

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
ATWOOD OFFICE BUILDING-
550 W. 7th AVE. 12th Floor Conference Room
ANCHORAGE, ALASKA

BOARD OF NURSING
MEETING MINUTES

July 22-24, 2009

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, 550 W. 7th Ave, 12th floor conference room, Anchorage, AK.

Wednesday, July 22, 2009

Agenda Item 1 CALL TO ORDER

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

Roll Call

Those present, constituting a quorum were:
Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
Joanne Bell-Graves, Public Member, Juneau
Agnes Jack, LPN, Kotzebue

Board member excused due to a family medical emergency:
Janine McCready, Public Member, Fairbanks

Staff present at various times from the Division of Corporations,
Business and Professional Licensing:
Nancy Sanders, PhD, RN, Executive Administrator
Brian Howes, Interim Chief Investigator
Ken Weimer, Investigator
David Newman, Investigator
Colleen Nelson, Investigator

Joanna Williamson, Investigator
Jasmine Bautista, Investigator

Review of Agenda

Change to the agenda: move paralegal cases to 7/23/09 at 3:15 PM, add to item #5 Continued Competence review proposal from NCSBN. Agenda was approved as amended.

Introductions

Introduction of guest: Pat Renaga, RN, Providence Alaska Medical Center

Ethics Report

All Board Members present, and Executive Administrator Dr. Sanders, reported viewing the Alaska State Ethics education material.

Dr. Nancy Sanders reported grant funding from the National Council of State Boards of Nursing to attend the IT Summit in Austin, TX, May, 2009. An ethics disclosure form was submitted.

Denise Ekstrom reported grant funding from National Council of State Boards of Nursing to attend the APRN Forum in Chicago, IL, May 12, 2009. An ethics disclosure form was submitted.

Both disclosures were reviewed by Cathy Giessel, Board Chair, ethics supervisor for the Board and Executive Administrator. No ethics violation was identified.

The remaining Board members in attendance reported no ethics violations since April 2009.

Agenda Item 2

Consent Agenda

On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and passed unanimously,

RESOLVED the Board adopts the Consent Agenda with the exception of the following corrected information for 2008 Certified Nurse Aide Annual Report: Kodiak Certified Nurses Aide program reported an acceptable pass rate.

Agenda Item 2B INFORMATION EXCHANGE

Informational items were available to the Board for review.

Agenda Item 3 Adjudication

Agenda Item 3 A-D Probation Report/Investigative/Litigation Report/Cases from Investigator case(s)/case review verbal presentation-advice

Interim Investigator Brian Howes, Investigator Ken Weimer, Joanna Williamson, Probation Officer, Jasmine Bautista, Probation Officer, and Colleen Nelson, Investigator joined the Board.

On a motion duly made by Joanne Bell-Graves, seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c)(2) for the purpose of reviewing the cases and reports presented by the investigative team.

The Board entered into executive session at 9:18 a.m.

The Board came out of executive sessions at 10:32 a.m.

The Board recessed for a break at 10:33 a.m.

The Board reconvened from break at 10:45 a.m.

On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Surrender of Certified Nurse Aide certificate NUA A 11010, KatieRaye Barker, Case No. 2306-09-002, adopts the Surrender of Certified Nurse Aide certificate NUA A 110101 in this matter.

On a motion duly made by Joanne Bell-Graves, and seconded by Agnes Jack, and carried unanimously, 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 2302-09-002, Doris M. Gattenby, LPN License No. NUR P 2311,

adopts the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Thomas Hendrix, and seconded by JoAnne Bell-Graves, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order in the matter of Latrice S. Jackson (Willingham), Case No. 2356-09-004, temporary Certified Nurse Aide certificate #NUA T 2440, hereby adopts the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Agnes Jack, and seconded by Thomas Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order in the matter of Jocelyn L. Mendoza, Case No. 2356-09-005, temporary Certified Nurse Aide certificate #NUA T 2556, hereby adopts the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Beth Farnstrom, and seconded by Thomas Hendrix, and carried unanimously, 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. 2300-09-014, Joanie Tracy, RN license number NUR R 29845, hereby adopts the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Joanne Bell-Graves, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order in Case No. 2356-09-003, Angela R. Zigarlick, temporary Certified Nurse Aide certificate # NUA T 2518, hereby adopts the Consent Agreement and Decision and Order in this matter.

Cathy Giessel, ANP, Chairperson, signed all original documents related to the investigation cases.

