

**LOUISIANA STATE BOARD OF NURSING
17373 PERKINS ROAD
BATON ROUGE, LOUISIANA 70810**

MINUTES OF THE FEBRUARY 11, 2021 BOARD MEETING

Call to Order: The regular meeting of the Louisiana State Board of Nursing was called to order at 9:09 a.m. by T. Kindall, President, on Thursday, February 11, 2021, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana 70810.

Roll Call: The following Board members were in attendance:
Tavell Kindall, PhD, DNP, APRN, FNP, President
Tracey Moffatt, MHA, BSN, RN, Vice President
Jamie Wiggins, DNS-c, MS, RN, CCRN-K, NEA- BE, FACHE, Alternate Officer
Tim Cotita, RN, BSN, MSHCE
Jennifer Manning, DNS, APRN, CNS, CNE
Jennifer Couvillon, PhD, RN- BC, CNE
Kenneth Alexander, MS, RRT
Ann Carruth, DNS, RN
Wendi Palermo, PhD, RN
Frederick Pinkney, Add
Mimi Primeaux, MS, BSN, RN

The following staff members were in attendance:
Karen C. Lyon, PhD, MBA, APRN-CNS-BC , NEA-BC, Executive Director/Chief Executive Officer
Isonel Brown, MS, MBA, Chief Administrative Officer
Wanda Matthews, MPA, Chief Compliance Officer
Jennifer Wright, DNP, APRN, FNP- BC, Chief Nursing Officer
Carrie LeBlanc Jones, JD, MBA, Chief Legal Officer/General Counsel
Monique Calmes, DNP, APRN, FNP-C, Licensure and Practice Director
Patricia Dufrene, PhD, RN, Education and Examination Director
Urhonda Beckwith, MSN, APRN, FNP, RNP Director
LaQueda Ricks, Human Resource Manager
Jasimiel T. Northern, Paralegal
Suzanne C. Armand, CCR-CVR, Court Reporter

Dr. Lyon stated that there was one change to the agenda. The Louisiana College BSN Program will not be discussed today. The agenda item has been moved to the April 15, 2021 Board meeting.

Motion: by T. Cotita, seconded, to adopt the Agenda with changes noted, and with the ability to rearrange the Agenda items for efficiency.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes; M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Approval of Minutes:

Motion: by T. Cotita, seconded, to approve the minutes from the October 15, 2020 and the December 3, 2020 Board Meetings, and the Emergency Board Meeting on January 18, 2021.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes; M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Dr. Kindall reported that Dr. Wendy Palermo has been reappointed for a 4-year term. Dr. Palermo's bio is available online.

Dr. Kindall welcomed Ms. Mimi Primeaux as the new CRNA representative for the board. Her bio is also available online.

1. Consent Agenda Motions

1. LSBN Staff Program Status Reports
 1. NCLEX Report
 2. Accreditation Reports
2. Approved Program Reports
 1. Louisiana Delta Community College
 2. Loyola University
3. 2019-2020 Schools of Nursing Annual Reports
 1. Baton Rouge Community College- ASN
 2. Baton Rouge General Medical Center-Diploma
 3. Bossier Parish Community College- ASN
 4. Chamberlain University-BSN
 5. Delgado Community College- ASN
 6. Dillard University-BSN
 7. Fletcher Technical Community College-ASN
 8. Franciscan Missionaries of Our Lady University-BSN
 9. Grambling State University- BSN
 10. Herzing University- BSN
 11. Louisiana Delta Community College-ASN
 12. Louisiana State University Alexandria- ASN
 13. Louisiana State University Eunice-ASN

