



Janet Napolitano
Governor

Joey Ridenour
Executive Director

Arizona State Board of Nursing

NURSE PRACTICE ACT STEERING COMMITTEE

MINUTES

APRIL 17, 2008

MEMBERS PRESENT:

Anne McNamara, PhD RN
Gregory Harris, JD
Joyce Benjamin, RN
Kathryn L. Busby, JD
Kathy A. Scott, RN
Mardy Taylor, RN
Mary Griffith, RN
Nicole LaSlavic, Williams & Associates
Theresa Crawley, RN CRNA

MEMBERS ABSENT:

Adda Alexander, RN
Rory Hays, JD
Mary Wojnakowski, RN CRNA
Valerie Smith, Associate Director, Investigations

BOARD STAFF ATTENDING:

Joey Ridenour, Executive Director
Judy Bontrager, Associate Director, Licensing
Pam Randolph, Associate Director, Education
Amy Foster, Assistant Attorney General
Kim Zack, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

GUESTS PRESENT:

I. CALL TO ORDER & WELCOME/INTRODUCTION TO NEW MEMBERS

Ridenour called the meeting to order at 3:02 p.m. Ridenour welcomed Nicole LaSlavic, who is replacing committee member Brandon Coakley from Williams and Associates.

II. REVIEW/APPROVE MINUTES OF February 8, 2008

Crawley moved and McNamara seconded to approve the Nurse Practice Act Steering Committee February 7, 2008 meeting minutes as amended. The motion carried unanimously.

III. SUBCOMMITTEE REPORT RELATED TO SUBPOENA'S & POTENTIAL RECOMMENDATIONS TO BOARD

Ridenour stated that the sub-committee met on March 28, 2008 and drafted a 10 point guideline for requesting respondent's medical records and information and asked the committee to dialogue and debate these points. Mr. Harris voiced concerns that some bullet points overlapped each other regarding multiple medical providers. Busby also

voiced concerns about multiple pharmacies that can be subpoenaed from general statements of Respondent.

It was moved, seconded and motion carried that the:
Subcommittee to redraft the points and resubmit to committee and Board.

IV. REVIEW OF 2008 LEGISLATIVE BILLS RELATED TO NURSING REGULATION/PRACTICE

Ridenour opened with the matter regarding consolidation of agencies and asked the committee if there was anything new in the discussions at the Legislature. Harris and Busby both thought that the idea of consolidation is still alive but would not be dealt with this year and would be brought up in a different way the next session.

Ridenour stated HB2269, prohibiting nurses from performing abortions, was passed by the House. Ridenour reported that the Advanced Practice Committee will be discussing the issue at their meeting on April 25. Additionally the Board is planning to conduct an open forum during the first day of the May Board Meeting.

SB 1431, which exempts CNA only programs from Private Post Secondary jurisdiction, has passed both houses.

Ridenour stated SB1329, self-directed care, has passed both houses and was signed by the Governor.

Busby provided information on federal legislation regarding nurse practitioner privileges and reimbursement and requested committee members to contact her if they had additional information.

V. UPDATE ON 2007 LEGISLATION REQUIRING PROOF OF CITIZENSHIP FOR LICENSEES/CERTIFICATE HOLDERS

Bontrager informed the committee about the progress of renewals since proof of citizenship came into effect. At this time, 16% of renewals are complete; the average time of processing an online renewal is 13 days as opposed to 1-2 days last year.

Bontrager stated much is being done to educate the staff and nursing community. Bontrager assured the committee that every effort is being made to inform the nursing community of the requirements; the AzBN Regulatory Journal will also carry information.

Ridenour reported that the Arizona Hospital and Healthcare Association (AzHHA) would like to assist the Board in this matter. The Board and AzHHA are planning to meet after the renewal cycle to evaluate the process and determine what types of assistance would be most helpful.

VI. REVIEW RECENT REVISIONS/CHANGES NURSE PRACTICE ACT & POTENTIAL EVIDENCE TO SUPPORT REVISIONS

Randolph reviewed progress to date on amendments to the NPA and invited the committee to go page by page for comments/changes if any.

Changes: **§32-1601.** Definition 6, Clinical Nurse Specialist will be revised to be more consistent with statutory language requirements.

Definition 10 disciplinary action: will be re-ordered from least to most severe.

Definitions 21: discussed with no recommended changes

Definitions 22: consolidate section g into section j and move reporting criminal charges to section g.

§32-1602. Board of Nursing A. Expanding the Board was discussed with the caution that costs need to be carefully considered.

§32-1605.01. Executive director; compensation; powers; duties

Changes were recommended to clarify this section. A lengthy discussion was held regarding the Board's subpoena power to obtain a respondent's medical record. There was concern on the part of AzNA representatives that the Board may be issuing subpoenas for a respondent's medical record without sufficient cause violating the respondent's "due process" rights. It was suggested that this be an open process with the Board approving the subpoena or a list at an open public meeting. Board staff opined that this was unnecessarily burdensome and was not the practice of any other regulatory board. It was further stated that the grounds for subpoena contained in the document discussed under agenda number III reflect current and past processes of the Board. Harris opined that the respondent may actually suffer harm if Board approval was required because open meeting law would inform the public that the Board had concerns related to the respondent's medical condition. Board staff stated that there would be delays in resolving open cases and investigative staff, already carrying large caseloads, would be further burdened. Randolph requested clarification on exact incidents where the Board obtained the medical record of a respondent without sufficient cause and parties were denied due process.

§32-1606 Powers and duties of board.

No changes recommended

§32-1664. Investigation of complaint; hearing; notice: amendments were recommended to subsection F for clarity.