On a motion duly made by Beth Farnstrom seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c)(2) for the purpose of reviewing the cases and reports presented by the Executive Administrator.

The Board entered into executive session at 10:54 a.m.

The Board came out of executive session at 11:34 a.m.

Agenda Item 4 LICENSURE

Agenda Item 4A ANP applicant Karen Friedl

The Board listened to Ms Friedl's petition to reconsider her application for an initial ANP authorization.

The Board's decision to deny authorization stands until applicant meets all requirements of initial authorization. This includes completing requirements contained in 12 AAC 44.400 (a)(1)(iv) – advanced pathophysiology coursework, and 12 AAC 44.400 (6) (B) – a letter of reference affirming current competency to practice.

The Board recessed for a break at 12:30 p.m.

The Board reconvened at 12:33 p.m.

Agenda Item 4B Clinical Nurse Specialists (CNS)

Carrie Doyle, CNS, presented information titled "A Vision for the Future of Clinical Nurse Specialists in Alaska".

Alaska does not currently recognize CNSs for advanced practice authorization. The Board will take the presented information under advisement for future discussion, but no changes will be made at this time.

The Board recessed for lunch at 12:54 p.m.

The Board reconvened at 1:54.

Agenda Item 4C Paperless Licensing

The Board discussed the concept of issuing paperless licenses for renewals. A paper license could be issued for initial licensure. Licenses would be available online for license holder and employers to access. This would save the Board time and money, as well as greater security from forgery. This topic will be presented to Director Lynne Smith.

Agenda Item 4D Paperless Renewals

LPN and RN use of online renewals was greater than 80% this past renewal period. The Board discussed extending online renewals to include ANPs and CRNAs. This will be discussed with Director Lynne Smith.

Agenda Item 4E Foreign Educated Applicants

The Board reviewed an example of a CGFNS report. The Board will update our regulations to reflect the current passing scores recommended by National Council of State Boards of Nursing on the English language tests.

Agenda Item 5A Advisory Opinion on Sedating & Anesthetic Agents

The Board reviewed the notes from the Anesthesia Advisory Opinion Forum of May 18, 2009, and discussed the Alaska Board of Nursing Advisory Opinion on Nurse Administration of Sedating and Anesthetic Agents.

Questions posed to the Board were addressed:

1. Can a RN administer Ketamine for pain management, rather than anesthesia? The Board said no.
2. Clarification of the term “anxiolysis”. Edits were made to the Advisory Opinion to clarify anxiolysis and moderate procedural sedation.
3. Can the registered nurse in the State of Alaska administer deep sedation? The Board reiterated that they could not.

4. What is the role of the RN in administration of analgesia/anesthesia by catheter technique (epidural, intrathecal, spinal, PCEA) for pregnant women? The Boards stated that a RN may monitor the patient but may not manipulate or titrate the dosage of analgesia/anesthesia by catheter technique (epidural, intrathecal, spinal, PCEA) for pregnant women.

The Board recessed for a break at 3:34 p.m.

The Board reconvened at 3:50 p.m.

Agenda Item 5 B Appendix A & C review

The Board reviewed Appendix A in detail. It was determined that the key elements of Appendix A could be distilled into regulation. A committee was assigned to this task. Beth Farnstrom, Denise Ekstrom, and Agnes Jack agreed to prepare proposed regulation language regarding Licensed Practical Nurse scope of practice by next board meeting.

The Board recessed at 5:07 p.m.

The Board toured the Providence eICU unit, accompanied by Pat Renaga, RN.

The Board will reconvene at 9:00 a.m. on July 23, 2009 in 12th floor Conference Room Atwood Bldg. Anchorage, AK.

Thursday, July 23, 2009

Agenda Item 1 Call to Order

Cathy Giessel, Board Chair, called the meeting to order at 9:00 a.m. in 12th Floor Conference Room Atwood Bldg Anchorage.

Roll Call

Those present, constituting a quorum were:
Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
Joanne Bell-Graves, Public Member, Juneau
Agnes Jack, LPN, Kotzebue

Board member excused due to a family medical emergency:
Janine McCready, Public Member, Fairbanks

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

Nancy Sanders, PhD, RN, Executive Administrator
Nikki Ornelas-Garcia, Nurse Aide Licensing Examiner
Lisa Maloney, Nurse Aide Licensing Examiner Supervisor
Karen Wilke, Paralegal
Cathleen Winfree, RN, Certified Nurse Aide program

Staff present telephonically from Juneau:
Dan Branch, Assistant Attorney General

Review the Agenda

The Board reviewed and approved the agenda with the following changes: agenda items 5C-F moved to 9:35 a.m.; added executive session with paralegal Karen Wilke at 3:15 p.m.

