

MINUTES

UTAH BOARD OF NURSING

January 25, 2008

Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:30 a.m.

ADJOURNED: 11:58 p.m.

Bureau Manager:

Diana Baker

Secretary:

Shirlene Kimball

Division Staff:

Connie Call

Conducting:

Joel Allred

Board Members Present:

Joel Allred

Peggy Brown

Mary Williams

Laurie Simonsen

Marie Partridge

Diane Forster-Burke

Debra Schilleman

Barbara Jeffries

Susan Kirby

John Killpack

Board Members Excused:

Pam Rice

Guests:

Jessica Charlesworth, WSU student

Jennifer Bleyl, Westminster MSN program

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

December 14, 2007 Minutes:

Ms. Forster-Burke made a Motion to approve the minutes with corrections. Ms. Jeffries seconded the Motion. All Board members in favor.

Connie Call, Probation Report:

Ms. Call's report is attached to the Minutes. Ms. Call reported that Todd Gardner is out of compliance and he has until January 31, 2008 to submit his information in. Dale Hullinger is out of compliance and will be scheduled to meet with Ms. Poe and Ms. Call. Ms. Koeller is out of compliance because she

has not been calling CVI and has missed several urine screens. Ms. Koeller will be requested to provide a urine screen before meeting with the Board today. Stacy Powell Wood remains out of compliance. She met with Ms. Poe and Ms. Call in November and the Board needs to decide whether or not to refer her for an Order to Show Cause Hearing. Dorothy Evans has moved back East and will consider surrendering her license. Betty Long, Rhandi Robertson and Karen Baker are out of compliance and will need to meet with Ms. Poe and Ms. Call. Carmen Maloy will be referred for an Order to Show Cause Hearing. She has seen 21 different prescribing practitioners and used 19 different pharmacies. Ms. Maloy called yesterday indicating she will be having surgery and will not be able to meet with the Board this month.

Divided into two groups at 9:05 a.m.

Group 1
Conducting: Marie Partridge.
Secretary: Shirlene Kimball

Members present: Ms. Partridge, Mr. Allred, Ms. Forster-Burke, Mr. Killpack and Dr. Williams.

Nancy Stone Whittemore,
Annual Probation Interview:

Ms. Forster-Burke conducted the interview. Ms. Whittemore stated she was recently married and everything is going well. She stated she has had no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She stated she is not taking any street drugs. She indicated her current stressors are her children. She stated she is attending her meetings, her husband attends his meetings and they support each other. Ms. Whittemore appears to be **in compliance** with the terms and conditions of her Order.

Angie Mangelson,
Annual Probation Interview:

Ms. Partridge conducted the interview. Ms. Mangelson stated she is currently working in admitting at Heritage Care Center. She indicated she will be graduating from Drug Court in March. She stated she is attending her meetings and her employer report was excellent. She stated she has been clean 1 year 2 months. She stated she has learned how to deal with thoughts of relapse and it will always be something she will need to watch. She stated she is not taking any medications not lawfully prescribed for her. She stated she is not taking any street drugs. Ms.

Mangelson is **in compliance** with the terms and conditions of her Order.

Bambi Koeller,
Annual Probation Interview:

Mr. Killpack conducted the interview. Ms. Koeller was requested to provide a urine sample before meeting with the Committee. She stated she has been clean for 3 ½ years. She stated she has no thoughts of relapse and has not relapsed. She stated she works an intense recovery program and the thought of returning to where she was when she was using does not occur to her. She stated she has a close relationship with her children and has made major life changes. She stated she is not taking any medications that have not been lawfully prescribed for her. She stated she forgets to call in to CVI and has missed several urine screens. Committee members encouraged her to be consistent in calling and find a way to remember to call or she may lose her license. Ms. Koeller stated she understands how important it is. She stated she has a great support system, has a lot of friends and attends a lot of meetings. She indicated she switched jobs, still works for the same company, just at a different location. She stated she misses her old job, but felt it was time to change because of the new year. Ms. Koeller is **out of compliance** for not consistently calling CVI and missing urine screens.

