

Tennessee Board of Nursing
665 Mainstream Drive
Iris and Poplar Rooms
Nashville, Tennessee

MINUTES

May 17-19, 2017

Call to Order

Brent Earwood-Chair called the meeting to order at 8:30 a.m. in the Iris Room.

Roll Call and Quorum

Ms. Sandra Powell called roll.

Present: Brent Earwood, APRN; Juanita Turnipseed, APRN; Lisa Heaton, RN; Arthur Thompson, LPN; Lee Ann Stearnes, APRN; Leslie Akins, APRN (arrived at 8:38 a.m.); Janell Cecil, RN; Lee Mills, public member; Martha Buckner, RN, Mark Young, APRN; Marietha Silvers, RN

Absent: none

A quorum was present.

Welcome and Introduction of Guests

Mr. Earwood welcomed the Board members and guests in the audience and called for self-introductions. Guests: students from Tennessee College of Applied Technology-Dickson- Elizabethton campus, Sharon Adkins with Tennessee Nurses Association (TNA); in addition those not choosing to make the board aware of their affiliation.

Introduction of Staff

Elizabeth Lund, Executive Director and Mark Waters, Deputy General Counsel introduced staff.

Board staff:

Sandra Powell, Administrative Director

Teresa Phillips, Nurse Consultant

Liz Sherfy, Nurse Consultant

Sherry Richardson, Nurse Consultant

Diana Merickle, Board Assistant

Legal staff:

Mark Cole, Assistant General Counsel

Todd Pinckley, Assistant General Counsel

Jamie Formont, Assistant General Counsel

Stefan Cange, Assistant General Counsel

Caroline Tippens, Assistant General Counsel

Nathaniel Flinchbaugh, Assistant General Counsel
 Eric Winters – Legal Assistant
 Ashley Fine – Legal Assistant

Approval of minutes

Mark Young moved to approve the February 22-23, 2017; March 22, 2017; April 12, 2017 and May 11, 2017 minutes. Ms. Turnipseed seconded; motion carried.

Assign Panels and Panel Chairs

Mr. Earwood assigned panels and panel chairs:

Panel 1 – Earwood (Chair), Akins, Thompson, Cecil

Panel 2 – Turnipseed (Chair), Heaton, Stearnes, Mills

Panel 3 –Buckner (Chair), Young, Silvers

| <u>Panel 1 – Iris Room</u> | <u>Panel 2 – Poplar Room</u> | <u>Panel 3 – Dogwood Room</u> |
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| Brent Earwood, chair | Juanita Turnipseed, chair | Martha Buckner, chair |
| Leslie Akins | Lisa Heaton | Mark Young |
| Arthur Thompson | Lee Ann Stearnes | Marietha Silvers |
| Janelle Cecil | Donald Lee Mills | |

Call the Docket

Mr. Mark Waters called the docket.

Disciplinary Business (Panel 1, Iris Room; Panel 2, Poplar Room; Panel 3, Dogwood Room)

Panel 2 adjourned to the Poplar Room.

Panel 3 adjourned to the Dogwood Room.

Panel 1 – Brent Earwood, chair; Leslie Akins, Arthur Thompson, Janelle Cecil

A quorum was present. Administrative Law Judge Summers presided.

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| <u>Martice Spencer</u> 4742 McDonald Rd. McDonald, TN 37353 1241 Hawthorn Dr. Pensacola, FL 32507 | RN 33481 | Formont, State’s Attorney | Ms. Spencer was present and not represented by counsel. Following testimony, presentation of proof and deliberation, Ms. Akins moved to accept the findings of fact as listed in the proposed final order 1 through 6 true as written. Mr. Thompson seconded and motion carried. |
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| | | | <p>Ms. Cecil moved to accept the conclusions of law paragraphs 7 through 9 contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (A) (B) (F) and rule 1000-01-.13 (1) (j). Ms. Akins seconded; motion carried.</p> <p>Mr. Earwood moved to suspend the RN license, require TNPAP evaluation, assess five (5) Type B Civil in the amount of zeros dollars assessed, and assessment of cost not to exceed three thousand dollars (\$3,000). Ms. Akins seconded and motion carried.</p> <p>Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Tricia J. Robinson</u> 298 Serena Lane Tazewell, TN 37879</p> | <p>RN 191454</p> | <p>Waters, State's Attorney</p> | <p>Ms. Robinson was not present and not represented by counsel. Following proof of service Judge Summers determined all reasonable attempts for proof of service and notice. Mr. Earwood moved to proceed in default; Ms. Akins seconded, motion carried. Judge Summers reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Akins moved to accept the findings of fact as listed in the proposed final order 1 through 11 true as written. Mr. Thompson seconded and motion carried.</p> <p>Ms. Cecil moved to accept the conclusions of law contained in the state's proposed order. This finds that</p> |