Introduction of Guests

Guests in attendance were introduced.

Public Forum

Public forum began at 9:06 a.m. and ended at 9:35 a.m.
Marty Harriett ANP from ANPA requested the Board reconsider formation of an ANP advisory committee.

Agenda Item 5B **Appendix A & C (continued)**

Appendix C was reviewed. The Board determined that all elements of Appendix C were contained in regulation.

Agenda Item 5G **Certified Nurse Aide-Phlebotomy**

Dr Sanders had an inquiry from Dr. John M. Koller, MD, as to whether he could train certified nurse aide to perform phlebotomies under his license.

Cathy Winfree, RN joined the discussion. She stated no invasive procedures are taught in the certified nurse aide program. This skill can be taught through additional training.

UAF offers a one year program, completion of which allows the graduate to sit for national certification through the American Society for Clinical Pathology to become a certified Phlebotomy Technician.

It was reaffirmed that certified nurse aides cannot perform phlebotomies as this is outside their scope of duties.

Agenda Item 5H Mentorship for Rural Nurses

Cindy Rolf, MSN, BSN, RN-BC presented a continued competency evaluation program, developed in collaboration with the ANTHC, ASHNHA and the Alaska Coalition of Educators-Health Care. The program is used to assure competency for nurses at all levels of experience. The program also ensures uniform precepting for new staff nurses.

The Board applauded the evidenced-based competency evaluation.

Agenda Item 5I YKHC Training Program for Administration of Medication for Procedural Sedation by RN's

Robert Rang, RN, presented an education program for the administration of procedural sedation by RNs at YKHC Hospital. Prior to approval, the Board requested the skills checklist for practicum and continued competency measurement procedures. These will be reviewed for completeness at the October Board meeting.

Agenda Item 5B Appendix C

On a motion made by Beth Farnstrom, seconded by Tom Hendrix and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska repeals Appendix C.

Agenda Item 5C License Renewal Survey Data Review

Dr Nancy Sanders stated that data analysis is not available to review. The item was tabled until October 2009 meeting.

Agenda Item 5D ANP Prescribing for Self or Family –Survey Results

Dr Sanders presented survey results from other Boards regarding the question: Can ANPs prescribe legend and/or controlled substances to themselves or family members?

Survey results: Thirty-four Boards responded. Fifty six percent reported not allowing prescribers to prescribe legend drugs for themselves. Thirty six percent do not allow prescribing of legend drugs for family members.

The Board reviewed 12 AAC 44.770 (10) and (27), which identify unprofessional conduct related to prescribing. The Federal Drug Enforcement Administration recognizes the same criteria related to the prescribing of controlled substances.

The Board determined that no additional or more specific regulations were needed to define prescribing. The topic will be included in the Board's Advisory Opinion database, available to the public and licensees.

Agenda Item 5E

Practice Questions

Dr Sanders presented questions for clarification of scope of practice and scope of duties.

- a. Ear lavage – The question was asked about what level of licensee could do ear lavage and other policy issues related to it. The Board affirmed the Executive Administrator's advice that there were risks to the procedure, the facility should have a policy and procedure in place, and that it is within the scope of practice of an appropriately educated Licensed Practical Nurse. It is outside the scope of duties of a Certified Nurse Aide.
- b. Stool impaction removal – The Board affirmed the Executive Administrator's response that this is within the scope of practice for a RN or Licensed Practical Nurse but outside the scope of duties for a Certified Nurse Aide.
- c. Intraosseous infusions – Question was asked by Fairbanks Memorial Hospital whether RNs are allowed to place intraosseous or external jugular IVs in critical situations. In June 2007 the Board opined that the external jugular was a peripheral IV site and within the scope of practice for an RN. Intraosseous infusions are taught in PALS and ACLS, and are thus appropriate for a properly educated RN.

Agenda Item 5F

Department of Corrections Policy on Dispensing of Stock Medication

An LPN asked for clarification about whether a Licensed Practical Nurse labeling stock medication blister packs would be considered dispensing?

