

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC  
DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING  
ATWOOD BUILDING  
550 W. 7<sup>TH</sup> AVE, 12<sup>TH</sup> FLOOR CONFERENCE ROOM  
ANCHORAGE, ALASKA  
BOARD OF NURSING  
MEETING MINUTES

January 27-29, 2010

By authority of AS 08.01.070(2) and in compliance with the professions of AS 44.62, Article 6, a meeting of the Board of Nursing was held in the Atwood Building 12<sup>th</sup> floor conference room.

**Wednesday, January 27, 2010**

**Agenda Item 1      CALL TO ORDER**

Cathy Giessel, MS, RN, ANP, Chairperson, called the meeting to order at 9:02 a.m.

**Roll Call**

Those present, constituting a quorum were:

Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage  
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage  
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage  
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage  
Joanne Bell-Graves, Public Member, Juneau  
Janine McCready, Public Member, Fairbanks

Agnes Jack LPN, Kotzebue was absent due to work obligations.

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

Nancy Sanders, PhD, RN, Executive Administrator  
Ken Weimer, Investigator  
Colleen Nelson, Investigator  
Cathleen Winfree, RN, Contractor for the Nurse Aide Programs  
Niki Ornelas-Garcia, Licensing Examiner-Nurse Aide Registry

## **Agenda**

The agenda was adopted as amended.

## **Introductions**

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

## **Ethics Report**

Beth Farnstrom submitted the Ethics Disclosure Forms for a grant from the National Council of State Boards of Nursing (NCSBN) Conference in Springfield, IL for a leadership conference and for receiving a grant to the NCSBN 2010 Institute of Regulatory Continued Competence 360 Conference in Phoenix, AZ in January 2010. This was reviewed by Cathy Giessel, Board Chair and Board's ethics supervisor and deemed to not be an ethical violation.

Dr. Nancy Sanders submitted the Ethics Disclosure Form for a grant from NCSBN to attend the NCSBN 2010 Institute of Regulatory Continued Competence 360 Conference in Phoenix, AZ in January 2010. This was reviewed by Cathy Giessel, Board Chair and Board's ethics supervisor, and deemed to not be an ethical violation.

Cathy Giessel reported receiving a grant from NCSBN to attend the Leadership Conference in Springfield, IL. The Ethics Disclosure Form was submitted to Linda Perez, the chair's ethics officer, and deemed to not be an ethical violation.

The all other Board members in attendance reported no ethics violations since October 2009.

## **Agenda Item 2**

### **Consent Agenda**

The Board reviewed the consent agenda.

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

RESOLVED the Board adopted the Consent Agenda.

**Agenda Item 2B**      **INFORMATION EXCHANGE**  
Informational items were reviewed and discussed by the Board.

**Agenda Item 3**      **Adjudication**

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

Investigator Ken Weimer and Investigator Colleen Nelson joined the Board.

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

**RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c) (2) for the purpose of reviewing the cases and reports presented by the investigative team.**

The Board entered into executive session at 9:42 a.m.

The Board recessed for a break at 10:58 a.m.

The Board reconvened after a break at 11:09 a.m.

The Board came out of executive sessions at 12:32 a.m.

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-09-023, Annemarie R. Spadoni, RN license #NUR R 30383, adopted the Consent Agreement and Decision and Order in this matter.**

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

**Resolved that the Board of Nursing for the State of Alaska, having examined the Voluntary Surrender of Nursing License, # NUR P 4975, Mauritta K. Dison, Case No. 2302-06-008, adopted the Surrender of License in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-09-013, Katherine R. Patzke, LPN License # NUR P 6224, adopted the Consent Agreement and Decision and Order in this matter.**

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

**Resolved that the Board of Nursing for the State of Alaska, having examined the Surrender of Registered Nursing License, # NUR R 27073, Derik B. Conerly, Case No. 2300-09-034, adopted the Surrender of License in this matter.**

