

The Georgia Board of Examiners of Licensed Practical Nurses met in Conference Room 104 of the Professional Licensing Boards Division of the Georgia Secretary of State, located at 237 Coliseum Drive, Macon, Georgia 31217.

**WEDNESDAY, December 9, 2009**

**MEMBERS PRESENT:**

Barbara Mitchell, RN, NHA, President  
Jane Harte, LPN Vice President  
Vicky Mack, RN, MSN, Cognizant Member

**MEMBERS ABSENT:**

Mary Lynn Owensby, LPN  
Judy Hilliard, LPN  
Le Ann Tuggle, Consumer-Member  
Jacqueline Barnes, LPN

**STAFF PRESENT:**

Sandy Bond, RN, MSN, MBA, Executive Director  
Adrienne Price, RN, MSN, Nursing Consultant, Legal/Disciplinary  
Janet Jackson, JD., Assistant Attorney General (Via teleconference)  
Pam Candler, Board Support Specialist

Mrs. Mitchell called the meeting to order at 9:07 a.m. on Wednesday, December 9, 2009. Ms. Mitchell reminded the group that she would have to leave at 10:00 a.m. to attend Ms. Handel's Committee Chairmen Meeting. Ms. Mitchell noted that a quorum was not present, therefore, the members met as a Committee of the Board to hear matters on the Board Agenda for December 9, 2009. As a Committee of the Board, the members will report to the full board their recommendations for actions on matters heard.

Ms. Harte recommended that the Agenda be approved as written.

**BOARD MINUTES**

Ms. Mack recommended acceptance of the minutes recorded at the October meeting as amended. Ms. Harte recommended acceptance of the minutes recorded at the November Conference Called meeting.

**EXECUTIVE SESSION**

Ms. Harte moved, Ms. Mack seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-50 and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases and make recommendations to the Board on the above items*. The motion passed unanimously. Those voting to enter into Executive Session: Ms. Harte, Ms. Mack and Ms. Mitchell.

As a Committee of the Board, for purposes of reviewing confidential files, the board made recommendations on each file for presentation to the full Board for a vote on December 10, 2009.

At the conclusion of Executive Session on Wednesday, December 9, 2009, Mrs. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

## **EXECUTIVE DIRECTOR'S REPORT**

Mrs. Bond gave a brief update on administrative issues:

- Meeting attendance issues
- Budget concerns and constraints
- On-line application procedures.

## **BAUDER COLLEGE**

Board members reviewed areas of concern that they wanted to discuss with Bauder College concerning its developmental approval. Board members were primarily concerned with clinical experiences and the surveys of need.

## **LEGAL SERVICES**

Board members in attendance discussed each case and formulated recommendations for actions to be voted upon:

**Legal Services Report**  
**Enforcement Department Report**  
**List Of Consent Agreements signed and Returned**  
**NCLEX-PN Application Review**  
**Endorsement Application Review**  
**Reinstatement Application Review**  
**Requests for Reconsideration**  
**Requests to lift Narcotics Restrictions**  
**Applications presented for Board Review**  
**Approval of Refresher Programs**

## **PERSONAL APPEARANCES**

**(LPNI – Licensed Practical Nurse Case Number)**

**AK – LPNI100131** Ms. Harte recommended that the Board vote to uphold the previous motion. Ms. Mack seconded the motion and action will be presented to full board.

There being no further business, the meeting adjourned at 6:00 p.m.

## **THURSDAY, DECEMBER 10, 2009**

### **MEMBERS PRESENT:**

Barbara Mitchell, RN, NHA, President  
Jane Harte, LPN Vice President  
Vicky Mack, RN, MSN, Cognizant Member  
Le Ann Tuggle, Consumer Member

### **MEMBERS ABSENT:**

Judy Hilliard, LPN  
Mary Lynn Owensby, LPN

Jacqueline Barnes, LPN

### **STAFF PRESENT:**

Sandy Bond, RN, MSN, MBA, Executive Director  
Adrienne Price, RN, MSN, Nursing Consultant, Legal  
Janet Jackson, JD., Assistant Attorney General  
Pam Candler, Board Support Specialist

### **VISITORS PRESENT**

Lisa Anne Beck, M.Ed., D.C., Curriculum Program Specialist, Public Health & Safety/Nursing, TCGa  
Diana Meeks-Sjostrom, PhD, RN, MSN, FNP-BC, ONC, Director of Nursing, Bauder College  
Stephanie Kozol, Esq, Holland & Knight, L.L.P. (appearing for Bauder College)

Mrs. Mitchell called the meeting to order at 9:03 a.m. on Thursday, December 10, 2009. and determined that a quorum to conduct business existed.

Ms. Tuggle moved that the Agenda be approved as written. Ms. Mack seconded the motion and it carried unanimously.

Ms. Harte moved that the Minutes taken at the October Board Meeting and November Teleconference Meeting be approved as amended. Mrs. Tuggle seconded the motion and it carried unanimously.