The Board stated that filling medisets is not dispensing. Stock medications are to be used in an emergency for one time use so no labeling would be involved.

The Board feels that this topic needs more clarification. Dr. Sanders will obtain further information.

The Board recessed for lunch at 12:25 p.m.

The Board reconvened at 1:30 p.m.

Agenda Item 6 Education

Agenda Item 6A Certified Nurse Aide II Proposal

Cathy Winfree, RN, Certified Nurse Aide Program Coordinator UAF/TVC, joined the Board to present proposed coursework that would allow a career path for Certified Nurse Aides. One program presented was for a Medication Aide-Certified level; the other program would prepare an Acute Care Certified Nurse Aide II..

The Medication Aide-Certified is taken from the model curriculum developed by National Council of State Boards of Nursing. Successful completion would make the graduate eligible to sit for the certification examination.

The acute care certified nurse aide II curriculum would prepare certified nurse aides for practice in the hospital setting. This is still in the development phase. Approval is not sought at this time.

On a motion made by Denise Ekstrom, seconded by JoAnne Bell-Graves and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska grants approval to proceed with presenting the CNA-II medication aide proposal to the University of Alaska Fairbanks.

Agenda Item 6B Responses to Certified Nurse Aide Program Warning Letters

In accordance with 12 AAC 44.858, the nurse aide training programs must achieve at least an 80% cumulative annual pass

rate. Petersburg Medical Center, AK and Prince William Sound Community College, Cordova, AK sent written responses regarding methods in which the low pass rate for the certified nurse aide program would be corrected. Both sites are scheduled for a site visit in August 2009.

At the April Board meeting, a data error showed the Kodiak program as deficient. This error has been corrected to verify acceptable annual pass rates for the Kodiak education program. (The agenda erroneously listed Ketchikan.)

Agenda Item 6C **Certified Nurse Aide Program – OPAG review**

Cathy Winfree, RN, Certified Nurse Aide education program reviewer, presented findings from the OPAG site visit. There were several areas that do not meet the standards and therefore she affirms the Board's decision to withdraw approval for the OPAG certified nurse aide program.

Dr. Ray Clements, Executive Director for OPAG, was present. He addressed the incorrect caption in their June 2009 paper. The class being taught was a personal care attendant class and not a certified nurse aide class as stated in the caption.

Agenda Item 6D **Excelsior College**

This agenda item was informational only. Excelsior College is a competency based program that does not require clinical hours as part of their training. As stated in 12 AAC 44.130 (g) (1), the Alaska State Board of Nursing requires practice of nursing in nursing curriculum.

Communication from National Council of State Boards of Nursing was provided that included a statement written by N. Bridget Nettleton, Dean of Excelsior College in Albany, NY.

The Board recessed for a break at 3:00 p.m.

The Board reconvened at 3:15 p.m.

Agenda Item 3E **Paralegal Cases**

Karen Wilke, Paralegal, joined the board at 3:15 p.m.

On a motion duly made by Beth Farnstrom, seconded by Thomas Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c)(2) for the purpose of reviewing paralegal cases.

The Board entered into executive session at 3:15 p.m.

The Board came out of executive sessions at 4:27 p.m.

On a motion duly made by Beth Farnstrom, and seconded by Thomas Hendrix, and carried unanimously, 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. 2306-09-003, Renee L. Jordan, Certified Nurse Aide certificate # NUA A 8212, hereby adopts the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Thomas Hendrix, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case Number 2306-08-007, Dan Harris, Certified Nurse Aide certificate # NUA A 1792, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Beth Farnstrom, and seconded by Joanne Bell-Graves, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska hereby orders that Default is entered against Rose Lichter, Case Number 2306-08-013, and that Certified Nurse Aide certificate # NUA A 4340 is revoked.

Notwithstanding AS 44.62.550, the Board will allow Ms. Lichter to apply for reinstatement of this certification within one year of the effective date of this decision, if Ms. Lichter provides the Board with satisfactory documentation to verify her completion of the required continuing education indicated on her 2008-2010 renewal application. Satisfactory documentation must

include the verification elements currently identified in 12 AAC 02.960(e).