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| | | | <p>respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F) and Rule 1000-01-.13 (1) (j). Ms. Akins seconded; motion carried.</p> <p>Ms. Cecil moved to revoke RN license, assess fifteen (3) Type A Civil Penalties in the amount of one thousand dollars (\$1,000) each for a total of three thousand dollars (\$3,000.00) and assess costs not to exceed five thousand dollars (\$5,000). Ms. Akins seconded and motion carried.</p> <p>Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Renee Mari Jacquemain</u> 2532 Truman Ave. Knoxville, TN 37921</p> <p>2139 Bryson Ct. Sevierville, TN 37876</p> | RN 96732 | Winters, State's Attorney | <p>Ms. Jacquemain was not present and not represented by counsel. Following proof of service Judge Summers determined all reasonable attempts for proof of service and notice. Ms. Akins moved to proceed in default; Mr. Thompson seconded, motion carried.</p> <p>Judge Summers reviewed the technical record.</p> <p>Following testimony and presentation of proof, Mr. Earwood moved to accept the findings of fact as listed in the proposed final order 1 through 5 true as written. Mr. Thompson seconded and motion carried.</p> <p>Ms. Akins moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F). Mr. Earwood seconded; motion</p> |

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| | | | <p>carried.</p> <p>Ms. Akins moved to order standard TnPAP order, assess one (1) Type A Civil Penalty in the amount of one thousand dollars (\$1,000) and assess costs not to exceed five thousand dollars (\$5,000). Ms. Cecil seconded and motion carried.</p> <p>Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Karen L. Hand</u> 9025 Church St. E. Apt. 227 Brentwood, GA 37027</p> | RN 186771 | Flinchbaugh, State's Attorney | <p>Ms. Hand was not present and not represented by counsel. Following proof of service Judge Summers determined all reasonable attempts for proof of service and notice. Ms. Akins moved to proceed in default; Ms. Janell seconded, motion carried. Judge Summers reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Akins moved to accept the findings of fact as listed in the proposed final order 1 through 3 true as written. Ms. Cecil seconded and motion carried.</p> <p>Ms. Cecil moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F) and rule 1000-01-.13 (1) (w). Ms. Akins seconded; motion carried.</p> <p>Mr. Earwood moved to revoke the RN license, assess eighteen (18) Type A Civil Penalties in the amount of one</p> |

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| | | | <p>thousand dollars (\$1,000) each, for a total of eighteen thousand dollars (\$18,000.00) and assess costs not to exceed ten thousand dollars (\$10,000). Ms. Akins seconded and motion carried.</p> <p>Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Jennifer V. Neel</u> 8750 Beckum Hollow Rd. Mt. Pleasant, TN 38474</p> | <p>RN 159112 APRN 12542</p> | <p>Flinchbaugh, State's Attorney</p> | <p>Ms. Neel was not present and not represented by counsel. Following proof of service Judge Summers determined all reasonable attempts for proof of service and notice. Mr. Earwood moved to proceed in default; Ms. Akins seconded, motion carried. Judge Summers reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Cecil moved to accept the findings of fact as listed in the proposed final order 1 through 6 true as written. Ms. Akins seconded and motion carried.</p> <p>Ms. Akins moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (G). Mr. Thompson seconded; motion carried.</p> <p>Ms. Akins moved to revoke the APRN and RN licenses, assess two (2) Type C Civil Penalties in the amount of five hundred dollars (\$500) each for a total of one thousand dollars (\$1,000) and assess costs not to exceed ten thousand dollars (\$10,000). Ms. Cecil seconded and motion carried.</p> |

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| | | | Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried. |
| <p><u>April D. Jones</u> 1295 Olde Smithville Rd. Apt. C-2 McMinnville, TN 37110</p> <p>111 Black Street McMinnville, TN 37110</p> <p>2655 Shoreline Dr. Apt. B-3 Akron, OH 44314</p> <p>1002 Johnson St. Akron, OH 44306</p> | LPN 59604 | Pinckley, State's Attorney | <p>Ms. Jones was not present and not represented by counsel. Following proof of service Judge Summers determined all reasonable attempts for proof of service and notice. Mr. Earwood moved to proceed in default; Ms. Akins seconded, motion carried. Judge Summers reviewed the technical record.</p> <p>Following testimony and presentation of proof, Mr. Thompson moved to accept the findings of fact as listed in the proposed final order 1 through 4 true as written. Ms. Akins seconded and motion carried.</p> <p>Ms. Akins moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F) and rule 1000-02-.13 (1) (j). Mr. Thompson seconded; motion carried.</p> <p>Mr. Earwood moved to revoke the LPN license; assess two (2) Type A Civil Penalties in the amount of five hundred dollars (\$500) each, for a total of one thousand dollars (\$1,000) and assess costs not to exceed two thousand five hundred dollars (\$2,500). Ms. Akins seconded and motion carried.</p> <p>Mr. Earwood read the policy statement of the board to protect the health, safety and welfare of the citizens of</p> |

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| | | | Tennessee. The Board finds the appropriate action taken; motion carried. |
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Panel 2 – Juanita Turnipseed; Chair, Lisa Heaton, LeeAnn Stearnes, Donald Lee Mills

A quorum was present. Judge Pogue presided.

