

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

Atwood Building
550 West Seventh Ave. Room 106
Anchorage, AK

BOARD OF NURSING
Teleconference
June 25, 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, Room 106, Anchorage, AK.

CALL TO ORDER

Called the meeting to order at 11:03 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

Via telephone:

- RN Member: Sharyl Toscano PhD, MS, RN-CPN, Anchorage
- RN Member: Starla Fox MSN, MBA, Dillingham
- Nurse Educator: Joe Lefleur, MSN, EdD, RN, Ketchikan
- Public Member: Julie Gillette, Fairbanks
- Public Member: Linda Hutchings, Soldotna

Staff present:

- Gail Bernth MSN, APRN, Executive Administrator
- Danielle Curry, Occupational Licensing Examiner
- Megyn Weigand, AAG
- Greg Francois, Chief Investigator

Via telephone:

- Jun Maiquis, Regulations Specialist II
- Charles Ward, Marine Pilot Coordinator Charles Ward presented ... Ward is a former Division paralegal who presented in place of Paralegal II Marilyn Zimmerman, who was on leave.

Members of the Public in attendance:

- Chris Logan, CRNA, AKANA, APRN Alliance

- April Erickson, CRNA, ANMC, AKANA
- Dennis Murray, ASHNA
- Kathy Malaska CRNA, ANMC
- Renee Steffen, ANMC
- Summer Cutting, SCF
- Jennieh Schrage, Volunteer American Red Cross
- Jeff Logan, CRNA
- Deborah Freeman
- Trudy Young
- Laura Sarcone, CNM, APRN-A
- Iva Evans, RN

Via Telephone

- Sharon – sitting in for Carrie Doyle
- Pat Reynaga, RN Providence
- Nicole, Prev. Fairbanks CRNA President
- Diana Kristellev, CNM Fairbanks
- Laurie Marcum, CNO SEARHC
- _____ Wilson, CNO SEARHC
- Lynn Hartz, APRN, California
- Laura Hudson, APU
- Stacy Tessandore
- Katie Baraki, APU

Agenda Item 1

A. Ethics Disclosures

None

B. Approval of Minutes

None available

C. Agenda Review

On a motion made by Wendy Thon, seconded by Linda Hutchings, and carried with 6 ayes the agenda was accepted as written.

Agenda Item 2: Review of Public Comment from Proposed Regulations

A. 12 AAC 44.040. Establishment of nursing education programs.

The intent of the regulation is to accept ACEN as an educational accrediting body. ACEN accredits LPN programs and other schools of nursing. Public comment was reviewed and no changes were made.

B. 12 AAC 44.311. Retired nurse license status.

The intent of the regulation is to not allow a nurse under investigation to retire their license to avoid any licensing action. A nurse with a retired license could move to another state and obtain a license. Public comment was reviewed and no changes were made.

C. 12 AAC 44.380. Advanced practice registered nurse role and population foci.

The intent of the regulation is to add certification and/or licensure and to change the effective date to 2024. This is to permit the ability of APRNs from other states that are authorized through certification to endorse into this state. It moves the effective date of the APRN consensus model to permit APRN students still in school to finish and be able to practice in this state. Public comment was reviewed and no changes were made.

D. 12 AAC 44.430. Scope of practice.

The Board decided to table the discussion and return to it later in the meeting.

E. 12 AAC 44.445. Controlled Substance prescriptive and dispensing authority.

The intent of the regulation is to require new application APRNs with controlled substance prescribing authority and a current DEA registration to register for the PDMP and to require continuing education in pain management, opioid use, and addiction. Public comment was reviewed and no changes were made.

F. 12 AAC 44.470. Renewal of advanced practice registered nurse license.

The intent of the regulation is require APRNs renewing their license with controlled substance prescriptive authority and a current DEA registration to register for the PDMP and to require continuing education in pain management, opioid use, and addiction Public comment was reviewed and no changes were made.

G. 12 AAC 44.620. Professional activities requirements.

The intent of the regulation is change the effective date of the professional activities requirement to the next renewal period (2018-2020). It would not be effective for the upcoming renewal this year. The board noted that there appeared to be much confusion around this regulation and communication need to improve from the board to nurses. Public comment was reviewed and no changes were made.

On a motion was made by Linda Hutchings, seconded by Wendy Thon, and carried with 7 ayes, RESOLVED to accept 12 AAC 44.040, 12 AAC 44.311, 12 AAC 44.380, 12 AAC 44.445, 12 AAC 44.470, and 12 AAC 44.620 as publically noticed with no changes.

Returning to regulation 12 AAC 44.430. Scope of practice.

The intent of the regulation is to define a scope of practice for APRNs that permit nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered nurse anesthetists to practice within their defined field. Much public comment was received on this regulation with the majority of the comment requesting that the scope be defined as it was at February BON meeting and not the May BON meeting. After much discussion and careful review wording for the regulation was changed. The board determines this is not a significant change from the publically noticed regulation but provides clearer intention.

On a motion made by Wendy Thon, seconded by Sharyl Toscano and carried with 7 ayes, RESOLVED the wording for regulation 12 AAC 44.430 is:

“The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statement published by national professional nursing associations recognized by the board for advanced practice registered nurses certified by the national certification bodies recognized by the board.”

The board determines this is not a significant change from the publically noticed regulation.

Agenda Item 3: Consideration of regulations to amend 12 AAC 44.321 and 12 AAC 44.400

These regulations are proposed to go out for public comment.

Regulation 12 AAC 44.321 proposed changes are to keep in alignment with 12 AAC 44.380 and 12 AAC 44.400. It provides the authority for the same application and checklist to be used for all APRNs. The application and checklist are under development and the regulation change needs to proceed.

