

The Georgia Board of Nursing met March 11-12, 2020 in Building B of the Professional Licensing Boards Division of the Secretary of State located at 237 Coliseum Drive, Macon, Georgia 31217.

**WEDNESDAY, MARCH 11, 2020**

**MEMBERS PRESENT**

Darrell Thompson, RN, DNP, ACNP-BC, FNP-BC, President  
Tammy Bryant, RN, SN, MBA, NEA-BC  
Holly Free, RN, MSN  
Merry Fort, RN, BS  
Jennifer Pipkin, RN, MSN, CRNA  
Ashlan Porter, RN  
Linda Floyd, RN, EdD, PMHNP-BC

**MEMBERS ABSENT**

Tracey Blalock, RN, MSN, MBA, NEA-BC  
Irene (Renie) Cordell, RN  
Tina Fletcher, LPN  
K. Andrea Phipps, LPN  
Candice Broce, Consumer Member

**STAFF PRESENT**

Jim Cleghorn, Executive Director  
Janet Freeman, RN, BSN, Nursing Consultant - Legal/Discipline  
Tara Miller, RN, BSN, Nursing Consultant - Legal/Discipline  
Edye Johnson, RN, BSN, Nursing Consultant - Legal/Discipline  
Kirsten Daughdril, JD, Assistant Attorney General  
Mary Brannen, JD, Assistant Attorney General  
Cara Lugo, JD, Assistant Attorney General

Thompson called the meeting to order at 10:00 a.m. on Wednesday, March 11, 2020. A quorum to conduct disciplinary matters was present.

**NURSYS CONTRACT DISCUSSION**

La Trenda Tyler-Jones, Director, Professional Licensing Boards Division, provided a memo to the Board about renegotiating the Nursys contract. Tyler-Jones explained that the agency was absorbing significant costs to transfer licensure data to Nursys and proposed the addition of a \$15.00 technology fee to the contract. She acknowledged that the Nurse Licensure Compact required the Board to participate in Nursys. Jessica Uzzo, staff attorney, Professional Licensing Boards explained that she believed the use of Nursys for verifications was optional and was a decision made by contract rather than by statute. Bryant questioned who would be responsible for paying the fee. Tyler-Jones explained that the fee would be negotiated as part of the contract to include auditing and payment processes. Fort questioned how much revenue would be expected if the fee was added to the contract. Tyler-Jones explained that she was unsure about the numbers at this time.

Bryant questioned how verifications of licensure were generated prior to the use of Nursys. Cleghorn explained that the Board began utilizing Nursys for verifications of licensure in December 2015. He noted that the Board's decision to utilize the service was made because of fraudulent verifications of licensure that had been generated from Georgia. Bryant noted that, while the Board would welcome the additional revenue, it had concerns regarding potential impact on the Nurse Licensure Compact.

Fort moved to refer the following questions to the Attorney General for legal advice:

- Will the potential change to the contract have any impact on the Nurse Licensure Compact?

- Who has the legal authority to execute the Nursys contract?
- Who owns the licensure data?

Free seconded the motion and it carried unanimously.

Uzzo explained that the current contract expires in April 2020 and noted that she didn't anticipate that the negotiations would cause any disruptions to the current service.

Tyler-Jones clarified that they were not seeking anything from the Board at this time and were only providing notice to the Board regarding the contract negotiations. She noted that she understood that the Division Director had the authority to assess the technology fee.

### **EXECUTIVE SESSION**

Fort moved, Bryant 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 the executive session on Wednesday, March 11, 2020, Thompson declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

### **NURSYS CONTRACT DISCUSSION**

Bryant moved to refer the following question to the Attorney General for legal advice:

- Who has the authority to assess a fee for Board data?

Free seconded the motion and it carried unanimously.

### **EXECUTIVE SESSION**

Floyd moved, Free 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 the executive session on Wednesday, March 11, 2020, Thompson declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

### **INVESTIGATIVE INTERVIEWS**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

**LPNI200237** – Bryant moved to license with public consent agreement and fine of \$2350 for unlicensed practice. Must pay \$300 prior to license being issued. Fort seconded the motion and it carried unanimously.

**LPNI200029** – Fort moved to send an investigative letter with courses in Narcotic Handling, Disciplinary Actions, Professional Accountability, and Ethics. Free seconded the motion and it carried unanimously.

**RNI174560** – Floyd moved to refer to Investigations to obtain additional information. Free seconded the motion and it carried unanimously.

**RNI191388** – Bryant moved to close with a letter of concern (medication administration). Pipkin seconded the motion and it carried unanimously.

## **CASE REVIEW**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

**LPNI180229** – Porter moved to refer to the Attorney General's Office for a voluntary surrender or indefinite suspension May petition to lift with payment of remaining balance of fine. Pipkin seconded the motion and it carried unanimously.

**RNI200897** – Fort moved to refer to the Attorney General's Office for an outpatient mental physical examination from a Board approved evaluator. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. If non-compliant, refer for a voluntary surrender or indefinite suspension and deny the renewal. May petition to lift with submission of mental physical examination and proof of standard practice requirements. Free seconded the motion and it carried unanimously.

