

MINUTES

**UTAH
BOARD OF NURSING**

January 13, 2011

**Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:11 a.m.

ADJOURNED: 3:00 p.m.

Bureau Manager:

Noel Taxin

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

John Killpack

Board Members Present:

Peggy Brown

Pam Rice

Debra Schilleman

Mary Williams

Diana Parrish

Alisa Bangerter

Joel Allred

Barbara Jeffries

John Killpack

Board Members Excused:

Sue Kirby

Marie Partridge

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

November 18, 2010 minutes:

The November 18, 2010 minutes were approved as written.

December 9, 2010 minutes:

The December 9, 2010 minutes were approved as written.

Discussion Item:

Ms. Poe will be out of the office for an extended period of time. Noel Taxin, Bureau Manager for the Division, will be overseeing Ms. Poe's Bureau while she is out of the office. Ms. Taxin is currently in a Hearing, but is available if the Board has any questions this morning. She will be present for the Board meeting at 12:30 p.m.

NEW BUSINESS:

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders:

-Ben Brown missed urine screens on October 18, 2010, October 23, 2010 and November 10, 2010. He has only tested three times since he was placed on probation. The Compliance Unit feels he has been given numerous chances to resolve his issues regarding urine screens and recommend Mr. Brown be referred for an OSC Hearing. Board members indicated they would like to interview Mr. Brown today before making a recommendation.

-Andrew Decker missed calling CVI three times. The Compliance Unit does not consider him out of compliance with his Order. However, since he missed calling CVI three times, he is out of compliance with the Board's policy that not calling CVI more than three times is non-compliance.

-Carrie Frampton missed a urine screen on December 8, 2010. She missed nine urine screens in 2010 and has missed seven urine screens since meeting with the Board in July 2010. The Compliance Unit recommends that if she misses one more urine screen, she be referred for an OSC Hearing, or be issued a citation. Board members stated Ms. Frampton must come into complete compliance in the next quarter or she will be referred for an Order to Show Cause Hearing.

-Dale Hullinger missed a urine screen on December 18, 2010.

-Michael Jorgensen missed a urine screen November 8, 2010; however, he has contacted Ms. Call regarding the missed screen.

-Angie Mangelson missed calling CVI three times in October and seven times in November.

-Nora Mitchell is late on submitting her paperwork. Ms. Mitchell was considering surrendering her license; however, she has decided not to surrender her license.

-Brent Pace only attended one 12 step meeting in December 2010.

-Karen Shelton missed a urine screen October 23, 2010 and missed calling CVI eight times in October, two times in November and once in December.

-Nichole Clark missed calling CVI seven times in

December. She had been excused from having to provide urine screens since she is not employed; however, she had to call CVI everyday and contact Ms. Call when her number was called. Since she has missed calling CVI, she will need to provide urine screen when her number is called by CVI.

-Catherine Odom had a positive urine screen December 2, 2010 for ETG. She has admitted to a relapse and the Compliance Unit is recommending she be referred for an OSC Hearing.

-Kelly Wright missed a urine screen December 10, 2010. She has been out of compliance since March 2010.

-John Paulsen missed calling CVI December 8, 2010, was late on submitting paperwork. Ms. Call reported he is considering surrendering his license.

-Bryn Norman did not submit her therapist report. She has been scheduled for an OSC Hearing in February.

-Victor Venegas missed calling CVI four times in December 2010.

-Kaylyn Thompson missed calling CVI four times in December 2010.

Divided into Groups to conduct probation interviews:

Group 1: Conducting: Debbie Schilleman
Secretary: Shirlene Kimball

Sam Bellacomo,
Probation interview:

Members present: Ms. Schilleman, Ms. Rice, Mr. Killpack and Mr. Allred.

