

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
FAIRBANKS MEMORIAL HOSPITAL
CANCER TREATMENT CENTER CONFERENCE ROOM
1650 COWLES STREET
FAIRBANK, AK

BOARD OF NURSING
MEETING MINUTES

October 21-23, 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 Fairbanks Memorial Hospital Cancer Treatment Center Conference room.

Wednesday, October 21, 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 members via teleconference:

Janine McCready, Public Member, Fairbanks

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

Nancy Sanders, PhD, RN, Executive Administrator

Staff present via teleconference:

Ken Weimer, Investigator

Jasmine Bautista, Investigator

Joanna Williamson, Investigator
Colleen Nelson, Investigator
Karen Wilke, Paralegal

Introductions

Guests present in the room and on the teleconference offered self-introductions.

Ethics Report

Dr. Nancy Sanders submitted an Ethics Disclosure Form for a grant from the NCSBN to attend the National Counsel of State Boards of Nursing (NCSBN) annual delegate assembly meeting in Philadelphia, PA. This form was reviewed by Cathy Giessel, Board Chair and Board's ethics supervisor, and deemed to not be an ethical violation.

Denise Ekstrom reported receiving a grant as a benefit of Alaska Board of Nursing's membership in NCSBN to attend the annual delegate assembly meeting in Philadelphia, PA. This was reviewed by Cathy Giessel, Board Chair and Board's ethics supervisor, and deemed to not be an ethical violation.

Beth Farnstrom reported receiving a grant as a benefit of Alaska Board of Nursing's membership in NCSBN to attend the annual delegate assembly meeting in Philadelphia, PA. This was reviewed by Cathy Giessel, Board Chair and Board's ethics supervisor, and deemed to not be an ethical violation.

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

Agenda Item 2

Consent Agenda

The consent agenda was reviewed by the Board.

On a motion duly made by Beth Farnstrom, seconded by Thomas Hendrix , and passed unanimously,

RESOLVED the Board adopted the Consent Agenda.

Agenda Item 2B

INFORMATION EXCHANGE

Informational items were available to the Board for review.

The Board recessed for a break at 9:10 a.m.

The Board reconvened from break at 9:20 a.m

Agenda Item 3 Adjudication

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

Investigators Ken Weimer, Joanna Williamson, Jasmine Bautista, and Colleen Nelson, joined the Board via teleconference.

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 the cases and reports presented by the investigative team.

The Board entered into executive session at 9:21 a.m.

The Board came out of executive sessions at 11:00 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 MOA and Proposed Decision and Order, Case No. 2300-07-012, Cheryl A. Hesse, RN license #NUR R 23396, adopted the MOA and Decision and Order in this matter.

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, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2306-09-005, Angela R. Price, Nurse Aide Certificate # NUA A 5547 adopted the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Thomas Hendrix, 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 Registered Nurse License # NUR R 21448, Victoria G. Peppenger, Case No. 2300-09-017, adopted the Surrender of the License in this matter.

On a motion duly made by Beth Farnstrom, 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. 2352-09-001, Katie L. Reeves, LPN applicant by endorsement, adopted the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Thomas Hendrix, 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 No. 2302-09-011, Valerie E. Harrison, NUR P 5220 adopted the Consent Agreement and Decision and Order in this matter.

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, having examined the Surrender of Registered Nurse License # NUR R 9367, Elizabeth A. Stark, Case No. 2300-09-015, hereby adopted the Surrender of License and Order in this matter.

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

Resolved that the Board of Nursing for the State of Alaska, having examined the Surrender of Registered Nurse License # NUR R 18798, Michael Morgan, Case No. 2300-09-027, hereby adopted the Surrender of License in this matter.

On a motion duly made by Thomas Hendrix, 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, Case No. 2302-09-012, Wanda K. Kularski, LPN license #NUR P 5181, adopted the Consent Agreement and Decision and Order in this matter.

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, having examined the Surrender of Registered Nurse License # NUR R 29858, Christina M. LaPinska, Case No. 2300-09-028, hereby adopted the Surrender of License in this matter.

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, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2356-09-006, Giovanni R. Ortiz, CNA applicant, adopted the Consent Agreement and Decision and Order in this matter.