**RNI170882** – Floyd moved to deny request to terminate consent order early. Free seconded the motion and it carried unanimously.

**RNI200203** – Porter moved to issue a Cease and Desist and add to Imposter website, refer to local law enforcement. Pipkin seconded the motion and it carried unanimously.

**RNI190909** – Bryant moved to close the case with no disciplinary action. Porter seconded the motion and it carried unanimously.

**RNI200986** – Porter moved to refer to the Attorney General's Office for an outpatient mental physical examination from a Board approved evaluator. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. If non-compliant, refer for a voluntary surrender or indefinite suspension and deny the renewal. May petition to lift with submission of mental physical examination and proof of standard practice requirements. Fort seconded the motion and it carried unanimously.

**LPNI190195** – Fort moved to refer to the Attorney General's Office for a public reprimand to include a fine of \$500 for unprofessional conduct, five years probation, two years narcotic restrictions, quarterly reports (self, employer, aftercare, psychotherapy), substance abuse stipulations, quarterly hair follicle testing (Hairstat 10) for twelve months, monthly PEth test for twelve months, quarterly urine drug screens throughout the order, standard work restrictions, courses in Understanding Substance Use Disorder in Nursing, Disciplinary Actions: What Every Nurse Should Know, and Righting a Wrong: Ethics and Professionalism in Nursing. Free seconded the motion and it carried unanimously.

**RNI200927** – Floyd moved to send a letter of modification with new sobriety date of November 26, 2018, and to refer to the Attorney General's Office for a private consent order to include a fine of \$500 for failure to disclose. Pipkin seconded the motion and it carried unanimously.

**RNI200957** – Pipkin moved to refer to the Attorney General's Office for an outpatient mental physical examination from a Board approved evaluator. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. If non-compliant, refer for a voluntary surrender or indefinite suspension and deny the renewal. May petition to lift with submission of mental physical examination and proof of standard practice requirements. Bryant seconded the motion and it carried unanimously.

**LPNI200166** – Bryant moved to refer to the Attorney General's Office for an outpatient mental physical examination from a Board approved evaluator. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. If non-compliant, refer for a voluntary surrender or indefinite suspension and deny the renewal. May petition to lift with submission of mental physical examination and proof of standard practice requirements. Porter seconded the motion and it carried unanimously.

**RNI170480** – Porter moved to refer to the Attorney General's Office for a three-month suspension. May petition to lift with submission of mental physical examination and standard practice language. Fort seconded the motion and it carried unanimously.

**RNI181270** – Fort moved to close the case with a letter of concern on arrest. Free seconded the motion and it carried unanimously.

**LPNI200061** – Free moved to refer to send an investigative letter requesting courses in Professional Accountability, Disciplinary Actions: Difficult Challenging; Residents Rights. Floyd seconded the motion and it carried unanimously.

**LPNI180338** – Pipkin moved to send a letter requesting an investigative interview. Free seconded the motion and it carried unanimously.

**RNI190953** – Pipkin moved to refer to close the case with a letter of concern (action in another jurisdiction). Bryant seconded the motion and it carried unanimously.

**LPNI190594** – Porter moved to close the case with no disciplinary action. Fort seconded the motion and it carried unanimously.

**LPNI190595** – Fort moved to close the case with no disciplinary action. Free seconded the motion and it carried unanimously.

**RNI191364** – Free moved to close the case with no disciplinary action. Floyd seconded the motion and it carried unanimously.

**RNI191095** - Pipkin moved to refer to the Attorney General's Office for a public reprimand to include a fine of \$500 for action in another jurisdiction and courses in Disciplinary Actions, Understanding Substance Use Disorder in Nursing, Professional Accountability, and Ethics of Nursing Practice. Bryant seconded the motion and it carried unanimously

**RNI200995** – Pipkin moved to close case with no disciplinary action. Bryant seconded the motion and it carried unanimously.

**RNI1200311** – Bryant moved to send an investigative letter requesting courses in Professional Accountability, Disciplinary Actions, and Narcotic Drugs and Handling. Fort seconded the motion and it carried unanimously.

**RNI201012** – Bryant moved to refer to the Attorney General's Office for a private consent order and fine of \$500 for Continuing Education violation. Fort seconded the motion and it carried unanimously.

**LPNI190585** - Porter moved to close the case with a letter of concern (action in another jurisdiction). Bryant seconded the motion and it carried unanimously.

**RNI201063** – Fort moved to license with letter of concern (criminal). Licensee must submit a letter of successful completion of probation. Free seconded the motion and it carried unanimously.

**RNI201065** – Free moved to request an updated status from treatment facility. If unable to obtain within thirty days, request applicant to submit to an outpatient mental physical examination from a Board approved evaluator as a consideration of the application. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. Floyd seconded the motion and it carried unanimously.

**LPNI190828** – Floyd moved to post on Imposter Alerts link on the Board's website. Pipkin seconded the motion and it carried unanimously.

