order at 9:00 a.m.

Roll Call

Those present, constituting a quorum were:

- Denise Valentine, MSN, RN, ANP, Chair, Anchorage
- Julie Gillette, Secretary, Public Member, Fairbanks
- Sharyl Toscano, PhD, RN, Anchorage
- Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
- Jennie Grimwood, Public Member, Cordova
- Carrie Miller, LPN, Juneau
- one RN seat is vacant

Staff present at various times, and telephonically, from the Division of Corporations, Business and Professional Licensing:

- Nancy Sanders, PhD, RN, Executive Administrator
- Colleen Nelson, Investigator III
- Michelle Wall-Rood, Investigator III
- Jasmine Bautista, Investigator III
- JoAnne Williamson, Investigator III
- Ed Riefle, Senior Investigator
- Sonya Lipkur, Probation Monitor
- Charles Ward, Paralegal (telephonically)

- Lisa Maroney, Licensing and Records Supervisor
- Jen Jensen, Licensing Examiner

Staff present from the Department of Law:

- Andrew Lebo, Administrative Law Judge

Agenda

The agenda was adopted as amended.

Introductions

Guests present in the room throughout the day offered self-introductions. Some of those introduced included:

- Arlene Briscoe, Alaska Nurses Association (AaNA) Representative, Legislative Chair
- Beth Farnstrom, RN, Alaska Nurses Association Representative
- Pat Reynaga, RN, Anchorage, Providence Alaska Medical Center
- Carrie Doyle, CNS, APRN Alliance
- Laura Sarcone, CNM, APRN Alliance Co-Chair
- Lynn Hartz, FNP, Alaska Nurse Practitioner Association (ANPA)

See attached visitor sign-in sheet for additional guests present throughout the day.

Agenda Item 1D

Ethics Report

Dr. Nancy Sanders attended the NCSBN Executive Officers Summit and filled out the appropriate paperwork. The travel was approved by the Department Director in advance of the travel. No other members had ethics reports to submit.

Agenda Item 2A

CONSENT AGENDA

Items 2A2 and 2A3 were pulled from the consent agenda and an item 5C1 Massage Therapy in RN Practice was added for discussion.

A motion was duly made by Julie Gillette, seconded by Tom Hendrix and carried unanimously with 5 ayes to accept the amended consent agenda.

Agenda Item 2A1

Minutes, April 1-3, 2015

Minutes were previously approved and posted on the Board of Nursing website.

Agenda Item 2B INFORMATION EXCHANGE

Dr. Sanders presented her report; she is retiring at the end of the month. Staff Members Lisa Maroney and Jen Jensen were present to observe the meeting to re-learn operations in Dr. Sanders' absence. There are no qualified applicants to replace Dr. Sanders yet but there are three applicants for the vacant Nurse Consultant I position.

Denise Valentine reported she has been working with Dr. Sanders to learn how the Board operates. She will be volunteering her time to answer licensing and discipline questions until the Executive Administrator position has been filled. Chair Valentine and Dr. Sanders have also been focusing on revisions to the strategic plan.

The Nursing Workforce Study was discussed. There are 4.5 million nurses nationwide and 260,000 will be randomly selected to predict potential shortages to assist with recruitment and other workforce issues. Three people in the room today were included in the random selection.

Agenda Item 2A2 Licensing Examiners' Report & NCLEX Quarterly Report

The Board reviewed the NCLEX Quarterly report and noted pass rates improved for UAA. The AVTEC LPN program needs improvement.

Agenda Item 2A3 CNA Program Quarterly Reports

The Board reviewed & discussed the Nurse Aide Licensing Examiner's & CNA Program's Quarterly Reports. The Board would like a column added on the report to reflect a running year to year total of students for pass/fail percentage since some schools have less than 10 students and as few as 3 students testing. A more accurate picture of the pass rates would result from this change.

Agenda Item 3 ADJUDICATION

On a motion duly made by Jennie Grimwood, seconded by Julie Gillette, and carried unanimously with 5 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 members are to remain during the session.

The Board entered into executive session at 9:32 am.

The Board came out of executive session for break at 10:50 am.

The Board reconvened from break at 11:02 am.

On a motion duly made by Sharyl Toscano, seconded by Julie Gillette, and carried unanimously with 5 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.

