

The Georgia Board of Nursing met January 31, 2011 in conference room 104 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, 31217.

MEMBERS PRESENT

Mary Anderson, RN, BSN, MA, President
Janice Flynn, DSN, RN, Vice President
Nancy Robinson, RNC, LNHA
Dawn Taylor, JD, Consumer Member
Barry Cranfill, RN, CRNA, MHS, MBA, FAAPM
Cassie Davis, RN
Kathrine Mann, RN, CRNA
Anita Hufft, PhD, RN

STAFF PRESENT

James Cleghorn, Executive Director
Gwendolyn Dodson, Administrative Assistant
Adrienne Price, RN, MSN, Legal Nursing Consultant – Discipline
Janet Jackson, JD, Assistant Attorney General
Katrina Martin, RN, MSN, Licensing Nursing Consultant – Licensing Supervisor
Sonya Williams, Staff Attorney, Legal Services

PERSONAL APPEARANCES

BH-RNI110424 KL-RNI110340 JN-RNI110502 RW-RNI110511 SL-RNI110672 CS-RNI110316 DM-RNI110826

VISITORS PRESENT (During Executive Session, Visitors are excused unless scheduled for personal appearances)

Trey Reese Nikeisha Rumph

Anderson called the meeting to order at 9:55 a.m.

EXECUTIVE SESSION

Taylor moved, Cranfill 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), 43-26-5 (c) and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative reports and pending cases*. The motion passed unanimously.

At the conclusion of Executive Session on Monday, January 31, 2011, Anderson declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

PERSONAL APPEARANCES

(RNI=Registered Nurse Investigative Case Number)

RNI110424 – Taylor moved to rescind the previous board motion from the October 22, 2010 board meeting and proceed with licensure. Mann seconded the motion and it carried unanimously.

RNI110340 – Taylor moved to allow respondent to submit an application for licensure by examination and the take the NCLEX-RN. Davis seconded the motion and it carried unanimously.

RNI110502 – Taylor moved to uphold the previous board motion from the December 22, 2010 board meeting. Flynn seconded the motion and it carried unanimously.

RNI110511 – Taylor moved to uphold previous board motion from the January 13-14, 2011 board meeting and require applicant to make a written request with date of original signature affixed there for a copy of her application and all information received related to the application. Taylor seconded the motion and it carried unanimously.

RNI110672 – Taylor moved to rescind the previous board motion from the January 13-14, 2011 board meeting and proceed with licensure by endorsement. Flynn seconded the motion and it carried unanimously.

RNI110316 – Mann moved to uphold the previous board motion from the November 17-18, 2010 and extend temporary permit for 90 days. Cranfill seconded the motion and it carried unanimously.

RNI110826 – Taylor moved to uphold the previous board motion from the May 12-13, 2010. Cranfill seconded the motion and it carried unanimously.

RULE 410-7-.01 – LICENSURE BY ENDORSEMENT FOR REGISTERED NURSES LICENSED IN ANOTHER NCLEX-RN (SBTPE) JURISDICTION. AMENDED

Davis moved to accept the changes to Rule 410-7-.01 as presented and vote to post. Robinson seconded the motion and it carried unanimously.

410-7-.01 Licensure by Endorsement for Registered Nurses Licensed in Another NCLEX-RN (SBTPE) Jurisdiction. Amended.

(1) An applicant who is licensed as a registered nurse in another jurisdiction must:

(a) have graduated from a nursing education program prior to passing a licensing examination recognized by the Board as valid for licensure as a registered nurse in Georgia:

1. the current National Council Licensure Examination for Registered Nurses (NCLEXRN) for which a passing result must be achieved.

2. earlier series of the NCLEX-RN and State Board Test Pool Examination (SBTPE) if all required parts of the test were taken and graded, and if the scores qualified the nurse for a license in another licensing jurisdiction or country using either the NCLEX-RN or SBTPE at the time of licensure;

3. licensing examinations administered by the Board of Nursing of another state or territory of the United States prior to 1951, if the scores qualified the nurse for licensure;

(b) be currently licensed under the laws of another NCLEX-RN jurisdiction until licensure in Georgia is approved;

(c) request the Board(s) of original and current licensure to submit verification of (a) and

(b) above on a form provided by the Georgia Board of Nursing.

(2) The applicant shall submit a completed application, on a form provided by the Board, ~~a photograph~~, the required fee, and requested supporting documents.

(3) The applicant must be able to document one of the following within the four (4) years immediately preceding the date of current application:

(a) three (3) months or 500 hours of licensed practice as a registered nurse;

(b) graduation from a nursing education program within the four (4) years immediately preceding the date of current application; or

(c) completion of a Board-approved reentry/refresher program within the four (4) years immediately preceding the date of current application.

(4) An applicant who is unable to meet the requirements of 410-7-.01 (3) (a) (b) or (c) must satisfactorily complete both of the following:

(a) 40 hours of study relevant to nursing practice within one (1) year of the date of application. Relevant study must include at least four (4) different content areas to include cardio-pulmonary resuscitation and Georgia Board of Nursing Law (Nurse Practice Act) and Rules. The Board may waive this requirement if the applicant has passed NCLEX-RN within the four (4) years immediately preceding the date of current application.

(b) 160 hours, (or amount specified by the Board) of relevant nursing practice in accordance with the criteria specified in 410-6-.02 (2) (f) 1. through 7.

(5) An applicant who has submitted a completed application accompanied by evidence of current licensure in another NCLEX-RN jurisdiction may be issued a temporary permit to practice as a registered nurse for six (6) months.

(6) The Georgia Board of Nursing's website shall be considered primary source of verification for licensed individuals. If applicable, A a temporary permit or permanent license must be presented to the employer prior to employee's beginning any nursing position (including orientation) for which current Georgia licensure as a registered professional nurse is required.

(7) An applicant who holds an endorsement temporary permit may use the title registered nurse (R.N.).

(8) An application is considered valid for one year from the date of submission. After one year, an applicant must submit a new application, photograph, required fee, and those supporting documents which are subject to change.

(9) An applicant who is under investigation for possible violation of any Nurse Practice Act may not be issued a license until the matter is resolved to the satisfaction of the Board. If the charges are substantiated, the license may be denied or sanctioned despite the applicant's meeting all other criteria for licensure.

(10) An applicant for licensure by endorsement who has begun employment as a registered nurse in Georgia prior to issuance of a temporary permit or license shall be subject to a referral to the Legal Services Office for a Consent Order which may include:

(a) a public reprimand; and

(b) a fine of \$50.00 per month (up to \$250.00) for practice between two (2) and six (6) months (or any portion thereof);

(c) a fine of \$75.00 per month for each additional month (or portion thereof) between seven (7) and twelve (12) months;

(d) a fine at the Board's discretion for unlicensed practice extending over one (1) year.

Cranfill moved that the formulation and adoption of these rules does 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. Davis seconded the motion and it carried unanimously.

RULE 410-8-.01 – REINSTATEMENT OF LICENSE. AMENDED

Davis moved to accept the changes to Rule 410-8-.01 as presented and vote to post. Mann seconded the motion and it carried unanimously.

410-8-.01 Reinstatement of License. Amended.

(1) The applicant shall submit a completed application, on a form provided by the Board, a photograph and the required fee.

(2) The applicant must be able to document **one** of the following:

(a) three (3) months or 500 hours of licensed practice as a registered nurse during the four

(4) years immediately preceding the date of application;

(b) graduation from a nursing education program within the four (4) years immediately preceding the date of current application; or

(c) completion of a Board approved reentry or refresher program within the four (4) years immediately preceding the date of current application.

(3) An applicant unable to meet the requirements of 410-8-.01(2) must complete 40 hours of relevant study as described in 410-7-.01 (4)(a) and 160 hours of relevant nursing practice as described in 410-6-.02(f)1. through 7.

(4) The Georgia Board of Nursing's website shall be considered the primary source of verification for licensed individuals. If applicable, A temporary permit or permanent license must be presented to the employer prior to the employee beginning any nursing position (including orientation) for which current Georgia licensure as a registered professional nurse is required.

