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

MINUTES OF THE APRIL 14, 2016 BOARD MEETING

Call to Order:	The regular meeting of the Louisiana State Board of Nursing was called to order at 9:00 a.m. by N. Davis, President, on Thursday, April 14, 2016, at the Holiday Inn, 9940 Airline Highway, Baton Rouge, Louisiana 70816
Roll Call:	The following Board members were in attendance:Nancy Davis, MN, RN, NE-BC, PresidentLaura Bonanno, DNP, CRNA, Vice PresidentPatricia Prechter, ED, MSN, RN, Alternate OfficerLucie Agosta, PhD, RNCTim Cotita, MSHCE, RN, CDEJolie Harris, DNS, RN, NEA, CASTeresita McNabb, RN, MSHSA, NEA, FACHEDemetrius Porche, DNS, APRN, PhD, FNPSue Westbrook, DNS, RNMarelle Yongue, M.D., Ex-Officio MemberThe following Board member was not present:Juzar Ali, M.D., Ex-Officio MemberThe following staff members were in attendance:Karen C. Lyon, PhD, APRN, ACNS-BC, NEA-BC, Executive DirectorPatricia Dufrene, MSN, RN, Director of Education and LicensureJennifer Wright, MSN, APRN, FNP-Bc, Director, Advanced PracticeCynthia York, MSN, RN, Director of InvestigationsBarbara McGill, MSN, RN, Director of Nursing Workforce CenterIsonel Brown, MBA, Director of OperationsWanda Matthews, MPA, Director of Hearings
	E. Wade Shows, JD, Board Attorney Marcia Carter, Administrative Assistant to the Executive Director Suzanne C. Armand, CCR, CVR, Court Reporter
Adoption of Minutes:	
Motion:	by P. Prechter, seconded, to approve the February 18, 2016 Board

Meeting Minutes

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davisyes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Adoption of Agenda:

Motion: by P. Prechter, seconded, to adopt the Agenda as presented

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davisyes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

1. CONSENT AGENDA MOTIONS:

- 1. LSBN Staff Program Status Reports
 - 1. NCLEX Report
 - 2. Accreditation Reports
- 2. LSBN Staff Visit Reports
 - 1. Dillard University Focused Site Visit
 - 2. Baton Rouge Community College 5 Year Accreditation Site Visit
 - 3. Sowela Technical Community College Initial Site Visit

Dr. Wendi Palermo was present to provide information and answer questions by Board members.

Dr. Prechter commended Dr. Palermo on the information which was provided.

Dr. Palermo inquired as to whether or not the school can begin to advertise.

P. Dufrene reported that Sowela Technical Community College is now ready to go to Step 4, which is initiation of the program, advertisement and enrollment of students.

- 3. Accreditation Reports from Approved Programs
 - 1. Louisiana College SACSCOC Action
 - 2. Louisiana Delta Community College ACEN Correspondence
 - 3. University of Louisiana Monroe CCNE Progress Improvement Report
- 4. Requests for Continuing Education Providership
 - 1. LA-MS Hospice & Palliative Care Organization CE Approval
- 5. Requests for Continuing Education Providership
 - 1. Loyola University- Major Curriculum Change
- 6. Education Announcements
- 7. South Louisiana Community College Administrative Change

Motion: by P. Prechter, seconded, to approve the Consent Agenda Items presented

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

2. INVESTMENT UPDATE:

<u>AGENDA ITEM 2.1</u> Review of LSBN Investment Policy and Investment Portfolio

Isonel Brown, David Blasini and Shane Mullen, representatives from Capital One Financial Advisors, were present to review the Revised Statute, the LSBN Investment policy and current portfolio. (See Attachment)

Discussion ensued

3. OFFICE OF THE EXECUTIVE DIRECTOR

AGENDA ITEM 3.1 Report of the Executive Director

(Report Attached)

Dr. Lyon introduced David Bolton as the Board's new general counsel.

Mr. Bolton presented a brief overview of his background for Board members.

Dr. Lyon reported that a Chapter 35 Public Meeting was held on February 29th, 2016. A report will be presented by P. Dufrene under Education Items.

LAC XLVII: Subpart 2; Chapter 45: §4507 became effective March 20, 2016. §4513 went forward and should become effective on April 20, 2016 if no requests are made for a hearing.