### **EXECUTIVE DIRECTOR'S REPORT:**

Mrs. Bond reported on several administrative items:

- She thanked Mrs. Mitchell for working on proposed Rule Changes.
- A suggestion was made at Secretary of State's meeting with the Board Chairs to merge the Georgia Board of Nursing and the Georgia Board of Examiners of Practical Nursing.
- Policy changes have been suggested by a legislator

Mrs. Mitchell stated that the Board should look at items that should be standard between the two boards and formulate policy and rule changes to be more in line with the Registered Nursing Board. The Legislative session is scheduled to begin on January 13, 2010.

### **EXECUTIVE SESSION**

Ms. Harte moved, Ms. Mack seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-50 and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases and make recommendations to the Board on the above items.* The motion passed unanimously. Those voting to enter into Executive Session: Ms. Harte, Ms. Mack, Mrs. Tuggle and Mrs. Mitchell.

At the conclusion of Executive Session on Thursday, December 10, 2009, Mrs. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

### **RULES HEARING**

#### **Rule 400-2-.04 "Interstate Endorsement Licensure"**

The Georgia Board of Examiners of Licensed Practical Nurses received no correspondence relative to the adoption of Rule 400-2-.04 "Interstate Endorsement Licensure". Ms. Harte moved to adopt Rule 400-2-.04 as posted. Mrs. Tuggle seconded it and the motion carried unanimously.

## **RULE 400-2-.04 Interstate Endorsement Licensure. Amended**

- (1) An applicant for licensure by interstate endorsement must submit a completed application provided by the board and the following:
  - (a) Verification of active practice within the five (5) year period immediately preceding the application by submitting documentation of one of the following:
    1. three (3) months or five hundred (500) hours of paid licensed practice as a practical/vocational nurse; or
    2. completion of a Board-approved reentry/refreshers program within the five (5) years immediately preceding the date of current application.
    3. the requirement for active practice shall not apply to an applicant who:
      - i. has graduated from an approved program within one (1) year of the date of application; or
      - ii. was initially licensed within one (1) year of the date of the application.
  - (b) Certification under seal of the applicant's current licensure, in good standing, as a licensed practical nurse in another jurisdiction.
  - (c) The appropriate fee
  - (d) A recent passport type photograph (3x3)
  - (e) Additional verification of any requirements or credentials, as the Board may deem necessary, including, but not limited to, the following:
    1. Completion of a board approved practical nursing program or met the educational requirements in such other NCLEX-PN jurisdiction as deemed equivalent to requirements in Georgia.
    2. Successful passing of the NCLEX-PN. However, if the applicant's license in another jurisdiction was not based on passing the national licensing examination, the Board will allow the applicant to endorse with examination, provided all other requirements for licensure by endorsement are met. Upon approval the applicant for endorsement by exam must take the next available licensure examination.
    3. Verification of active practice as a licensed practical nurse within the last five years immediately preceding the application by submitting evidence of either three (3) months or five hundred (500) hours of paid licensed practice as a practical/vocational nurse or completion of a Board-approved reentry/refreshers program within the five (5) years immediately preceding the date of current application.
    4. Proof of high school graduation or G.E.D. Certificate.
- (2) Further Training: An applicant for endorsement who is unable to verify active practice of practical nursing as a licensed practical nurse for the five (5) year period which precedes the application shall be required to pursue further training, which may include but is not limited to the following:
  - (a) Successful completion of a board approved practical nursing program followed by taking the licensing examination.
  - (b) A refresher program with a minimum of eighty (80) hours of classroom-type instruction and eighty (80) hours of supervised clinical practice.
    1. Classroom Type Instruction must be designed to provide instruction in the nursing process, structured medication administration, cardiopulmonary resuscitation; universal precautions; legal/ethical aspects of nursing and health care, and practice skills specific to the agency or areas of practice.
    2. Supervised Clinical Practice: must be prior approved by the Board and provide eighty (80) hours in selected techniques specific to the agency or area of practice. The applicant must submit to the board for approval each of the following:
      - (i) a copy of the current valid license card of the licensed registered nurse, doctor, dentist or podiatrist that will supervise the clinical practice. The licensed supervisor must have been licensed for at least three (3) years.
      - (ii) a calendar or outline of the supervised clinical practice and practice areas, including orientation, if applicable
      - (iii) a temporary permit must be issued prior to beginning the supervised clinical practice and must be completed within six (6) months of issuance of the temporary permit

- (iv) at the end of the supervised clinical practice, the licensed supervisor must verify in writing, on a form provided by the Board, that the applicant has satisfactorily completed the supervised clinical practice.
- (v) the licensing examination in use at the time of the application.

Authority: O.C.G.A. §§ 43-26-32, 43-26-35 and 43-26-38.

### **Rule 400-3-.01 "New Nursing Education Program Defined. Amended".**

The Georgia Board of Examiners of Licensed Practical Nurses received no correspondence relative to the adoption **Rule 400-3-.01 "New Nursing Education Program Defined. Amended".** Mrs. Tuggle moved to adopt Rule 400-3-.01 as posted. Ms. Mack seconded the motion and it carried unanimously.

### **Rule 400-3-.01 General Requirements. Amended**

(1) A new nursing education program means the initial establishment of a nursing education program or the re-establishment of a closed nursing program.