(5) An applicant who has been or is under investigation for possible violation of the Nurse Practice Act may not be issued a temporary permit or license until the matter is resolved to the satisfaction of the Board. If charges are substantiated, the license may be denied or sanctioned despite the applicant meeting all other criteria for reinstatement.

Davis moved that the formulation and adoption of these rules does 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. Mann seconded the motion and it carried unanimously.

RULE 410-9.01 – RENEWAL OF LICENSE

Taylor moved to accept the changes to Rule 410-8.01 as presented and vote to post. Cranfill seconded the motion and it carried unanimously.

410-9.01 Renewal of License.

(1) Licenses shall expire according to the rules of the Joint Secretary, State Examining Boards, Rule 295-2-.05, Licenses Expiring January 31 – Even Years and Rule 295-2-.12, Licenses Expiring January 31 – Odd Years.

(2) Completed license renewal applications, accompanied by the required fee, shall be submitted by the posted deadline.

~~(3) A licensee must present the current license to the employer by February 1, or the next work day, after the license expires to continue employment as a registered professional nurse. However, if the license has been renewed but has not been received by the licensee or the employer is located in another city or state, then the licensee shall cause the employer to verify current license status through the Board web site, www.sos.state.ga.us.~~

~~(4) (3) Registered nurse employers shall not permit anyone to practice as a registered professional nurse without evidence of a current license or temporary permit after February 1 after the license expires. The Georgia Board of Nursing's website shall be considered the primary source of verification for licensed individuals.~~

~~(5) (4) License renewal applications postmarked after January 31 the year your license expires will be returned and the licensee required to reinstate the license.~~

~~(6) (5) A name change occurring during the renewal period may be processed without additional fee provided that a copy of the marriage certificate, court order, or substantiating documentation accompanies the renewal application.~~

Taylor moved that the formulation and adoption of these rules does 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. Cranfill seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Taylor moved, Cranfill 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), 43-26-5 (c) and 43-26-11, to *deliberate on applications and enforcement matters and to receive information on applications, investigative reports and pending cases.* The motion passed unanimously.

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CONSENT AGREEMENTS/ORDERS – ATTORNEY GENERAL'S OFFICE

(RNI – Registered Nurse Investigative Case Number)

Taylor moved to accept the Attorney General's Status and Activity Report and to accept the following Consent Agreements/Orders as prepared by the Attorney General's Office:

RNI110028

Hufft seconded the motion and it carried unanimously.

RNI030022 – Cranfill moved to rescind the previous board motion from the November 17-18, 2010 board meeting, allow licensure renewal and refer to the Attorney General's office for a hearing or private consent order to include probation for two (2) years, substance abuse stipulations and quarterly reports (employer, aftercare & personal). Taylor seconded the motion and it carried unanimously.

RNI070377 – Taylor moved to rescind the previous board motion from the November 17-18, 2010 board meeting, allow licensure renewal and refer to the Attorney General's office for a hearing or Private Consent order to include probation for two (2) years, substance abuse stipulations and quarterly reports. Cranfill seconded the motion and it carried unanimously.

RNI060355 – Cranfill moved to rescind the previous board motion from the January 13-14, 2011 board meeting and allow licensure renewal. Robinson seconded the motion and it carried unanimously.

RNI110397 – Cranfill moved to rescind previous motion from the November 17-18, 2010 board meeting, refer to the Attorney General's office to issue an expedited MPE and refer to the Office of Inspector General for an expedited investigation to obtain evidence as outlined by the Assistant Attorney General. Davis seconded the motion and it carried unanimously.

RNI080235 – Robinson moved to refer to the Attorney General's office for a Summary Suspension and to refer to the Office of Inspector General to investigate additional complaints in an expedited manner. Cranfill seconded the motion and it carried unanimously.

RNI110428 – Taylor moved to refer to the Attorney General's office for a Summary Suspension and to require licensee to provide certified copies of the California Board of Nursing order to the Attorney General's office. Cranfill seconded the motion and it carried unanimously.

