

**MINUTES**

**UTAH  
BOARD OF NURSING  
MEETING**

**February 9, 2012**

**Room 474 – 4<sup>th</sup> Floor – 8:30 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 8:38 a.m.

**ADJOURNED:** 3:24 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  
Sue Kirby  
John Killpack  
Barbara Jeffries

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS**

January 12, 2012 Minutes:

A Motion was made to approve the January 12, 2012 minutes with corrections. The Motion was seconded. Mr. Killpack and Ms. Jeffries abstained. All other Board members voted in favor of the Motion.

Dr. Hobbins:

Dr. Hobbins reported the recommendation to issue Michael Ross a conditional license for one year and then place his license on probation could not be processed. Dr. Hobbins indicated a conditional license can not be issued to an individual whose license has been suspended. The Division drafted a Stipulation and Order for Mr. Ross to review and sign if he agreed.

Irene Woodford,

Ms. Woodford introduced a new investigator, Laurie

Connie Call,  
Compliance Report:

Mr. Killpack  
Report on Center for Medicare and Medicaid  
Services (CMS) changes regarding Propofol:

Neff. Ms. Woodford submitted a handout regarding the number of complaints received, the number of cases assigned and the number of complaints closed.

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders: Dietrich Quiring, Kaylyn Thompson, Lacy Turley, Shauna Tall, Jason VanDaam and Katherine Roach.

Mr. Killpack stated prior to 2011, propofol administration was limited to Anesthesia Providers per CMS, FDA and manufacturer guidelines. At the request of Endoscopists, ER Physicians and others CMS revisited the rules in 2011. This revision allowed non-anesthesia providers to administer propofol for sedation, subject to the requirements under 42CFR 482, hospital conditions of participation. Mr. Killpack stated his understanding of this requirement is that nurses may administer propofol under the direction of a provider credentialed by the medical staff, and that RN be assigned to administer sedation based on specialized qualifications and competence. Mr. Killpack stated there is concern because nurses are routinely asked to provide general anesthetic levels of sedation. Nurses have expressed concern over the depth of sedation the ordering providers were requiring. RNs questioned whether or not routinely administering general anesthetic levels of sedation are within the scope of practice of a non-anesthesia provider. Mr. Killpack indicated that the American Association of Nurse Anesthetists has a position statement on propofol. This position statement includes the qualifications necessary to administer sedation and analgesia.

Mr. Killpack stated there is nothing in the Practice Act regarding sedation. The hospitals are following CMS guidelines, however outpatient centers have different rules, and if credentialed they follow the credentialing guidelines. Mr. Killpack questioned whether or not the Board would like input from the community. Do we say it is outside the scope of practice? This does not apply to RNs when propofol is given to intubated, ventilated patients in a critical care setting.

University of Utah Drug and Alcohol School:

Dr. Hobbins requested Board members let her know if

they would like to attend the University of Utah Drug and Alcohol School in June.

Adjourned to Probation Peer Committee  
Groups:

Group 1  
Conducting: Marie Partridge  
Secretary: Shirlene Kimball

Board members present: Ms. Partridge, Mr. Allred,  
Ms. Kirby and Ms. Schilleman

Sandy Piatt,  
Probation Interview:

Ms. Piatt stated she has no thoughts of relapse and has not relapsed. Ms. Piatt indicated she has a good support system, has a sponsor and contacts her sponsor once or twice a week. **Ms. Piatt is in compliance with the terms and conditions of her Order** and will be seen May 10, 2012.

Jaimee Anderson,  
Probation Interview:

Ms. Anderson reported she is doing better this quarter and has been attending a relapse group at Odyssey House. Ms. Anderson stated she has had no additional thoughts of relapse and has not relapsed since November. She reported her new sobriety date is November 13, 2011. Ms. Anderson stated she has a good support system at work. She stated the support group she attends has mentors rather than sponsors and she speaks with her mentor every week. Ms. Anderson stated she was in a bad place emotionally at the time of her relapse and is now working on thinking errors. She feels she has learned to recognize the triggers that led to her relapse. She stated she had been clean for almost 5 years and felt she could handle anything. Ms. Anderson stated she is not taking any medications not lawfully prescribed for her. **Ms. Anderson is in compliance with the terms and conditions of her Order.** She will be seen May 10, 2012.

