

The Florida
Board of Nursing

Long-Range Policy Planning

June 3, 2015
Tampa Airport Marriot
4200 George J Bean Parkway
Tampa, FL 33607



Jody Bryant Newman, EdD, EdS
Chair

Kathryn L. Whitson, MSN, RN
Vice Chair

Joe Baker, Jr.
Executive Director

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Florida Board of Nursing Meeting Agenda
June 3, 2015
Tampa, FL

Board Members:

Jody Bryant Newman, EdD, EdS Consumer– Chair
Kathryn L. Whitson, MSN, RN – Vice Chair
Cathy Oles Gordon, LPN, BPS
JoAnn Trybulski, PhD, ARNP, DPNAP
Leonard Connors, JD, Consumer
Deborah Wakefield McKeen, LPN
Diana Forst, BA, RN
Todd Katz, JD, Consumer
Elizabeth Webster, RN, MBA
Lori Desmond, MSN, RN, NE-BC
Derrick C. Glymph, DNAP, CRNA, ARNP, LTC, USAR
Anna Maria Hubbard, EdD, ARNP, CNE
Lisa Johnson, LPN, RN

Attorneys:

Lee Ann Gustafson, Senior Assistant Attorney General
Diane Guillemette, Assistant Attorney General
Matthew Witters, Assistant General Counsel

Board Staff:

Joe Baker, Jr., Executive Director
William Spooner, Program Operations Administrator
Sarah Starling, Program Operations Administrator
Sherri Sutton-Johnson, MSN, RN, Director of Nursing Education
Scarlet Curtis, BSN, RN, Nursing Education Consultant
Tihara Rozier, Regulatory Supervisor Consultant

Long Range Policy Planning

Wednesday, June 3, 2015 at 8:30 am

A. Opening

1. Call to Order- The Chair, Dr. Newman, called the meeting to order at 8:39 am.

Board Members:

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Derrick C. Glymph, DNAP, CRNA, ARNP, LTC, USAR
Anna Maria Hubbard, EdD, ARNP, CNE
Lisa Johnson, LPN, RN

Absent: Leonard Connors, JD, Consumer- Unexcused

Attorneys:

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2. Introduction
3. Opening Remarks
 - a. Dr. Newman, Chair
 - b. Mr. Baker, Executive Director
Mr. Baker talked about what the purpose of the meeting is and that Dr. Armstrong thinks that it is important for the Board to have to opportunity to meet and talk about policy.
 - c. Ms. Gustafson, Board Counsel
4. Review of the agenda- Dr. Newman gave a brief overview of the items on the agenda.

B. Agenda Items to be Discussed

1. May 4th Special Delegate Assembly-

Ms. Forst spoke about her experience attending the Special Delegate Assembly and talked about her support for the Licensure Compact.

Mr. Baker spoke to the fact that an overwhelming amount of the attendees of the Special Delegate

Assembly voted to accept the new Licensure Compact. He also commented that the Office of Program Policy Analysis and Government Accountability (OPPAGA) studied the previous compact in 2006 and that he has gotten Martha DeCastro's support in helping the Board to get a new OPPAGA study done on the new compact. Mr. Baker stated that he believed that this something that could be heard in 2017 legislation. Discussion ensued.

Mr. Baker said that the FNA will be setting up a task force for the Licensure Compact. Ms. Webster volunteered to participate in that task force.

Mr. Baker indicated that Board staff would find out the timeframe for the OPPAGA study. He said that he thinks we will be able to have more information by December.

- a. Key Provisions of the New NLC
- b. Legislator FAQs of the New NLC
- c. Key Provisions of the New APRN Compact
- d. Legislator FAQs of the New APRN Compact

2. Press Release – New NLC- Informational

3. 2015 Legislative Session- Mr. Baker indicated that it is still on going as Special Session just began. Mr. Baker asked Ms. DeCastro to come forward and speak about session. She indicated that this session we got further that we had before. HB281 by Representative Pigman is in the bills being considered in Special Session. This Bill provides for giving Nurse Practitioners the ability to prescribe narcotics. Ms. DeCastro stated that it is very unlikely that it will pass during this time. Next session is in January and February where the Legislature can consider these Bills again. She indicated that we had a tremendous advocate with Senator Grimsley.

Ms. DeCastro also spoke about the ARNPs with Psychiatric National Certification will allow ARNPs to release patients from Baker Act. The Bill passed by the House and the Senate and has been forwarded to the Governor for review.

Mr. Baker also spoke that the Bill that would have abolished the C.N.A. Council did not go forward during this session. He indicated that the Board office was actively trying to recruit applicants to fill the positions on the Council.

Mr. Baker also spoke about Board members who were not confirmed and that they were okay to continue to serve through the June board meeting.

Ms. DeCastro also spoke about funding for the Center for Nursing (\$50,000 in the house and nothing in the Senate).

4. 2016 Legislative Session- Mr. Baker reminded that Session will start early this year. Statute requires session in odd number years starting in March, but gives discretion for the even number years.

Whitson discussed funding for the Florida Center for Nursing.