The Board entered into executive session for the Administrative Judge Decision at 11:02 am.

The Board came out of executive session at 11:28 am.

On a motion duly made by Sharyl Toscano, seconded by Jennie Grimwood, and carried unanimously with 5 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 subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.

The Board entered into executive session at 11:29 am.

The Board came out of executive session at 12:17 pm.

The Board recessed for lunch at 12:17 pm.

The Board reconvened from lunch at 1:00 pm.

Agenda Item 4 LICENSURE

Agenda Item 4A Women's Health CNS Requirements

Nicole Zonzel, RN, was asked by the Board to research the Women's Health CNS Requirements in all 50 states to see how other states were handling the lack of certification exam for the Woman's Health CNS licensure. Ms. Zonzel presented the information she had gathered to the Board. Among other information, she found that fifteen states had a waiver or requirements to replace the certification exam.

Dr. Nancy Sanders conducted a survey on this topic and received 34 responses. Most Boards required CNS Certification. Some responded about the requirement Ms. Zonzel found.

Carrie Doyle, DNP, RN, ACNS-BC, CEN, on behalf of the Alaska Clinical Nurse Specialist Association (ACNSA), asked for special consideration for Women's Health Clinical Nurse Specialist in Alaska at the previous meeting and again addressed this topic.

The Board will consider all the information provided, develop and consider wording for a regulation change at tomorrow's meeting.

Agenda Item 4B

APRN Alliance

Laura Sarcone, CNM, co-chair of the APRN Alliance, addressed the Board. There has been one meeting since the last Board meeting in April.

- There will be an ANPA Conference on September 18, 2015. SB 53 passed the Senate and has been conveyed to the House where it was referred to Labor & Commerce.
- There is funding for the Prescription Drug Monitoring Database (PDMD) and additional grant money has been sought. A license fee is not on the table at this time.
- Alliance leadership met with Karen Gillis, Director of Boards and Commissions on April 15, 2015. They have four potential candidates put forth for consideration for an APRN position on the Board of Nursing when it becomes open.

Shalome Cederberg from Boards & Commissions was present and stated that Karen Gillis is no longer working for Boards and Commissions. The current staff welcomes the applications.

Agenda Item 4C

NCSBN Nurse Licensure Compact.

Dr. Sanders briefed the Board on the latest updates on the Nurse Licensure Compact. The NCSBN Delegate Assembly, at a special meeting, adopted the Revised Nurse Licensure Compact and the Advanced Practice Registered Nurse Compact (APRNC.) The states that have already adopted the Nurse Licensure Compact will need to return to their state legislatures for approval of the changes. Twenty-five states have adopted the Nurse License Compact.

Agenda Item 5

PRACTICE

Agenda Item 5A

LPNs Performing CIWA and COWS at Ernie Turner Detox Center

Gloria O'Neill, CEO of the Cook Inlet Tribal Council (CITC) read their mission statement.

Rebecca Ling stated there is a reduction in patient admissions due to the struggle to keep RNs. There was a 74% turnover rate in staffing. Currently there are 2.5 full time nurses. In the 24-hour model, six full time nurses are needed at additional cost of \$400,000. Ms. Ling stated that the reduction in in-patient admissions is due to high turnover and lack of RNs to perform a CIWA.

Historical context: In July 2012, the Department of Corrections came before the Board to request permission for LPNs to be allowed to conduct intake assessments called COWS and CIWAs. The Board stated, in 2012, that LPNs can perform focused assessments. But the initial CIWAs or COWs are in the initial assessments thus out of the LPN scope of practice.

The Board sympathizes with CITC's position but reiterates that LPNs only perform focused assessments after the initial assessment and health plan is determined by an RN. The Board recommends an alliance with the State and/or Behavioral Health Services.

Agenda Item 5B

LPN Scope of Practice Draft

The Board reviewed the contents of the LPN Draft Scope of Practice Advisory Opinion.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, approve the July 2015 LPN Scope of Practice Advisory Opinion.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of

Alaska, submit the July 2015 LPN Scope of Practice Advisory Opinion be drafted into regulation.

The Board recessed for break at 2:47 pm.

The Board reconvened from break at 3:00 pm.

Agenda Item 3 ADJUDICATION (Continued)

On a motion duly made by Sharyl Toscano, seconded by Jennie Grimwood, and carried unanimously with 5 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 paralegal team.

