

MINUTES

**UTAH
BOARD OF NURSING**

March 10, 2011

**Room 474 – 4th Floor – 9:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:35 a.m.

ADJOURNED: 2:08 p.m.

Bureau Manager:

Noel Taxin

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

John Killpack

Board Members Present:

Peggy Brown
Debra Schilleman
Mary Williams
Diana Parrish
Joel Allred
John Killpack
Sue Kirby
Marie Partridge
Pam Rice

Board Members Excused:

Barbara Jeffries
Alisa Bangerter

Guests:

Dan Davis, student
Tonuah Nance, with Tricia Schmidt
Lisa Akers, supervisor for Linda Killian

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

February 10 , 2011 Minutes:

A Motion was made to approve the February 10, 2011 minutes as written. Ms. Rice abstained. All other Board members were in favor of the Motion.

NEW BUSINESS:

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders:
- Karen Carter did not submit any required paperwork.

- Kim Baker needs to submit a copy of a prescription.
- Lillian Howell did not submit any paperwork and missed calling CVI.
- Michael Green did not submit any paperwork. Ms. Call suggested Board members may want to see if he would like to surrender his license until he is ready to comply with the terms and conditions of his probation.
- Steve Booth will be referred for an Order to Show Cause Hearing for non-compliance with the terms and conditions of his probation. Board members were in favor of the recommendation.
- Susan Irish missed urine screens and has been out of compliance for a period of time. Ms. Taxin reported the Division issued a warning letter for non-compliance. Ms. Taxin stated she does not think the Division can issue a citation for violation of probation unless it is listed in her Order. Ms. Taxin stated when Ms. Poe returns, she can make the determination whether or not a citation can be issued.
- Synthia Carter missed urine screens on January 13, 2011 and February 18, 2011.
- Taylor Simmons has not renewed her license.
- Teresa Williams did not submit her paperwork.
- Veronica Banks needs to submit a copy of a prescription.
- Ms. Poe and Ms. Call excused Nichole Clark from providing urine screens if she called CVI everyday. Ms. Clark missed calling CVI on numerous occasions and then was no longer excused from providing urine screens. Ms. Call indicated she spoke with Ms. Clark who stated she would like to sign a suspension document. Board members were in favor of a suspension Order for Ms. Clark.
- Benjamin Brown has not submitted urine screens. He requested a voluntary surrender of his license. Ms. Call will follow-up to see whether or not a voluntary surrender document has been sent to Mr. Brown.
- Kelley Wright did not submit a copy of her prescription and missed calling CVI. She will be sent a suspension document. Board members recommend Ms. Wright be referred for an Order to Show Cause Hearing if she does not sign the document or come into total compliance and remain in compliance with her Order.
- John Paulson is out of compliance and will be offered a surrender of license document. Ms. Schilleman

made a Motion to refer Mr. Paulson for an Order to Show Cause Hearing if he does not sign the surrender document. Ms. Kirby seconded the Motion. All Board members were in favor of the Motion.

-Lisa Kendall missed a 12-step meeting and had a positive urine screen.

-Julie White did not attend 2 PIR and 2 12-Step meetings. She failed to notify her physician employer her license was placed on probation and that she needed to work under the supervision of a physician or registered nurse. Ms. Taxin also requested the Board clarify with Ms. White what procedures she is doing at her place of employment to determine whether or not she is practicing within her scope of practice.

-Carrie Frampton failed to appear for 7 urine screens. However, Ms. Call reported Ms. Frampton appeared for the additional urine screens that were scheduled due to the missed screens. Ms. Frampton will be invited to meet with the Board next month to explain the missed screens.

Ms. Call reported on the following new orders:

-Jennifer Fredrickson. Ms. Fredrickson called the Division to indicate she wanted to withdraw her Stipulation; however the Stipulation has gone into effect and she will need to abide by the Order.

-Sarah Cormier. Ms. Taxin stated Ms. Cormier's Order requires that she read *Responsible Opioid Prescribing* and submit an essay describing what she had learned from the book.

-Tricia Schmidt had a relapse and a new Order extending her probation has been signed.

