

MINUTES

**UTAH
BOARD OF NURSING**

February 12, 2009

**Room 474 – 4th Floor – 9:45 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 10:47 a.m.

ADJOURNED: 4:55 p.m.

**Bureau Manager:
Secretary:**

Laura Poe
Shirlene Kimball
Connie Call
Irene Woodford

Conducting:

Debra Schilleman

Board Members Present:

Peggy Brown
Diane Forster-Burke
Mary Williams
John Killpack
Joel Allred
Marie Partridge
Susan Kirby
Barbara Jeffries
Laurie Simonson

Members Excused:

Pam Rice

Guests:

Lynne Calame, SLCS
Stacy Drew, Jordan School District
Judi Yaworsky, SLCS
Larry Banks, Eagle Gate/Provo College
Gigi Marshall, Provo College
Kathy Briggs, USNA
Jamie Ferdinand, USNA
Cescila Rall, USNA
Shirley Stevens, USNA
Catherine Hamilton, UDOH

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

January 9, 2009 minutes:

The minutes were approved as written. All Board in favor.

NEW BUSINESS:

Connie Call, Compliance Report:

Ms. Call reported the following individuals were out of compliance with the terms and conditions of their Orders: Betty Long, Lori Niven, Stacy Roberts, Tyson Dawson, Vai Mackay, Rhandi Robertson, Carolyn Watterson, Julia Gillingham, Traci Johnson, Jason VanDaam, Kathleen King and Stacie Powell.

Divided into groups at 11:00 a.m.:

Group 1:
Marie Partridge conducting
Shirlene Kimball Secretary

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

Donna Cook,
Board requested interview:

Ms. Partridge conducted the interview. Ms. Cook stated she has had a difficult time the last several months. She indicated she was in a bad relationship which has now ended and she feels a lot better about herself. Ms. Cook reported she continues to suffer pain from injuries suffered in an automobile accident. She stated she would like to discontinue the pain medication and is working with her physician to reduce the amount of medication she is currently taking. Ms. Cook indicated she is currently working at Avalon Valley and she likes her job. She submitted her employer and self-assessment reports. She stated she has a good support system and is trying hard to meet the terms and conditions of her Order and is committed to being in compliance by March. **Ms. Cook is out of compliance with the terms and conditions of her Order for not calling CVI and not submitting the therapist report.**

Amy Dansie,
New Order:

Ms. Forster-Burke conducted the interview. Ms. Dansie explained the circumstances that brought her before the Board. She indicated she does not have a substance abuse problem, hers was an ethical violation. She indicated she is currently unemployed and is looking for employment. She reported she will sign up for the NCSBN ethics course. Ms. Dansie stated she understands the terms and conditions of her Order. Ms. Dansie questioned whether or not she would be allowed to work under the supervision of a Physician Assistant. Committee members indicated the full Board will need to consider the request and

make the determination whether or not to amend her Order. Ms. Dansie stated she has not been charged with criminal sanctions, however, Ms. Woodford (Division investigator) indicated there will be charges filed. **Ms. Dansie is in compliance with the terms and conditions of her Order.**

Carolyn Watterson,
Board requested interview:

Dr. Williams conducted the interview. Ms. Watterson stated she is not currently working. Ms. Watterson has not submitted her 12-step or AA attendance cards. Ms. Watterson stated she met with the evaluator on January 26, 2009 as required in her Order. Committee members indicated the Division has not received the evaluation and requested Ms. Watterson follow-up with the evaluator. If the report recommends she attend therapy, she will need to contact Ms. Call to make sure the therapist is approved. Ms. Watterson also missed calling CVI on January 24, 2009 and February 3, 2009. She stated she was unaware she had missed calling in those days and is not sure why she missed. Committee members expressed concern with her pattern of non compliance and indicated she needs to come into compliance or further action may be taken. Committee members reviewed her file and she had indicated she had ingested eggnog with alcohol in December 2008. Committee members questioned whether or not she has ingested alcohol since the December date? She stated she has not. Ms. Watterson also stated she is not taking any medications not lawfully prescribed for her and has not taken any street drugs. Committee members questioned if she had any thoughts of relapse? She stated she has had no thoughts of relapse and has not relapsed since the December incident. Ms. Watterson is requesting that her access to controlled substance be returned; allow her to call in prescriptions and requested removal of the supervision requirement. Committee members indicated she has not demonstrated a period of compliance and would recommend denial of the requests. **Ms. Watterson is out of compliance for failure to call CVI everyday; has not submitted 12-step, PIR or therapist reports.**