The Board entered into executive session at 3:05 pm.

The Board came out of executive session at 3:38 pm.

On a motion duly made by Sharyl Toscano, and seconded by Jennie Grimwood, and carried unanimously with 4 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the License Surrender, Case No. 2013-001701, Jeffrey M. Bourque, license number NUR R 24384, adopted License Surrender in this matter.

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

On a motion duly made by Jennie Grimwood, seconded by Sharyl Toscano, and carried with 4 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 # 2015-000076, Tonya L. Fender, license number NUR R 33036 and authorization number NUR U 1239, 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 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 Jennie Grimwood, seconded by Tom Hendrix, and carried with 5 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 # 2015-000009, Michael Gerstl, license number NUR R 35910, 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 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 Tom Hendrix, seconded by Julie Gillette, and carried with 5 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 # 2015-000302, Penny S. Lawson, license number NUR R 37014, 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 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 Sharyl Toscano, seconded by Jennie Grimwood, and carried with 5 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 # 2014-002018, Carissa L. Silva, license #NUR R 33679, 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 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 Jennie Grimwood, seconded by Tom Hendrix, and carried with 5 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 # 2015-001157, Elizabeth A. Stark, surrendered license number NUR R 9367, 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 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 Sharyl Toscano, and seconded by Julie Gillette, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Voluntary Certificate Surrender, case number 2014-001127, Sherri L. Crochet, Alaska Nurse Aid Certificate number NUA A 1090, adopted the Voluntary Certificate Surrender in this matter.

This Voluntary Certificate Surrender takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried with 5 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 # 2015-001185, Shniqua K. Jointer, CNA applicant, 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 Carrie Miller, seconded by Jennie Grimwood, and failed with 5 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 # 2015-000349, Jacquelyn Larson, CNA Applicant, 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 Sharyl Toscano, seconded by Jennie Grimwood, and carried with 5 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 # 2014-001375, Sharon K. McCauley, certificate number NUA A 4707,

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 Tom Hendrix, and seconded by Carrie Miller, and carried unanimously with 5 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 # 2015-000606, Molly M. Sheldon, CNA Applicant, 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 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, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the case in the matter of Sandra Corpuz, submitted to the Board of Nursing by the Office of Administrative Hearings (OAH 14-2058-CNA/Board Case #2014-001927), hereby adopts the decision of the Administrative Law Judge as final under the authority of AS 44.64.060(e)(1) with one amendment per Sandra Corpuz, page 6, line 8, change "in Gwichen Villages" to "from Gwichen Villages." Judicial review of the decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS.44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

On a motion duly made by Sharyl Toscano, and seconded by Jennie Grimwood, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000613, in the matter of Patsy Berry, NUR P 5916, adopts the Consent Agreement, Decision and Order in this matter.

This Agreement shall be effective immediately upon its adoption by the Board.

On a motion duly made by Sharyl Toscano, and seconded by Carrie Miller, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000620, in the matter of Sue Boma, NUR P 6240, adopts the Consent Agreement, Decision and Order in this matter.

This Agreement shall be effective immediately upon its adoption by the Board.

On a motion duly made by Tom Hendrix, and seconded by Sharyl Toscano, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000132, in the matter of Michaela Lockes, certified nurse aid certificate NUA A 10844, adopts the Consent Agreement, Decision and Order in this matter.

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

On a motion duly made by Sharyl Toscano, and seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000562, in the matter of Gerald Olivera, NUR P 4180, adopts the Consent Agreement, Decision and Order in this matter.

This Agreement shall be effective immediately upon its adoption by the Board.

On a motion duly made by Carrie Miller, and seconded by Julie Gillette, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000146, in the matter of Guadalupe Ortega, Certified Nurse's Aide Certificate NUA A 9174, adopts the Consent Agreement, Decision and Order in this matter.

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

On a motion duly made by Julie Gillette, and seconded by Jennie Grimwood, and carried with 4 ayes and 1 nay, it was

RESOLVED that at its meeting of October 22, 2014, the Alaska Board of Nursing (hereafter Board) resolved to approve a Consent Agreement, Decision and Order (hereafter Agreement) in Case number 2013-002299, resolving the audit of Tamara Simms' (hereafter Simms) License #NUR P 5952, continuing competencies activities.

