

MINUTES

**UTAH
BOARD OF NURSING
August 14, 2008**

**Room 474 – 4th Floor – 10:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 10:15 a.m.

ADJOURNED: 2:32 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Division Staff:

Connie Call, Compliance specialist

Conducting:

Joel Allred

Board Members Present:

Barbara Jeffries
Debra Schilleman
Joel Allred
Peggy Brown
Mary Williams
Susan Kirby
Diane Forster-Burke
John Killpack
Laurie Simonson
Pam Rice

Board Members Excused:

Marie Partridge

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

June 26, 2008 Minutes:

The June 26, 2008 minutes were approved as written.
All Board members in favor.

June 27, 2008 Minutes:

The June 27, 2008 Minutes were approved with
corrections. All Board members in favor.

July 18, 2008 Minutes:

The July 18, 2008 Minutes were approved with
corrections. All Board members in favor.

NEW BUSINESS:

Connie Call,
Compliance report:

Ms. Call reported the following individuals were out
of compliance this quarter: Ann Rooney, Glenda

Salas, Luisa Lyman, Nora Mitchell, Stacy Roberts, Debra Youngblood, Karen Chlarson and Vai Panter. The following individuals are out of compliance for the monthly reports: Rhandi Robertson, Karen Baker, Desirae Larson, Jennifer Eva, Michelle Larson and Michelle Peterson.

Ms. Forster-Burke made a motion to refer Karen Chlarson for an Order to Show Cause Hearing. Mr. Killpack seconded the Motion. All Board members in favor.

Ms. Forster-Burke made a Motion to refer Karen Baker for an Order to Show Cause Hearing. Ms. Jeffries seconded the Motion. All Board members in favor.

Board members requested Stacy Roberts be invited to meet with the Board next month

Divided into groups at 10:45 a.m.

Group 1
Shirlene Kimball, Secretary:

Barbara Jolley-Mumm,
Annual probation interview:

Board members present: Mr. Allred, Dr. Williams, Mr. Killpack and Ms. Forster-Burke.

Mr. Allred conducted the interview by telephone. Ms. Jolley-Mumm stated she continues to work as a correctional officer and is not working as a nurse. She stated she understands the five year probation does not begin until she is employed in nursing. Ms. Jolley-Mumm stated she still becomes very angry when she thinks about how she was treated and feels she was doing a good job providing nursing services to the inmates. Mr. Allred reminded her she can not practice outside her scope of practice and at this point needs to move forward. She needs to focus on finding a job in nursing if she wants the probation to begin. Ms. Jolley-Mumm indicated for stress relief she reads, walks and is taking classes in criminal justice. She stated she avoids anything medical. She stated her support system is her husband and children. **Ms. Jolley-Mumm is in compliance with the terms and conditions of her Order.**

Carolyn Watterson,
New Order:

Dr. Williams conducted the interview. Ms. Watterson explained the circumstance that brought her before the Board. Ms. Watterson stated she is currently on

Workman's Compensation and is not currently working. Ms. Watterson stated she understands the terms and conditions of the Order. **Ms. Watterson is in compliance with the terms and conditions of her Order.**

Dorothea Peak,
Annual probation interview:

Ms. Forster-Burke conducted the interview. Ms. Peak stated she is not taking any medication not lawfully prescribed for her. She stated she has been sober for 7 years. Ms. Peak stated she has no thoughts of relapse and has not relapsed. She stated she has a wonderful life and no longer has a chip on her shoulder. She has completed two years of the three year probation and requested early termination of probation. **Ms. Peak has been doing very well in her probation and is in compliance with the terms and conditions of her Order.** Committee members will recommend to the full Board that her probation be terminated.

