

**MINUTES**

**UTAH  
BOARD OF NURSING**

**April 8, 2010**

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

**CONVENED: 9:34 a.m.**

**ADJOURNED: 1:47 p.m.**

**Bureau Manager:**

Laura Poe

**Secretary:**

Shirlene Kimball

**Compliance Specialist:**

Connie Call

**Conducting:**

John Killpack

**Board Members Present:**

Peggy Brown

Mary Williams

Joel Allred

Diane Forster-Burke

Laurie Simonson

John Killpack

Marie Partridge

Barbara Jeffries

**Board Members Excused:**

Sue Kirby

Pam Rice

**Guests:**

Ruth Blair, WSU student

Kristy Illingworth, Provo College student

Raquel Day, Provo College student

W. Mark Farrar

Jan Brown, Westminster College student

Amanda Brown, Westminster College student

Justin Stevenson, Westminster College student

Diane Hardy, Westminster College student

Stuery Mills, Westminster College student

Rachel Montague, Westminster College student

Lisa Gerhke, Westminster College student

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

March 11, 2010 Board minutes:

A Motion was made to approve the minutes with corrections. All Board members voted 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:

- Angie Mangelson missed two urine screens and did not submit a copy of a prescription.
- Keith Moslak missed calling CVI.
- Nancy Whittemore missed three urine screens, missed calling CVI and has not submitted any paperwork. Board members made a Motion to refer Ms. Whittemore for an OSC Hearing. The Motion was seconded. All in favor.
- Steven Booth did not submit a therapist report.
- Stacie Powell has not signed up with CVI.
- Jason VanDaam missed calling CVI.
- Pamela Sinnet needs to submit a copy of her prescription.
- Nichole Clarke missed calling CVI.
- Veronica Banks needs to submit all paperwork with the exception of her therapist report.
- Wendi Rees missed calling CVI and has not submitted any paperwork. Ms. Rees sent a letter indicating she does not want to work for 3-5 years and the Division will send her a voluntary surrender document.
- Taylor Simmons missed urine screens and missed calling CVI.
- Monica Murdock missed urine screens and missed calling CVI.
- Bryn Norman missed a urine screen.
- Ashlie Lindley missed a urine screen and missed calling CVI.
- Carrie Frampton did not submit her March self assessment or employer report.
- Brittni Petry needs 12-Step and PIR attendance record cards and copies of prescriptions.
- Catherine Odom admitted to a relapse in February by sharing medications with a friend. Ms. Poe stated she spoke with the therapist and is uncomfortable lifting suspension until Ms. Odom has completed the outpatient treatment program and enters aftercare.
- Karen Shelton did not submit her therapist or employer report. She is requesting that her urine screen testing be decreased and that she be allowed to work in home health.

-Sarah Ball, Krista Clarke and Tamara Jones have not met with Ms. Call and are out of compliance with the terms and conditions of their Orders. They will be referred for an Order to Show Cause Hearing.

Motion to close the meeting in accordance with 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual:

Ms. Schilleman made a Motion to close the meeting in accordance with 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Jeffries seconded the Motion. All Board members in favor. The meeting was closed at 9:50 a.m.

Motion to open the meeting:

Ms. Jeffries made a Motion to open the meeting. Ms. Forster-Burke seconded the Motion. All Board members in favor. The meeting was opened at 10:03 a.m.

Ms. Schilleman made a Motion that based on patterns of behavior demonstrated by the licensee; the licensee shall be required to complete an immediate physical and mental health evaluation to determine her ability to safety practice. The Motion was seconded. All Board members in favor.

Kellie Roring,  
Request to have two prescribing practitioners  
and fill prescriptions are two pharmacies:

Mr. Allred made a Motion to approve two prescribing practitioners; however, only one prescriber can prescribe controlled substances. Deny the request to allow for two pharmacies. Ms. Schilleman seconded the Motion. All Board members in favor.

Amy Stone,  
Requesting termination of Probation.

Ms. Forster-Burke made a Motion to deny the request to terminate probation. Ms. Stone has completed two and one half years of the 5 year probation and Board members stated it is too early to terminate probation. Ms. Jefferies seconded the Motion. All Board members in favor.

Kimberly Baker,  
Request to decrease urine screens and to return  
access to controlled substances:

Ms. Baker has requested to have her access returned and to reduce the number of urine screens. This is the third time in the last six months she has requested access. After her first request, Board members suggested she wait at least one year before requesting access to controlled substances. Mr. Allred made a Motion to deny the request because random urine screens are an objective measure to determine compliance and Board members feel it is necessary to

continue to monitor her practice without access for a longer period of time. The Motion was seconded by Ms. Schilleman. All Board members in favor.

Bambi Koeller,  
Request to be allowed to work up to 50 hours  
per week:

Ms. Koeller requested her Order be amended to allow her to work up to 50 hours per week. She had an Order to Show Cause Hearing on January 2010 and a ruling has not come down. Ms. Jeffries made a Motion to table the discussion until the results of the Hearing have been received. The Motion was seconded. All Board members in favor.

Group 1  
Conducting: Marie Partridge  
Secretary: Shirlene Kimball

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

Wendi Rees  
Quarterly Probation Interview:

Ms. Rees did not appear for her scheduled interview and she is **out of compliance with the terms and conditions of her Order.**

Marsha Taylor,  
Annual Probation Interview:

Dr. Williams conducted the interview. Ms. Taylor reported she is doing well. She continues to work for the same employer and her employer report is above average. Ms. Taylor reported her sobriety date is February 6, 2006. She stated she has no thoughts of relapse and has not relapsed. She attends 12-step and PIR meetings and has a good support system. **Ms. Taylor is in compliance with the terms and conditions of her Order.**

Krista Clarke,  
New Order:

Ms. Clarke did not appear for her scheduled interview and she is **out of compliance with the terms and conditions of her Order.**

Benjamin Brown,  
Quarterly Probation Interview:

Mr. Killpack conducted the interview. Mr. Killpack indicated Mr. Brown appears to be doing better than last month and has taken steps to come into compliance. The Board received the employer report and self evaluation. Mr. Brown reported he is attending support group meetings and receiving treatment at an outpatient treatment center. He also indicated he is changing therapists and will let Ms. Call know who the new therapist will be. He still needs to have the physical evaluation completed. He stated his sobriety date is March 1 or 2, 2010. He stated he has had some thoughts of relapse, especially when he is stressed with family issues. He indicated

he is looking for a sponsor from the PIR group. Committee members indicated he will need to have the sponsor by the next meeting. He stated he is not taking any medications not lawfully prescribed for him. Committee members informed Mr. Brown that he will need to give a urine sample or a blood sample because alcohol only appears in the hair sample for a short period of time. He stated he has had difficulty giving a urine screen in the past, but he is feeling more comfortable now and will try to provide a urine sample. **Mr. Brown is out of compliance with the terms and conditions of the Order and needs to submit a physical evaluation.**

Karen Shelton,  
Quarterly Probation Interview:

Mr. Allred conducted the interview. Ms. Shelton stated she is not working and indicated it is hard for her to find a job. She requested her Order be amended to allow her to work in home health or hospice. She has been on probation for almost seven months. Mr. Allred stated he feels it is too early in the probation to allow her to work without supervision and that she is out of compliance with the terms and conditions of her Order. Ms. Shelton stated she feels she is not a threat to the public, has never harmed a patient and that her crime doesn't warrant the restrictions. Mr. Allred stated working in home health is like having the key to the candy store because of the access to patient medications. Also, Ms. Shelton has not submitted her employer or therapist report and is out of compliance. She questioned why one piece of paper has so much weight. Committee members indicated the paperwork is the way of tracking compliance. Ms. Shelton stated she doesn't mean to minimize what she did and will submit her paperwork today. She stated she has not relapsed and has no thoughts of relapse. She stated she doesn't attend 12-step meetings, but attends a Women's group on Monday nights. Ms. Shelton stated she would submit the evaluation and will take the responsibility to see that her paperwork is submitted to Ms. Call. **Ms. Shelton is out of compliance and Committee members indicated her request would be presented to the Board, but the Committee will recommend denial of the request.**

Brittini Petry,  
Quarterly Probation Interview:

Ms. Petry is out of town and her appointment has been rescheduled for next month. **Ms. Petry is out of**

**compliance with the terms and conditions of her Order.**

Tamara Jones,  
New Order:

Ms. Jones did not appear for her scheduled interview and is **out of compliance with the terms and conditions of her Order.**

Sarah Ball,  
New Order:

Ms. Ball did not appear for her scheduled interview and is **out of compliance with the terms and conditions of her Order.**

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

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

Judy Teerlink,  
Annual Interview:

Ms. Simonson conducted the interview. Ms. Teerlink reported she is still employed at Lomond Peak. She stated there have been no further problems with supervision since her supervisors met with the Board. **Ms. Teerlink is in compliance with the terms and conditions of her Order and Committee members recommend early termination of probation.**

Carrie Frampton,  
Quarterly Probation Interview:

Ms. Brown conducted the interview. Ms. Frampton has not submitted her paperwork and stated she will fax it in as soon as possible. Ms. Frampton stated her sobriety date is December 22, 2008. Committee members recommend amending her Order to allow her to attend four 12 Step/PIR meetings per month. **Ms. Frampton is out of compliance with the terms and conditions of her Order.**

Catherine Odom,  
Quarterly Probation Interview:

Ms. Schilleman conducted the interview. Ms. Odom stated she should be graduating from intensive outpatient treatment in a couple of weeks. Committee members reminded Ms. Odom she will need to have the therapist submit a letter to the Division/Board stating Ms. Odom is safe to practice before her suspension will be lifted. Ms. Odom reported she had a relapse in February because the pharmacy gave her too many Suboxone and she snorted the Suboxone. **Ms. Odom is out of compliance with the terms and conditions of her Order.**

Stacy Peterson,

Ms. Jeffries conducted the interview. Ms. Peterson

Quarterly Probation Interview:

reported she is doing well. She stated she has set up a process to help her avoid shoplifting and does not shop alone whenever possible. If she has to shop alone she sits in the car, reviews what she is purchasing and goes in for that purchase and comes right out. Ms. Peterson will be seen again in six months. **Ms. Peterson is in compliance with the terms and conditions of her Order.**

Sheila Larkin,  
New Order:

Ms. Larkin did not appear for her scheduled interview and is **out of compliance with the terms and conditions of her Order.**

Adjourned for lunch break at 12:03 p.m.  
Reconvened at 12:33 p.m.

Report from Probation Peer Committee:

Karen Shelton requested she be allowed to work in home health. Committee recommended her request be denied based on non-compliance to the terms and conditions of her Order. She needs to submit the psychiatric evaluation and the therapist report. All Board members in favor of denying the request.

Judy Teerlink. Committee members recommend termination of probation. All Board members voted in favor of terminating probation.

Carrie Frampton: Committee members recommended Ms. Frampton be allowed to attend either four 12-step meetings per month or two 12-step and two PIR meetings per month until she goes back to work. Once she goes back to work she must attend both 12-Step and PIR meetings. All Board members in favor.

Ms. Call stated she reported Lillian Howell was out of compliance last month; however, Ms. Howell was in compliance.

Dionne Jacques,  
Re-licensure request:

Ms. Jacques explained the reason for the voluntary surrender of her license in 2004. She stated she had been charged with possession of a controlled substance and domestic violence. Ms. Jacques stated she has addressed those issues and has completed all court requirements. She stated she has been attending school for her health administration degree and is now considering earning a teaching degree. She has not

worked for more than five years as a nurse and she will need to take a refresher course or retake and pass the NCLEX examination.

Ms. Forster-Burke made a Motion that upon successful completion of the refresher course or NCLEX examination, Ms. Jacques be issued a full license without restrictions. Ms. Jeffries seconded the Motion. Discussion. Mr. Killpack stated there is nothing objective to demonstrate she has made changes. He indicated he would feel better if there were at least six months of urine screens. Ms. Simonson and Mr. Killpack opposed the Motion. All other Board members in favor. The Motion passed.

Kimly Potts,  
Re-licensure application:

Ms. Potts will be scheduled to meet with the Board next month to discuss her re-licensure application.

Report from Education Committee:

Ms. Forster-Burke reported that Education members reviewed the information submitted by Intermountain School of Health. She indicated the curriculum was not adequate and had been taken directly from a nursing program in Colorado. The curriculum submitted to the Board included the Colorado Nurse Practice Act and did not differentiate between the outcomes objectives for the PN and RN program.

Eagle Gate: Ms. Forster-Burke reported the Committee will conduct a site visit in early June and if the site visit goes well, provisional approval will be granted.

UVU: Ms. Forster-Burke stated there is concern about a Generic BSN program that did not seek approval from the Board. However, upon review of the information submitted, it appears to be a ladder program (an RN to BSN program) and not a generic BSN program.

Rules regarding innovative approaches to nursing were reviewed and approved.

Environmental Scan:

Ms. Poe indicated another discussion regarding Propofol will be placed on the agenda for next month. The reason for the discussion is that information from CNS was not reviewed and considered at the last discussion. She reported she will put the information

together for review next month.

Ms. Poe indicated the environment for nurses has changed dramatically in the last two years. There are very few patients in acute care and new graduates are having a hard time finding employment in nursing. There are some agencies that will not allow a new nurse to work as a CNA, however, there are no nursing positions available. Some facilities hire the LPN or RN at the CNA level and a number of agencies are keeping these individuals at the CNA position. Board members expressed concern with scope of practice issues. Board members indicated the RN/LPN can continue to work as a CNA, however, they can not go beyond the scope of a CNA. Employers may try to have the RN/LPN work for less money; however, this type of staffing leads to concern regarding malpractice coverage. Ms. Poe stated there is a catch 22 because if there is an emergency, the individual will be held to highest level of licensure; however, the facility's malpractice insurance only covers to the level of the job.

*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.*

May 13, 2010  
Date Approved

(ss) John Killpack  
John Killpack, chair elect, Board of Nursing

May 13, 2010  
Date Approved

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