At its meeting of July 8-10, 2015, the Board resolved to modify that agreement as follows: The unsuspended portion of the fine due within 90 days of the date the Board adopted the Agreement is now due within 300 days of the date the Board adopted the Agreement. All other provisions of the Agreement remain as written. This Order modifying the Agreement is a public action of the Board and shall be reported to entities as required by law.

On a motion duly made by Tom Hendrix, and seconded by Carrie Miller, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the proposed Consent Agreement, Decision and Order, under Case # 2015-000676, in the matter of

Theresa Torrence, NUR P 6402, adopts the Consent Agreement, Decision and Order in this matter.

This Agreement shall be effective immediately upon its adoption by the Board.

On a motion duly made by Sharyl Toscano, and seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Alaska Board of Nursing, having examined the Voluntary Surrender of Practical Nurse License, in the matter of Jane Varney, Practical Nurse License number NUR P 3003, Case Number 2015-000550, hereby adopts the surrender in its entirety, effective immediately.

The Alaska Board of Nursing, approved the reinstatement of Janet M. Thurston, Registered Nurse License number NUR R 14173 and ANP Authorization number NUA A 508, effective immediately.

Let the record reflect that the Board Chair signed the original documents.

Let the record reflect there were no Ex-Parte communications during the discussion of these orders.

Agenda Item 5C

PRACTICE (continued)

Marijuana Advisory Opinion

Pat Reynaga addressed the Board and stated Providence Alaska Medical Center has an anti-marijuana and anti-tobacco policy. The Board has a Safety to Practice Advisory Opinion dated October 2014, prohibiting use of marijuana. The Board addressed working while impaired or after having convictions.

The Board discussed responsibilities of school nurses. Alaska Statute 17.37.040 states there is no accommodation requirement for marijuana on school grounds or a school bus.

Agenda Item 5C1

Massage Therapy

The Board discussed whether or not a nurse can use his or her nursing license to receive compensation for massage therapy.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, requires a nurse intending to practice as a massage therapist for compensation hold a separate license with the Alaska State Board of Massage Therapists. Massage therapy is defined in AS 08.61.100 Section 5.

The Board recessed at 4:40 pm to resume the meeting on July 9, 2015.

Thursday, July 9, 2015

Agenda Item 1 CALL TO ORDER

Denise Valentine, MSN, RN, ANP, Chairperson, called the meeting to order at 9:00 a.m.

Roll Call

Those present, constituting a quorum were:

- Denise Valentine, MSN, RN, ANP, Chair, Anchorage
- Julie Gillette, Secretary, Public Member, Fairbanks
- Sharyl Toscano, PhD, RN, Anchorage
- Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
- Jennie Grimwood, Public Member, Cordova
- Carrie Miller, LPN, Juneau
- One RN seat is vacant

Staff present at various times, and telephonically, from the Division of Corporations, Business and Professional Licensing:

- Nancy Sanders, PhD, RN, Executive Administrator
- Ed Riefle, Senior Investigator
- Lisa Maroney, Licensing and Records Supervisor
- Jen Jensen, Licensing Examiner

Agenda

The agenda was adopted as amended.

Introductions

Guests present in the room throughout the day offered self-introductions. Some of those introduced included:

- Beth Farnstrom, RN, Alaska Nurses Association Representative

- Pat Reynaga, RN, Anchorage, Providence Alaska Medical Center
- Laura Sarcone, CNM, APRN Alliance Co-Chair
- Lynn Hartz, FNP, Alaska Nurse Practitioner Association (ANPA)
- Lisa Lang, RN, ANMC
- Arlene Briscoe, Alaska Nurses Association (AaNA)
Representative, Legislative Chair
- Carrie Doyle, CNS, APRN Alliance

See attached visitor sign in sheet for additional guests present throughout the day.

Public Testimony

The Board entered into public testimony at 9:04 am.

Pat Reynaga, RN, thanked the Board for yesterday's meeting specifically, the LPN Scope of Practice. Additionally, she appreciates the thoughtful discussion on the certification requirement of the Women's Health Clinical Nurse Specialist.

Lynn Hartz, FNP, referred to a motion that was passed reaffirming an scope of practice decision tree for all nurses at the last Board meeting. This topic is on today's agenda.

