

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

MINUTES OF THE December 9, 2009 BOARD MEETING

Call to Order: The regular meeting of the Louisiana State Board of Nursing was called to order at 9:05 a.m. by N. Steele, President, on Wednesday, December 9, 2009, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana 70810.

Roll Call: The following Board members were in attendance:
Nora Steele, DNS, RN, C, PNP, President
Deborah Olds, MN, RN, Alternate Officer
Lucie Agosta, Ph.D., RNC
Demetrius Porche, DNS, APRN, Ph.D, FNP
Larry Haley, MSN, CRNA
Jolie Harris, MSN, RN,
Bonnie Johnson, MSN, RN
Patricia Johnson, RN, MN, CNAA
William LaCorte, MD, Ex-Officio Member

The following Board members were not in attendance:
C. Macmillan, MN, RN, Vice-President
Robert Bass, MD, 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
Margaret Griener, MPH, APRN, PNP, Credentialing/Practice Director
Joy Peterson, BSN, RN, Director of Compliance
Janice Britton, MSN, RN, Regional Manager
Rickie Callegan, Regional Manager
Melodie S. Knippers, RN, Regional Manager
Richard Carrol, RN , RNP Manager
Michelle Wells, MSHCM, BSN, RNC, Regional Manager
Danielle Smith, RN, MSN, Director of Monitoring
Sabrita Pierre, Administrative Director
Dr. L. Cataldie, Medical Consultant
Celia Cangelosi, Board Attorney
Wade Shows, Board Attorney
Wanda Green, Administrative Assistant

Introduction: N. Steele established that a quorum of the Board was present and introduced the newest board member, Jolie E. Harris, MSN, RN to the board. B. Morvant introduced Dr. Cynthia T. Bienemy to the board. Dr. Bienemy is the Director of the Nursing Workforce Center.

Motion: by L. Agosta, seconded, to reorder the agenda.

Voice Vote: L. Agosta-yes; L. Haley-yes; J. Harris-yes; B. Johnson-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

P. Johnson arrived at 9:10

APPROVAL OF MINUTES:

September 14th -15th, 2009 Special Session Hearings

Motion: by D. Porche, seconded, that the Board approve the minutes of the Special Session Hearings held on September 14, 2009 and September 15, 2009 with corrections.

Voice Vote: L. Agosta-yes; L. Haley-yes; J. Harris-yes; B. Johnson-yes; P. Johnson-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

September 16, 2009 General Board Meeting

Motion: by D. Porche, seconded, that the Board approve the minutes of the General Board Meeting held on September 16, 2009.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

REPORT OF THE PRESIDENT:

The Report of the President was circulated among Board members. Dr. Steele congratulated Dr. Porche on his election to as a Fellow of the American Academy of Nursing.

Motion: by D. Olds, seconded, that the Report of the President be accepted.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

REPORT OF THE VICE-PRESIDENT

The Report of the Vice-President was circulated among the Board members.

Motion: by P. Johnson, seconded, that the Report of the Vice-President be accepted.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

REPORT OF THE EXECUTIVE DIRECTOR:

The report of the Executive Director was distributed among Board members.

Ms. Morvant reported that since September 30, 2009, LSBN has been completing renewals online with minimal reported problems which will continue through January 31, 2009. There were 700 individuals notified of missing criminal background checks in their files and according to the new rule, their renewal would be blocked until background checks were obtained. The ultimate goal is to have received all missing criminal background checks by the end of this year's renewal season.

An addendum to the Executive Director's Report was distributed to the Board members. B. Morvant reported that the board has received the most recent billed invoice for this fiscal year from Shows, Cali and Berthelot. The additional billing exceeds the budget for the contract of Shows, Cali, and Berthelot and will require a budget amendment from \$200,000 to \$375,000 which will need to be approved by the Board.

Motion: by D. Porche, seconded to approve the budget amendment to the contract for Shows, Cali, and Berthelot from \$200,000 to \$375,000.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by D. Olds, seconded, to accept the Report of the Executive Director.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes;
P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-
yes; N. Steele-yes

Motion Carried

ADVISORY COUNCIL

The Advisory Council did not meet. No action required by the Board.