Kimberli Johnson,
Annual Probation Interview:

Mr. Allred conducted the interview. Ms. Johnson stated her job is going well. She attends her meetings, but would like to attend PIR meetings in lieu of 12-step meetings and would like to attend only twice a month instead of four times a month. She stated she does not feel she needs to attend all those meetings and feels like she is just going through the motions. Mr. Allred requested she evaluate what is going on and why she feels she does not need to attend the meetings. Ms. Johnson then stated it is not an issue and will not request a change at this time. Ms. Johnson stated she sees herself as an example to others and others do not see her as a drug addict. Mr. Allred suggested she may want to look into becoming a sponsor. She stated she has no thoughts of relapse and has not relapsed. She stated she has been clean for 7 ½ years. She indicated her only stressors are attending meetings. Ms. Johnson is **in compliance** with the terms and conditions of her probation.

Leslie Bennett,
Annual Probation Interview:

Mr. Allred conducted the interview. Ms. Bennett is in compliance with the Order and is looking well. She indicated she is a sponsor to several individuals and likes attending meetings. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. Ms. Bennett requested termination of probation. She reported long term sobriety (15 years) and feels confident her chance of relapse is slim. She stated she knows she will always have the disease and will continue to attend meetings even after her probation is terminated. She stated she would like to return to school for her RN associates degree. Committee members will recommend to the Total Board to terminate the probation.

Andrew Decker,
New Order:

Dr. Williams conducted the interview. Mr. Decker explained the circumstances that brought him before the board. He stated he just started working at Salt Lake Regional Medical Center. He submitted a letter from his employer who indicates he is aware of the probation. Mr. Decker submitted the self assessment report, attendance cards, business address change and a letter from his physician. Mr. Decker indicated his prescribing practitioner will be Dr. Fred Civish and his Pharmacy will be Macey's in West Jordan. He stated he understands the terms and conditions of his probation. He questioned if probation is ever terminated early? Committee members indicated it would depend on compliance, whether or not he has submitted his paperwork on time and if he consistently works the program. He stated he is not taking any medications not lawfully prescribed for him. He stated he has no thoughts of relapse and has not relapsed. He stated he has been clean 1 1/2 years.

Group 2
Conducting: Barbara Jeffries
Secretary: Connie Call

Members present: Ms. Jeffries, Ms. Brown, Ms. Kirby,
Ms. Schilleman, Ms. Simonsen and Ms. Baker.

Michael Ross,
New Order:

Ms. Schilleman conducted the interview. Mr. Ross explained the circumstances that brought him before the Board. He indicated he has completed his substance abuse evaluation and completed an intensive outpatient program at Southwest Behavioral. The report has not been received by the Division. Dr. Dr. Etringer did submit the psychological evaluation. Mr.

Ross stated he is under a lot of stress and exercises to deal with the stress. Committee members recommended he get a sponsor as soon as possible.

Stacie Wood,
Probation interview:

Ms. Jefferies conducted the interview. Ms. Wood explained the reason for the positive urine screens. She indicated a prescribed medication she is taking came up positive for Morphine. Ms. Wood indicated is working at Jordan Valley Hospital and began there December 22, 2007. She claims to have been clean and sober since March 2007. She stated she attends NA in Arizona and finds it helpful. She stated she has no thoughts of relapse and has not relapsed. Her reports were not received on time and she indicated she had faxed them January 2, 2008. She stated she will call Connie after faxing her reports to make sure they have reached the Division.

Carmen Maloy,
Probation interview:

Ms. Maloy did not appear for her scheduled interview. She called indicating she was having surgery.

Donna Cook,
Probation interview:

Ms. Kirby conducted the interview. Ms. Cook indicated she has been depressed and is trying to overcome the depression. She stated she is working with her physician to get the help she needs. She stated she had a relapse and had a positive urine screen because of the relapse.

Karen Christiansen,
Probation interview:

Ms. Simonsen conducted the interview. Mr. Christiansen stated things are going well. She is currently employed at Canyon Rim and likes her work. She appears to be in compliance with the terms and conditions of her Order.

Reconvened to Total Board at 10:45 a.m.:

Probation Peer Committee Reports:

Leslie Bennett: Ms. Bennett is requesting early termination of probation. She has been clean 15 years and Committee members recommend early termination of probation. All Board members in favor.