-Ms. Taxin reported that the evaluation for Karen Sharp has been received. Ms. Taxin reported the evaluation came back with a number of concerns and the Division will not be offering her a Stipulation and Order at this time. Ms. Sharp has agreed to work on the suggestions in the evaluation and will not renew her license at this time.

Divided into Groups at 10:05 a.m.:

Group 1: Conducting: Marie Partridge
Secretary: Shirlene Kimball

Members present: Ms. Schilleman, Ms. Partridge, Ms. Kirby, Ms. Rice and Mr. Allred.

Bambi Koeller,

Ms. Koeller reported things are going fairly well. She

Probation interview:

indicated she was fired on Monday from Federal Heights Nursing Home. Ms. Koeller explained that she gave a patient an insulin shot in the dining room and the facility policy is to give the injection in the patient's room. She stated a nursing aide was going to take a patient to the dining room before giving the insulin injection and Ms. Koeller stated to the aide that she had just been written up for giving the injection in the dining room. Ms. Koeller stated she had this discussion in the hall and named a particular patient. The director of nursing overheard the conversation and fired her for violation of the HIPPA law. Ms. Koeller indicated she is still employed one day a week at Olympus Care Center. She reported her sobriety date is August 18, 2004. She stated she recently went through a custody battle for her daughter and her daughter is now living with her full-time. She reported she has had no thoughts of relapse and has not relapsed. She stated she has a sponsor and contacts her sponsor 5 times a week. Ms. Koeller indicated she is thinking of returning to nursing school and would like to request termination of her probation. **Ms. Koeller is in compliance with the terms and conditions of her Order.** She will be seen again May 12, 2011.

Suzanne Irish,
Quarterly Probation Interview:

Ms. Irish was contacted by telephone because she reported she had the flu and could not meet in person. Ms. Irish continues to remain out of compliance with the terms and conditions of her Order. At her last meeting with the Board, she was told she needed to be in total compliance. She has been sent a warning letter, but continues to miss urine screens. Ms. Irish stated she received the warning letter March 1, 2011 and indicated she has been calling CVI daily. She stated she does not listen to the end of the recording and that may be why there is no record of her calling. She stated she is now listening to the end to make sure her number has not been called. She reported her sobriety date is April 17, 2009. She stated she has had thoughts of relapse, but has not relapsed. She reported she attends her 12-step meetings, has a sponsor and contacts the sponsor two or three times a week. She stated she is not taking any drugs not lawfully prescribed for her. Board members indicated she must be in absolute total compliance from March 1, 2011 or

she will be referred for an Order to Show Cause Hearing. She stated she understands. **Ms. Irish is out of compliance with the terms and conditions of her Order.** She will be seen again May 12, 2011.

Charlene Espindola,
Quarterly Probation Interview:

Ms. Espindola reported things are going well. She indicated she is now working in labor and delivery. Ms. Espindola reported her brother died recently which has been very stressful for her. She indicated she took some time off work, but is back on track now. **Ms. Espindola is in compliance with the terms and conditions of her Order.** She will be seen June 9, 2011.

Julie White,
Quarterly probation interview:

Ms. White reported things are going well and she likes her job. She stated she hopes to have her fine paid off by April 1, 2011. She reported her sobriety date is March 31, 2010. She stated she has no thoughts of relapse and has not relapsed. Mr. Allred informed her she is out of compliance because she did not attend 2 PRI and 2 12-step meetings per month. Ms. White stated she thought she was allowed to attend 4 12-Step meetings per month. Mr. Allred indicated her Order has not been amended and Ms. White stated she understands she must continue to attend 2 PIR and 2 12-Step meetings per month until she receives the document amending her Order. Mr. Allred questioned whether or not the medical director and staff members were aware of her Order. She stated she thought they were aware of the Order because she explained her situation to individuals at both facilities.

Ms. Kirby questioned her scope of practice and who completes the patient evaluation. Ms. White stated she provides the consultation, speaks with the physician after the consultation and then she injects the Botox or derma fillers. Mr. Allred requested a job description and she indicated she will have it sent to the Board. Mr. Allred questioned her regarding her comment regarding "she is an artist". She explained she is one of the best in her field and what she does requires an artistic approach. Ms. White also indicated she understands she must be under the supervision of a physician. **Ms. White is out of compliance with the terms and conditions of her Order for missing PIR meetings.** She needs to have the supervisor submit

documentation he has seen and read her Order. She also needs to submit a job description for review. Ms. White will be seen June 9, 2011.