Ann Heather Deering,
New Order:

Ms. Forster-Burke conducted the interview. The Order was signed over three months ago; however, Ms. Deering has not made an effort to comply with the Order. She explained the circumstances that brought her before the Board and stated she has been having trouble coping with her situation. She reported she has not made an effort to contact the evaluators required in the Order and did not contact the Division with a current address. Ms. Deering is out of compliance because she has not started the process and did not provide the Board with a current address. Committee members indicated she has one month to get her appointments and contact Ms. Call within the next month with the appointment dates. If she has not made the contact, the Board may refer her for an Order to Show Cause Hearing for non-compliance. She has to sign up with compass vision and find a 12-step group today and start attending PIR meetings tonight. She submitted the name of her prescribing practitioner and the name of the pharmacy. She also submitted a copy of the medications she is currently taking. Ms. Deering stated she is not taking any medications not lawfully prescribed for her. She stated she is not taking any street drugs and does not ingest alcohol. She stated she understands the terms and conditions of her Order and what she needs to do today, and what needs

to be done within the next month. **Ms. Deering is out of compliance with the terms and conditions of her Order because she has not made an effort to meet the requirements of the Order.**

Britney Harvey,
New Order:

Mr. Killpack conducted the interview. Ms. Harvey explained the circumstance that brought her before the Board. Ms. Harvey questioned whether or not she could attend Recovery Inc for the 12-step requirement. Committee members indicated that since Recovery Inc is a group meeting, but not a 12-step program, she could attend, but she would also need to attend 12-step meetings to remain in compliance with the Order. Committee members indicated all four meetings could be PIR meetings because they are 12-step meetings. Ms. Harvey indicated her sobriety date is June 5, 2005. She stated she has no thoughts of relapse and has not relapsed. She submitted the name of her primary prescribing practitioner and primary pharmacy. **Ms. Harvey is in compliance with the terms and conditions of her Order.**

Group 2
Barbara Jeffries conducting
Connie Call, Compliance specialist

Members present: Ms. Schilleman, Ms. Jeffries, Mr. Rice, Ms. Brown and Ms. Simonson.

Lori Niven,
Annual Probation Interview:

Ms. Jeffries conducted the interview. Ms. Niven reported things are wonderful. She is working at South Davis Community Center in Bountiful and reported she has received a promotion as the Assistant Patient Care Coordinator. She stated she has no thoughts of relapse and has not relapsed. She stated she has been attending therapy for the last year and requested her Order be amended to terminate the therapy requirement. She stated her negative stressor is her significant other and is dealing with this stress by setting boundaries. **Ms. Niven is in compliance with the terms and conditions of her Order.**

Betty Long,
Annual Probation Interview:

Ms. Schilleman conducted the interview. Ms. Long reported she is doing well. She continues to attend aftercare weekly at Blue Sky Treatment program. She reported she has been sober since March 23, 2008. She stated she thinks about relapsing all of the time but avoids putting herself in those situations. **Ms. Long appears to be in compliance with the terms and conditions of her Order.**

Julia Gillingham,
New Order:

Ms. Kirby conducted the interview. Ms. Gillingham explained the circumstances that brought her before the Board. She reported she is doing well and is looking for nursing employment. She stated she has no thoughts of relapse nor has she had a relapse. She indicated she has been sober since June 2008. **Ms. Gillingham appears to be in compliance with the terms and conditions of her Order.**

Kurt Despain,
New Order:

Ms. Simonsen conducted the interview. Mr. Despain explained the circumstances that brought him before the Board. Mr. Despain indicated his drug of choice was anything he could find. He reported he has been sober since May 2008. He stated he has thoughts of relapse but does not act on the thoughts by seeking drugs. He stated he has found a 12 step program and is planning to ask a friend to be his sponsor. He reported his support system is very minimal. Committee members recommend he be very careful with the friends he finds to help with his support. **Mr. Despain appears to be in compliance with the terms and conditions of his Order.**

Reconvened to Full Board at 12:21 p.m.

Kathleen King,
Request for reinstatement:

Ms. King's Utah LPN license expired January 31, 2006. She had an Arizona Physician Assistant license which was surrendered due to alcohol use. She indicated she has moved to Utah and would like to reinstate her LPN license. She reported her sobriety date is August 2005. She stated she has not started attending 12-step meetings in Utah, but did attend the meetings in Arizona. She stated she has been working on her continuing education. Board members questioned why she is not seeking reinstatement of the Physician Assistant license. Ms. King reported she would have to retake the course and be recertified. Ms. Jeffries questioned whether or not she would have a difficult time practicing within the scope of practice of an LPN. Ms. King stated she doesn't think it will be a problem. Ms. Forster-Burke made a Motion to issue the license on a 5 year probation with the standard terms and conditions, however, allow her access to controlled substances and to call in prescriptions. Ms. Jeffries seconded the Motion. All Board members in favor.