**On a motion duly made by Thomas Hendrix, seconded by Janine McCready, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2304-09-003, Kathy L. Chastain, RN license # NUR R 23204, and ANP authorization # NUR U 778, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, under the authority of 12 AAC 44.445, withdraws controlled substance prescriptive and dispensing authority for Kathy L. Chastain, ANP authorization #NUR U 778, Case No. 2304-09-003, for a period of one year beginning January 27, 2010.**

**On a motion duly made by Janine McCready, seconded by Thomas Hendrix, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2350-09-008,**

**Michael J. Mohl, surrendered RN License # NUR R 26584, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-09-017, Catrina S. Sturgill, lapsed LPN License # NUR P 5771, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case # 2350-09-007, Beth M. Langdon, RN and ANP Applicant by Endorsement, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Janine McCready, seconded by Thomas Hendrix, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-09-025, Cynthia A. Alkire, RN License # NUR R 25711, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Denise Ekstrom, seconded by Janine McCready, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2350-09-009, Esther E. Landeis, Lapsed RN License # NUR R 15429, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-09-029, Kelly L. Brown, RN License # NUR R 30297, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Thomas Hendrix, seconded by Janine McCready, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-09-016, Molly Beth Smith, RN License # NUR R 29103, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Denise Ekstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2356-09-002, Richard W. Reuben, Temporary Certificate # NUA T 2519, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2306-09-006, Kathryn K. Crain, Temporary Certificate # NUA T 2909, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Joanne Bell-Graves, seconded by Janine McCready, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2356-09-007, Valerie J. Johnson, Temporary Certificate # NUA T**

**2608, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, denied the application for Nurse Aid Certificate, Case No. 2306-09-008, Amy Thomas, expired Temporary Certificate # NUA T 2699, pursuant to AS 08.68.334.**

**On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, summarily suspends both RN License # NUR R 18582 and Advanced Nurse Practitioner Authorization # NUR U 524, held by Audrey Eileen Small, Case No. 2304-09-007.**

**On a motion duly made by Thomas Hendrix, seconded by Janine McCready, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, instructs Nancy Sanders, PhD, RN, Executive Administrator to send a professional courtesy letter to Gale A. Buckley, RN License # NUR R 13833, and the Municipality of Anchorage Health Department.**

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

The Board recessed for a lunch break at 12:51 p.m.

The Board reconvened from the lunch break at 1:45 p.m.

### **Introductions**

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

### **Agenda Item 5D Practice Issues**

#### **RN First Assists**

Barbara Wortman, RN, AORN, shared with the Board the Association of periOperative Registered Nurses' (AORN) position statement on RN First Assistants. The Advisory Opinion (AO) on this topic was reviewed for updating. The last update on this topic was August 1993. The Board adopted the current AORN Position Statement on RN First Assistants, including the qualification for practice requirements.

**Agenda Item 3 H-J Adjudication**

**Agenda Item 3H Discipline Fines**

Investigator Ken Weimer joined the Board to provide information regarding discipline fines. He reports that Chief Investigator Howes was consulted as well. All fines collected are deposited into the general fund; they do not come to the Board. This topic was informational only.

**Agenda Item 3I Published names in online Disciplinary Database**

The question of including names in the disciplinary database online was brought to the Board. Many nursing boards have the names on their websites or publish the names and discipline in newsletters. The Alaska Medical Board published the names of those being disciplined on their website.

**On a motion made by Denise Ekstrom, seconded by Janine McCready, and passed unanimously,**

**RESOLVED that the Board of Nursing for the State of Alaska, will include the names of licensees and certificate holders in the published discipline database and to update the previously published database.**

**Agenda Item 3J Notification of pharmacies/facilities when an ANP is suspended.**

Nancy Sanders, PhD, RN, Executive Administrator reports that neither the Investigation Division nor the Board of Pharmacy have mechanisms in place to notify pharmacies around the State when ANP prescriptive authority changes. The Board decided to add a prescriptive authorization category in the discipline database. The Executive Administrator will send notifications to the pharmacies/facilities in Alaska utilizing the contact list maintained



by the Board of Pharmacy. She will also recommend that pharmacies regularly monitor the Board of Nursing discipline database, as they do for the State Medical Board

**Agenda Item 4      Licensure**

**Agenda Item 4C      Mandatory reporting by facilities (AS 08.64.336 [a-f])**

The Board of Nursing has no authority to enforce mandatory reporting by facilities. There would need to be a statute passed in order to have the authority to enforce mandatory reporting by facilities.

**Agenda Item 4B      Nursing License Compact**

Nancy Sanders, PhD, RN, Executive Administrator has been sent inquiries from Representative Lindsey Holmes' office and the Office of Legislative Research regarding the Nursing Licensure Compact (NLC). The purpose of the NLC is to allow rapid movement of nurses to areas of need. The Board feels this need is met by AS 08.68.400 (2), which provides authority to issue temporary nursing service in the event of a public emergency. The Board carefully reviewed the NLC requirements, expressed our primary concern regarding lack of Criminal Background Checks (CBC) requirements for some of the NLC states, therefore diluting the high standards that Alaska has in place for public safety.

**Agenda Item 4A      Criminal Background Checks (CBC) with renewals**

Nancy Sanders, PhD, RN, Executive Administrator reviewed NCSBN survey results regarding what states performed CBC's with renewals. Assistant Attorney General Gayle Horetski was consulted, who, citing AS 08.68.100, notes that the Board of Nursing does not have the authority to perform CBC's with renewals.

**Agenda Item 4D      BOM regulation project**

The State Medical Board has put out for public comment an unprofessional conduct regulation addressing prescribing. This was an informational item.

The Board recessed for a break at 3:27 p.m.

The Board reconvened from break at 3:45 p.m.

**Agenda Item 6      Education**

**Agenda Item 6A      Certified Nurse Aide Program evaluation reports**

Cathy Winfree, RN, Certified Nurse Aide program review contractor, and Niki Ornelas-Garcia, board staff, joined the Board. Winfree reviewed her findings from several program site visits.

**On a motion by Beth Farnstrom, seconded by Thomas Hendrix, and passed unanimously,  
RESOLVED that the Board of Nursing for the State of Alaska approves the Certified Nurse Aide programs in Sitka, Cordova, Wrangell, and Petersburg.**

In accordance with 12 AAC 44.858 (b), Nancy Sanders, PhD, RN, Executive Administrator will send letters of concern to Providence Alaska Medical Center, Wrangell General Hospital, Petersburg General Hospital, and Cordova Community Hospital CNA programs instructing them to comply with the regulation requirements for correction measures. In addition, a letter will be sent by Dr. Sanders to the Juneau UAS program about finishing their current class of nurse aides and to not begin another class until they have an approved instructor with the 1 year nursing experience in LTC.

The OPAG CNA program remains on hold and is not approved to offer CNA classes.

Cathy Winfree, RN, Certified Nurse Aide program review contractor, and Niki Ornelas-Garcia, board staff, reviewed regulation changes needed to comply with current Federal regulations. Final copy will be submitted to the Board for review later in the meeting.

The Board recessed at 4:57 p.m. until 9:00 a.m. on Thursday, January 28, 2010

**Thursday, January 28, 2010**

**Agenda Item 1      CALL TO ORDER**

Cathy Giessel, MS, RN, ANP, Chairperson, called the meeting to order at 9:00 a.m.

## **Roll Call**

Those present, constituting a quorum were:

Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage  
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage  
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage  
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage  
Joanne Bell-Graves, Public Member, Juneau  
Janine McCready, Public Member, Fairbanks

Agnes Jack LPN, Kotzebue was absent due to work obligations.

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

Nancy Sanders, PhD, RN, Executive Administrator  
Ken Weimer, Investigator  
Colleen Nelson, Investigator  
Gayle Horetski, Assistant Attorney General

## **Review the Agenda**

The Board reviewed and approved the agenda with changes.

## **Introduction of Guests**

Guests in attendance and via teleconference were introduced.

## **Public Testimony**

Public testimony began at 9:05 a.m. and ended at 9:35 a.m.