14. Louisiana State University Health Sciences Center-BSN
 15. Louisiana Tech University-ASN
 16. McNeese State University-BSN
 17. Nicholls State University-BSN
 18. Northwestern State University-ASN and BSN
 19. Southeastern Louisiana University-BSN
 20. Southern University Baton Rouge- BSN
 21. Southern University at Shreveport-ASN
 22. South Louisiana Community College-ASN
 23. Sowela Technical Community College-ASN
 24. University of Holy Cross-BSN
 25. University of Louisiana at Lafayette-BSN
 26. University of Louisiana at Monroe-BSN
 27. William Carey University-BSN
 28. Franciscan Missionaries of Our Lady University-MSN
 29. Grambling State University-MSN
 30. Intercollegiate Consortium for a Master of Science in Nursing-MSN
 31. Louisiana State University Health Sciences Center-MSN
 32. Loyola University-MSN
 33. Northwestern State University-MSN
 34. Southeastern Louisiana University-MSN
 35. Southern University Baton Rouge-MSN
 36. University of Louisiana at Lafayette-MSN
 37. University of Louisiana at Monroe-MSN
4. Continuing Education Renewal Request
 1. Louisiana Hospital Association
 2. Western Schools
 3. Nursing CE Central
 5. Education Announcements

Motion: by K. Alexander, seconded, to accept the Consent Agenda Motions.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
 T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
 M. Primeaux-yes; J. Wiggins-yes

Motion Carried

2. Division Reports

Agenda Item 2.1

Division of Nursing Practice

Dr. Wright followed up with the Board as to whether the Board needs to approve the educational programs to have clinicals in Louisiana when the program does not lead to licensure. The issue arose at the last board meeting related to Vanderbilt University's proposals for re-approval as they listed a

program that does not lead to licensure and several other in-state and out-of-state educational programs offer such including clinical nurse leader-type programs. After review of the Nurse Practice Act, §3547, and comparing other states, the Board historically has not reviewed or approved the programs that do not lead to licensure. LSBN's statute advises that the Board establishes and publishes minimum curriculum requirements and standards for individuals seeking to be licensed and the rule states that "Undergraduate and/or graduate nursing education degree programs not leading to licensure and/or an additional APRN certification do not require approval by the board." The Board's Clinical Capacity Task Force did not identify this as a matter that needed attention. NCSBN's guidance documents related to clinical capacity refer to the experiences of students that involve direct patient care.

Dr. Wright thanked her division and other divisions as they continue to work hard and will review 2020 statistics identifying what they have accomplished.

Renewal season is over. Dr. Wright reported there were no major glitches. ORBS continues to provide services promptly. They have some reinstatement applications for those who missed the deadline, but the percentage of those that forgot to renew that intended to is extremely small. Multiple reminders are sent to licensees by email, mail, etc. Reinstatements are expedited, especially post-renewal. Dr. Wright felt that, overall, it was a successful renewal season.

In response to a question by Dr. Carruth about standing orders for (COVID) vaccine administration, Dr. Lyon reported that they were notified yesterday of an emergency order from Dr. Kanter, the State Public Health Officer, for allowing RNs, LPNs, APRNs, and PAs to give the COVID-19 vaccine in any setting where they do not have a patient specific order. This will only be good through May, but it can be renewed and will continue being renewed in concert with the Governor's emergency order.

Discussion ensued.

Dr. Wright stated they have issued to date 58 permits to RNs who had an inactive or retired license for them to give the COVID-19 vaccine. They were able to implement that within five days after approval from the Board.

Agenda Item 2.1.4 **Center for Nursing**

Dr. Wright reported that she and Dr. Lyon continue to attend to the business of the Center for Nursing. They attend the Nursing Supply and Demand Council meetings, the Louisiana Action Coalition Executive Team meetings, and other events in educational presentations as per the Agenda sheet. Dr. Wright is also working with Sarah Luneau, the Administrative Assistant, to continue moving forward with all the other tasks.

Dr. Wright presented updates for the Louisiana Center for Nursing. These updates can be viewed in Confluence.

Agenda Item 2.1.1 **Chief Nursing Officer**

Agenda Item 2.1.1

Proposed Emergency Rule: Waive 2021 Audit of Licensees.

Summary/Background presented by Dr. Wright.

Dr. Wright stated that they would like to move forward with promulgating the Proposed Emergency Rule permanently so that in the future the Board will have a provision that would provide this if needed.

Dr. Lyon stated that Dr. Wright and her team have done a very good job. They have learned that they need to go through and find other rules where they can put this language in now. This will be brought to the Board moving forward.