Under this provision, any reinstatement of Ms. Lichter's nurse aide certificate shall be conditioned subject to:

- 1. Payment of a civil fine in the amount of \$500 for Ms. Lichter's repeated failure to respond to requests for documentation.**
- 2. Mandatory audit to monitor compliance with the continuing education requirements, where satisfactory documentation to verify Ms. Lichter'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 nurse aide certification. These requirements will remain until Ms. Lichter's nurse aide certification been renewed/reinstated subject to this mandatory audit requirement for two certification periods.**

On a motion duly made by Joanne Bell-Graves, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2302-09-008, Lorraine Hoffman, License Practical Nurse license # NUR P 4645, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Joanne Bell-Graves, and seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2302-09-007, Cole Gage, License Practical Nurse # NUR P 6006, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Tom Hendrix, and seconded by Agnes Jack, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed

Decision and Order, Case Number 2302-09-004, Christine M. Doty, Licensed Practical Nurse # NUR P 4232, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Beth Farnstrom, and seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2302-09-006, Amy Michelle Arnst, License Practical Nurse # NUR P 6162, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Tom Hendrix, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2302-09-009, Larry Warrick, License Practical Nurse # NUR P 6050, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Joanne Bell-Graves, and seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2300-09-010, Norma Ossenkop, Registered Nurse license # NUR R 5786, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Beth Farnstrom, and seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2300-09-012, Amanda Richmond, Registered Nurse license # NUR R

26079, adopts the Consent Agreement, Decision and Order in this matter.

On a motion duly made by Tom Hendrix, and seconded by Joanne Bell-Graves, and carried, it was

RESOLVED that the Alaska Board of Nursing, having examined the Consent Agreement and proposed Decision and Order, Case Number 2300-09-009, Cynthia Lincoln, Registered Nurse license # NUR R 7007, adopts the Consent Agreement, Decision and Order in this matter.

Aggie Jack recused herself from the discussion and vote on this case.

On a motion duly made by Beth Farnstrom, and seconded by Agnes Jack, and carried unanimously, it was

RESOLVED that the Alaska Board of Nursing, having examined the Voluntary Surrender of Registered Nurse License # NUR R 13780, Pamela Archer-Beck, Case Number 2300-09-005, adopts this document in this matter.

On a motion duly made by Tom Hendrix, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska orders that Default is entered against Courtney B. Duos, Case Number 2300-09-006 and that Mr. Duos' Registered Nurse license # NUR R 25854 is revoked.

Notwithstanding AS 44.62.550, the Board will allow Mr. Duos to apply for reinstatement of this license within one year of the effective date of this decision, if Mr. Duos provides the Board with satisfactory documentation to verify his completion of the required continuing competency activities indicated on his 2008-2010 renewal application. Satisfactory documentation must include the verification elements currently identified in 12 AAC 02.960(e). Under this provision, any reinstatement of Mr. Duos' registered nurse license shall be conditioned subject to:

- 1. Payment of a civil fine in the amount of \$500 for Mr. Duos' repeated failure to respond to requests for documentation;**
- 2. Mandatory audit to monitor compliance with the continuing education requirements, where satisfactory documentation to verify Mr. Duos' completion of the required continuing competency activities must be received and approved by the Board or its designee prior to the processing of the renewal/reinstatement of his registered nurse license. This requirement will remain until Mr. Duos' registered nurse license has been renewed/reinstated subject to this mandatory audit requirement for two licensing periods.**

On a motion duly made by Beth Farnstrom, and seconded by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska orders that Default is entered against Barbara Rosenthal, Case Number 2300-09-007 and that Ms. Rosenthal's Registered Nurse license # NUR R 20647 is revoked.

Notwithstanding AS 44.62.550, the Board will allow Ms. Rosenthal to apply for reinstatement of this license within one year of the effective date of this decision, if Ms. Rosenthal provides the Board with satisfactory documentation to verify his completion of the required continuing competency activities indicated on her 2008-2010 renewal application. Satisfactory documentation must include the verification elements currently identified in 12 AAC 02.960(e). Under this provision, any reinstatement of Ms. Rosenthal registered nurse license shall be conditioned subject to:

- 3. Payment of a civil fine in the amount of \$500 for Ms. Rosenthal's repeated failure to respond to requests for documentation;**
- 4. Mandatory audit to monitor compliance with the continuing education requirements, where satisfactory documentation to verify Ms. Rosenthal's completion of the required continuing competency activities must be received and approved by the Board or its designee prior to the processing of the renewal/reinstatement of her registered nurse license. This requirement will remain until Ms.**

Rosenthal's registered nurse license has been renewed/reinstated subject to this mandatory audit requirement for two licensing periods.

