

BUSINESS MEETING

THE MISSISSIPPI BOARD OF NURSING
BUSINESS MEETING

APRIL 14, 2023

PROCEEDINGS

taken on Friday, April 14, 2023,
commencing at approximately 11:11 A.M.
at the Mississippi Board of Nursing
713 South Pear Orchard Road
Plaza II, Suite 300
Ridgeland, Mississippi

REPORTED BY: CYNTHIA HARRIS, RPR, CCR, #1828
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3	BOARD MEMBERS IN ATTENDANCE IN PERSON:	3	Exhibit R-1
4	SANDRA CULPEPPER, LPN (VICE PRESIDENT)		Kenneth Tinsley Final Order 84
5	JEREMY L. CUMMINS, LPN, LNHA (TREASURER)	4	
6	JANIE CLANTON, RN (SECRETARY)	5	Exhibit R-2
7	MARY STEWART, PhD, RN		Whitney Godbold Final Order 84
8	NANCY NORRIS-JOHNSON, LPN, II, CPT	6	
9	ALTON SHAW, MSN, FNP-C	7	Exhibit R-3
10	LAURA MOORE, MSN, NP-C		Stacey Jennings Final Order 84
11	MELISSA KING, DNP, FNP-C	8	
12	LACEY T. GENTRY, MSN, RN	9	Exhibit R-4
13	CARLY WALKER, LPN		Printout of Mississippi Annotated Code 84
14	JAN COLLINS, CONSUMER	10	73-15-31 - Disciplinary Hearings
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16			Notice of Appeal - Kenneth Tinsley 84
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18	ALSO PRESENT:	13	Exhibit R-6
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3	Title Page..... 1	3	MS. CULPEPPER: Good morning, everyone.
4	Appearances..... 2	4	Welcome to the Mississippi Board of Nursing. Today
5	Table of Contents..... 3	5	is March 14th, 2023. It is 11 --
6	Exhibits..... 4	6	UNIDENTIFIED SPEAKER: It's April.
7	Proceedings..... 5	7	MS. CULPEPPER: Oh, good Lord. Sorry.
8	Motion to Dismiss..... 76	8	April. April the 14th, 2023. It is 11:11 A.M., and
9	Court Reporter's Certificate..... 117	9	at this time, we are going to go ahead and start our
10		10	board meeting.
11		11	Before we begin, I would like to ask
12		12	Ms. Lacey Gentry to start in prayer.
13		13	MS. GENTRY: Please bow.
14		14	(Prayer.)
15		15	MS. CULPEPPER: Thank you, Ms. Gentry.
16		16	So at this point, I want to declare a quorum
17		17	and for approval of the agenda. Did everyone get to
18		18	see their agenda this week?
19		19	DR. KING: Make a motion to approve the
20		20	agenda.
21		21	MR. SHAW: Second.
22		22	MS. CULPEPPER: Dr. King; Mr. Shaw.
23		23	At this time, I would like to move into an
24		24	open forum. Do we have anyone from the public?
25		25	Is there anyone online?

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1 Was Mr. Bobinger going to be here today for
2 anything?

3 DR. JOHNSON: Madam President, I'm
4 Mr. Bobinger today. Trey Bobinger is in San
5 Antonio. He's presenting at a municipality's
6 conference there, and so he submitted a written
7 report. He and I talked about it, and I think you
8 have it in your packet, but I did want to highlight
9 some very important bills that need to be brought to
10 your attention.

11 First of all, the full practice authority
12 bill removal of collaboration agreement. You know,
13 we introduced a couple of those full practice
14 authority bills this legislative session.

15 One was House Bill 727 and Senate Bill 2796,
16 which was -- they were introduced by Representative
17 Donnie Scoggins and Senator Kevin Blackwell.

18 Unfortunately, the bill was not brought
19 forward out of committee, but we understand it is an
20 election year, and there were several highly
21 controversial bills which took up much of the
22 legislator's time during this session.

23 However, we are going to continue educating
24 the legislators and the public about the critical
25 need for removal of collaboration agreements between

1 decision.

2 Number 4 - I don't delve on that a lot - the
3 Mississippi Board of Nursing appropriation bill
4 because I think our finance committee will talk
5 about that. Just know that the Board of Nursing's
6 annual appropriation was in excess of \$5,000,000
7 this year, and I will allow the finance committee at
8 the appropriate time to talk more about that.

9 The Mississippi Hospital Sustainability
10 Grant Program, Senate Bill 2372 was passed into law
11 to measure, improve, and preserve access to
12 Mississippi hospital care for all Mississippians.
13 And in recognition of the challenges incurred by the
14 Mississippi hospitals as a result of the COVID-19
15 pandemic. So hopefully, that will provide some
16 relief for some of the hospitals in the state.

17 An act to create the skilled nursing home
18 and hospital nurses retention loan repayment - that
19 should be number 6 on your handout - for new nursing
20 graduates to be administered by the Mississippi
21 Post-Secondary Education Financial Assistance Board.
22 That was Senate Bill 2373.

23 There are several requirements and factors
24 taken into consideration to be eligible for an award
25 under this particular program.

1 APRNs and physicians.

2 The second one is the recipients of
3 Medicaid. As you are aware, extend postpartum
4 coverage up to 12 months, House Bill 984. This bill
5 was passed by the legislature and signed into law by
6 the governor. And you're aware that it authorized
7 the Division of Medicaid to provide up to 12 months
8 of continuous coverage post-postpartum for any
9 individual who qualifies for Medicaid as a pregnant
10 woman to the extent allowable under federal law.

11 So that in itself is a good thing for
12 maternal health in the State of Mississippi.

13 The appropriation bill for the State
14 Department of Health, which includes the
15 establishment and equipping of a burn center for the
16 State of Mississippi; that's House Bill 1626. The
17 Department of Health's appropriation bill provided
18 for the establishment of a burn center for the State
19 of Mississippi, and the authority to make that
20 decision was granted to the State Department of
21 Health.

22 And I think I believe UMMC was designated as
23 the burn center. I saw that on the media just this
24 week, as a matter of fact. But that authority rests
25 with the State Department of Health to make that

1 For one, an eligible applicant must have
2 gained employment within the last year for the first
3 time as a full time LPN or licensed RN at a skilled
4 nursing home in the state or a general acute care
5 hospital in this state that is licensed by the State
6 Department of Health.

7 Recipients in the program shall be selected
8 on first-come, first-serve basis from all eligible
9 applicants. And these awards for these recipients
10 who are employed by the skilled nursing home or
11 licensed general acute care hospital in the state, I
12 think may get up to a maximum of \$6,000 for each
13 year of employment for up to three years. So
14 hopefully that will be an incentive for -- you know,
15 at least LPNs and some RNs to work in -- especially
16 in the skilled nursing facilities.

17 And Senate Bill 2323 was an act to clarify
18 and expand the powers and duties of the boards of
19 trustees of community hospitals to provide that any
20 consolidation or collaboration involving a community
21 hospital and other public, private, or non-profit
22 hospitals, healthcare facilities, or providers shall
23 be immune from liability under the Federal and State
24 Anti-Trust or Competition Laws to the fullest extent
25 allowed by law.

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1 This bill which was passed into law also
2 allows private hospitals or any other entity to
3 negotiate and enter into cooperative agreements. So
4 enough on that particular bill.

5 Number 8 is the American Rescue Plan, ARPA,
6 Nurse/Allied Health Workforce Development and
7 Retention Act. Under this act, the legislature
8 created the Accelerate Mississippi Nursing Allied
9 Health Grant Program. The Accelerate Mississippi
10 Physician Residents and Fellowships Startup Grant
11 Program and the Mississippi Allied Health College
12 and Career Navigator Grant Program. This was Senate
13 Bill 2371.

14 And the purpose and intent of this bill as
15 it directly relates to nursing is to provide funding
16 for new and increased capacity in existing nursing
17 and allied health training programs, including
18 accredited paramedic programs or to help retain and
19 graduate nursing and allied health students,
20 including students in an accredited paramedic
21 program to include any required equipment or
22 supplies at community and junior colleges or through
23 other entities facilitating healthcare focus
24 workforce training programs across the state.

25 Number 9, the Medical Cannabis Omnibus Bill.

1 This bill -- let me delve on this a little bit. It
2 amends numerous provisions in the current law
3 addressing the regulation, licensing, growing,
4 dispensing, enforcement, and practitioner
5 requirements of medical cannabis. And this is House
6 Bill 1158.

7 First, there are some changes dealing with
8 practitioners that I want to highlight. First, no
9 government entity shall require a practitioner to
10 require a patient to submit to a drug test as a
11 condition to receiving a certification for a
12 registry identification card. However, a
13 practitioner may require a drug test from a patient
14 that is within his or her scope of practice.

15 After a practitioner has issued a written
16 certification to a qualifying patient, a
17 practitioner may assist the patient in registering
18 for a registry ID card with the Department of
19 Health.

20 Qualifying patients may make a follow-up
21 visit with a different practitioner than the
22 practitioner who originally issued their written
23 certification provided that such practitioner is
24 otherwise registered.

25 A practitioner shall not be required to have

1 any additional qualifications to be authorized to
2 certify a qualifying patient for a registry ID card
3 other than provided under the Mississippi Medical
4 Cannabis Act.

5 A practitioner shall not be required to be
6 registered to certify patients with any state agency
7 or board other than the Mississippi Department of
8 Health. No state agency, political subdivision, or
9 board shall implement any rule, regulation, policy,
10 or requirement that is contrary to the provisions of
11 the Mississippi Medical Cannabis Act.

12 Now, that means our administrative code will
13 be reviewing our current rule on medical cannabis.

14 And that, Madam President, concludes Trey
15 Bobinger's report.

16 MS. CULPEPPER: Does anyone from the
17 group have any questions?

18 MR. SHAW: Just probably thinking that's
19 the shortest Trey Bobinger report we've ever had.

20 MS. CULPEPPER: If there are no
21 questions, we'll move forward.

22 So next we have Office of Nursing Workforce.
23 Now, Ms. Terry is not here today, so I will be
24 filling in for her.

25 So as of right now, with the office of

1 nursing workforce, as far as nursing student
2 retention program, we have seven nursing students
3 who graduated in December of '22. They have
4 successfully submitted all of their employment
5 verification. And Ms. Terry and her group are doing
6 a fantastic job of beginning the process of being
7 able to track and trend.

8 And so right now, as far as that goes, we
9 have a small chart, and if you'd like to see, I can
10 share it with you. Certainly the chart below shows
11 the names of the recipients, along with their
12 location, job, and the employer's name.

13 As far as scholarships for 2023, the Office
14 of Nursing Workforce is currently reviewing the
15 required documents submitted by the 23 schools of
16 nursing for corrections, updates, and completion
17 which were due on April 3rd.

18 As of April 6th, they had disbursed
19 \$518,371.46 for the spring semester. All but \$798
20 is still not disbursed. All schools have completed
21 and submitted the required documentation for that.

22 For the scholarship program for the year
23 2024, some of the issues that we had for the Office
24 of Nursing Workforce in implementing the following
25 changes such as retention. Because of the amount of

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1 funds given to students varies from school to
2 school, we have opted not to require our recipients
3 to sign a retention clause. After meeting with the
4 advisory council, we decided we will require each
5 recipient to complete a post-graduation survey prior
6 to completion of their nursing program.

7 This survey will contain questions related
8 to remaining in the state, moving out of state,
9 areas of practice, potential employers, and
10 continuing education.

11 Now, the recipient selection for that --
12 schools will continue to have autonomy as it relates
13 to awarding the funds; however, we will require
14 schools to inform ONW of their selection process.
15 Meaning, if selection is based on financial need,
16 academic achievement, or some other area of
17 criteria, they must inform us first.

18 Next I'm going to move into the USDA
19 Distance Learning and Telemedicine Grant. So on
20 that one, a meeting was held on March 28th to
21 discuss the equipment installation plans and next
22 steps. They had 43 participants attend the meeting,
23 due to its location, Jones County Junior College.
24 Equipment will be installed as of April 4th, so that
25 should be completed by this point. With each

1 installation expected for -- to last for two days.

2 The remaining partners will be contacted
3 sometime after April 4th regarding their initial
4 installation setup.

5 And then Ms. Levi serves as the point of
6 contact for the partnering schools. Now, we have 14
7 schools that we have partnered with.

8 And moving into the next thing: Outreach
9 and partnership. The ONW participated in the spring
10 2023 career and transfer fairs at Holmes Community
11 College in Goodman, Mississippi, and again on March
12 23rd in Ridgeland, Mississippi.

13 ONW is scheduled to participate in the Eliza
14 Fillers conference on May 4th through 7th in Biloxi,
15 Mississippi.

16 And finally wrapping that up is the ONW
17 council. The advisory council met on March 14th, at
18 10:00 A.M., and nine council members were present.
19 An announcement was made that four council member
20 terms will expire on June 30th. ONW will be
21 accepting applications for a new council member or
22 members through April 28th. This announcement was
23 also sent to deans and directors and various -- and
24 state health care organizations.

25 Any questions on ONW?

1 MR. SHAW: So the part that we talked
2 about, there's not going to be a requirement to work
3 in the state after the completion of the -- I
4 wonder, and I don't even know if this is possible,
5 so I'm going to look around at other people.

6 I know the NELM - I think it is - the loan I
7 got at one point. It was a one for one. You work
8 one year; they forgive one year they've given you in
9 loans. If you don't, then you have to pay it back.

10 And I don't know how complicated some
11 mechanism like that would be. So instead of -- even
12 if we could do loans instead of scholarships that
13 are forgivable once you work so many years in the
14 state. It's just something to look at.

15 I'm just bringing it up as a point because I
16 hate to see tax dollars go to students who just
17 leave and go somewhere else. As much as we want to
18 increase the workforce, it's our job to increase the
19 workforce in Mississippi, not Louisiana, Tennessee,
20 Alabama, or Arkansas. So just food for thought on
21 that. There's some way to implement some type of
22 measure.

23 MS. CLANTON: So what you're saying, it
24 was technically a loan --

25 MR. SHAW: Correct.

1 MS. CLANTON: -- until you completed --

2 MR. SHAW: It's a --

3 MS. CLANTON: -- the time --

4 MR. SHAW: -- forgivable --

5 MS. CLANTON: -- and then kind of --

6 MR. SHAW: -- loan.

7 MS. CLANTON: -- transitioned to --

8 MR. SHAW: And each year I would have to
9 send in a certified thing showing that I'm working
10 full time at this facility at this, and then they'd
11 write that off and it goes to the next year.

12 MS. COLLINS: Don't they do that
13 through the state?

14 MR. SHAW: Yeah, and that's through --

15 MS. COLLINS: (Indiscernible;
16 simultaneous speakers.)

17 MR. SHAW: It's through IHL.

18 MS. COLLINS: -- state agency.

19 MR. SHAW: They just got refunded on it
20 for the state part. It hadn't been funded in
21 several years, but they did get money to be able to
22 give that out again this year through
23 (indiscernible; speaking too rapidly.)