(a) A new nursing education program is approved for one location or address only.

(b) Deleted.

(2) A new nursing education program in this state shall have applied for and received Board approval as provided in Rule 400-3-.02 prior to the initial enrollment of students.

(a) The Board Laws and Rules shall be followed in the development of a new nursing education program.

(b) The Board shall be actively involved in the development of a new nursing education program as provided in Rule 400-3-.02.

(c) Graduates of a nursing education program which does not have Board approval shall be denied admission to the licensure examination.

(d) It is a misdemeanor for any individual, corporation, or association to conduct a nursing education program in this state without Board approval pursuant to O.C.G.A., sec.43-26-42 (7).

(3) Any program which has had Board approval as of the effective date of this Rule shall be permitted to continue operation, unless its approval has been withdrawn.

(4) Any program whose approval status has been withdrawn pursuant to Rule 400-3-.03(5), must apply for approval as a new nursing education program as provided in Rule 400-3-.0.

(5) All nursing education programs and affiliated campus locations will be issued the same NCSBN program code number.

Authority O.C.G.A. Secs. 43-26-31(d), 43-26-32(d), 43-26-35, 43-26-42.

The Georgia Board of Examiners of Licensed Practical Nurses received no correspondence relative to the adoption **Rule 400-3-.02 "New Nursing Education Program Development. Amended".** Mrs. Tuggle moved to adopt Rule 400-3-.02 as posted. Ms. Harte seconded the motion and it carried unanimously.

### **400-3-.02 New Nursing Education Program Development. Amended.**

(1) Definitions.

(a) "Affiliating Clinical Facility" refers to a contracted health care agency utilized by a sponsoring agency for clinical experience of the students enrolled in a Board-approved nursing education program.

(b) "Approved Nursing Education Program" located in this state means a nursing education program approved by the board as meeting criteria established by the board. An "approved nursing education program" located outside this state means a nursing education program that the board has determined to meet criteria similar to and not less stringent than criteria established by the board. In order to be approved by the board, a nursing education program must be one that is offered by:

1. An unit of the University System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;
2. An institution of the Technical College system of Georgia;
3. A nonprofit postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United State Department of Education; or
4. a proprietary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

(c) "Campus laboratory" refers to the area in the classroom building which has been designed and organized to simulate the actual hospital patient care setting and where students shall obtain initial practice on each other and/or mannequins prior to experience at the affiliating clinical facilities.

(d) "Clinical learning focus objectives" refer to those outcomes and competencies to be gained by student assignment to a specific affiliating clinical facility and/or area within the agency.

(e) "Clinical rotation plan" refers to the schedule by which students shall be assigned to and rotated through the appropriate experiences available at each affiliating clinical facility (The quarterly Clinical Rotation Plan), and to the plan by which students shall be assigned to and rotated through all of the affiliating clinical facilities during the entire nursing education program (The Master Clinical Rotation Plan).

(f) "Learning Resource Library" refers to published literature, audiovisual aids, and all other educational materials available to faculty and students in the nursing education program.

(g) "Master Curriculum" Plan refers to the written summary showing the sequence of all courses offered in the nursing education program. It includes the number of contact or actual clock hours for each theory and clinical component of each course, the total hours of theoretical and clinical per quarter, and the total hours of theory and clinical for the entire program.

1. Theory includes those learning activities which occur in the classroom and campus laboratory setting.

2. Clinical includes pre- and post-conferences, actual patient care experience, and other patient-centered learning activities which occur in the clinical facility.

(h) A "Nursing Education Program" refers to a Board-approved program of practical nursing which has met the requirements of Board Laws and Rules in its establishment and operation in this state.

(i) "Sponsoring Agency" refers to a parent institution of the nursing education program. The parent institution shall provide financial and administrative support during the establishment and operational existence of a Board-approved nursing education program. Any change in the parent institution's accreditation or affiliation shall be reported to the Board within 30 days of such change.

(j) "Survey of need" refers to statements from potential affiliating clinical facilities' nursing directors on agency letterhead which describe each agency's current staffing patterns, the current number of vacancies per type of nursing personnel category; and the projected utilization of each level of nursing personnel within the facility in response to the changes occurring in the health care delivery system.

(k) "Syllabus" refers to a written summary of a course in the nursing education program. It includes the course title and number, its credit distribution, placement in the curriculum sequence, prerequisite and corequisite courses, a course description, learning goals or objectives, related learning activities, and clinical experience facility, if appropriate.