On a motion duly made by Tom Hendrix, and seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska orders that Default is entered against Kristina Harrington, Case Number 2306-08-008 and that Ms. Harrington's Certified Nurse Aide certificate # NUA A 8785 is revoked.

Notwithstanding AS 44.62.550, the Board will allow Ms. Harrington to apply for reinstatement of this certificate within one year of the effective date of this decision, if Ms. Harrington provides the Board with satisfactory documentation to verify her completion of the required continuing competency activities indicated on her 2008-2010 renewal application. Satisfactory documentation must include the verification elements currently identified in 12 AAC 02.960(e). Under this provision, any reinstatement of Ms. Harrington's nurse aide certificate shall be conditioned subject to:

- 5. Payment of a civil fine in the amount of \$500 for Ms. Harrington's repeated failure to respond to requests for documentation;**
- 6. Mandatory audit to monitor compliance with the continuing education requirements, where satisfactory documentation to verify Ms. Harrington's completion of the required continuing competency activities must be received and approved by the Board or its designee prior to the processing of the renewal/reinstatement of her nurse aide certification. This requirement will remain until Ms. Harrington's nurse aide certification has been renewed/reinstated subject to this mandatory audit requirement for two certification periods.**

Cathy Giessel, ANP, Board Chairperson, signed all original documents related to the discipline cases.

On a motion made by Denise Ekstrom, second by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska denies the request from Richard L. Stavale, Board Case number 2300-06-020, GAH No. 07-0278-NUR, for forgiveness of \$1500 civil fine as stated in his consent agreement.

The Board recessed at 5:07 p.m. until 9:00 a.m. on July 24, 2009.

Friday, July 24, 2009

Agenda Item

Call to Order

Cathy Giessel, Board Chair, called the meeting to order at 9:00 a.m. in 12th Floor Conference Room of the Atwood Bldg in Anchorage.

Roll Call

Those present, constituting a quorum were:

Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage
Agnes Jack, LPN, Kotzebue

Board member excused due to a family medical emergency:
Janine McCready, Public Member, Fairbanks

Board members absent:
Joanne Bell-Graves, Public Member, Juneau

Staff present at various times from the Division of Corporations, Business and Professional Licensing:
Nancy Sanders, PhD, RN, Executive Administrator

Staff present telephonically:
Gayle Horetski, Assistant Attorney General
Jun Maiquis, Regulation Specialist
Lynn Smith, Division Director
Cathy Mason, Administrative Officer

Review the Agenda

The Board reviewed and approved the agenda with the following amendments:

12:30 p.m. the Board will enter into executive session, and 1:30 p.m. regulations will be discussed with the regulation specialist.

Agenda Item 2 **Public Forum**

Pat Renaga, RN, from Providence Medical Center, requested the Board consider if the Certified Nurse Aide II program for Acute Care is initiated, that it not be required to work in the acute care setting.

9:10 a.m. Joanne Bell-Graves, Public Member, joined the meeting.

9:36 a.m. public testimony closed.

Agenda Item 6 **EDUCATION**

Agenda Item 6 A **CNA training programs approvals**

1. Covenant Life College

Ann Hayes and Carol Dufendach, RN joined the Board. Ms Dufendach and Ms Hayes had submitted the documentation requested by the Board in April, 2009. The Board reviewed Ms Dufendach's experience in home health care and its fulfillment of 12 AAC 44.840(d), qualifying her to teach the certified nurse aide class at Covenant Life College.

On a motion made by Tom Hendrix, seconded by Beth Farnstrom, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska grant provisional approval to the certified nurse aide education program offered by Covenant Life College, under regulation 12 AAC 44.840.

Agenda Item 4F **Regulation Projects**

At 10:00 a.m. Gayle Horetski, Assistant Attorney General, joined the Board telephonically to discuss regulation work.

The Board reviewed the edits recommended by the Department of Law. The Board will adopt these changes.

On a motion duly made by Denise Ekstrom, second by Tom Hendrix, and carried with a majority, it was

RESOLVED that the Board of Nursing for the State of Alaska to remove (j) from 12 AAC44.835 from the regulation project previously public-noticed and adopted by the Board.

On a motion duly made by Beth Farnstrom, second by Tom Hendrix, and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska readopts the regulation project previously public-noticed and adopted by the Board, with the edited language recommended by the Department of Law. In considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

The Board recessed for break at 11:11 a.m.

The Board reconvened at 11:30 a.m.