On a motion duly made by Thomas Hendrix, 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 No. 2352-09-002, MicheaShea N. Theus, Nurse Aide Certificate # NUA A 9035, adopted the Consent Agreement and Decision and Order in this matter.

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, having examined the Voluntary Surrender of Nurse Aide Certificate # NUA A 1307, Arthur Nash, Case No. 2306-09-004, hereby adopted the Surrender of Certificate in this matter.

On a motion duly made by Thomas Hendrix, 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 No. 2306-08-015, Casey Metayer, Nurse Aide Certificate # NUA A 10123 adopted the Consent Agreement and Decision and Order in this matter.

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

Resolved that the Board of Nursing for the State of Alaska, having examined the Voluntary Surrender of Nurse Aide Certificate # NUA A 6726, Linda S. Daniels, Case No. 2306-08-014 adopted the Surrender of Certificate in this matter.

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 Consent Agreement and Proposed Decision and Order, Case No. 2350-09-005, Mary Ann Oliveria Lacapp, Registered Nurse applicant, adopted the Consent Agreement and Decision and Order in this matter.

Thomas Hendrix was recused from the vote.

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

The Board recessed for a break at 11:00 a.m.

The Board reconvened from break at 11:14 a.m

Agenda Item 4 LICENSURE

Agenda Item 4A Paperless Renewals/licenses

Authority: AS 08.68.100(5) and (6)

The Board of Nursing has expressed interest in paperless license issuance. The paperless topic was discussed on a recent NCSBN Webinar attended by Dr Sanders, PhD, RN, Executive

Administrator and Catherine Giessel, MS, RN, ANP, FAANP.
Content of the Webinar was discussed.

Dr. Sanders will send out information on the nurse listserv informing licensees and employers of the move towards paperless licenses possibly for the next LPN and RN renewal period in 2010. Suggestions for communication were newsletters, post cards, and the AANA and ANPA meeting forums and websites.

Agenda Item 4B **CNS Title Protection**

Denise Ekstrom, ANP supplied the Board with sample title protection language from other states. Proposed regulations regarding CNS title protection were reviewed and discussed. Additional information was needed so the Board decided to discuss this again during the regulation work on Friday, October 23, 2009.

Agenda Item 4C **Criminal Background Check (CBC) Duplication**

The question regarding the need to repeat CBCs for other purposes such as employment, nursing licensing, etc. was raised. In a letter addressed to the Alaska Board of Nursing, October 2005, the U.S. Department of Justice, Federal Bureau of Investigations, stated “Criminal history information obtained under this authority (the Freedom of Information and Privacy Acts) may be used solely for the purpose requested and cannot be disseminated outside the receiving department, related agencies, or other authorized entities.” Nancy Sanders, PhD, RN, Executive Administrator will send a letter clarifying this to the Alaska Hospital and Nursing Home Association, who asked the question.

Agenda Item 4D **Criminal Background Check (CBC) with Renewals**

Applications for licensure or certification, initial by examination, by endorsement, or for reinstatement all require CBC upon submission of applications. Licensees who were already licensed at the time the requirement went into effect were not required to have a CBC. Many states are requiring all licensees to submit CBC. The FBI provides an ongoing surveillance of arrests and notification called Rap Back. Dr Sanders will obtain more information on this for the next Board meeting in January 2010.

The Board recessed for lunch at 12:29 p.m.

The Board reconvened from lunch at 1:30 p.m.

Agenda Item 4E **Mandatory Reporting**

As stated in 12 AAC 44.770 (13) a nurse is responsible to report incompetent, unprofessional, or illegal practices of a health care provider. The Board discussed adding a regulation to address mandatory reporting by health care facilities, similar to AS 08.64.336 (a) - (f). Dr Sanders was directed to draft proposed regulation regarding this topic and present to the Board at the next board meeting in January 2010.