MISCELLANEOUS

(RNI – Registered Nurse Investigative Case Number)

RNI070244 – Cranfill moved to accept order for early termination of probation. Taylor seconded the motion and it carried unanimously.

RNI110014 – Taylor moved to release the investigative file as allowed by the statute. Cranfill seconded the motion and it carried unanimously.

OFFICE GENERATED REPORTS – ADRIENNE PRICE

(RNI – Registered Nurse Investigative Case Number)

RNI110095 – Robinson moved to allow renewal of licensure and refer to the Attorney General's office for a hearing or a private consent order to include probation for four (4) years, substance abuse stipulations, narcotic restrictions for two (2) years, quarterly reports (employer, aftercare & personal) and a fine of \$500 for failure to disclose felony conviction in time allowed. Cranfill seconded the motion and it carried unanimously.

RNI080488 – Robinson moved to close the case with a Letter of Concern re: Alcohol. Mann seconded the motion and it carried unanimously.

RNI080197 – Cranfill moved to rescind previous motion from the January 13-14, 2011 board meeting. If in compliance, probation may be terminated June 24, 2011. Davis seconded the motion and it carried unanimously.

RNI110669 – Hufft moved to refer to Legal Services for a public consent order to include a fine of \$1000 for failure to disclose arrests and other Board action and a \$500 for second Board action. Cranfill seconded the motion and it carried unanimously.

RNI110710 – Cranfill moved to refer to the Attorney General's office for a hearing, deny renewal licensure based on O.C.G.A. §50-13-18 (b) and leave licensure status as "renewal pending". Taylor seconded the motion and it carried unanimously.

RNI090510 – Mann moved to maintain license in “renewal pending status”, reject amended consent order based on additional arrest and refer to the Attorney General’s office for an expedited Outpatient MPE. Results are to be reviewed by the Cognizant Board member and the Legal/Discipline Nurse consultant. If warranted, refer to the Attorney General’s office for a hearing of consent order utilizing evaluation results and/or recommendations. If not warranted, close the case. Hufft seconded the motion and it carried unanimously.

RNI110726 – Robinson moved to maintain license in “renewal pending status” and refer to the Attorney General’s office for Revocation based on action in another jurisdiction. Taylor seconded the motion and it carried unanimously.

RNI090005 – Mann moved to rescind previous motion from the January 13-14, 2011 board meeting and deny request to terminate probation early. Cranfill seconded the motion and it carried unanimously.

RNI100896 – Cranfill moved to refer to the Attorney General’s office for a hearing or a public consent order to include probation for four (4) years, substance abuse stipulations, narcotic restrictions for two (2) years, quarterly reports (employer, aftercare, personal & psychotherapy) and a fine of \$500 for previous consent order. Hufft seconded the motion and it carried unanimously.

RNI080153 – Robinson moved to rescind previous board motion from the January 13-14, 2011 board meeting and refer to the Attorney General’s office for a hearing or a public consent order to include probation for three (3) years, substance abuse stipulations, narcotic restrictions for three (3) years, quarterly reports (employer, aftercare & personal) and to require licensee to complete a course in medication management. Mann seconded the motion and it carried unanimously.

APPLICATION REVIEWS AND APPROVAL OF LICENSURE

(RNI – Registered Nurse Investigative Case Number)

Applicant C.T., #1241714 – Taylor moved to rescind previous board motion from the May 12-13, 2010 board meeting and close the case and proceed with licensure by endorsement with a Letter of Concern re: Criminal. Hufft seconded the motion and it carried unanimously.

Applicant I.H., #1226216 – Taylor moved to rescind previous board motion from the January 13-14, 2011 board meeting and grant authorization. Hufft seconded the motion and it carried unanimously.

There being no further business, the meeting was adjourned at 5:50 p.m.

Mary Anderson, **President**

James Cleghorn, **Executive Director**

The minutes were recorded by Gwendolyn Dodson, Administrative Assistant, and approved March 17, 2011.