**LPNI200111** – Bryant moved to close with a letter of concern (unprofessional conduct). Porter seconded the motion and it carried unanimously.

**LPNI190476** – Porter moved to refer to the Attorney General's Office for an outpatient mental physical examination from a Board approved evaluator. Results are to be reviewed by the Investigative Committee and the Legal/Discipline Nurse Consultant. If non-compliant, refer for a voluntary surrender or indefinite suspension and deny the renewal. May petition to lift with submission of mental physical examination and proof of standard practice requirements. Fort seconded the motion and it carried unanimously.

**LPNI200046** – Fort moved to close with a letter of concern (unprofessional conduct). Free seconded the motion and it carried unanimously.

**RNI190453** – Free moved to refer to the Attorney General's Office for a public consent order to include a fine of \$500 for unprofessional conduct, five years probation, quarterly reports (self, employer, aftercare, psychotherapy), substance abuse stipulations, quarterly urine drug screens, monthly PEth tests for twelve, standard work restrictions, courses in Understanding Substance Use Disorder in Nursing, Disciplinary Actions: What Every Nurse Should Know, and Righting a Wrong: Ethics and Professionalism in Nursing. Floyd seconded the motion and it carried unanimously

**RNI201079** – Pipkin moved to license with a letter of concern (criminal). Bryant seconded the motion and it carried unanimously.

**RNI201082** – Bryant moved to license with a letter of concern (alcohol). Porter seconded the motion and it carried unanimously.

**RNI200083** – Porter moved to send an investigative letter requesting courses in Professional Accountability, Disciplinary Actions: Professional Boundaries, Ethics, Patient Rights. Fort seconded the motion and it carried unanimously.

**LPNI200168** – Fort moved to close case with a letter of concern (unprofessional conduct). Free seconded the motion and it carried unanimously.

**RNI200410** – Free moved to send investigative letter requesting courses in Professional Accountability, Disciplinary Actions, and Narcotic Drugs. Floyd seconded the motion and it carried unanimously.

**RNI201081** – Floyd moved to table pending receipt of additional information regarding reentry program. Pipkin seconded the motion and it carried unanimously.

**RNI181133** – Bryant moved to refer to the Attorney General's Office for a public reprimand to include a fine of \$500 for unprofessional conduct, five years probation, quarterly reports (self, employer, aftercare, psychotherapy), substance abuse stipulations, quarterly urine drug screens throughout order, monthly Peth tests for twenty-four months, standard work restrictions, courses in Understanding Substance Use Disorder in Nursing, Disciplinary Actions: What Every Nurse Should Know, and Righting a Wrong: Ethics and Professionalism in Nursing. Porter seconded the motion and it carried unanimously.

**RNI181232** – Porter moved that licensee must remain under the terms of the 2015 consent order. Thompson seconded the motion and it carried unanimously.

**RNI191280** – Fort moved to refer to the Attorney General's Office for a public reprimand to include a fine of \$500 for unprofessional conduct, courses in Professional Accountability and Legal Liability for Nurses, Ethics of Nursing Practice, and Disciplinary Actions: What Every Nurse Should Know. Free seconded the motion and it carried unanimously.

**RNI180757** - Free moved to approve request for modification in aftercare. Floyd seconded the motion and it carried unanimously.

**LPNI190683** - Pipkin moved to refer to Attorney General's Office for voluntary surrender or indefinite suspension. May petition to lift with payment of \$500 fine. Bryant seconded the motion and it carried unanimously.

**LPNI190686** - Porter moved to refer to Attorney General's Office for voluntary surrender or indefinite suspension. May petition to lift with payment of \$500 fine. Pipkin seconded the motion and it carried unanimously.

**LPNI190586** - Fort moved to refer to Attorney General's Office for voluntary surrender or indefinite suspension. May petition to lift with payment of \$500 fine and submission of deficient Continuing Education. Free seconded the motion and it carried unanimously.

**LPNI190793** - Free moved to refer to Attorney General's Office for voluntary surrender or indefinite suspension. May petition to lift with payment of \$500 fine. Floyd seconded the motion and it carried unanimously.

**RNI200312** - Porter moved to extend deadline for mental physical examination. Licensee must provide documentation regarding treatment. Must complete mental physical examination within forty-five days of completion of Phase 1 treatment. Bryant seconded the motion and it carried unanimously.

**RNI190024** – Bryant moved to refer to Attorney General's Office for a public reprimand to include a fine of \$500 for unprofessional conduct, three years probation, two years narcotic restrictions, quarterly reports (self, employer, medication management), must submit report from Prescription Drug Monitoring Program and random quarterly urine drug screens, standard work restrictions, courses in Understanding Substance Use Disorder in Nursing, Righting a Wrong: Ethics and Professionalism in Nursing,

and Disciplinary Actions: What Every Nurse Should Know. Must wean from Suboxone within six months of the docket date of the order. Porter seconded the motion and it carried unanimously.

**LPNI200289** - Fort moved to refer to the Attorney General's Office for a private consent order to include a fine of \$500 for falsification of 2019-21 renewal application. Free seconded the motion and it carried unanimously.