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| <p><u>Dustin Williams</u> 128 Magnolia Dr. Greeneville, TN 37743</p> <p>Represented by Garrett Asher</p> | <p>NC RN 268154</p> | <p>Cole, State's Attorney</p> | <p>Mr. Williams was present and represented by Attorney Garrett Asher as counsel. Ms. Heaton recused based on prior relationship with the facility. Judge Pogue reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Stearnes moved to accept the findings of fact as listed in the proposed final order 1 and 2 true as written. Mr. Mills seconded and motion carried.</p> <p>Ms. Stearnes moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F) and 63-7-302. Mr. Mills seconded; motion carried.</p> <p>Ms. Stearnes moved to revoke the PTP, assess one (1) Type A Civil Penalty in the amount of five hundred dollars (\$500) and assess costs not to exceed five thousand dollars (\$5,000). Mr. Mills seconded and motion carried.</p> <p>Ms. Turnipseed read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
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| <p><u>Penny Isham</u> PO Box 1364 Lebanon, TN 37087</p> | <p>RN 187195</p> | <p>Cole, State's Attorney</p> | <p>Ms. Isham was present and not represented by counsel. Judge Pogue reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Stearnes moved to accept the findings of fact as listed in the proposed final order as true as written. Ms. Heaton seconded and motion carried.</p> <p>Ms. Stearnes moved to find that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (G). Mr. Mills seconded; motion carried.</p> <p>Ms. Stearnes moved to place the RN license on probation and the suspension on her license stayed. Respondent must undergo a TnPAP evaluation within 30 days and allow 30 days to set up payment plan for costs and penalties. Failure to undergo the evaluation or set up a payment plan shall result in revocation. Upon receipt from TnPAP with a return to practice the period of probation shall be no less than three (3) years. Assessment of costs not to exceed three thousand dollars (\$3,000). Mr. Mills seconded and motion carried.</p> <p>Ms. Turnipseed read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Richard Lupo</u> 1988 Gwynn Rd. Nesbit, MS 38651</p> | <p>MS RN 853858</p> | <p>Cole, State's Attorney</p> | <p>Mr. Lupo was not present and not represented by counsel. Following proof of service Judge Pogue determined all reasonable attempts for proof of service and notice. Ms.</p> |

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| | | | <p>Heaton moved to proceed in default; Ms. Stearnes seconded, motion carried.</p> <p>Judge Pogue reviewed the technical record.</p> <p>Following testimony and proof, Ms. Stearnes moved to accept the findings of fact as listed in the proposed final order 1 through 4 as true and accurate, correcting the expiration date in fact number 1. Mr. Mills seconded; motion carried.</p> <p>Ms. Stearnes moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (C) (F) and rule 1000-01-.13(1) (e) (w). Ms. Heaton seconded; motion carried.</p> <p>Ms. Stearnes moved to revoke the PTP, assess one (1) Type A Civil Penalty in the amount of one thousand dollars (\$1,000) and assess costs not to exceed five thousand dollars (\$5,000). Ms. Heaton seconded and motion carried.</p> <p>Ms. Turnipseed read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Clark Koren</u> 10364 Harrison Springs Lane Knoxville, TN 37932</p> | <p>RN 204693</p> | <p>Cole, State's Attorney</p> | <p>Mr. Koren was present and not represented by counsel. Judge Pogue reviewed the technical record.</p> <p>Following testimony and presentation of proof, Ms. Heaton moved to accept the findings of fact as listed in the proposed final order 1 and 2 as true as written. Mr. Mills seconded and</p> |

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| | | | <p>motion carried.</p> <p>Ms. Heaton moved to accept the conclusions of law and the facts enumerated in paragraph two (2) of proposed order finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (C) (F). Ms. Stearnes seconded; motion carried.</p> <p>Ms. Heaton moved to order standard TnPAP order, assess one (1) Type A Civil Penalty in the amount of one thousand dollars (\$1,000) and assess costs not to exceed five thousand dollars (\$5,000). Ms. Stearnes seconded and motion carried.</p> <p>Ms. Turnipseed read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Kammie Anderson</u> 101 White Oak Ct. Hendersonville, TN 37075</p> | <p>APRN19337 RN 204693</p> | <p>Cole, State's Attorney</p> | <p>Ms. Anderson was not present and not represented by counsel. Following proof of service Judge Pogue determined insufficient attempts for proof of service and notice. Granted continuance until August 23, 2017 BON meeting.</p> |

Panel 3 – Martha Buckner, Chair; Mark Young, Marietha Silvers

A quorum was present. Judge Darnell presided.

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| <p><u>Misti Risner</u> 155 North Chisholm Creek Rd. Lawrenceburg, TN 38464</p> <p>Represented by Dan Warlick</p> | <p>APRN 15042 RN 119681</p> | <p>Tippens, State's Attorney</p> | <p>Ms. Risner was not present and was represented by Dan Warlick.</p> <p>Following testimony and presentation of proof, Mr. Young moved to accept the findings of fact as listed in the proposed final order 1 through 7 true</p> |
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| | | | <p>as written in proposed order. Ms. Silvers seconded and motion carried.</p> <p>Mr. Young moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (B) (E). Ms. Silvers seconded; motion carried.</p> <p>Mr. Young moved for revocation of the APRN certificate and RN license; assessed (2) Type A Civil Penalties of \$1,000 each, totaling two thousand dollars (\$2,000) and assessed costs not to exceed six thousand dollars (\$6,000). Ms. Silvers seconded and motion carried.</p> <p>Dr. Buckner read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Lorenzo B. Kamanda</u> 180 E. Grand Avenue Apt. 15</p> | LPN 80451 | Tippens, State's Attorney | <p>Mr. Kamanda was not present and not represented by counsel. Ms. Tippens requests to proceed in default. Judge Darnell finds sufficient evidence to proceed in default. Mr. Young moves to proceed in default; Ms. Silvers seconded; motion carried.</p> <p>Following testimony and presentation of proof, Mr. Young moved to accept the proposed final order as written of license revocation, placement on the abuse registry, assessed \$9,000 in civil penalties, plus costs. Ms. Silvers seconded; motion carried.</p> |
| <p><u>Kimberly Rawls</u> 8786 Northcreek Blvd. Apt 9-11 Southaven, MS 38671</p> | LPN 78261 | Cange, State's Attorney | <p>Ms. Rawls was not present and not represented by counsel. Mr. Cange requests to proceed in default. Judge Darnell finds sufficient evidence to proceed in default. Mr. Young moves</p> |

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| | | | <p>to proceed in default; Ms., Silvers seconded; motion carried.</p> <p>Following testimony and presentation of proof, Ms. Silvers moved to accept the findings of fact as listed in the proposed final order 1 through 6 true as written. Mr. Young seconded and motion carried.</p> <p>Mr. Young moved to accept the conclusions of law contained in the state's proposed order. This finds that respondent's acts and conduct violated TCA 63-7-115 (a) (1) (F) and rule 1000-02-.13 (1) (b). Ms. Silvers seconded; motion carried.</p> <p>Mr. Young made a motion for stayed suspension with TnPAP evaluation and monitoring agreement, probation for 3 years, and assessment of costs not to exceed five thousand dollars (\$5,000). Mr. Mills seconded and motion carried.</p> <p>Dr. Buckner read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
| <p><u>Candace S. Simpson</u> 89 Talley Ave. Rossville, GA 30741</p> <p>834 Old Cass White Rd. Cartersville, GA 30741</p> | <p>RN 197565</p> | <p>Cange, State's Attorney</p> | <p>Ms. Simpson was not present and not represented by counsel. Mr. Cange requests to proceed in default. Judge Darnell finds sufficient evidence to proceed in default. Mr. Young moves to proceed in default; Dr. Buckner seconded; motion carried.</p> <p>Following testimony and presentation of proof, Ms. Silvers moved to accept the findings of fact as listed in the proposed final order 1 through 4 true as written. Mr. Young seconded and</p> |

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| | | <p>motion carried.</p> <p>Ms. Silvers moved to accept the conclusions of law contained in the state's proposed order. Mr. Young seconded; motion carried.</p> <p>Mr. Young made a motion for stayed suspension with TnPAP evaluation and monitoring agreement, probation for 3 years, assessment of one (1) Type A Civil Penalty of \$1000 each and assessment of costs not to exceed five thousand dollars (\$5,000). Ms. Silvers seconded and motion carried.</p> <p>Dr. Buckner read the policy statement of the board to protect the health, safety and welfare of the citizens of Tennessee. The Board finds the appropriate action taken; motion carried.</p> |
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Agreed/Consent Orders