Arlene Briscoe, discussed the Ernie Turner Center CIWA assessment. She has worked at detox units in Michigan and at Charter North, Cook Inlet Tribal Council. She is qualified in mental health and with her experience she sees the value in RNs completing COWS and CIWAs. She believes there needs to be a chain of custody between the hospital Emergency Rooms and Ernie Turner Center because of the potential to abuse substances between the two facilities. Ernie Turner Center patients deserve the same level of care as patients in other facilities.

Ed Riefle, recently attended the NCSBN Discipline Case Management conference with Investigator Michelle Wall-Rood on a grant from NCSBN. The conference was held in Indianapolis. Mr. Riefle said it was a great experience. He gained insight on probations and incentivizing self-reporting and worked with various Attorneys General. Attendees at the conference discussed marijuana and how it affects the workforce. Another topic was the Prescription Drug Monitoring Program (PDMP). Some Alaska programs were benchmarked as best practices. Other states have different types of Consent Agreements such as voluntary agreements. The Board asked Mr. Riefle to bring examples of other state's CAs to the October meeting.

On a separate topic, there were 51 aging matters at this time last year and this year and currently there is one case. There were 200 matters resolved this last fiscal year in contrast to the 156 the previous year due to improved efficiency.

Agenda Item 3

ADJUDICATION (Continued)

On a motion duly made by Sharyl Toscano, seconded by Jennie Grimwood, and carried unanimously with 4 ayes, 1 abstain Julie Gillette, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case # 2013-002051, Sandra L. Doyle, license number NUR P 5976, 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 license without an additional order from the Board of Nursing or without a prior hearing, for a violation of the Consent Agreement.

Laura Einstein, Planned Parenthood, joined telephonically to listen to the telehealth advisory opinion.

Public testimony ended at 9:40 am.

Agenda Item 5

PRACTICE (continued)

Agenda Item 5D

Telehealth/telemedicine Advisory Opinion (AO).

The Board addressed the Telehealth for the Advanced Nurse Practitioner AO and prescribing limitations during telehealth visits. The Board upheld the April 2015 AO.

Agenda Item 5E

Bassett Army Hospital PICC line insertion.

An annual report was presented by Captain Ruben Aguilar. PICC lines have been inserted with no complications. The program has been successful. Aleisha Drapeau, RN, resigned and Ruben Aguilar, RN, replaced her as a program instructor. He informed us he may be leaving in 2016 due to Army reductions in force. He will be training his

replacement if needed.

On a motion duly made by Tom Hendrix, seconded by Jennie Grimwood, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, continue to approve the Bassett Army Hospital RN PICC Line Insertion Program without restriction and that they should report again one year from now.

Agenda Item 5F Scope of Practice Expansion Laser Therapy with M.A. Rowen, ANP.

The Board considered a request for expanded scope of practice for Mary Ann Rowen, ANP, at Alaska Native Medical Center. She sought approval to perform laser therapy for dermatologic conditions. She addressed the Board telephonically.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, approve the increased scope of practice for Ann Rowen, ANP, at Alaska Native Medical Center to perform dermatologic laser therapy under the supervision of Dr. Roger Thurmond. They should report their progress one year from now.

The Board recessed for break at 10:18 am.

The Board reconvened from break at 10:35 am.

On a motion duly made by Julie Gillette, seconded by Carrie Miller, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, amend the motion for the approved dermatologic laser therapy program at Alaska Native Medical Center under the supervision of Dr. Roger Thurmond to allow Mary A. Rowen, ANP, specifically to perform the procedure.

Agenda Item 5G Nitrous Oxide Administration Program – ANMC

Disclosure: Sharyl Tosacno, RN, Board Member works in this department.

L. Lange, RN, joined the Board and Dr. Schneider joined telephonically. Ms. Lange stated she has been working on the nitrous oxide program for two years and seeks approval for RNs to administer nitrous oxide to pediatric patients.

Board member, Sharyl Toscano, believes all concerns have been addressed in this plan but would like to add procedures for the dosimeter. This proposal expands the scope of practice for RNs and she would like to see their written support. Ms. Lange stated RNs who are not comfortable performing the procedure would not be required to be involved.