Lori Laird,
Quarterly Probation Interview:

Ms. Laird reported she continues to look for nursing employment. She reported it has been an emotional three months, but feels she is handling the stress very well. She stated she has not had any thoughts of relapse and has not relapsed. She reported her sobriety date is August 21, 2007. She stated she is attending her meetings and has an excellent support system.

Ms. Laird is in compliance with the terms and conditions of her probation. She will be seen June 9, 2011.

Linda Killian,
Quarterly probation interview:

Ms. Killian reported things are going well. She stated she has been sober almost four years and has been in total compliance with her probation since the start. She is requesting early termination of probation and stated she would like to return to school to obtain her associates degree in nursing. She stated she has no thoughts of relapse and has not relapsed. She indicated she has a good support system and speaks with her sponsor once a month. **Ms. Killian is in compliance with the terms and conditions of her Order.** She will be seen June 9, 2011 unless the Board recommends termination of probation.

Jennifer Fredrickson,
New Order:

Ms. Taxin was present for the interview. Ms. Fredrickson explained the circumstances that brought her before the Board. She indicated she had a personal life crisis, which affected her moods and her ability to cope. She stated she was placed on court probation because of behaviors and just finished a domestic violence group and is seeing a counselor. She reported nothing happened at work. Board members questioned the charge regarding the missing medications at her place of employment. She stated she had accessed the Pyxis machine under an existing patient's name. She stated she was going on vacation with her son and just wanted to look at the directions, strength and how to administer the epinephrine in case she needed to administer it to her son. She stated when she came back to work a package of epinephrine was missing. Since she had accessed the Pyxis machine using an existing patient's name, she was

terminated from employment. Ms. Fredrickson stated she does not have a substance abuse problem and did not take the epinephrine. Mr. Allred questioned whether or not she gave her son the epinephrine. Ms. Fredrickson denied giving it to her son. Board members questioned how many facilities have terminated her employment because of issues or problems at work. She reported she has had issues at two facilities. Ms. Kirby stated the Stipulation and Order lists additional violations and questioned whether or not the Stipulation was incorrect. Ms. Fredrickson stated no, she was charged with assault in Draper, but plead guilty to disorderly conduct. She stated she also was charged with disorderly conduct due to an incident in Cottonwood Heights and was arrested and went to jail. Ms. Fredrickson reported her sobriety date is May 1, 2010 and she indicated she has not had any thoughts of using and stated she has not used any drugs or alcohol since May 1, 2010. She stated she feels like she is also progressing in her personnel relationships. Ms. Fredrickson questioned whether or not she would be required to do urine screens through CVI since she is required to do them for the courts. Ms. Taxin stated CVI screens for more substances than the court urine screens and she will be required to provide urine screens through CVI. Board members received a copy of Ms. Fredrickson's psychological evaluation. Mr. Allred 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. Rice seconded the Motion. All Committee members in favor. The meeting was closed at 12:13 p.m.

The meeting was reopened at 12:30 p.m. Ms. Fredrickson stated she understands the terms and conditions of her Order. She stated her goal is to be 100% compliant.

Ms. Fredrickson requested her Order be modified to allow her to work under the supervision of a nurse. Ms. Kirby explained the goal of the Board is to make sure she is not a risk to the public and monitoring her practice under the supervision of an RN or physician is the best way to protect the public at this time. Committee members requested she contact her

therapist at Valley Mental Health and have him submit a report. **Ms. Fredrickson is in compliance with the terms and conditions of her Order.** She will be seen June 9, 2011.