24 DR. KING: So, Sandra, what -- can you
25 tell me what -- so what was the original thought

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1 process on not doing that? Just because of the
2 paper-- or whatever the operations of it of, of not
3 being able to keep up or the documentation?
4 MS. CULPEPPER: As far as a scholarship
5 versus loan?
6 MR. SHAW: No.
7 DR. KING: The process --
8 MR. SHAW: Retention.
9 DR. KING: -- after. Yeah, like the
10 retention part of it.
11 MS. CLANTON: The signing to stay in
12 Mississippi?
13 DR. KING: Uh-huh.
14 MS. CULPEPPER: So when we discussed
15 this with the advisory council, our best option was
16 to do the survey. It would make it easier for
17 Ms. Terry and them to be able to track.
18 I'm not saying we can't go back and revisit
19 that; that's an option. And we're going to meet
20 again in June, so we can review that and discuss
21 that.
22 MS. CLANTON: The only thing, when we
23 were discussing it that, I was seeing was the amount
24 of monies that certain -- I mean there was some
25 bigger amount of monies that people were getting.

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1 There were some \$200 that people would get, you
2 know, as it was distributed out.
3 So, I mean, to have someone sign a year
4 contract to get 250, \$500.
5 MS. CULPEPPER: What I believe Janie is
6 trying to say is -- so if we gave them monies for
7 what we would say is an entire semester of
8 scholarship, that would pay for one. Instead of it
9 being disbursed that way, it may have been broken up
10 into \$200 payments and then given to 10 people
11 versus one chunk to one person.
12 MR. SHAW: So it's whatever the school
13 --
14 MS. CLANTON: It's up to --
15 MR. SHAW: -- chooses --
16 MS. CLANTON: -- school --
17 MR. SHAW: -- to set up as their
18 parameters.
19 MS. CLANTON: Exactly.
20 DR. STEWART: Madam Chair, so along
21 those same lines - and I know you gave this
22 information - but how many -- we have 23 schools of
23 nursing. How many schools of nursing for the spring
24 had taken advantage of these scholarships?
25 MS. CULPEPPER: So I would have -- I'm

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1 going to have to go back and take a look at those
2 numbers because Ms. Terry is not here.
3 DR. STEWART: That's okay. I just know
4 there were a couple of schools --
5 MS. CULPEPPER: There were --
6 DR. STEWART: -- in the past --
7 MS. CULPEPPER: -- just --
8 DR. STEWART: -- so if we knew if
9 everyone was participating.
10 MS. CULPEPPER: At one point, we had
11 about three schools that had not; there was
12 approximately about three.
13 DR. STEWART: Right.
14 MS. CULPEPPER: But we did follow up
15 with them.
16 DR. STEWART: Right, right. I remember
17 that.
18 Okay. So -- and could you help -- could you
19 help me, at least, understand about the survey at
20 the end? I always think those are great ideas.
21 Operationally, they're very difficult to get -- it's
22 often difficult to get that data. So is that
23 something that ONW is going to oversee, or are you
24 giving that to the schools to do?
25 MS. CULPEPPER: ONW is going to oversee

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1 that.
2 DR. STEWART: And how will they?
3 MS. CULPEPPER: They have to be provided
4 the student information that received the funding.
5 DR. STEWART: Okay.
6 MS. CULPEPPER: And so they do the
7 follow-up with that student.
8 DR. STEWART: So also there was some
9 discussion, I think, in your report about if a
10 school was changing its approach -- so the school
11 has the authority or autonomy to disburse the funds
12 however they see fit. But you said if there's a
13 change. So has there been like some stipulations
14 about you must use it this way? And now we're
15 asking for them to report changes?
16 MS. CULPEPPER: We're just trying to
17 identify and make sure that the funding is being
18 disbursed.
19 DR. STEWART: So we haven't collected
20 that data. Is that what you're saying?
21 MS. CULPEPPER: Yeah.
22 DR. STEWART: Okay, all right.
23 MS. CULPEPPER: And so we're going back,
24 and we're getting that data; we've asked for it.
25 DR. STEWART: Okay. All right, thank

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1 you.
2 MS. CULPEPPER: You're welcome.
3 MR. SHAW: And just one last thing I was
4 thinking of, and it's something just to consider
5 when you go back to committee, is you were talking
6 about there's some people that get \$200, and some
7 people get \$2,000. Maybe if there is some type of
8 tiering system. Say well, you receive less than
9 this, there's not residency requirement. If you
10 receive between here and here is one year, here and
11 here it's two years. Whatever it may be, base that
12 off of what's being given. And that way the ones
13 that get \$200 or \$500 are not stuck in having to do
14 that. Just food for thought.
15 MS. CULPEPPER: I think those are great
16 ideas. Thank you, Mr. Shaw.
17 MR. CUMMINS: I would like to make one
18 comment. I run into the ONW people quite often at
19 the recruiting events. They set up wonderful
20 tables; they give great information. I was shocked
21 to run into them at Holmes Community College in
22 Goodman and in Ridgeland, as I was doing recrui--
23 nurse recruiting myself for my company. But just
24 kudos to them. They do a great job, setup, and
25 they're very interactive with the students that come

1 through. So give them credit.
2 MS. CULPEPPER: Thank you, Mr. Cummins.
3 And I agree. I've done the same thing, and the
4 students always enjoy seeing our ONW team there at
5 the events.
6 Next I'm going to move in to MnVP.
7 Participants, as far as, MnVP currently has a total
8 of 42 participants. One program graduate and two
9 referrals to legal since February of 2023. We have
10 three additional participants pending assessment.
11 Also MnVP has attended three career fairs,
12 which Mr. Cummins and I have referred to.
13 Plans to attend the NADDI conference in
14 April, and then they're going to attend one in May.
15 Program manager, Casey Loper, is to
16 participate in the upcoming MHA webinar. And they
17 do have some future projects with Casey Loper. She
18 will be submitting an article on fentanyl for the
19 June edition for the Board of Nursing magazine.
20 And that is the end of my report for MnVP
21 and ONW. Any questions?
22 All right. Next we have Dr. Burks with
23 practical nursing education.
24 DR. BURKS: Good morning.
25 BOARD MEMBERS: Good morning.

1 DR. BURKS: Madam President, I have two
2 items to bring before the board in regards to
3 program requests.
4 Mississippi Gulf Coast Community College,
5 they are requesting to expand their PN
6 apprenticeship program to a consortium, and that
7 consortium would include the following: Coastal
8 Family Health Center, George Regional Health and
9 Rehab, Memorial Health, Greene County Health and
10 Rehab.
11 Currently, they have 15 students enrolled.
12 They started their apprenticeship program last year
13 with Singing River, and they would like to increase
14 that enrollment to 65.
15 The first cohort is scheduled, if they are
16 approved, to start September -- the first cohort
17 actually started September 2023. This proposed
18 cohort is going to start May 2023. Excuse me. They
19 started September 2022.
20 The need for the expansion is based upon the
21 community interest and support. Singing River
22 actually received over 800 internal applications of
23 interest for their apprenticeship program; so that
24 interest is there.
25 They had an information session on March

1 2023 due to other healthcare facilities' interest in
2 the program. And, of course, you all allowed
3 Mississippi Gulf Coast the opportunity to start
4 their apprenticeship program last year. They are
5 the first in the state. Their program is doing
6 well. Their students are doing well. And from a
7 historical perspective, Mississippi Gulf Coast,
8 their NCLEX pass rates have been 100 percent since
9 2015.
10 So they are doing all that they can, and
11 they do have the support of Accelerate Mississippi.
12 They are supporting these entities with the
13 financial aspect to get these individuals enrolled.
14 My recommendation is that Mississippi Gulf
15 Coast be given permission to expand their
16 apprenticeship practical nursing program with the
17 following considerations: That they do adhere to
18 the standards, and they provide the Board of Nursing
19 with the outcome status report after the completion
20 of the second six weeks.
21 Because this program -- the traditional
22 programs are 12 weeks (sic). The apprenticeship
23 program is actually -- 12 months. The
24 apprenticeship program is 15 months, so it's three
25 additional months. But after that first 16 weeks

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1 and they've gotten through that initial information,
2 we can see how those individuals are progressing,
3 and also with that, it gives them an opportunity to
4 do some tweaking and adjustment.

5 One of the things that is not on the report,
6 but what Mississippi Gulf Coast has done is they are
7 doing, what's called, a comp predictor with these
8 students. And instead of doing it at the end of the
9 program, where most programs would do it at the end
10 to see if they're going to pass boards, they're
11 doing a comp predictor each time they complete a
12 session to see where they are, where there are gaps,
13 and they're filling in those gaps. And I think that
14 is one of the reasons why it is -- these students
15 have been successful. Because remember, they are
16 working, and they're in school as well.

17 Would you like me to do the second one?

18 MS. CULPEPPER: You can go on.

19 DR. BURKS: Okay. Magnolia Regional
20 Health Center, they submitted a proposal to teach
21 the IV therapy expanded role course. The course
22 coordinator will be Ms. Samantha Tyler. She is a
23 master's prepared nurse.

24 They did provide a list of their preceptors,
25 and they met the requirements that's outlined. They

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1 proposed to use the curriculum that's outlined by
2 the board and community college. Their anticipated
3 start date is July 31st, 2023.

4 And as many people know, many of the
5 healthcare facilities, hospitals, they are now
6 incorporating LPNs. They have that ability to be IV
7 certified, many are not. So in 2009 Magnolia did
8 teach the course. All of those individuals have
9 since retired, no longer there. So they want the
10 opportunity to reinstate so that they can train or
11 teach their LPNs.

12 My recommendation is Magnolia Regional
13 Health Center be allowed to offer the 80-hour IV
14 therapy course in accordance with the following:
15 That the course coordinator meet with the director
16 of practical nursing programs prior to admitting the
17 first class, and that is to review the curriculum,
18 the course outline, expectations, and et cetera.
19 And also they would be required to submit an annual
20 report, and that will be due yearly, October the
21 15th, and that coincides with the practical nursing
22 programs' annual report due date.

23 MS. CULPEPPER: Okay, thank you. So on
24 this, would anyone like to make a motion on the
25 approval of Mississippi Gulf Coast Community College

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1 expanding their program?

2 MS. NORRIS-JOHNSON: I make the motion.

3 MS. CULPEPPER: Nancy Norris makes the
4 motion.

5 Do I have a second?

6 MR. CUMMINS: Second.

7 MS. CULPEPPER: Is there any discussion
8 on that one?

9 MR. CUMMINS: I have a question. Do we
10 know when the first graduating class will come out
11 from the apprenticeship program?

12 DR. BURKS: It will be actually
13 September --

14 MR. CUMMINS: September --

15 DR. BURKS: -- 2023.

16 MR. CUMMINS: -- of this year?

17 DR. BURKS: They will graduate this
18 year.

19 MR. CUMMINS: And so my next follow-up
20 question is: Is there a way that we can track those
21 specific NCLEX results versus others?

22 DR. BURKS: Yes.

23 MR. CUMMINS: Seeing how the students
24 that go through apprenticeship result compared to
25 other traditional nursing schools?

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1 DR. BURKS: Yes. Because they have a
2 list of those individuals, and their entity, Singing
3 River -- because this is an investment --

4 MR. CUMMINS: Right.

5 DR. BURKS: -- in Singing River as well.

6 MR. CUMMINS: Right.

7 DR. BURKS: They're requesting that
8 information, so it will be easier -- very easy to
9 pull out that information, specifically looking at
10 these individuals.

11 MR. CUMMINS: And that's something maybe
12 will get reported to us in October or so --

13 DR. BURKS: Yes.

14 MR. CUMMINS: -- as that comes. Very
15 good.

16 DR. BURKS: Or maybe December --
17 probably December.

18 MR. CUMMINS: Sure, sure.

19 MS. COLLINS: Ms. Burks?

20 DR. BURKS: Yes, ma'am.

21 MS. COLLINS: Are they getting paid or
22 compensated while they're doing their --

23 DR. BURKS: Yes, ma'am.

24 MS. COLLINS: -- apprenticeship?

25 So on-the-job training works with nursing?

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1 DR. BURKS: Yes, ma'am.
2 MS. GENTRY: Dr. Burkes, I have a
3 question. How long are they obligated to Singing
4 River once they complete?
5 DR. BURKS: I believe -- well, that's
6 between Singing River and them, but in looking at
7 Singing River, their information from about a year
8 and a half ago, this is like a two-year commitment.
9 MS. GENTRY: Okay, okay, all right.
10 DR. BURKS: But one of the things
11 that -- and Singing River, they submitted some
12 support documentation, and they do highly believe
13 these individuals will be with them longer because
14 many of these individuals have worked for their
15 institutions. They had specific criteria outside of
16 criteria typically seen from nursing. And that was
17 an individual had to work with their company for X
18 number of years. Many of the individuals in the
19 program have been with them five or more years.
20 They're an integral part of that community, so the
21 expectation is they're going to stay with them
22 because they've been with them so long; they're
23 invested; and they're invested in their community;
24 and they want to be a part of their community.
25 MS. CULPEPPER: Dr. --

1 MS. GENTRY: I have a question --
2 MS. CULPEPPER: Oh, I'm sorry.
3 MS. GENTRY: Question about the program.
4 You said the comp predictor is administered at the
5 -- the onset or the beginning of the semester or the
6 term quarter. What if they're not successful on
7 that comp predictor, Dr. Burks? Do they remediate
8 them to the point at which they are successful, and
9 then they rejoin the program, or are they just
10 identified as at-risk?
11 DR. BURKS: Identified as at-risk. They
12 do not give them a grade for comp predictor.
13 Predictor is based upon you have a 65, 80 percent
14 chance, and they're using that solely as -- because
15 when you start giving points for comp predictor and
16 grades, it can work for or against you; it just
17 depends on that class.
18 They're using it as basically a gap
19 analysis. What do we need to do? It's not all of
20 what the students need to do. The instructors are
21 using this as well.
22 What Singing River did, they hired an
23 individual, and she works directly with the
24 instructors at the school. So they have a
25 relationship of: She's following them in the

1 hospital. She's keeping up with them in the class
2 and vice versa, and they're coming together and
3 saying, this is what we're seeing in the gap.
4 Because sometimes people can perform, but putting it
5 together to be able to critically think, that's
6 where the problem lies and that's what they're using
7 the comp predictor for, instead of on the end.
8 Because if you give a comp predictor for a
9 class, just say they graduate in May, you give it in
10 April. You have limited time to do any type of
11 adjustments, but they're doing it as they continue.
12 The second part of that is: They're getting
13 them familiar with standardized tests. Everybody
14 can't take standardized tests. And so they're being
15 proactive instead of reactive in how their design is
16 set up.
17 MS. GENTRY: So it's not a high-stakes
18 comp predictor?
19 DR. BURKS: It's not a high-stakes.
20 MS. GENTRY: Dr. Joan Hendrix could rule
21 the world.
22 MS. CULPEPPER: Dr. Stewart, you had a
23 question?
24 DR. STEWART: I do. Just because we
25 like to hear you talk. Obviously, we're all

1 curious.
2 I wanted some clarification about the
3 consortium.
4 So we're talking about Singing River. So
5 how does the consortium play into this 65, I guess,
6 apprentices -- apprentices?
7 DR. BURKS: What they're going to do is,
8 when they have that interest meeting, this is what
9 this group came up with is they'll be a part of this
10 consortium.
11 And as it stands now, these individuals were
12 hired by Singing River, or they're employees of
13 Singing River.
14 DR. STEWART: Right.
15 DR. BURKS: Well, with this now, what
16 these individuals will do at these healthcare
17 facilities, they have support in terms of they can
18 talk and say this is what has worked for us. This
19 is what's not working for us. So it's basically
20 support -- it doesn't change the makeup of the
21 program or how the program looks.
22 And they -- Dr. Hendrix, they came up with
23 that number, 65. Because, again, you've got to have
24 some instructors.
25 DR. STEWART: Right.