(2) At least twelve (12) months prior to the proposed enrollment of students in the first courses, the administrator of a sponsoring agency considering establishment of a nursing education program must submit a letter to the Board indicating intent to develop a program. The letter of intent shall include the following information:

(a) A documentation of need for graduates of the program (Survey of Need) which cannot be met by existing nursing education programs within a thirty (30) mile radius or by satellites of those programs within a sixty (60) mile radius of the proposed establishment site;

(b) Evidence that adequate clinical facilities are available for student experience;

1. Each potential affiliating clinical facility should submit a letter:

(i) expressing willingness to contract with the proposed new nursing education program for student experience; and

(ii) describing the specifics about nursing programs already utilizing the facility;

(iii) describing how it shall assure that the new program's clinical experience needs shall be met without overloading the agency;

2. At least three (3) licensed hospital or nursing home beds must be available for every one (1) student practical nurse at any given time;
3. At least 40% of the total required clinical experience hours must be obtained in the hospital setting;
  - (c) The availability of classroom and campus laboratory facilities and a learning resource library for the program;
  - (d) Evidence of financial resources for the planning, implementation and continuation of the program; and
  - (e) The estimated number of qualified applicants for initial and future classes as based upon a survey of the local community's interest in practical nursing education.
- (3) At least ten (10) months prior to offering the first courses, the administrator of the sponsoring agency shall submit to the Board the following information:
  - (a) The official name of the proposed new nursing education program; (b) The anticipated starting date of the program, the number of classes to be admitted per calendar year and the time(s) of admission of those classes, and the anticipated maximum number of students to be admitted per class;
  - (c) The official mailing address and telephone number for the program, and if different, the actual street location address for the classroom/laboratory/library building;
  - (d) A completed Clinical Facilities Information Sheet provided by the board which includes all requested specifics about the affiliating agencies;
  - (e) The Clinical Facility Self-Study Report from each proposed clinical facility affiliation which demonstrates compliance with board rules and which includes a current contract agreement between the sponsoring agency and the clinical facility and all other requested documentation;
  - (f) City/County maps which have been clearly marked to identify the actual locations of the nursing education program and each of its affiliating clinical facilities.
- (4) After the Board has received and reviewed the letter of intent and the materials pursuant to Rule 400-3-.02(2) and (3), The Board shall conduct site visits to the proposed new nursing education program and all of its affiliating clinical facilities.
  - (a) If compliance with Board Laws & Rules has been demonstrated, the Board will grant Developmental Approval.
  - (b) If Developmental Approval is not granted, a written explanation shall be provided to the proposed new nursing education program.
- (5) At least eight (8) months prior to the enrollment of students in the first courses, the following materials shall be submitted as Report I:
  - (a) The administrative structure of the sponsoring agency which demonstrates the lines of authority for the new nursing education program;
  - (b) A Nursing Faculty Qualification Record and a copy of the current Georgia Registered Nurse license which demonstrates compliance with Rule 400-3-.08, of the Practical Nursing Education Program Director or consultant who has been employed to continue the initial development of the new nursing education program;
  - (c) The program purpose, philosophy, and student terminal objectives pursuant to Rule 400-3-.06;
  - (d) A Master Curriculum Plan as described in Rule 400-3-.02(1)(f) and consistent with Rule 400-3-.07;
  - (e) The syllabi for all courses in the curriculum as described in Rule 400-3-.02(1)(j);
  - (f) A school/program catalog; AND
  - (g) All program and student policies shall include those which are specific to the nursing education program pursuant to Rule 400-3-.10(2). The policies should include: admission, academic standards, curriculum, student grievance, Occupational Safety and Health Administration Guidelines, and student health.
- (6) At least four (4) months prior to the enrollment of students in the first courses, the following materials pertaining to each course to be offered during the first half of the curriculum shall be submitted as Report II:
  - (a) The specific theoretical and clinical objectives/competencies for each unit of study within each course;
  - (b) The course/teacher/clinical experience evaluation form(s) and procedure(s) which shall be used quarterly to critique all program learning activities and student/teacher interactions; AND
  - (c) The student learning and progress evaluation procedures and forms which shall be used in an ongoing critique of each student's theoretical and clinical progress toward each course's objectives and competencies.
- (7) At least one (1) month prior to enrollment of students in the first courses, the completed Nursing Faculty Summary Sheet, the Nursing Faculty Qualification Records, and copies of current Georgia Registered Nurse licenses of the

Practical Nursing Department Director and all nursing faculty shall be submitted as Report III. All nursing faculty must demonstrate the qualifications as set forth in Rule 400-3-.08.

(8) Provisional Approval shall be considered after the Board reviews Reports I, II, and III and must be granted prior to the admission of students.

(a) If Provisional Approval is not granted, an explanation shall be included in the report to the school.

(b) A nursing education program with Provisional Approval is required to comply with all Board Laws and Rules pertaining to nursing education programs.

(c) A new program granted Provisional Approval will remain on Provisional Approval for two years or until its first graduating class has taken its initial licensing examination, whichever is earlier, and the scores report is reviewed by the Board.

(9) No later than one (1) month after the enrollment of students in the first courses, the following materials shall be submitted as Report IV:

(a) The actual start date of the program;

(b) The actual number of students enrolled;

(c) The projected completion/graduation date of the first graduates of the program; and

(d) The graduate evaluation forms and procedures which shall be used within the first year after graduation of each class to obtain job entry-level performance critiques from all graduates and their employers.

(10) The program shall be eligible for Full Approval if it has demonstrated compliance with all Board Laws and Rules, and if 80% of its first graduating class have passed their initial licensing examination after graduation during the period of Provisional Approval. Site visits to the program shall be conducted at least annually by the Board representatives until Full Approval is granted.

