

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

MINUTES OF THE SEPTEMBER 15, 2010 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 D. Olds, President, on Wednesday, September 15, 2010, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana 70810.

Roll Call: The following Board members were in attendance:
Deborah Olds, MN, RN, President
Lucie Agosta, Ph.D., RNC, Alternate Officer
Demetrius Porche, DNS, APRN, Ph.D, FNP
Larry Haley, MSN, CRNA
Jolie Harris, MSN, RN,
Carlleen McMillan, MN, RN, Vice-President
Patricia Prechter, RN, MSN, Ed.D.
Sue Westbrook, DNS, MA, RN

The following Board members were not in attendance:
Patricia Johnson, RN, MN, CNAA, Vice President
William LaCorte, MD, Ex-Officio Member
Robert Bass, M.C., Ex-Officio Member

The following staff members were in attendance:
Barbara Morvant, MN, RN, Executive Director
Cynthia T. Bienemy, PH.D, RN, Director of Nursing Workforce

Center

Patricia Dufrene, MSN, RN, Director of Education and Licensure
Danielle Smith, RN, MSN, Director for Monitoring
Joy Peterson, BSN, RN, Director of Compliance
Janice Britton, MSN, RN, Regional Manager
Rickie Callegan, Regional Manager
Melodie S. Knippers, RN, Regional Manager
Richard Carol, RN, RNP Manager
Michelle Wells, MSHCM, BSN, RNC, Regional Manager
Sabrita Pierre, Administrative Director
Dr. L. Cataldie, Medical Consultant
Celia Cangelosi, Board Attorney
Wade Shows, Board Attorney
Wanda Green, Administrative Assistant
Suzanne C. Armand, Court Reporter

Introduction: D. Olds established that a quorum of the Board was present.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes
Motion Carried

Opening Prayer: The meeting opened with a prayer by C. MacMillan

Motion: by C. MacMillan, seconded, to reorder the agenda.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes
Motion Carried

APPROVAL OF MINUTES:

June 7-8, 2010, Special Session Hearings

Motion: by C. MacMillan, seconded, that the Board approve the minutes of the Special Session Hearings held on June 7, 2010 and June 8, 2010.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

June 9, 2010, General Board Meeting

Motion: by P. Prechter, seconded, that the Board approve the minutes of the General Board Meeting held on June 9, 2010

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

JULY 20, 2010, SPECIAL SESSION HEARING

Motion: by D. Porche, seconded, that the Board approve the minutes of the Special Session Hearing held on July 20, 2010

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

REPORT OF THE PRESIDENT

No report submitted.

EXECUTIVE DIRECTOR

4th Quarter Executive Director's report was distributed to Board members.

Ms. Morvant reported that September is Recovery Month.

The Supply Survey for the Nursing Center is soon to be launched to all major employers in the State. Dr. Bienemy and staff have been working hard to get ready for the launch of the survey and also to build stakeholder support.

There have been a number of personnel turnovers and currently are recruiting for an HR Director and two licensing assistants and a licensing analyst. The Director for Credentialing and Practice, Margaret Griener, has retired.

2010 C.E. Audits and 2011 renewals are being conducted. Ms. Morvant reported that there are 88 student loans defaults, and 58 Advanced Practice Registered Nurses who have not updated their files with current certification.

A memo will be going out concerning the Citizens Advocacy Center workshops. They have begun offering these workshops by Webcast.

Ms. Morvant has been participating in a SAFER Task Force (Schools Allied for Emergency Response). Several Board members and staff participated in a SAFER conference held in 2009 as part of a grant that Northwestern had obtained. Subsequent to that, a Task Force was formed to follow up on the work which came out of the conference. The Task Force has been meeting, and is trying to pull together schools of nursing, the public health system and the Board of Nursing to look at this issue. A report will be issued in October.

ACTIONS ON DISCIPLINARY HEARINGS HELD ON MONDAY, SEPTEMBER 13, 2010:

Robert Glen Baldrige

The matter was heard in response to charges and a show cause order as filed 5/17/10. Mr. Baldrige was present and was represented by counsel.