5. Florida Statutes/Florida Administrative Code Review- Chapter 464 and 64B9- Ms. Guillemette indicated that her office is involved in a comprehensive rule review. It asks 20 questions for each rule.

Annual Regulatory Plan has been postponed due to a new person in the Governor's Office.

Ms. Gustafson indicated that the Rule review will decide why there is a rule and whether the Board has legal authority to have a rule. She indicated that they will need one Board member to review the information that the AG's offices provides on the review. Dr. Hubbard will be the Board's delegate.

Mr. Baker discussed the opportunity to remove all the disciplinary guidelines. He indicated that the Council of Licensed Midwifery is moving forward as a test case to see if JAPC will approve it. Mr. Baker directed the Board members to look at page 109. He indicated that these are the changes that Board staff recommends for clean-up. Mr. Baker gave a brief overview of the document.

Mr. Baker directed the Board member to page 105. On this page was a presentation Mr. Baker gave to Lucy Gee about Rule Clean-up.

Mr. Baker indicated that Board staff will get with Board Counsel and get this information ready for Board review.

6. Discuss the Exemption Statute- Ms. Starling gave a brief synopsis of the staff recommendations. Discussion ensued. Lee Ann suggested that this might be part of the delegation the Board provides to Board staff.
7. IPN Overview- Linda Smith came forward and gave a brief overview of the program. Discussion ensued.
8. IPN CE Discussion- Ms. Smith proposed to the Board require at least a one hour course for nurses. Discussion ensued. How to identify impairment. Dr. Newman made a suggestion that the class be a two hour course. Ms. Gustafson will draft a rule for the August agenda. The Board agreed that it should be for every other renewal and not increase the number of required hours. Mr. Baker stated that we would need a date for it to be effective. He is going to research an appropriate date.
9. Discussion additional delegations for licensure files- Updated criminal history matrix- Mr. Spooner discussed the proposed changes. The Board requested that staff gather statistics and bring the matrix back before the Board in 6 months.
10. Discussion additional delegations to the Education Unit- Ms. Sutton-Johnson discussed the Education Unit's request about course content that are included in other courses, not a course by itself. Dr. Trybulski supported the Education Unit's request to be able to approve when there are no more than 2 deficiencies. Discussion ensued. Dr. Trybulski made a motion to approve the request the Education Unit put forth. Motion passed unanimously.
11. Discussion regarding distance learning- Ms. Sutton-Johnson provided a historical perspective. She indicated that the Education Unit gets a large amount of inquiries on this topic.

Ms. Gustafson indicated that there are two questions that need to be asked: Are they practicing in Nursing? Or do they meet an exception?

Ms. Guillemette provided further information. Ms. Gustafson said that the only way this could happen is if the online program is an accredited program. If the program is not accredited it cannot do the clinical training in Florida.

Ms. Gustafson suggested that future requests need to come as a Declaratory Statement.

- a. Nursing education programs
- b. Faculty licensure requirements
- c. Clinical oversight
- d. Resource manual- Licensure of Foreign education nurses

12. Board Counsel

- a. Adding language to orders granting continuances- Ms. Gustafson gave a history on continuances. She asked the Board if they wanted the language for a continuance to include that "no further continuances will be granted". A motion was made by Dr. Trybulski to keep the continuances language. Motion passed unanimously.
- b. Botox- Ms. Gustafson gave a history on a case that the Administrative Law Judge agreed that a nurse is not able to inject Botox in spa was non-rule policy. She asked the Board to consider this information for further discussion at a later date. Mr. Witters provided the Board with what they are currently doing.

Dr. Trybulski suggested that the difference is that a nurse cannot prescribe medication. They can administer medication, not prescribe.

- c. DOAH hearings for misrepresentation- Ms. Gustafson suggested that if the Board is denying the application on more than one grounds and they want to go to DOAH that they come back as an informal hearing and dismiss that count on the denial. She also suggested that if they are not present require a personal appearance. Ms. Gustafson informed the Board that this was just discussion and that this is the direction she is going to advise the Board go.

13. Probable Cause Panel Discussion- Mr. Baker indicated that we need some current Board members to serve on probable panels. Ms. Rozier gave a break down on how often the panels meet. Board members were instructed to contact Ms. Rozier to indicate their desire to participate.

Ms. Gustafson encouraged new members to participate because they learn a lot. Ms. McKeen seconded Ms. Gustafson's comments.

14. Open Discussion – Nursing regulation, DOH mission, emerging issues

Mr. Baker asked for input on how long the Board needs to have the agenda materials for review. Ms. McKeen indicated that she would prefer two weeks in order to have less on the e-addendum. A consensus was made that they could work with two weeks.

Ms. McKeen asked if it was appropriate to discuss 464.009, F.S. where the licensee has not completed the Laws and Rules course. Discussion ensued.

Adjournment

The meeting adjourned at 2:00 pm.

For more information regarding board meetings please visit:

<http://floridasnursing.gov/meeting-information/>

Or contact:

Florida Board of Nursing
4052 Bald Cypress Way, Bin # C-02
Tallahassee, FL 32399-3252

Direct Line: (850) 245-
4125

Direct Fax: (850) 617-6450