Mark Cole

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| Crystal Harber | Mississippi RN 872550 | Ms. Heaton moved to accept the agreed order of voluntary surrender of PTP and costs. Seconded by Mr. Mills; motion carried. |
| Dana E. Freeze | RN License No. 171717 | Ms. Heaton moved to accept the second amended consent order of standard TnPAP. Seconded by Ms. Turnipseed; motion carried. |
| Willie E. McRae | LPN License No. 81521 | Ms. Turnipseed moved to accept the consent order of probation and CEs. Ms. Heaton seconded; motion carried. |
| Elizabeth Woodard | RN License No. 171072 | Ms. Heaton moved to accept the consent order of probation, CEs and civil penalties. Seconded by Ms. Stearnes; motion carried. |

Jamie Formont

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| Gretchen D. Castleberry | RN License No. 158293 | Ms. Silvers moved to accept the consent order of probation with continuing education. Seconded by Mr. Young; motion carried. |
| Jennifer Young | RN 212988 | Mr. Young moved to accept the consent order of probation. Ms. Silvers seconded; motion carried. |

Stefan Cange

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| Angela Blackburn | RN 105102 | Ms. Silvers moved to accept the consent order of reprimand. Mr. Young seconded; motion carried. |
| Samantha Audrey Haak | LPN 70221 | Mr. Young moved to accept the agreed order of standard TnPap. Ms. Silvers seconded; motion carried. |

Todd Pinckley

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| Jennifer Bunch | LPN 76627 | Ms. Stearnes moved to accept the consent order of standard TnPAP. Ms. Silvers seconded; motion carried. |
| Lindsay M. Burkhalter | RN License No. 170694 | Mr. Young moved to accept the consent order of reprimand with continuing education. Ms. Silvers seconded; motion carried. |
| Dianne Elise Delpapa | RN License No. 197663 | Ms. Silvers moved to accept the agreed order of standard TnPAP. Seconded by Mr. Young; motion carried. |
| Allison H. Richardson | LPN License No. 79368 | Ms. Silvers moved to accept the consent order of reprimand Mr. Young seconded; motion carried. |

Caroline Tippens

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| Stephanie R. Bellesheim | RN 195670 | Mr. Young moved to accept the |
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| | | consent order of voluntary surrender. Ms. Silvers seconded; motion carried. |
| Belinda K. Ebeling | LPN 80052 | Mr. Young moved to accept the agreed order of revocation. Ms. Silvers seconded; motion carried. |
| Richard Knauber | RN 127658 | Mr. Young moved to accept the agreed order to voluntarily surrender license. Ms. Silvers seconded; motion carried. |

Nathaniel Flinchbaugh

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| Lucas G. Valenca | RN 176567 | Ms. Stearnes moved to accept the agreed order of voluntary surrender. Seconded by Ms. Turnipseed; motion carried. |
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Recess – 4:38 p.m.

Reconvene – 8:30 a.m. Thursday, May 18, 2017

Welcome and Introduction of Guests:

Mr. Earwood welcomed the Board members and guests in the audience.

Staff introduced by Ms. Lund.

Liz Sherfy, Nurse Consultant; Teresa Phillips, Nurse Consultant; Sherry Richardson, Nurse Consultant; Sandra Powell, Office Administrator

Legal staff introduced by Mr. Waters.

Ashley Fine, Legal Assistant; Nathaniel Flinchbaugh, Assistant Deputy Counsel

Rulemaking Hearing Medication Aides — Mr. Earwood and Mr. Waters. Sharon Adkins, Tennessee Nurses Association director, read testimony citing opposition to the statute and rule-making that allows controlled substances to be accessed by unlicensed personnel. Following discussion of board members, Ms. Silvers moved to adopt the Medication Aide Rules as written; Ms. Stearnes seconded. A roll call vote was taken with all members voting to adopt the rules as published.

School Hearings—Ms. Sherfy, PHNC2 and Ms. Richardson, PHNC2

- **Southern Adventist University**— Collegedale, TN. Request approval of letter of intent and initial approval for reactivation of BSN program. Presenting information: Dr. Barbara James, Dean. Following Dr. James' presentation, Ms. Turnipseed made a motion to approve the letter of intent and initial approval reactivation of Southern Adventist University's BSN program. Ms. Stearnes seconded, motion carried.
- **Loyola University**— New Orleans, LA. Request approval of letter of intent and initial approval for online nursing programs to include RN to BSN; MSN with Nursing Leadership, Nurse Educator and FNP tracks; and DNP with post BSN to DNP for FNP and post MSN to DNP with a NP focus or Executive Leadership track. Presenting information: Dr. Laurie Anne Ferguson, Interim Dean. Following Dr. Ferguson's presentation, Ms. Stearnes made a motion to approve a letter of intent and initial approval for the Loyola University New Orleans online nursing programs. Dr. Buckner seconded, motion carried.
- **The Healthcare Institute** - Memphis, TN- Request initial approval for a practical nursing program. Presenting information: Ms. Katrina Robinson-Lee. Following Ms. Robinson-Lee's presentation, Mr. Young made a motion to grant initial approval for a practical nursing program at The Healthcare Institute. Mr. Thompson seconded, motion carried.