Dr. Schneider believes the program to be safe and supports it.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, approve the Alaska Native Medical Center RN administration of Nitrous Oxide for Pediatric Patients 12 months and older not to exceed a 70 nitrous/30 oxygen concentration. Education will be performed by Lisa Lange, RN, CN IV, CPN, CPAN, CSRN, and Anna Ogena, MD, FAAP on site. They should report their progress one year from now.

Agenda Item 3

ADJUDICATION (continued)

On a motion duly made by Sharyl Toscano, seconded by Jennie Grimwood, and carried unanimously with 4 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 members are to remain during the session.

The Board entered into executive session at 10:54 am.

The Board came out of executive session at 11:37 am.

The Board of Nursing for the State of Alaska, examined a request to modify the Consent Agreement and Proposed Decision and Order, Case # 2010-000884, Mary Margaret Hillstrand, license number #NUR R 7951 and Advanced Nurse Practitioner Authorization #NUR U 540, and denied her request.

On a motion duly made by Julie Gillette, seconded by Tom Hendrix, and carried unanimously with 4 ayes, 1 abstain Sharyl Toscano, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case # 2014-000987, Katie Klinefelter, license number NUR R 27979, 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 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, seconded by Sharyl Toscano, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska having examined the Certified Nurse Aide application for Jacquelyn Larson, does hereby deny the application in accordance with AS 08.68.334(2)(5)(B)(D) and 12 AAC 44.705(a)(17).

The Board recessed for lunch at 11:41 pm.

The Board reconvened from lunch at 1:01 pm.

Agenda Item 6 EDUCATION

Agenda Item 6A Charter College AAS Provisional Report

Janice Floyd, DON, addressed the Board. Charter College received ACEN Candidacy June 29, 2015, which is valid for two years. They will apply for accreditation in the next year. They are currently preparing their self-study.

As of June 24, 2015, there were 27 students enrolled. On June 29, cohort 4, class size 30 students started. The first graduating class of 18 completed the program April 19, 2015. Twelve students have passed the NCLEX. There have been no failures.

Janice Floyd asked if simulation could be added on the next

Agenda to determine what percentage can be used for clinical hours.

The Board requested Charter College report again next year.

Agenda Item 6B AVTEC CNA & LPN Programs

Ben Eveland, AVTEC Division Director, and Ray Espera, RN Director of Nursing addressed the Board. Ray Espera replaced Alexis Klapperoth who recently retired. Pass rates are still a concern for LPN programs although they had previously improved. One of the remedies is an expanded agreement with Department of Corrections. Another is incorporating 4 hours of clinical after 15 hours of lecture. Lastly, they are utilizing web based digital interactive clinical experiences which uses an on line virtual hospital setting.

AVTEC is working on becoming dual accredited with the Council on Occupational Education (COE) recognized by ACEN and the Accrediting Commission of Career Schools and Colleges (ACCSC.)

The reduction in funding from the State of Alaska and Cook Inlet Tribal Council (CITC) has forced AVTEC to consider other avenues of funding for their health programs. The CITC and Allied Health Training have partnered in a grant for the Medical Office Assistant, CNA, and LPN programs.

AVTEC will provide their next report in January 2016.

Agenda Item 6C Status of ACEN

Dr. Nancy Sanders, RN, briefed the Board that as of July 1, 2015, ACEN is close to losing its accreditation status from the National Advisory Committee on Institutional Quality and Integrity (NACIQ.) This move was prompted by the National League of Nursing (NLN) having to approve ACEN bylaw changes therefore putting them in non-compliance with federal regulation. The NLN responded that the ACEN is attempting to completely sever its relationship with them as per US Department of Education (DOE) regulations. ACEN is the only body that accredits Associate Degree nursing programs. During this conflict, ACEN is still recognized by the US DOE and has the authority to accredit nursing programs. All currently accredited programs still remain accredited.

Agenda Item 5 PRACTICE

Agenda Item 5B Decision Tree

The Board discussed the decision tree on the Board of Nursing's website.

On a motion duly made by Julie Gillette, seconded by Sharyl Toscano, and carried unanimously with 5 ayes, it was

RESOLVED that the Board of Nursing for the State of Alaska, remove the decision tree from the Board's website under Advisory Opinions.

Agenda Item 5H Proposed Regulation Changes

Regulation changes were considered. The Board discussed possible verbiage for Women's Health Clinical Nurse Specialist and other nurses that do not have a specific national accreditation exam for their area of expertise.

The Board recessed for break at 3:05 pm.

