

MINUTES

**UTAH
BOARD OF NURSING
MEETING**

January 12, 2012

**Room 474 – 4th Floor – 8:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:10 a.m.

ADJOURNED: 4:43 p.m.

**Bureau Manager:
Board Secretary:**

Debra Hobbins
Shirlene Kimball

Conducting:

Diana Parrish, Chair

Board Members Present:

Peggy Brown
Debra Schilleman
Joel Allred
Marie Partridge
Alisa Bangerter
Diana Parrish

Board Members Excused:

Sue Kirby
John Killpack
Barbara Jefferies

Guests:

David Young, Pharm.D
Alan Minson, Pharmacy
Stephanie Hughes, Pharmacy
Phil Simpson
Elaine Farrer
Mark Farrer
Jody Thomas

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS
December 7, 2011 MINUTES:

A Motion was made to approve the December 7, 2011 minutes as written. The Motion was seconded. All Board members voted in favor of the Motion.

Diana Parrish:

Ms. Parrish reported she spoke with Chris Bown, Assistant District Attorney with the Salt Lake District

Attorney's office regarding Drug Court. Ms. Parrish reported the Drug Court program is funded through Criminal Justice Service and Judge Fuchs heads the program.

In order to be a participant, the defendant must have been charged with a felony; must fill out and submit an application to participate and the conviction must be a drug or drug related offense. Low risk individuals are separated from the higher risk individuals. The individual goes through risk assessment using a tool called RANT. The individual must be classified as high risk to be accepted into the program. A plea bargain is offered to the individual; however, it is made to the highest charge. The charge is held in abeyance if the individual completes all requirements of Drug Court. Ms. Parrish reported there is a minimum of two urine screens per week and the cost for the urine screen is approximately \$12.00 for a five panel test.

Report from Education Committee:

Ms. Brown stated that if Broadview University has not met the RN-NCLEX pass rate requirements or if a new nursing program administrator has not been hired by March 31, 2012 the program may have to close. Ms. Brown indicated that Broadview University is working on placement of students if the program is required to close. Ms. Schilleman made a Motion to approve whatever steps the Education Committee feels is appropriate for Broadview University. Ms. Partridge seconded the Motion. All Board members voted in favor of the Motion.

Travel to National Meetings:

Ms. Brown and Ms. Schilleman indicated their employers allow travel and they may be able to attend the NCSBN meetings. However, if they travel for their agencies and not as representatives from the Board, they will not be able to vote at NCSBN meetings. Board members feel it is extremely important that the State of Utah and the Utah Board of Nursing be represented at the National meetings. It was suggested that the Board provide the Division with a document outlining why it is so important that the Utah Board has representation at the National meetings. Ms. Brown stated there is a push for the same standards nationally and we would like to have input in developing those standards.

Dr. Hobbins reported she would look at the possibility of using the Education Funds to send Board members to the University of Utah Drug and Alcohol school.

David Young, Pharm.D.
Pharmacist Vaccine Protocol:

Dr. Young met with the Board of Nursing to present the updated Pharmacist Vaccine Protocol. Dr. Young reported he met with the Physician's Licensing Board and they requested several changes. Dr. Young provided a hand out regarding how well the state is doing with vaccinations. Dr. Young reported immunizations at long term care facilities have dropped. Ms. Brown stated that those in assisted living and residential living are not choosing to be vaccinated. Residents in nursing homes are required to be vaccinated. Dr. Young reported there is a large gap between Utah and the National average in having children vaccinated. Dr. Young indicated that the advantage of having a pharmacist provide the vaccinations is the easy access. Ms. Brown stated the biggest risk is a newborn. The first vaccination may cause the reactions.

Dr. Young stated the Physician's Licensing Board wanted the list of vaccines to remain on the protocol and suggested that if there were additional vaccines the physician wanted the pharmacist to provide, the practitioner could write a prescription.

Dr. Young stated he will make the suggested changes and sent back to the Board for review.

Debra Troxel,
Compliance Report:

Ms. Troxel reported the Jana Keetch and Lacy Tanner Turley are out of compliance with the terms and conditions of their Orders.

Debra Davenport,
Probation Interview:

Ms. Davenport reported things are going well. She reported she is working one day a week at Bright Star, but her time has stopped because she is not working the required minimum hours. Ms. Davenport is in compliance with the terms and conditions of her Order. She will be seen again in April.

Tina Godbe,
Probation Interview:

Ms. Godbe explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of the Order. Ms. Godbe stated she has completed the evaluations and submitted the

essay. She reported she has been sober 1 ½ years. She stated she has not thoughts of relapse and has had no relapse. She submitted the name of her prescribing physician and primary pharmacy. She stated she is attending meetings, has a sponsor and is working on Step one. Ms. Godbe questioned whether or not she could request access to controlled substances and to have her Order amended to allow her to work the night shift. Board members indicated she must be monitored on probation for a period of time before the Board will consider returning access to controlled substances. Mr. Allred indicated that the Board could consider allowing her to work the night shift is she has continual supervision. **Ms. Godbe is in compliance with the terms and conditions of her Order.**

Annette Stricklin,
New Order:

Ms. Stricklin explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of the Order. Ms. Stricklin indicated she has the opportunity to work at Ogden Regional Hospital in pediatrics; however, her Order does not allow her to work night shifts. Ms. Brown made a Motion to amend the Order to allow direct supervision by a licensed practitioner, regardless of the working hours. Ms. Schilleman seconded the Motion. All Board members voted in favor of the Motion. Ms. Stricklin also questioned whether or not the Board would consider returning her access to controlled substances. Ms. Brown made a Motion to amend the Order to return access to controlled substances under supervision. Ms. Schilleman seconded the Motion. All Board members voted in favor of the Motion. **Ms. Stricklin is in compliance with the terms and conditions of her Order.**

Carrie Frampton,
New Order:

Ms. Frampton met with the Board and indicated she understands the terms and conditions of the Order and that her probation is starting over. She indicated she has no thoughts of relapse and has not relapsed. Ms. Frampton reported she is looking for a new sponsor and attends LDS 12-step meetings. She reported she feels more confident now and believes that the Affinity system will help her keep track of her probation. **Ms. Frampton is in compliance with the terms and conditions of her order.** She will be seen in April.

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Board of Nursing
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Shauna Tall,
Probation Interview:

Ms. Tall stated she is doing okay. She stated she does not keep track of her sobriety date. Ms. Tall tested positive on her urine screens in October and then submitted a letter of apology to the Board. Ms. Tall stated she attends her meetings and has a sponsor. She reported she has a support system in place when she takes Ambien and her daughter takes the car keys at night. Ms. Tall requested she be allowed to work in home health. Mr. Allred indicated he does not feel she is ready to work in home health and is concerned with her thought process to continue to take the medication that put her at risk. Ms. Tall will be seen in April.

Nora Mitchell,
Probation Interview:

Ms. Mitchell did not appear for her scheduled interview. She has not contacted Affinity and has not submitted her paperwork. Ms. Brown made a Motion to refer her for an Order to Show Cause Hearing for non-compliance to the terms and conditions of her Order. The Motion was seconded. All Board members voted in favor of the Motion.

Cheryl Jensen,
Probation Interview:

Ms. Jensen reported she is doing well. She indicated she has had three surgeries since she last met with the Board. The physical evaluation has not been submitted and she indicated she will have it resubmitted. She was just released to return to work in October and has not worked. Ms. Jensen requested that her access to controlled substance be returned. Mr. Allred indicated she has not been on probation for a long enough period of time and the Board would like to monitor her for a longer period of time. **Ms. Jensen will be in compliance with the Order once the physical evaluation has been received.** She will be seen in April 2012.

Emily Wilson,
Probation Interview:

Ms. Wilson requested she be allowed to attend PIR in lieu of AA meetings. She indicated that no one has been at the AA meeting she attends for the last two times. Mr. Allred made a Motion to allow Ms. Wilson to attend PIR meetings in lieu of 12-Step meetings, but she must attend at least four meetings per month. Ms. Bangeter seconded the Motion. All Board members voted in favor of the Motion. Ms. Wilson stated she continues to look for a nursing position. She stated she is not taking any medications not lawfully prescribed for her. Ms. Wilson also questioned

whether or not her Order could be amended to allow for access to controlled substances. Board members indicated the request for access to controlled substances would be denied. **Ms. Wilson is in compliance and will be seen April 2012.**

Ms. Brown indicated she would like to discuss the wording in the new Orders. Several indicate that the supervising nurse or physician must be pre-approved. Other issues are the limitation that the probationer can not work the night shift. These concerns will be addressed later.

Break for Lunch: 11:15 a.m.
Reconvened: 12:30 p.m.

Heather Holms,
Probation Interview:

Ms. Holms continues to work at Salt Lake Regional Hospital. She reported her sobriety date is April 24, 2011. She stated she is not taking any medications not lawfully prescribed for her. Ms. Holms requested access to controlled substances. She has been in continued compliance and Ms. Brown made a Motion to amend the Order to allow access to controlled substances under supervision. Mr. Allred seconded the Motion. All Board members voted in favor of the Motion. Ms. Holmes will be seen in April 2012.

Michael Ross,
Requesting LPN re-licensure:

Mr. Ross met with the Board to request that his LPN license be reinstated. He stated he is an addict in recovery and addicted to narcotics. He stated that addiction led to the surrender of his license. He stated he completed an inpatient program and Drug Court. He submitted a current substance abuse evaluation from South West Mental Health. He submitted documentation of urine screens through Drug Court; however, April 2011 was the last day of urine screens submitted. Mr. Ross is currently in the paramedic program at Dixie College and he indicated that he needs to obtain his LPN license to remain in the program. He submitted a copy of his transcripts for the Board to review. Ms. Brown made a Motion to accept the courses completed in the medical program as meeting the LPN CE requirements. Ms. Schilleman seconded Motion was seconded. All Board members voted in favor. Dr. Hobbins stated there are several options. We could issue a conditional license and then place the license on probation once he has

documented six months of clean urine screens. Ms. Schilleman made a Motion to conditionally issue the license for one year and place the license on probation for 5 years with the standard terms and conditions. However, allow him to work the night shift under direct supervision of a license RN or physician and to work a minimum of 16 hours but not more than 40 hours per week. Ms. Partridge seconded the Motion. All Board members voted in favor of the Motion. Board members questioned whether or not he would be applying to sit for the RN NCLEX examination. Mr. Ross indicated he would like to wait for one year before applying for the RN license.

Jana Keetch,
Probation Interview:

Ms. Keetch did not appear for her scheduled interview. She has not signed up with Affinity and is seeing seven prescribing providers and filling prescriptions at three different pharmacies. Ms. Keetch is totally out of compliance with the terms and conditions of her Order. Ms. Brown made a Motion to refer Ms. Keetch for an Order to Show Cause Hearing for total non-compliance to the terms and conditions of her Order. Ms. Bangerter seconded the Motion. All Board members voted in favor of the Motion.

Karen Shelton,
Probation Interview:

Ms. Shelton reported her unemployment will run out on Monday and things are not looking good for her at this time. She stated she has been approved for disability. Ms. Shelton stated she has no thoughts of relapse and has not relapsed. She stated she will not have the financial means to continue to pay for urine screens. Mr. Allred suggested she attend to her basic needs and then come back to the Board when she is ready to comply with the Stipulation and Order. Ms. Shelton stated she has been thinking of surrendering her license and then after a period of six months, she may consider requesting the license back. Board members indicated the Division would prepare a Surrender document and sent it to her. She needs to make sure she reads the document thoroughly and make sure she understands the terms of the surrender and speak with someone she trusts to look at the document with her.

Lacy Tanner Turley,
Probation Interview:

Ms. Turley stated she had a tough December. She reported she had a job offer but couldn't accept it because it was in home health. Ms. Turley has

completed her evaluation and she will have the evaluator forward them to Ms. Call. Ms. Turley indicated she also has an opportunity to work in a physician office. The physician would be on site; however, this position would only be 10 hours per week at minimum wage. She also reported Sunshine Terrace has a position open in medical records, filing and assisting in passing non-controlled substance medications. Board members indicated they would like to see the job description before considering the request. Her Order requires on site supervision. Ms. Turley also indicated she had the opportunity of taking care of several children in a school setting; however, there would be no supervision. Ms. Partridge stated she has been out of compliance, missed urine screens three times and missed calling into Affinity. Board members expressed concern that since she can not come into compliance and remain in compliance, they will not amend the Order to allow her to work without supervision. She needs to follow the Order, call everyday and make the terms and conditions of the Stipulation her priority. Ms. Parrish stated it is good that she has had so many employment offers and the Board would like to see her succeed, but she needs to be compliant with the Order. Board members question what her sobriety date is. She stated she does not know. She stated she has no thoughts of relapse and has not relapsed. **Ms. Turley is out of compliance with the terms and conditions of her Order.** She will be seen April 2012.