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1 DR. BURKS: And so that was based upon
2 the school and not so much as the facility saying
3 this is the number. They are basing it upon the
4 number of faculty members they have to teach this
5 program.

6 DR. STEWART: Right. So the consortium
7 -- these members that are listed or participants,
8 these are not additional, I guess, potential
9 employers. These are -- this sounds more like a
10 community advisory board of sorts. Is that your
11 understanding?

12 DR. BURKS: These -- the way -- from my
13 understanding is, now, these individuals or these
14 facilities, they're going to have employees who are
15 going to be in an apprenticeship program. The
16 program is still going to be -- the oversight is
17 going to be provided by Mississippi Gulf Coast.

18 DR. STEWART: Okay. But for a total of
19 65. So they could be outside Singing River?

20 DR. BURKS: Yes, they can be outside of
21 Singing River.

22 DR. STEWART: Okay.

23 DR. BURKS: They're looking at what
24 Singing River has done. It's the buzz in the
25 community.

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1 DR. STEWART: Okay.

2 DR. BURKS: It is working. They -- and
3 also, it's a recruitment tool.

4 DR. STEWART: Sure.

5 DR. BURKS: Because personally, if I was
6 looking for a job and I know there was an
7 opportunity for me to go to school and to expand and
8 be -- become something better, I'm going to go to
9 the place that's going to offer me that. And so
10 with Singing River having 800 applicants internally
11 -- I'm sure some of those people have come on board
12 after hearing, oh, they have a nursing program, and
13 you can be a part of this.

14 So now, not being selfish, they're like,
15 okay, we can all do this and have a part of the pie
16 because everybody's in the same crunch. We need
17 healthcare workers.

18 DR. STEWART: That's helpful. Thank
19 you.

20 MS. CULPEPPER: Any other questions?
21 All those in favor of approving?

22 BOARD MEMBERS: Aye.

23 MS. CULPEPPER: Any nays?

24 (No verbal response.)

25 MS. CULPEPPER: Any abstention?

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1 (No verbal response.)

2 MS. CULPEPPER: Okay. So that one will
3 be approved.

4 The next one is the recommendation for
5 Magnolia Regional Health Center to begin teaching IV
6 therapy expanded role.

7 Do I have a motion?

8 MS. CUMMINS: I make a motion to
9 approve.

10 MS. CULPEPPER: That's a motion from
11 Mr. Cummins.

12 MS. MOORE: I'll second.

13 MS. CULPEPPER: It's a second from
14 Laura.

15 Any discussion?

16 MS. GENTRY: I do.

17 Dr. Burks, what other IV certification
18 courses do we have around the state right now?

19 DR. BURKS: Now, all -- the 15
20 community -- programs, they teach it within their
21 curriculum. The standalone, Meridian teaches it,
22 Hinds Community College, Mississippi Gulf Coast,
23 Kaho, and Singing River.

24 MS. CULPEPPER: Any other questions?

25 If not, all those that are in favor say,

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1 "Aye."

2 BOARD MEMBERS: Aye.

3 MS. CULPEPPER: Any nays?

4 (No verbal response.)

5 MS. CULPEPPER: Abstention?

6 (No verbal response.)

7 MS. CULPEPPER: So we will approve that.

8 Next, we are going to move on to the
9 remainder of Dr. Burks' report.

10 DR. BURKS: The last thing I have is
11 about the PN curriculum revision. This is the year
12 that the practical nursing curriculum is going to be
13 revised. It is a standardized curriculum that is
14 utilized by all programs in the State of
15 Mississippi. That is scheduled for April -- the
16 first meeting is scheduled for April the 25th, 2023,
17 at 8:00 o'clock, and that meeting will take place at
18 Mississippi Community College board conference room.

19 This is program faculty, administrators,
20 industry members. Attendance is requested regarding
21 industry workforce needs and trends. The curriculum
22 revision cannot happen without the input of
23 stakeholders, healthcare facilities. For those
24 people who are interested and would like to voice
25 concerns -- there may be things that they want to

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1 see changed with the current curriculum. This is
2 the opportunity to do so.
3 The meeting will start at 8:00; it will end
4 at 12:30. And then afterwards, a second meeting,
5 I'm sure, will take place. The plan is for this
6 curriculum to be completely revised and ready for --
7 to be inputted and activated by December of this
8 year, 2023.
9 MS. CULPEPPER: Thank you, Dr. Burks.
10 Just out of curiosity, when was the last time it was
11 revised?
12 DR. BURKS: The curriculum was revised
13 six years ago; it's on a six-year schedule. There
14 are five different options, but all of the schools,
15 their objectives are the same, and it comes from the
16 test plan.
17 The test plan has changed, so this is a
18 great year for this curriculum to change as well.
19 So we're requesting and inviting everyone.
20 I did ask Mississippi Community College Board if
21 they would have a virtual option, and they are
22 working on that because we do need the input of the
23 community. We need the input of those in
24 healthcare. We need your input if it's something
25 you need to see change. Something you would like

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1 for them to do differently. That's why -- they're
2 going to take that information and make those
3 decisions.
4 MS. CULPEPPER: Well, thank you very
5 much, Dr. Burks. Does anyone have any questions for
6 Dr. Burks?
7 Thank you, Dr. Burks. You always do a
8 fantastic job.
9 Next we have the board business. For the
10 business meeting minutes for February 10th, has
11 everyone read over those and reviewed?
12 MR. SHAW: Motion to approve.
13 MR. CUMMINS: I second.
14 MS. CULPEPPER: That's a motion by
15 Mr. Shaw; seconded by Mr. Cummins.
16 Next is the hearing panel minutes for
17 December 2022 and February 2023. Have we had a
18 chance to review these?
19 MR. SHAW: Motion to approve.
20 MR. CUMMINS: Second.
21 MS. CULPEPPER: That is a motion by
22 Mr. Shaw; seconded by Mr. Cummins.
23 The agreed settlement proposal minutes for
24 December 2022 and February 2023. Have they -- does
25 anybody have any questions about that?

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1 MR. SHAW: Motion.
2 MR. CUMMINS: Second.
3 MS. CULPEPPER: That is a motion by
4 Mr. Shaw; seconded by Mr. Cummins.
5 Next to waive the reading of names on
6 motions?
7 MS. COLLINS: I'll make a motion.
8 MS. CULPEPPER: Jan will make the
9 motion.
10 MR. CUMMINS: Second.
11 MS. CULPEPPER: Mr. Cummins will second
12 it.
13 And then the next thing is administrative
14 denials. Do we have a motion on that one?
15 MR. SHAW: Motion.
16 MR. CUMMINS: Second.
17 MS. CULPEPPER: Mr. Shaw and
18 Mr. Cummins.
19 Next is for future meetings.
20 (Indiscernible; simultaneous speakers.)
21 MS. CULPEPPER: Oh, I'm sorry.
22 MR. CUMMINS: Yeah, we need to vote.
23 MS. CULPEPPER: I'm sorry. I apologize.
24 So with all of these motions going into
25 play, let me go back and fix that.

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1 Do we have any -- does every -- anyone that
2 is wanting to approve it, state, "Aye."
3 BOARD MEMBERS: Aye.
4 MS. CULPEPPER: Any nays?
5 (No verbal response.)
6 MS. CULPEPPER: Or abstention?
7 DR. JOHNSON: Madam --
8 DR. KING: I --
9 DR. JOHNSON: Go ahead.
10 DR. KING: No, go ahead, Dr. Johnson.
11 DR. JOHNSON: On the administrative
12 denials.
13 MS. CULPEPPER: Yes.
14 DR. JOHNSON: General counsel will need
15 to present that information.
16 MS. CULPEPPER: Okay, I'm sorry.
17 DR. JOHNSON: I'm sorry; I apologize.
18 MS. CULPEPPER: That's okay.
19 DR. KING: So, Madam Chair, are you
20 going through these individually.
21 MS. CULPEPPER: Yes.
22 DR. KING: And I'm only saying it for
23 one reason. I'm just -- okay. I was just going to
24 abstain from the panel minutes and the agreed
25 settlement proposals, just because I haven't had a

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1 chance to review those at this point.
 2 MS. CULPEPPER: On the hearing panel
 3 minutes and the agreed settlement?
 4 DR. KING: Yes, ma'am.
 5 MS. CULPEPPER: Okay. Ms. Saltzman, are
 6 you ready?
 7 MS. SALTZMAN: Yes. Under section 4.4
 8 administrative denials, I move that the board ratify
 9 and accept the following administrative denials
 10 pursuant to 30 Mississippi Administrative Code, Part
 11 2825, Rule 1.9.B.
 12 The first one is Jennifer Boyant, case
 13 number 2023-0166. Are there any questions about
 14 that particular case?
 15 The second one is Crystal Lockett Wilson,
 16 case number 2023-0124. Are there any questions
 17 about that case?
 18 The third one would be Latrisha Williams,
 19 case number 2021-0857. Are there any questions
 20 about that denial?
 21 And the last one would be Alisha Smith, case
 22 number SMIT-HUWE1A. Are there any questions about
 23 that denial?
 24 Thank you.
 25 MS. CULPEPPER: So I will go back on

1 that one to see. So on that one, Mr. Shaw made the
 2 motion. Mr. Cummins seconded it. So on that one,
 3 all those that approve state, "Aye."
 4 BOARD MEMBERS: Aye.
 5 MS. CULPEPPER: Any nays?
 6 (No verbal response.)
 7 MS. CULPEPPER: Any abstentions?
 8 (No verbal response.)
 9 MS. CULPEPPER: Next, we'll move into
 10 future meetings.
 11 You want me to go back.
 12 On -- go back to the business meeting
 13 minutes for February 10th, 2023. On the motion, we
 14 had Mr. Shaw make the motion; Mr. Cummins seconded
 15 it.
 16 All those in favor say, "Aye."
 17 BOARD MEMBERS: Aye.
 18 MS. CULPEPPER: Any nays?
 19 (No verbal response.)
 20 MS. CULPEPPER: Any abstention?
 21 (No verbal response.)
 22 MS. CULPEPPER: Next was the hearing
 23 panel minutes for December 2022 and February of '23.
 24 Mr. Shaw made the motion; Mr. Cummins seconded it.
 25 All those in favor say, "Aye."

1 BOARD MEMBERS: Aye.
 2 MS. CULPEPPER: Any nays?
 3 (No verbal response.)
 4 MS. CULPEPPER: Any abstentions?
 5 DR. KING: Melissa.
 6 MS. CULPEPPER: Just Melissa. Okay,
 7 thank you.
 8 Next was the agreed settlement proposal
 9 minutes for December 2022 and February 2023. The
 10 motion was made by Mr. Shaw; seconded by
 11 Mr. Cummins.
 12 All those that approve say, "Aye."
 13 BOARD MEMBERS: Aye.
 14 MS. CULPEPPER: Any nays?
 15 (No verbal response.)
 16 MS. CULPEPPER: And an abstention by
 17 Dr. King.
 18 Next is waiving the reading of the names on
 19 the motions. On that one it was Jan Collins made
 20 the motion; Jeremy Cummins seconded it.
 21 All those that approve say, "Aye."
 22 BOARD MEMBERS: Aye.
 23 MS. CULPEPPER: Any nays?
 24 (No verbal response.)
 25 MS. CULPEPPER: Any abstentions?

1 (No verbal response.)
 2 MS. CULPEPPER: Okay. So now that gets
 3 us back to future meetings. The agreed settlement
 4 proposals are for June 16th, 2023 - I'm sorry - June
 5 6th of 2023. Disciplinary hearings June 7th and
 6 8th, 2023, at 8:30 A.M. Business meeting, June 9th,
 7 2023 at 11:05 A.M.
 8 On the panel for that is Sandra Culpepper,
 9 Nancy Norris, Dr. Melissa King, and T.J. Adams.
 10 Also, there has been a request for an extra
 11 hearing day for Monday, July 17th, 2023.
 12 Would anybody like to make a motion?
 13 DR. KING: So, Madam Chair, can I ask a
 14 question about the agreed settlement proposals, and
 15 maybe Ms. Saltzman or Mr. Walker want to weigh in on
 16 this, just because of the agreed settlement not
 17 identifying a specific day for those in case we need
 18 additional time and not just having one set day for
 19 just those settlement proposals. Do you want to --
 20 does it even matter, I guess, is my question from a
 21 legal perspective, that we have this as a specific
 22 day?
 23 MS. SALTZMAN: It does not. It's really
 24 --
 25 DR. KING: Okay --

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1 MS. SALTZMAN: -- the board's --
2 DR. KING: It's just --
3 MS. SALTZMAN: -- preference.
4 DR. KING: -- the docket. Okay, just a
5 docket.
6 MS. SALTZMAN: If you would like ASPs
7 just taken up randomly during board hearing week and
8 presented as they come in, we could do that in lieu
9 of a docket. If you would prefer having them all at
10 one time in a set period of time, that's just really
11 up to the board; their preference on how they want
12 to take up ASPs.
13 Sometimes we do have to work them in just
14 for whatever reason, logistics doesn't work out such
15 that we can get it on the docket that day for a
16 variety of reasons.
17 DR. STEWART: So if I may? I think what
18 you've just suggested might work really well,
19 Deanne, which is to -- you know, you guys know kind
20 of what we might anticipate, but if we could just --
21 just for clarification. So just, you know, say that
22 we're going to address those throughout the week,
23 and that way it gives flexibility on the scheduling.
24 I'll speak on a personal -- sometimes it's
25 easier for me to see agreed settlements, depending

1 on the complexity, early in the day, you know. And
2 it may be that there are hearings that it works out
3 better for your schedule and others' schedules that
4 we do them in the afternoon.
5 So my suggestion would be let's plan
6 whatever allows us the most flexibility for our
7 legal counsel, as well as our panel.
8 MS. CULPEPPER: And so I believe we can,
9 perhaps, at some point go into executive session so
10 that we can have that conversation to see where we
11 would want to move on that.
12 DR. STEWART: Okay, thank you.
13 MS. CULPEPPER: You're welcome.
14 So in regards to that extra hearing day, I
15 just wanted to clarify that there has been an extra
16 day requested for July on Monday, July 17th. Do I
17 have a motion?
18 DR. KING: I make a motion.
19 MS. SALTZMAN: And I would just like to
20 interject there. That is one hearing. It's not
21 going to have a variety of hearings. That's a
22 hearing where they have asked for additional time
23 because they anticipate calling multiple witnesses.
24 So that is the reason. We don't have any intent to
25 add Monday back. We're just trying to accommodate a

1 particular case where they've asked for indulgence
2 by the board because they know they want to call
3 several witnesses.
4 MS. CULPEPPER: Okay, thank you,
5 Ms. Saltzman.
6 So Melissa King made the motion.
7 Do I have a second?
8 DR. STEWART: I second it.
9 MS. CULPEPPER: Seconded by Dr. Stewart.
10 All those in favor say, "Aye."
11 BOARD MEMBERS: Aye.
12 MS. CULPEPPER: Any nays?
13 (No verbal response.)
14 MS. CULPEPPER: Any abstention?
15 (No verbal response.)
16 MS. CULPEPPER: We will move on with
17 that. So next is the executive director's report.
18 DR. JOHNSON: Madam Chair and Members of
19 the Board and the Honorable Edward Wiggins, I
20 appreciate the opportunity to present before the
21 board this morning. As always, thank you for all
22 that you do, and thank you for your leadership.
23 My report will be short. I just wanted to
24 bring to your attention some updates -- some updates
25 that you need to be aware of.