NEW BUSINESS

**ACTIONS ON DISCIPLINARY HEARINGS HELD ON MONDAY, DECEMBER 7, 2009
AND TUESDAY, DECEMBER 8, 2009**

Shelly Maggio Nash

The matter was heard by the Board as A Motion of Continuance and the Motion to Continue was granted by the Board.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes;
P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-
yes; N. Steele-yes

Motion Carried

Angela Frump Mayers

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

Motion: by D. Olds, seconded, that the license of this respondent be revoked and further within 3 months submit payment of \$600.00 for cost of hearings and \$3,000.00 as fine.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Jake Garrett Tate

The matter was heard by the Board as ratification of Summary Suspension

Motion: by D. Porche, seconded, that the Summary Suspension by staff is ratified as the Board finds that the public health safety and welfare required the emergency action.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

John William Ray

The matter was heard by the Board as ratification of Summary Suspension.

Motion: by B. Johnson, seconded, that the October 2, 2009 Summary Suspension by the staff of the Louisiana State Board of Nursing orders that the registered nursing license of John William Ray is ratified as the Board finds that the public health safety and welfare required emergency action.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Ronda Doughty Cascio

The matter was heard before the Board as ratification of Summary Suspension by Board Staff.

Motion: by P. Johnson, seconded, that the November 6, 2009 Summary

Suspension by the staff of the Louisiana State Board of Nursing orders that RN and the APRN licenses of Ronda Doughty Cascio are ratified as the Board finds that the public health safety and welfare required emergency action.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Sherry Bryan Campbell

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

Motion: by L. Agosta, seconded, that the license of the respondent be revoked. The respondent shall immediately surrender her RN license to Board staff to be retained in the respondent's file. Refrain from working in any capacity as a registered nurse. Failure to do so shall cause criminal charges. Within 3 months, submit payment of \$600 to Board as cost of this hearing.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Janet Lavergne Fontenot

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

Motion: by J. Harris, seconded, that the license of the Respondent is hereby suspended. The Respondent shall not be able to request reinstatement until completion of all stipulations set forth in the motion filed in the record as well as the applicable reinstatement process which stipulated including a payment of \$2,500 to the Board as a fine. Submit payment of \$300 to the Board as cost of this hearing.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Ranji Lynn Bercegeay

The matter was heard by the Board as ratification of Summary Suspension.

Motion: by L. Haley, seconded, that the December 3, 2009 Summary Suspension by the Louisiana State Board of Nursing staff orders that RN License of Ranji Lynn Bercegeay is ratified as the Board finds that the public health safety and welfare required the emergency action.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Barbara L. Padgett

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

Motion: by P. Johnson, seconded, that the license of Barbara L. Padgett be suspended. That the Respondent shall not be able to request reinstatement until completion of all stipulations set forth in the motion filed in the record as well as the applicable reinstatement process which stipulated including payment of \$1,500 to the Board as a fine. Submit payment of \$300 to the Board as cost of this hearing.

Recused: J. Harris was recused from this hearing.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

CONSENT ORDERS:

There were fifty-three (53) matters presented to the Board in the form of Consent Orders.

Motion: by J. Harris, seconded, that the Consent Orders submitted by the following registrants be accepted.