Erin Crockett
Requesting suspension be terminated and
license placed on probation:

Mr. Allred conducted the interview. Ms. Crockett explained the circumstances that brought her before the Board. She stated she just completed an intensive

outpatient program. She indicated she sees a therapist once a week and attends AA meetings twice a week. She stated she has been clean and sober since December 20, 2007. She reported she is doing well and also attended the House of Hope where she has learned life skills and feels like she is in a good place. She reported her current stressors are financial and medical issues with her child. She is also worried about going out into the work place. She is requesting the suspension on her license be lifted. She reported she was working in home health as an intake person, but her Order will not allow her to work there unless the Order is amended. Committee members expressed concern with the length of time it has taken her to sign up with CVI. She indicated she did not have the funds available, but has them now and has signed up with CVI. The therapist indicates Ms. Crockett is safe to practice. She stated she has not had a relapse. **Ms. Crockett is in compliance with terms and conditions of her Order.**

Terri Judd
New Order:

Mr. Killpack conducted the interview. Ms. Judd explained the circumstances that brought her before the Board. Ms. Judd questioned when she could return to work. Mr. Killpack stated the suspension on the license needs to be lifted and in order to lift the suspension she will need to follow the terms and conditions of the suspension. She stated part of the suspension requires she obtain an evaluation. She stated since she is not working, she can not afford the evaluation. Ms. Judd indicated she is five month pregnant and reported her boyfriend beat her up last night. Committee members questioned whether or not she was following through with the authorities regarding the incident. She stated yes she is going to obtain a restraining order as soon as she is through meeting with the Board. Committee members clarified the terms and conditions of her suspension. Committee members indicated she can not work in home health unless the Order is amended. She would need to make this request once the suspension is termination and have the supervisor submit a letter indicating a willingness to supervise her. She stated her sobriety date is October or November 2008. She stated she has had no thoughts of relapse; however she did have a glass of wine in December, so her sobriety

date is December. She stated she has not started attending 12-step meetings. She stated she understands the terms and conditions of her Order. **Ms. Judd is out of compliance with the terms and conditions of her Order. She has not completed the required evaluations and is not attending AA.**

Theresa Brewer,
New Order:

Ms. Brewer was excused from the meeting due to the bad weather in southern Utah. She will be scheduled next month. **She is currently in compliance with the terms and conditions of her Order.**

Group 2
Barbara Jeffries conducting
Connie Call, Minute taker:

Committee members present: Ms. Jeffries, Ms. Brown, Ms. Simonson, Ms. Schilleman and Ms. Kirby.

Angie Mangelson,
Annual Interview:

Ms. Schilleman conducted the interview. Ms. Mangelson stated she has been sober for two years. She missed a urine screen and missed calling into CVI. She stated she is going through a divorce and has a lot going on as she becomes a single mom. **Ms. Mangelson is out of compliance with the terms and conditions of her Order for missed urine screens and not calling CVI daily.**

Dee Ann Taylor,
New Order:

Ms. Simonson conducted the interview. Ms. Taylor explained the circumstances that brought her before the Board. She stated she is attending AA twice a month. She reported she has a better support system now than she has had in the past. She stated she is doing really well and understands the terms and conditions of her Order. **Ms. Taylor is in compliance with her Stipulation and Order.**

Sandra Piatt,
New Order:

Ms. Jeffries conducted the interview. Ms. Piatt explained the circumstances that brought her before the Board. She reported she is attending AA, PIR and aftercare. She indicated she has been calling CVI for a couple of years. Ms. Piatt reported her sobriety date is December 22, 2004. She reported she has a great support system. Ms. Piatt reported she has had no thoughts of relapse and has not had a relapse. She stated she is not taking any medications not lawfully prescribed for her. She provided the Committee with the name of her prescribing practitioner and pharmacy. **Ms. Piatt is in compliance with the terms and**

conditions of her Order.