1 2023 NCSBN annual meeting, August 16th
2 through 18th, 2023 will be held in Chicago,
3 Illinois. This is the 45th anniversary; sapphire
4 blue is the color. So if you intend on going, get
5 your sapphire blue ready. We are planning an
6 extravagant event for the members of the State
7 Boards of Nursing and our international members
8 during this event.
9 As you well know, the CEO, David Benton --
10 MR. SHAW: Do we get a special table
11 since you're --
12 DR. JOHNSON: Not yet.
13 The CEO, David Benton, is retiring, and I
14 currently serve on the search committee for the new
15 CEO. We will be starting interviews next week, as a
16 matter of fact, for that.
17 So this will be also a very special time to
18 honor the service that he has provided over the
19 previous eight years now, I believe, that he's been
20 in that capacity. So it's a lot of excitement
21 around this. If you're interested in going, make
22 sure you save the date, mark your calendars, and let
23 my executive assistant, Vanessa Gray, know that if
24 you are interested in attending that event.
25 But sapphire blue -- even men, sapphire blue

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1 is the color theme for that.

2 I also wanted to bring to your attention

3 American Heart Association Go Red for Women luncheon

4 which will be May 3rd, 2023. We support Go Red; it

5 is health related. And so if you're interested in

6 attending that, please let Vanessa Gray know as

7 well. We do encourage our membership, our board

8 members to attend, and we will be making

9 accommodations for those who do submit their request

10 to do so.

11 The MEC the Economic Council annual meeting

12 will be held at the Jackson Convention Complex.

13 That will be next Thursday, April 20th. A message

14 should have gone out to the board. If you are

15 interested in attending, I think LaShonda, our

16 operations member was coordinating all of that. And

17 I think there was a deadline - I'm not sure - but if

18 you wanted to attend, you should have let her know.

19 If you have not, please e-mail me and let me know if

20 you want to attend that event next week.

21 The board has been very visible, as you can

22 see. I'm not going to read all of these. Just to

23 bring a couple of things to your attention. Deanne

24 Saltzman presented at MOADN, and MOADN is the

25 Mississippi Organization of Associate Degree Nurses,

1 and it was held in Vicksburg. There were in excess

2 of 1,500 attendees. She spoke on behalf of the

3 Board of Nursing, and I got calls and texts and

4 e-mails about how outstanding her presentation was.

5 So I would just like to thank Deanne for

6 standing in the stead and taking care of that. I

7 think she was a little bit gun-shy when she got

8 there and noticed that it was 1,500 participants

9 that she was speaking to. But I heard she did a

10 tremendous job. So thank you, Deanne, for that.

11 Additionally, some of the other things that

12 we participated in -- Stephanie, if you -- yeah,

13 there we go.

14 We attended MNA Legislative Summit. That

15 was attended very well by all. We've been very

16 active in the community. I highly encourage ONW,

17 MnVP, and the Board of Nursing, in general, has been

18 very, very visible, and I think that's very

19 important to be able to answer questions at some of

20 the events that you see here.

21 Dr. Burks is very engaged in the education

22 component with NCSBN. She serves also on one of the

23 committees there. So that is a testament also to

24 your leadership and your support of the staff in

25 engaging in those types of committees.

1 Next we had Lauren Terry and Casey Loper to

2 present at the HOSA state conference program. And

3 if you remember, our previous board member,

4 Ms. Shirley Jackson, this was one of her dear babies

5 - I would like to say - and it's very important

6 because you're looking at the high school and

7 getting people engaged in healthcare careers.

8 And so I think Lauren served as a judge as

9 well at this event. They always ask for us to

10 participate, and we're happy to accommodate them

11 whenever we can.

12 You've heard about the other career fairs

13 and you see the other things that we're attending.

14 I do want to thank the board members that

15 attended the mid-year conference in Seattle,

16 Washington. I think it was a great conference, and

17 I think they had a great time. They were able to

18 network and meet people and learn a lot. So thank

19 you all to those board members that attended,

20 especially Jan Collins, who left an indelible

21 impression in everybody's heart and laughter. So

22 thank you, Jan.

23 MS. COLLINS: I hope it was good.

24 DR. JOHNSON: It was good; trust me.

25 Moving forward, next, other board

1 visibility: I did want to preference the NCSBN

2 National Press Club conference. I had the honor to

3 be invited, because it was invitation only, this

4 week, and that's why I had to fly out Wednesday, and

5 I flew back yesterday to the National Press Club in

6 Washington, D.C. for a national conference where

7 NCSBN submitted the 2023 national nursing workforce

8 data. It was awesome; it was awesome.

9 A lot of good information, attended by a lot

10 of different people. NCSBN has been interviewed by

11 NBC and CNN on this data. There was a national

12 press release. If you have not received it, I will

13 send it to you. The data is exceptional. We are

14 looking at by at least one million shortage of

15 nurses. 800,000 of those are RNs and 200,000 are

16 LPNs within the next few years. That's a lot;

17 that's a lot. The data is exceptional.

18 And so there was a group -- there was a

19 panel discussion. Many people came together,

20 including academia. It included Congress. It

21 included the hospital associations, nursing

22 leadership organizations that served on this panel

23 and the National Nursing Workforce Center. One of

24 the representatives from the Florida National

25 Nursing Workforce Center.

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1 The information was phenomenal. It's called
 2 -- It's a Call to Action; Sound the Alarm. You
 3 don't have healthcare without nurses, and nursing is
 4 in a crisis.
 5 So I will get that information to you
 6 because I think it is so, so important. It will be
 7 published in the Journal of Nursing Regulation, and
 8 that's for members only. They usually get that
 9 information, and I usually get some of those
 10 magazines, and I'll make sure that the board
 11 members -- I'm not sure how many they send us, but
 12 I'll make sure that I get that information out to
 13 you once it's -- and it's going to be digital as
 14 well.
 15 But they're not going to release it, I
 16 think, until -- I think it's today. They told me it
 17 would be released today on the digital. They were
 18 running a little behind but getting it out, but it
 19 will be a hard copy also submitted, so I'll get that
 20 information to you when I get it.
 21 And I think that's all I have at this point.
 22 I just wanted to thank my staff as always for the
 23 great job that they do. Dr. Burks has done a great
 24 job. Shan has done a tremendous job. All of my
 25 staff - Dr. Cagle, my directors that I can't call by

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1 name, so if I miss your name, don't -- as they say
 2 in the church -- trust that to my head, not my
 3 heart. But I do appreciate -- we have a wonderful
 4 staff here. They work hard. We're not perfect, but
 5 we work hard. So I just want to give them their
 6 kudos because they do, do a tremendous job. And
 7 especially if I'm not here, they do a tremendous
 8 job. So thank you for all you're doing. And,
 9 board, thank you for your leadership and all of your
 10 support. And that's all I have.
 11 MS. CULPEPPER: Thank you, Dr. Johnson,
 12 and we truly appreciate all of your hard work as
 13 well. So thank you.
 14 Next, we're going to move into the committee
 15 reports.
 16 The executive committee: As of today, we do
 17 not have anything coming out of that committee. We
 18 will meet later on next week.
 19 Is there any other board business?
 20 Next, we're going to move on to the
 21 compliance committee.
 22 MS. MOORE: I have three motions to
 23 bring before the board.
 24 Motion number one is I move that the board
 25 adopt the compliance committee's recommendation

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1 that -- to approve the evaluation for chemical
 2 dependency, substance abuse performed on October
 3 18th, 2022, to fulfill the final order dated
 4 February 14th, 2023.
 5 I move the board adopt the compliance
 6 committee's recommendation that the following
 7 affidavits formal reprimands be accepted for
 8 ratification: License R-677728, P-326356, R-865497,
 9 R-888376.
 10 And I move that the board adopt the
 11 compliance committee's recommendation that the
 12 approved discipline courses list be updated so that
 13 any expired courses are removed and the updated list
 14 reflects the new courses to be added as set forth in
 15 the attachment.
 16 MS. CULPEPPER: So do we have a second
 17 for those motions?
 18 MR. SHAW: Second.
 19 MS. CULPEPPER: Any discussion?
 20 All right. So with that being said, all
 21 those in agreement say, "Aye."
 22 BOARD MEMBERS: Aye.
 23 MS. CULPEPPER: Any nays?
 24 (No verbal response.)
 25 MS. CULPEPPER: Any abstention?

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1 (No verbal response.)
 2 MS. CULPEPPER: Okay. That is approved.
 3 Next, we're going to move on to advanced
 4 practice committee, Dr. King.
 5 DR. KING: Thank you, Madam Chair. I
 6 will echo that the staff has been very busy and
 7 worked hard because we have six motions to bring
 8 forward this morning to the board.
 9 With the first one being moving that
 10 interventional radiology procedures be approved for
 11 acute care nurse practitioners that align with the
 12 Board of Nursing decision tree model and are
 13 consistent with national standards, training,
 14 competency validation. If there's any questions
 15 about that, I'm happy to go into more detail. Any
 16 questions?
 17 MS. CULPEPPER: Any questions?
 18 Do we have a second on that one?
 19 MR. SHAW: Second.
 20 DR. KING: You can't because we're
 21 (indiscernible; speaking too softly.)
 22 MS. CULPEPPER: So all those that
 23 approve say, "Aye."
 24 BOARD MEMBERS: Aye.
 25 MS. CULPEPPER: Any nays?

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1 (No verbal response.)
2 MS. CULPEPPER: Abstention?
3 (No verbal response.)
4 MS. CULPEPPER: Okay, approved.
5 DR. KING: The second one is that I move
6 that the controlled substance authority be granted
7 to an APRN or APRNs that have been grandfathered in
8 to obtain a DEA number for the substance abuse
9 crisis.
10 MS. CULPEPPER: Any questions?
11 A second?
12 MS. NORRIS-JOHNSON: I second.
13 MS. CULPEPPER: Nancy Norris will second
14 that. All those that approve say, "Aye."
15 BOARD MEMBERS: Aye.
16 MS. CULPEPPER: Any nays?
17 (No verbal response.)
18 MS. CULPEPPER: Any abstention?
19 DR. STEWART: I'm abstaining.
20 MS. CULPEPPER: Mary Stewart is
21 abstaining.
22 MS. GENTRY: Lacey Gentry is abstaining.
23 MS. CULPEPPER: Lacey Gentry abstains.
24 Okay. We're going to move forward.
25 DR. KING: This next one we have

1 discussed in the past, but I believe we have just
2 had a difficulty finding the actual minutes that
3 validate that this was brought before the board. So
4 we're trying to make sure that we're all in
5 agreement and we go through the right process. And
6 that is for the advance procedure (indiscernible;
7 speaking too rapidly) in the emergency setting by
8 nurse practitioners that have the appropriate
9 education, training, and competency validation --
10 MR. WIGGINS: Dr. King, I'm sorry.
11 Could you speak up a little for the court reporter,
12 please.
13 DR. KING: You can't hear me? I am
14 loud. Okay.
15 Did you get any of that? Do you need me to
16 start all over?
17 Okay. So this motion has been brought
18 before, but we were having problems finding the date
19 of the approval for this procedure and the
20 discussion that happened around it, and it is moving
21 that rapid sequence intubation in the emergency
22 setting by nurse practitioners with appropriate
23 education, training, and competency validation be
24 able to perform this procedure.
25 MS. CULPEPPER: Any questions?

1 All those in favor say, "Aye."
2 BOARD MEMBERS: Aye.
3 MS. CULPEPPER: Any nays?
4 (No verbal response.)
5 MS. CULPEPPER: Any abstention?
6 DR. STEWART: I'm abstaining.
7 MS. CULPEPPER: All right. So
8 Dr. Stewart has abstained. So we will move forward
9 to the next one. Dr. King.
10 DR. KING: Okay. Nurse practitioners in
11 cardiovascular setting be able to pull pacer wires
12 with -- that align with the decision tree
13 implemented by the board and that is consistent with
14 national standards, training, and competency
15 validation.
16 MS. CULPEPPER: Any questions?
17 All those that -- so with that being said,
18 all those that approve say, "Aye."
19 BOARD MEMBERS: Aye.
20 MS. CULPEPPER: Any nays?
21 (No verbal response.)
22 MS. CULPEPPER: Any abstention?
23 DR. STEWART: I'm abstaining.
24 MS. CULPEPPER: Dr. Mary Stewart is
25 abstaining.