Motion:

by C. MacMillan, seconded that the RN license of this Respondent shall remain suspended until this Respondent satisfies the following stipulations:

1. **Refrain** from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.
2. License will remain suspended until Respondent submits to a Forensic psychological evaluation by a Board recognized provider, excluding prior evaluators, and submits appropriate documentation to the Board that he poses no danger to the practice of nursing or to the public and that he can safely and competently perform the duties of a Registered Nurse.
3. If the evaluations give any treatment recommendations to ensure that Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse, those treatment recommendations must be followed.
4. Complete a criminal background check.
5. Shall submit payment of \$6,000.00 to Board as costs.
6. Should Respondent request reinstatement of license, a period of probation will be required for a minimum of five years with the following stipulations:
 - a. Have license marked "probated".
 - b. Shall submit all pages of this Order to all employers.
 - c. During the period of probation, Respondent shall engage in the practice of professional nursing in Louisiana for a minimum of twenty-four (24) hours per week for a minimum of 18 consecutive months.
 - d. Work in a restricted environment as a member of the treatment team rather than alone or with few employees. Shall not be employed in any unsupervised setting and must be directly supervised by an on-site registered nurse and not be employed in an agency/ pool/ staffing, home health service or nursing homes.
 - e. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
 - f. If unemployed or employed in a non-nursing position, inform the Board in writing on a quarterly basis.
 - g. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first day of

- employment. Quarterly reports are due on or before the first day of January, April, July and October.
- h. Immediately (within 72 hours) inform the Board in writing of any change in address.
 - i. Within six (6) months, submit written evidence of completion of 40 hours of LSBN staff approved continuing education hours to include the areas of healthy work environment, the ANA Code of Ethics for Nursing and professional boundaries.
 - j. By the first of each month, submit a monthly probation fee of twenty-five (\$25.00) to the Board
 - k. Not have any misconduct, criminal violations or convictions or violation of any health care regulations reported to the Board related to this or any other incidents.
 - l. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of report on or before the date due shall result in the immediate suspension/revocation of this Registrant's license. This suspension/revocation can be imposed by action of the staff.

Voice Vote: J. Harris-yes; C. MacMillan-yes; D. Olds-yes;
D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

KATHLEEN MARIE SOVINE

The matter was heard in response to Ratification of Summary Suspension, and Charges as filed on 1/8/10 and 7/8/10

MOTION:

by D. Porche, seconded, that the Summary Suspension of 1/8/10 of the Registrant's license is hereby ratified. That the license suspension shall be continued for a minimum of five (5) years and Respondent shall not be eligible to request reinstatement until clearance from board staff and board-approved evaluators, completion of the license reinstatement application process; completion of the criminal probation/parole requirements, and completion of the following stipulations:

- 1. Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.
- 2. Submit payment of \$1,200.00 to the Board for cost of board hearing.
- 3. Submit payment of \$1,000.00 to the Board as fine.
- 4. Eligibility to request reinstatement shall occur no sooner than five (5) years from the effective date of this Order, regardless of years from the

5. and/or diversion programs or equivalent. Shall submit certified true copies of court minute entries, court orders, probation/parole records and the like. Shall complete probation and/or parole before being eligible to request license reinstatement.
6. Must demonstrate to the satisfaction of the Board, that the Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse. May need to personally meet with Board or board staff. Effective date of this Consent Order, regardless of time period of criminal probation/parole.
7. Submit evidence that Respondent timely completed any/all recommendations of board-approved evaluator Alicia Pellegrin, PhD, who conducted Board-requested evaluations of Respondent in May 2010.
8. Respondent shall submit to comprehensive *inpatient* psychiatric, psychological, and substance abuse evaluations, at Respondent's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
9. Shall submit **all pages** of this Order to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.
10. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
11. Prior to license reinstatement shall cause to have submitted evidence of having successfully complied with RNP for a minimum of three years after having signed an agreement with the Recovering Nurse Program (RNP).
12. Before reinstatement of license, shall submit to supervised random drug screens for a minimum of two (2) months through an LSBN-approved laboratory (bodily fluids [urine, blood, saliva] and/or hair may be tested). Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
13. Submit evidence of final resolution and completion of any/all criminal arrests/charges/ matters, including evidence of completion of, and release from, any/all criminal probation/parole If the Board or board staff approves reinstatement, a period of probation along with supportive conditions or stipulations shall be imposed to ensure that patients and the public are protected.