Carmen Maloy did not appear for her scheduled interview. She has 21 prescribing practitioners and 19 pharmacies. She has not submitted any paperwork. Committee members recommend Ms. Maloy be

referred for an Order to Show Cause Hearing. All Board members in favor.

Cesar Garcia, New Applicant Interview:

Ms. Forster-Burke conducted the interview. Mr. Garcia met with the Board in September and was requested to complete another evaluation and treatment. He has completed this treatment and the psychologist submitted a letter indicating Mr. Garcia demonstrated progress on all three of his therapy goals and based on the MMPI-2 results and his response to therapy, Mr. Garcia appears to be at low risk for a future offense. Mr. Garcia stated he feels good and understands the triggers that got him into trouble. He stated he understands what he needs to do to prevent the actions that got him into trouble. He stated his immigration issues are still not resolved, but he is working on them. Board members questioned whether or not he would be willing to attend additional support meetings and to be monitored for a period of time? Mr. Garcia stated he would be willing to do whatever the Board requests to get his license. Ms. Forster-Burke made a Motion to allow Mr. Garcia to take the NCLEX examination, and upon passing the exam issue a probationary license for five years with attendance at 12-step sexual offenders meetings twice a month, self assessment reports and employer reports. Ms. Schilleman seconded the Motion. Discussion: Ms. Jeffries stated the evaluator indicated Mr. Garcia is at low risk for repeating his offense and requiring him to attend meetings would be overkill. Ms. Simonsen stated she would like the order to restrict his practice to no pediatric practice. Mr. Allred stated based on the report he is not sure if Mr. Garcia should be placed on probation and questioned whether or not the Board could issue a restricted license without probation. Ms. Forster-Burke stated she would rather place him on probation to monitor him for a period of time. Mr. Garcia stated he would be willing to be restricted from pediatrics. Ms. Kirby, Dr. Williams, Ms. Partridge, Ms. Forster-Burke and Ms. Schilleman in favor of the Motion. Ms. Brown, Mr. Killpack, Ms. Jeffries, Ms. Simonsen and Mr. Allred opposed the Motion. The Motion did not pass. Mr. Killpack made a Motion to approve Mr. Garcia to sit for the NCLEX examination and once he passes, restrict the license so that he can not work with pediatric patients.

Mr. Killpack withdrew his Motion. Ms. Jeffries made a Motion to allow Mr. Garcia to take the NCLEX examination and upon passing, issue a license without restrictions or probation. The Motion died for lack of a second. Mr. Killpack made a Motion to allow Mr. Garcia to take the NCLEX examination and upon passing, issue a license on probation for 5 years with the following terms and conditions; submit self assessment reports on a monthly bases for the first six months, submit employer evaluations, work under supervision and he can not work in an home health agency or any other setting where nursing supervision is unavailable. Ms. Partridge seconded the Motion. Ms. Simonson opposed. All other Board members in favor. The Motion passed.

Environmental Scan:

Ms. Forster-Burke reported the Medication in Schools Bill that was introduced this week did not contain the liability language for the school nurses. The school nurses are trying to have this language added.

Karen Carter, request for return of access to controlled substances:

Ms. Carter requested her access to controlled substances be returned. Ms. Carter has been on probation for eight months, but has only been in compliance for three of the eight months. Mr. Killpack made a Motion to deny the request based on having only three months of compliance. She will need to document a longer period of compliance. Ms. Jeffries seconded the Motion. All Board members in favor.

Peter Uluave request for early termination of probation:

Mr. Uluave requested early termination of probation. He has completed the required course work and appears to be doing well. His probation began September 2006 and is scheduled to terminate September 2009. Ms. Partridge made a Motion to terminate probation. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Education Committee Report:

Ms. Forster-Burke reported the Committee has been meeting to develop language for rules regarding education programs and to develop new program requirements. Committee members have also conducted site visits to Ameritech, UCC and Stevens Henager College.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

February 22, 2008
Date Approved

(ss) Joel Allred
Joel Allred, Chair Board of Nursing

February 22, 2008
Date Approved

(ss) Diana Baker
Diana Baker, Acting Bureau Manager, Division of
Occupational & Professional Licensing