1 And we will move forward.
2 DR. KING: Move that cosmetic
3 procedures, including microneedling, radiofrequency,
4 dermaplaning, in the esthetic setting by family
5 nurse practitioners that align with the decision
6 tree implemented by the Board of Nursing and are
7 consistent with national standards, approved
8 training, education, and competency validation.
9 MS. CULPEPPER: Any questions? No
10 questions.
11 All those that approve say, "Aye."
12 BOARD MEMBERS: Aye.
13 MS. CULPEPPER: Any nays?
14 (No verbal response.)
15 MS. CULPEPPER: Any abstention?
16 DR. STEWART: I'm abstaining.
17 MS. CULPEPPER: Dr. Mary Stewart is
18 abstaining.
19 Dr. Johnson.
20 DR. JOHNSON: Just a question on the
21 removal of the pacer wires. Was that to be by
22 cardiology?
23 DR. KING: I'm sorry?
24 DR. JOHNSON: Did they discuss in the
25 committee if that was by cardiology nurse

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1 practitioners?
 2 DR. KING: Yes. In cardiovascular
 3 services.
 4 DR. JOHNSON: Okay. I didn't hear that.
 5 Okay. All right, thank you.
 6 DR. KING: Because I wasn't yelling loud
 7 enough. I'm going to yell at you, and then I'm
 8 going to get accused of being -- get in trouble for
 9 yelling.
 10 All right. I think I'm to the last one.
 11 Are we good?
 12 Last one, and this one may need some
 13 discussion, which is fine. But it is making a
 14 motion that an AG opinion be requested regarding
 15 acute care APRNs that have requested the special
 16 procedure of esthetics.
 17 And I don't know if Dr. Cagle or Dr. Johnson
 18 want to elaborate on that request for the board
 19 because I feel like there's going to be questions of
 20 why we're requesting an AG opinion on this. And so
 21 I would...
 22 DR. CAGLE: Okay. Many years ago an
 23 Attorney General opinion was given which gave the
 24 ability for family nurse practitioners and adult
 25 nurse practitioners but the nurse practitioner

1 groups that were excluded included neonatal nurse
 2 practitioners, pediatric nurse practitioners,
 3 psychiatric nurse practitioners, and acute care
 4 nurse practitioners were excluded. We have of
 5 recent had a couple of different acute care nurse
 6 practitioners asked about the ability to be trained
 7 in esthetics and be able to do that skill or
 8 procedure, which, of course, at this time, they
 9 could not.
 10 So since it's been about a decade since that
 11 Attorney General opinion, we're simply asking for
 12 another one to see if there's anything about that,
 13 that would change or not.
 14 But it was based on two different acute care
 15 nurse practitioners request.
 16 MS. CULPEPPER: Any questions?
 17 All those that approve say, "Aye."
 18 BOARD MEMBERS: Aye.
 19 MS. CULPEPPER: Any abstention? I'm
 20 sorry. Any nays?
 21 (No verbal response.)
 22 MS. CULPEPPER: Any abstention?
 23 Thank you, Dr. King. Was that it?
 24 DR. KING: Thank you, Madam Chair. Yes,
 25 I am done for now.

1 MS. CULPEPPER: Next we are going to
 2 move on to the practice committee. Dr. Stewart.
 3 DR. STEWART: Yes, thank you. We don't
 4 have any motions to bring forward, but as a matter
 5 of communication, we did discuss several items and
 6 as a group, agreed that the decision tree is
 7 sufficient guidance. And so that will be
 8 communicated in writing from the staff, and I will
 9 review that as we communicate to refer people back
 10 to that decision tree.
 11 The other thing that I want to mention and
 12 Dr. Burks, of course, was already thinking about
 13 this. But we've asked our staff support to look for
 14 some continuing education offerings for our
 15 workforce in terms of self-care.
 16 We're seeing more and more, and I think
 17 Dr. King said it very well this morning. We are
 18 here to protect the public, but we can't protect the
 19 public well if we're not taking care of ourselves.
 20 And so -- and, of course, Dr. Burks is
 21 already looking into that. So we anticipate an
 22 addition to the resources that we have in terms of
 23 education for licensees that need those supports to
 24 be forthcoming.
 25 MS. CULPEPPER: Very well said,

1 Dr. Stewart. Thank you.
 2 DR. STEWART: Thank you.
 3 MS. CULPEPPER: Next is administrative
 4 code. Dr. King.
 5 DR. KING: Yes. So the administrative
 6 code -- and I'm going to ask Mr. Walker to -- he's
 7 going to talk about some of the conversations that
 8 we've had in administrative code, but just as an
 9 update, not necessarily a motion from
 10 (indiscernible) perspective. But I think that we
 11 will be asking Dr. Walker -- I mean, Mr. Walker
 12 (indiscernible) for one.
 13 So we've discussed telehealth, and that,
 14 based on national standards and standard of practice
 15 needing to meet bedside care, we have decided not to
 16 make specific sections for telehealth, just to make
 17 sure that we maintain the protection of the public
 18 and that we understand that just because it is
 19 remotely does not mean your standard of care needs
 20 to change; it needs to be the same. And so that
 21 will go into each of those sections that we have
 22 currently.
 23 So that's kind of off the table, and we can
 24 make that -- you know, get that off of our list to
 25 do.

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1 And one thing that we are meeting again
2 Friday to discuss the delegation from being able to
3 delegate to a non-nurse, but there's more
4 information, and I think Brandon will go into that,
5 too, of kind of what we're looking at to discuss
6 next week. And that's kind of all I have right now.
7 I'll turn it over to you, Brandon.

8 MR. WALKER: Do you want to make a
9 motion? Do we have any motions today?

10 DR. KING: Will you discuss it real
11 quick and then we can.

12 MR. WALKER: So one of the things that
13 we brought up in the meeting -- the last meeting we
14 had was an edit or amendment to 2825, the Rules of
15 Procedure. I think it's in y'all's agenda. Have
16 y'all got that?

17 I can kind of walk through the changes and
18 the little bit of discussion we had about it.. It's
19 basically on the appeals.

20 So if you look at 2825, if you go to page 3.
21 I'll just kind of walk through the changes a little
22 bit.

23 The first change that was presented to the
24 committee and made a motion on was under 1.4(B).
25 I'm sorry -- yeah, 1.4(B) was to add administrative

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1 say it was a summary suspension, goes to a hearing.
2 That hearing panel decides it's a revocation. Well,
3 the way the regs are in the statute -- the way the
4 regs were or are currently is that on an appeal,
5 that discipline is stayed. If they were revoked,
6 they would then be -- any discipline that was done,
7 would be stayed, and they would continue to work
8 until that appeal is complete.

9 So what we've done is we put in here to
10 where it reads -- well, I'll just read it. So we've
11 added, "Any such appeal will not stay discipline on
12 a license where such discipline was initiated
13 pursuant to Mississippi Code Annotated 73-15-29(4),"
14 which is the statute that gives the board the
15 authority to summary suspend. So it would be the
16 egregious ones or where revocation of the license is
17 ordered by the board hearing panel.

18 So for your normal disciplines, let's say a
19 fine, reprimand, some educational course, if they
20 appealed it, that would stay. This is more to stop
21 anybody that, by statute, we think is egregious, and
22 the board revokes or upholds that, those would not
23 stay the discipline on appeal. So they would stay
24 revoked until the appeal process was completed.

25 And that's just to protect the safety of the

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1 affidavit there. So the underlined part, "An
2 allegation may be resolved by an administrative
3 affidavit, and agreed settlement proposal, or other
4 informal disposition and/or formal Complaint."

5 That was basically because administrative
6 affidavit isn't really addressed anywhere else, and
7 we thought it would be a good idea to add it in.

8 The next change is over on page - I've got
9 it marked - on page 11, and this is kind of the
10 bigger change. It's under 1.10; it's on (A) (1).
11 And, again, y'all can see what's been marked out and
12 the underlined part.

13 Basically, what we did there was we added
14 the underlined language that starts with "After
15 notice of the action," to kind of match what was
16 already in the statute instead of just having the
17 own regulation -- different language in the
18 regulation.

19 And we also changed the payment part because
20 now we're set up to do -- everything's electronic,
21 so we took out cashier's check and money order. And
22 so it would just read, "Payment must be made by
23 board-accepted electronic method."

24 And then on 3, right now, as is, if somebody
25 appeals, what you would be looking at is -- let's

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1 public because if it's egregious for us to summary
2 suspend it, they don't need to go back to work.

3 And then lastly, there's one more. On page
4 13, at the top there under 2, that basically -- what
5 it read was when it could be appealed and what would
6 happen. So that really didn't make a whole lot of
7 sense because you can't appeal something that's not
8 final, and the way it read -- it says, "Unless
9 within the period, the respondent appeals the
10 decision to the chancery court." We just made it
11 read, "Final orders of the full membership of the
12 board may be appealed to the chancery court as
13 provided by law." And we defined "notice" so that
14 it matches the notice in the statute.

15 Do y'all have any questions on that, or did
16 I make that clear as mud?

17 MR. WIGGINS: So back on page 11, it's
18 just a rule change, not a statutory change?

19 MR. WALKER: Yeah. These are all just
20 rule changes. I would like to change some statutes.

21 DR. KING: Thank you, Brandon.

22 So then the motion is to approve 2825
23 1.4(B), 1.2 -- 1.10 [sic] (A) (1), (A) (3), and (C) (2)
24 for the recommendations that have been discussed.

25 MS. CULPEPPER: Thank you, Dr. King.

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1 All those that want to approve say, "Aye."
2 BOARD MEMBERS: Aye.
3 MS. CULPEPPER: Any nays?
4 (No verbal response.)
5 MS. CULPEPPER: Any abstention?
6 (No verbal response.)
7 MS. CULPEPPER: Okay. We will move
8 forward on that.
9 Next is the finance committee. Mr. Cummins.
10 MR. CUMMINS: All right. If you have
11 your fiscal year '23 budget analysis, you can
12 somewhat follow along. I'll hit some high points
13 here and not belabor this.
14 Under expenditures, we are higher this year
15 than we were the same time last year. There's
16 several factors that contribute to that. First
17 being salary expenses are higher. We had the
18 creation of new positions that increased these
19 expenses, as well as the implementation of the SEC 2
20 salary increases. Secondly, you know, when compared
21 to fiscal year '22, our travel has gone up
22 approximately about \$32,000 higher, and that's due
23 to the restrictions being lifted from the COVID
24 travel restrictions. So that took place, and that's
25 increased our travel costs.

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1 Also legislation lifted the requirement for
2 the trip optimizer, and the mileage rate was
3 increased from \$.585 per mile to \$.655.
4 Total commodity expenses are a little bit
5 higher. This would be due to the acquisition and
6 purchase of new furniture and office IT equipment.
7 If you notice when you walk out at the front desk
8 area, that's all been revamped, and there's new
9 furniture there. So that's what that money went
10 towards.
11 Total expenses are higher; however, we've
12 only expended or obligated about 58.3 percent of our
13 budget for this fiscal year in compared to fiscal
14 year '22, at this time, we were at 60.31 percent;
15 fiscal year '21, we were at 60.23 percent. So we're
16 actually -- while there's an increase in all
17 expenses, our percentage of used budget is lower, so
18 we're in good shape there on our expenditures.
19 Under budget issues: The agency's continued
20 to monitor our categories to make sure money is
21 moved into the right categories as needed, just to
22 keep our books clean.
23 The second bullet point there: The fiscal
24 year '24 appropriations have been received. As
25 Dr. Johnson gave in the legislative report, the

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1 monies that we went in were a little over 5 million
2 in requested budgeted monies. We did not get -- we
3 did get less than requested. That was due to two
4 part-time positions that have been approved for many
5 years were absorbed. Those positions were
6 administrative support, clerical positions. They
7 were listed at like \$15,000 plus some benefits each.
8 So I think we came in short a little over \$30,000 on
9 our requested budget, and that's the reason because
10 they cut out those two positions there.
11 Under revenue: Fiscal year '23 year-to-date
12 revenue collected 6.6 million and some change. The
13 revenue collected during February of this fiscal
14 year was \$120,000 with some change. Revenue in
15 February showed an increase of about \$16,000. That
16 would have been due to some late renewals that came
17 in. And then renewal fees and examination fees for
18 February were higher than what we saw in fiscal year
19 '22, and that, again, was for late renewals both of
20 RNs versus LPNs.
21 Currently, we have over 6. -- I'm sorry --
22 \$8.6 million in available cash, and this cash is
23 sufficient to meet all operational expenses.
24 Now, while we look at 8.6 million, we think
25 there's a 3-million-dollar excess. What we need to

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1 remember is at the end of this fiscal year, next
2 year will be LPN renewals, which will only
3 accommodate for about a little over \$2 million in
4 revenue. So you take the excess; you take the 2
5 million we'll get, and we'll be right at our
6 budgeted amount of 5.6 million, somewhere in there.
7 So we're in line; we're in line. The Board
8 of Nursing has cash sufficient to meet all of our
9 operational expenses.
10 Any questions?
11 MS. CULPEPPER: All right. Thank you,
12 Mr. Cummins.
13 At this point, on the second page of our
14 agenda, if you'll look there --
15 DR. STEWART: Approve the budget.
16 MS. CULPEPPER: Oh, sorry.
17 MR. CUMMINS: Yes, I need a motion to
18 approve the budget.
19 MS. CULPEPPER: So I would like to get a
20 motion for the approval of the budget.
21 MS. COLLINS: I'll make a motion.
22 MS. CULPEPPER: And a second.
23 DR. STEWART: (No verbal response;
24 indicates.)
25 MS. CULPEPPER: Thank you.

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1 All those in agreement say, "Aye."
 2 BOARD MEMBERS: Aye.
 3 MS. CULPEPPER: Any nays?
 4 (No verbal response.)
 5 MS. CULPEPPER: Any abstention?
 6 (No verbal response.)
 7 MS. CULPEPPER: Okay. We will move
 8 forward. Sorry, Dr. Johnson.
 9 DR. JOHNSON: I know I'm out of order.
 10 But, Madam Chair, I forgot to introduce our new
 11 member to the board staff, and I had her to come
 12 back in when I was doing my report. Ms. Chiquita
 13 Carter, if you would stand. Ms. Carter is our new
 14 licensing officer under the direction of Dr. Cagle,
 15 and she's been a delight since she's been here in
 16 her short time here, and we are excited about having
 17 her on board. And so I just wanted you all to be
 18 aware of who she was and to make her feel welcome.
 19 And she's available to help you. Pleasing
 20 personality, just a sweet, sweet person to have here
 21 and very competent. So thank you.
 22 MR. CUMMINS: Welcome aboard.
 23 MS. CARTER: Thank you.
 24 DR. JOHNSON: Thank you, Madam Chair.
 25 MS. CULPEPPER: Thank you, Dr. Johnson.