The Board reconvened from break at 3:20 pm.

Agenda Item 5H Proposed Regulation Changes

Regulation discussions continued.

The following is proposed for Clinical Nurse Specialists that do not currently have a national certification exam to be able to meet the regulation:

After January 1, 2011, if there is no national certification exam available to take upon graduation, CNS applicants may present to the Board a request for initial authorization if all other requirements of 12 AAC 44.400 except (A)(3) are met and they have graduated within the last five years. In addition, the CNS must submit a portfolio with documentation of 1,000 hours of clinical practice as a CNS and three letters of recommendation for Board approval. The CNS license approval will be individually done at the "discretion of the board." The letters must be written from an immediate supervisor, the Director of Nursing, and a colleague familiar with their practice. The CNS must have 150 hours of continuing education hours within the two years prior to application, 25 hours

of which must be in advanced pharmacology. When a certification exam is available, the CNS must successfully take and pass the exam within one year or authorization will be revoked.

The Board recessed at 4:11 pm to resume the meeting on Friday, July 10, 2015.

Friday, July 10, 2015

Agenda Item 1 CALL TO ORDER

Denise Valentine, MSN, RN, ANP, Chairperson, called the meeting to order at 9:00 a.m.

Roll Call

Those present, constituting a quorum were:

- Denise Valentine, MSN, RN, ANP, Chair, Anchorage
- Julie Gillette, Secretary, Public Member, Fairbanks
- Sharyl Toscano, PhD, RN, Anchorage
- Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
- Jennie Grimwood, Public Member, Cordova
- Carrie Miller, LPN, Juneau
- One RN Position is vacant

Staff present at various times, and telephonically, from the Division of Corporations, Business and Professional Licensing:

- Nancy Sanders, PhD, RN, Executive Administrator
- Janey Hovenden, Director, Division of Corporations, Business and Professional Licensing.
- Sara Chambers, Operations Manager, Division of Corporations, Business and Professional Licensing.
- JoAnne Williamson, Investigator III
- Angela Birt, Chief Investigator, Division of Corporations, Business and Professional Licensing.
- Lisa Maroney, Licensing and Records Supervisor
- Jen Jensen, Licensing Examiner

Agenda

The agenda was adopted as amended.

Introductions

Guests present in the room throughout the day offered self-introductions. Some of those introduced included:

- Beth Farnstrom, RN, Alaska Nurses Association, Representative
- Pat Reynaga, RN, Anchorage, Providence Alaska Medical Center
- Laura Sarcone, CNM, APRN Alliance Co-Chair
- Lynn Hartz, FNP, Alaska Nurse Practitioner Association (ANPA)
- Barbara Jacobsen, YKHC (telephonically)

Public Testimony

The Board entered into public testimony at 9:04 am.

The Board was joined by Beth Farnstrom, RN, former Board member, who thanked Nancy Sanders for her years of dedication and excellent service to the Board.

Barbara Jacobsen, YKHC, was interested in Alaska becoming a compact state. She believes becoming a compact state would shorten the time it takes to hire a nurse.

Tom Hendrix, Board Member, said he is interested in a way to speed up the process of temporary licenses if they are unencumbered. Many nurses won't apply for license until they are hired because of the costs associated with moving to Alaska. It currently takes 6-8 weeks to receive a license due to a back log. An average of over 100 applications a month is received. Last month, there were 158 applications per license examiner, a higher than normal workload.

Gerald Hodges presented the challenge of finding long term care nurses and believes that the Compact may alleviate the process.

Dr. Sanders said we are an umbrella Board and we rely on licensing fees to function. Compact licenses have the potential to reduce revenue that requires appropriate monies to function. We operate with no funding from the legislature. Some states do not require background checks but Alaska does. It is a state's rights issue and there is a concern for state sovereignty.

Kim from Ketchikan said an OR may be closed because they do not have staff.

Mary Wildon stated because some needs are more acute, critical access versus community hospitals should be considered the priority. Perhaps we could triage the priorities for hiring.

Lisa Moroney said a major delay in the process is incomplete applications, specifically "yes" answers for criminal convictions delaying licensure while waiting for more information.

This appears to be a statewide issue. The Board Chair will put this on the agenda for the next meeting so we can discuss solutions.