Gaylynn Pope,
Request for termination of suspension:

Ms. Brown conducted the interview. Ms. Pope indicated her license was suspended in 2006 and she would like to have the suspension lifted. She reported she has been in treatment at Corner Stone and has been clean almost 18 months. She reported September 8, 2007 is her sobriety date. She stated she attends AA meetings and has a sponsor. **Ms. Pope appears to be working an effective recovery program and appears to be ready to return to active practice.**

Michael Gearheart,
New Order:

Ms. Kirby conducted the interview. Mr. Gearheart explained the circumstances that brought him before the Board. He indicated he is attending PIR and 12-step meetings. He stated he is not sure where his criminal case is at this point, but will let the Board know if any action is taken. He indicated he is currently taking pain medications and Ms. Poe requested he inform the physician at the pain clinic of his Order. Mr. Gearheart questioned whether or not his access to controlled substances could be returned. Committee members indicated this is his first interview and the Board would deny the request because it is too early in the probation. He asked when he could request access and Committee members indicated he could request it after 6 months to one year, but he will need to be in total compliance with the terms and conditions of the Order. **Mr. Gearheart is in compliance with the terms and conditions of his Order.**

Adjourned to Lunch at 12:55 p.m.
Reconvened at 1:10 p.m.:

Charles Walton, MD
Presentation on office-based Opioid Therapy:

Dr. Walton discussed with Board members office-based Opioid Therapy and the use of Suboxone.

Kim Baker,
Request for re-licensure:

Ms. Baker submitted an application for re-licensure. She indicated she surrendered her license June 2006 due to drug abuse. She stated she feels she is now ready to return to nursing practice. Ms. Baker indicated she is attending AA and ALANON meetings. She stated she has struggled, but has a good support system. She indicated she completed the outpatient program at A&D Psychotherapy and has

had a recent substance abuse evaluation. The evaluator indicated she is ready to return to work. She stated she has been clean for two years and has been doing urine screens. Ms. Baker stated she understands she will need to complete 30 hours of continuing education. Mr. Allred made a Motion to issue a license on a 5 year probation with the standard terms and conditions after she has completed 30 hours of continuing. Ms. Jeffries seconded the Motion. All Board members in favor.

Action from the Probation Peer Review Committee:

Donna Cook committed to being in compliance with her Order by March 2009.

Amy Dansie is a new order and requested her Order be amended to allow supervision by a physician assistant in lieu of a physician or registered nurse. All board members in favor of the request.

Carolyn Watterson is out of compliance and requested her order be amended to allow access to controlled substances, no direct supervision and that she be allowed to call in prescriptions. Committee members recommended all requests be denied based on her continued non-compliance to the terms and conditions of her Order. All Board members in favor.

Erin Crockett requested her suspension be lifted. The therapist indicated she is safe to practice. Committee members indicated she appears to be in a good spot and recommend that the suspension be lifted and she be placed on probation according to the terms and conditions of her Order. All Board members in favor.

Gaylynn Pope requested termination of suspension. Committee members recommended that her suspension be terminated. All Board members in favor.

Tyler Miller,
Request for termination of therapy requirement:

Mr. Miller's therapist submitted a letter indicating therapy was no longer necessary. Mr. Allred made a Motion to amend the Order to terminate counseling. Dr. Williams seconded the Motion. All Board members in favor.

