

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special session Board meeting of the Arizona State Board of Nursing convened at 8:00 am Monday, October 5, 2009, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN, FAAN, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Patricia Johnson, LPN, Vice President

BOARD MEMBERS PRESENT TELEPHONICALLY:

E. Gary Gum, MSN, RN, FCN, Board Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, Secretary
Kathy Scott, RN, MPA, PhD, FACHE, Member

BOARD MEMBERS ABSENT:

Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member

LEGAL COUNSEL:

Seth Hargraves, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General
Jo Foster, Solicitor General (Telephonically)

STAFF:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Lila Wiemann, Administrative Secretary to the Executive Director

I. Call to Order

The meeting was called to order at 8:04 a.m., Wednesday, October 5, 2009.

The following Board members were present: Malloch and Johnson. The following Board members were present by telephone, Gum, Link, Perry and Scott.

The following Board member were absent: Berrigan and Busby

Malloch presided.

Malloch welcomed members of the audience and explained the procedure for addressing the Board.

II.A. Hearing Department Investigative Reports

II.A. Susan Dare

RN125777

Zimmerman

The proceeding began at 8:09 a.m., with the following Board members present: Malloch, Johnson, Gum, Link, Perry and Scott.

All Board members answered affirmatively that they had received and read the Updated Hearing Investigative Report and supporting documents.

The Board was represented by Jo Foster, Assistant Attorney General, Division of Solicitor General, Nina Zimmerman, Assistant Attorney General, represented the State.

Zimmerman addressed the Board

Dare was not present, but was represented by legal counsel, Kelly McDonald. Mr. McDonald addressed the Board.

Based upon the information presented at this meeting, the Board was asked to reconsider the prior March 2009 Board offer.

Scott moved, Gum seconded, and it was unanimously carried to rescind the March 2009 Board offer and accept the signed Consent Agreement for 24 months probation with terms and conditions.

	VOTE	<u>Link,</u> Denise Member	<u>Berrigan,</u> Terri Member	<u>Perry,</u> Hunter Secretary	<u>Malloch,</u> Kathy President	<u>Johnson,</u> Patricia Vice Pres	<u>Scott,</u> Kathy Member	<u>Gum</u> Gary Member	<u>Busby,</u> Kathryn Member
YES	6	X		X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2		X						X

IV. Board Discussion/Decision Regarding Case Disposition/Summary Letter of Concern Lists

IV.A. Board Discussion and Decision Regarding Case Disposition List

IV.A.1. RN/LPN Endorsement Applicants

IV.A.2. RN/LPN Examination Applicants

IV.A.3. RN/LPN Renewal Applicants

IV.A.4. CNA Endorsement/Examination Applicants

IV.A.5. CNA Renewal Applicants

IV.A.6. AP/RN/LPN/CNA Respondents

IV.A.7. RN/LPN Compact Nurse

IV.A.8. Certified Registered Nurse Anesthetists Applying for Prescribing Authority

Johnson moved, Scott seconded, and it was unanimously carried to approve the applicants on the list to be dismissed by case disposition criteria and to grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure, receipt of negative state and federal criminal history, and all licensure/certification requirements.

IV.B. Board Discussion/Decision Regarding Case Disposition/Summary Letter of Concern Lists

IV.B. Board Discussion and Decision Regarding Letter of Concern Summary List

IV.B.1. RN/LPN Endorsement Applicants

IV.B.2. RN/LPN Examination Applicants

IV.B.3. RN/LPN Renewal Applicants

IV.B.4. CNA Endorsement/Examination Applicants

IV.B.5. CNA Renewal Applicants

IV.B.6. AP/RN/LPN/CNA Respondents

IV.B.7. School Nurse Certificate Applicants

IV.B.8. Prescribing and Dispensing Certificate Applicants

Johnson moved, Scott seconded, and it was unanimously carried to issue the Letters of Concern submitted and grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state of licensure receipt of negative state and federal criminal history, and all licensure/certification requirements.

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

V.A. Executive Directors Report – Ridenour

V.A.1. Board Policies Related to 2009 Senate Bill 1105 Legislation Effective October 2009 – Ridenour/Bontrager/Smith

V.A.1.a. Policy – License/Certificate Renewal Request for Citizenship Documentation

V.A.1.b. Policy – RN/LPN Renewal of License & CNA Renewal of Certificate Late Fees

V.A.1.c. Policy – Temporary Prescribing & Dispensing Privileges for Nurse Practitioners

V.A.1.d. Policy – Retirement Status: RN and LPN

V.A.1.e. Substantive Policy – Guidelines for Requesting Respondent’s Medical Records & Medical Information via Subpoena

V.A.1.f. Substantive Policy – Guidelines & Criteria for Executive Director of Designee Closing of Complaints Meeting Case Disposition & Summary Letters of Concern

V.A.1.g. Substantive Policy – Administrative Violation; Administrative Penalty Practicing Without a License/Certificate

Scott moved, Johnson seconded and it was unanimously carried to accept the proposed Board policies related to 2009 Senate Bill 1105, items V.A.1.a-g, which are in effect October 2009.

V.A.2. Draft Policy on NA Training Programs Initial and Renewal Approved Process – Randolph

Scott moved, Perry seconded and it was unanimously carried to approve the proposed Board policy on NA Training Programs Initial and Renewal Approved Process.

V.A.3. Update 2010-2011 FY Budget & Governor’s Request for Agencies to Reduce Expenditures by 15% - Orchard/Bontrager/Smith/Randolph/Ridenour (Decision)

Ridenour addressed the Board.

Monte Lee, Section Chief, Licensing & Enforcement with the State’s Attorney General’s Office addressed the Board regarding the AG’s office ISA with the Board of Nursing.

Board discussed and debated the cover letter and plan for agency reduction by 15%. Discussion continued with the CNA budget 2005-2011 along with violations & disciplinary outcomes from 2004 to 2009.

Johnson moved, Link seconded, and it was unanimously carried to accept the proposed 15% reduction of the 2010-2011 FY Budget and delivered to the Governor’s office by October 9, 2009.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6	X		X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2		X						X

VI. 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).

VII. Adjournment

Perry moved, Johnson seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 9:10 a.m., Monday, October 5, 2009.

Kathy Malloch PhD, MBA, RN, FAAN

Kathy Malloch, PhD, MBA, RN, FAAN, President