Agenda Item 5 **Practice**

Agenda Items 5A and 5B **Advisory Opinion on Sedating and Anesthetic Agents**

On a motion made by Denise Ekstrom and seconded by Beth Farnstrom and unanimously carried, it was

RESOLVED, under the authority of AS 08.68.100(a)(9), the Board of Nursing for the State of Alaska amend and readopt the Alaska Board of Nursing Advisory Opinion on the Registered Nurse Sedating and Anesthetic Agents with amended insertion of subtitles and to include the inclusion of the following clarifying statement on all advisory opinions:

“An advisory opinion adopted by the Alaska Board of Nursing is an interpretation of what the law requires. While an advisory opinion is not law, it is more than a recommendation. In other words, an advisory opinion is an official opinion the Alaska Board of Nursing regarding the practice of nursing as it relates to the health and safety of the Alaska healthcare consumer. Facility policies may restrict practice further in their setting and/or require additional expectations related to competency, validation, training and supervision to assure safety of their patient population and/or decrease risk.”

Agenda Item 5C **License Renewal 2008 Survey Data - RN**

The Board reviewed the 2008 RN survey data presented by the Executive Administrator, Dr Sanders. Dr Sanders was requested to post this information on the Board of Nursing website. It was requested of Dr Sanders complete the LPN 2008 survey data

analysis and prepare a similar summary, to be posted on the website.

Agenda Item 5D **Continued Competence**

The NCSBN report from the Continued Competence Committee was reviewed. LeMay Hupp's letter to Board Chair, Cathy Giessel and Executive Administrator, Dr Sanders addressing continued competence for license renewal and volunteerism was reviewed. The Board appreciated Ms. Hupp's work and diligence to address the matter.

The Board recessed for a break at 3:06 p.m.

The Board reconvened from break at 3:21 p.m

Agenda Item 5E **LPN Expansion of Practice**

AS 08.68.410(8) states "practice of practical nursing" means the performance for compensation or personal profit of nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse.

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

RESOLVED that the Board of Nursing for the State of Alaska denies the request of Yvonne Hall's expansion of LPN practice.

The motion was carried with 4 "yea's", 1 "nay".

Agenda Item 5F **Vascular Sheath Removal by RN's**

Under the authority of Sec. 08.68.100 the Board of Nursing for the State of Alaska accepts by assent that a registered nurse, with the appropriate education, demonstration of skill and continued competence may remove vascular sheaths.

The Advisory Opinion Data base regarding this matter will be updated.

The Board recessed at 4:30 p.m.

Thursday, October 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
Janine McCready, Public Member, Fairbanks

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

Nancy Sanders, PhD, RN, Executive Administrator
Cathleen Winfree, RN, Contractor for the Nurse Aide Programs

Review the Agenda

The Board reviewed and approved the agenda with the following changes: agenda item 5G will be carried over to 9:35 today.

Introduction of Guests

Guests in attendance were introduced.

Public Testimony

Public testimony began at 9:05 a.m. and ended at 9:35 a.m. The Board Chair, Cathy Giessel reminded the public that comment related to the new regulations is now closed.

Carrie Doyle, CNS, on behalf of the CNS association, expressed excitement and gratitude to the Board for considering implementation of CNS title protection.

Gina Carpenter, RN with the Bristol Bay Health Corporation expressed her appreciation for the separation of adults and pediatrics in the Sedating Advisory Opinion. She requested that the

Board provide support for nurses to help with delivering flu vaccines.

Susan Baily, RN encouraged the Board to keep the Board of Nursing website updated.

Gena Edmiston, RN, Director of Nursing Fairbanks Memorial Hospital gave the Board a warm welcome to Fairbanks.

Board Chair, Cathy Giessel explained the Board's desire to host forums for licensees and the public. She asked those who were present for ideas on forum topics and to see if there was an interest to hold such forums. There was much interest and input offered by the meeting guests.

Agenda Item 5G **Cooperative Agreement with Pharmacists and ANPs**
Informational at this time.

Agenda Item 5H **Department of Corrections**

Dr Henry Luban, Medical Director, Joyce DeGroot, RN, Quality Assurance, Jody Hatt, RN and Bonnie Dansby, ANP represented the Dept of Corrections in asking the Board for clarification of the scope of practice for Licensed Practical Nurses. The Board of Nursing has been informed that Licensed Practical Nurses, working in Corrections, are doing intake assessments, identifying unidentified medications and then administering them, and functioning under the supervision of physician assistants. In addition, Registered Nurses, working in Corrections, are identifying unidentified medications and then administering them.

During the discussion, the Board clarified:

AS 08.68.410(8) states “practice of practical nursing” means the performance for compensation or personal profit of nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse.

12 AAC 44.447(a) states an advanced nurse practitioner or “ANP” with prescriptive and dispensing authority may dispense a prescription within the ANP’s scope of practice only.

The Board of Nursing for the State of Alaska clarified that:

1. It is outside the LPN’s scope of practice to identify medications.
2. It is outside the LPN’s scope of practice to do intake assessments on those entering into correctional facilities.

3. It is outside the RN's scope of practice to identify medications.

Nancy Sanders, PhD, RN, Executive Administrator will follow up, in written form, with the Division of Corrections.

The Board recessed for a break at 10:52 a.m.

The Board reconvened from a break at 11:07 a.m.

Agenda Item 5I Wound Ostomy Continence Specialization

Donna Zeznock, ANP and Cheryl Vichkon, RN presented the certification requirements for RN's in Wound Certification programs, as well as Wound, Ostomy, and Continence Nursing Education programs. The Board reviewed and discussed the need for education, employer policy and procedure, and continued competence requirement in order for the RN scope of practice to be expanded. Board Chair, Cathy Giessel will draft possible wording on this topic, which will be reviewed by the Board tomorrow.

Agenda Item 5J NCSBN Uniform Licensure Requirements

NCSBN requested a Member Board Survey of 2009 Draft Uniform Licensure Requirement (ULR) to be completed by the Board Chair, Cathy Giessel. The Board Chair presented the original and revised ULR from National Council of State Boards of Nursing. The Board reviewed the revisions and offered comment for the survey questions. The survey will be submitted to NCSBN.

Agenda Item 5K Appendix A – LPN Scope of Practice

Vice Chair, Beth Farnstrom presented the LPN committee report. Her recommendation was the committee continue and the committee's charge with putting the contents of Appendix A – LPN Scope of Practice, into regulation format. The goal would be for the committee to present possible regulation language to the Board in January 2010.

On a motion made by Cathy Giessel, and seconded by Joanne Bell-Graves and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska continue the LPN committee work and present proposed LPN regulation at the next Board meeting in January 2010.

The Board recessed for lunch at 12:32 p.m.

The Board reconvened from lunch at 1:34 p.m.

Agenda Item 6 Education

Agenda Item 6A Certified Nurse Aide Program Evaluation Reports

The Board of Nursing reviewed the report from Cathy Winfree, RN, regarding Certified Nurse Aide education programs that she has evaluated.

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

RESOLVED that the Board of Nursing for the State of Alaska suspend the Cordova Certified Nurse Aide Program, approve the Valdez and Ketchikan programs, and defer action on the Juneau and Petersburg programs.

Dr Sanders will send a letter to the above programs to notify them of the Board's decision.

Agenda Item 5L Regulation Projects

The Board of Nursing reviewed each of the approximately 30 written comments on the proposed regulations.

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

RESOLVED that the Board of Nursing for the State of Alaska adopt the regulation changes as amended to 12 AAC 44.380, 400(a)(5), 400(a)(6)(B), 440(f) (changing to begin "Effective December 1, 2010, the renewal..."), 460(a), 470 (changing (2)(B) to begin "effective December 1, 2010, completion..."), 475 (changing wherever "specialty" is read to "role and population focus area"), and 660. In considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.

On a motion made by Beth Farnstrom, seconded by Janine McCready and carried unanimously, it was

RESOLVED that the Board of Nursing for the State of Alaska adopt the regulation changes as amended to 12 AAC 44.090, 290(a)(3), 310, 315(a), 870(b), 966 (changed to include (G) Purified Protein Derivative and to modify the definition of “certified medical assistant” means a person who is currently nationally certified as a medical assistant by a national body accredited by the National Commission for Certifying Agencies (NCCA) and meets the requirements of this section;), and 970 (13). 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 at 5:02 p.m.