**RNI200660** – Free moved to license with letter of concern (drugs) and encourage participation in support group. Floyd seconded the motion and it carried unanimously.

**RNI201021** – Pipkin moved to issue license. Bryant seconded the motion and it carried unanimously.

**RN236720** – Floyd moved to refer to the Attorney General's Office for Summary Suspension. Fort seconded the motion and it carried unanimously.

### **ATTORNEY GENERAL'S OFFICE**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

**RNI20051** – Porter moved to revise consent order to require onsite physician supervision by a physician and allow for administration of Propofol at current employer at single location. Provision will cease if any change in employment occurs. Bryant seconded the motion and it carried unanimously.

**RNI200124** – Pipkin moved to rescind the previous motion and request an investigative interview. Free seconded the motion and it carried unanimously.

**RNI200501**– Floyd moved to amend requirements to include quarterly Peth tests for two years with quarterly urine drug screens throughout the order. The order will remain public. Fort seconded the motion and it carried unanimously.

**RNI200814** – Porter moved to recommend to rescind previous board motion and proceed with reinstatement of licensure. Thompson seconded the motion and it carried unanimously.

**RNI181292** – Fort moved to accept consent order as presented. Free seconded the motion and it carried unanimously.

### **INVESTIGATIVE COMMITTEE A**

(LPNI = Licensed Practical Nurse Investigative Case Number) (RNI=Registered Nurse Investigative Case Number)

Fort moved to ratify the following cases from the February 27, 2020 Investigative Committee meeting:

RNI201004	RNI200283	LPNI200007	RNI191370	LPNI190596	RNI191367	RNI200807
RNI200296	RNI201021	LPNI200014	LPNI200041	RNI200866	RNI200901	LPNI200065
RNI200914	RNI200512	LPNI180294	RNI200185	RNI181297	RNI200417	RNI160735
RNI171108	LPNI200272	RNI200044	LPNI200086	RNI190972	LPNI190147	LPNI190473
RNI201052						

Free seconded the motion and it carried unanimously.

### **INVESTIGATIVE COMMITTEE B**

(LPNI = Licensed Practical Nurse Investigative Case Number) (RNI=Registered Nurse Investigative Case Number)

Porter moved to ratify the following cases from the February 20, 2020 Investigative Committee meeting:

LPNI1200047	LPNI200109	LPNI190400	LPNI1200091	LPNI190307	LPNI190308	LPNI200075
LPNI170259	RNI190065	RNI191351	RNI200931	RNI200178	RN200979	LPNI200105
RNI200307	RNI161224	RNI180772	RNI200119	RNI200322	RNI200145	RNI200978
RNI201002	LPNI200263	RNI200907	RNI190172	RNI200471	RNI190153	LPNI200074
RNI200764	RNI200783	RNI200858	RNI200829	RNI191376		

Bryant seconded the motion and it carried unanimously.

**PROBATION TERMINATIONS BETWEEN MEETINGS**

(RNI=Registered Nurse Investigative Case Number) (LPNI = Licensed Practical Nurse Investigative Case Number)

Pipkin moved to accept the following terminations of probation between meetings.

**RNI060227      RNI160117      RNI150077**

Fort seconded the motion and it carried unanimously.

**CHANGE AFTERCARE BETWEEN MEETINGS**

(RNI=Registered Nurse Investigative Case Number) (LPNI = Licensed Practical Nurse Investigative Case Number)

Floyd moved to accept the following recommendations for the case listed below:

**LPN066703**

Fort seconded the motion and it carried unanimously.

**REQUEST TO LIFT NARCOTIC RESTRICTIONS**

(RNI=Registered Nurse Investigative Case Number) (LPNI = Licensed Practical Nurse Investigative Case Number)

Porter moved to accept the following recommendations for the cases listed below:

<b>RECOMMENDED ACTION</b>	
<b>RNI170272</b>	<b>Lift narcotic restrictions.</b>
<b>RNI180161</b>	<b>Work hour restrictions</b>
<b>RNI140295</b>	<b>Lift narcotic restrictions.</b>
<b>RNI160918</b>	<b>Lift narcotic restrictions</b>
<b>RNI170163</b>	<b>Lift narcotic restrictions</b>
<b>RNI160901</b>	<b>Lift narcotic restrictions</b>

Fort seconded the motion and it carried unanimously.

**CE VIOLATIONS**

(RNI=Registered Nurse Investigative Case Number) (LPNI = Licensed Practical Nurse Investigative Case Number)

Free moved to accept the following recommendations for the cases listed below:

**RN125312      RN149402      RN221540      RN132760      RN179436      RN160547**  
**RN130060      RN055372      RN037456      RN069642      RN081944      RN097020**  
**RN089818      RN073240      RN252715      RN255695      RN124206      RN074110**  
**RN196154      RN276836      RN279560      RN259952      RN092710      RN090567**  
**RN203383      RN090510      RN160326      RN275189      RN079668      RN071976**  
**RN057808      RN235406      RN208659      RN164034      RN037806      RN274067**  
**RN083424      RN085942      RN100327      RN274345      RN172069      RN025564**  
**RN225347      RN092720      RN170440      RN100170      RN210783      RN238157**  
**RN038920      RN145574      RN100978      RN113616      RN274427      RN166836**  
**RN254215      RN095660      RN276997      RN225985      RN184739      RN026298**  
**RN199605      RN253835      RN208583      RN185328      RN054964      RN198287**  
**RN123634      RN207824      RN035026**

Fort seconded the motion and it carried unanimously.