Kaylyn Thompson,
Request that her suspension be terminated and
her license be placed on probation:

Ms. Thompson's new therapist submitted a letter indicating as long as Ms. Thompson does not have access to controlled substances, she would be safe to practice. Ms. Thompson is currently in compliance with the terms of the suspension and is attending aftercare, 12-step and PIR meetings. Ms. Jeffries made a Motion to lift the suspension and place the license on probation with the terms and conditions outlined in her Order. Ms. Kirby seconded the Motion. All Board members in favor.

Report from Probation Peer Groups:

Dorothea Peak: Ms. Peak is in compliance with the terms and conditions of her Order. Committee members recommend termination of probation. All Board members in favor.

Heather Deering: Ms. Deering needs to submit the names of the evaluators and the appointment dates to Ms. Call within one month or she will be referred for an Order to Show Cause Hearing.

Lori Niven: Ms. Niven is doing well and has requested her therapy requirement be terminated. Committee members feel that she needs to continue with therapy as long as her significant other is a factor in her life and would suggest she obtain a new therapist to help her deal with those issues. A Motion was made to deny the request to terminate therapy. The Motion was seconded. All Board members in favor.

Report from the NCSBN Annual meeting:

Ms. Schilleman reported the NCSBN Annual meeting was very good. She indicated discussion items included APRN regulation and discussion regarding whether or not a master's degree should be required to teach in the RN/BSN program.

Ms. Poe reported that the TERCAP program, which was designed to look at competency discipline cases from 15 to 20 participating states, is in the third year of gathering data. She reported they have not gathered sufficient data after three years and it would appear that competency discipline issues are not a big problem. Ms. Poe also indicated there will be a workshop in November to discuss core requirements

for RNs and LPNs.

Environmental Scan:

Ms. Poe indicated the CRNA opt-out issue has been reviewed the by Governor. At the Governor's request, a public meeting will be held to receive input from the public, and following the public meeting, the Physician's Licensing Board, Osteopathic Licensing Board and the Board of Nursing will meet to discuss their recommendations. Ms. Poe reported the concern is that if the governor does not opt out, federal reimbursement requirements and guidelines will continue to place restrictive barriers to practice beyond what the state has deemed necessary for licensure and public health. Rural hospitals will continue to be a risk for administrative penalties or loss of accreditation for failure to provide physician supervision for CRNA practice.

Open meetings training:

Open meetings training completed.

Rules:

The following changes for the Education Rules were suggested: Add academic year or 900 clock hours. Extend the APRN intern license to 180 days and require the APRN to notify the Division within 10 days of receipt of the examination results. Ms. Forster-Burke made a Motion to accept the rule changes. Dr. Williams seconded the Motion. All Board members in favor.

For the Medication Aide Certified rule: Board members indicated the 16 hours of medication continuing education is an acceptable number and no change will be made. Section 801: change to allow the MA-C to account for controlled substances with another MA-C or nurse. In Section 802 add that an LPN can be a classroom instructor and practice instructor. Ms. Rice made a Motion to accept the changes to the rules. Ms. Kirby seconded the Motion. All Board members in favor.

Education Committee Report:

Ms. Forster-Burke reported the Committee is reviewing the curriculum and objectives submitted by Ameritech College. She reported the Committee continues to have concerns with the program's pass rate on the RN-NCLEX examination.

Dr. Lister, Southern Utah University was requested to meet with the Committee to address their low pass rates. Dr. Lister reported the program is addressing those concerns.

Ms. Forster-Burke reported the Committee met with Fortis College and recommended acceptance of the intent to begin a nursing program. They will begin the process of submitting an application for a new program. All Board members in favor.

Ms. Poe reported Education Committee members discussed eliminating the temporary license for new graduates. All Board members were in favor.

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.

October 9, 2008
Date Approved

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

October 9, 2008
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing