

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 8:30 a.m., Saturday, February 11, 2012, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Randy C. Quinn, CRNA, President, presiding.

BOARD MEMBERS PRESENT:

Randy C. Quinn, CRNA, President (telephonic)
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President (telephonic)
Theresa (Terri) Berrigan, LPN, C-AL, Secretary (telephonic)
Kathryn L. Busby, JD, Member (telephonic)
Lori Gutierrez, BS, RN-C, Member (telephonic)
Patricia Johnson, LPN, Member (telephonic)
Carolyn Jo McCormies, RN, MS, FNP-BC, Member (telephonic)
M. Hunter Perry, BSHA, Member (telephonic)
Charleen L. Snider, BSN, RN, Member (telephonic)

BOARD MEMBERS ABSENT:

Leslie Dalton, MSN, RN, Member

LEGAL COUNSEL:

Emma Mamaluy, Assistant Attorney General (telephonic)

STAFF DIRECTORS:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Valerie Smith, RN, MS, Associate Director of Investigations (telephonic)

I. Call to Order & Roll Call

Instructions that if any Board Member finds it necessary to terminate the conference connection, the announcement is made prior to leaving the call.

The meeting was called to order at 8:00 a.m., Saturday, February 11, 2012.

The following Board members were present: Quinn, Malloch, Johnson, Busby, Gutierrez, McCormies and Snider.

Quinn presided.

II. Board Reports for Discussion, Information, Staff Direction and/or Decision

II.A. Executive Director's Report – Ridenour

II.A.1.b. Update on other Potential/Pending 2012 Legislative Bills Pending & Board Direction

Joey Ridenour, Executive Director, noted that the meeting was called to clarify the Board's action and discuss potential legislation relating to the auditor general's recommendation:

- a. Enable the Board to develop a substantive policy that would allow the Executive Director to require substance abuse, mental, physical, or psychological examinations or skills evaluations in appropriate cases, and
- b. Expand the definition of unprofessional conduct to include failing to comply with the Executive Director's Order to obtain and evaluation.

Ridenour noted that at the January 24, 2012 Board meeting it was recommended that we not pursue legislation regarding the auditor general's recommendation this session, however, Senator Barto has requested that draft legislation be submitted for this session.

Berrigan arrived at the meeting at 8:35 a.m.

II.A.1.a. Discussion & Decision on 2012 Legislative matters related to nursing regulation – Greg ` Harris

Greg Harris stated that he had prepared two options for the Board to consider. One option that would provide an appeal mechanism, the second option that would have the individual proceed with the order without a mechanism for an appeal. Harris reviewed the pros and cons of each option.

Board members raised questions about the timing of the Executive Director authorizing the evaluations, i.e. between Board meetings. Ridenour clarified that the overall goal was to reduce the investigative cycle times and if the overall timeline would be improved by taking the case to the, Board that would be done.

Perry arrived at the meeting at 8:52 a.m.

Harris noted that both options addressed the issue of who would pay for the evaluation.

Guest Rory Hays, lobbyist for the Arizona Nurses Association (AzNA), spoke on behalf of the Nurses Association and noted that they were not taking a position on the funding issues. She stated that some of their members have concerns about requiring the nurses to pay for the evaluation, but others realize that if the Board pays for the evaluation that it is really all of the nurses paying through increased fees. Hays also stated that the Nurses Association feels comfortable with option #2.

Harris stated that he had spent time talking with Senator Barto about both options, and she would be happy with either option. Harris noted that Senator Barto met with the auditors and she felt that either option would satisfy their recommendations. Harris noted that option #1 is what the Arizona Medical Board has in place.

Emma Mamaluy, Assistant Attorney General, clarified that Interim Orders normally are not appealable at all. The only way to appeal is to file a special action in superior court. Mamaluy clarified that with option #1, the licensee could be disciplined for failing to comply with the Executive Director's Order. With Option #2, there would be no penalty for failing to comply with the Executive Director's Order, and it would go to the Board. She also stated that there is decreased ability to appeal for malfeasance. With option #2 being a new approach, she acknowledged that we can't be sure how it will work.

Kathy Malloch stated that the authority for the Executive Director to issue an Interim Order would be based on Board approved criteria and would contribute to shorter turn around time for cases to be heard by the Board.

Harris responded to the Board's discussion/comments: when the Board is dealing with cases of non compliance, you have a certain percentage of persons who understand the intent and comply. The approach with option #2 will give some of the nurses opportunity to go ahead with the evaluation, resulting in less nurses not complying. He clarified that the Executive Director acts as an agent of the Board.

Rory Hays again stated that Option #2 meets the goal of AzNA. Through option #2, the Executive Director has the ability to accelerate the process for nurses who want to comply, as well as it has less potential to create problems.

Board members further discussed the pros and cons of both options, and which option would more effectively meet the overall goal to reduce the investigative cycle time. It was felt that option #2 would facilitate improvement in the cycle times, and would be an improvement from our current process.

Johnson moved, Snider seconded, and it was unanimously carried to approve the concepts in option #2 and the ability to work with legislators for specific wording.

Harris summarized the importance of implementing the auditor general's recommendation in order for process improvement to occur. He offered his thanks to the assistant Attorney's General, Executive Director, and staff who have been working to facilitate this legislation.

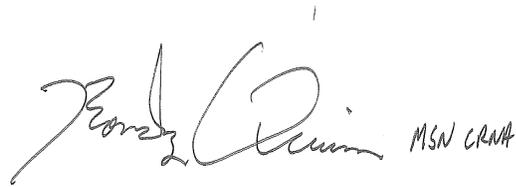
II. Call to the Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(G).

IV. Adjournment

Malloch moved, Gutierrez seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 9:33 a.m., Saturday, February 11, 2012.

A handwritten signature in black ink that reads "Randy C. Quinn MSN CRNA". The signature is written in a cursive style with a horizontal line underneath the name.

Randy C. Quinn, CRNA, President