Consent Agenda:

- School Announcements
- School Survey Visit(s)
- Strategic Plan Current Activities
- OGC report
- Finance report
- TnPAP report
- TnPAP audit
- Investigations/Disciplinary Coordinator's report
- Health Related Boards Report

Ms. Heaton moved and seconded by Ms. Stearnes to adopt the consent order agenda items and reports. Motion carried.

Discuss/Approve Travel –

- Tri Regulator Symposium —July 25-26, 2017, Chicago – 1 approved
- ASAM Review Course in Addiction Medicine - July 27-29, 2017—Dallas, TX – 2 approved

- NCSBN Annual Meeting and NLCA Meeting—August 15-18, 2017—Chicago, IL - 15 approved
- Pain Week—September 5-9, 2017—Las Vegas, NV - 2 approved
- 2017 NCLEX Conference—September 25, 2017--Chicago, IL - 4 approved
- FARB Regulatory Law Seminar—October 5-8, 2017—Savannah, GA - 2 approved
- NCSBN Leadership and Public Policy Conference—October 11-13, 2017—New Orleans, LA - 4 approved
- Other

Ms. Silvers moved to approve the travel and number of attendees as noted above. Ms. Akins seconded; motion carried.

Consider Vote to Approve Application Review Committee Recommendations – Ms. Turnipseed, APN, Vice Chair and Mr. Mark Water, Deputy General Counsel

| 5/18/2017 | Summary | ARC Recommendation | Board Decision |
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| Marie Free 3350 W. Hillsborough Ave #734 Tampa, FL 33614 RN101171 RN Reinstatement TN RN 6/21/1994 to 3/31/1997 FL 9/22/1994 to 7/31/2016 | Crime and discipline 8/31/2016 – FL – denied renewal - on or about 12/2/2008, Respondent was convicted of, or entered a plea of guilty to nolo contendere to, regardless of adjudication, a felony. 1/12/2011 – FL crime from 08– completed terms of supervision from court 1/5/2011 FL RN - exclusion from participation in Medicare, Medicaid and all Federal health care | Deny the RN reinstatement application due to unprofessional conduct and crime in Florida board order. This recommendation is pursuant to Tennessee Code Annotated §63-7-115 (a)(1)(B)(F). | Dr. Buckner moved to accept the recommendation of ARC as stated. Ms. Akins seconded; motion carried. |

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| | <p>programs for 5 years. Additional suspension order until entering IPN, then stayed for duration of IPN monitoring.</p> <p>7/31/2009 – FL RN continued to remain suspended allowing Ms. Free to enter IPN to obtain 2 years of documented continuous sobriety for stay of suspension to be lifted.</p> <p>1/9/2009 – FL RN summarily suspended due to criminal conviction on 12/2/2008 entered a plea of nolo contendere to one count of obtaining or attempting to obtain a controlled substance by fraud, a third degree felony.</p> | | |
| <p>Melisa Thacker 4401 Horace Taylor Rd Maryville, TN 37803</p> <p>RN exam applicant Grad of LMU on 12/10/2016</p> | <p>Crime – restitution is not paid 5/30/2012 – pled guilty to mail fraud, felony. \$250,000.00 fine, \$100 mandatory assessment and restitution in the amount of \$183,386.46. Sentence included</p> | <p>Deny the application for Registered Nurse license by exam application due to crime and unprofessional conduct.</p> <p>This recommendation is pursuant to Tennessee Code Annotated 63-7-115 (a)(1)(B)(F).</p> | <p>Dr. Bucker moved to accept the recommendation of ARC as stated. Mr. Young seconded. Motion failed to carry. After further discussion and testimony, Mr. Earwood called for a roll call vote. The vote yielded the following</p> |