1 So at this point, if we could, could we just get a
 2 five-minute recess, and then we can re-adjourn. We
 3 just need a five-minute recess just for a second.
 4 We're going to take a five-minute recess.
 5 (A short break was taken off the record
 6 at 12:29 P.M.)
 7 (Proceeding resumes on the record at
 8 12:36 P.M.)
 9 MS. CULPEPPER: All right. At this
 10 point, we're going to go back on record. And I am
 11 going to ask Ms. Saltzman -- and so we're going to
 12 go to the second page under number 9. We're going
 13 to do the motions to dismiss, and so I'm going to
 14 ask Ms. Saltzman, Mr. Walker, and Mr. Mercier to
 15 come forward.
 16 We're going to do that first one and last
 17 one.
 18 MS. SALTZMAN: We'll do Mr. Tinsley,
 19 Ms. Jennings, and Ms. Godbold at the same time
 20 because Mr. Mercier represents all three of those,
 21 and they all have the same argument.
 22 MS. CULPEPPER: Thank you.
 23 DR. KING: Will you just restate those?
 24 Which one of those, Deanne?
 25 MS. SALTZMAN: Kenneth Tinsley, Stacey

1 Jennings, and Whitney Godbold.
 2 Mr. Mercier said he was in agreement for
 3 doing those together, I believe, since they're all
 4 the same argument.
 5 HEARING OFFICER WIGGINS: The board
 6 panel will now hear arguments on Motions to Dismiss
 7 for license number 858628, NP; license number
 8 R-893757; license number R-878689. Let the record
 9 reflect that each of those licensees is represented
 10 by attorney, Doug Mercier.
 11 Ms. Saltzman.
 12 MS. SALTZMAN: Yes, Your Honor. We're
 13 here today on a Motion to Dismiss full board appeals
 14 for failure to prosecute the appeal in the matters
 15 of Kenneth Tinsley, Stacey Jennings, and Whitney
 16 Godbold.
 17 I'm going to go with Mr. Tinsley first. On
 18 or about August the 22nd, 2022, a formal Complaint,
 19 Notice of Hearing were sent to him. His hearing was
 20 held on October the 6th, 2022, and an amended final
 21 order detailing the board panel's disciplinary
 22 decision was entered on January the 5th, 2023.
 23 Mr. Mercier, his counsel, timely filed a
 24 Notice of Appeal on January 13th, 2023. Pursuant to
 25 Mississippi Code Annotated Part 2825, Rule

1 1.10(A)(3), "Within seven days after filing his or
 2 her Notice of Appeal, the Appellant shall serve on
 3 the court reporter a written request for the
 4 transcript of the hearing that resulted in the
 5 appeal decision. Appellant shall be responsible for
 6 the cost of preparation of said transcript. In his
 7 or her request for the transcript, Appellant shall
 8 request that the court reporter notify the board's
 9 legal staff when the transcript has been completed.
 10 Appellant shall simultaneously file with the board a
 11 copy of the written request for such transcript."
 12 Although it's been almost 90 days since
 13 Appellant filed his appeal, and this is true also
 14 for Ms. Godbold, though her date's different with
 15 her final order, but the appeals for all three of
 16 these were filed on January the 13th, 2023.
 17 Appellant has not requested the transcript
 18 yet from the court reporter and has not provided
 19 Counsel with a copy of any written request for the
 20 transcript, as is required by Rule 1.10(A)(3).
 21 Accordingly, he's failed to timely prosecute the
 22 full board appeal, and that appeal should now be
 23 dismissed.
 24 And just as a reminder, any time under our
 25 current rules there is an appeal that is filed, it

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1 stays the disciplinary action that the board has
2 imposed. So when that action stayed and the appeal
3 is not perfected or prosecuted in a timely manner,
4 it's just in limbo, so to speak.

5 So, again, you may want to add something in
6 relation to Ms. Jennings. We can give you the dates
7 of those final orders, though they are in the
8 motions, and I don't want to belabor the point. But
9 the point here is the rule requires within seven
10 days of filing the Notice of Appeal, which would
11 have been or about January the 20th, 2023, he should
12 have requested a copy of the transcript from the
13 court reporter.

14 Do you have anything further?

15 MR. WALKER: No. The only thing
16 different for Ms. Jennings in that example she said
17 would be the dates. And the date on that one, by
18 the time of his motion filing, it has been
19 approximately 82 days, and there's still been no
20 request for a transcript.

21 HEARING OFFICER WIGGINS: Are there any
22 questions from the panel regarding -- for Counsel
23 for the State?

24 So just to be clear, on the one for -- well,
25 on each of these, the State is alleging the failure

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1 -- the transcript has to be requested by the
2 appellant from the court reporter. And no
3 transcript has been requested to date. Let me not
4 say "to date," but has not been requested as of the
5 date of this filing last week.

6 HEARING OFFICER WIGGINS: I guess what
7 I'm trying to get at is how many days have elapsed
8 for each of these since with no request.

9 MS. SALTZMAN: Since January the 13th.
10 So as of the date of Mr. Tinsley, that would have
11 been -- I filed it on April the 6th, 2023. I
12 believe I put the time in there.

13 MR. WALKER: It's in the motion.

14 MS. SALTZMAN: How many days was it?
15 I'm sorry. 83 days at the time I filed the Motions
16 to Dismiss, and that was as of April the 6th, 2023.
17 It's in paragraph six of my Motion to Dismiss. I
18 believe it's for all three.

19 MR. WALKER: It's all three.

20 MS. SALTZMAN: Just because these were
21 all filed on the same day.

22 Now, they do have different dates of their
23 final orders, but there's no question that the
24 appeal was timely filed. It's just a question of
25 after it was filed, the timeliness.

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1 to prosecute?

2 MS. SALTZMAN: Yes. All three appeals
3 were filed in the Godbold, Tinsley, and Jennings
4 matters on January the 13th, 2023, which would have
5 meant that pursuant to Rule 1.10, a transcript would
6 had to have been requested on or about January the
7 20th, 2023. I've waited approximately three months
8 to file this Motion to Dismiss the Full Board
9 Appeal. And so we're here today, and it's my
10 assertion that the appeal is just not being
11 perfected; it's just stalled, and so I'm requesting
12 it be dismissed.

13 HEARING OFFICER WIGGINS: Okay. Just so
14 we can have some clarity on each of these, are you
15 able to tell us how many days delinquent these
16 transcript requests are?

17 MS. SALTZMAN: How many days the
18 transcript -- there have been no requests for
19 transcripts, to my knowledge, as of the date of this
20 filing.

21 HEARING OFFICER WIGGINS: I thought you
22 indicated there were some period of days that --

23 MS. SALTZMAN: Under Rule 1.10, there
24 are seven days from the time that the Notice of
25 Appeal was filed until the court reporter has to be

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1 HEARING OFFICER WIGGINS: Okay. Any
2 questions from the panel after hearing that?

3 DR. STEWART: So to be clear, Stacey
4 Jennings is 82 days?

5 MR. WALKER: Approximately, 82 days.
6 Like she just said the --

7 DR. STEWART: The order was signed.

8 MR. WALKER: Right. But the appeal was
9 timely. So the appeal --

10 DR. STEWART: I understand. And then
11 Mr. Tinsley and Ms. Godbold is 83 days.

12 DR. KING: Are you asking a question, or
13 are you clarifying?

14 DR. STEWART: I'm clarifying that that's
15 what you have in here. I just wanted to make sure
16 that we had the direct answer to the hearing
17 officer's question.

18 MS. SALTZMAN: I mean, I can go grab a
19 calendar. I'll be honest with you, I put it in
20 Google and said how many days from January the 13th
21 until the day I filed it, and it told me 83. I
22 didn't count it day, by day, by day. I don't know
23 what you did. It's 82 to 83 days. I think that's
24 fairly close.

25 DR. KING: And just for my

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1 clarification, if I may, Mr. Wiggins. So all of
2 these are based on not requesting a transcript, but
3 the request of the process was completed
4 appropriately and timely?
5 MS. SALTZMAN: Yes.
6 DR. KING: It's just the request of a
7 transcript?
8 MS. SALTZMAN: Yes.
9 DR. KING: Okay.
10 MS. SALTZMAN: Well, if you file an
11 appeal and then you don't request the transcript,
12 the appeal goes nowhere; it just sits. And then the
13 discipline against the license is stayed, and the
14 discipline that's been imposed by the board panel
15 doesn't go anywhere until the appeal is completed.
16 So you have a duty to timely perfect your appeal on
17 behalf of your client. It's my position today that
18 three months is too long when the rules require that
19 you have to do that within seven days - or nearly
20 three months.
21 MS. COLLINS: Is that a stalling tactic?
22 MS. SALTZMAN: That, I don't know. I
23 couldn't speculate as to -- I'm sure Mr. Mercier
24 will fill you in on all the details, but I don't
25 know what the tactic is. I just know that the rule

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1 requires this, and it hasn't been completed, and
2 it's not like I came in on day 8 and filed this
3 Motion to Dismiss. So it's been several days,
4 between 80 and 90, nearly three months.
5 HEARING OFFICER WIGGINS: Any further
6 questions from the panel for the State?
7 Mr. Mercier.
8 MR. MERCIER: Thank you. Good
9 afternoon, Ladies and Gentlemen of the Board,
10 Mr. Wiggins. I want to correct something to begin
11 with -- first, I want to make an objection because I
12 received notice of this hearing on Monday. I've had
13 very little time to prepare. I woke up at 4:00
14 o'clock this morning to finish preparing as best
15 that I could. So, you know, that's my first
16 objection to this hearing.
17 But I think I can go ahead and clear things
18 up, so I'll try, but I still maintain my objection.
19 The first thing, Ms. Saltzman is wrong.
20 Perfecting appeal is defined by the statute, and
21 I'll read it for you, and I'm going to hand you a
22 copy of this so y'all will all have it.
23 This is Section 73-15-31 of the Mississippi
24 Code. "The appeal" -- this is from subparagraph 9.
25 "The appeal must be taken within 30 days after

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1 notice of the action of the hearing panel in
2 denying, revoking, suspending, or refusing to renew
3 the license or revoking or suspending the privilege
4 to practice or fining or otherwise disciplining the
5 person, and is perfected upon filing Notice of
6 Appeal and \$50 with the executive director of the
7 board."
8 You heard Ms. Saltzman and Mr. Walker say
9 that was done. That's the statute. The appeal is
10 perfected.
11 What she is referring to is a procedure, and
12 she's trying to say because a procedure's not
13 followed, then she's justified in asking for it to
14 be dismissed. But as far as perfection, that's been
15 done, according to the statute.
16 I would like to hand out some exhibits R-1
17 through R-9, and I'll hand Ms. Saltzman a copy to
18 see if she has any objections first. And I'd ask
19 those be entered into evidence if she doesn't or as
20 exhibits, I should say for the hearing.
21 MS. SALTZMAN: No objection.
22 MR. MERCIER: I request that the
23 exhibits R-1 through R-9 be accepted as exhibits to
24 this hearing.
25 HEARING OFFICER WIGGINS: They're

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1 admitted.
2 MR. MERCIER: May I hand these out?
3 HEARING OFFICER WIGGINS: Yes, please.
4 MR. MERCIER: I would ask that the board
5 first turn to Exhibit R-4, which is Mississippi Code
6 Annotated 73-15-31, from which I was just reading,
7 and if you will look at paragraph -- or subparagraph
8 9 there, the second full sentence, you'll see what I
9 just read. So I'm not making that up. That's what
10 the legislature has said is the law.
11 HEARING OFFICER WIGGINS: I'm sorry.
12 Where?
13 MR. MERCIER: It's in 73 -- it's on R-4
14 73-15-31(9), the last sentence.
15 HEARING OFFICER WIGGINS: You can go
16 ahead.
17 MR. MERCIER: I believe in the
18 exhibits -- well, let me just go to it. R-1, R-2,
19 and R-3 are the cover letter (sic) and the final
20 orders sent to the licensees and to me by the board
21 staff. They're all dated December the 20th, 2022,
22 and they all have final orders that are dated
23 12-19-2022.
24 So as far as that goes, when they were
25 issued and when they were sent, the dates are all

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1 the same. Now, after the final orders, R-1 through
2 R-3, we go to R-4, which I just read. So the appeal
3 was perfected like it was supposed to be.

4 Then R-5, R-6, and R-7 are those Notice of
5 Appeals, and if you'll look, the last page, attached
6 to the Notice of Appeals, a copy of the money order
7 that was also submitted, along with the Notice of
8 Appeal.

9 R-8 is the Mississippi Administrative Code
10 Title 30, Subtitle 18, 2825, Rule 1.10 (sic).

11 R-9 is correspondence between Ms. Saltzman
12 and myself dated March the 8th of this year.

13 At the very end of each of the final orders,
14 R-1 through R-3, I'd like to direct the board's
15 attention to that. All three of these say exactly
16 the same thing. This is what the board staff sends
17 to the licensee. I'm just stepping into the shoes
18 of the licensee. I'm advocating their rights with
19 the information and the orders received from the
20 board.

21 The notice of appeal rights stated by the
22 staff, at the end of this order, for example, gives
23 the licensee's name. The respondent has the right
24 to appeal the decision of the board's hearing panel
25 to the full membership of the Mississippi Board of

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1 of that. I don't think I've ever requested a
2 transcript from this court reporter. I did not know
3 that information.

4 At no time -- at no time before the
5 expiration of seven days after the Notice of Appeal
6 was filed did this board staff ever inform the
7 licensee or me where we could obtain that
8 transcript. I don't have a crystal ball. Licensees
9 don't have a crystal ball. The board staff knows
10 that information, but they did not give it.

11 And whether or not it's seven days or 70
12 days, the point is, after seven days, according to
13 Ms. Saltzman's argument, this case should be
14 dismissed automatically. Seven days dismiss it or
15 however long, you know, until she feels like it
16 should be dismissed. The point is, if you've got a
17 rule that says do it within seven days, give the
18 licensee the information they need and deserve to be
19 able to do that. It's not contained there.

20 Now, the reason that's important is because
21 Ms. Saltzman and I had a conversation on the
22 telephone on or about Wednesday, March the 7th or
23 8th -- March the 8th; it could have been the 7th.
24 In that telephone conversation, I asked her, "What's
25 the contact information for the court reporter?"

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1 Nursing in accordance with Section 73-15-31 of the
2 Mississippi Code of 1972 as amended. That's exactly
3 what was done.

4 We initiated the appeal that way. There's
5 nothing here that says, okay, but you also have to
6 serve a written request for a hearing transcript on
7 a court reporter or your appeal will be dismissed.
8 There's nothing here that says you also have to
9 comply with another rule of this board in order to
10 have your appeal right not dismissed, a right
11 granted to you by the legislature.

12 Nowhere there at the end of that order,
13 final order, any of the three -- nowhere in the
14 cover letter correspondence of R-1, R-2, R-3 is
15 there any notice or notification of from whom to
16 order or serve a request, written request, for a
17 transcript on. There's no name; there's no address;
18 there's no firm name; there's no e-mail; there's no
19 phone number. So how is a licensee supposed to be
20 -- or suppose to have notice of where to request
21 that transcript? A licensee as a practical matter,
22 would not know.