Motion: by T. Moffatt, seconded, that Board approve the emergency rule of waiving audit of licenses during a public health emergency and submit as a permanent rule in accordance with the Administrative Procedure Act, LA. R.S. 49:951-968 providing for revisions to section 3335.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes; M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Agenda Item 2.1.2

Education and Examination

Dr. Dufrene reported that during COVID-19 most of the schools did well. They maintained an NCLEX pass rate higher than the national average of 86.5 percent. Louisiana’s average pass rate was 92.77 percent. There were 2,144 graduates during COVID-19.

Under the Consent Agenda, School of Nursing Reports, Dr. Dufrene gave a special callout to McNeese University for having a 100 percent pass rate for 93 graduates during COVID-19 and with other disasters in the area.

Agenda Item 2.1.2.1

2019-2020 Schools of Nursing Annual Reports

Agenda Item 2.1.2.1.1

Louisiana College-BSN

Summary/Background presented by Dr. Dufrene. Recommended acceptance.

Motion: by W. Palermo, seconded, that the Board accept the ANNUAL REPORT of the baccalaureate of science in nursing degree program at **Louisiana College** and restore full approval.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;

T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Agenda Item 2.1.2.2
Excelsior College

Summary/Background presented by Dr. Dufrene. Recommended acceptance.

Dr. Palermo and Ms. Moffett commended Dr. Dufrene for her hard work on the spreadsheet regarding currently enrolled Louisiana students for Excelsior.

Discussion ensued as to what Excelsior is doing to ensure students move through the capstone and complete their training.

Dr. Mary Lee Pollard, Dean, School of Nursing Excelsior College, was present virtually via Microsoft TEAMS, to provide information and to answer questions by Board members.

Motion: by T. Moffatt, seconded, that the Board accept the updated report of currently enrolled Louisiana students in the Excelsior College LPN-ASN program.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Agenda Item 2.1.2.3
2nd Time NCLEX-RN Pass Rate

LSBN received a late request to defer this agenda item regarding discussion on the 2nd Time NCLEX-RN pass rate to the April 15, 2021 Board meeting.

Agenda Item 2.1.3
Licensure and Practice

Nothing presented.

Agenda Item 2.2.
Compliance Division

Agenda Item 2.2.1
Chief Compliance Officer

Agenda Item 2.2.2
RNP/Monitoring

Nothing presented.

Agenda Item 2.2.3
Compliance

Ms. Matthews gave a brief update on the Priority 1 investigations. At the April 15, 2021 Board meeting, a full report will be given on all investigations.

As of January 31, 2021, there are a total of 50 Priority 1 open investigations . A total of ten of those investigations are out of compliance, which equates to 20%.

Three cases are out of compliance 4 to 6 months .

Two cases are out of compliance 7 to 9 months.

Four cases are out of compliance 10 to 12 months.

One case is out of compliance 13 to 15 months.

Ms. Matthews reminded the Board that 5 cases are out of compliance 10 – 15 months that Compliance is unable to close until the DEA provides the evidence needed to close the investigations.

In comparison, in February of 2020, there were 87 Priority 1 open investigations and the out of compliance rate was 63%. There has been significant improvement by staff closing Priority 1 cases. Ms. Matthews commended her staff on their hard work.

Ms. Matthews was available for questions.

Mr. Cotita commended Ms. Matthews on her leadership.

Discussion ensued regarding the DEA's hold up with these cases.

Ms. Moffatt commended Ms. Matthews and her whole team in their efforts in closing these cases.

Dr. Lyon commented that in taking out the five cases held up by the DEA, the percent is 10% out of compliance.

Mr. Alexander stated that Ms. Matthews does not need to keep reporting those cases held up by the DEA but make note to the Board as more information becomes available and report that to the Board.

Agenda Item 2.3
Division of Administration

Agenda Item 2.3.1
Chief Administrative Officer

Ms. Brown presented a brief report today but will have a full report at the April 15, 2021 Board meeting.

Ms. Brown commended her staff for their diligence in carrying out the business of the LSBN during these times as they continue to work toward the mission and purpose of the LSBN.

Since Ms. Brown's last report, the Accounting and HR staff have been performing the end of the year closeout processes: W2s, W9s, tax returns, sexual harassment reports and cash management reports. For all business which goes through the Division of Administration, the staff fill out this report at the end of every year, which is required by law.

Ms. Brown reported that all testing has been completed on the new computers and IT is satisfied with the results. Ms. Brown reported that she has now placed an order to purchase the computers for staff. The smaller items will begin to come in immediately, and the larger items will arrive around April. These computers will be stored in the board hearing room.

For the April Board meeting, Ms. Brown is working with the Board's CPA, Mr. Roy Hebert, to put together another five-year forecast as to where the Board will be considering they have had some changes in major income streams, including interest, and how that might impact the budget.

Ms. Brown will also present an amendment for their legal contracts and renewals of other contracts.

Operations staff have been working with their website designer. A site map and a wire frame were received yesterday, which is being reviewed by staff and the leadership team. LSBN will be moving forward with implementation of their new website.

Ms. Brown was available for questions.

Agenda Item 2.3.2
Information Technology

Nothing presented.

Agenda Item 2.3.3
Human Resources

Nothing presented.

Agenda Item 2.3.4
Financial/Records Management

Agenda Item 2.3.1.1
FY 2022 Annual Budget

Nothing presented.

Agenda Item 2.4

Division of Legal Affairs

Agenda Item 2.4.1

Chief Legal Officer

Ms. Jones reported that the following three agenda items for the Board to look at all have to do with emergency rules that the Board has previously passed. Those rules have expired and now guidance is needed from the Board on which rules do they want to renew as emergency rules so staff can continue to act on that and consider them for permanent rules.

Agenda Item 2.4.1.1

Proposed Emergency and Permanent Rule: Temporary Permits and Authorized Practice for APRNS.

Summary/Background was presented by Dr. Wright.

Dr. Wright advised that when Pearson Vue was closed, extension of permits was helpful; however there are some considerations regarding extension of temporary permits for new graduates who have been unable to take the NCLEX-RN license exam as the success rate declines after 90 days following graduation. Zero graduates from the December cohorts have requested the extension at this point as the vast majority have scheduled the NCLEX-RN exam.

A generative discussion ensued regarding emergency rule/permanent rule providing for revisions to section 3329 relating to the extension of temporary permits for new graduates who have been unable to take the NCLEX-RN licensure exam or reinstate an expired permit during a public health emergency.

Dr. Wright and Ms. Jones were available for questions.

Motion: by K. Alexander, seconded, that the Board approve the extension of the emergency rule in Title 46, Chapter 33, section 3329 and Chapter 45, section 4513 to extend those rules for an additional 120 days.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Motion: by K. Alexander, seconded, that the Board direct the agency to examine all aspects of the rule according to temporary permit status and emergency provisions that would be prudent to extend to permanent status and report back to the Board at the April Board meeting.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Motion: by K. Alexander, seconded, that the Board approve the proposed rule in accordance with the Administrative Procedure Act, LA. R.S. 49:951-638 providing for the proposed revisions to 4513 to be submitted as a permanent rule change.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes; M. Primeaux-yes; J. Wiggins-yes

Motion Carried

(Break taken)

(Dr. Kindall called the meeting back to order)

Agenda Item 2.4.1.2

Proposed Emergency and Permanent Rule RE: Continuing Education

Summary/Background presented by Ms. Jones.

This item was an emergency rule which the Board previously passed which now has expired. This rule allows for the reinstatement of a license even if the applicant has not completed all the continuing education requirements during a public health emergency. The applicant is not permanently forgiven from having to do the continuing education. It is not a hinderance to the license being issued.

Dr. Wright and Ms. Jones were available for questions.

Discussion ensued.

Motion: by W. Palermo, seconded, that the Board approve the proposed emergency rule in accordance with the Administrative Procedure Act, LA. R.S. 49:951-968 providing for revisions to section 3335.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes; M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Motion: by W. Palermo, seconded, that the Board approve proposed rule in accordance with the Administrative Procedure Act, LA. R.S. 49:951-638 providing for the proposed revisions to section 3335 to be submitted as a permanent rule change.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes; T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;

M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Agenda Item 2.4.1.3

Proposed Emergency and Permanent Rule: PRE-Graduation RN Applicant Disaster Permits

Summary/Background presented by Ms. Jones.

Ms. Jones requested guidance from the Board as to how to proceed with this rule. Ms. Jones asked the Board to discuss the emergency rule and to determine whether they want to intentionally not renew it and no longer offer these permits or if they want to consider reapproving it as an emergency rule and discuss whether they would want to approve it as a permanent rule.

Dr. Wright was also available for questions.

A generative discussion ensued regarding emergency rule/permanent rule providing for the revisions to section 3325 relating to pre-graduation RN applicant disaster permits during a public health emergency.

Motion: by K. Alexander, seconded, for the Board to create a task force of nurse educators and nurse operators to look at pre-graduation RN workforce capabilities in a public health emergency crisis.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

Agenda Item 2.4.2

Hearings

Ms. Jones reported that Board hearings took place yesterday and the process went smoothly. Some witnesses testified virtually, mainly due to travel restraints that are imposed by their employers. They will try to have as many witnesses as possible here in person going forward. Ms. Jones stated she appreciates the patience and the accommodating for those witnesses who cannot testify in person.

Ms. Jones reported that a part of the boardroom is not going to be available in May due to the storing of new computers which will be arriving. As a result of social distancing, the Board needs the entire room to accommodate the hearings. Therefore, the May hearings may have to be done virtually or other arrangements will have to be made to have the hearings at another venue.

Ms. Jones was available for questions.

Dr. Wiggins stated he thought the hearings yesterday were the best run and the best prepared, which demonstrated all the hard work that the team has been putting into it.

Ms. Moffatt voiced her appreciation as well, stating that the team did an extraordinary job.

3 Office of the Executive Director

Agenda Item 3.1

Use of LSBN Logo on Advanced Practice Coalition materials

Dr. Lyon reported that there is an advanced practice coalition that has been put together. They are planning to advance legislation regarding full practice authority. The final language has not been released. Dr. Lyon stated she feels that they have been very successful with APRNs basically practicing to full practice authority during the pandemic. If things go forward regarding legislation, Dr. Lyon stated she is not sure putting their LOGO on materials from the coalition would constitute a conflict.

Discussion ensued regarding the issue.

After discussion, Dr. Lyon stated she will continue to attend on the Board's behalf without putting LSBN's Logo on any materials.

Agenda Item 3.2

Participation in NCSBNs Annual Reporting Process

Dr. Lyon updated the Board on their participation in the NCSBNs Annual Reporting process.

Agenda Item 3.3

2021 Board Members Term Expirations and Reappointments

There are five board members whose term will expire on December 31, 2021. Four of the five board members, which includes Ms. Moffatt, Dr. Manning, Dr. Couvillon, and Mr. Alexander, can submit a request for reappointment. Mr. Cotita has served two terms and will not be eligible for reappointment.

4. Reports

Agenda Item 4.1

Report of the President

Report Posted.

Agenda Item 4.2

Report of the Vice President

Report Posted

Agenda Item 4.3

Report of the Executive Director

Report Posted.

Motion: by F. Pinkney, seconded, to accept the report of the President, Vice President, and the CEO/Executive Director.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

5. Professional Development

No presentation.

Dr. Lyon noted that at the April 15, 2021 Board Meeting, Ms. Robin Huet is going to do a presentation for the Board on the investigation process.

6. National Council State Boards of Nursing

Nothing presented.

7. Public Comments

There were no public comments

8. Executive Session

Motion: by J. Manning, seconded, to go into Executive Session for the purposes of hearing the Report on Litigation and Personnel Issues.

Voice Vote: K. Alexander-yes; T. Cotita-yes; A. Carruth-yes; J. Couvillon-yes;
T. Kindall-yes; J. Manning-yes; T. Moffatt-yes; W. Palermo-yes; F. Pinkney-yes;
M. Primeaux-yes; J. Wiggins-yes

Motion Carried

ADJOURNMENT:

After returning from Executive Session, the Board Meeting was adjourned.

Motion: by J. Wiggins, seconded, to adjourn.

The meeting adjourned at 1:45 p.m.

A handwritten signature in black ink, appearing to read "T. Kindall". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

**T. KINDALL, PRESIDENT
LOUISIANA STATE BOARD OF NURSING**