Mr. Bellacomo reported his sobriety date is July 3, 2010. He stated he has had no thoughts of relapse and has not relapsed. He stated he is attending 12-step meetings and aftercare once a month. He stated he has a sponsor and speaks with him once a week. He stated he was prescribed a medication while he was in the treatment program, but did not use the medication and does not have a prescribing practitioner. **Mr. Bellacomo is in compliance with the terms and conditions of his Order and will be seen April 14, 2011.**

Angie Mangelson,
Probation interview:

Ms. Mangelson reported things are going well. She indicated she was promoted to MDS Coordinator. She reported her sobriety date is December 2006. She stated she has no thoughts of relapse and has not relapsed. She reported she has an excellent support system and attends meetings at a continuing care

group she used when completing drug court. She stated she works with her sponsor and sees the sponsor at least three times a week. **Ms. Mangelson is considered in compliance by the Compliance Unit. However, since she missed calling CVI three times, she is out of compliance with the Board's policy that not calling CVI more than three times is non-compliance. She will be scheduled to meet with the Board April 14, 2011.**

Benjamin Brown,
Probation interview:

Mr. Brown stated he has not been able to self cath for the urine screens because the lab required him to have a physician's order. Mr. Killpack stated the Board will not accept any more excuses and if he misses any more urine screens, he will be referred for an Order to Show Cause Hearing. Mr. Killpack indicated Mr. Brown will have until January 20, 2011 to have everything in order or further action will be taken. Mr. Brown stated he would get the physician's order, self cath and buy his supplies. Mr. Killpack stated this must be set up by January 20, 2011. Mr. Killpack also reminded Mr. Brown he has not submitted a therapist report since October and his paperwork has been late. Mr. Brown stated he has not relapsed and reported his sobriety date is March 2, 2010. **Mr. Brown is out of compliance and needs to have the urine testing worked out by January 20, 2011 or further action will be taken.** He will be seen again April 14, 2011.

Karen Shelton,
Probation interview:

Ms. Shelton stated she is having a very difficult time. She indicated in the last three months she has been terminated from her job for failing to call in when sick, she slipped on the ice and had to have surgery, and she sold her home and can't find another place to live. Ms. Shelton missed a urine screen October 23, 2010 and missed calling CVI eight times in October, two times in November and once in December. **Ms. Shelton is out of compliance with the terms and conditions of her Order.** She will be seen again April 14, 2011.

Pamela Sinnett,
Probation interview:

Ms. Sinnett stated she last worked July 2009 and would like to eventually return to nursing. Ms. Sinnett stated she understands the time not working does not count toward the probation period. She missed a

urine screen December 18, 2010 and her therapist report is late. Committee members stated since she has been out of compliance for the last nine months she will need to meet with the Board on a quarterly basis instead of yearly. Committee members also suggested she consider voluntarily surrendering her license until she is ready to return to nursing. Ms. Sinnett reported her sobriety date is October 26, 2009. She stated she has had no thoughts of relapse and has not relapsed. She indicated she is not attending 12-step meetings and is not working the steps. She stated she is not taking any medications not lawfully prescribed for her. **Ms. Sinnett is out of compliance with the terms and conditions of her Order.**

Torri Nilsson,
Probation interview:

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

Lisa Kendall,
New Order:

Ms. Kendall did not appear for her scheduled interview. She will be re-scheduled for February 10, 2011. **Ms. Kendall is out of compliance with the terms and conditions of her Order.**

Julie White,
New Order:

Ms. White explained the circumstances that brought her before the Board. She stated she wrote prescriptions for herself on her employer's prescription pad and she also abused alcohol. She stated she is now out of an abusive relationship and she is not using any alcohol or controlled substances. She stated she understands the terms and conditions of her Order. Ms. White reported her sobriety date is January 31, 2010. She stated she is current with all requirements of her court probation. She stated she has not had any thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She will be seen April 14, 2011. **Ms. White is in compliance with terms and conditions of her Order.**

Kelley Wright,
Probation interview:

Ms. Wright reported her sobriety date is December 28, 2009. She indicated she will graduate from drug court on January 24, 2011. She stated she is employed, but not in nursing. Ms Wright reported she missed urine screens because of a misunderstanding where she thought the Board was accepting the urine screens from Global Testing, the drug court urine testing

company. Committee members clarified for her she needs to comply with the Division's Order and needs to provide urine samples when called by CVI. She stated she understands. Ms. Wright stated she has had no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. **Ms. Wright is out of compliance with the terms and conditions of her Order.** She will be seen March 10, 2011.