**Becky Ann Abshier
Blair Chaney Allain
Erica Emerson Anderson
Tracey Roger Anderson
Todd Anthony Andrepont
Jeffrey Bruce Arnold
Crystal Sissac Barbarin
Virginia Coleman Byon
Kenneth Keith Cobb, III
Stacey Holley Cradeur
Lauren Christine Deville
Teresa Ann Dunigan
Bradley Scott Edwardes, Jr.
Donna Gunter Elliott
Cindy Domangue Freeman
Regan Michael Gardner
Rochelle Williams Gauthier
Mary Paulette Grube
Courtney Prothro Harris
Shonta Lanay Hartwell
Jim Cabot Hawkins
Lydia Lemaire Henry
Amy Wren Kelley
Rhiannon Duos King
Kelly O’Friel Landry
Leara Sullivan Lawson
Heather Mire Lee
Maureen Duffy Lynch
Crystalyne Brooke Marcantel
Wanda Elizabeth McKeithen
Diane Allen Matthews
Kirsten Johnson Myers
Reginald Trent Myre
Sarah McGehee Owens
Dana Latrice Peterson
Linda McDowell Robinson
Ira Chanell Sandifer
Laura Louise Savarese
Brandie Guidry Scott
Jessica Lynne Segari
Jason Wayne Simms**

Aaron Farleigh Theriot
Brian Jack Tidwell
Stephen Ryan Valentine
Elizabeth Marie Waugh
Lisa Ann Williams
Tracy Atkins Wise
Jamie Renee Wolfe
Christopher Brent Wollerson
Kimberly Ann Zenon

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by L. Agosta, seconded, that the Consent Order submitted by **Sherri Bowman Arias** and **Kathleen Milliken Napolitano** be accepted.

Recused: J. Harris was recused.

Voice Vote: L. Agosta-yes; L. Haley-yes; P. Johnson-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Automatic Suspensions:

There were seventeen (17) matters heard by the Board as ratification of Automatic Suspensions by Board Staff.

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

Sterling Renee Addison
Angela Kay Aguillard
Lonnie Lynn Blankenship
Tracy Pons Broussard
Tamar Theopal Burr
Carl Aram Caloian, Jr
Alisa Kriby Fosmire

John Michael Garcia
Ricky Charles Granger
Michael Lee Hebert
Nekissa Madeleine Hekmatdoost
Thomasina Andrea Huffstetler
Tracy Vanburen Huggins
Kenneth Paul Mayfield, II
James Howard Nelson
Kendra Osbourn Sisco
Jessica Taylor Wilke

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

RECALL OF TEMPORARY PERMIT

Two (2) matter were heard by the Board as Recall of Temporary Permit

Motion: by P. Johnson, seconded, that the Board ratify the Recall of Temporary Permit by staff of

Francis Sampson Cox
Melissa Jenkins Goza

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris – yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

There were seven (7) matters heard by the Board as Ratification of Delay/Denial by staff.

Motion: by D. Porche, seconded, that the Board ratify the Delay/Denial of licensure by staff of the following individual:

**Melissa Deville Buller
Joy Comonique Cox
Melissa Thornton Lee
Travis Jacole Rami
Elaina Hinchman Smith
Andras Szita
Dita Bethune Walker**

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris – yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

MULTIPLE ACTIONS:

There were thirteen (13) matters heard by the Board involving Multiple Actions by Board Staff.

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

**Paula Verret Berard
Kimberly Kay Chandler
Michelle Rene Creamer
Monica Hougue Derouen
Stephanie Dawn Goeggle
Kathy Tolbert McGee
Gregory Leslie Ralph
Adrien Kaye Ridout
Robert Carl Rushford
Debra Edwards Santana
Dana Sheree Snyder
Tia K. Taylor
Charles Stuart Urquhart, Jr.**

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

SETTLEMENT COMMITTEE:

The Board received the written reports of the Settlement Committee from October 19, 2009 and November 16, 2009.

No Action required by the Board.

UNFINISHED BUSINESS:

AGENDA ITEM A

Report on Rulemaking of LAC 46LXLVII.3707, Guidelines on IV Therapy to Include PICC Line Infusion and Competencies.

Public Hearing for the substantive changes to the proposed rule was held on December 7, 2009 at 8:00 a.m.

B. Morvant reported that LSBN received no written comments and no opposing testimony to the revised rules. According to the Administrative Procedure Act (APA) LSBN now may adopt this rule. The next step would be to publish as a Final Rule.

Motion:

by D. Olds to accept the report to adopt the proposed rule LAC46LXLVII.3707, Guidelines on IV Therapy to Include PICC Line Infusion and Competencies.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM B

Report on Rulemaking on Proposed rule LAC 46:XLVII.3419. Alternative to Disciplinary Proceedings

B. Morvant reported that the Board acted to accept for rulemaking at its September 16, 2009 Board Meeting. The Fiscal Impact Statement will be

submitted to the Fiscal Office on December 20, 2009. The Notice of Intent will be submitted for publishing to the State Register on January 10, 2010. No Action required by the Board.

ADMINISTRATIVE COMMITTEE:

Dr. Steele reported that the Administrative Committee met on October 22, 2009 and recommended the following:

AGENDA ITEM 2.1

Vice-President's Report and 1st Quarter Financial Report (July 1, 2009 through September 30, 2009)

Motion: by D. Olds, seconded, to approve the Vice-President's Report and 1st Quarter Financial Report as circulated.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 2.2

Proposed 2010-2011 Fiscal Budget

Motion: by B. Johnson, seconded, to accept the 2010-2011 Fiscal Budget as distributed with the understanding that the Administrative Committee will review for further revisions.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by D. Porche, seconded, to direct staff to initiate rulemaking to add to Chapter 33 a fingerprinting fee.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 2.3

Proposed 2010 Meeting Dates

Motion: by D. Porche, seconded, to adopt the Proposed 2010 Meeting dates as circulated and direct staff to recommend a date in an alternate month to be utilized to discuss disciplinary and other strategic matters.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 2.4

Electronic Meeting Proposal

B. Morvant reported that LSBN staff plans to demonstrate the electronic meeting format obtained from National Council to the Administrative Committee at the January meeting.

No Action required by the Board.

AGENDA ITEM 2.5

Strategic Planning Proposal

Dr. Steele reported that the Administrative Committee met with C. Slaughter, Ph.D, of SSA Consultant to discuss a proposed Strategic Planning process. The proposal was revised based on the input from the Administrative Committee. Funding for this project was not included in the 2009-2010 budget; therefore, action will include a budget revision. Interviews with Board members and staff will begin immediate following the December meeting.

Motion: by D. Porche, seconded, to approve the SSA proposal to conduct Strategic Planning/Governance project and adjust 2009-2010 budget to provide funding.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

CREDENTIALING COMMITTEE

L. Agosta reported that the Credentialing Committee met on October 20, 2009 and reported the following:

AGENDA ITEM 3.1

Report on Uniform Licensure Requirements Response

The Credentialing Committee completed and submitted the updates to the Uniform Core Licensure Requirements (UCLRs) requested by the National Council of States Board of Nursing (NCSBN).

Motion: by D. Porche, seconded, to accept the report of the Credentialing Committee of October 20, 2009.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

(BREAK)

EDUCATION COMMITTEE

B. Johnson reported that the Education Committee met on September 25, 2009.

Motion: by P. Johnson, seconded, to accept the report of the Education Committee of September 25, 2009.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

B. Johnson reported that the Special Call Education Committee met on October 20, 2009 and November 19, 2009 Special Call Education Committee.

Motion: by L. Agosta, seconded, to accept the reports of the Special Call Education Committee meetings of October 20, 2009 and the Special Call Education Committee meeting of November 19, 2009.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Amended Motion: by D. Porche, seconded, to amend the previously approved November 19, 2009 report (page 3 number 2.) to reflect that D. Porche and L. Agosta were charged with drafting clear and specific recommendations to the Board regarding modifications to Chapter 45.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.1:

Proposed Revisions to LAC:46XLVII.3515 Faculty Qualifications

Motion: by B. Johnson, seconded, to approve the revisions to §3515 Faculty Qualifications to initiate rulemaking.

Recused: D. Porche was recused.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.2:

Draft Proposed Revisions to Chapter 45.