Carrie Miller, Board Member, added that we should address the Traveling Nurse issue and encourage them to stay here.

Lynn Hartz, FNP, emphasized the Board of Nursing protects the public and the Board is required to license nurses. Closing facilities due to bureaucracy is a problem and something that needs to be addressed.

Public testimony ended at 9:36 am.

Agenda Item 7A&B ORGANIZATION

The Board met telephonically with the Director Janey Hovenden, and Operations Manager Sara Chambers.

Sara Chambers shared the status report for the executive officer position replacement. Only one person has applied and unfortunately she was not qualified. The position will be advertised nationally. Salary may be prohibitive to applicants because there are higher paying jobs in the private sector. Ms. Chambers stated this is currently the highest paid Executive positions in the all the Boards. Denise Valentine stated the education level for this job and the requirement that the Executive Administrator is a nurse sets it apart from others. Tom Hendrix said this job requires an individual to take a pay cut which makes it difficult to find qualified applicants. Board Member Sharyl Toscano said we should be promoting the benefits package since it may make the position more appealing.

Dr. Sanders is the hiring manager for the Nurse Consultant I. There are three applicants and she is in the process of interviewing them now. Two are very qualified.

Succession Plan was discussed. Ms. Chambers had anticipated having an Executive Administrator in place by now to shadow Nancy. Dr. Sanders will be retiring before someone is hired so Sara is relying on the Board to assist with the hiring. She asked a Board member to volunteer to assist in the interviewing process. Denise Valentine has one day a week she can commit to this task and to assist the Board staff as necessary working tandem with Lisa Maroney.

The RN Vacancy on the Board was discussed. Denise asked how soon will it be filled? The Director has not heard an update. She will follow up with Boards & Commissions next week to address this position. Ms. Chambers

said Board members are allowed and encouraged to encourage well qualified nurses to apply for the position.

Dr. Sanders addressed the fee analysis. Ms. Chambers was charged by the legislature to come up with a system that is logical and clear for analyzing fees. She asked if the Board could hold a teleconference prior to the October meeting to specifically address the fee analysis before it goes out for public comment. We need to justify any changes in the licensing/certification fees. Fees collected by the Board of Nursing do not subsidize other Boards. The Board needs to ensure our money is properly utilized. Dr. Sanders emphasized the importance of consistent fees.

The third quarter revenue and expenses report was reviewed at the last meeting so no additional review was conducted at this meeting. Fourth quarter and FY 15 revenues and expenses report will be reviewed at the October meeting.

Ms. Chambers is trying to ensure that Lisa Maroney and her team have the resources they need to perform their duties. She asked that we include information such as what we heard in public testimony today about licensing delays and clinics closing due to lack in ready workforce to the next agenda.

The Board of Nursing Regulations changes were put on the backburner due to the workload in Juneau. We will continue to add to them since they have not been moved forward to public noticing.

The Board recessed for a break at 10:37 am.

The Board reconvened from break at 10:51 am.

Agenda Item 3 ADJUDICATION (Continued)

On a motion duly made by Sharyl Toscano, seconded by Julie Gillette, and carried unanimously with 5 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 members are to remain during the session.

The Board entered into executive session at 10:52 am.

The Board came out of executive session at 11:27 am.

At 11:29 am Board Member Tom Hendrix was approved to depart the Board meeting.

Agenda Item 8 GOVERNANCE

The Board reviewed the Strategic Plan.

The Board is open to future Board meetings going paperless.

Information: The Board reviewed the NCSBN State BON Executive Officer Position Salary Survey that was last completed in 2012.

The October meeting location was moved from Fairbanks to Anchorage.

Meeting evaluation forms were completed and turned in.

The assignment reminder list was reviewed prior to adjourning.

Board Member Carrie Miller agreed to input disciplinary data into the disciplinary data base for this year.

Board Member Sharyl Toscano agreed to maintain the Advisory Opinion database for this year.

Before adjourning the Board presented Dr. Nancy Sanders with a small gift for her excellent and dedicated service. She will be missed!

The Board adjourned at 12:08 pm until October 21-23, 2015 in Anchorage, Alaska.

Respectfully submitted,

Nancy Sanders, PhD, RN
Executive Administrator
Alaska Board of Nursing

Approved:

Denise Valentine, MS, RN, ANP, Chair
Alaska Board of Nursing

Date: _____