Regulation 12 AAC 44.400 pertains to CRNAs. Prior to 2015, CRNAs were not required to have 3 distinct graduate courses of 3 credits for their training. After 2015, accredited schools were required to have 3 distinct graduate courses but 3 credits were not specified. The professional national and state associations for CRNAs. The board discussed removing the word "distinct" and also removing the 3 credit requirement. It was also suggested to move the effective date to 2016 to a transitional time for the schools to meet the accredited requirements and for students in school during this transitional period. The board discussed whether the distinct courses and 3 credits should be removed for NPs, CNMs, and CNSs so that the requirements were the same for all APRNs.

On a motion made by Wendy Thon, seconded by Joe Lefleur and carried with 7 ayes it was RESOLVED to accept the following wording:

12 AAC 44.321 Review of Applications

(d) The form titled *Application Checklist for Licensure to Practice as an Advanced Practice Registered Nurse and to have Prescriptive and Dispensing Authority, dated June 2018* is adopted by reference. This form established by the board for review by staff of an application for initial licensure to practice as an Advanced Practice Registered Nurse, including requirements for an advanced practice registered nurse to practice as a certified registered nurse anesthetist, certified clinical nurse specialist, certified nurse practitioner, or certified nurse midwife; focus in one or more roles or population foci and authority to prescribe and dispense legend drugs or prescribed controlled substances.

(e) Repeal the form titled *Application Checklist for Authorization to Practice as a Certified Registered Nurse Anesthetist or to Have Prescriptive Authority, dated July 2012.*

12 AAC 44.400(a) Requirements for initial licensure

(iv) is evidenced by an official transcript or other official documentation received directly from a graduate program...

(vi) for certified registered nurse anesthetists, if completed on or after January 1, 2016, has distinct course offerings in advanced pathophysiology, advanced pharmacotherapeutics, and advanced physical assessment.

Determination if the proposed regulation 12 AAC 44.400(a) meets the requirements of an emergency regulation. Megyn Weigand suggested the board move into executive session.

On a motion made by Wendy Thon, seconded by Linda Hutchings, and carried with 7 ayes, it was RESOLVED the Alaska Board of Nursing entered into executive session in accordance with AS 44.62.310(c) for matters which by law are required to be confidential and matters involving

consideration of government records that by law are not subject to public disclosure. Board staff members and the AAG are to remain during session.

Let the record reflect that the Alaska Board of Nursing entered into Executive Session at 12:10 p.m. The door was locked, the open teleconference line was closed and the executive session conference line was opened. Board staff and the AAG were present.

Let the record reflect the board took a short recess until 12:15 p.m. and returned into executive session. Let the record reflect the Board of Nursing is back in open session at 12:40 p.m.

The board discussed the need for emergency regulations regarding CRNA transcript requirement. The federal government and tribal health care organizations have the authority to directly hire employees with any state license under federal law. At this time there are 5 CRNA applications in process, 3 applicants are completed to be licensed, and 2 applicants have not submitted transcripts. A regulation project can be fast tracked as the regulation change has been proposed, edited, and is ready for public notice. The board is willing to hold an additional teleconferences to deal with matters related to passing this regulation quickly. The item will be added to the August agenda.

On a motion made by Wendy Thon, seconded by Linda Hutchings, and carried with 7 ayes, it was RESOLVED that the proposed changes to CRNA regulation 12 AAC 44.400(a) (iv) and (vi) does not rise to the level of an emergency regulation.

On a motion duly made by Wendy Thon and seconded by Joe Lefleur, and carried with 7 ayes, it was Hereby ordered that Default is entered against Kimberly M Kirkup and that Kirkup's registered nurse license number NURR38518 is revoked.

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

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

- 1) Payment of the civil fine in the amount of \$2,000 for Kirkup'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 Kirkup's completion of the required continuing education activities must be received and approved by the Board or its designee prior to processing of the renewal/reinstatement of her registered nurse license. This requirement will remain until Kirkups' registered nursing license has been renewed/reinstated subject to this mandatory audit requirement for two license periods.**

On a motion duly made by Wendy Thon, seconded by Linda Hutchings and carried with 7 ayes, it was Hereby ordered that Default is entered against April D. Hicks and that Hick's registered nurse license number 104703 is revoked.

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

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

- 1) Payment of the civil fine in the amount of \$2,000 for Hick'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 Hick's completion of the required continuing education activities must be received and approved by the Board or its designee prior to processing of the renewal/reinstatement of her registered nurse license. This requirement will remain until Hicks' registered nursing license has been renewed/reinstated subject to this mandatory audit requirement for two license periods.

On a motion duly made by Wendy Thon and seconded by Julie Gillette and carried with 7 ayes, it was RESOLVED that the Board of Nursing for the State of Alaska, having reviewed the motion for Revocation by Default and supporting documents submitted by the Division of Corporation, Business and Professional Licensing, the Board of Nursing finds that Angela Christmas, Registered Nurse, was properly served with an Accusation and Notice of Defense in this matter, that Angela Christmas has not filed a Notice of Defense or otherwise requested a hearing, and that a factual basis exists for revocation of Angela Christmas's Registered Nurse License No. NURR 25546.

IT IS HEREBY ORDERED that Registered Nurse License No. NURR25546 issued to Angela Christmas is revoked.

On a motion duly made by Wendy Thon 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, license no. NURR27239, Case Number 2016-000836, for Allison E. Kaylor, 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 of Nursing.

All board members publically acknowledge and thank Julie Gillette for her service and dedication to the Alaska Board of Nursing.

Meeting Adjourned at 12:50 pm until August 6 at 9:00 a.m. in Anchorage, AK.

Respectfully submitted,



Gail Bernth

Executive Administrator

Alaska Board of Nursing

Date: 7/24/2018

Approved:



Jennifer Stukey, Chair

Alaska Board of Nursing