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| | <p>24 months imprisonment followed by 5 year supervised probation.</p> <p>Released from supervised probation on 10/28/2016.</p> | | <p>vote:</p> <p>Earwood – no Heaton – no Young – abstained Stearnes – no Buckner – yes Silvers – no Mills – no Akins – no Thompson – no Cecil – recused Turnipseed – yes</p> <p>Ms. Silvers proposed Ms. Thacker be allowed to test. Upon passing NCLEX, Ms. Thacker would be allowed to have a single state TN only license on probation for 5 years. If after 5 years, the restitution for the crime is paid completely, Ms. Thacker may be allowed to appear before ARC to decide if allowed to be removed from probation and be licensed single state without probation.</p> |
| <p>Michelle Merritt</p> <p>144 James Way</p> <p>Dandridge, TN 37725</p> <p>RN 126047</p> | <p>Crime and reinstatement request following revocation</p> <p>2/13/2014 – TN APN revoked and RN on probation x</p> | <p>Deny the application for Registered Nurse license reinstatement due to unprofessional conduct, crime and violation of board order in Tennessee.</p> <p>This recommendation is</p> | <p>Ms. Stearnes moved to accept the recommendation of ARC as stated. Ms. Akins seconded; motion carried.</p> |

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| <p>APRN 124848</p> <p>RN Reinstatement</p> <p>KY 2/4/1998 to 10/31/2000</p> <p>TN 8/25/1999 to 5/31/2014</p> | <p>3 years due to inappropriate prescribing and crime.</p> <p># 15 of order – “At the expiration of the 3 year probationary period, Respondent becomes eligible to petition the TN BON for an “Order of Compliance” to have the probation lifted from Respondent’s license. Respondent shall appear personally before the Board.”</p> <p>17 felony counts – on current criminal probation until 1/23/2018</p> | <p>pursuant to Tennessee Code Annotated 63-7-115 (a)(1)(B)(F)(G).</p> | |
| <p>Petrie Rice 1550 Butterworth St. Memphis, TN 38116</p> <p>LPN 84071 California 6/24/1994 to 3/31/2016 New York 3/3/1995 to</p> | <p>Current board discipline in NY</p> <p>New York 3/21/2016 Failure to meet licensing board reporting requirements, licensee did not contest the charge of not disclosing a criminal conviction</p> | <p>Deny the application for Licensed Practical Nurse license reinstatement due to unprofessional conduct in New York board order and denial of Arkansas application.</p> <p>This recommendation is pursuant to Tennessee Code Annotated 63-7-115 (a)(1)(F).</p> | <p>Ms. Heaton moved to accept the recommendation of ARC as stated. Dr. Buckner seconded; motion carried.</p> |

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| <p>1/31/2019 Maryland 2/1/1996 to 2/28/1997 Arkansas no dates Tennessee 12/13/2013 to 2/29/2016</p> | <p>on her application for licensure. 1 year stayed suspension, 1 year probation, \$500 fine.</p> <p>Arkansas 2/5/2014 denial of initial license due to violation of federal or state statutes, regulation or rules – failure to submit required documentation</p> <p>California 4/8/2007 Revocation, suspended for 60 days followed by 3 years’ probation, fine (\$5,130.37) 6/9/2007 -6/8/2010 for crime, filing false reports or falsifying records and unauthorized prescribing medicine</p> | | |
| <p>Angela Jackson 45 Holly Grove Griffin, GA 30224</p> <p>LPN Endorsement from GA</p> | <p>Discipline and crime</p> <p>Discipline: 3/14/2016 – Georgia board – on probation until 3/15/2021</p> <p>Crime: 3/31/2012 – violation probation due to “not showing up for a scheduled appointments”</p> | <p>Deny the application for Licensed Practical Nurse by Endorsement due to crime and unprofessional conduct found in current discipline order in Georgia.</p> <p>This recommendation is pursuant to Tennessee Code Annotated 63-7-115 (a)(1)(B)(F).</p> | <p>Ms. Stearnes moved to accept the recommendation of ARC as stated. Mr. Young seconded; motion carried.</p> |