23 Now, I'll tell you. Me, personally, in the
24 past, I knew Ashley Hog (sic), and I had requested
25 transcripts from her. I didn't have to be advised

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1 She said, "I'll send it to you," and she
2 did. She e-mailed it to me on March the 8th, that's
3 Exhibit R-9. That's beyond seven days' time period
4 to serve a written request on a court reporter.
5 That's the first time the board staff provided that
6 information to the licensees' attorney or the
7 licensee. That's it - the first time.

8 Now, this is important. There is absolutely
9 no statute, no law, from the legislature that
10 permits a dismissal of an appeal to the full board
11 from a hearing panel for failure to timely serve a
12 court reporter with a written request for a copy of
13 the transcript of the hearing if a Notice of Appeal
14 is properly filed, in accordance with the right to
15 appeal granted by Mississippi Code Annotated Section
16 73-15-31, which you read a moment ago, on R-4 - no
17 statute; doesn't say it.

18 So there is a statutory right granted to a
19 licensee to appeal a decision from the panel of
20 three to the full membership of the board. There's
21 a reason for that. It's a check and balance; it's
22 part of the due process rights that are granted to a
23 licensee to ensure that the right decision was made.

24 Because there are decisions that are
25 reversed or modified on appeal. Sure, it would be

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1 easy to say, okay, we're busy - which y'all are,
2 obviously from today; I've witnessed it - and we
3 don't want to handle this, so let's just dismiss it
4 because they didn't do this timely. But you're
5 talking about the rights and careers of other
6 nurses. It's important to them.

7 I had a situation this week that I'll share
8 with you. I have a former client. It's not a
9 nurse; she's an aide. I represented her before the
10 Department of Health successfully.

11 She called me and told me she received a
12 letter from the OIG that she's being excluded. So
13 we talked about it, and it's not because of -- I got
14 the case at the Department of Health dismissed.
15 It's because she had a vulnerable adult charge
16 against her that was handled by somebody else, and
17 it was dismissed, and it was also expunged, but in
18 the interim, this was reported.

19 Well, she's talking to my staff. She's not
20 educated. It's very difficult for her to understand
21 what's going on. My -- this particular person of my
22 staff got very irritated. And afterwards I talked
23 to her, and I explained to her that it doesn't
24 matter how educated or uneducated she is or what she
25 did or didn't do. It's important to her that this

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1 of the board pursuant to Mississippi State -- should
2 be Mississippi Code Annotated or statute section
3 73-15-31," which you've already read, and it says
4 nothing about requesting a transcript. It says you
5 perfect a feel (sic) -- appeal by filing a Notice of
6 Appeal and paying \$50, which was done. But then it
7 goes on. It says, "Except as set forth in
8 Mississippi statute Section 70 -- 93-11-153,
9 93-11-163, and 37-101-291." You're welcome to look
10 at them, but they don't apply here - nothing to do
11 with this.

12 So you start with, A, there, and it talks
13 about the procedures -- it talks about the filing,
14 which we've done. So you have the statutory
15 requirement. And this part right here in, A, pretty
16 much mirrors the statutory requirement.

17 But then it goes on, and under, A,
18 subsection 1 - this is the important one. This is
19 very important, "Within seven days after filing his
20 notice of appeal, the respondent/appellant shall
21 serve on the court reporter a written request for
22 the transcript of the hearing that resulted in the
23 appeal decision. Respondent/Appellant shall be
24 responsible for the cost of the preparation of said
25 transcript. In his request for the transcript

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1 process be followed correctly, and that's all she
2 was trying to make sure happened to protect her
3 career because that means everything to her.

4 So you're welcome to read what the
5 legislature has said in all of the statutes, because
6 I did; it's not there. There's no authority to
7 dismiss this appeal for failure to serve a written
8 request to the court reporter for the transcript of
9 the hearing. That's a regulation that the board has
10 adopted.

11 Now -- no, let me take that back. That's
12 not actually because I'm going to show you. There's
13 also no regulation of this board that allows
14 dismissal of an appeal to the full board to be
15 dismissed simply for the failure to request a
16 transcript from the court reporter.

17 Let's look at it. If you would, look at
18 R-8. That is the appeal -- that is the appeal
19 procedure -- regulatory appeal procedure, not
20 statutory.

21 The regulatory appeal procedure for the
22 board for appealing to the full board from the
23 panel. That's Title 30, Subtitle 18, 2625, 1.10.
24 It says, "Appeals from any decision of a board
25 hearing panel shall be made to the full membership

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1 Respondent/Applicant (sic) shall request that the
2 court reporter notify the board's legal staff when
3 the transcript has been completed.
4 Respondent/Appellant shall simultaneously file with
5 the board a copy of the written request for said
6 transcript."

7 I read that at least four times looking for
8 where it says if you don't do it, you're going to be
9 dismissed. Didn't see it. So I said, okay, all
10 right, let me keep reading this thing.

11 You jump on down there to subsection 5. "If
12 a respondent/appellant fails to file his brief
13 within the time provided by this rule or within the
14 time as extended" - please listen; this is the
15 important - "the appeal may be dismissed on motion
16 of the appellee or upon the board's own initiative."

17 "If the appellee fails to file his brief as
18 required, such brief if later filed may be stricken
19 from the record on motion of Respondent/Appellant or
20 by a motion of the board. If the appellee fails to
21 file a brief, it will not be heard at oral argument
22 except by permission of the board."

23 So in this same rule, there is a statement
24 that you can be dismissed if you don't file a brief
25 timely. It doesn't say that. There's nothing like

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1 that language up there in subsection 1 regarding
2 request of a transcript.

3 So there's some principle of the law
4 involved here. If you're interpreting a statute or
5 a regulation or a rule, if part of it says, if you
6 do this or don't do this, there's a penalty and
7 other parts don't have that penalty, you don't just
8 say -- okay, we have the penalty down here, so we
9 can -- we plug it in up here, too, if it's not
10 already stated; and it's not.

11 So you can't just say, okay, the penalty's
12 down there - dismissal for not filing an appeal
13 (sic). I think we're going to move it up here to
14 say we're going to have a dismissal if you don't
15 request the transcript. It doesn't say that. And
16 even if it did say that, it would subvert the
17 statute, 73-15-31 which says all that you're
18 required to do to appeal -- to perfect your appeal
19 is to file the Notice of Appeal timely and to pay
20 the \$50, which was done.

21 As a matter of law, a regulation cannot
22 abridge or infringe upon the statutory rights
23 provided by the legislature.

24 Let's look at that.

25 73 -- Mississippi Code Annotated Section

1 transcript. You haven't filed your brief or
2 whatever, and you're given time to cure it. And if
3 you don't cure it within that time period, then it's
4 dismissed or it can be dismissed.

5 But under the rules or they're actually
6 statutes and rules -- excuse me -- it's rules.
7 Under the rules, there's no automatic dismissal of
8 an appeal because it's so valuable; it's their last
9 chance. There's no automatic dismissal without
10 giving a party notice and an opportunity to cure it.

11 There's -- this rule in the lower courts in
12 the Mississippi rules of the court, Rule 41(d).
13 It's Dismissal on Clerk's Motion, and essentially it
14 says that if there's failure to prosecute, the clerk
15 can file a Motion to Dismiss for failure to
16 prosecute.

17 Every lawyer that's practiced litigation
18 gets this. Okay, case has been there. Something
19 needs to be done on it so they send that out. You
20 get the notice, then you take action or you -- you
21 file a motion saying, "I can't take action because
22 X," whatever it is. But you do something on the
23 case, and that allows the case not to be dismissed.

24 If for whatever reason, the case doesn't
25 need to be prosecuted or the lawyer fails to file

1 73-15-17(a) requires -- well, that actually empowers
2 the board, if I'm not mistaken. I've got this right
3 in my notes. That empowers the board to do things,
4 including adopting regulations for its business -
5 and here's the key - that are consistent with the
6 law.

7 The law is you get to file an appeal to the
8 full board and you pay your \$50 and you get to go to
9 the full board to be heard.

10 It doesn't say -- the law doesn't say, but
11 you can lose that right if you don't request a
12 transcript within seven days. That's not the law.

13 Excuse me.

14 This type of an issue is not unusual in the
15 law. It's something that happens in the lower
16 courts and -- for appeals on the lower courts and
17 appeals to the Supreme Court. So that's really
18 where this board should look is how it's done there
19 because that's -- they're following procedures to
20 protect due process.

21 In the lower courts and on appeal to the
22 Supreme Court, the clerks of those courts give
23 notice to a party to say, you are deficient in some
24 way. You haven't followed the rules. You either
25 haven't -- you know, as she said, requested a

1 something after given notice, then it's subject to
2 be dismissed, and usually it is. That's Rule 41(d)
3 of the Mississippi Rules of Civil Procedure.

4 Similarly, the Mississippi Rules of
5 Appellate Procedure have a rule like that. That's
6 Rule -- it's Mississippi Rule of Appellate
7 Procedure, Rule 2.2, and it's the same thing.
8 Basically, it says if the party in default fails to
9 correct a deficiency within 14 days after
10 notification, the appeal shall be dismissed by the
11 Supreme Court clerk.

12 So even at the Supreme Court level, they
13 give notice to a party that you're in default;
14 you're deficient. Here's your notice. Cure it if
15 you want to go forward, but we're not just going to
16 dismiss you because there are reasons, things
17 happen, and people recognize that -- the courts do,
18 and they recognize the valuable right of appeal.

19 There are cases that also address this. One
20 such case is Wheeler versus The Mississippi
21 Department of Environmental Quality Permit Board.
22 That's 856 Southern Second 700 Mississippi case from
23 2003. I won't bore you with everything it says, but
24 basically the holding is that notice and an
25 opportunity to cure must first be given before any

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1 dismissal is considered -- before any dismissal is
2 considered. The only -- this case says the only
3 ground for dismissing an appeal is the failure to
4 timely perfect an appeal by filing a Notice of
5 Appeal. That's the only ground without giving
6 notice to the party that there's something you need
7 to do.

8 Another case along that the same line is
9 Fields versus City of Clarksdale. That's 27
10 Southern Third, 464, another Mississippi case. It
11 held that a former employee was entitled to notice
12 of the deficiencies in the administrative appeal and
13 14 days to correct them - same thing. It's an
14 administrative appeal, and they're saying you get 14
15 days to correct it.

16 There's another one. Blackwell versus
17 Howard Industries, Inc., 98 Southern Third 463.
18 Holdings there: Circuit Court was required to give
19 workers' compensation claimant notice that his brief
20 did not conform to the rules of appellate procedure
21 and an opportunity to correct such errors.

22 That's how the law is to protect the rights
23 of parties that are appealing. That's what it does
24 - notice and an opportunity to cure it.

25 Nothing in this regulation provides that,

1 and nothing in this regulation says that you'll be
2 dismissed if you don't request a hearing transcript
3 within seven days.

4 Under the regulations, under this Rule
5 1.10(A) (4) of Part 2825, it says that an enlargement
6 of time may be given for doing an act, but the board
7 will not enlarge the time for filing Notice of
8 Appeal, and that is consistent with all the other
9 law.

10 The cardinal thing to do in an appeal is to
11 timely file the Notice of Appeal. There's no
12 jurisdiction; that was done here.

13 And if the board believes that the rules
14 require dismissal, then I would request additional
15 time to go ahead and make that request to the court
16 reporter. I don't believe it's there, but under the
17 statute, compliance is there; the appeal was
18 perfected. It says nothing else. That's all that's
19 required. Under the regulations that we just read,
20 there's nothing that says your appeal will be
21 dismissed if you don't request a transcript, but if
22 the board believes that, then I request time to
23 serve the court reporter with that request for a
24 transcript. Thank you.

25 HEARING OFFICER WIGGINS: Does the panel

1 have any questions for Mr. Mercier?

2 MS. GENTRY: I do. Okay. So how
3 many -- how many cases have you brought before the
4 Board of Nursing representing licensed practical
5 nurses or nurses, would you say, Mr. Mercier?

6 MR. MERCIER: I don't know what the
7 count would be.

8 MS. GENTRY: Many?

9 MR. MERCIER: Yes, uh-huh.

10 MS. GENTRY: Yes, okay. And so is this
11 -- just for my side of things, you've done this many
12 times, and what made this time remarkable in that
13 you didn't follow the policies and procedures that
14 you had followed so many times before? What's the
15 difference between this and what you've done for
16 years and years? How did the disconnect occur, I
17 guess? Because I would think previously to this you
18 would have been a little bit more timely in your
19 efforts for your clients, I would assume. So what's
20 the disconnect there?

21 MR. MERCIER: So let me start by saying
22 this. I think you're insinuating that a higher
23 standard should be imposed upon the licensee's
24 lawyer than the licensee. The rules don't
25 distinguish between whether or not you're

1 represented by a lawyer or it's just a licensee, so,
2 you know, I think that's misplaced.

3 But to answer your question, I can tell you
4 how this has happened, based upon my investigation
5 at my office. All three of these were done at the
6 same time. All three of these were prepared and
7 brought over here at the same time. There was
8 also -- on my computer, there is a request for a
9 transcript there. I can take a screenshot and show
10 you the date that it was drafted because it's still
11 there, the same date as everything else. I asked my
12 paralegal why it didn't go out. It didn't go out
13 because we didn't have the information for this
14 court reporter. That's the reason it didn't go out.

15 MS. GENTRY: But how long has the court
16 reporter here been in place? I know for two years
17 because I've been on the board --

18 MR. MERCIER: I haven't -- I don't think
19 I've appealed one in two years.

20 MS. GENTRY: Really? Wow.

21 MS. COLLINS: Do I recall you mentioning
22 that anyone from your office reached out to find the
23 contact information for the court reporter?

24 MR. MERCIER: I don't -- no, I didn't
25 get that far.

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1 MS. COLLINS: So, nobody took that extra
 2 effort to say, well, we don't have this. Maybe we
 3 better call them.

4 MR. MERCIER: Ma'am, I don't know. I
 5 was pretty upset about it myself, and I've had a
 6 pretty busy week, just like you have. And I've done
 7 everything I could just to pull this together to get
 8 here today. I'm not finished investigating it, but
 9 that's what I found.

10 HEARING OFFICER WIGGINS: Anything
 11 further from the panel for Mr. Mercier?

12 DR. STEWART: Just to clarify. So the
 13 e-mail dated March the 8th where Ms. Saltzman sent
 14 you the court reporter information -- So someone
 15 asked for it.