Friday, October 23, 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
Janine McCready, Public Member, Fairbanks

Staff present from the Division of Corporations, Business and Professional Licensing:
Nancy Sanders, PhD, RN, Executive Administrator
Cathleen Winfree, RN, Contractor for the Nurse Aide Programs

Staff present telephonically
Lynn Smith, Division Director
Jenny Strickler, Division Operations Manager
Quinton Warren, Investigator

Review the Agenda

The Board reviewed and approved the agenda with the following changes: agenda item 5I will be moved to 10:15, Jun Maiquis and Kathy Mason from Juneau will not be present at the meeting, and the strategic plan will be moved to 3:00 p.m.

Introduction of Guests

Guests in attendance were introduced.

Public Testimony

Public testimony began at 9:04 a.m. and ended at 9:35 a.m.

Agenda Item 6 Education

Agenda Items 6B Medication Administration Course Review

A medication administration course outline was submitted and reviewed for possible approval from a committee, lead by Jo-Anne Sullivan from Hope Community Resources. The Board made several requests for clarification. The course will be revised and resubmitted.

Agenda Items 6C Medication Administration Course Review

A medication administration course was submitted from the Haines Assisted Living Facility (ALF). The Board made several requests for clarification. The course will be revised and resubmitted.

Agenda Item 6D NCSBN Simulation Study

Information on a simulation study from NCSBN was shared. Study results showed that 100% simulation cannot effectively replace hands on clinical practice in nursing schools. Vice Chair, Beth Farnstrom, RN will investigate what states have regulation in place regarding nursing education programs and the use of simulation. The information will be presented at the next meeting in January 2010.

The Board recessed for a break at 10:51 a.m.

The Board reconvened from break at 11:05 a.m.

Agenda Item 6E **Indiana State University LPN-BSN Program**

In September 2006, the Alaska Board of Nursing gave provisional approval to the Indiana State University LPN to BSN program. They were requested to provide a report to the board. There is one student from Alaska who is currently enrolled in the program.

Agenda Item 6F **Innovations in Education**

The Board reviewed the National Council of State Boards of Nursing Model Rules for Innovative Approaches in Nursing Education Programs.

Agenda Item 5I **Wound Ostomy Continence specialization**

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

RESOLVED that the Board of Nursing for the State of Alaska finds that conservative sharps debridement is within the scope of practice for a registered nurse who has specialized certification, which documents education with supervised clinical practice under a wound care specialist, the nurse's employer has a policy and procedure in place, there is a health care provider order, and the nurse has evidence of continued competence or ongoing certification.

The Advisory Opinion database will be updated with this information.

Agenda Item 5L **Regulation Work Session**

Ongoing regulation projects were addressed including CNS title protection and ANP renewal practice hours. Proposed regulations regarding these topics were drafted and will be submitted to Jun Maiquis, Regulations Specialist, for drafting into regulation language. This will be further reviewed at the next Board meeting.

The Board recessed for lunch at 12:31 p.m.

The Board reconvened from break at 1:32 p.m.

Agenda Item 7 **Organization**

Agenda Item 7A Budget Report

The Board reviewed the budget figures. The Board found a significant error in over projection of incoming fees for FY2010-2011. The Board discussed the Certified Nurse Aide fee reduction recommendation by Cathy Mason, who was not present at this board meeting. The Board will make a recommendation to reduce the Certified Nurse Aide fees to \$120 biannually.

Agenda Item 7C Information & Issues Update

Division Director Lynne Smith and Operations Manager Jenny Strickler joined the board to discuss the following items:

1. Operations Manager Strickler answered the Boards' question regarding the auditing of ANP's, who are authorized rather than licensed. Under AS 08.01.110(4) the answer is "yes, auditing applies to the authorization".
2. Operations Manager Strickler addressed the topic of paperless licensing. While Business licensing has been using this, some Macintosh computers have not been able to support Adobe, so individuals have not been able to print their licenses. Ms. Strickler stated the Division is working to resolve this issue and she encouraged the Board to proceed with instituting paperless licenses.
3. Finance codes for nurses and Certified Nurse Assistant codes can be separated during the billing process but the capability to separate them regarding revenue is not possible at this time.
4. The Board of Nursing submitted their request that the Certified Nurse Aide fee be reduced from \$180 to \$120. This differs from the Finance Department recommendation. This difference is because, after the Board reviewed the fee analysis, the Board noted an error in calculations. Director Smith stated this would be reviewed.
5. Fine increases for discipline were discussed. Chief Strickler states the fees are not defined by statute or regulation. She suggested the Board of Nursing discuss increasing the fines for discipline with the Chief Investigator for the Division Brian Howes.
6. The Board expressed the importance of timely investigation of complaints, and the documentation of timely investigations. Ms Strickler stated the Department is in the process of purchasing a new case

- management tracking system, which should improve the investigation process and tracking.
7. NCSBN has a data integrity project grant available to Boards of Nursing. The question was asked if the Alaska Board of Nursing has the authority to seek this grant funding. Chief Strickler answered that the Board does not but the Department does. Executive Administrator, Dr Sanders will forward the information.
 8. The Board inquired about the Certified Nurse Aide contract. The Board anticipates that the contract will not cover all the expenses that will be accrued before the project is completed due to the numerous years that have elapsed since the program was diligently monitored. Director Smith requested the Board submit justification for the increased award amount for consideration.
 9. The Board asked if Federal regulation supersedes State regulation. This pertains to the Certified Nurse Aide regulations, which have not been updated to keep pace with changes in Federal regulations. Chief Strickler stated that Federal regulations take precedent and that the Board regulations need to reflect the federal regulations. Chief Strickler will seek legal counsel regarding which regulation we adhere to until our state regulations are updated.
 10. The Board has previously asked about the waiver for applicants who do not have social security numbers. The question has been submitted to the Commissioner's office, forwarded to the Governor's office, then to the Attorney General's office. There is no word yet regarding the answer to this question.
 11. The Board continues to advocate for an additional Regulations Specialist and Investigator. Significant public comment on the most recent regulation project was not available in a timely manner before this Board meeting because the Regulations Specialist was not able to put the regulations out for public comment promptly. Director Smith indicated that she has submitted a request for both positions in the upcoming budget.

Agenda Item 5L Regulation Work Session

Investigator Quinton Warren joined the Board to discuss the topic of professional psychiatric and physical evaluations to assist in complaint investigations. Voluntary temporary suspension of a

license or certificate in cases of drug diversion or impaired practice, where a guilty plea is entered or the licensee is incarcerated was also discussed. There were some remaining questions regarding these proposed regulations, which will be posed to Investigator Ken Weimer at the January 2010 Board meeting.

Agenda Item 8 Governance

Agenda Item 8B Strategic Plan Review/Update

Joanne Bell-Graves is in the process of developing a feedback tool for use by guests to the Board meetings.

Agenda Item 8A Meeting Schedule 2010-2011

Board Member Janine McCready proposed holding one Board meeting in a rural area such as Bethel or Nome. Although the Board understood her wish to allow the rural parts of Alaska to participate, it was decided that given the logistics, cost, and work involved in holding a meeting outside of Anchorage, the meetings will be held as traditionally scheduled.

By assent the following meeting dates were decided:
January 27-29, 2010 in Anchorage. This date reflects a change from the original date, allowing the Executive Administrator and Vice Chair to attend a National Council of State Boards of Nursing Continued Competence forum.

April 7-9, 2010	Juneau
July 21-23, 2010	Anchorage
October 20-22, 2010	Fairbanks
January 19-21, 2011	Anchorage
April 6-8, 2011	Juneau

The Board recessed for a break at 3:40 p.m.

The Board reconvened from break at 3:55 p.m.

Agenda Item 8B Strategic Plan Update

The FY 2010 strategic plan was thoroughly reviewed and updated with all Board members participating.

Agenda Item 8C Task List

Board members were assigned tasks to prepare for the January 2010 Board meeting.

Agenda Item 8D **Meeting Evaluation**

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

On a motion duly made by Beth Farnstrom, seconded by Janine McCready and passed unanimously,

The Board of Nursing adjourned at 5:04 p.m. until January 27, 2010 at 9:00 a.m. in Anchorage, Alaska.

Respectfully submitted:

Nancy Sanders, Executive Administrator
Board of Nursing

Approved:

Cathy Giessel, Chair
Board of Nursing

Date