Jennifer Eva,
Request for termination of probation:

Ms. Eva requested termination of probation. Ms. Simonson made a Motion to deny the request since Ms. Eva has been on probation less than one year. Ms. Forster Burke seconded the Motion. All Board members in favor.

Brent Pace
Request for termination of probation:

Mr. Pace requested termination of probation. He began probation in 2007 and relapsed 8 months into the probation. Ms. Partridge made a Motion to deny the request based on the length of time on probation and his relapse. Mr. Allred seconded the Motion. Dr. Williams was not present for the vote. All other Board members in favor.

Jason VanDaam,
Request to attend 12-step meetings in lieu of PIR meetings:

Mr. VanDaam requested he be allowed to attend AA meetings in lieu of PIR meeting. Ms. Brown made a Motion to allow Mr. VanDaam to attend four support meetings per month. The Motion was seconded. All Board members in favor.

Andrew Decker,
Request to be allowed to work in a home health agency as the director:

Mr. Decker requested he be allowed to work in a home health care agency as the director of nursing. Board members expressed concern with a probationer working as the director of nursing in a home health care agency. If the agency was short staffed, the DON would need to fill in and would be in the patient's home unsupervised. Board members stated the home health care setting is an unsafe environment for Mr. Decker at this point in his probation. Ms. Forster Burke made a Motion to deny the request. Mr. Killpack seconded the Motion. Dr. Williams was out of the room and did not vote. All other Board members in favor.

Discussion regarding Medications in the School Setting:

Ms. Poe reported since the Board wrote rules for glucagon and insulin, there have been other requests to allow certain medications in the school setting. She reported there is no way the rule can handle each medication by name and she suggested the Board may want to consider medication administration by routes rather than by medication name. Ms. Poe reported she received several e-mails and read them into the record regarding this issue. Ms. Poe stated some of the concerns regarding medication administration in the school setting are: privacy for the student during the medication administration; storage of medications in

the school or students carrying medications back and forth from home; and who will administer the medications. Ms. Forster-Burke stated she is concerned with the physician ordering controlled substances to be given in the school setting. Ms. Poe questioned if the school is storing controlled substances, does the school need to have a pharmacy license and a DEA number. She indicated she did not feel this would be appropriate. A member of the public stated there are no district policies for storing medications. All school districts deal with medications in different ways and there are times when the school nurse doesn't even know about a situation in one of her assigned schools. Ms. Poe indicated she will take this issue to the Pharmacy Board. Ms. Forster-Burke stated the administration of controlled substances PRN requires assessment and evaluation, which is the practice of nursing. The nurse can not delegate judgment.

The letter from Jordan School District indicated the District has an increasing number of requests for Diazepam rectal gel (Diastat) administration in the school setting. Concern was expressed and Board members indicated this should not be delegated. Ms. Forster-Burke stated these children have a chronic disease and don't meet the requirement for special education. There is concern nurses are being told by the district this is what we are going to do without any consideration whether or not it is safe practice. The schools are also having a hard time finding volunteers who are willing to administer the medications. The physician is telling the parents, this is your right and the school has to provide a nurse. There is a great concern for public safety. Ms. Poe stated that rescue drugs by definition are not routine. If a school district chooses to give medications that have dangerous side effects, they need to have rescue equipment on site. Why should a child in school have less care than if in a hospital? If the child is unstable, why are they in school? School nurses indicate this is why the Nurse Practice Act Rule needs to address this issue.

Ms. Poe stated she wondered if the solution would be to look at rules, see how much they can be generalized. A rule will need to be added that

controlled substances can not be delegated with the exception of psychotropic drugs.

Environmental Scan:

Ms. Poe reported she is not aware of any major bills affecting nursing. She indicated Board members may want to review HB 121, second substitute and HB 269 (anesthesia assistants). There is one bill that would allow the APRN to sign a death certificate and sign for disability plates.