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| | <p>11/21/2011 – bench warrant issued for failure to appear</p> <p>10/10/2010 – criminal trespass, medications (Promethazine) not in original bottle, possession marijuana and possession with intent to distribute marijuana – these were charges at the arrest with all either nolle pros or dismissed with the exception of the criminal trespass which required 12 month probation and fine of \$580.00</p> | | |
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| Board Orders presented by Mark Waters: | | | |
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| <p>Melvin Kelly Kitts 233 Galway Rd Bristol, TN 37620</p> | <p>RN Reinstatement RN 183381 7/8/2011 to 4/30/2015 – voluntary surrender 12/3/2014</p> | Grant application with board order | Mr. Young moved to license per conditions/stipulations of board order. Ms. Akins seconded; motion carried. |
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| <p>Christina Holifield 712 Mosswood Cove Collierville, TN 38017</p> | <p>RN Reinstatement RN 148565 2/8/2005 to 2/29/2012 – revoked 2/1/2011</p> | Grant application with board order | Ms. Stearnes moved to license per conditions/stipulations of board order. Mr. Young seconded; motion carried. |
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| <p>Nancy Purtell 163 Cornerstone Circle Franklin, TN 37064</p> | <p>RN Endorsement New Mexico 9/13/1982 to 10/31/2010 Texas 1/21/1985 to 5/6/2014 Arizona 7/16/1985 to 1/1/1989 West Virginia- RN 6/8/1987 to 12/31/1988 New York 2/10/1989 to not supplied Louisiana-RN 3/15/1990 to 1/31/2001 California- RN 6/19/2003 to 5/31/17</p> | <p>Grant application with board order</p> | <p>Ms. Akins moved to license per conditions/stipulations of board order. Mr. Young seconded; motion carried.</p> |
| <p>Lynda Hardy 2427 Piney Grove Church Rd Knoxville, TN 37921</p> <p>NY 10/16/1981 expiration not supplied VA 8/15/1991 to 7/31/2014 FL 2/16/1996 to 4/30/1999 NC 3/13/1998 to 7/31/2005</p> | <p>RN Endorsement</p> | <p>Grant application with board order</p> | <p>Mr. Young moved to license per conditions/stipulations of board order. Dr. Buckner seconded; motion carried.</p> |
| <p>Austin Perkins 1413 Toshiba Dr, Apt 7 Lebanon, TN 37087</p> | <p>RN renewal TN 10/1/2015 to 3/31/2017 extended to 6/30/2017</p> | <p>Grant application with board order</p> | <p>Ms. Akins moved to license per conditions/stipulations of board order. Ms. Stearnes seconded; motion carried.</p> |

Gary Bickford—Request for non-objective letter to DEA for reinstatement of DEA, for possible employment with Indian Health System. Ms. Stearnes moved to have an order drafted for August board meeting; seconded by Ms. Cecil, motion passed.

Presentation: Ms. Lund--Environmental Scan and Enhanced Nurse Licensure Compact (ENLC) Update—Based on the Environmental Scan published in the January 2017 *Journal of Nursing Regulation*, spoke to innovations in technology, licensure, practice and education with implications for nursing regulation. ENLC Update: Anticipate that 26 states will enact this year, ENLC becomes effective 6 months after the 26th state enacts, compact commissioners will meet to promulgate rules 60 days after enactment, IT changes necessary to implement are on track, and a communication plan is being finalized

Presentation: Next Generation NCLEX (NGN) and Online Applications Update – Elizabeth Sherfy, PHNC2 – Online applications for RN (exam and endorsement), LPN (exam and endorsement), RNFA, APRN (certificate and management of certificate including mandatory practitioner profile and collaborating physician request) went live on May 15, 2017. Information shared with Board regarding future changes with NCLEX items that may potentially measure clinical judgment.

Social Media Survey Results and Discussion: Ms. Richardson – Discussed survey results from NCSBN survey to query other boards of nursing regarding the use of social media.

Update: Dr. Mutter, Ms. Linda Johnson, APRN, Special Projects— Ms. Johnson presented information relating to Tennessee Chronic Pain guidelines and updated statistical data as well as symposia information.

Sunset Audit Update—Ms. Lund, Sandra Tulloss, and Ms. Janora Bryson—Ms. Tullos, Manager, explained the sunset process and timeline. The Board of Nursing is mandated to terminate (sunset) June 30, 2018. Legislation is necessary for continuation. Janora Bryson conducted an audit of the board, a report of which will be made available to the board for response. The audit report and recommendation relative to continuation will be conveyed to the Government Operations Committee, likely in September.

Discuss Legislation—Mr. Jeremy Davis –Updated the board on recent legislation affecting HRB. A written report will follow that will be posted on the board’s web site.

Presentation: Review of Evidence—Mr. Waters—Mr. Waters emphasized the following points/suggestions:

chair of panel should lead discussion e.g. “in paragraph 1 in the NOC, discuss what items of evidence proved this allegation of fact”; board members determine the credibility of a witnesses’ testimony (evaluate if the witness is telling the truth); put your comments on the record and if reviewed, the judge will be looking to see if the board was looking at eh evidence and discussing the evidence.

Strategic Planning: Discuss

Debrief/Open Discussion/Other Business—Mr. Earwood

- What went especially well?
 - Liked discussions within hearings, great presentations; staff did well, attorneys were well prepared.
 - BME and BON meeting went well; want to meet quarterly and find areas to be united
- What didn’t go so well?
 - On case days, need coordination to be as efficient as possible, would like judges to hear cases scheduled in other rooms if their room completes the docket early; however, understand that judges work for Secretary of State’s office and board can only ask for this courtesy
- What did we learn as a board?
 - Mature board, doing better.

Adjourn

There being no other business, the meeting of the Tennessee Board of Nursing adjourned at 4:33 p.m., with the next board meeting scheduled August 23-24, 2017.