Julie Versteeg,  
Probation Interview:

Ms. Versteeg reported work has been stressful for her recently. Ms. Versteeg stated she does not feel like leaving her home. Committee members encouraged her to find outside activities. Ms. Versteeg reported no thoughts out of the ordinary regarding relapse and stated she has not relapsed. Ms. Versteeg stated she sometimes feels guilty about her choices and speaks with her sister when she feels she needs the extra support. Mr. Allred indicated all her paperwork is in order; however, he expressed concern that Ms.

Versteeg may be setting herself up for a relapse. Ms. Versteeg stated she is seeing a therapist and has a sponsor. **Ms. Versteeg is in compliance with the terms and conditions of her Order. She will be seen again May 10, 2010.**

Jeness Morgan,  
Probation Interview:

Ms. Morgan indicated she is recovering from her December 8, 2011 surgery. She stated she goes to physical therapy and is spacing her medications. She reported the pain medication she is taking is not her drug of choice. She indicated her sobriety date was 2006. Ms. Morgan stated she has no thoughts of relapse and has not relapsed. Ms. Morgan stated she feels she is doing well and questioned when she could request termination of probation. Mr. Allred indicated it is too early in the probation to request termination of probation, but she may want to request that some of the restrictions be lifted. Committee members indicated she appears to be in a good place, she has a great attitude and she needs to continue the recovery process. **Ms. Morgan is compliance with the terms and conditions of her Order.** She will be seen again May 10, 2012.

Jennifer Fredrickson,  
Probation Interview:

Ms. Fredrickson stated work is going well. Ms. Fredrickson indicated she was offered a position as manager of the PACU; however, did not think she could accept it because she could not provide supervision. Committee members indicated her Stipulation does not prevent her from supervising others. Ms. Fredrickson requested her Order be amended to allow for general supervision instead of direct supervision so she can work at night. Ms. Fredrickson stated an LPN or a CNA would always be present. Mr. Fredrickson stated she has been 100% compliant and wondered if the 5 year probation could be reduced. Committee members indicated she would need to remain in complete compliance for a period of time before her request for termination would be considered. Committee members will recommend to the total Board to allow general supervision. **Ms. Fredrickson is in compliance with the terms and conditions of her probation.** She will be seen again May 10, 2012.

Amy Dansie,  
Annual Probation Interview:

Ms. Dansie reported things are going well and she has a great support system. Ms. Dansie has been on

probation for three years and she is requesting early termination of probation. Committee members questioned what she has learned from the probation process. Ms. Dansie stated that at the time of her offense, she was out of balance, trying to do too much at one time. She has now learned to say no and understands her limitations both personal and professional. **Ms. Dansie is in compliance with the terms and conditions of her Order.** Committee members will recommend that Ms. Dansie's probation be terminated.

Kaylyn Thompson,  
Probation Interview:

Ms. Thompson is again out of compliance with the terms and conditions of her Order. Ms. Thompson was scheduled for a urine screen on January 10, 2012, but missed the test. She indicated that when she logs into Affinity she forgets to push check-in. Ms. Thompson stated she has no thoughts of relapse and has not relapsed. Ms. Thompson stated she is not working but had a job interview at the hospital two days ago. Ms. Thompson stated she feels she has done everything she needs to do and feels she is in compliance with the terms and conditions of her Order. Ms. Thompson stated she would like to request that access to controlled substances be returned. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her.

Ms. Schilleman stated a review of the file indicates Ms. Thompson has never been in complete compliance with the terms and conditions of her Order. Ms. Thompson stated in November she paid Affinity, but the account was on hold and she couldn't check in. It took several days for Affinity to straighten this out. Ms. Thompson stated she feels the file is wrong and she produced an e-mail from Division staff excusing her from the 4 days of missed calls in December. Ms. Thompson stated it is not her fault the files are wrong. Ms. Schilleman stated Ms. Thompson always has an excuse and that her non-compliance is someone else's fault. Ms. Thompson stated her only non-compliance is for financial reasons and she can't get ahead if she doesn't have a job. She stated she feels she jumps through hoops every time she meets with the Board. Ms. Thompson stated she thought the Board was here to help her in her recovery. Mr. Allred stated the

Board's role is to protect the public.

Ms. Schilleman stated the Board needs to see all of Ms. Thompson's records and determine where to go from here. Depending on the audit of the chart, the Board would then make a decision whether or not to refer Ms. Thompson for an Order to Show Cause or she can surrender her license. Ms. Thompson stated she would be compliant if Affinity had processed her fees properly. Ms. Call reported to the Committee that all of Ms. Thompson's missed urine screens have been excused and she is in compliance with the Order. Ms. Call indicated that her Order does not require her to call in everyday. Ms. Schilleman indicated she would like the file audited prior to making any recommendations.

Ian Gowans,  
New Order:

Mr. Gowans met with the Board and explained the circumstances that brought him before the Board. Mr. Gowans stated he understands the terms and conditions of the Order. Mr. Gowans submitted a letter from Dr. Potts, but he will need to submit a full evaluation with recommendations. Mr. Gowans stated his sobriety date is December 2, 2011. He stated he has no thoughts of relapse and has not relapsed. Mr. Gowans stated he is attending 12-Step meetings and questioned whether or not he could attend 12-step meetings in lieu of PIR meetings. Board members recommend the Order be amended to allow for either 12-Step meeting or PIR meetings as long as he attends four meetings per month. He stated he is not taking any medications not lawfully prescribed for him. Mr. Gowans questioned whether or not work hours as a CNA would count toward the probation. Board members indicated those hours would not count. **Mr. Gowans is in compliance with the terms and conditions of his Order.** He will be seen again May 10, 2012.

Group 2  
Minute Taker: Connie Call

Members present: Peggy Brown, Diana Parrish,  
Barbara Jeffries, John Killpack and Alisa Bangerter.

Kellie Roring,  
Probation Interview:

Ms. Roring stated she has no thoughts of relapse and has not relapsed. She reported her sobriety date is July 27, 2004. Committee members recommend she meet with the Board annually. Her therapist indicated therapy is no longer necessary and she will not need to

attend therapy. **Ms. Roring s in compliance with the terms and conditions of her Order.** She will be seen February 2013.

Dietrich Quiring,  
Probation Interview:

Mr. Quiring did not appear for his scheduled interview. **Mr. Quiring is out of compliance with the terms and conditions of his probation.**

Lori Wright,  
Probation Interview:

Ms. Wright reported things are going okay. She reported she is having trouble finding a job. Ms. Wright stated she continues to do volunteer work. **Ms. Wright is in compliance with the terms and conditions of her Order.**

DeeAnn Taylor,  
Probation Interview:

Ms. Taylor reported she is doing very well. She indicated she has a sponsor and contacts her weekly. Ms. Taylor is requesting early termination of her probation. **She is in compliance with the terms and conditions of her Order.** Committee members will recommend early termination of probation.

Michael Gearheart,  
Probation Interview:

Mr. Gearheart did not appear for his scheduled interview. He will be re-scheduled for March.