14. Not have any misconduct, criminal violations or convictions or violations of any health care regulations reported to the Board related to this or any other incidents.
15. Failure to comply with the above orders, or receipt of an unfavorable report, shall result in further disciplinary action. This stipulation can be imposed by action of the staff subject to the discretionary review of the Board.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; D. Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

James Cassidy Riley

The matter was heard in response to ratification of Denial by Board Staff and a Request for Exception.

Motion: by L. Agosta, seconded, that the denial of approval to enter into clinical courses by staff action on June 16, 2010 is ratified; and, further, that exception to the June 16, 2010, denial to progress into clinical nursing courses is hereby granted, the Board finding that Mr. Riley presented sufficient proof that the cause for denial will not affect safe nursing practice.

Voice Vote: L. Agosta-yes; J. Harris-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

William Barrett Travis

The matter was heard by the Board in response to charges as filed.

Motion: by S. Westbrook, seconded, that license suspension is continued with the opportunity to request reinstatement after having complied with the following stipulations; having received board staff and evaluator approval, and having completed the reinstatement application procedure:

1. Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.
2. Action by the Mississippi Board of Nursing that led to the automatic suspension on July 23, 2009 of Louisiana RN license must be cleared, and Mississippi RN license must be active and unencumbered.
3. Submit payment of \$600.00 to the Board for cost of board hearing.
4. Submit payment of \$1500.00 to the Board as fine.

5. Submit to comprehensive *inpatient* psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
6. Shall submit **all pages** of this Order to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.
7. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
8. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program (RNP) and cause to have submitted evidence of compliance with all program requirements for a minimum of three (3) years. In the event of subsequent RN license reinstatement, shall be reinstated with suspension with stay and probation to run concurrently, on the same dates, as RNP participation.
9. Before reinstatement of license, shall submit to supervised random drug screens for a minimum of two (2) months through an LSBN-approved laboratory (bodily fluids [urine, blood, saliva] and/or hair may be tested). Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
10. Must demonstrate to the satisfaction of the Board that Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse. May need to personally meet with Board or board staff. If the Board or board staff approves reinstatement, a period of probation along with supportive conditions or stipulations **will** be imposed to ensure that patients and the public are protected.
11. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
12. Failure to comply with the above orders or receipt of an unfavorable report shall result in further disciplinary action. This stipulation can be imposed by action of the staff subject to the discretionary review of the Board.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Mark Francis Loupe

Motion: by C. MacMillan, seconded, that the Board will approve the Consent Order as stipulated to by counsel for Mr. Loupe on September 14, 2010 once it is received and signed by Mr. Loupe, his attorney and B. Morvant.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Consent Orders:

There were forty-six (46) matters presented to the Board in the form of Consent Orders.

Motion: by C. MacMillan, second, that the Consent Orders submitted by the following registrants be accepted.

**Sterling Renee Addison
Craig Joseph Albarado
Isaly Monica Shante Almaza
Latisha Katrina Bean
Lonnie Lynn Blankenship
Pamela Baker Bourque
Leah Neidhardt Bowers
Jessica Robin Bracknell
Tracy Pons Broussard
Kenneth Harrison Browne, Jr.
Nancy Brooke Burks
Celestine Bergeron Caruso
Ashley Alexandra DeCastro
Sylvia L. Denson
Donna Gunter Elliott
David Vincent Glover, Jr.
Edward James Hardebeck, III
Bridgett Phana Hodge
Denise Ann Johnson-Allen
Erica Lauren Katz
Kelly McClannahan Keenan
Mary Lynn Laurent
Travis Christopher LeGlue**

Jeremy Douglas Linton
Beverly Bard Marretta
Michael David Martinez
Kenneth Paul Mayfield, II
Kalina Marie Mercier
Travis J. Myers
Randall Scott Odaware
Judy Lynn Petitfils
Jonathan Clint Plater
Daniel Webster Prime
Erin Nolan Rice
Jarrett Frank Rule
Cindy Corley Sanders
Sigrid Stein Sharp
Crispus Mark Sims
Jodi Renee Sylvester
Daniel Ignacio Villanueva
Tracey Atkins Wise
Jacob Wesley Yocum