(11) The program shall be placed on Conditional Approval if it has demonstrated noncompliance with any of the Board Laws or Rules, OR if less than 80% of its first graduating class have passed their initial licensing examination during the period of Provisional Approval.

(a) Conditional Approval status shall continue for one additional year. During this year, the program must demonstrate compliance with all Board Laws and Rules AND the program must achieve a 80% pass rate of its graduates who have taken their initial licensing examination in order to receive Full Approval.

(b) Failure to achieve Full Approval within this three year period shall result in Withdrawn Approval pursuant to Rules 400-3-.03 and 400-3-.04.

(12) Graduates of a nursing education program which does not have Board approval shall be denied admission to the licensure examination.

(13) No later than six (6) months after the enrollment of students in the first courses, the following materials pertaining to each course to be offered during the remainder of the program's curriculum shall be submitted as Report V.

(a) The specific theoretical and clinical objectives/competencies for each unit of study within each course.

(b) Written plans for the utilization of affiliating clinical facilities as described in board rules.

(c) The student learning and progress evaluation procedures and forms which shall be used in an ongoing critique of each student's academic and clinical progress toward each course's objectives and competencies, if different from materials submitted in Report II.

(14) It is the responsibility of the sponsoring agency to submit two (2) copies of each required report to the board at least three (3) weeks prior to the scheduled board meeting at which the report is to be considered.

Authority O.C.G.A. §§. 43-26-32 and 43-26-35.

The Georgia Board of Examiners of Licensed Practical Nurses received no correspondence relative to the adoption **Rule 400-3-.14 Program Changes Requiring Board Approval and Board Notification and Procedures for Approval. Amended.** Ms. Mack moved to adopt Rule 400-3-.14 as posted. Ms. Tuggle seconded the motion and it carried unanimously.

**400-3-.14 Program Changes Requiring Board Approval and Board Notification and Procedures for Approval. Amended.**

(1) The following proposed changes in the practical nursing education program require board approval prior to their implementation. The program shall submit two (2) copies of the materials requested to the board at least three weeks prior to the board meeting at which the request will be considered.

(a) An established program in good standing that is moving to another facility will maintain its prior Board approval status. Such program shall demonstrate to the Board prior to the move that existing standards will be maintained.

(b) Any existing program that has been on full approval for two (2) consecutive years may be eligible to apply to establish a satellite.

1. A survey of need must be submitted.

2. Other changes requiring Board approval shall be submitted prior to the establishment of the satellite pursuant to Rule 400-3-.14.

3. All nursing education programs and affiliated campus programs will be issued the same NCSBN program code number.

(c) The addition of new clinical facility(ies) for actual student patient care experience. The following materials must be submitted:

1. A revised Clinical Facilities Information Sheet as provided in Rule 400-3-.13.

2. A Clinical Facility Self Study Report as provided in Rule 400-3-.13.

3. A copy of the current signed contract between the proposed clinical affiliate(s) and the program's sponsoring agency.

4. The rationale for the addition which explains how the students' educational experience will be affected.

5. The Clinical Learning Focus Objectives for the experience for the proposed facility(ies) as provided in Rule 400-3-.02(1)(c).

6. The Clinical Rotation Plan which demonstrates student assignment at the proposed facility(ies) as provided in Rule 400-3-.02(1)(d).

7. A description of student supervision at the facility. If new nursing faculty or preceptors are to be utilized, submit an updated Nursing Faculty Summary Sheet and Nursing Faculty Qualification Record(s), Preceptor Summary Sheet and Preceptor Qualification Record as provided in Rule 400-3-.13.

(d) Plans to discontinue a practical nursing education program require documentation as provided in Rule 400-3-.15.

(2) The following changes in the practical nursing education program may be implemented by the program, but require board notification within thirty (30) days of the implementation. The notification shall be submitted on the forms requested.

(a) Practical Nursing Education Program name change requires the former name, new name, and effective date.

(b) The employment of nursing faculty and/or the appointment of preceptors require an updated Nursing Faculty Summary Sheet and Nursing Faculty Qualification Record(s), Preceptor Qualification Record and Preceptor Summary Sheet as provided in Rule 400-3-.13.

Authority O.C.G.A. §. 43-26-35.

Mrs. Tuggle moved that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's Office. Ms. Harte seconded the motion and it carried unanimously.

## **EXECUTIVE SESSION**

Ms. Harte moved, Ms. Mack seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §§43-1-2(k); 43-1-19(h); 43-26-50 and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative cases and pending cases and make recommendations to the Board on the above items*. The motion passed unanimously. Those voting to enter into Executive Session: Ms. Harte, Ms. Mack, Mrs. Tuggle and Ms. Mitchell.

At the conclusion of Executive Session on Thursday, December 10, 2009, Mrs. Mitchell declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

## **ENFORCEMENT REPORT**

**(LPNI – Licensed Practical Nurses CASE Numbers )**

**LPNI1080124 LMJ** Ms. Harte moved to send this case to the Attorney General's office for an Order to licensee to have an outpatient mental/physical examination. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Tuggle seconded the motion and it carried unanimously.