**VOLUNTARY SURRENDER**

(RNI=Registered Nurse Investigative Case Number) (LPNI = Licensed Practical Nurse Investigative Case Number)

Porter moved to accept the voluntary surrender of the licenses listed below:

**RNI200073      RNI200700**

Fort seconded the motion and it carried unanimously.

**PRIVATE CONSENT AGREEMENTS FOR FAILURE TO DISCLOSE**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

Bryant moved to ratify the Private Consent Agreements for licensure with a fine of \$500 for failure to disclose arrest(s)/disciplinary action on applications that were issued according to the Board's policies.

**RNI201084      LPN200281**

Fort seconded the motion and it carried unanimously.

**PRIVATE CONSENT AGREEMENTS FOR UNLICENSED AND UNAUTHORIZED PRACTICE**

(LPNI = Licensed Practical Nurse Investigative Case Number) (RNI=Registered Nurse Investigative Case Number)

Pipkin moved to ratify the Private and Public Consent Agreements for unlicensed/unauthorized practice that were issued according to the Board's policies.

**RNI201050      RNI201083      RNI201142      RNI201155      RNI201169**

Free seconded the motion and it carried unanimously.

**APPROVAL OF BOARD MINUTES**

Fort moved to accept the February 13, 2020 executive session teleconference meeting minutes as presented. Free seconded the motion and it carried unanimously.

Porter moved to accept the February 13, 2020 teleconference meeting minutes as presented. Pipkin seconded the motion and it carried unanimously.

Bryant moved to accept the February 21, 2020 executive session teleconference meeting minutes as presented. Floyd seconded the motion and it carried unanimously.

Porter moved to accept the February 21, 2020 teleconference meeting minutes as presented. Free seconded the motion and it carried unanimously.

Free moved to accept the February 27, 2020 Investigative Committee A meeting minutes as presented. Fort seconded the motion and it carried unanimously.

Floyd moved to accept the February 20, 2020 Investigative Committee B meeting minutes as presented. Bryant seconded the motion and it carried unanimously.

Porter moved to accept Licenses Administratively Reinstated. Bryant seconded the motion and it carried unanimously.

Pipkin moved to accept Licenses Administratively Issued. Bryant seconded the motion and it carried unanimously.

## **CONSENT ORDERS ADDRESSING USE OF CBD PRODUCTS**

The Board reviewed the following language for consent orders regarding the use of CBD products:

The Respondent must use caution when consuming or using products that contain alcohol, THC, and opioids. These products may produce a positive result on a toxicology screen and will be considered a positive drug test in violation of the terms of this Order. Examples of these products include foods containing alcohol such as vanilla extract and wine vinegar, hygiene products containing alcohol such as mouthwashes and hand sanitizers, OTC medications containing alcohol such as Nyquil and Diphenhydramine Elixir, products containing THC such as CBD oil and Hemp oil, and foods containing opiates such as poppy seeds.

The Board directed the Attorney General's Office to begin including the language when appropriate. The Board also directed the Attorney General's Office to include Kratom in the list of substances from which a licensee must abstain while being monitored.

There being no further business, the meeting adjourned on Wednesday, March 11, 2020 at 4:25 p.m.

## **THURSDAY, MARCH 12, 2020**

### **MEMBERS PRESENT**

Darrell Thompson, RN, DNP, ACNP-BC, FNP-BC, President  
Tammy Bryant, RN, SN, MBA, NEA-BC  
Holly Free, RN, MSN  
Merry Fort, RN, BS  
K. Andrea Phipps, LPN (phone)  
Jennifer Pipkin, RN, MSN, CRNA  
Ashlan Porter, RN  
Linda Floyd, RN, EdD, PMHNP-BC

### **MEMBERS ABSENT**

Tracey Blalock, RN, MSN, MBA, NEA-BC  
Irene (Renie) Cordell, RN  
Tina Fletcher, LPN  
Candice Broce, Consumer Member

### **STAFF PRESENT**

Jim Cleghorn, Executive Director  
Kirsten Daughdril, JD, Assistant Attorney General  
Mary Brannen, JD, Assistant Attorney General

Thompson called the meeting to order at 8:30 a.m. on Thursday, March 12, 2020. A quorum to conduct disciplinary matters was present.

### **CORRESPONDENCE – DAWN ROZAR**

The Board reviewed correspondence from Ms. Rozar inquiring if a registered nurse could sign a do not resuscitate order for patients located in an acute care setting (hospital) that was given as a telephone order.