Motion: by B. Johnson, seconded, to direct the Board to establish a Task Force to revise Chapter 45. Advanced Practice Registered Nurses.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by B. Johnson, seconded, that the eleven (11) member Task Force is composed of representatives from both the Practice and Education arenas and include:

Dr. Lucie Agosta – Practice
Dr. Demetrius Porche – Education
LANP representative – Practice
(3) Representatives from LACANE (including 2 from the public sector and 1 from the private sector - Education
LANA representative – Practice
LSNA representative – Practice
CMM representative – Practice
CNS representative – Practice
(1) Representative to be appointed from the Board
Dr. Robert Bass invited as Ex-Officio member

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Amended Motion: by B. Johnson, seconded, to include a representative from LONE and exclude the representative to be appointed from the Board.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by D. Porche, seconded, that the Board moves that the purpose of the appointed task force is to propose rules and regulations for promulgation that revise Chapter 45 to ensure congruence with national standards and guidelines, current regulatory and certification issues, contemporary and future advanced practice models of care delivery, and current and future educational trends which are evidence based as appropriate. In addition, the specific taskforce charge shall include the following:

Review the following documents to identify the policy changes needed for APRN practice and nursing education:

- a. AACN Essential documents
- b. NCSBN Competence Document

- c. Advanced practice certification requirements for APRN
- d. SACS accreditation documents
- e. NLNAC and CCNE accreditation standards
- f. Literature on current and future practice and education trends

Analyze the policy gap and policy incongruence between Chapter 45 and APRN education certification and practice.

Propose policy modifications to Chapter 45 that address the current licensure, accreditation, certification, practice and educational issues.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Amended Motion: by D. Porche, seconded, that the Board also recognized the COA and add this group (1.g.) to the list of documents to identify the policy changes needed for APRN practice and Nursing education .

Motion Carried

Motion: by D. Porch, seconded, that the Board utilizes the National Council Consensus Model as a guide to framework the revisions of Chapter 45 in the development of a position paper.

AGENDA ITEM 4.3

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

Motion: by B. Johnson, seconded, the Committee recommends that the Board acknowledges receipt of the Notice of Intent and the Board requested supplemental information to be submitted based on committee review.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.4

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

Motion: by B. Johnson, seconded, the Committee recommends that the Board acknowledges receipt of the notice of intent and the Board requested supplemental information to be submitted based on committee review.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.5

Request from Remington College Shreveport Campus for Approval of Feasibility Study and Step 1 of Procedure to Establish an ADN Program

Motion: by B. Johnson, seconded, the Committee recommends that the Board acknowledges receipt of the notice of intent and the Board requested supplemental information to be submitted based on committee review.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.6

Response from Southern University Shreveport Regarding Compliance with LAC 46XLVII.3517.I.

Motion: by B. Johnson, seconded, to accept the report from Southern University School of Nursing in regard to compliance with LAC46XLVII.3517.I.

Voice Vote: L. Agosta-yes; L.Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.7

Louisiana State University Health Science Campus Center School of Nursing RN Refresher Course.

Motion: by B. Johnson, seconded to approve the Louisiana State University Health Science Campus Center School of Nursing RN Refresher Course.

Recused: Dr. Porche was recused from this vote.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 4.8

Request for Re-Approval as an Approved Provider of Continuing Education from University of Louisiana Monroe School of Nursing

Motion: by B. Johnson, seconded to grant approval for the Continuing Education Program for University of Louisiana Monroe School of Nursing effective December 30, 2009 through December 30, 2011.

Voice Vote: L. Agosta-yes; L.Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

COMPLIANCE COMMITTEE

The Compliance Committee did not meet. No action required by the Board.

NURSING PRACTICE COMMITTEE

P. Johnson reported that the Nurse Practice Committee met on October 20, 2009 and had the following recommendations:

AGENDA ITEM 6.1

Request for Opinion: Acadiana Health Alliance (AHA) submitted request for guidance on scope of practice for registered nurses providing professional skilled nursing care for visits to a client's residence, provider's office, by phone or in a home office setting.

Discussion ensued.