Group 2 Conducting: Peggy Brown
Minute taker: Connie Call

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

Tricia Schmidt,
New Order:

Ms. Schmidt explained the circumstances surrounding her relapse. She stated she is not currently working. She requested the suspension period be reduced and amend the Order to allow her to have two prescribing practitioners. She reported her sobriety date is January 11, 2011. She stated she has not had a relapse since that date. She stated she is not taking any medications not lawfully prescribed for her. She indicated she deals with the stress by calling her sponsor, exercising, eating right and music. **Ms. Schmidt is in compliance with the terms and conditions of her suspension.**

Kelly Wright,
Probation interview:

Ms. Wright did not appear for her scheduled interview. Committee members recommend she be referred for an Order to Show Cause Hearing. **Ms. Wright is out of compliance with the terms and conditions of her Order.**

Taylor Simmons,
Telephone interview:

Ms. Simmons did not answer the telephone and will be contacted again next month. She has not renewed her license and **Ms. Simmons is out of compliance with the terms and conditions of her Order.**

Debbie Kilgrow,
Probation interview:

Ms. Kilgrow reported she continues to look for employment. She reported she has very good support system and is using the tools she has learned regarding recovery. She stated she has been sober since 2009. **Ms. Kilgrow is in compliance with the terms and conditions of her probation.** She will be seen again June 9, 2011.

Michael Scott Green,
Probation interview:

Mr. Green did not appear for his scheduled interview. **He is out of compliance with the terms and conditions of his Order.**

Troy Cady,
Probation interview:

Mr. Cady reported things are going great and his employer report was excellent. He reported that his

sobriety date is July 1, 2007. He stated he has no thoughts of relapse and has not relapsed. He indicated he meets with his sponsor at least once a month and speaks with him weekly. **Mr. Cady is in compliance with the terms and conditions of his probation.**

Sarah Cormier,
New Order:

Ms. Cormier explained the circumstance that brought her before the Board. Ms. Taxin included in the Stipulation a condition that Ms. Cormier read *Responsible Opioid Prescribing* and submit an essay describing what she had learned from the book. Ms. Cormier stated she is almost through reading the book. She stated her personal stressors are financial and she is having trouble finding employment. She questioned whether or not she could use an electronic prescription system and just send a copy of the log of all prescriptions written. The Board told her that use of an electronic system would be acceptable if she provides a copy of the electronic script and a log. **Ms. Cormier is in compliance with the terms and conditions of her Order.** She will be seen again June 9, 2011.

Victor Venegas,
Probation interview:

Mr. Venegas was out of compliance with the terms of his Order and Board members wanted to speak with him to see how things were going and why he is not calling CVI daily. Mr. Venegas reported things are going well, he just forgets to call CVI daily. Board members cautioned him that if he does not call CVI everyday, he is considered by the Board to be out of compliance. He reported his sobriety date is over six 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. He indicated he is currently employed at Jordan Valley Hospital. **Mr. Venegas is out of compliance with the policy to call CVI every day; however, he is in compliance with the terms and conditions of his Order.** He will be seen again June 9, 2011.

Report from Probation Peer Review
Committee:

Tricia Schmidt is requesting termination of suspension and also requesting she be allowed to have two prescribing practitioners. Committee members recommend approval for termination of suspension and place her license on probation with the terms and conditions of the Order. All Board members in favor.

Committee members also recommend she be allowed to have two prescribing practitioners, however, only one can prescribe controlled substances. All Board members in favor.

Kelley Wright did not appear for her scheduled interview and Committee members recommend she be referred for an Order to Show Cause Hearing to suspend the license due to chronic non-compliance with the terms and conditions of her probation. Ms. Schilleman opposed. All other Board members in favor. Motion passed.

Bambi Koeller is requesting termination of probation. Committee members recommend the request be denied because Ms. Koeller was recently fired from her job and this is an extremely stressful time for her. Ms. Brown questioned what happens if Ms. Koeller does not find a position after the 60 days. She questioned why not consider terminating probation at this time. Ms. Koeller has been on probation for 8 years, with the one year of suspension. Ms. Taxin stated that if Ms. Koeller is clean and sober and is just submitting paperwork, the Board could table her request and have the Federal Heights employer submit a last employer report and letter explaining why she was terminated. After receipt of the letter from the employer, the Board could reconsider the request. Board members stated they would like a written request from Ms. Koeller and a letter from her previous employer.

Suzanne Irish received a letter of warning March 1, 2011. She stated she understands she must remain in total compliance with the terms and conditions of her Order or she will be referred for an Order to Show Cause Hearing. If she misses a urine screen, has a positive urine screen, or is out of compliance in any way, she will automatically be referred for an Order to Show Cause Hearing.