The Board directed staff to reply explaining that the Board has no law, rule or policy which specifically addressed the issue and that the Board was unable to provide legal advice regarding the provisions of O.C.G.A. Title 31. The Board noted that Ms. Rozar may find additional guidance by contacting the Georgia Department of Public Health regarding the issue.

## **CORRESPONDENCE – LUCY COLLINS**

The Board reviewed correspondence from Ms. Collins inquiring if a nurse practitioner could request permission to sign a Physician Order for Life Sustaining Treatment (POLST) through a nurse protocol agreement.

The Board directed staff to respond explaining that the Board had no law, rule or policy which specifically addressed the issue and recommended that the Georgia Composite Medical Board may be able to provide additional guidance regarding the provisions of O.C.G.A. 43-34-25 and delegated medical acts.

## **COVID-19 IMPACT ON NURSING EDUCATION PROGRAMS**

The Board reviewed proposed guidance documents regarding COVID-19 for registered nursing and practical nursing education programs. Board members noted that it would certainly consider all circumstances and situations faced by each program during future site visits. The Board recommended that programs document the impact of these extraordinary situations and the impact on the program and student clinical experiences. Programs should retain all related documentation from the program or from the clinical sites showing the COVID-19 impact on the program's ability to meet clinical hours and other related student requirements.

The Board discussed the flexibility provided in Rules 410-8 and noted that it believed they were adaptable to the current emergent situation.

The Board discussed Rules 410-9 and noted that programs may have difficulty complying with some rules including, Board Rules 410-9-.06(3)(a), 410-9-.06(5) and 410-9-.09(1)(i).

The Board directed Cleghorn to draft correspondence to the program deans and directors noting that programs could submit petitions for rule waiver and the Board would consider any submissions as provided in O.C.G.A. 50-13.

## **IMPLEMENTATION OF POLICY 1.14**

The Board discussed implementing Policy 1.14 Out of State Licensed Nurses Practicing In Healthcare/Public Health Systems in Georgia during an Emergency or Disaster.

Policy Number: 1.14

Policy Name: Out of State Licensed Nurses Practicing In Healthcare/Public Health Systems in Georgia during an Emergency or Disaster

Date of Origin: March 2017

Licensed practical nurses and registered nurses who hold unencumbered licenses in other states may work in established healthcare systems in Georgia, including public health, during an emergency or disaster if:

- The supervision of the out of state nurse is provided by a registered professional nurse with a current, unencumbered Georgia license; and
- The healthcare/public health system verifies the current licensure of each out of state nurse and provide names and license number of each out of state nurse to the Georgia Board of Nursing within fifteen (15) days of initial credentialing verification through [www.nursys.com](http://www.nursys.com) or the board of nursing under which the nurse is licensed.

This policy shall be implemented by a vote of the Georgia Board of Nursing. An unencumbered license means a license that is not currently on probation, monitoring, suspension, and/or does not have any other type of limitation including current participation in an alternative to discipline program.

Floyd moved to Implement Policy 1.14 upon declaration of state of emergency by the Governor. Fort seconded the motion and it carried unanimously.

## **CASE REVIEW**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

**LPNI200154** – Porter moved to send an investigative letter requesting courses in Professional Accountability, Disciplinary Actions: LPN Practice Act, Documentation Phipps seconded the motion and it carried unanimously. Free recusing. Voting

**RNI200230** – Pipkin moved to Refer back to Investigations to positively identify Angie Hurst, RN and interview Respondent Hurst and Respondent Dixon then forward the case file for peer review. Request a copy of any public or private disciplinary order, if applicable, from the medical composite board for Dr. Reed related to this incident.

**RNI200996** – Close case with no disciplinary action. Bryant recusing, Porter seconded the motion and it carried unanimously.

## **RULE REVIEW**

The Board reviewed proposed revisions to Board Rules 410-11 Regulation of Advanced Practice Registered Nurses. Cleghorn provided information regarding collaborative discussions with the Department of Public Health regarding updates to rules for nurse protocols with that agency. The Board tabled the discussion pending updated information from Cleghorn regarding input from the Department of Public Health.

## **PROPOSED DISCIPLINE MATRIX**

The Board discussed the creation of a discipline matrix. Board members reviewed the Virginia Sanctioning Reference Guide. Pipkin and Bryant agreed to work with Cleghorn to draft proposals for the Board's consideration.

## **STRATEGIC PLAN REVIEW**

The Board reviewed its strategic plan. Board members discussed Objective 2 and the creation of a monitoring program. The Board affirmed its support for the development of a program. Pipkin provided information regarding her outreach to the Governor's Office about the proposed program. She indicated support because of the early detection associated with the program.

## **RECOGNITION OF BOARD MEMBER SERVICE**

The Board recognized Blair Train for her service on the Board.