Marc Hancock,
Probation Interview:

Mr. Hancock reported he is doing very well. His employer reports are excellent and he is attending his meetings. He stated he has thoughts of relapse but has not relapsed. He stated he is not currently taking any medications not lawfully prescribed for him. **Mr. Hancock is in compliance** and will be seen April 2012.

Melanie Larsen,
Probation Interview:

Ms. Larsen reported her sobriety date is July 16, 2011. She reported she is in Drug Court and should have the conditions of Drug Court completed by next week. She indicated she will look for a nursing position as soon as her suspension is termination. Ms. Larsen indicated she is attending meetings, has a sponsor and her family is supportive. She reported she had a difficult time over New Year's and it has been difficult

being out of the structured treatment program. Board members reviewed the evaluations and there are some inconsistencies in the report. Ms. Brown made a Motion to terminate the suspension and place her license on probation as outlined in the Stipulation and Order. Ms. Partridge seconded the Motion. All Board members in favor of the Motion.

Sam Bellacomo,
Probation interview:

Mr. Bellacomo reported his sobriety date is July 5, 2010. He stated he has no thoughts of relapse and has not relapsed. He indicated he is currently working, but would like to find a position where he could obtain more hours and benefits. Mr. Bellacomo requested that his access to controlled substances be returned. Ms. Schilleman made a Motion to allow access to controlled substances under supervision. Ms. Brown seconded the Motion. All Board members in favor of the Motion. **Mr. Bellacomo is in compliance with the terms and conditions of his Order.** He will be seen April 2012.

Vai Panter,
Probation Interview:

Ms. Panter reported she is doing very well. Ms. Panter missed calling Affinity December 6, 2010 and she indicated it was a Sunday and she just forgot to call. Ms. Panter indicated she had the opportunity of working in an administrative position at an assisted living center; however, there would be no on-site supervision. The job duties would include scheduling and making sure the facility is in compliance with all regulations. She reported she would not have any access to controlled substances. Ms. Brown made a Motion to allow Ms. Panter to work at Beehive Home Assisted Living facility in an administrative role under general supervision. Mr. Allred seconded the Motion. All Board members in favor. **Ms. Panter is in compliance with the terms and conditions of her probation** and will be seen again in April 2012.

Dawn Wade,
New Order:

Ms. Wade met with the Board and explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of the Order. Ms. Wade stated she is working in a skilled nursing facility. However, she indicated her Order states that she must be working under the direct supervision of a registered nurse. She reported there is always a licensed nurse on the floor, but she is not directly supervised and her employer feels the

supervisor must be on the same unit. Dr. Hobbins indicated that direct supervision would mean that the supervisor be on the floor, and indirect would mean that the supervisor is in the unit. However, it will have to be up to her employer to determine if the supervision provided is adequate to meet the requirement in the Order. Ms. Wade requested that the Order be amended to allow for indirect supervision. Board members indicated it should be kept as written because the supervision requirement ends in six months. Dr. Hobbins also indicated that the evaluator recommends that Ms. Wade receive counseling. Ms. Wade indicated she can not afford a therapist.

Ms. Wade reported her sobriety date was in the middle of October 2011. She stated she has had no thoughts of relapse and has not relapsed. She stated her support system is non-existent. She stated she is not taking any medications not lawfully prescribed for her. **Ms. Wade is in compliance with the terms and conditions of her Order.**

Katy Roach,
Probation Interview:

Ms. Roach reported she is doing very well. She indicated her sobriety date is May 19, 2011. Ms. Roach stated she has had no thoughts of relapse and has not relapsed. Ms. Roach requested the suspension on her license be termination. Ms. Schilleman made a Motion to terminate the suspension and place the license on probation with the terms and conditions outlined in the Stipulation and Order. Ms. Brown seconded the Motion. All Board members in favor of the Motion. **Ms. Roach is in compliance with the terms and conditions of her Order.** Ms. Roach will be seen again in April 2012.

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.

February 9, 2012
Date Approved

(ss) Diana Parrish
Diana Parrish, Chair, Utah Board of Nursing

February 9, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager, Division of Occupational
& Professional Licensing