

**MINUTES**

**UTAH  
BOARD OF NURSING**

**October 8, 2009**

**Room 474 – 4<sup>th</sup> Floor – 9:15 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:30 a.m.**

**ADJOURNED: 2:30 p.m.**

**Bureau Manager:**

Laura Poe

**Secretary:**

Shirlene Kimball

**Compliance Specialist:**

Connie Call

**Conducting:**

Debra Schilleman

**Board Members Present:**

Peggy Brown

Mary Williams

Joel Allred

Laurie Simonson

Sue Kirby (present at 11:00 a.m.)

Barbara Jeffries

Diane Forster-Burke

John Killpack

**Board members excused:**

Marie Partridge

Pam Rice

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

September 10, 2009 Board minutes:

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

**NEW BUSINESS:**

Connie Call,

Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Order: Erin Crockett, Mark Dudley, Dale Hullinger, Kim Johnson, Michelle Peterson, Amy Stone, Nancy Stone Whitmore, Jason VanDaam, Judy Teerlink, Nichole Clark, Stephanie Thomas, Pam Sinnett, Kim Baker, Patty Colledge, Donna Clark and Lori Niven. Ms. Call reported Mr. Hullinger has been continually out of compliance and would recommend he be referred for an Order to Show Cause Hearing.

Ms. Call reported the following individuals are in compliance with the terms and conditions of their Orders: Kate Alleman, Susan Barrus, Steven Booth, Karen Christiansen, Andrew Decker, Jennifer Eva, Bambi Koeller, Michelle Larson, Angie Mangelson, Susan Merryweather, Nora Mitchell, Keith Moslak, Brent Pace, Christopher Singer, Marsha Taylor, Kent Wilkinson, Kay Tate, Rebecca Davis, Ryan Murry and Suzanne Irish.

Divided into Groups at 9:50 a.m.

Group 1  
Conducting: Joel Allred  
Secretary: Shirlene Kimball

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

Amy Stone  
Probation Interview:

Mr. Allred conducted the interview. Ms. Stone indicated she has been going to counseling for 2 ½ years and has been learning coping skills. She reported her job is going well and she is happy with work. Mr. Allred questioned why she asked to have all terms of the Order removed but did not ask for termination of probation. Ms. Stone stated she did not think the Board would approve termination of probation. Mr. Allred indicated the purpose of the probation and the condition placed on the license is to monitor her practice. Submission of self assessment, employer and therapist reports provides the Board with an overview of progress or regression in different areas. The employer reports reveal to the Board how well she is doing and how the employer sees her in her position. The self-assessment report provides the Board with an idea of how she feels she is doing. Mr. Allred explained all aspects are reviewed by the Board and the Board watches the pattern to determine progress of the probation. Mr. Allred indicated she only has to submit these reports on a quarterly basis and the therapist has indicated that counseling is no longer necessary. Mr. Allred stated the Committee could recommend termination of counseling based on the therapist recommendation. However, the other reports will be required. Ms. Stone had also requested termination of urine screens. Ms. Stone stated she has never had a problem with alcohol, never thought about being an addict because alcohol is legal. She stated

she does not feel she is minimizing her situation, but doesn't feel alcohol is a problem. Mr. Allred stated she had a positive urine screen July 26, 2009 and has had low level ETG appear in her urine screens around holidays and birthdays. He stated the Board is concerned that this is a problem. He indicated the Board is here to protect the public and also to make sure she is in compliance with the Order. She stated she feels she is taking responsibility. Ms. Stone questioned whether or not urine testing could be reduced. Committee members indicated no, that she needs to call every day and not to miss any urine screens. She then questioned if she could have the paperwork reduced and submit every six months instead of quarterly. Mr. Allred stated no, the Board wants to continue to review the paperwork on a quarterly basis. He indicated the quarterly review is for her benefit. He indicated she should make sure everything is clean and tight and then in a few months, could make another request. Mr. Allred questioned her regarding her sobriety date. Ms. Stone stated she has no idea, she doesn't keep track but thinks it has been since April 2007. She stated she is not taking any medications not lawfully prescribed for her. She stated she is not taking any illegal drugs. **Ms. Stone is out of compliance with the terms and conditions of her Order.**

Donna Cook,  
Probation interview:

**Ms. Cook did not appear for her scheduled interview and is out of compliance with the terms and conditions of her Order.** Ms. Cook has been referred to an Order to Show Cause Hearing.

Wendi Rees,  
New Order:

Ms. Forster-Burke conducted the interview. Ms. Rees explained the circumstances that brought her before the Board. She admitted to substance abuse and Ms. Forster-Burke questioned her regarding the complaints from other states and what she is doing to comply with the Order. She stated she has made an appointment for her psychological and chemical dependency evaluation for October 19, 2009, and will begin attending 12-step meetings. She stated she is looking for a primary care physician to do the physical exam. She stated she understands the terms and conditions of the Order. She indicated she is currently employed by the heart center since the beginning of April. She reported her sobriety date is April 28, 2009 and has

had no thoughts of relapse and has not relapsed. She stated she is not consuming alcohol and not taking any prescription medications that have not been lawfully prescribed for her. **Ms. Rees is in compliance with the terms and conditions of her Order.**

Kent Wilkinson,  
Annual Probation interview:

Mr. Wilkinson did not appear for his scheduled interview. **Mr. Wilkinson is out of compliance with the terms and conditions of his Order and will be scheduled to meet with the Board next month.**

Sandy Piatt,  
New Order:

Dr. Williams conducted the interview. Ms. Piatt explained the circumstances for the new Order. Ms. Piatt stated the individuals she worked with were unresponsive to her request to pass the medications for her patients and she found it easier to pass the meds herself. She stated she knew it was a violation of the Order, but felt it was necessary for the care of her patients. She indicated she was terminated from her place of employment and is currently unemployed. She has also missed urine screens and calling CVI. Ms. Piatt reported her CVI account was on hold for payment. Ms. Piatt stated she has had no thoughts of relapse and has not relapsed. She stated she has not taken any medications not lawfully prescribed for her. She stated she understands all the terms and conditions of the probation. **Ms. Piatt is in compliance with the terms and conditions of her Order.**

Judy Teerlink,  
Board request that she meet with the Board to explain supervision:

Mr. Allred conducted the interview. Jeff Matthews, Zach Gibson and Rich Dunkley from Lomond Peak met with the Committee in support of Ms. Teerlink. Ms. Teerlink was brought before the Board for clarification of supervision. Mr. Dunkley explained the supervision process for Ms. Teerlink. He indicated he is the nursing home administrator and is her direct supervisor. He stated he is in the facility at the times Ms. Teerlink is there. He reported his office is not far from her office. If there are times he needs to leave the facility, the assistant administrator becomes her supervisor. Mr. Dunkley reported Ms. Teerlink is doing very well. Mr. Matthews stated the facility has improved under Ms. Teerlink's direction and she has a great relationship with staff members. **Committee members indicated Ms. Teerlink is in compliance with the terms and conditions of her Order and feel**

**this issue is resolved.**

Group 2  
Conducting: Barbara Jeffries  
Minute taker: Connie Call  
DOPL Staff: Laura Poe

Members present: Barbara Jeffries, Peggy Brown,  
Laurie Simonson, Debra Schilleman and Sue Kirby.

Barbara Jolley-Mumm,  
Annual Telephone probation interview:

Ms. Brown conducted the interview. Ms. Jolley-Mumm is not employed in nursing and she was reminded the clock has stopped on her probation but she needs to continue submitting her paperwork. Ms. Jolley-Mumm stated she understands and she is continuing to look for nursing employment. **Ms. Jolley-Mumm is in compliance with the terms and conditions of her Order.**

Christine Bulloch,  
Annual Telephone probation interview:

Ms. Simonson conducted the interview. Ms. Bulloch indicated she hurt her back and is not employed in nursing. She stated she is starting to feel better and is hoping to begin looking for employment. Committee members indicated her probation period will be extended for the period of time she is not working in nursing. Ms. Bulloch stated she understands. **Ms. Bulloch appears to be in compliance with the terms and conditions of her Order.**

Nora Mitchell,  
Annual probation interview:

Ms. Brown conducted the interview. Ms. Mitchell stated she is unable to find employment and continues to look for employment. Ms. Mitchell needs to complete 52 hours of community service before her criminal case is completed. Ms. Mitchell also indicated she has more family support than she expected. **Ms. Mitchell is in compliance with the terms and conditions of her Order.**

Dale Hullinger,  
Annual probation interview:

Ms. Simonson conducted the interview. Mr. Hullinger reported he continues to be employed at Crosslands Care Center as a charge nurse. He indicated he submitted all of his paperwork on September 3, 2009; however, Ms. Call reported it was not received. Mr. Hullinger stated he is attending AA and PIR meetings but doesn't have a sponsor and he didn't submit the attendance cards. **Mr. Hullinger is out of compliance with the terms and conditions of his Order.**

Monica Murdock,  
New Order:

Ms. Jeffries conducted the interview. Ms. Murdock explained the circumstances that brought her before the Board. She indicated she diverted Xanax from her place of employment. She stated she is currently employed at Draper Rehabilitation. She reported her sobriety date is around September 10, 2009. Ms. Murdock stated she understands the terms and conditions of her Order. She will meet with the Board on a quarterly basis. **Ms. Murdock is in compliance with the terms and conditions of her Order.**

Lori Niven,  
Probation interview:

Ms. Schilleman conducted the interview. Ms. Niven tested positive for Tramadol on September 9, 2009. She stated she does not know why the urine screen was positive. Ms. Niven reported her sobriety date is December 2007. Ms. Niven has requested that her support meetings be reduced to two meetings per month. Committee members expressed concern that she is not seeing a therapist and does not have a support system. **Ms. Niven is out of compliance with the terms and conditions of her Order because of the positive urine screen.**

Break: 11:10  
Reconvened: 12:00

Lori Laird,  
Request for reinstatement:

Ms. Laird completed parole and her felony charge has been reduced down to a misdemeanor. She still needs to pay the DOPL administrative fine of \$1000.00. As reported at her last meeting with the Board, she has completed the DORA program (substance abuse program through the prison system). She stated she has been sober for two years. Ms. Laird indicated she is grateful she has been given a second chance and feels she is making better choices at this time. She stated she has a good support system. Ms. Laird indicated she has not attended AA or PIR meetings recently. Ms. Laird last practiced nursing July 2006, but has completed the thirty hours of continuing education. She indicated she completed the aftercare sponsored by the DORA program February 2009. She indicated she has not been drug tested since February 2009. Mr. Killpack questioned whether or not we should require six months of clean urines before placing her on probation. Ms. Jeffries made a Motion to issue a probationary license for 5 years with

the standard terms and conditions. However, she will not need to attend aftercare. Dr. Williams seconded the Motion. Ms. Simonson opposed the Motion. Ms. Forster-Burke abstained. All other Board members in favor.

Report from Probation Peer Committee:

Amy Stone: Committee members recommended denial of her request to discontinue urine screens, terminate self-assessment and employer reports. Committee members would like to continue to monitor her reports to see how she is progressing. All Board members in favor. Committee members recommended she be allowed to terminate counseling based on the therapist recommendation. All Board members in favor.

Kent Wilkinson: Mr. Wilkinson did not appear for his scheduled interview. Mr. Wilkinson will be invited to meet with the Board next month. Mr. Wilkinson also needs to submit documentation of completion of the required continuing education course.

Dale Hullinger: Mr. Hullinger missed several urine screens and continues to remain out of compliance with the terms and conditions of his Order. Committee members recommend he be referred for an Order to Show Cause Hearing for a pattern of non-compliance to the terms and conditions of his Order. All Board members in favor.

Lori Niven: Ms. Niven requested she be allowed to attend two 12-step meetings per month and not attend PIR meetings. Her last drug screen was positive for Tramadol and she indicated she does not know why the urine screen would be positive for Tramadol. Mr. Killpack stated she has demonstrated a pattern of non-compliance for a long period of time and does not feel we should grant her request. Ms. Jeffries made a Motion to decrease PIR meetings and require her attend two 12-step meetings per month. Ms. Brown seconded the Motion. In favor: Ms. Brown and Ms. Jeffries. Opposed: Dr. Williams, Ms. Kirby, Ms. Simonson, Mr. Killpack and Mr. Allred. Motion failed.

Report from Education Committee:

Ms. Forster-Burke reported Ameritech has a new nursing program director, Julie Aiken. Ms. Forster-

Burke reported the Committee is working on developing a form requesting additional data, and data regarding clinical sites. She reported the Committee will be discussing Innovations in nursing education programs with the deans and directors of all nursing programs in November.

Christopher Singer,  
Attorney Elizabeth Bowman:

Mr. Singer requested that his probation be terminated. He submitted supporting letters from Dr.'s Val Jones and Joshua Cotter at the Navaho Health Systems. Ms. Bowman indicated Mr. Singer has completed 3 ½ years of a five year probation and the issues for his probation have been resolved. The VA contract for the Navaho Health System will not allow Mr. Singer to provide care for Veterans because of his probationary status. Ms. Call indicated Mr. Singer has been very compliant. Ms. Forster-Burke made a Motion to terminate probation. Ms. Jeffries seconded the Motion. All Board members in favor.

Sandy Piatt,  
Request to discontinue aftercare and to increase attendance at AA meetings:

Ms. Piatt requested she be allowed to discontinue aftercare because she does not meet the aftercare requirements. She stated she is willing to increase the number of 12-step meetings and will continue in therapy. Ms. Poe stated the Order does not need to be amended, we just need to clarify that she does not have to attend aftercare.

Kim Johnson,  
Request to add a second prescribing practitioner:

Mr. Killpack made a Motion to allow for two prescribing practitioners; however, only one prescriber can prescribe for controlled substances. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Kim Baker,  
Request access to controlled substances be returned:

Ms. Baker is out of compliance with the terms and conditions of her Order. Mr. Killpack made a Motion to deny the request to return access to controlled substances based on non-compliance for missing urine screens. She will need to demonstrate a period of compliance before considering the request. Ms. Brown seconded the Motion. All Board members in favor.

Angie Mangelson,  
Request to terminate attendance at 12-step meetings:

Ms. Mangelson requested termination of attendance at 12-step meetings. Ms. Forster-Burke made a Motion to deny the request but to reduce the number of meetings to two support group meetings per month.

Ms. Jeffries seconded the Motion. All Board members in favor.

Environmental Scan:

Ms. Poe reported there are three Orders to Show Cause Hearings that need to be scheduled. Ms. Poe indicated that the Education Committee meeting has been scheduled for the afternoon in November and she questioned whether or not the Order to Show Cause Hearings should be scheduled for the December meeting, or should an additional day be scheduled. Board members indicated they would prefer that the Hearings be scheduled every two hours in December.

Ms. Poe also indicated that new probationers will be scheduled to meet with the Board on a quarterly basis for the first year. If the probationer is doing well after the first year, the meetings would be moved to yearly. Mr. Allred stated the first year on probation is a crucial period and agreed to this change.

Debra Schilleman,  
Report from the NCSBN Annual meeting:

Ms. Schilleman reported on the NCSBN Annual meeting.

Rule Change:

Ms. Poe presented a proposed Rule change regarding the delegation of nursing tasks in a school setting and medications that can be administered by unlicensed personnel. Ms. Poe indicated Ms. Forster-Burke was part of a committee to revise the rules and met with members from the Health Department and school nurses to make the rules broader. It is proposed that training be required from a school nurse at least annually to any unlicensed person who administers medications to a student as a delegatee of a school nurse. The rule currently requires training for glucagon and insulin and the proposal is for all medications. If a student is on medications, they need to have a specific plan, have a specific person who has been trained to give the medications. The number of training hours will be left up to the nurse doing the training. The proposed rules limited the routes by which medication could be administered by an unlicensed person. Board members discussed whether or not routes should be added to the rules. There was concern expressed that by adding the route, more problems may be created. Ms. Poe indicated the rules indicated routine medications and versed and Diastat would be eliminated without having to go into routes

because they are not routine medications. Also, if a student needs to be monitored, the medications could not be delegated.

Ms. Brown questioned whether or not the school secretary or other designated unlicensed individual would be comfortable giving a medication that requires a medical setting, ACLS or PALS certification and would the unlicensed person know the complications. Ms. Brown also questioned storage of these medications. Ms. Poe stated we would not want to put it into rule how the medications must be stored. This should be addressed in the student plan and there should be controls in place, but would not be addressed in the Nurse Practice Act Rules.

Ms. Brown made a Motion to move forward with the proposed rules as written with the elimination of section R156-31b-701a(2) which outlined routes. Mr. Killpack seconded the Motion. All Board members 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.*

November 12, 2009  
Date Approved

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

November 12, 2009  
Date Approved

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