

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 1:32 p.m., Friday, February 18, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPS, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President (telephonic)
Patricia Johnson, LPN, Secretary (telephonic)
Kathryn L. Busby, JD, Member (telephonic)
Leslie Dalton, MSN, RN, Member (telephonic)
Lori Gutierrez, BS, RN-C, Member (telephonic)
Denise Link, PhD, WHCNP, FNAP, Member (telephonic)
M. Hunter Perry, Member (telephonic)
Charleen L. Snider, BSN, RN, Member (telephonic)
Randy C. Quinn, CRNA, Member (telephonic)

BOARD MEMBERS ABSENT:

Theresa (Terri) Berrigan, LPN, Member

LEGAL COUNSEL PRESENT:

Emma Mamaluy, Assistant Attorney General

STAFF DIRECTORS PRESENT:

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

STAFF PRESENT:

Debra McGinty RN, PhD, Administrator/Nursing Programs
Barbara Melberg, Legal Secretary

I. Call to Order and Introduction of New Board Members: Leslie Dalton MSN, RN; Randy Quinn MSN, CRNA; Charleen Snider BSN, RN

The meeting was called to order at 1:32 p.m., Friday, February 18, 2011.

The following Board members were present when the meeting convened: Scott
Telephonically present were: Malloch, Johnson, Busby, Dalton, Gutierrez, Perry, Snider and Quinn.

Scott presided.

Scott welcomed newly appointed Board members Dalton, Snider and Quinn.

Ridenour noted the purpose of this special meeting was to discuss House Bill (HB) 2091. Mamaluy requested any Board member connected telephonically to verbally notify the Board if it was necessary to disconnect from the telephone during the meeting.

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

II.A. Executive Director's Report – Joey Ridenour

II.A.1. Update on House Bill 2091 nurses; *continuing education*; AzBN Education Committee Recommendations if any, for Board Consideration & Board Member Direction, if any – Ridenour/Harris/Busby

Legislative liaison Greg Harris presented background information on HB 2091. He stated that Representative Matt Heinz introduced HB 2091, as a measure to institute mandatory continuing education (CE) requirement for RN's/LPN's/ Clinical Nurse Specialists, and Registered Nurse Practitioners. The Bill does not apply to Certified Nursing Assistants. The bill was originally introduced last year as the Board was beginning its process to evaluate the continuing education question. It is the view of Rep. Heinz that Arizona's nurse would benefit from having the continuing education component associated with their renewal, a requirement in a number of other states. In 2004 the Board chose to mandate a practice requirement as an appropriate measure to demonstrate competency. Questions regarding HB2091 that need further discussion include:

- How would the Board implement this requirement?
- Would rulemaking be required? (the language was modified so that rulemaking would not be required.)
- How would the cost of this additional requirement be covered?
- Would there be a mandatory audit requirement? (noting the impact this would be on the Board, the mandatory audit was not included in the bill)
- Who would be subject to the requirement, and who would be exempt?
- How would the requirement be phased in?
- How would continuing education be defined?

Link joined the meeting telephonically at 1:36 p.m.

Harris noted that the Board's process had not yet been exhausted in terms of looking at what options might be considered with respect to CE as a legislative issue. One suggestion offered was to have a repeal provision so the Board could continue to study the effectiveness of continuing education/competency, rather than being a permanent part of the statutes without the ability to comment back to the legislature about how the process was working.

Harris stated, he has been working with Representative Heinz, indentifying some operational issues that the Board would face if the measure were to go forward. Harris noted he had informed Representative

Heinz that the Board had not met to vote on the CE requirement. There is language in the measure that's designed to define how the CE requirement would be phased in. Harris said he has been working on aspects that would help to minimize the operational impact that the bill would have on other functions that the Board must perform should it become law.

Randolph reported that the Education Committee had met earlier today with a lengthy discussion on the Bill. The Committee offered the following thoughts:

- Supports competency in life long learning.
- Feels there needs to be additional time to study the issue.
- Questioned the tie between CE and competency not being evidenced based.
- Questioned what disciplinary actions would be imposed if requirements were not met.
- Anticipated the requirement may be a burden on the board and the employers.
- Questions the 6 hour limit for employer sponsored in services, since employers feel their in services are pertinent to patient care.
- Questions the difference between in services and continuing education.
- Voted to oppose the bill but remain committed to working together to support goals shared by all.

Questions were raised as to what position the Board should take as a regulator of the profession: Is this a policy issue for the legislature to make or a practice/policy issue for the Board to address? What should the Board consider to determine how they view the bill? The advantages of remaining neutral include:

- The Board strongly supports the issue of continued competency but has not completed the analysis. This would allow the board to continue to study the issue.
- The Board's objection could be misunderstood. Others view the bill as a patient safety/protection/nurse improvement issue, and the board would be seen as opposing this view of the issue.
- Other Board's have implemented the continuing education requirement. If the Board opposed this bill, would it reflect poorly on what other states have done?
- Employers who have concerns with this bill, could address the issues they see.

Scott gave a background of the Continued Competence Committee which has been meeting and has been reviewing the literature around CC. She stated the Committee wasn't specifically studying CE, but looking at Continued Competency, which she believes is the objective of the Bill. She stated that the literature clearly shows that CE doesn't correlate with competency. The sub-committee came up with a definition of competency from the Arizona Nurses Association (ANA).

Malloch stated she believes the Board should take a stand and would support opposing the Bill. She thought, the way the Bill is stated, there's no supporting evidence that this will lead to improvement in patient care. She said the right decision needs to be made for the CC of nursing practice and again recommended opposing the Bill.

Malloch moved, Johnson seconded, to oppose the legislation based on the lack of evidence to move forward and the lack of evidence for patient safety issues.

Johnson said that working in the field for many years and coming from a state that requires CE's she believes the CC doesn't blend with CE. She stated that people take CE just to get the numbers up, and that it really doesn't help patient safety.

After discussion, the motion carried unanimously.

Link left the meeting at 2:00 p.m.

III. 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).

Judy Crume was present and addressed the Board with the question of whether the Hospital Association had come out with a statement regarding this legislation. Ridenour and the Board Members stated that they were not aware whether the association had taken a position.

IV. Adjournment

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

The meeting adjourned at 2:01 p.m., Friday, February 18, 2011.

Kathy Scott, RN, MPA, PhD, FACHE, President