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Motion: by C. MacMillan, seconded, that the Consent Orders submitted by the following registrants be accepted:

Joshua John Bruce
Amy Elizabeth Kirkland

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes

Motion Carried

Motion: by C. MacMillan, seconded, that the Consent Orders submitted by the following registrant be accepted:

Stephanie Suzanne Cooper

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Motion: by C. MacMillan, seconded, that the Consent Orders submitted by the following registrant be accepted:

Daniel Webster Prime

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes;
D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AUTOMATIC SUSPENSIONS:

There were twenty-three (23) matters heard before the Board as ratification of Automatic Suspensions.

Motion: by L. Agosta, second, that the Board ratify Automatic Suspensions by the staff of the following registrants:

**Barbara Calvit Bice
Lisa Sour Billings
Jacob Andrew Boeckelman
Carolyn Brewer
Beverly Salter Bridges
Ashley Renee Broussard
Ninoska Santamana Cartier
Rick James Chappell
Kathryn Desonier Dabdoub
Rhiannon Julia Duos
Julio C. Escobar
Jayme Coley Gibson
Philip Matthew Hannan
Timothy Lee Hollingsworth
Pamela Kay Lankford
Stephanie Ann Lopez
Paula Lakman Mundt
Dana Latrice Peterson
Laralea Moss Scott
Sherry Hughes Shaw
Iona Marie Thomas
Dwayne Wheeler
Laketra Lynette Williams**

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

There were five (5) matters heard by the Board as Ratification of Delay/Denial by Board staff.

Motion: by C. MacMillian, seconded, that the Board ratify the Delay/Denial of licensure by staff of the following individuals:

**Paula Holtzclaw Burgess
Ashley Mattli Cravens
Shevelle Marie Deal
Tashan Amece Jones
Mary Hamey Keen**

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Multiple Actions:

There were eight (8) matters heard by the Board involving Multiple Actions by Board staff.

Motion: by D. Porche, seconded, that the Board ratify Multiple Actions by Staff on the following individuals:

**Kenneth Joseph Brown
Melissa Thornton Lee
Michale Lee Ourso
Jeanne Jacobsen Sinagra
Elizabeth Gulley Smarada
Stephen Ryan Valentine
Howard Charles Wascom, III**

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Motion: by D. Porche, seconded, that the Board ratify Multiple Actions on the following individual:

Lana Pinder May

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes;
D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

REVOCATION:

One (1) matter came before the Board as ratification of revocation by board staff.

Motion: by J. Harris, seconded, that the Board ratify the revocation of the following individual by board staff:

Pamela Rivers Roark

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

SETTLEMENT COMMITTEE

The Board received the written report of the Settlement Committees on June 28, 2010, July 19, 2010, and August 23, 2010

No Action required by the Board.

ADMINISTRATIVE COMMITTEE:

Motion: by P. Prechter, seconded, to approve the report of the Administrative Committee.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

REPORT OF THE VICE-PRESIDENT

The Report of the Vice-President and Fourth Quarter Financial Report (April 1, 2010 through June 30, 2010) was circulated among Board members.

AGENDA ITEM 2.1

Vice-President's Report and Fourth Quarter Financial Report (April 1, 2010 through June 30, 2010)

Motion: by D. Porche, seconded, that the Report of the Vice-President and Fourth Quarter Financial Report be accepted.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 2.2

REPORT ON 2010 LEGISLATIVE SESSION

Two amendments were made to the Nurse Practice Act, HB 343, which amended Section 935 to include RNs being able to administer anesthetic agents through the use of epidural or perineural catheters for pain management under specific rules by the Board.

Representative Mills introduced legislation which provided for the Board to have an opportunity for hearing panels with regard to disciplinary matters. Also the Board was provided the opportunity to share investigative information with other enforcement agencies.

A study resolution was formed to ask the DA's Association and law enforcement representatives to meet to have discussion on how they might better share their investigative information with the Board on egregious and violent crimes.