Motion: by P. Johnson, seconded, to direct Board staff to write a letter of support to DHH, Department of Health Standards, to state that registered nurses who work within their scope of practice may provide services in a home setting and LSBN would support a licensure category in this area.

Voice Vote: L. Agosta-yes; L.Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

AGENDA ITEM 6.2

Request for Opinion: Whether it is within the scope of practice for a registered nurse to administer Focalin XR 10mg orally per physician's orders. (Ascension Parish School Board).

Motion: by P. Johnson, seconded, that it is within the scope of practice of the registered nurse to administer Focalin XR 10mg orally per physician's orders.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes ; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

NATIONAL COUNCIL OF STATE BOARDS OF NURSING

AGENDA ITEM 7.1

FYI: NCSBN Continued Competence Guiding Principles

B. Morvant reported that the Guiding Principles of Nursing Regulation is responsible for upholding licensure requirements for competence of the various levels of nursing practice. Competency is assessed at initial licensure/entry and during the career life of all practitioners. The NCSBN Guiding Principles states that competency is not just the

responsibility of the Board, but periodical evaluations by the individual, the employer, and the state board.

Discussion ensued.

No action required by the Board.

OTHER

AGENDA ITEM 8.1

Report on Workforce Commission Health Care Sector Initiative

B. Morvant reported that the Louisiana Healthcare Industry Recommendations for 2010-2011 were made available to the Board because there are items that specifically address the Board of Nursing. There will be a Nursing Supply and Demand Council Meeting this week where the recommendations in this document will be reviewed.

Motion: by D. Porche, seconded that B. Morvant represents the Board of Nursing at the Healthworks Commission meetings.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes ; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Discussion ensued.

B. Morvant stated that a copy of the Report on Workforce Commission Health Care Sector Initiative would be forwarded to the Nursing Workforce Center to be addressed as an agenda item.

ELECTION OF OFFICERS

Motion: by L. Agosta, seconded, to nominate D. Olds as president for 2010. D. Olds accepts the nomination to serve as president for 2010.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes ; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by D. Olds, seconded, to nominate P. Johnson as vice-president for 2010. P. Johnson accepts the nomination to serve as vice-president for 2010.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes ; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

Motion: by D. Olds, seconded, to nominate L. Agosta as Alternate Officer for 2010. L. Agosta accepts the nomination to serve as Alternate Officer 2010.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes ; D. Olds-yes; D. Porche-yes; N. Steele-yes

Motion Carried

PRESENTATIONS:

N. Steele's gavel was retired and will be presented to her in appreciation for serving as President of the Louisiana State Board of Nursing for 2009.

N. Steele and B. Johnson were recognized and honored for their service on the Board.

C. Macmillan was not present to receive her recognition and honor for service on the Board.

AGENDA ITEM 2.6
Report on Litigation

2.6.1 Debra Lewis v. Louisiana State Board of Nursing

W. Shows reported this case was argued this morning before the First

Circuit Court of Appeals. The appeal goes to the 19th Judicial District Court which is East Baton Rouge Parish. The District Court reviewed the evidence that was submitted to that court and agreed with the Nursing Board and upheld the Board's decision. The next process is the trial decision will be appealed before the First Circuit Court of Appeals which is housed in East Baton Rouge Parish.

No action required by the Board.

Motion: by P. Johnson, seconded, to go into Executive Session for the purpose of hearing disciplinary matters.

Voice Vote: L. Agosta-yes; L. Haley-yes; J. Harris-yes;
B. Johnson-yes; P. Johnson-yes; N. Steele-yes

Motion Carried

ACTIONS ON DISCIPLINARY HEARINGS HELD ON WEDNESDAY, DECEMBER 9, 2009.

by B. Johnson, seconded, to come out of Executive Session for the purpose of reporting on Disciplinary Actions.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried

Ken George Kelland

The action on this matter was postponed from Tuesday, December 8, 2009 to Wednesday, December 9, 2009
The respondent appeared before the Board with Council in response to Summary Suspension and Charges as filed.