16 MR. MERCIER: I did.

17 DR. STEWART: So you did ask for it in
 18 March?

19 MR. MERCIER: Yeah, right on the
 20 telephone.

21 DR. STEWART: And she responded --

22 MR. MERCIER: She did.

23 DR. STEWART: -- on March 8th?

24 MR. MERCIER: Yes.

25 DR. STEWART: Okay, thank you.

1 HEARING OFFICER WIGGINS: Anything
 2 further from the panel for Mr. Mercier?

3 MS. COLLINS: No.

4 HEARING OFFICER WIGGINS: Ms. Saltzman.

5 MS. SALTZMAN: I'll try to be brief.
 6 Again, Mr. Mercier started with arguments about
 7 failure to perfect the appeal. As we stated
 8 previously, he perfected the appeal; that's not an
 9 issue. The issue is failure to prosecute the
 10 appeal. That's the issue, and there's a difference.
 11 He says that the board has no statutory authority to
 12 follow its rules. Mississippi Code Annotated
 13 73-15-17(a) gives the board the power to promulgate
 14 rules. These rules were properly promulgated.
 15 30 Mississippi Code Annotated Part 2825,
 16 Rule 1.10(A)(3) provides that he has to request that
 17 transcript within seven days.

18 Again, I didn't come here on day eight and
 19 make this request to the full board. I gave it some
 20 time.

21 Mr. Mercier's correct. He called me on
 22 March the 8th. While I was on the phone with him, I
 23 sent him the contact information for the court
 24 reporter. I then waited 28 more days.
 25 I'm asking this board to dismiss this appeal

1 because under the logic that Mr. Mercier is setting
 2 forth today, you can just perfect your appeal and
 3 then sit there because we can't have briefing if we
 4 don't have a transcript.

5 These rules were properly promulgated, and
 6 it's illogical to think that we don't follow them,
 7 knowing it's going to argue that if a nurse commits
 8 unprofessional conduct under properly promulgated
 9 rules that because they weren't listed in the
 10 statute, we don't get to enforce the administrative
 11 rules that were properly promulgated through
 12 Secretary of State and OLRC; that's ludicrous; it's
 13 absolutely ludicrous.

14 He filed these three appeals on January 13th
 15 and did nothing else with them until March the 8th.
 16 He asked for the information. I provided it, and I
 17 waited 28 more days before I filed this Motion to
 18 Dismiss. I don't have a clerk. This is my notice.
 19 He didn't file a response. To my knowledge, he
 20 hasn't requested those transcripts yet. Every day
 21 that goes by is another day that I don't get to
 22 brief it. It's another day that I don't get to have
 23 the appeal. It's another day it sits there, and
 24 that discipline against the licensee is stayed, and
 25 the board panel's decision has no effect. That's

1 what this is.

2 Anything further you want to add?

3 MR. WALKER: Mr. Mercier asked -- if he
 4 would ask for an enlargement of time, it was 82 days
 5 from the time of filing, and he's had since March
 6 8th. I would say notice has been plenty.

7 MS. SALTZMAN: No one's asked for an
 8 enlargement of time. Like you said, no one asked
 9 for an extension. I've never been asked for an
 10 extension. There's been no motion for an extension
 11 filed. The only thing that I've been asked is what
 12 the court reporter information was, and I provided
 13 it while I was on the phone at that very time.

14 HEARING OFFICER WIGGINS: Now, it is my
 15 understanding Mr. Mercier cited some authority for
 16 notice and an opportunity to cure for any errors in
 17 filings. And as I appreciate it, those apply for
 18 state court.

19 MR. MERCIER: For the lower courts and
 20 for the appellate courts as well. The entire court
 21 system in this state.

22 HEARING OFFICER WIGGINS: Is there any
 23 authority that the board can be provided with that
 24 will allow for a dismissal in an instance where --
 25 it appears as though the appeal has been properly

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1 perfected. Are we on the same --
2 MS. SALTZMAN: We do not contest proper
3 perfection of the appeal.
4 HEARING OFFICER WIGGINS: Okay. Is
5 there any authority for this board to be able to
6 dismiss the appeal based on the circumstances we
7 have before us?
8 MR. MERCIER: No, there's not. There's
9 no -- there's no legal authority. If this -- if
10 this was a brief, you could point down to Rule
11 1.10(A) (5) regardless of whether or not any other
12 arguments. You could say we have regulatory
13 authority there. You don't have that regulatory
14 authority up in 1.10(A) (1) regarding the transcript.
15 There's no authority to dismiss there.
16 All this -- let me just address something,
17 if I may. All this can be cured since Brandon --
18 Mr. Walker is going to be changing your regulations.
19 I guess they've got to go through the OLRC. I would
20 suggest that you put a provision in there just like
21 the Supreme Court clerk has and just like Rule 41(d)
22 is. I mean, you can tailor it for whatever your
23 needs are.
24 But to provide where notice goes out just to
25 say, hey, you hadn't done this. So cure it, or it's

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1 going to be dismissed. And then you're protecting
2 the due process of the licensee, and you're allowing
3 this board to go forward with its orders and do its
4 business. That's not there.
5 I mean, I never received a notice or letter
6 or anything from anybody, any staff here that says
7 that. I mean, that -- you know, you could say that
8 could work, too. You may not have to have a
9 regulation, but you can run a parallel with the
10 notice and the opportunity to cure it.
11 MS. SALTZMAN: I can use the same
12 argument against him that it doesn't tell me I have
13 to give notice.
14 MR. MERCIER: No, that's what I'm
15 saying. Since he's changing the rules, you might
16 want to consider adding that. I'm just suggesting
17 that's something that could help.
18 MS. CLANTON: I've got a question, and
19 just to clarify on, I guess, my ignorance on some of
20 the laws. But when we or when the board issued and
21 sent out the final order, on the last page of that
22 final order, it tells you to where to go to look.
23 You go look at 75 -- 73-15-31. When you pull up the
24 73-15-31, it spells out exactly what to do.
25 Like you said, you had to file the appeal.

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1 Then you had to go in, and you had to do the court
2 reporter. Then in 60 days, the court reporter has
3 to come back -- I mean, it's kind of step by step.
4 MR. MERCIER: Excuse me. You said
5 73-15-31 mentions a court reporter?
6 MS. CLANTON: It says -- it does. Right
7 here. And I'm going by what you gave me.
8 MR. MERCIER: Yeah. Which exhibit are
9 you looking at?
10 MS. CLANTON: R-8.
11 MR. MERCIER: I'm sorry. That's not the
12 statute; that's the regulation. That's -- that's
13 not the statute.
14 MS. CLANTON: I know, but this is what
15 they were told to go and -- when that nurse received
16 this final order, that's where it says, if you have
17 the right -- the Notice to Appeal Rights, and it
18 says, "The right to appeal the decision of the
19 board's hearing panel is the full membership of the
20 Mississippi Board of Nursing in accordance with
21 section 73-15-31."
22 MR. MERCIER: Yes, ma'am. But what
23 you're referring to, R-8, is not 73-15-31. That's
24 Rule 1.10 (sic) of the regulations.
25 MS. CLANTON: So what you submitted to

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1 us -- because I was going by that number right here,
2 at the top right there. So that's not the 73-15-31.
3 Okay. Like I said, I wanted to get that one clear
4 before we go -- in my head.
5 MR. MERCIER: Yes, ma'am.
6 HEARING OFFICER WIGGINS: Any further
7 questions from the panel?
8 Ms. Saltzman, I believe we do have two
9 additional motions of this sort. Did you want to
10 take those up now?
11 MS. SALTZMAN: Yes, Your Honor, just for
12 purposes of time, and I'll try to keep it brief.
13 It's the same general idea.
14 In the Monique Pendleton matter, it's the
15 same argument. Notice of appeal was filed. In that
16 case, it was filed on February the 14th, a month
17 after these that we were discussing, by counsel for
18 Ms. Pendleton, Peter Stewart. And I want to say
19 that he has submitted a letter - it's in your packet
20 - explaining why the transcript was not requested.
21 And I told him that I would make sure that each of
22 you were aware that letter was there on his behalf
23 because he had a conflict today and could not
24 appear.
25 In Ms. Lee's case, she received her Motion

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1 to Dismiss for failure -- she actually requested the
2 transcript. Then she was invoiced, and she never
3 paid for her transcript. Once she received her
4 Motion to Dismiss, she then paid for the transcript.
5 So I would move to withdraw the Motion to Dismiss in
6 Ms. Lee's case because she has remedied that issue
7 this week, and she did file her appeal later than
8 these other matters we just discussed.

9 And, again, the exact same argument. The
10 appeal is just sitting there stayed, and it is not
11 being prosecuted and not being moved along.

12 HEARING OFFICER WIGGINS: So for the Lee
13 matter, you're withdrawing the motion?

14 MS. SALTZMAN: I am because she paid.

15 HEARING OFFICER WIGGINS: Okay. Where
16 is the -- you mentioned the letter from Mr. Stewart.

17 MS. SALTZMAN: It's attached to the back
18 of the Motion to Dismiss. And I have additional
19 copies if you would like that. I printed extras.
20 And, again, Mr. Stewart apologized he could not be
21 here today.

22 HEARING OFFICER WIGGINS: So what is the
23 State's position regarding Mr. Stewart's
24 correspondence?

25 MS. SALTZMAN: I still move that -- the

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1 panel to exit to executive session for deliberation
2 on the aforementioned matters.

3 MR. SHAW: Motion.

4 DR. KING: Second.

5 HEARING OFFICER WIGGINS: It's been
6 moved and properly seconded. All in favor please
7 signify by saying, "Aye."

8 BOARD MEMBERS: Aye.

9 HEARING OFFICER WIGGINS: Any opposed?

10 (No verbal response.)

11 HEARING OFFICER WIGGINS: The motion
12 carries unanimously. The board is now in executive
13 session on those matters.

14 We will return with decisions in each. I
15 believe we still have one more matter to take up
16 after that.

17 Is that correct?

18 MS. SALTZMAN: We do. I didn't know if
19 you had a time that you might return so I can let
20 them know. They had been previously noticed for
21 1:00.

22 HEARING OFFICER WIGGINS: We'll return
23 at 2:30.

24 (Full board exits to executive session
25 at 1:35 P.M.)

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1 same, Motion to Dismiss. I still request a Motion
2 to Dismiss the appeal. It was perfected February
3 the 14th, and it's now been two months since the
4 appeal was perfected. He also did not request a
5 transcript on behalf of his client.

6 HEARING OFFICER WIGGINS: Okay.

7 All right. At this time, I will ask that
8 the board panel go into closed determination
9 regarding whether executive session is necessary in
10 the following matters: License number P-327950;

11 license number 858628, NP; license number R-893757;
12 license number R-878689; license number R-873604.

13 DR. KING: I make a motion we go into
14 closed determination session to determine whether
15 executive session is needed.

16 MS. NORRIS-JOHNSON: I'll second.

17 HEARING OFFICER WIGGINS: It has been
18 moved and properly seconded. All in favor please
19 signify by saying, "Aye."

20 BOARD MEMBERS: Aye.

21 HEARING OFFICER WIGGINS: Any opposed?

22 (No verbal response.)

23 HEARING OFFICER WIGGINS: That motion
24 carries unanimously.

25 I'll now entertain a motion for the board

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1 (Proceeding resumes on the record at
2 2:31 P.M.)

3 HEARING OFFICER WIGGINS: Thank you,
4 everyone, for your patience. We are back on the
5 record. At this time I'll entertain a motion for
6 the board panel to return to regular session.

7 MS. NORRIS-JOHNSON: I make a motion.

8 HEARING OFFICER WIGGINS: It's been
9 moved --

10 MS. MOORE: I'll second.

11 HEARING OFFICER WIGGINS: -- and
12 properly seconded. All in favor please signify by
13 saying, "Aye."

14 BOARD MEMBERS: Aye.

15 HEARING OFFICER WIGGINS: Any opposed?

16 (No verbal response.)

17 HEARING OFFICER WIGGINS: The motion
18 carries unanimously. The board panel is now back in
19 regular session.

20 Following deliberation on the Motion to
21 Dismiss for license number 858628, NP, the panel
22 renders the following: The Motion to Dismiss is
23 denied.

24 Following deliberation on license number,
25 R-893757, the board panel renders the following:

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1 The Motion to Dismiss is denied.
 2 Following deliberation on license number
 3 R-878689, the board panel renders the following:
 4 The Motion to Dismiss is denied.
 5 Following deliberation on license number
 6 R-873604, the Motion to Dismiss is denied.
 7 With each of the aforementioned motions, the
 8 panel makes the recommendation that the transcript
 9 request be made within seven days of receipt of the
 10 final order.
 11 Following deliberation on license number
 12 P-327950, the board panel renders the following:
 13 The motion to withdraw by the State is accepted and
 14 approved.
 15 Are there any questions? You may be
 16 excused.
 17 MR. MERCIER: Thank you.
 18 MS. CULPEPPER: All right. So now that
 19 we have finished up on the Motions to Dismiss, there
 20 is one last matter that we need to address and that
 21 is the election of the nominating committee.
 22 And so at this time, I would like to take
 23 nominations for three persons.
 24 DR. KING: I would like to make a
 25 nomination for the nominating committee, please, if

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1 meeting.
 2 MS. COLLINS: I make a motion.
 3 MR. SHAW: Second.
 4 MS. CULPEPPER: So it's a motion and a
 5 second. So at this point, we're adjourned.
 6 (Whereupon, the above-entitled
 7 proceeding concluded at 2:36 P.M.)
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1 I may.
 2 MS. CULPEPPER: Okay.
 3 DR. KING: Ms. Jan Collins, Ms. Lacey
 4 Gentry, and Dr. Michelle Owens.
 5 MS. CULPEPPER: Any others?
 6 Thank you, Dr. King.
 7 MR. SHAW: I second that motion.
 8 And I would make a motion that we close the
 9 nominations and let the three be elected by
 10 acclamation.
 11 MS. CULPEPPER: Thank you.
 12 DR. KING: I second that.
 13 MS. CULPEPPER: Okay. And that will
 14 conclude the rest of that. So at that point, we're
 15 going to ask for all those that approve, say, "Aye."
 16 BOARD MEMBERS: Aye.
 17 MS. CULPEPPER: Any nays?
 18 (No verbal response.)
 19 MS. CULPEPPER: So we're going to move
 20 forward with that one.
 21 HEARING OFFICER WIGGINS: At this time,
 22 the next matter before the panel will be license
 23 number R-866201. This is a full board appeal.
 24 MS. CULPEPPER: So at this time, I would
 25 like to get a motion to adjourn the business

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1 CERTIFICATE OF COURT REPORTER
 2 I, CYNTHIA HARRIS, Court Reporter and Notary
 3 Public, in and for the County of Scott, State of
 4 Mississippi, do hereby certify:
 5 That the foregoing pages contain a full,
 6 true, and correct transcription of all the
 7 proceedings taken by me at the time and place
 8 heretofore stated;
 9 That I am not kin or in anywise associated
 10 with any of the parties to said cause of action or
 11 their counsel, and that I am not financially
 12 interested in the action.
 13 IN WITNESS WHEREOF, I have hereunto set my
 14 hand and seal, this the 16th day of May, 2023.
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 25 MY COMMISSION EXPIRES: DECEMBER 10TH, 2025