## **EDUCATION REPORT**

### **NCLEX Report**

<b>Programs With 2020 Year To Date NCLEX Pass Rate Below 80%</b>			
<b>Program Type</b>	<b>School</b>	<b>Pass Rate</b>	<b>Number of Exam Writers</b>
RN	Albany State (ADN)	64.29	18/28
RN	Andrew College	0%	0/1
RN	Brenau University	78.26	18/23
RN	Gordon State College (ADN)	75.61	31/41
PN	Coastal Pines Technical College	78.26	18/23
PN	Oconee Fall Line Technical College	69.23	9/13
PN	Savannah Technical College	25.00	1/4
PN	Wiregrass Technical College	0%	0/1

## **Program Approval**

### **Gordon State College**

The BSN program at Gordon State College graduated its first cohort in May 2019. The program had a first time pass rate of 85.71% (18/21). Based on compliance with Board Rule 410-8-.02(1)(d), it was recommended that the Board grant full approval to the program.

### **Oconee Fall Line Technical College**

The ADN program at Oconee Fall Line Technical College graduated its first cohort in May 2019. The program had a first time pass rate of 95.00% (38/40). Based on compliance with Board Rule 410-8-.02(1)(d), it was recommended that the Board grant full approval to the program.

### **Reinhardt University**

The BSN program at Reinhardt University graduated its first cohort in December 2019. The program had a first time pass rate of 100.00% (22/22). Based on compliance with Board Rule 410-8-.02(1)(d), it was recommended that the Board grant full approval to the program.

Additionally, Reinhardt University is moving its nursing campus. A full overview of the proposed move is available on Bridge. The move is currently scheduled to take place in summer 2020. Pending a successful site visit to verify compliance with Board Rule 410-8-.10 it was recommended that the Board approve the campus relocation.

## **Substantive Changes**

### **Abraham Baldwin Agricultural College**

The Board received notification that Jeffrey Ross, EdD, MSN, RN, CNE, has been named Interim Dean and Nursing Administrator in the School of Nursing and Health Sciences at Abraham Baldwin Agricultural College. Based on compliance with Board rule 410-8-.05 it was recommended that the Board approve the change in leadership.

### **Coastal Pines Technical College**

The Board received notification that Ivie Combs, RN, BSN, has been named director of the practical nursing program at Coastal Pines Technical College. Based on compliance with Board rule 410-9-.07 it was recommended that the Board approve the change in leadership.

### **Columbus Technical College**

The Board received notification that Tammy Shelly, RN, MSN, has been named director of the associate degree in nursing program at Columbus Technical College. Based on compliance with Board rule 410-8-.05 it was recommended that the Board approve the change in leadership.

Additionally, the program has submitted a proposal to expand the program and admit to cohorts per year. This 2nd cohort will utilize the approved curriculum that the CTC ADN program is currently using. This is a three-semester program with the current class admitting in the Spring. If approved, the second cohort would admit in fall 2020. The plans are for the second cohort to admit in the Fall.

CTC plans to limit Fall Semester enrollment of the second cohort to thirty (30) students for the first admission, to meet the Georgia Board of Nursing requirement of a faculty to student ratio of 1:20 for classroom instruction and 1:8 for clinical instruction. The College has current Memoranda of Understanding (MOU) in place with clinical partners in the Columbus and surrounding area.

Based on compliance with all applicable laws and rules it was recommended that the Board approve the expansion of the program.

### **Savannah Technical College**

The Board received notification that Rimina Lewis, RN, MSN, has been named interim director of the practical nursing program at Savannah Technical College. Based on compliance with Board rule 410-9-.07 it was recommended that the Board approve the change in leadership.

### **West Georgia Technical College**

The Board received notification that Asha Anumolu, RN, MSN, has been named Associate Dean of Nursing at West Georgia Technical College. Based on compliance with Board rule 410-8-.05 it was recommended that the Board approve the change in leadership.

## **Corrective Plans of Action**

The Board received corrective plans of action for low NCLEX scores from Georgia Northwestern Technical College (ADN), Herzing University, Toccoa Falls College and Truett McConnell University. The Board accepted the plans from Herzing University, Toccoa Falls College and Truett McConnell University. The Board requested additional information from Georgia Northwestern Technical College (ADN).

Fort moved to approve the education recommendations. Bryant seconded the motion and it carried unanimously.

## **COVID-19 IMPACT ON NURSING EDUCATION PROGRAMS**

The Board reviewed updated information regarding the impact of COVID-19 on nursing education programs and directed Cleghorn to meet with leadership from the University System of Georgia, Technical College System of Georgia, program deans and directors and other stakeholders, as needed.

## **EXECUTIVE DIRECTOR'S REPORT**

Cleghorn provided information regarding the following items:

- Application, Complaint and Discipline Statistics
- PLB System Issues
- ORBS Update
- eNotify Update
- CE Broker Update
- Staff vacancies
- 2020 RN Renewal Period
- 2020 NCSBN Delegate Assembly – August 12-14, 2020

## **NURSING EDUCATION CONSULTANT**

The Board discussed the vacant nursing education consultant position. Board members compiled information regarding the position and agreed to pursue dialogue with the Secretary of State regarding the position.

## **COVID-19 IMPACT ON AFTERCARE PROVIDERS**

The Board discussed the impact of COVID-19 on aftercare providers and drug screening agencies. The Board directed staff to communicate with providers encouraging them to document any impact on licensee's ability to comply with orders.