There was also proposed legislation regarding Direct Service Workers, which would take the Board of Nursing out of any jurisdiction or oversight in this process.

Bills having to do with limiting the Board's ability to be self supporting were defeated, and also the bill which would have changed the composition of all boards was also defeated.

AGENDA ITEM 2.3

Draft 2011-2013 Strategic Goals

For Board members review.

Motion: by S. Westbrook, seconded, to adopt the vision statement and the five 2011-2013 Strategic Goals.

Discussion ensued regarding motion.

Amended Motion: by S. Westbrook, seconded, to adopt the vision statement to read, "Vision 2020 LSBN will be recognized as a national leader in proactive nursing practices and regulatory standards and processes," and the five 2011-2013 Strategic Goals.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 2.4
PROPOSED BUILDING EXPANSION PROJECT

An update was given regarding proposed building expansion project.

Motion: by D. Porche, seconded, to authorize ED to explore the addition to current property.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 2.5
PAPERLESS LICENSE

Motion: by D. Porche, seconded, for the Board to act on recommendation that LSBN move to paperless license as of July 1, 2010.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 2.6
REPORT ON LITIGATION

AGENDA ITEM 2.6.1
KENNETH GEORGE KELLAND VS LOUISIANA STATE BOARD OF NURSING

Mr. Shows gave an update on the case of Kenneth George Kelland which has been appealed to the 19th JDC. To date, there has been no decision by the District Court regarding this matter.

ADVISORY COUNCIL

The Advisory Council did not meet. No action required.

CREDENTIALING COMMITTEE

The Credentialing Committee met July 21, 2010 and made the following recommendations:

Motion: by L. Agosta, seconded, to accept the report of the Credentialing Committee.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 3.1

Approval for the American Association of Critical-Care Nurses (AACN) Corporation's Acute Care Nurse Practitioner certification examination.

Motion: by L. Agosta, seconded, to accept the AACN certification examination for Acute Care Nurse Practitioner.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

EDUCATION COMMITTEE:

The Education Committee met on July 21, 2010 and made the following recommendations:

Motion: by D. Porche, seconded, to accept the report of the Education Committee Meeting.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.1

Request from Herzing University New Orleans Campus for Approval of Feasibility Study and Step 1 of Procedure to Establish an ADN Nursing Project.

Motion: by D. Porche, seconded, that the Board request Herzing University to provide a tentative calendar of clinical days and times that students will be utilizing the facilities, which will give schools information to respond to and will give facilities time to look at what resources they have.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

D. Porche reported that Herzing University New Orleans Campus is working on the request that the Education Committee has made of them to look at the clinical sites specifications for the schools within 100 miles radius. There are some draft documents assessing those schools and will be going to the Education Committee.

AGENDA ITEM 4.2

Bossier Parish Community College Shreveport Campus Request for Approval of Feasibility Study and Step 1 of Procedure to Establish an ADN Program

Motion: by D. Porche, seconded, that the Board accept the LSBN staff site visit report of Bossier Parish Community College and grant approval to admit students for Fall 2010 to remain in compliance with the Board of Regents.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.3

Site Visit Report of University of Louisiana Monroe

Motion: by D. Porche, seconded, that the Board accept the staff report of the LSBN site visit at University of Louisiana at Monroe.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.4

Request for Re-Approval as an Approved Provider of Continuing Education from University of Louisiana Lafayette.

Motion: by D. Porche, seconded, that the Board grant continued approval status of University of Louisiana Lafayette (ULL) College of Nursing (#9) as an approved provider of continuing education effective February 2010 through February 2014.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.5

Request for Re-Approval as an approved provider of continuing education from Louisiana-Mississippi Hospice Palliative Care Organization (LMHPCO).

Motion: by D. Porche, seconded, that the Board grant continued approval status of Louisiana-Mississippi Hospice Palliative Care Organization (#46) as an approved provider of continuing education effective June 4, 2010 through June 4, 2012.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.6

Request for Re-Approval as an approved provider of continuing education from Woman's Hospital.