Carolyn Smith, RN, CNA program in Bristol Bay expressed her concerns regarding the inconsistent application of the Nursing regulations to the various CNA programs. She also expressed a need for more open access to rural programs as there is a great need for CNA services in rural Alaska. Board Chair, Cathy Giessel recommended RN Smith contact Senator Lisa Murkowski's office regarding this issue. Dr Sanders has been in communication with the Region 10 representative of the CMS expressing the need for fewer barriers to rural regions regarding CNA education requirements.

Debbie Credit, RN, CCM, CLCP, independent nurse case manager, expressed her desire that Alaska join the NLC in order to reduce barriers to nursing practice in Alaska. The Board reviewed their concerns related to the NLC with RN Credit.

**Agenda Item 5**      **Practice issues**

**Agenda Item 5F**      **Corrections update**

Joyce Degroot, RN, Department of Corrections, shared the corrective actions that have been implemented since the last Board meeting in October, 2009 including whether nurses are required to ID medications, the use of LPNs in independent roles, and dispensing medications. RNs are now doing the remand assessments. The Department is sending RNs to Fairbanks to cover those positions. The Board expressed their appreciation for the hard work and thoroughness of the changes. Board Chair, Cathy Giessel recommended submitting a copy of the new policies to the Executive Administrator, Dr Sanders, for the Board members to review at the next meeting in April, 2010.

**Agenda Item 5A**      **Continued Competence**

Beth Farnstrom, RN and Nancy Sanders, PhD, RN, Executive Administrator presented a summary of information gained while attending the NCSBN 2010 Institute of Regulatory Excellence Continued Competence 360 conference. The Board was reminded of the complexity of continued competency measurement in the nursing profession. Boards and organizations in the US and Canada are struggling to find effective methods to measure continued competence.

**Agenda Item 5B**      **Cooperative agreements with pharmacists and ANP's**

Chair, Cathy Giessel, queried National Council of State Boards of Nursing Advanced Practice staff about cooperative agreements between ANPs and pharmacists. They could not identify any state which addresses cooperative agreements between pharmacists and ANPs. This is informational only. The Board notes that present Alaska regulations allow delegation by ANPs to other licensed healthcare professionals.

**Agenda Item 5C**      **AMA Scope of Practice and comments**

Denise Ekstrom, RN, ANP reviewed with the Board a recent scope of practice paper published by the American Medical Association related to ANP's. This was informational only.

**Agenda Item 5E**      **Safety to practice while on pain medication**

The Board reviewed NCSBN's article on Regulatory Implications of Pain Management 2008 gathered by the NCSBN Disciplinary Resources Committee. Nancy Sanders, PhD, RN, Executive Administrator will obtain the complete document "Regulatory Implications of Pain Management" from National Council of State Boards of Nursing, for the board to review, to inform future work.

The Board recessed for a break at 10:45 a.m.

The Board reconvened from break at 11:02 a.m.

**Agenda Item 3     Adjudication**

**Agenda Item 3E    Paralegal cases**

Paralegal, Karen Wilke, joined the Board telephonically.

**On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c) (2) for the purpose of reviewing the cases and reports presented by the investigative team.**

The Board entered into executive session at 11:03 a.m.

The Board came out of executive sessions at 12:38 a.m.

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-09-019, Jacqueline Spitznogle, LPN license # NUR P 5797, adopts the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-10-002, Lisa A. Wright, LPN license # NUR P 5166, adopted the**

**Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-10-001, Leslie Underwood, LPN license # NUR P 5021, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-09-020, Timothy Hilts, RN license # NUR R 22063, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-10-002, Keith G. Gibson, RN license # NUR R 23042, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-10-003, Brandi Norkus, RN license # NUR R 23886, adopted the Consent Agreement and Decision and Order in this matter.**

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

**RESOLVED that the Board of Nursing for the State of Alaska, orders the following,**

- 1. Courtney B. Duos, revoked RN license # NUR R 25854, Case No. 2300-09-006, shall be reinstated effective immediately.**
- 2. Courtney B. Duos, revoked RN license # NUR R 25854 shall be subject to mandatory audit requirements where satisfactory documentation to verify completion of continuing competency activities must be received and approved by the Board, or its designee, prior to its renewal. This requirement will remain in effect until Courtney B. Duos' RN license has been renewed subject to this mandatory audit requirement for two licensing periods.**

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

The Board recessed for a lunch break at 12:50 p.m.

The Board reconvened from lunch at 1:35 p.m.

**Introduction of additional guests on the telephone**

Cheri Hutchins RN, Haines, AK  
Tiffany Robbins, RN

**Agenda Item 3E Paralegal cases review verbal presentation-advice**

**On a motion duly made by Tom Hendrix, seconded by JoAnne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2300-10-001, Mary Kathleen Pepe, RN license # NUR R 18960, adopted the Consent Agreement and Decision and Order in this matter.**

**On a motion duly made by Beth Farnstrom, seconded by JoAnne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Voluntary Surrender of RN license # NUR R 19541, Case No. 2300-09-033, Svetlana Potton, adopted the Surrender of License in this matter.**

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

**Agenda Item 6      Education**

**Agenda Item 6B      Medication administration courses**

**On a motion duly made by Thomas Hendrix, seconded by JoAnne Bell-Graves, and carried unanimously,**

**The Board of Nursing for the State of Alaska, under the authority of AS 08.68.100(4) and 12 AAC 44.950 – 970, approved the Haines Assisted Living Homes Medication Administration course with the addition of pretest, extra-pyramidal, and toxicity content to be sent to Nancy Sanders, PhD, RN, Executive Administrator in one month.**

Joanne Sullivan, RN and Pat Senner, RN presented the Consortium Medication Administration course. The Board requested further documentation regarding the response for adverse effects, Patient Bill of Rights, and including a summary page prior to course approval. These materials will be reviewed at the April 2010 Board meeting.

The Board recessed for a break at 3:04 p.m.

The Board reconvened from break at 3:20 p.m.

**Agenda Item 3      Adjudication**

**On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c) (2) for the purpose of reviewing the cases with investigators and Assistant Attorney General.**



The Board entered into executive session at 3:21 p.m.

The Board came out of executive sessions at 4:38p.m.

**Agenda Item 5      Practice**

**Agenda Item 5H      Regulation work session**

Assistant Attorney General Gayle Horetski joined the Board. The Board reviewed and revised regulations with the Department of Law.

**Agenda Item 3      Adjudication**

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

**RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c) (2) for the purpose of reviewing the cases with the investigators and AAG Horetski.**

The Board entered into executive session at 5:02 p.m.

The Board came out of executive sessions at 5:10 p.m.

**Agenda Item 5      Practice**

**Agenda Item 5H      Regulation work session**

The Board continued its review and revisions regarding regulations with the Department of Law.

The Board recessed at 5:53 p.m. until 9:00 a.m. on Friday, January 29, 2010.

**Friday, January 29, 2010**

**Agenda Item 1      CALL TO ORDER**

Cathy Giessel, MS, RN, ANP, Chairperson, called the meeting to order at 9:00 a.m.

**Roll Call**

Those present, constituting a quorum were:  
Cathy Giessel, MS, RN, ANP, Chairperson, Anchorage  
Beth Farnstrom, BSN, RN, Vice Chair, Anchorage  
Denise Ekstrom, MS, RN, ANP, Secretary, Anchorage  
Thomas Hendrix, PhD, RN, Nurse Educator, Anchorage  
Joanne Bell-Graves, Public Member, Juneau  
Janine McCready, Public Member, Fairbanks

Agnes Jack LPN, Kotzebue was absent due to work obligations.

Staff present at various times from the Division of Corporations,  
Business and Professional Licensing:  
Nancy Sanders, PhD, RN, Executive Administrator  
Gayle Horetski, Assistant Attorney General

Staff present via teleconference,  
Cathleen Winfree, RN.  
Cathy Mason, Administrative Officer  
Lynne Smith, Director  
Jenny Strickler, Operations Manager

### **Review the Agenda**

The Board reviewed and approved the agenda with changes.

### **Introduction of Guests**

Guests in attendance and via teleconference were introduced.

### **Public Testimony**

Public testimony began at 9:05 a.m. and ended at 9:35 a.m.

## **Agenda Item 3**

### **Adjudication**

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

**RESOLVED that the Board of Nursing for the State of  
Alaska, and carried unanimously, rescind the action  
taken on LPN license # NUR P 5797, Jacqueline  
Spitznogle, Case No. 2302-09-019.**

Cathy Giessel, ANP, Chairperson, noted that action was rescinded on the original documents related to the case. The case is referred to the Paralegal.

## **Reprimands**

Since January 2009, reprimand language in the Consent Agreements was shortened to a single statement, indicating that a reprimand is issued. After clarification, the Board learned that the entire Consent Agreement constitutes the reprimand.

### **Agenda Item 5      Practice**

#### **Agenda Item 5Ga      Paramedics and EMT's administration of the H1N1 vaccine**

Nancy Sanders, PhD, RN, Executive Administrator provided information stating that EMT's and paramedics were assigned to administer the H1N1 vaccine in the Anchorage School District. This is informational only.

#### **Agenda Item 5Gb      ANP's signing involuntary commitments to psychiatric care**

Involuntary commitment process requires judicial determination, beyond a healthcare provider's recommendation. The Board notes that ANPs practice within the population focus of national board certification.

### **Agenda Item 5c      RN First Assists**

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

**RESOLVED that the Board of Nursing for the State of Alaska will update an Advisory Opinion to reflect the current AORN position statement on RN First Assist and include the following: "The surgeon must directly supervise the nurse. A nurse may not practice under standing orders or protocols that require the nurse to make medical judgments outside the nurse's scope of practice."**

#### **Agenda Item 5Gd      Registered Nurse's taking x-rays**

Patricia Atkinson from the Southeast Alaska Regional Health contacted Dr Sanders with a request for approval for RNs to perform x-rays by furthering their education after taking the Alaska Native Tribal Health Consortium Healthcare Provider Diagnostic X-Ray Imaging course. The Board requested course

materials be submitted to the Board for the April meeting to review the material prior to making this decision. Dr Sanders will follow up with a written request.

**Agenda Item 6      Education**

**Agenda Item 6C      UAA School of Nursing**

Dr. Jean Ballantyne and Dr. Barb Berner joined the Board to discuss the UAA School of Nursing annual report and to answer questions.

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

**The Board of Nursing for the State of Alaska approved the University of Alaska, Anchorage AAS, BSN, and MSN programs for one year.**

**Agenda Item 6D      AVTEC PN program review**

Dick Harrell and Alexis Klapproth, RN, MSN presented the AVTEC report for the AVTEC PN program. After review of the brief report, the Board asked specific questions and requested a more comprehensive report in the future. The Board notes that 2009 annual first-time test takers' pass rate is 62.5%. In accordance with 12 AAC 44.055 (b), Nancy Sanders, PhD, RN, Executive Administrator will be issuing a letter of concern to AVTEC. The regulation requires response from the AVTEC program.

**On a motion duly made by Denise Ekstrom, seconded by Thomas Hendrix, and carried unanimously,**

**RESOLVED that the Board of Nursing for the State of Alaska granted conditional approval of the AVTEC LPN program, taking action in accordance with 12 AAC 44.055 (b).**

**Agenda Item 6E      Charter College ADN program**

Dr. Sanders informed the Board that there is a proposal for Charter College to start an ADN nursing program. The proposal is not complete at this time.

The Board recessed for a break at 10:47 a.m.

The Board reconvened from break at 11:03 a.m.

**Agenda Item 6F**      **NCSBN Simulation study**

The NCSBN survey results were reviewed. The Board will continue to monitor the evidence in the evolving area of simulation in nursing education.

**Agenda Item 5**      **Practice**

**Agenda Item 5H**      **Regulation work session**

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

**RESOLVED that the Board of Nursing for the State of Alaska readopt regulation changes, under the authority of AS 08.68.100, to 12 AAC 44. 090, 290(a)(3), 310, 315(a), 870(b), 945(b), 966, 970(13), and repealing 290(d) and (e). In considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.**

The Board Chairperson, Cathy Giessel, signed the order certifying changes to the regulations.

The Board recessed for a lunch at 12:26 p.m.

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

**Agenda Item 7**      **Organization**

**Agenda Item 7A**      **Budget report and review**

The Board reviewed the budget submitted by Cathy Mason, who joined the Board via teleconference. The Board will be requesting funding to attend NCSBN conferences and meetings and increase funding for the CNA program reviewer contract. The Board requested that the fee analysis for LPN's be available for the April 2010 meeting.

**Agenda Item 7B**      **Information and issues update**

Director Lynne Smith and Operations Manager Jenny Strickler joined the Board via teleconference to discuss the following items:

1. The Board informed Director Smith that the Board will be requesting funding to attend the NCSBN activities.
2. Director Smith stated there are no new positions in the budget this year for an additional regulation specialist. However, there are 2 positions open for investigators, one in Juneau and one in Anchorage. They have not yet been filled.
3. The Board requested the balance of the CNA program reviewer's contract reported to the Executive Administrator on an ongoing basis. Operations Manager Strickler recommended the Board consider a second contractor to help with the CNA review. Dr Sanders will submit a written request for the additional position to Director Smith and Operations Manager Jenny Strickler.
4. Paperless licensing update: Operations Manager Strickler reports the implementation is moving slower than expected due to circumstances beyond her control. She is hopeful there will be something in place for the Fall 2010 license renewal period.
5. The Executive Administrator has not yet submitted a request for grant funding for the data integrity project.

### **Agenda Item 3**

#### **Adjudication**

**On a motion duly made by Beth Farnstrom, seconded by Joanne Bell-Graves, and carried unanimously, it was**

**RESOLVED that the Board of Nursing for the State of Alaska, enters into executive session in accordance with AS 44.62.310(c) (2) for the purpose of reviewing the cases and reports presented by the investigative team.**

The Board entered into executive session at 2:04 p.m.

The Board came out of executive sessions at 2:24 p.m.

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

**RESOLVED that the Board of Nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2302-09-016, Kari J. Abitua, RN license # NUR R 28840, adopted the Consent Agreement and Decision and Order in this matter.**

The Board Chairperson, Cathy Giessel, signed the original document.

**Agenda Item 5H      Regulation work**

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

**RESOLVED that the Board of Nursing for the State of Alaska readopt regulation changes under the authority of AS 08.68.100, to 12 AAC 44. 380, 400(a)(5), 400(a)(6)(B), 440(f), 460, 470, 475, and 660. In considering public comments, the Board of Nursing paid special attention to the cost to private persons of the regulatory action being taken.**

The Board recessed for a break at 3:38 p.m.

The Board reconvened from break at 3:50 p.m.

**Agenda Item 5      Practice**

**Agenda Item 5H      Regulation work**

The Board will send the CNA regulation work on 12 AAC 44. 835, 840, 847, and 850, as well as work on 12 AAC 44.400 and 460 to the regulation specialist for drafting into a regulation project.

**Agenda Item 5H(e)      LPN scope of practice**

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

**RESOLVED that the Board of Nursing for the State of Alaska repeals Appendix A Position Statement on the Scope of Practice for Licensed Practical Nurses.**

**Agenda Item 8A-C      Governance**

- A. Board Forums planning was tabled to April 2010 meeting
- B. Strategic Plan will be updated by Cathy Giessel and submitted to the Executive Administrator.
- C. Task List will be completed by Cathy Giessel and emailed to Board members

Dr Sanders presented a statement of appreciation to Chairperson, Cathy Giessel, acknowledging her hard work on and for the Board of Nursing.

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

**RESOLVED that the Board of Nursing adjourned at 5:16 p.m. until April 7, 2010 at 9:00 a.m. in Juneau, Alaska.**

Respectfully submitted:

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Nancy Sanders, Executive Administrator  
Board of Nursing

Approved:

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Beth Farnstrom, Chair  
Board of Nursing

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Date