## **PROPOSED RULE 410-1-.05**

Cleghorn provided information regarding the comments from the Governor's Office addressing proposed 410-1-.05. Pipkin moved to adopt the proposed language as modified by the Governor's Office.

## **410-1-.05 Declaratory Rulings**

The Board shall render declaratory rulings as to the applicability of any statutory provision or of any of its rules. Requests for declaratory rulings must be in writing and the signature of the petitioner notarized. The Board shall respond to a request for a declaratory ruling within twenty-one (21) days of its receipt of said request except when the Board feels it would be in the best interest of the Board to seek the opinion of the Attorney General. Nothing in this paragraph shall limit or impair the right of the Board to seek the opinion of the Attorney General on any question of law connected with the duties of the Board. The Board shall not render a declaratory ruling on petitions on matters related to investigative hearings pending before it at the time of the petition.

Fort seconded the motion and it carried unanimously.

## **PROPOSED RULE 410-1-.06**

Cleghorn provided information regarding the comments from the Governor's Office addressing proposed 410-1-.06. Bryant moved to adopt the proposed

### **410-1-.06 Petition for Promulgation, Amendment, or Repeal of Rules**

(1) Each petition for promulgation, amendment or repeal of rules made pursuant to the Georgia Administration Procedure Act shall be filed with the Board which had enacted the rule, or would otherwise be charged with enforcing the rule. The petition shall be in writing, and shall state:

(a) The name and address of the petitioner;

(b) The full text of the rule requested to be amended or repealed and the changes to be made or the full text of the rule desired to be promulgated;

(c) A statement of the reason such rule should be amended, repealed, or promulgated including a statement of all pertinent existing facts which relate to petitioner's interest in the matter; and

(d) Citations of legal, if any, which authorize, support, or require the action requested by petition.

(2) Upon receipt of the petition, the Board shall decide upon the action to be taken. Within thirty (30) days after receipt of the petition, the Board either shall deny the petition in writing (stating its reasons for the denial) or shall initiate rule-making or rule-changing proceedings in accordance with O.C.G.A. § 50-13-4 (Georgia Administrative Procedure Act).

Porter seconded the motion and it carried unanimously.

## **NURSE LICENSURE COMPACT BIENNIAL REPORT**

The Board reviewed the Nurse Licensure Compact biennial report issued by the Interstate Commission of Nurse Licensure Compact Administrators.

## **PETITION FOR RULE VARIANCE OR WAIVER – JULIE WETERE – 410-2-.03(4)(d)**

The Board reviewed a petition for rule variance or waiver submitted by Julie Weterer seeking a waiver of Board Rule 410-2-.03(4)(d).

Board Rule 410-2-.03(4)(d) exists to ensure that any disciplinary history associated with the licensee is presented to the Board as a condition of licensure.

Free moved to grant the waiver. Bryant seconded the motion and it carried unanimously.

## **BOARD RULES 410-9 LICENSED PRACTICAL NURSING EDUCATION PROGRAMS**

The Board discussed the proposed amendments to Board Rules 410-9 which regulate practical nursing education programs. Cleghorn noted that he was currently seeking support from the Technical College System to ensure that all concerns had been addressed before resubmitting the rules to the Governor's Office for review.

## **AMERICAN SOCIETY OF ADDICTION MEDICINE**

The Board reviewed and discussed the policy brief issued by the American Society of Addiction Medicine regarding physicians and other healthcare professionals with addiction.

## **EXECUTIVE SESSION**

Bryant moved, Floyd 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.

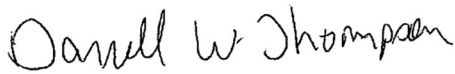
At the conclusion of the executive session on Thursday, March 12, 2020, Thompson declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

**CASE REVIEW**

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

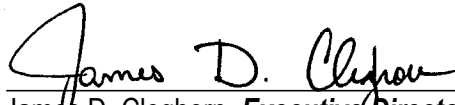
**RNI201086** – Floyd moved to refer to the Attorney General's Office for a summary suspension. Fort seconded the motion and it carried unanimously.

There being no further business, the meeting adjourned on Thursday, March 12, 2020, at 4:52 p.m.



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Darrell Thompson, **President**



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James D. Cleghorn, **Executive Director**

STATE OF GEORGIA

COUNTY OF BIBB

**AFFIDAVIT SUPPORTING CLOSING OF  
PUBLIC MEETING**

The Georgia Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. §50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question.

**Comes now the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.**

1. I am the presiding officer of the Georgia Board of Nursing.
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On March 11-12, 2020 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for the closure of this meeting was:  
O.C.G.A. 43-1-2(k) and 43-1-19(h)
5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:  
To deliberate applications and enforcement matters and to receive information on applications and investigative reports.

FURTHER THE AFFIANT SAYETH NOT

Dan W. Thompson  
Presiding Officer

Sworn and subscribed before me  
This 12th day of March, 2020.

Reneal Gray  
Notary Public