Motion: by B. Johnson, seconded, that the evidence presented constitutes sufficient cause pursuant to LA. R.S. 37:92 and 37:921 to ratify the Summary Suspension of the Respondent license as issued in October 13, 2009 finding the public health, safety and welfare require emergency action; and that the Respondent's license is suspended for

an additional six months with adherence to the stipulations that have been made apart of the record.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried

Fred Alton Lord

The matter of Fred Alton Lord was heard by the Board in response to charges filed on action which was postponed from December 8, 2009.

Motion: by B. Johnson that the RN and the APRN licenses of Respondent are hereby suspended and Respondent may not reapply until the following stipulations are met:

Respondent shall immediately surrender his current RN and APRN license to Board Staff to be retained in the Respondent's file.

Respondent must refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.

Respondent shall submit certified copies of all criminal charges; and have resolved any and all pending criminal arrests, convictions, probation, and parole including any pre-trial diversion programs prior to request for Board consideration.

Prior to reinstatement Respondent must:

Submit to comprehensive 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.

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 be continued until the registrant is

fully discharged by the respective professionals and until approved by

the Board staff.

If the evaluations give any treatment recommendations or findings or warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of 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. If the Board approves licensure, a period of probation, along with supportive

conditions or stipulations, will be required to ensure that patients and the public are protected.

If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of 5 years.

If reinstated, Respondent will be reinstated on probation for 5 years.

Respondent shall pay a fine of \$5,000.00 and costs of \$1,800.00 to the Board.

Recused: L. Haley was recused from this hearing

Voice Vote: L. Agosta-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried

Bruce Joseph Boudreaux

The matter of Bruce Joseph Boudreaux appeared before the Board with council in response to charges as filed.

Motion: by B. Johnson that the license of the Respondent is hereby suspended with a stay of the suspension and that the license is probated for 5 years with the following stipulations:

Respondent will submit payment of \$5,000.00 as fine to the Board.

Respondent will submit payment of \$4,200.00 as cost of the hearing to the Board.

Respondent will work days only for the next 3 years.

Respondent must attend continuing education, 30 hours on sensitivity training and 30 hours on physical assessment.

Respondent must have quarterly review by supervisors submitted to the Board and have no further reports of inappropriate behavior.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried

Angela Danae' Vitello

The matter of Angela Danae' Vitello appeared before the Board with council in response to charges as filed.

Motion:

by L. Agosta, seconded that the license of the Respondent is suspended, with a stay of suspension, and that the license is probated for 1 year, with the following stipulations:

Within three (3) days upon receipt of this Order, send RN license to the Board Office so that the license can be marked "probated".

Shall authorize and cause a written report of the evaluation of November 2009 at Talbot Recovery Campus to be submitted to the Board; Submit 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.

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.

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

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

Shall voluntarily submit to random and observed drug screens, for a minimum of 12 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 12 times a year. It is the Respondent's responsibility to assure that the lab personnel observe all urine specimen collections. If urine specimen collection is not observed the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance to checking daily is monitored and failure to check

may

result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screening may be requested by Board staff. Written reports of same shall be submitted to

the

Board.

Immediately, (within 72 hours) inform the Board in writing of any change in address.

If employed in nursing, immediately inform the Board in writing of any change in address.

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

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 12 consecutive months.

Have all immediate nursing supervisors submit a performance evaluation report quarterly.

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

Submit payment of \$1,000.00 to the Board for cost of fine and \$4,200.00 as cost of hearing.

Submit written evidence of completion of 15 hours of LSBN staff approved continuing education hours to include the areas of Legal Aspects of Nursing Care, Medication Administration and Disposal.

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.

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; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried

ADJOURNMENT:

Motion: by B. Johnson, seconded to adjourn. The meeting adjourned at 9:55 p.m.

Voice Vote: L. Agosta-yes; L. Haley-yes; B. Johnson-yes; P. Johnson-yes; J. Harris-yes; N. Steele-yes

Motion Carried



NORA STEELE, PRESIDENT
LOUISIANA STATE BOARD OF NURSING