Agenda Item 4F Regulation Projects

Regulation work continued.

Agenda Item 3 Adjudication

On a motion by Beth Farnstrom, second by Tom Hendrix, and passed unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c)(2) for the purpose of reviewing the cases and reports presented by the investigative team.

The Board entered into executive session at 12:35 p.m.

The Board emerged from executive session at 12:37 p.m.

The Board recessed for lunch at 12:37 p.m.

The Board reconvened at 1:35 p.m.

Agenda Item 4F Regulation Projects

Jun Maiquis, Regulation Specialist, joined the Board at 1:35 p.m.

Mr. Maiquis presented a regulation project, dated 7/23/009, based on Board work at the April meeting. The Board proposed additional regulations.

The Board instructed that the regulations be sent out for public comment, separating the ANP issues for separate public notice.

On a motion duly made by Beth Farnstrom, and second by Agnes Jack, and carried unanimously, it was

RESOLVED the Board of Nursing for the State of Alaska instructs that regulations project dated 7/23/09, as well as nine additions, be sent out for public notice and comment.

Agenda Item 7B Information & Issues Update

Director Lynn Smith joined the board to discuss the following items:

1. The California Board of Registered Nurses adjudication issues were discussed. The Board expressed their appreciation for the upgrades in investigations, which improves the time frame the investigations are completed.
2. The Board expressed concern for Jun Maiquis' workload and requested additional help for him.
3. The Board proposed the concept of paperless licensure to save time and money for the department. Director Smith stated she would look into the feasibility of the concept.
4. The Board inquired about the decision made regarding removal of licensee addresses from the website. Director Smith reported it was decided to keep the addresses on the website.
5. Regarding the requirement for applicants to supply social security numbers, the Attorney General's opinion is being sought.
6. The nursing and Certified Nurse Aide revenue codes have been merged. The Board requested the certified nurse aides be separate from the licensed nurses. Director Smith stated she would get back to the Board regarding this question.
7. The Board asked whether the Board could meet in a private facility, rather than a state building, in Fairbanks. Director Smith will look into this for the Board and get back to us.
8. 12 AAC 02.960(d) describes the audit of licensees. Does this also apply to advanced nurse practitioner and CRNA authorizations? Director Smith will need to check with the law.

9. Director Smith reported that the \$400,000 federal grant application was approved to implement the state's prescription monitoring program.

Agenda Item 4G **Continued Competence**

The letter from the Alaska Health Fair, Inc. expressed concern that the Board will not accept the nurse volunteer hours as a continued competency condition. The Board chair stated that no change in the current regulations was imminent. However, the Board is reviewing research related to continued competence requirements.

Agenda Item 7A **Budget Report**

Cathy Mason, Administrative Officer, joined the Board telephonically. The Board reviewed the budget figures. The Board requested the Department perform a fee assessment of the certified nurse aide fee in preparation for 2010-2012 renewals. Ms. Mason stated the fees will be reviewed in October, 2009 and the report should be ready for the Board of Nursing meeting in October. Dr. Sanders will discuss this with Chief Strickler as well.

Agenda Item 7C **Contract for Certified Nurse Aide Program Reviews**

The Board reviewed the contract employing Cathy Winfree, RN as the Certified Nurse Aide Education Program evaluator.

The Board recessed at 3:28 p.m. for a break.

The Board reconvened at 3:45 p.m.

Agenda Item 8 **Governance**

Agenda Item 8A **Strategic Plan**

The FY 09 Strategic Plan was reviewed, updated, and revised. The FY 10 Strategic Plan, incorporating data from National Council of State Boards of Nursing Commitment to Ongoing Regulatory Excellence (CORE) research, was reviewed. This will be further discussed at the Board of Nursing retreat on October 20, 2009.

Agenda Item 8B **Task List**

Board members were assigned tasks to prepare for the October Board meeting.

Agenda Item 8C **Meeting Evaluation**

The Board members completed a meeting evaluation. Results were shared orally and summarized.

The Board will hold an annual Board Retreat on October 20, 2009, in Fairbanks. Location and time will be announced.

By unanimous consent, the Board adjourned at 5:35p.m. until October 21, 2009 at 9:00 a.m. in Fairbanks, Alaska.

Respectfully submitted:

Nancy Sanders, Executive Administrator
Board of Nursing

Approved:

Cathy Giessel, Chair
Board of Nursing

Date



Date: