

MINUTES

**UTAH
BOARD OF NURSING**

September 9, 2010

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

CONVENED: 10:06 a.m.

ADJOURNED: 3:40 p.m.

Bureau Manager:

Laura Poe

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Assistant Attorney General:

Mitchell Jones

Conducting:

Sue Kirby

Board Members Present:

Peggy Brown

Pam Rice

Debra Schilleman

Sue Kirby

Mary Williams

Diana Parrish

Board Members Excused:

Joel Allred

Marie Partridge

John Killpack

Alisa Bangerter

Guests:

Duane Potts

Joseph Jardine, Attorney for Kimly Potts

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

May 13, 2010 Minutes:

The May 13, 2010 minutes were approved as written. Ms. Rice abstained. All other Board members in favor.

July 8, 2010 Minutes:

The July 8, 2010 minutes were approved as written. Ms. Rice abstained. All other Board members in favor.

August 12, 2010 Minutes:

The August 12, 2010 minutes were approved as written. All Board members in favor.

NEW BUSINESS:

Swearing in new Board member,
Diana Parrish:

Ms. Parrish was sworn in by Ms. Poe. Ms. Parrish was welcomed by the Board.

Jared Cash, Invitation to attend CE on “Just Culture”:

Mr. Cash invited the Board to a CME course that will be offered on September 23, 2010 in the Heber Wells Building, room 403, 160 East 300 South, Salt Lake City Utah, from 3:00 p.m. to 5:00 p.m. Mr. David Marx, just culture expert, will be the speaker. Just culture refers to a way of safety thinking that fosters personal accountability and incorporates self-regulation in safety matters and where the line must be drawn between acceptable and unacceptable behavior.

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders: Karen Carter, Rhandi Robertson, Steven Booth, Suzanne Irish, Brittini Petry, Bryn Norman, Carrie Frampton, John Paulsen, Kelly Wright, Stacy Peterson, Tamara Jones and Wendi Rees.

Divided into Groups to conduct probation interviews at 10:54 a.m.:

Group 1: Conducting: Debbie Schilleman
Secretary: Shirlene Kimball

Members present: Sue Kirby, Debbie Schilleman, Pam Rice.

Tamara Jones,
New Order:

Ms. Jones explained the circumstances that brought her before the Board. Ms. Jones has been incarcerated for 90 days and was just released from jail last week. She indicated she will begin the process of meeting the requirements set forth in the Order. She stated her sobriety date is December 8, 2009. She stated she has had no thoughts of relapse and when asked if she had relapsed she stated “not yet”. She reported her family is a good support system and she will begin looking for 12-step meetings and a sponsor. She stated she is not currently taking any medications not lawfully prescribed for her. She stated she understands the terms and conditions of her Order. Ms. Jones will be seen again December 9, 2010. **Ms. Jones is out of compliance with the terms and conditions of her Order.**

Donna Cook,
Quarterly probation interview:

Ms. Cook reported she has found a new therapist as required in the Order and is attending therapy twice a

month. She stated she feels the new therapist has been very helpful. Ms. Cook stated she is not sure of her exact sobriety date, but has not used for over five years. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications that have not been prescribed for her. **Ms. Cook is in compliance with the terms and conditions of her Order** and has requested that her suspension be lifted. Committee members indicated they will recommend to the full Board that her suspension be terminated and she be placed on probation.

Jaimee Anderson,
Quarterly probation interview:

Ms. Anderson reported her sobriety date is December 12, 2006. She stated she has no thoughts of relapse and has not relapsed. She stated she contacts her mentor weekly and has good family support. Ms. Anderson will be seen in November to get her back on track for her quarterly interviews. **Ms. Anderson is in compliance with the terms and conditions of her Order.**

Roy Bauer,
New Order:

The Division informed the Board that Mr. Bauer died on August 28, 2010.

Lori Laird,
Quarterly probation interview:

Ms. Laird stated her sobriety date is August 21, 2007. She stated she has no thoughts of relapse and has not relapsed. She stated she continues to look for nursing employment. Ms. Laird requested the direct supervision requirement be amended to allow for general supervision. Ms. Laird also indicated she would also like to request that access to controlled substances be returned. **Ms. Laird appears to be doing well in her sobriety and is in compliance with the terms and conditions of her Order.** She will be seen again December 9, 2010.

Stephanie Thomas,
Quarterly probation interview:

Ms. Thomas reported her sobriety date is May 7, 2008. She stated she has no thoughts of relapse and has not relapsed. She is current on all reports. She stated she is not currently taking any medications not lawfully prescribed for her. Committee members recommend she be seen again in one year. **Ms. Thomas is in compliance with the terms and conditions of her Order.**

Bambi Koeller,
Quarterly probation interview:

Ms. Koeller stated she is working her steps, has a sponsor and is a sponsor to several women. She is requesting she be allowed to add an extra work shift and work additional hours per week. Committee members will recommend she be allowed to work up to 60 hours per week. **Ms. Koeller is in compliance with the terms and conditions of her Order.** She will be seen again December 9, 2010.

Suzanne Irish,
Quarterly probation interview:

Ms. Irish reported her recovery is going well. Ms. Irish reported she has not been able to find a job and therefore, her CVI account was placed on hold and she is out of compliance with CVI. She stated this has now been taken care of and the hold should have been released. She has not been attending PIR meeting and she committed to attend PIR meetings. She reported her sobriety date is April 17, 2009. She stated she has had thoughts of relapse and some days are very hard. She stated when she has thoughts of relapse but she has not had a relapse. She will be seen again December 9, 2010. **Ms. Irish is out of compliance with the terms and conditions of her Order.**

Debbie Kilgrow,
New Order:

Ms. Kilgrow explained the circumstances that brought her before the Board. She stated she is not currently working as a nurse and has been looking for nursing employment. She indicated her sobriety date was in 2004. She stated she has had no thoughts of relapse and has not relapsed. She stated she is not taking any medications not legally prescribed for her. She will be seen again December 9, 2010. **Ms. Kilgrow is in compliance with the terms and conditions of her Order.**

Kelley Wright,
Quarterly probation interview:

Ms. Wright reported she is doing well. She indicated she finished phase three of Drug Court and only needs to pay restitution. Ms. Wright stated she is attending a professional's in recovery meeting held at Sizzler that is not on the current list. She stated she would like to attend this meeting or be allowed to attend 12-step meetings in lieu of PIR meetings. She stated she is not taking any medication not lawfully prescribed for her. **Ms. Wright missed a urine screen on August 6, 2010 and is out of compliance with the terms and conditions of her Order.** She will be seen again December 9, 2010.

Brittni Petry,
Probation interview:

Ms. Petry is incarcerated and will be scheduled next month.

Group 2 Conducting:
Minute taker: Connie Call

Members present: Peggy Brown, Mary Williams and Diana Parrish.

Steven Booth,
Annual probation interview (telephone):

Mr. Booth was contacted by telephone and is currently in Missouri. He reported his sobriety date is June/July 2007. He was instructed to notify the Division as soon as he obtains his Missouri license. Mr. Booth missed a urine screen on August 7, 2010. Mr. Booth is requesting termination of the therapy requirement and Committee members will recommend that the therapy requirement be terminated. **Mr. Booth is out of compliance with the terms and conditions of his Order.** He will be seen again in one year.

Rebecca Davis,
Annual probation interview:

Ms. Davis reported her sobriety date is June 12, 2008. She stated she has no thoughts of relapse and has not relapsed. **Ms. Davis is in compliance with the terms and conditions of her Order.** She is requesting that her access to controlled substances be returned. Committee member recommend returning her access to controlled substances.

Rhandi Robertson,
Quarterly probation interview:

Ms. Robertson missed a urine screen June 19, 2010. She missed calling CVI four times in June, nine times in July and seventeen times in August. She has not submitted her required paperwork. Ms. Robertson was informed by the Board at her last meeting if she was not in complete compliance by September she would be referred for an Order to Show Cause Hearing. Ms. Robertson stated she is seeking help from voc rehab to pay for CVI fees, a bus pass to help her attend her meetings, and for therapy. However, she stopped calling CVI because she does not have a telephone. She has not submitted any paperwork and did not bring any paperwork with her to the meeting. She stated she would fax the paper work in today. She reported her sobriety date is December 2009. She stated she has no desire to relapse and indicated she feels she is in a good place at this time. Ms. Robertson reported she was arrested for failure to appear two weeks ago on a warrant. Committee members indicated she must submit a copy of the

arrest report to Ms. Call immediately. Ms. Robertson stated she plans to become compliant before she applies for work and stated she feels she finally understands what she needs to do. She indicated she has a plan to help bring her into compliance. Committee members recommend she be referred for an OSC Hearing. **Ms. Robertson is out of compliance with the terms and conditions of her Order.**

Christine Bulloch,
Annual probation interview (telephone):

Ms. Bulloch has health issues and is not working. She stated she understands the probation time has not started because she is not working. **Ms. Bulloch is in compliance with the terms and conditions of her Order.**

Taylor Simmons,
Quarterly probation interview (telephone):

Ms. Simmons continues to work with the Texas Board to obtain her license. She reported her sobriety date is October 28, 2009. She indicated she has had thoughts of relapse but she has not relapsed. **Ms. Simmons is in compliance with the terms and conditions of her Order.**

Robert Adams,
Annual probation interview:

Mr. Adams reported his sobriety date is September 11, 2007. He reported it is stressful owning his own business because he can not always leave his work at work. Ms. Poe expressed her concerns because he is coming into his fourth year of sobriety as well as the additional stress of owning the nursing home and being the Health Facility Administrator. He explained that he is not just jumping through the hoops but this has been a life change. He feels he has the right tools and is very confident that he will make good choices. Mr. Adams requested termination of probation. Committee members will recommend his request be denied at this time. **Mr. Adam is in compliance with the terms and conditions of his Order.**

Synthia Carter,
Quarterly probation interview:

Ms. Carter completed Drug Court and paid off the fine on July 28, 2010. She stated she attends her meetings and contacts her sponsor daily. She reported her sobriety date is May 24, 2009. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications at all. **Ms. Carter is in compliance with the terms and conditions of her Order.**

Tyler Miller,
New Order:

Mr. Miller explained the circumstance that brought him before the Board with a new Order. He reported his sobriety date is February 7, 2010. He indicated he understands the probation is beginning again. **Mr. Miller is in compliance with the terms and conditions of his Order.** He will be seen again December 9, 2010.

Ashlie Lindley,
Probation interview:

Ms. Lindley surrendered her license and her appointment was canceled.

Reconvened to Full Board:

Victor Venegas,
New Order:

Mr. Venegas explained the circumstance that brought him before the Board. Ms. Poe indicated he was on probation with the Texas Board of Nursing and when he moved to Utah, Utah mirrored the Texas Order and placed him on probation for 18 months. Mr. Venegas reported his sobriety date is 2003. He stated he has no thoughts of ingesting alcohol and does not drink alcohol. He stated he is not taking any medications that have not been lawfully prescribed for him. **Mr. Venegas is in compliance with the terms and conditions of his order.** He will be seen December 9, 2010.

Kimly Potts,
Review and discuss proposed MOU terms and conditions:

Ms. Potts and Mr. Jardine, her attorney, met with the Board to request reconsideration regarding the terms and conditions of her proposed Memorandum of Understanding. Ms. Potts stated she did not feel the Board accurately understood her situation and requested her attorney be present to help explain the circumstances and to discuss the proposed terms and conditions of the MOU. Mr. Jardine stated there are a couple of concerns, misunderstanding, and significant factors that should be reconsidered and reviewed. He stated one factor is the criminal history; the other is the disciplinary action in Arizona. Mr. Jardine stated the criminal history is accurately listed in the MOU, however, at that time there was not enough information available regarding Ambien and how it affects some individuals. He indicated Ms. Potts was being prescribed Ambien at that time and the side effects were not known. They feel this is the reason why Ms. Potts behaved the way she did. Ms. Potts

stated she has no memory of the actions that lead to the criminal history. Dr. Williams questioned if she is suggesting the use of Ambien is the reason for the retail theft? Mr. Jardine stated yes, the file indicates she was taking Ambien at the time. She has no prior history and no criminal history after. She indicated she was prescribed and took Ambien from 2000 to 2004. She stated she no longer takes Ambien.

Ms. Potts provided letters from her primary care physician, and psychiatrist. Both letters indicated Ms. Potts was addicted to Ambien. She stated she feels she was physiologically dependent. She entered Highland Ridge and completed the program in October 2004. Mr. Jardine stated the MOU is geared toward an individual who uses/abuses controlled substances. He stated he feels this is overkill in Ms. Potts' circumstance.

Mr. Jardine also discussed the discipline taken in Arizona. He stated that according to the records, Ms. Potts failed to report her criminal history with Utah and Arizona denied her license. Mr. Jardine stated Ms. Potts had informed Arizona of her criminal history. They wanted more information and the denial was based on the fact she did not provide all the information requested. He stated she thought she had given them everything they requested.

Mr. Jardine stated they agree with the criminal history summary in the MOU, but are asking for the Board to take the Arizona denial with a grain of salt. They also disagree with the NURSYS document that indicated Ms. Potts failed to report criminal history. Ms. Poe indicated she must go to the Arizona Board to have them correct the statement. Ms. Poe questioned why Ms. Potts did not report the criminal history on the Utah renewal. Ms. Potts stated she thought she left it blank. Ms. Poe indicated that if she had left it blank, the computer would not allow her to continue with the renewal and she would have to submit a paper renewal. She renewed online, not by paper. Ms. Potts stated Utah is where the criminal history took place and she does not know why she would not have reported it.

Mr. Jones requested Mr. Jardine go through the MOU and let the Board know what changes they are requesting. Mr. Jardine stated on page 3, 5b should be taken out because alcohol was not involved. 5c should be eliminated which requires only one prescribing practitioner because she does not have a substance abuse issue. Mr. Jardine also stated they would like to eliminate 5g, the urine screen requirement. Board members indicated they would not eliminate urine screens. Mr. Jardine would also like to eliminate: 5d, 5e, 5 f, 5m, and 5o. Mr. Jardine stated the action did not take place in a nursing environment and questioned why she needs a supervisor. Ms. Poe suggested general supervision instead of direct supervision. Ms. Potts stated she has been working the last six years in medical research without supervision, why would she need it now. Ms. Brown stated the supervision is for her protection and also moving into a patient care venue, the Board wants to make sure there is no impairment or problems.

Ms. Schilleman made a Motion to rewrite the Memorandum of Understanding and place her license on probation for three years with the following conditions: submit urine screens, general supervision, therapy, employer, self assessment reports. Ms. Rice seconded the Motion. All Board members in favor.

Review probation modifications requests:

Lori Laird requested her Order be amended to allow for general supervision and that her access to controlled substances be returned. Committee members recommend that both requests be approved. All Board members in favor.

Steven Booth requested termination of therapy. Committee members recommend approval of the request. All Board members in favor.

Roberts Adam is requesting termination of probation. Committee members recommended denial of the request based on the length of time on probation. All Board members in favor.

Dee Ann Taylor: Ms. Schilleman made a Motion to amend Ms. Taylor's Order to allow her to attend AA meetings in lieu of PIR meetings. Ms. Brown seconded the Motion. All Board members in favor.

Donna Cook is requesting her suspension be lifted and her license placed on probation. Committee member recommend the suspension be lifted and the license placed on probation with the terms and conditions outlined in the Order. All Board members in favor.

Bambi Koeller requested she be allowed to work up to 60 hours per week. Committee members recommend approval of the request. All Board members in favor.

Kelley Wright requested she be allowed to attend AA meetings in lieu of PIR meetings. Committee members recommend approval of the request. All Board members in favor.

Rebecca Davis: Committee members recommend that Ms. Davis' access to controlled substances be returned. Ms. Rice abstained. All other Board members in favor.

Stephanie Thomas: Ms. Schilleman made a Motion to return Ms. Thomas's access to controlled substances. Ms. Brown seconded the Motion. All Board members in favor. Board members also indicated she can be moved to yearly meetings with the Board.

Rhandi Robertson continues to remain out of compliance and has been out of compliance for the last six months. Committee members recommend the Division move forward with an Order to Show Cause Hearing. All Board members in favor.

Business from last month:

Barbara Jolley-Mumm: Ms. Brown made a Motion to terminate probation. Ms. Schilleman seconded the Motion. All Board members in favor.

Michael Jorgensen: Ms. Brown made a Motion to allow Mr. Jorgensen to work under general supervision of a registered nurse or physician licensed in good standing while employed at Willow Wood Care Center. Dr. Williams seconded the Motion. All Board members in favor.

Karen Shelton: Ms. Schilleman made a Motion to deny Ms. Shelton's request to be allowed to work 60 hours per week based on the length of time she has

been non-compliant. The Motion was seconded. All Board members in favor.

Catherine Odom: A Motion was made to lift the suspension and place the license on probation with the terms outlined in the Order. The Motion was seconded. Ms. Brown abstained. All other Board members in favor.

Heather Deering: Ms. Schilleman made a Motion to approve her requested to work under general supervision. Ms. Rice seconded the Motion. All Board members in favor.

Michael Gearheart: Ms. Schilleman made a Motion to return Mr. Gearheart's access to controlled substances. Ms. Kirby seconded the Motion. All Board members in favor.

Torri Nilsson, re-licensure application: Ms. Brown made a Motion to issue the license on a Memorandum of Understanding for a period of 5 years with the standard terms and conditions. Ms. Schilleman seconded the Motion. All Board members in favor.

Ms. Brown reported the Education Committee recommended allowing Provo College to add a cohort of 10 LPN per year. Board members made a Motion to accept the recommendation from the Education Committee. All Board members in favor.

Report from Sue Kirby and Debbie Schilleman regarding NCSBN Delegate Assembly meeting: Tabled.

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 14, 2010
Date Approved

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

October 14, 2010
Date Approved

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