Group 2 Conducting: Peggy Brown
Minute taker: Connie Call

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

Andrew Decker,
Probation interview:

Mr. Decker reported things are going well. He receives excellent and above average on his employer reports and he reported his support system is very good. He stated his sobriety date is July 4, 2006. **Mr. Decker is in compliance with the terms and conditions of his Order. However, since he missed calling CVI three times, he is out of compliance with the Board's policy that not calling CVI more than three times is non-compliance.** He will be seen again June 9, 2011.

Dale Hullinger,
Probation interview:

Mr. Hullinger reported his sobriety date is July 25, 2007. He stated he has no thoughts of relapse and has not relapsed. He is current on all reports; however, he missed a urine screen December 18, 2010. He stated he fell asleep and forgot to appear for the urine screen. **Mr. Hullinger is out of compliance with the terms and conditions of his Order.** He will be seen March 2010.

Carrie Frampton,
Probation interview:

Ms. Frampton stated she was not aware she had missed urine screens. She stated she is testing at a new site and questioned whether or not there are issues with the testing site. Ms. Call indicated she will check on the testing site. Ms. Frampton reported her sobriety date is December 22, 2008. She stated she has no thoughts of relapse and has not relapsed. She stated she is restarting step one and speaks with her sponsor daily. **Ms. Frampton is out of compliance with the terms and conditions of the Order for missed urine screens.** She will be seen April 14, 2011.

Catherine Odom,

Ms. Odom had a positive urine screen and when

Probation interview:

contacted, she stated she had relapsed on December 1, 2010. She stated she has started over on her steps due to the relapse. Ms. Odom stated she has not worked for more than a year and her stressors are due to her financial situation. Committee members indicated she may be referred for an Order to Show Cause Hearing due to the relapse and her failure to report it. **Ms. Odom is out of compliance with the terms and conditions of her Order.** She will be seen April, 14, 2011.

Karen Christiansen,
Probation interview:

Ms. Christiansen stated things are going well. She reported her sobriety date is February 12, 2002 and stated she has had no thought of relapse and has not relapsed. She reported she speaks with her sponsor daily. **Ms. Christiansen is in compliance with the terms and conditions of her Order.** She will be seen again January 2012 if she remains in compliance.

Debra Davenport,
New Order:

Ms. Davenport explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of her Order. **Ms. Davenport is in compliance with the terms and conditions of her Order** and will be seen April 14, 2011.

Reconvened to Full Board at 12:25 p.m.:

Noel Taxin, Bureau Manger joined the meeting.

Lisha Zeim,
Re-licensure application:

Prior to Ms. Zeim meeting with the Board, Ms. Taxin provided the Board with an overview of the re-licensure application and conditions of Ms. Zeim's surrender.

Ms. Zeim explained that she had surrendered her license in 2006 for failing Diversion. Ms. Zeim stated she had been placed in the Diversion program for taking medications from her employer in 2003 and diverting opiates from patients. She stated she also worked under the influence of the drugs. She stated she failed the Diversion program in 2006 because she was not ready at that time to work on her sobriety. Board members questioned what changes she has made and what steps she has taken that would prevent these actions from re-occurring. Ms. Zeim stated since that time she tried to commit suicide three times and each time was in a coma. She stated she has had

to learn to make small changes, become more involved with her children and taking care of herself. She stated she has been sober since January 19, 2010. She indicated she entered Serenity House, a drug treatment program in Ogden. Ms. Zeim reported she had a seizure in November and was prescribed medications for the seizure. Mr. Killpack indicated she needs to convince the Board she is safe to practice. Ms. Zeim stated she feels she would be safe if she were to find work where she did not have access to narcotics. Board members questioned how she addressed her errors in judgment and what she has changed in the past five years. She stated she has learned not to sabotage herself. She indicated she has attended LDS 12-step meetings, but not on a regular basis. She stated becoming a nurse was the best thing that ever happened to her and it was the only thing she has ever accomplished. Mr. Allred expressed concern that she is not demonstrating characteristics of an individual who will be successful in completing the probation. He questioned whether or not she would be willing to attend 90 meetings in 90 days. He also explained the standard terms and conditions an individual has to meet when placed on probation. Ms. Zeim stated she is willing to do anything to get her license back. She indicated she currently sees a drug and alcohol counselor. Ms. Taxin stated Ms. Zeim will need to complete 30 hours of continuing education and also suggested Ms. Zeim sign up with CVI immediately and document 3 to 4 months of clean urine screens. After that time, the Board could consider issuing a license on probation. Ms. Taxin also suggested that since Ms. Zeim had a seizure disorder in November, she provide a letter from the neurologist regarding her fitness to practice. Ms. Brown made a Motion to have Ms. Zeim complete 30 hours of approved continuing education, provide three to four months of urine screens, attend 2 PIR and 2 12-step meetings per month and submit a letter from the neurologist indicating she is safe to practice. This documentation needs to be submitted to the Board by the end of March. At the April meeting, Board members could determine whether or not a probationary license should be issued. Dr. Williams seconded the Motion. All Board members were in favor of the Motion.

Karen Sharp,
Renewal application:

Ms. Sharp submitted a renewal application with “yes” answers on the qualifying questionnaire. Ms. Taxin provided the Board with an overview of the documentation submitted by Ms. Sharp. Ms. Jeffries requested she be recused from the discussion. Ms. Taxin also offered to be recused from the discussion. Ms. Sharp indicated she had no problems with Ms. Taxin taking part in the discussion.

Ms. Sharp explained her “yes” answers on the renewal application. She indicated she has had an eating disorder for a number of years which she feels led to her DUI and shoplifting charges. She stated she underwent treatment 9 months ago for the eating disorder. She stated she has learned that she doesn’t have to deal with her issues by herself, she has found an excellent therapist, has a good support system and her priorities have shifted. She stated she feels her state of mind was impaired by the eating disorder and she completed a three month inpatient program for women with eating disorders. She stated she has gained 30 pounds and has been able to hold on to that weight. She stated before entering the treatment program, she was very suicidal, but now has a better feel of what is important. She reported she last worked as a nurse seven years ago, but has kept her license current with continuing education hours and volunteer work at the 4th Street Clinic. She reported alcohol was her substance of choice; however, she did take medications from a facility where she was working, but that was along time ago. Ms. Brown stated that nursing is very stressful and Mr. Sharp needs to be physically and mentally capable of providing care. Ms. Brown questioned whether or not she feels there is any residual effect from the eating disorder? Ms. Sharp stated she does not know, but would return to work slowly and would look for a position in a physician’s office or a clinic. Mr. Killpack questioned the shoplifting charges and whether or not she ever took anything from patients. Ms. Sharp indicated she only took things from stores, never from patients or her employer. She indicated the most recent shoplifting charge was over one year ago. She stated she is on probation with adult probation and parole until March 2012. Mr. Killpack also questioned if she has any temptations regarding

the eating disorder. Ms. Sharp indicated, yes, but she works with her therapist, has a great family support system, and her dog has been her life saver.

Dr. Williams made a Motion to have Ms. Sharp submit comprehensive psychological, chemical and physical evaluations to determine her fitness to practice and to determine whether or not there are any limitations. Pending receipt of the evaluations, the license would be renewed on a 5 year probation and the recommendations would be incorporated into the terms and conditions of the probation. Ms. Sharp must also be in compliance with her court probation and she must submit a probation officer report letting the Board know where she is in the probation and her compliance. Ms. Brown seconded the Motion. Ms. Jeffries abstained. All other Board members voted in favor of the Motion.

Deborah Rogers,
Renewal application:

Ms. Taxin provided a brief overview regarding the documentation received regarding the “yes” answers on the renewal application.

Ms. Rogers stated that in 2007 she was charged with selling alcohol to a minor while she was working at a convenience store. She stated she did not intentionally sell alcohol to a minor. She indicated she looked at the ID, but did not calculate the age correctly because it was just before closing and she was distracted. She reported she received her third DUI in June 2009 and spent 69 days in jail. She indicated she has completed one year of treatment and is in a 12-step program, has a sponsor, is a sponsor, and helps facilitate group meetings. She reported her sobriety date is October 19, 2009. Ms. Rogers stated she is not currently working in nursing, but is working as a receptionist and currently enrolled in the medical assistant program at Southwest Applied Technology College. She reported the reason she is enrolled in the medical assistant program is to help her learn to work with computers. She stated she intends on seeking nursing employment and is thinking at applying at Lincare Oxygen where she was previously employed. She reported she would be doing nursing evaluations for oxygen. She stated she never diverted drugs at work and did not use alcohol on the job. She stated she

would drink after work, but never went to work drunk or with a hang over. She reported she has a great support system and is thoroughly working her sobriety program. She reported she last worked in nursing June 2, 2009. She indicated she went to jail, didn't call her employer and since it was a no call, she was terminated from her position. She reported since she has had three DUI's, the third DUI becomes a felony. Ms. Brown stated that if the Board were to issue a probationary license, she could not work in home health and she would not be able to seek employment at Lincare. Ms. Rogers stated she understands. Ms. Schilleman made a Motion to require a comprehensive psychological and chemical evaluation indicating she is safe to practice. Once the evaluations have been received, place the license on a 5 year probation with the standard terms and conditions, adding that she must be compliant with the criminal probation and any recommendations from the psychological and chemical evaluations. Mr. Allred seconded the Motion. All Board members voted in favor of the Motion.

Dallas Bowles,
Renewal application:

Ms. Taxin provided an overview of the renewal documentation submitted by Mr. Bowles. She reported his document indicates he had a DUI that was dismissed August 20, 2006; a DUI December 20, 2009, and a DUI January 2010. Mr. Bowles will be requested to contact BCI and receive a comprehensive criminal history report and submit it to the Board for review. He will also need to submit documentation of any treatment he has completed. His renewal will be conditionally renewed until he submits the documentation and meets with the Board.

Review probation modifications requests:

Linda Killian requested early termination of probation. Her probation began February 2009 and is scheduled to terminate February 2014. Ms. Brown stated Ms. Killian needs to be monitored for a period of time under supervision and made a Motion to deny the request due to the length of time on probation. Ms. Parrish seconded the Motion. All Board members were in favor of the Motion.

Tyler Miller requested termination of suspension. The evaluation and treatment plan was reviewed and Mr.

Miller is in compliance with the terms of suspension. Dr. Williams made a Motion to terminate the suspension and place on probation with the terms and conditions outline in the Order. Ms. Brown seconded the Motion. All Board members were in favor of the Motion.

Report from Probation Peer Review
Committee:

Andrew Decker requested early termination of probation. He is current on all reports; however, the Board considers him out of compliance because he missed calling CVI three times. Board members feel he needs to be monitored for a longer period of time and the recommendation from the Committee is to deny the request. All Board members in favor of denying the request.

Catherine Odom admitted to a relapse on December 1, 2010. Concern was expressed that the license was just taken off suspension in September and she admitted to a relapse in December. Ms. Odom has been evasive regarding whether or she consumed the alcohol one time or more over a period of time. She is compliant with all paperwork, but had a positive urine screen for ETC. Ms. Schilleman made a Motion to refer her for an Order to Show Cause Hearing. Ms. Parrish seconded the Motion. All Board members were in favor of the Motion.

Report from Education Committee:

Ms. Brown reported on the site visit to Nightingale College of Nursing. Provisional approval was granted.

Environmental Scan:

Mr. Killpack reported that Senator Liljenquist is sponsoring an anesthesiology assistant bill. The anesthesiology assistant would only complete a two year program and would have to work under an anesthesiologist. He stated some CRNAs have expressed concern that there will be a job shortage for the CRNA if this bill passes and may cause Utah to lose the CRNA to other states.

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.

02/10/2011
Date Approved

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

02/10/2011
Date Approved

(ss) Noel Taxin
Noel Taxin, Bureau Manager, Division of Occupational &
Professional Licensing