**LPNI1080125 YLT** Mrs. Tuggle moved to close the case. Ms. Harte seconded the motion and it carried unanimously.

**LPNI1080043 ALM** Mrs. Tuggle moved to send this case to the Attorney General's office for an Order to licensee to have an outpatient mental/physical examination. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Harte seconded the motion and it carried unanimously.

**LPNI1080140 ANL** Ms. Harte moved to send this case to the Attorney General's office for an indefinite suspension. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI1080015 BKS** Ms. Mack moved to notify the Oklahoma Board of Nursing of her positive drug screens. Ms. Mack also moved to flag L2K should she try to reinstate her license and to request that she have an outpatient mental/physical examination. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI1080130 JT** Ms. Harte moved to send this case to the Attorney General's office for an Order to licensee to have an outpatient mental/physical examination. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Tuggle seconded the motion and it carried unanimously.

**LPNI10800334 AFM** Ms. Harte moved to send this case to the Attorney General's office for an Order to licensee to have an outpatient mental/physical examination. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a hearing or consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Ms. Mack seconded the motion and it carried unanimously.

**LPNI1090105 RLM** Ms. Mack moved to close the case. Ms. Harte seconded and motion and it carried unanimously.

**LPNI1080052 TB** Ms. Mack moved to close the case with a letter of concern re: unprofessional conduct. Mrs. Tuggle seconded the motion and it carried unanimously.

## **LEGAL SERVICES REPORT:**

**Applicant ID# 1203431 – ASD** Ms. Mack moved to extend the temporary permit for an additional 30 days and to uphold the previous motion. Accept consent agreement with payment of \$100.00 and reinstate their license. The remainder of their fine is to be paid by March 31, 2010. The Executive Director may sign the Consent Agreement with express permission of Board Chairman. Ms. Harte seconded the motion and it carried unanimously.

**Applicant ID#1173134 – GMD** Ms. Harte moved to place this file in a pending status until a letter of intention is received from legal counsel. Legal Services is to advise counsel of expiration date of application. The applicant may be required to submit a new application with applicable fees if a letter of intent is not received prior to expiration date of current application. Ms. Mack seconded the motion and it carried unanimously. Ms. Tuggle abstained.

Mrs. Tuggle moved to approve the listing of signed Public Consent Agreements as follows:

**LPNI100120 Day, Heather H.**

**LPNI100119 Tanner, Pepsee L.**

**LPNI100117 Overstreet, Jennifer**

**LPNI100126 Bivins, Ron A.**

**LPNI 090104 Rachels, Maria T**

**LPNI 100118 Harris, Jeanne A.**

**LPNI100122 Land, Sandra L.**

**LPNI100124 Williamson, Katherine**

**LPNI 100114 Mott, Cindy Lou**

**LPNI100112 Butler, Ginger H.**

Ms. Harte seconded the motion and it carried unanimously.

**PUBLIC APPEARANCES:**

**(LPNI – Licensed Practical Nurses CASE Numbers )**

**LPNI100131-AK** Ms. Mack moved that the Board uphold previous motion. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100101-MAR** Applicant failed to appear for her personal appearance. She stated that she did not have enough money to purchase gasoline to attend the meeting.

**NCLEX-PN APPLICATION REVIEW**

**(LPNI – Licensed Practical Nurse CASE Numbers)**

**LPNI 100168** Ms. Mack moved to issue license with a letter of concern re: alcohol. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100169** Ms. Harte moved to issue license with a letter of concern re: criminal background. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100171** Ms. Harte moved to issue license with a letter of concern re: alcohol. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100173** Ms. Harte moved to issue license with a letter of concern re: criminal background. Ms. Mack seconded the motion and it carried unanimously.

**LPNI100164** Ms. Mack moved to refer this case to legal services for a public consent agreement with a \$250.00 fine for failure to disclose criminal conviction. Ms. Tuggle seconded the motion and it carried unanimously.

**LPNI100162** Ms. Mack moved to close the case and issue the license. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100161** Ms. Harte moved to issue license with a letter of concern re: criminal background. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100153** Ms. Mack moved to write the applicant a letter requesting an outpatient mental/physical examination as a condition of the Board's consideration of the application. Results are to be reviewed by the Cognizant Board Member. If warranted, refer to the Attorney General's Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted, proceed with licensure and close the case. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100104** Ms. Harte moved to deny licensure based on applicant's failure to graduate from an approved nursing education program and falsification of application. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100155** Ms. Mack moved to deny licensure based on applicant's criminal history. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100157** Ms. Mack moved to write the applicant a letter requesting an outpatient mental/physical examination as a condition of the Board's consideration of the application. Results are to be reviewed by the Board. If warranted, refer to the Attorney General's Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted, proceed with licensure and close the case. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100160** Ms. Harte moved to close the case and issue the license. Mrs. Tuggle seconded the motion and it carried unanimously.

## **ENDORSEMENT APPLICATION REVIEW**

### **(LPNI- Licensed Practical Nurse CASE Numbers**

**LPNI100159** Ms. Harte moved to proceed with licensure by endorsement. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100174** Ms. Mack moved to proceed with licensure by endorsement. Ms. Harte seconded the motion and it carried unanimously.

## **REINSTATEMENT APPLICATION REVIEW**

### **(LPNI- Licensed Practical Nurse CASE Numbers**

**LPNI070105** Ms. Harte moved to issue license with a letter of concern re: substandard care. Mrs. Tuggle seconded the motion and it carried unanimously.

## **REQUEST FOR RECONSIDERATION**

### **(LPNI- Licensed Practical Nurse CASE Numbers**

**LPNI100028** Ms. Harte moved to rescind the previous board order and refer to the Attorney General for a public consent order. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100113** Ms. Harte moved to rescind the previous motion and refer to Legal Services for a Private Consent Agreement. The Executive Director is given express permission to sign this document. Mrs. Tuggle seconded the motion and it carried unanimously.

## **REQUEST TO LIFT NARCOTIC RESTRICTION**

**LPNI080044** Ms. Mack moved to lift the narcotics restriction on this licensee. Mrs. Tuggle seconded the motion and it carried unanimously.

## **POSSIBLE VIOLATIONS OF CONSENT ORDERS**

**LPNI060170** Ms. Mack moved to refer this case to the Attorney General for an Indefinite Suspension or a Voluntary Surrender. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI080178** Ms. Mack moved to refer this case to the Attorney General for a Consent Order extension of one year. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100163** Mrs. Tuggle moved to close case with a letter of concern re: noncompliance and to inform licensee that the board has decided not to take action. If, however, she violates her consent order in the future, the Board will seek a suspension or revocation of her license. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100165** Ms. Harte moved to refer to the Attorney General for an indefinite suspension. Licensee may petition to lift suspension after receipt of evaluation of mental disorder as requested in Consent Order. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100167** Ms. Harte moved to refer to the Attorney General for an extension of all terms of probation for two additional years. She also moved to deny licensee's request to lift restrictions. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100175** Ms. Harte moved to refer to the Attorney General for an extension of all terms of probation for one additional year. Mrs. Tuggle seconded the motion and it carried unanimously.

## **APPLICATIONS**

### **(LPNI - Licensed Practical Nurses CASE Numbers )**

**LPNI100176 CT** Ms. Mack moved to allow applicant a 90 day extension from December 10, 2009 to sit for the examination. Additionally, she is not to be working and must take and pass the examination within the time period. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100177 JM** Ms. Harte moved to allow applicant to sit for the NCLEX-PN Examination and issue a license upon successful completion of the exam. Ms. Mack seconded the motion and it carried unanimously.

**LPNI100178 JA** Ms. Mack moved to refer to Legal Services for a Private Consent Agreement with a \$500.00 fine for unlicensed practice. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100179 TA** Ms. Mack moved to refer to Legal Services for a Private Consent Agreement with a \$500.00 fine for unlicensed practice. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100180CB** Ms. Harte moved to refer to Legal Services for a Private Consent Agreement with a \$100.00 fine for unlicensed practice. Ms. Mack seconded the motion and it carried unanimously.

**LPNI100149 CF** Mrs. Tuggle moved to refer to Legal Services for a Private Consent Agreement with a \$500.00 fine for unlicensed practice. Ms. Harte seconded the motion and it carried unanimously.

**LPNI100181 AC** Ms. Mack moved to refer to Legal Services for a Private Consent Agreement with a \$500.00 fine for unlicensed practice. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100182 DB** Ms. Harte moved to deny licensure based on the fact that applicant has not worked for compensation as a Licensed Practical Nurse for over ten years. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI070161 RB** Ms. Harte moved to refer to Attorney General's office for a Private Consent Order with a fine of \$500.00 and language regarding possible disciplinary action on pending complaint. The Executive Director is given express permission to sign this order by the Board Chairman. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI100183 DB** Ms. Mack moved to write the applicant a letter requesting an outpatient Mental/Physical Examination as a condition of the Board's consideration of the application. Results are to be reviewed by the Board. If warranted, refer to the Attorney General's Office for a consent agreement utilizing evaluation results and/or recommendations. If not warranted, proceed with licensure and close the case. Ms. Harte seconded the motion and it carried unanimously.

**APPROVAL OF REFRESHER PROGRAMS**  
**(LPNI – Licensed Practical Nurses CASE Numbers)**

**LPNI1000186 DW** Ms. Mack moved to issue a temporary permit for six (6) months to complete refresher program. Ms. Harte seconded the motion and it carried unanimously.

**LPNI1000187 MT** Mrs. Tuggle moved to issue a temporary permit for six (6) months to complete refresher program. Ms. Harte seconded the motion and it carried unanimously.

**LPNI1000188 MA** Mrs. Tuggle moved to issue a temporary permit for six (6) months to complete a refresher program. Ms. Mack seconded the motion and it carried unanimously.

**LPNI1000190 CH** Ms. Mack moved to refer to Legal Services for a Public Consent Agreement for Unlicensed Practice and a fine of \$500.00. Mrs. Tuggle seconded the motion and it carried unanimously.

**LPNI1000191 BG** Ms. Harte moved to refer to Legal Services for a Public Consent Agreement for Unlicensed Practice with a fine of \$5,000.00. Ms. Mack seconded the motion and it carried unanimously.

**LPNI1000189 CG** Ms. Harte moved to issue a temporary permit for six (6) months to complete refresher program. Ms. Tuggle seconded the motion and it carried unanimously.

## **ATTORNEY GENERAL'S STATUS REPORT – JANET JACKSON**

Ms. Harte moved to accept the Attorney General's Status and Activity Report and to accept Consent Agreements/Orders and other actions as prepared by the Attorney General's office for the following licensees:

**Adams, Jennifer , LPN010759** – Public Consent Order, with 5 years probation and quarterly employer, personal and after care reports.

**Earle, Cynthia, LPN034915** – Public Reprimand with a \$500.00 fine and courses in HIPPA Regulations and Ethics.

**McGhee, Max, LPN077137** – Public Consent Order, with 5 years probation and quarterly employer, personal and after care reports.

Ms. Jackson also updated the board on pending cases that she is currently preparing for further Board action, and closed cases since the previous board meeting.

Mrs. Tuggle seconded the motion and it carried unanimously.

## **BOARD MINUTES**

Mrs. Tuggle moved to accept the October Board Meeting Minutes as amended. Ms. Harte seconded the motion and it carried unanimously.

Ms. Mack moved to accept the November Conference Call Minutes as amended. Mrs. Tuggle seconded the motion and it carried unanimously.

## **LICENSES ADMINISTRATIVELY ISSUED**

Mrs. Tuggle moved to ratify the list of licenses administratively issued October 11, 2009 to December 7, 2009. Ms. Mack seconded the motion and it carried unanimously.

## **POLICY CHANGES/ ADDITIONS/ DELETIONS**

Mrs. Tuggle moved to revise Policy on Unlicensed Practice Fine Grid to levy \$50.00 per month up to 12 months, then \$100.00 per month with the following months remaining the same. Ms. Harte seconded the motion and it carried unanimously.

Ms. Harte moved to change the Discipline Policy on Unlicensed Practice to include items edited by the Attorney General's office which would allow the licensing staff to issue temporary permits for up to six (6) months once the Cognizant has reviewed the application and made their recommendations. Ms. Mack seconded the motion and it carried unanimously.

Ms. Mack moved to direct the Attorney General's office and staff to restructure policy for failure to disclose. Mrs. Tuggle seconded the motion and it carried unanimously.

Ms. Harte moved to change policy guidelines for reinstatement applicants as follows:

No practice for a period of 5 to 8 years after expiration of license, applicant must take 80 hours of didactic (classroom) instruction and 80 hours of clinical practice.

No practice for a period of 8 to 10 years after expiration of license, applicant must take 80 hours of classroom instruction and 160 hours of clinical practice. Clinical practice hours must cover nursing practices, geriatrics, pediatrics, HIPPA, medication administrations, universal precautions, MRSA, HIV, rules, documentation, ethics, IV therapy, patients' rights, restraints and proper usage.

No practice for a period in excess of 10 years will be evaluated on a case by case basis at the Board's discretion.

Motion was seconded by Mrs. Tuggle and it carried unanimously.

### **FLINT RIVER TECHNICAL COLLEGE**

Ms. Harte moved to grant Flint River Technical College's request to conduct pediatric clinical practice during the day time hours, rather than normally scheduled evening hours. Mrs. Tuggle seconded the motion and it carried unanimously.

### **RULES WAIVER – ALTAMAHA TECHNICAL COLLEGE**

Ms. Mack moved to grant waiver for twelve months, but not granting waiver of submission of information required in the 12 month report. Mrs. Tuggle seconded the motion and it carried unanimously.

### **BAUDER COLLEGE**

Mrs. Mitchell discussed with representatives from Bauder College that they were granted developmental approval at the November Conference Call, but the Board wanted to take this opportunity to discuss some of their concerns: Based on Rule 400-3-.03(1) the Board may grant developmental approval based on compliance with Rule 400-3-.02(4). After the Board received and reviewed the letter of intent for the developmental approval of a nursing education program from Bauder College, the board voted to grant developmental approval at the November 4, 2009 teleconference, with express concerns and reservations by members of the Board. As a result of the Board's concerns, the application and the letter of intent were revisited. In review of the information submitted, the Board determined the following:

1. The Surveys of Need were not presented on the affiliate's letterhead in accordance with Rule 400-3-.02(1)(i).
2. The survey of need submitted does not adequately reflect the need for graduates of this program . Rule 400-3-.2(2)(a).
3. Documentation related to clinical experiences proved to be inadequate as the data does not clearly define how the clinical facilities will be used to accommodate the number of students enrolled in accordance with Rule 400-3-.02(2)(b).

Based on the above information and noncompliance with 400-3-.02(4), the Board moved to modify its decision to grant developmental approval to state that until the above issues have been resolved to the satisfaction of the Board, provisional approval will not be granted.

There being no further business, the meeting adjourned at 4:30 p.m.

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Barbara Mitchell, RN, NHA, **President**

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Sandy Bond, RN, MSN, MBA, **Executive Director**

The minutes of the Board Meeting were recorded by Pam Candler, Board Support Specialist and approved on \_\_\_\_\_2010\_\_\_\_\_