Ms. Poe reported there will be no approval for out of state travel. It doesn't matter if a third party pays for the travel. Therefore, no one from Utah will attend the NCSBN Midyear meeting in March. She reported that the midyear meeting will be available by webinar. She also reported that the NCSBN fees of \$6000.00 (\$3000.00 for the exam and \$3000.00 for Compact Administrators fee) will be taken out of the Education and Enforcement Fund.

The NCSBN is looking for a panel for the RN NCLEX exam. Also, NCSBN is accepting nominations for various positions on the Board of Directors.

Education Committee report:

Ms. Forster-Burke reported a Mr. James met with the Committee with a disability request. Committee members indicated that if an individual completes an approved program and passes the NCLEX examination, there would be no reason not to give a license. However, depending on the disability the license issued may be a limited license. The school would determine what reasonable accommodations should be made for a disabled student. The Division/Board does not have the authority to mandate schools make accommodations for students.

School program reports: Utah Career College just completed the NLNAC site visit and Ms. Poe reported UCC passed all six standards. Ameritech has a new director, Lona Broadhead. Western Governors University met to discuss the concept of the preceptor model versus the coaching model in the clinical setting. WGU will be placed on the March agenda for further discussion. Fortes College would like to begin an associate degree in nursing program and Committee members had several concerns regarding problems

with their programs in other states. They will also be placed on the March agenda.

DOPL practice plan guidelines:

Tabled until next month.

Draft of Rules:

Ms. Poe reported there was support from three nursing education programs for the removal of the temporary license because they felt students were postponing sitting for Boards and therefore, failing the exam and lowering the school's pass rates.

There were letters regarding the incorrect agency being named in the definition under (2) "affiliated with an institution of higher education". The rule referred to the Council for Higher Education Accreditation and the correction should be the U.S. Department of Education. Ms. Poe reported this name was changed in several other areas including the section regarding standards for parent academic institution offering nursing education programs.

Ms. Poe also indicated the rule will reflect that the Certified Medication Aide train-the-trainer program will need to be recognized by the Utah Nurse Aide Registry.

There were no changes in Medication Aide – Certified model curriculum. The model curriculum adopted by the National Council of State Boards of Nursing delegate assembly on August 9, 2007 will be adopted by reference.

Mr. Allred made a Motion to accept the proposed changes as discussed. Mr. Killpack seconded the Motion. All Board members in favor.

Review proposed rule change to the composition of the Board:

Ms. Poe reported the Department of Commerce feels that the composition of the Board should include a representative from a proprietary school. The Nurse Practice Act requires the composition of the Board be eleven members with two members of public. The Rule requires 6 RNs, 1 LPN and 2 APRNs. The Department developed draft rule language regarding the composition of the Board. Ms. Brown expressed concern that if we start to be so specific, we would then be required to look at other factors such as private

and public schools, religious schools, etc. Mr. Allred stated the Board is here to protect the public, not to make sure each school has a voice. He questioned how would this proposed language benefit the public? Ms. Poe indicated the Department feels the proprietary schools have a unique situation and need representation. Dr. Williams suggested it would be more practical to have them represented on the Education Committee. However, then the Education committee would need to have representatives of a graduate program, LPN program, etc. Other Board members indicated they do not see a need for change.

Mr. Killpack made a Motion to recommend to the Division not to implement the change to the composition of the Board, but to explore changing the composition of the Education Committee. Mr. Allred seconded the Motion. All Board members in favor.

Ms. Poe questioned if the Division goes forward to implement the change to the Board composition, what would be the best way. If the position is filled by a proprietary program, then one RN member of the Board would have to be removed. If the Division and the Department proceed, it would be the recommendation of the Board to implement the change July 2010 because at that time two RN terms would expired and those RNs would not be eligible for reappointment. The RN from a proprietary program could then be appointed to the Board.

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.

March 12, 2009
Date Approved

(ss) Debra Schilleman
Debra Schilleman, Chair Board of Nursing

March 12, 2009
Date Approved

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