AGENDA ITEM 3.2 Updates on CQI Initiatives

AGENDA 3.2.1 Executive Director

Department reports will be given by the directors at each Board meeting. At President Davis' request, CQI department reports will be presented at every other Board meeting.

Dr. Lyon presented to the Board an update on her CQI Initiatives.

AGENDA ITEM 3.3 Buddy System for Board Members

Dr. Lyon felt it was a good idea to have a buddy system with a more senior board member assigned to new board members coming on. Dr. Lyon requested Board's feedback.

Discussion ensued, The Board was in favor of buddy system initiative. Dr. Lyon will begin process with Dr. Agosta's replacement.

Dr. Lyon met with I. Brown and C. Nagin regarding improving the telephone system.

AGENDA ITEM 3.4 House Bill No. 979

Dr. Lyon requested LSNA to present their proposal on HB 979 as the proposal did not come to the Board.

Keeley Harmon, President Elect of the Louisiana State Nurses Association (LSNA), Patricia LaBrosse, Health Policy Chair for LSNA, and Lisa Deaton, past Health Policy Chairman and an ad-hoc member of the Health Policy Committee with LSNA, were present to talk about their proposal regarding House Bill 979 and why it was put into the Nurse Practice Act and to answer questions from Board members.

Ms. Harmon stated a meeting was held on March 23, 2016 with Dr. Lyon. The goal of that meeting was to get a general sense from Dr. Lyon as to her opinion regarding the legislation providing for a continuing nursing education support fee. Those attending the meeting left with a general sense, given the fact that the fee was optional at \$10, that it would be acceptable. The original bill only held the optional licensure fee component.

Dr. Lyon felt there was some misunderstanding and presented her side of the conversation in the March 23, 2016 meeting and stated her concerns. It was Dr. Lyon's position that she made it clear that while the proposal might be supported by the Board, it was necessary for LSNA to bring the proposal forward for the Board's approval.

Dr. Lyon read the draft language into the record, commenting it was very confusing. She also expressed her concerns that LSBN needed to keep an "arms length" relationship, as that term is defined in the law, with professional nursing organizations. Allowing a fee that benefits LSNA through the state licensure process could be seen as a conflict of interest when other nursing organizations don't have that same opportunity.

Discussion ensued.

Mr. Shows stated that the proposal is problematic and expressed some concerns of using public money for a private entity. Mr. Randall Johnson, with Southern Strategy Group, representing LSNA, addressed these concerns and answered Board members questions.

Lengthy discussion ensued regarding Board's concerns.

Ms. Harmon commented that they understand the Board's concerns, and it is not their intent to overstep the State Board of Nursing. LSNA's goal is to do everything in the best interest of the Registered Nurses in the State of Louisiana. Ms. Harman requested that the Board give them guidance as to how to proceed in order to maintain a positive relationship with the State Board of Nursing.

Discussion ensued.

(A break was taken at 10:35 a.m. and the meeting reconvened at 10:57 a.m.)

AGENDA ITEM 3.4

House Bill No. 979

Dr. Porche requested that LSNA consider striking Section 918.1, and under Section 927, strike 2 (a) and 2 (b) until LSNA and the LSBN and other constituents have further dialogue.

After a discussion with I. Brown, Operations Director, and Carl Nagin, IT Manager, Dr. Lyon reported that with all their new changes to all applications in ORBS, they do not have the ability to have an "opt out" on their applications.

Ms. Harmon thanked the Board for their input and accepted Dr. Porche's suggestion to engage in further dialogue to assess the feasibility of LSNA's proposal.

Board members also were in agreement with Dr. Porche's suggestion.

Discussion ensued regarding sharing information.

AGENDA ITEM 3.5 LSNA approves Sister Lucie RNP Fund

Dr. Lyon commended the Louisiana State Nurse Association and the Louisiana Nurse Foundation for approving the Sister Lucie RNP Fund.

4. DEPARTMENT REPORTS

AGENDA ITEM 4.1 Education

AGENDA ITEM 4.1.1 School of Nursing Conditional Approval Status Report

AGENDA ITEM 4.1.1.1 Dillard University Conditional Approval Status Report

Summary/background presented by P. Dufrene and recommended approval.

Discussion ensued regarding Dillard's action plan.

P. Dufrene reported that during the site visit, she felt the administration was very involved and aware of the gravity of the situation. Since hiring Dr. Hutchinson, everyone has supported the attitude that there have been improvements.

Dr. Sharon Hutchinson, Chair of School of Nursing, was available to present information and to answer questions by Board Members.

Discussion ensued.

Motion: P. Prechter, seconded, that the Board accept Dillard University's report and action plan regarding conditional approval status of the Baccalaureate of Science in Nursing education program.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook- yes

Motion Carried

<u>AGENDA ITEM 4.1.1.2</u> Southern University Baton Rouge Conditional Approval Status Report

Background/summary was presented by P. Dufrene and recommended approval.

A tentative site visit has been scheduled and a report will be given at the June 16, 2016 Board Meeting.

Motion:P. Prechter, seconded that the Board accept Southern University Baton
Rouge's report and action plan regarding conditional approval status of the
Baccalaureate of Science in Nursing education program.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Dr. Harris commended Southern University Baton Rouge for their Action Plan.

On the Consent Agenda, Ms. Dufrene reported that Southern's pass rate was 88.89%.

AGENDA ITEM 4.1.2 Requests for APRN Clinical experiences in Louisiana

AGENDA ITEM 4.1.2.1 Herzing University – Request for Re-approval of APRN Clinical Experience in Louisiana.

Summary/background presented by P. Dufrene and recommended approval.

Dr. Catherine N. Kotecki, Department Chair of Herzing University's Online Nursing Program, Dr. Maria Lauer-Pfrommer, FNP Program Chair, and Dr. Marissa Grimley, Regional Coordinator for the State of Louisiana, were present to provide information and to answer questions by Board members.

Motion: by P. Prechter, seconded, that the Board remove conditional approval status and approve the request of Herzing University to offer graduate clinical experiences in Louisiana until April 9, 2017 for the following roles and populations:

Family Nurse Practitioner (Master of Science in Nursing)

Discussion ensued regarding the number of students and faculty in Louisiana.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.1.3 Our Lady of the Lake College – Step II of Establishing Graduate Program

Background/summary presented by P. Dufrene and recommended approval.

Motion: by P. Prechter, seconded, that the Board approve Step II in establishment of a Master of Science Degree in Nursing Program for the role and population of Family Nurse Practitioner from Our Lady of the Lake College and permit progression to Step III.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Dr. Phyllis Pedersen, Dean of School of Nursing, thanked P. Dufrene for her assistance in the process. Their plan is to enroll for Spring 2017 and have everything in place by the summer.

AGENDA ITEM 4.1.4 South Louisiana Community College – Curriculum Change to ASN Program.

P. Dufrene reported that a formal request was received to withdraw South Louisiana Community College's request to remove the microbiology from the prerequisite requirements for the ASN Program.

Motion: by P. Prechter, seconded, to accept South Louisiana Community College's request to withdraw.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes;

Motion Carried

AGENDA ITEM 4.1.5

Rule Revisions Chapter 35 - Undergraduate and Graduate Nursing Education Degree Programs.

Background/summary was presented by P. Dufrene and recommended approval.

Motion: D. Porche, seconded, that the Board approve Board staff to proceed with rule making for section LAC 46: XLVII Chapter 35 Undergraduate and Graduate Nursing Education Degree Programs.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.1.6 Updates on CQI Initiatives

(No Action Required)

P. Dufrene presented an updated report regarding her CQI Initiatives.

UPDATE ON FLETCHER TECHNICAL COMMUNITY COLLEGE:

P. Dufrene reported that on April 11, 2016, she received a letter stating, "Pleased be advised that Fletcher Technical Community College Associate of Science in Nursing Program has obtained initial accreditation from the Accreditation Commission for Education in Nursing."

Dr. Sonia Clark, Dean of Department of Nursing & Allied Health, thanked the Board and her faculty and looks forward to the future.

Dr. Clark was commended for their hard work.

AGENDA ITEM 4.2.1 Declaratory Statement Regarding RNs Assisting with Peripheral Nerve Blocks

Summary/background was presented by J. Wright. (See attachment).

Wes Hattaway, representing the Louisiana State Medical Society, and Dr. Kraig DeLanzac, President of the Louisiana Society of Anesthesiologist, presented information and spoke in support of the Declaratory Statement.

Discussion ensued.

Amee Badeaux, President of the Louisiana Association of Nurse Anesthetists, and Tracy Young, President Elect of the Louisiana Association of Nurse Anesthetists, were present and spoke in support of the Declaratory Statement.

Discussion ensued.

Cecile Castello, Director of Health Standards (DHH), was present and offered comments and answered questions by Board members in regard to DHH's position on this issue.

Discussion ensued.

Motion: by D. Porche, seconded, that the Board accept the Declaratory Statement, adding staff explore with legal counsel the issue of broader protection considering statutory relationship to what currently exists.

Voice Vote: L. Agosta-no; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-no; T. McNabb-no; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

After approval of the Board, the effective date of this would be April 14, 2016.

Voice Vote: L. Agosta-yes; L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.2.2 3703 and 3709 Delegation of Medication Administration

(No action required)

These were approved by the Board regarding delegation of medication administration to unlicensed personnel.

Public comment period was over April 10, 2016 and staff received four comments. One APRN was supportive and there were three licensees who were in opposition: The opposition was there was a feeling that they were watering down the profession and violating their duty to safeguard patients. As of yesterday, there was a response that the proposed rules very clearly keep the RN and APRN in the assessment and evaluation process of the patient as well as the training and ongoing competency verification also remains with the RN and the APRN.

AGENDA ITEM 4.2.3 Updates on CQI Initiatives

(No action required)

An updated report was presented by C. York on her CQI Initiatives.

AD HOC COMMITTEE DEVELOPING THE DECLARATORY STATEMENT RELATED TO RN AND APRN FATIGUE AND BURNOUT:

(No Action Required)

C. York reported that the Committee continues to meet. A DNP student who joined the committee has been analyzing the journal articles and summarizing data into a table. Ms. York should have the completed summary table in the next couple of weeks. The committee will be meeting in June. The Declaratory Statement draft is on task to be presented to the Board in December.

(Lunch Break)

AGENDA ITEM 4.3.1 Request for Exception to Current Education Requirements for Licensure as an APRN

Background/summary presented by J. Wright. (See attachment.)

P. Wright reported that as of March 30, 2016, the LSBN has the provision for an exception. Mr. Shinskie otherwise meets all requirements for licensure other than not having a graduate degree. Mr. Shinskie brought letters of support for the Board to review. There is no known history of malpractice or disciplinary action. He has maintained certification with NBCRNA and has been in practice providing anesthesia since 1998.

National Council's model rules and their recommendations for grandfathering do provide for licensure of applicants like Mr. Shinskie. In 1996, the LSBN started licensing APRNs in Louisiana, and they do have CRNAs that are currently licensed and practicing in Louisiana that meet the same criteria that Mr. Shinskie does. They have a certificate, but 100% of CRNAs in Louisiana are board certified.

Ms. Davis thanked Mr. Shinskie for his patience in this matter.

Mr. Shinskie thanked the Board for their consideration.

Motion: by S. Westbrook, seconded, that the Board approve the applicant for licensure.

Voice Vote: L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.3.2 Update on CQI Initiatives.

(No Action Required)

A report was presented by J. Wright on her CQI Initiatives.

AGENDA ITEM 4.4.1 Contract Amendments for Professional Legal Services. (See attachment.)

Isonel Brown stated that the Operation's Department requested an acceptance and approval of an LSBN Board Resolution to amend the contracts for legal services with Rutledge Law Firm, LLC, as board attorney, and Shows, Cali and Walsh as the prosecuting attorney.

Ms. Brown is proposing an amendment to both increase the amount of the contract and the duration to June 30, 2017 on both contracts.

Motion: by D. Porche, seconded, that the Board accept and approve LSBN Board Resolution to amend contract for legal services with Shows, Cali & Walsh, LLP as prosecuting attorney.

Voice Vote: L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.4.2 Updates on CQI Initiatives

(No Action Required)

I. Brown presented an updated report on her CQI Initiatives

AGENDA ITEM 4.5.1 RNP/Monitoring

The NCSBN has recommended that monitoring programs be 5 years in length. Approximately 46% of nursing programs have gone to 5 years of monitoring for substance use disorders. All physician health programs begin with 5 year contracts. The RNP already start at 5 years for Advanced Practice RN's

It is indicated in the literature that the longer a person is in monitoring, the better the success rate will be.

B. McGill requested that the RNP change their beginning contract with people from three years to five years. This increase to 5 years would mean that they are also going to have to look at an increase in staffing.

Lengthy discussion ensued regarding the Board having discretion.

Motion: by P. Prechter, seconded, to approve a change in length of the initial RNP contractual agreement from three to five years

Vote: L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-no;

Motion Carried

AGENDA ITEM 4.5.2 Updates on CQI Initiatives

(No Action Required)

B. McGill presented an update on her CQI Initiatives.

AGENDA ITEM 4.6 Investigations

AGENDA ITEM 4.6.1 Updates on CQI Initiatives

(No Action Required)

R. Callegan presented an update on his CQI Initiatives

AGENDA ITEM 4.7 Hearings

AGENDA ITEM 4.7.1 Updates on CQI Initiatives

(No Action Required)

W. Matthews presented an update on CQI Initiatives

AGENDA ITEM 4.8 Center for Nursing

AGENDA ITEM 4.8.1 Updates on CQI Initiatives (See attachment)

(No Action Required)

C. Bienemy presented an update on CQI Initiatives

Nursing Supply and Demand Council

Ms. Laurie Fontenot, the Chair of the Nursing Supply and Demand Council will be retiring from state service. Dr. Cynthia Bienemy, as vice-chair of NSDC, was asked to take on the role as interim chair until elections take place in June. (The 2015 NSDC Annual Report is attached.)

U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA)

HRSA put out a new Nursing Workforce Forecast Assimilation Model in 2014. The current projections from HRSA's model are showing that Louisiana will have a surplus of RNs and LPNs by 2025. This data is opposite of what Louisiana's state data is showing.

Dr. Bienemy serves on the IRE Committee at the National Council and they met several months ago. They have been looking into alternative IRE programs for those members of national councils that may not have eligibility criteria to actually be an IRE fellow. They have been working on this the last 6 months. A consensus was reached after much discussion that it was not appropriate to develop an alternative program with fewer requirements. The ultimate goal of the IRE program was to increase the expertise in science behind nursing regulations in nursing workforce. This will be going before the Board, and the National Council of State Boards of Nursing.

Louisiana Action Coalition (LAC) Future of Nursing Campaign for Action

(The Louisiana State Board of Nursing - Center for Nursing and AARP LA serve as Co-Leads for LAC)

The two major initiatives deal with Leadership and Increasing Diversity of the Nursing Workforce.

The main initiative of this Campaign for Action is creating a culture of health. Ultimately the goal is to prepare nurses to lead change and create a culture of health.

5 PROFESSIONAL DEVELOPMENT

AGENDA ITEM 5.1 Sexual Boundaries and Sexual Misconduct

A presentation on Sexual Boundaries and Sexual Misconduct was given by Dr. Louis Cataldie and Dr. Brandon Romano.

6 REPORTS

AGENDA ITEM 6.1 Report of the President

(Report attached)

AGENDA ITEM 6.2 Report of the Vice President

(Report Attached)

Motion: by D. Porche, seconded, to accept the President, Vice President and Executive Director's Report.

Voice Vote: L. Bonanno-yes; T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes;

Motion Carried

7. NATIONAL COUNCIL STATE BOARDS OF NURSING

(See Executive Director's Report)

8. PUBLIC COMMENTS

AGENDA ITEM 8.1 Barbara Gordon

Ms. B. Gordon presented her issues to the Board regarding a past disciplinary matter.

Motion: by P. Prechter, seconded, for the Board to go into Executive Session for the purposes of hearing the Report on Litigation and Personnel issues.

Voice Vote T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes;

Motion Carried

(The Board entered into Executive Session at 3:26 p.m.)

ADJOURNMENT:

Motion: by P. Prechter, seconded, to adjourn

Voice Vote T. Cotita-yes; N. Davis-yes; J. Harris-yes; T. McNabb-yes; D. Porche-yes; P. Prechter-yes;

Motion Carried

The meeting adjourned at 3:35 p.m.

NANCY DAVIS, PRESIDENT LOUISIANA STATE BOARD OF NURSING