John Paulsen has never been in compliance with the terms and conditions of his Order. He will be contacted to see if he wants to surrender the license, and if not, he will be referred for an Order to Show Cause Hearing for non-compliance.

Julie White was requested to provide a job description regarding her current practice, to continue to attend 2 PIR and 2 12-Step meetings per month until she receives the amended Order; and to provide documentation that the employer at both facilities have read her Order. Board members voiced concern that Ms. White self injected Botox/derma fillers. Mr. Killpack stated licensed nurses can not give these injections. Mr. Allred stated this is a gray area and the physician indicated Ms. White is under his supervision and has had the training. Ms. Taxin clarified that the statutes do not address this issue. She stated the laws allow for an MD, DO, APRN and PA to administer Botox. The Medical Practice Act also allows for a physician to delegate to the medical assistant tasks under the direct and immediate supervision of the physician. Ms. Taxin reported there is an ongoing discussion whether or not injecting Botox is within the RN scope of practice.

Linda Killian is requesting early termination of probation. Mr. Allred indicated Ms. Killian appears to be in a good place and has protective measures in place. Ms. Taxin suggested that if Ms. Killian could provide an evaluation for reentry to practice without restrictions showing that she is a low risk for relapse, the request could be considered. All Board members in favor.

Karen Carter requested termination of probation. She has been non-compliant for missing paperwork and missing PIR meetings. Mr. Allred made a Motion to deny Ms. Carter's request based on non-compliance with the terms and conditions of her probation. Ms. Partridge seconded the Motion. All Board members in favor.

Sam Bellacomo requested termination of suspension. He has met the terms of the suspension. Ms. Kirby made a Motion to terminate the suspension and place his license on probation with terms and conditions outlined in the Stipulation and Order. Ms. Schilleman seconded the Motion. All Board members in favor.

Lisa Kendall requested she be allowed to attend 4 12-step meetings in lieu of 2 PIR and 2 12-step meetings.

Ms. Schilleman made a Motion to approve the request. Ms. Partridge seconded the Motion. All Board members in favor.

Kaylyn Thompson requested she be allowed to work at Painted Hills Academy with access to certain medications. Mr. Allred indicated Ms. Thompson has been out of compliance and would like to see her come into compliance for a period of at least 6 months. Mr. Killpack stated the only concern is that there may not be a lot of job opportunities in the area and if we say she has to wait 6 months she may not find other employment. Mr. Allred stated Ms. Thompson has been very non-compliant. Ms. Taxin stated the Board's role is to protect the public. Ms. Schilleman made a Motion to deny the request based on non-compliance with the drug screens. Ms. Thompson will need to be in complete compliance for a period of 6 months before the Board will consider Ms. Thompson's request for access to controlled substances. Ms. Kirby seconded the Motion. All Board members in favor.

Election of Chair Elect:

A Motion was made to elect Diana Parrish as chair-elect. The Motion was seconded. All Board members in favor.

Report from the Education Committee:

Ms. Brown reported on action from the Education Committee. She stated the NCLEX pass rates for Provo College has dropped and there appears to be numerous problems with the program. The nursing corporate director, campus president and chief accounting officer will be requested to meet with the Education Committee to follow up with these issues.

Ms. Brown also indicated that Ameritech College reported they have been dealing with a group of students that purchased the answers to the HESI examination, received high scores on the HESI, but failed the NCLEX examination. Ms. Aiken, the nursing program director reported the students have denied any wrong doing. Ms. Aiken also reported the program is working with HESI to prevent this from happening again. Ms. Brown stated the school handled the situation very well. Ms. Brown also indicated that a student from Ameritech will be invited

to meet with the Education Committee for an educational interview.

Ms. Taxin:

Ms. Taxin indicated she had received two complaints regarding education programs that are not paying faculty and questioned whether or not the Board had any jurisdiction. However, on review, it appears that the complaints are against CNA programs, and Ms. Taxin provided Ms. Schilleman with the complaints for follow-up by the Nursing Assistant Registry.

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.

April 14, 2011
Date Approved

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

April 14, 2011
Date Approved

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