

MINUTES

**UTAH
BOARD OF NURSING**

May 13, 2010

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

Convened: 10:00 a.m.

Adjourned: 3:41 p.m.

Bureau Manager:

Laura Poe

Board Secretary:

Shirlene Kimball

Compliance Specialist:

Ronda Trujillo

Conducting:

Sue Kirby, Chair

Board Members Present:

Peggy Brown

Mary Williams

Joel Allred

Diane Forster-Burke

Laurie Simonson

John Killpack

Marie Partridge

Barbara Jeffries

Sue Kirby

Pam Rice

Board Members Excused:

Debra Schilleman

Guests:

Lori Brannin, Provo College student

Rich Jacob, Provo College student

Darin Usher, Provo College student

Margarita Olives, Provo College student

Tina Barres, Provo College student

Jennifer Zabriskie, Provo College student

Sara Ellerton, Provo College student

Chandra Eldredge, Provo College student

Carly Jex, Provo College student

Kelly Richards, Provo College student

David Ballard, Provo College student

Sundee Wilson, Provo College student

Maureen Olson, Provo College student

Kaityn Hile, Provo College student

Emma Evans, Provo College student

James Stimpson, Utah Association of CRNAs

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

April 8, 2010 Board minutes:

NEW BUSINESS:

Ronda Trujillo,
Compliance report:

Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Tricia Schmidt,
Annual Interview:

Jaimee Anderson,
Quarterly Interview:

DECISIONS AND RECOMMENDATIONS

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

Ms. Trujillo reported the following individuals are out of compliance with the terms and conditions of their Order: Tamara Jones, Barbara Jolly Mumm, Betty Long, Michael Gearheart, Sandra Piatt, Stacy Roberts, Tricia Bateman Schmidt, Jason VanDaam, Nichole Clark, Bryn Norman, Karen Shelton, Benjamin Brown, Carrie Frampton, Brittini Petry, Kelley Wright, and Ashlie Lindley.

Ms. Trujillo stated that last month Veronica Banks was reported as being out of compliance; however she had submitted her information and was in compliance.

Ms. Trujillo also reported Wendi Rees will be signing a surrender document.

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

Ms. Forster-Burke conducted the interview. Ms. Schmidt reported her sobriety date is December 23, 2006. Ms. Forster-Burke stated that a review of Ms. Schmidt's file indicates a pattern of dilute and missed urine screens. Ms. Schmidt stated she is trying to be more health conscious and has been drinking more water since March, but hasn't made any other changes. She stated she forgot to call and missed the urine screens in February and October. **Ms. Schmidt is out of compliance with the terms and conditions of her Order.**

Ms. Anderson was interviewed by Mr. Allred. Ms. Anderson is in compliance with the terms and conditions of her Order and requested that her access to controlled substances be returned. Mr. Allred indicated the Committee will recommend to the Full Board that the access be returned. **Ms. Anderson is in compliance with the terms and conditions of her**

Order.

Julie Versteeg,
Quarterly Interview:

Dr. Williams conducted the interview. Ms. Versteeg reported her sobriety date is December 29, 2003. She stated she has occasional thoughts of relapse, but has not relapsed. She stated she deals with the relapse thoughts by remembering the consequences and the cost. She indicated she works at night and is adjusting to the graveyard shift. She stated she is not taking any medications not lawfully prescribed for her. **Ms. Versteeg is in compliance with the terms and conditions of her Order.**

Nichole Clark,
Annual Interview:

Mr. Allred conducted the interview and indicated the Board had received her psychiatric and physical evaluations. The psychiatric evaluation stated Ms. Clark would benefit from therapy more if she changed therapists. Ms. Clark stated she has been seeing her therapist since 2007 and stated her plan is to continue to see her current therapist. Ms. Clark missed a urine screen March 25, 2010; missed calling CVI more than five times in April and has not attended PIR meetings. She has been on probation for one year and has never been in compliance. Ms. Clark stated she is not trying to be difficult and takes the probation seriously, but it is hard to remain in compliance when she knows the time does not count because she is not employed in nursing. Ms. Clark stated her goal is to stay sober but she has difficulty focusing on the little things. She stated she doesn't do the 12-steps because she does not like the meetings. She also stated she does not like the PIR meetings because they are not helpful and they are only a complaint session about DOPL. Mr. Allred stated the Board will not excuse her from attending PIR or 12-step meetings just because she doesn't like the meetings and does not want to attend. Mr. Allred stated she needs to understand the little things matter. Mr. Allred indicated she is demonstrating the type of behavior that will cost her the license. Mr. Killpack stated the Board's responsibility is to protect the public and to make sure she can safely practice. If she is overwhelmed with the terms and conditions of her Order, she may want to consider an indefinite suspension of her license.

Mr. Allred questioned whether or not she has had a

relapse. Ms. Clark stated she has not relapsed, but does have thoughts of relapse.

Mr. Allred stated if she is not in complete compliance next month, he will recommend the Board move forward with an OSC Hearing. She needs to start taking responsibility for her actions. She must attend her meetings and submit reports on time. She can't miss calling CVI and can't miss any urine screens. Ms. Clark stated she understands. **Ms. Clark is out of compliance with the terms and conditions of her Order.**

John Paulsen,
New Order:

Mr. Killpack conducted the interview. Mr. Paulsen explained the circumstances that brought him before the Board. Mr. Paulsen stated he understands the terms and conditions of the Order. Mr. Killpack questioned why a urine screen was at such a high level for ETG? Mr. Paulsen stated he was surprised with the positive urine screen and stated he had been taking Nyquil for a cold. He stated he has not ingested any alcohol other than what is in the Nyquil. He stated his sobriety date was 2 ½ years ago. He stated he has no thoughts of relapse and has not relapsed. He stated he is not taking any medications not lawfully prescribed for him. Mr. Paulsen questioned how soon he could request access to controlled substances. Mr. Killpack stated he has to be in compliance and have a track record of 6 – 12 months of clean urine screens have been employed as a nurse for a period of time. **Mr. Paulsen is in compliance with the terms and conditions of his Order.**

Brittini Petry,
Quarterly Probation Interview:

Ms. Petry was excused to attend a court hearing.

Sarah Ball,
New Order:

Ms. Ball did not appear for her scheduled interview.

Krista Clarke,
New Order:

Ms. Clarke did not appear for her scheduled interview.

Group 2
Conducting: Barbara Jeffries
DOPL Staff: Laura Poe

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

Beverly Stewart,
Quarterly Interview:

Ms. Stewart is in compliance with the terms and conditions of her Order.

Tamara Jones,
New Order:

Ms. Jones stated she does not have a copy of her Order and is not aware of the terms and conditions of the Order. A second copy of the Order was provided to her and Committee members reviewed the Order with Ms. Jones. **Ms. Jones is in compliance with the terms and conditions of her Order.**

Ashlie Lindley,
Quarterly Interview:

Ms. Lindley missed calling CVI eleven times and has had three positive urine screens. She has continued to work at a home health care agency although her Order was signed and she was informed she could not work in that type of setting. Ms. Poe stated she could sign an indefinite suspension, surrender her license, or she would be referred to an OSC Hearing for non-compliance with her Order. Ms. Lindley stated she will consider the indefinite suspension or surrender and will let Ms. Poe know what she has decided. **Ms. Lindley is out of compliance with the terms and conditions of her Order.**

Betty Long,
Annual Interview:

Ms. Long stated she has requested her employer submit the employer report, however, the employer has not done so. **Ms. Long is out of compliance with the terms and conditions of her Order because the Division has not received the employer report.**

Bryn Norman
Quarterly Interview:

Ms. Norman missed calling CVI February 15, 2010 and March 5, 2010. She did not submit her therapist report. Her sobriety date is February 2010. **Ms. Norman is out of compliance with the terms and conditions of her Order.**

Dietrich Quiring,
Quarterly Interview:

Mr. Quiring requested he be allowed to work up to 60 hours per week. Committee members will recommend approval of the request. **Mr. Quiring is in compliance with the terms and conditions of his Order.**

Monica Murdock:

Ms. Murdock signed a surrender document and did not meet with the Board.

Lori Wright,
Quarter Interview:

Ms. Wright did not appear for her scheduled interview. She will be scheduled for next month.

Sheila Larkin,
New Order:

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

Adjourned for lunch break at 12:30 p.m.
Reconvened at 1:24 p.m.

Julia Gillingham,
Her request:

Ms. Gillingham and her attorney, Stanley Adams, met with the Board to request termination of probation. Ms. Poe indicated Ms. Gillingham signed a Stipulation and Order July 2008 for a period of three years and she has completed 1 ½ years of probation. Ms. Gillingham stated she will be moving to California and is not sure if she will work as a nurse. She stated she feels it would be a burden to comply with the terms and conditions of the Order while living in California. She stated she has been clean since January 17, 2007. Mr. Allred made a Motion to terminate the probation. Ms. Jeffries seconded the Motion. Ms. Forster-Burke opposed. All other Board members in favor.

Joleen Richins,
New application:

Ms. Richins is a new graduate from Ameritech College and answered "yes" on the qualifying questionnaire due to pending court action. Ms. Richins reported she was arrested for a DUI and her court date is June 10, 2010. She stated she had a drink four hours before the arrest and was not driving under the influence of alcohol or drugs. She did admit to distracted driving. She stated she only has a drink occasionally and has not ingested alcohol for eight months. She reported the reason for the distracted driving was because she had been arguing with her husband and hit a parked care. She indicated she has not seen her ex-husband for eight months and has a protective order against him. Mr. Allred questioned what changes she has made so that she doesn't make bad choices when if a situation comes up at work. Ms. Richins stated she usually makes better choices, but she was at the breaking point. She stated she has never done drugs, and this is the only thing on her record. Mr. Allred stated he feels she could take the NCLEX exam, but he does not feel the license should be issued until after her court date and then it should be placed on probation. Other Board members

indicated they do not feel it is necessary to place the license on probation. Ms. Forster-Burke made a Motion to allow her to sit for the NCLEX examination and upon successfully passing the exam, issue an unencumbered license. Dr. Williams seconded the Motion. Mr. Allred and Mr. Killpack opposed. All other Board members in favor.

Kimly Potts,
Re-licensure application:

Ms. Potts indicated she was licensed in Utah, and then moved to Arizona. Arizona did a criminal background check and requested more information from Ms. Potts regarding the charges in Utah. Ms. Potts stated she provided the information, but failed to follow through with Arizona. Arizona notified Utah that she had a criminal history in Utah. When the Division reviewed her files, she had failed to disclose on her January 2005 renewal application her extensive criminal history. At that time Ms. Potts was offered a Memorandum of Understanding; however, she did not sign the MOU.

Ms. Potts stated she is currently living in Utah and has been here for the last two years. She indicated she cleared up the criminal action in 2004. She reported her criminal history began in 1998 when she had legal issues with IHC and was removed from her job; she abused Ambien; and was charged with shoplifting. She reported she last abused Ambien in 2004. She indicated she still takes Ambien on occasion, but it is prescribed. Arizona required her to go through an eight week outpatient treatment program. She stated she did not obtain a sponsor and that became an issue with Arizona. Ms. Poe stated that during the period between March 1999 and 2003 there were seven different charges. She last practiced as a nurse while on a temporary Arizona license in January 2005. She submitted documentation of over 30 hours of continuing education. She reported she had been working as a clinical research manager but was laid off December 2009. She reported she is in the process of expunging her records. Ms. Potts submitted documentation of 30 hours of continuing education. Ms. Poe stated that in 2005 the Division would probably have issued a public reprimand and a fine for falsifying the renewal.

Mr. Killpack stated he is concerned with the history of abuse and if we place her on probation, we would need to require urine screens. Mr. Allred stated he is concerned with her physical ability and would like to have an evaluation to determine her physical limitations, if any.

Mr. Killpack made a Motion to place her on a Memorandum of Understanding for three years with the standards terms and conditions. She must complete psychological, chemical and physical evaluations within three months, random urine screens, on site supervision and any additions therapy or monitoring based on the evaluations. Ms. Partridge seconded the Motion. Ms. Rice opposed. All other Board members in favor.

Report from Probation Peer Committee:

Tricia Schmidt has several dilute urine screens, missed two urine screens and Committee members warned her that another dilute or missed urine screen will result in further action.

Jaimee Anderson is in compliance with the terms and conditions of her Order. She requested that her access to controlled substances be returned. Mr. Allred indicated the committee recommends returning access. All Board members in favor.

Nichole Clark is out of compliance with the terms and conditions of her Order. She stated she understands clearly that Mr. Allred will make a Motion to refer her for an OSC Hearing if she remains out of compliance. She must be in total compliance next month, or she will be referred for an OSC Hearing.

Sarah Ball, Krista Clarke and Lori Wright did not appear for their scheduled interviews. Ms. Ball and Ms. Clarke will be referred for an OSC Hearing. Ms. Wright will be invited to meet with the Board next month.

Ashlie Lindley is out of compliance with the terms and conditions of her Order and will let Ms. Poe know if she wants to surrender the license or sign an indefinite suspension, or come into compliance with her Order.

Dietrich Quiring requested he be allowed to work at least 60 hours per week. Committee members recommend approval of his request. All Board members in favor.

Report from Education Committee:

Ms. Forster-Burke reported that Mountainland ATC presented a proposal regarding the use of clinical preceptors. Education Committee members recommend Mountainland ATC be approved for innovations in nursing education once the rules have gone into effect. All Board members in favor.

Discussion regarding Propofol:

Ms. Poe stated that several days after the discussion regarding physician directed RN administration of propofol in the GI lab setting a report from CMS was received. The report indicated that only anesthesia trained providers should administer propofol to Medicare, Medicaid patients in order to be reimbursed for their services. Ms. Poe indicated several individuals requested this discussion be put back on the agenda. Ms. Poe indicated the Division did not provide enough notice for the other group to return for this discussion and it will need to be discussed at a later date. However, Ms. Poe stated that when she read the CMS report, it appeared that it applied to the hospital setting and she did not see where it addressed endoscope clinics. Ms. Poe stated the issue of nurse administered propofol is bigger than just endoscope centers. Propofol is being used in many different settings and nurses are being asked to administer propofol. If we say no nurse can administer propofol then unlicensed individuals may be asked to administer propofol as medical assistants under the direction of the physician. Mr. Killpack stated nurses do a lot of physician directed tasks without a physician present. If a problem comes up while using propofol, it will be with intubation. Mr. Killpack stated those with the extra anesthesia experience can recognize problems earlier and 30 additional seconds can make a huge difference for the patient. He stated propofol is an excellent drug, but the facility needs to have an emergency response team and an airway expert in place. Mr. Stimpson stated the joint statement from AANA/ADA that when propofol is administered, there has to be people trained in general anesthesia administration. The problem with not having a person trained in anesthesia is that the individual using the

propofol may think he/she is doing the right thing, and won't know there is a problem until an emergency happens. Mr. Killpack indicated a standard could be developed starting with the faculty confirming the training of the individual and an emergency response team that is immediately available. Dr. Williams stated we need to work on some language to amend the motion from February that addresses the concerns of the anesthesiology people. The discussion will continue during a future Board meeting.

Kim Baker, request that access to controlled substances be returned and that she be allowed to float to other units in the hospital:

Ms. Baker indicated her unit at the hospital has been eliminated and she is being forced to float or she will lose her job. Ms. Baker began probation in March 2009 and has been on probation for one year. She has been out of compliance with the terms and conditions of her Order since she was placed on probation. Ms. Simonson made a Motion to deny the request for access to controlled substances and to float to different units with general supervision. The denial of her requests is based on non-compliance to the terms and conditions of her Order and the need for Ms. Baker to be under direct supervision. Ms. Rice seconded the Motion. Ms. Brown abstained. All other Board members in favor of the Motion.

Dru Fry, request for access to controlled substances be returned:

Ms. Fry has an active license; however, the license has a permanent restriction from access to controlled substances. Ms. Fry was released early from probation because she was working for the Department of Health conducting education classes. Due to cut backs, her job was eliminated and she is now requesting access to controlled substances which she feels will help in her job search. Board members discussed the request and indicated that since she did not complete the full probationary time, the request be denied because she was not monitored with access for a period of time. Ms. Rice made a Motion to deny the request. Ms. Simonson seconded the Motion. All Board members in favor. If Ms. Fry agrees to an MOU which places her license on probation for a period of time, then she could have access to controlled substances returned.

Steve Eklund, discuss draft Order:

Meeting adjourned to closed meeting with Judge Eklund to discuss draft Orders.

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.

September 9, 2010
Date Approved

(ss) Sue Kirby
Sue Kirby, chair, Board of Nursing

September 9, 2010
Date Approved

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