Motion: by D. Porche, seconded, that the Board grant continued approval status of Woman's Hospital (#19) as an approved provider of continuing education effective April 30, 2010 through April 30, 2014.

Voice Vote: J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.7

Curriculum realignment from Louisiana College

Since the Education Committee met, a request from Louisiana College to withdraw their request for a major curriculum revision was received.

Motion: by D. Porche, seconded, that Louisiana College go back to the last LSBN approved curriculum and document all the changes that have occurred to present to clearly understand all the curriculum changes that have been made using the guidelines in the Rules and Regulations for major curriculum revision.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

The Education Committee had a concern that Louisiana College has made several consecutive curricular changes to the point that the Education Committee cannot discern what is the actual existing curriculum of Louisiana College.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 4.8:

Letter of Intent from Delta College of Arts and Technology, inc. to establish an Associate of Science Articulation Program for LPNs.

Motion: by D. Porche, seconded, that the board acknowledge letter of intent from Delta College of Arts and Technology.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

COMPLIANCE COMMITTEE

The Compliance Committee met on July 21, 2010 and made the following recommendations:

Motion: by C. MacMillan, seconded, to approve the report of the Compliance Committee Meeting.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 5.1

Proposed Advisory Statement regarding practicing while taking prescribed narcotic medication

Motion: by C. MacMillan, seconded, to accept and approve the proposed Advisory Statement regarding practicing while taking prescribed narcotic medication.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

NURSE PRACTICE ISSUES

The Practice Committee met on July 21, 2010 and had the following recommendations:

Motion: by L. Haley, seconded, to accept the Report of the Practice Committee Meeting.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 6.1

Proposed Revisions to LAC 46:XLVII.3705

Motion: by L. Haley, seconded, to direct Board staff to draft rules on perineural catheters and send out to the Practice Committee for review and subsequently place on agenda at the next Board meeting.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 6.2

Proposed Working Draft regarding Dermatological and Cosmetic Procedures Performed by Registered Nurses

Motion: by L. Haley, seconded, to direct Board staff to research availability of Dermatological Educational offerings.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Motion: by L. Haley, seconded, that a separate group of representatives of the Board (LSBN) Practice Committee and the Medical Board (LSBME) collaborate on defining the Declaratory Statement.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

AGENDA ITEM 6.3

Request for Opinion: Whether it is within the scope of practice for a Registered Nurse to accept a verbal DNR/NO Code Order from the Physician in specific situations.

Motion: by L. Haley, seconded, to uphold the 1985 LSBN Practice Opinion Npop85.14 on verbal 'No Code' order which states:

Verbal or Telephone "No Code" Order:

A registered nurse may accept a verbal or telephone order from a physician for a "No Code" provided there is written evidence that the patient and/or the patient's representative and physician have discussed this and are in agreement to "No Code."

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

NURSING CENTER ADVISORY COUNCIL

AGENDA ITEM 7.1

Nursing Workforce Demand Project

An update was submitted by Dr. Bienemy to Board members concerning the process for dissemination of the LCN 2010 Nursing Workforce Survey and also a draft of an informational letter that will be sent to nursing stakeholders in Louisiana prior to disseminating the employer survey. A newsletter was also sent out to all Board members of the Advisory Council.

SPECIAL COMMITTEE TASK FORCE ON ADVANCED PRACTICE NURSING REGULATIONS

Dr. Porch reported that the Task Force is looking at a wide range of issues. A rough first draft has been made of the rules and regulations.

Dr. Agosta commended Ms. Morvant and staff regarding the tremendous amount of work that they have been putting into this matter.

UNFINISHED BUSINESS:

AGENDA ITEM A

Report on status of Rulemaking for LAC 46LXLVII.3405. Definition of Terms

The revisions for **LAC 46LXLVII.3405** have been submitted for rulemaking. There have been no requests for public hearing. The rules are ready to be accepted for promulgation.

Motion: by P. Prechter, seconded, to accept report for revisions to LAC 46:XLVII. §3405 Definitions of Terms.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

NATIONAL COUNCIL OF STATE BOARDS OF NURSING

AGENDA ITEM 8.1

Report on the 2010 Delegate Assembly

B. Morvant and C. MacMillan were delegates to the National Council Delegate assemble, along with Ms. Dufrene as a new staff member. All news releases and actions of the Delegate Assembly are available on the National Council website.

Discussion ensued.

Motion: by P. Prechter, seconded, to go into Executive Session for the purpose of hearing a disciplinary matter.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

EXECUTIVE SESSION

Motion: by L. Agosta, seconded, to come out Executive Session.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

SHELISI JEFFERSON OLIVIER

The matter was heard in response to a 4/8/10 Show Cause order.

Ms. Olivier was present and was represented by counsel.

Ms. Olivier's council submitted proposed Findings of Fact and Conclusions of Law. The Board deliberated in Executive Session to consider those Proposed Findings of Fact and Conclusions of Law.

On the proposed Finding of Facts submitted by Board Counsel, the rulings are as follows:

- No. 1 – accepted
- No. 2 - accepted as amended
- No. 3, 4, 5 - accepted
- No. 6 - accepted as amended
- No. 7, 8, 9, 10 - accepted
- No. 11 - accepted as amended
- No. 12 - accepted
- No. 13 - accepted as amended
- No. 14 - accepted
- No. 15 & 16 - accepted as amended
- No. 17, 18, 19 –accepted

Under the Conclusions of Law submitted by Board staff:

- No. 1 & 2 - accepted
- No. 3.a. – accepted
- No. 3.b. – rejected
- No. 3.c. – rejected
- No. 3.d. – accepted
- No. 3.e. – rejected
- No. 3.f. – accepted
- No. 3.g. – accepted
- No. 4. – accepted

Motion: by P. Prechter, seconded, to accept the Proposed Findings of Facts and Conclusions of Law and addendums

Voice Vote: L. Agosta-yes; J. Harris-yes; Olds-yes; P. Prechter-yes;
S. Westbrook-yes

Motion Carried

Ruling on the Proposed Findings of Facts submitted by Ms. Olivier through her attorney.

- No. 1 – accepted as amended
- No. 2 – rejected
- No. 3 – accepted
- No. 4 – rejected
- No. 5 – accepted
- No. 6 – rejected
- No. 7 - accepted
- No. 8 - rejected

Ruling on the Conclusions of Law by Ms. Olivier through her attorney

- No. 1 – accepted
- No. 2.a. – accepted
- No. 2.b. – rejected
- No. 2.c. – accepted

Motion: by P. Prechter, seconded to accept the Proposed Findings of Facts and the conclusions of Law and addendums.

Voice Vote: L. Agosta-yes; J. Harris-yes; Olds-yes; P. Prechter-yes;
S. Westbrook-yes

Motion Carried

Motion: by P. Prechter, seconded, the applicant's application for RN licensure by endorsement is granted to the applicant upon completion of the endorsement application requirements and upon completion of LSBN recognized RN refresher course; and that the license is suspended with stay of said suspension and probated for a minimum of two (2) years with the following stipulations:

Within twelve (12) months, submit payment of \$600.00 as cost of Administrative Hearing.

Prior to beginning or returning to work, must inform all nursing employers of these disciplinary measures and of the probationary status of license. Applicant is responsible to submit a copy of all pages of this Order to each employer and nursing supervisor.

Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.

For both years of probation, must work at least 36 hours per week as an RN and work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes.

If employed in nursing as an RN or LPN, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.

If unemployed or employed in a non-nursing position, inform the Board in writing on a quarterly basis.

Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment.

By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board.

Immediately (within 72 hours) inform the Board in writing of any change in address or contact phone number(s).

Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.

Quarterly reports are due on or before the first day of January, April, July, and October.

Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

Ms. Olds, on behalf of the Board, expressed recognition and appreciation to board staff for all their hard work which they have done in regard to the disciplinary actions.

Motion: C. MacMillan, seconded, to adjourn.

Voice Vote: L. Agosta-yes; J. Harris-yes; C. MacMillan-yes; Olds-yes; D. Porche-yes; P. Prechter-yes; S. Westbrook-yes

Motion Carried

ADJOURNMENT: The meeting adjourned at 11:35 a.m.



DEBORAH OLDS, PRESIDENT
Louisiana State Board of Nursing