Tricia Schmidt,  
Probation Interview:

Ms. Schmidt reported her sobriety date is January 1, 2011. She stated she is not taking any medications not lawfully prescribed for her. She will have her therapist send a letter stating therapy is no longer required. **Ms. Schmidt is in compliance with the terms and conditions of her Order.**

Tina L'Estrange,  
Probation Interview:

Ms. L'Estrange reported she is doing great and she continues to seek nursing employment. Ms. L'Estrange reported her sobriety date is July 19, 2011. Ms. L'Estrange stated she is attending aftercare, has a sponsor and just completed her 12<sup>th</sup> step in January. **Ms. L'Estrange is in compliance with the terms and conditions of her Order.** She will be seen again May 10, 2012.

Adjourned to Lunch at 11:45 a.m.  
Reconvened at 12:30 p.m.

Janae DeHerra,  
Request:

Ms. DeHerra requested a meeting with the Board to discuss the Nurse Practice Act Rule that states an individual must take the examination within three years of graduation. Ms. DeHerra stated she graduated

from the RN program in 1997; however, did not sit for the examination because she was going to attend medical school. Ms. DeHerra stated that when she graduated, she was told that she had “forever” to take the Board examination and was not aware that the Rule had changed until she contacted the Division. Mr. Killpack stated the Board makes rules to protect the public, and a lot has changed in the last 15 years. Board members stated they do not feel that the Rule should be changed to be more lenient.

Education Committee Report:

Ms. Brown reported Ms. Aiken from Ameritech College submitted a proposal to extend their program from five semesters to six semesters. The recommendation from the Education Committee is to allow their request. All Board members voted in favor of the recommendation.

Lance Bremser,  
New application:

Mr. Bremser recently graduated from an approved nursing education program and submitted a new application for licensure. The application contained documents substantiating his answers on the application. Dr. Hobbins indicated there was a discrepancy between the police report and his narrative. Ms. Parrish requested he explain the circumstance that brought him before the Board. Mr. Bremser stated he used poor judgment in this situation. Ms. Parrish indicated her concern is that he was not completely honest in his narrative. Mr. Killpack stated Mr. Bremser would be placed in a position of trust as a licensed nurse and this incident shows a lack of judgment. Mr. Killpack stated he would like a psychosexual evaluation before making a decision. Mr. Bremser stated he is not unwilling to complete a psychosexual evaluation, but he can not afford it at this time. Mr. Bremser presented several letters of recommendation. Ms. Jeffries stated letters of recommendation are great; however, she would like to see a professional evaluation. Mr. Killpack made a Motion to allow Mr. Bremser to take the NCLEX examination and upon passing the examination and receipt of the psychosexual evaluation indicating he is safe to practice, a full unencumbered license could be issued. However, if there are recommendations from the evaluation, the license would be placed on probation with the recommendations. Ms. Jeffries seconded the Motion. All Board members voted in

Julie Willardson,  
New Order:

favor of the Motion.

Ms. Willardson explained the circumstance that brought her before the Board. Ms. Willardson reported she is attending AA meetings and has a sponsor. She questioned whether or not she could attend AA meetings in lieu of PIR meetings. Board members indicated they would like her to attend the PIR meetings and report back on her assessment of the group. Ms. Willardson stated she is not taking any medications not lawfully prescribed for her. Ms. Willardson stated she just began employment at Roseman University as a faculty member and has been employed about 10 days. She stated the Dean is fully aware of her situation and faculty members have all been very supportive. Board members discussed whether or not she would be restricted from the school setting. Board members indicated there were restrictions for students in clinical if they did not have access to controlled substances. Board members indicated she could not work more than 80 hours in the two week period. **Ms. Willardson is in compliance with the terms and conditions of probation.** She will be seen again May 10, 2012.

Mitchell Jones, Assistant Attorney General  
Irene Woodford, Investigator:

Mr. Jones and Ms. Woodford met with the Board to discuss the language in the Stipulation and Orders. Mr. Jones stated Sections 3-6 and 9-15 are boiler plate language and can not be changed. Section 8 can't be changed, but the alphabetic sections under 8 can be customized. Mr. Jones indicated Dr. Hobbins can make changes to those sections. The Board can also give input on the language. Ms. Brown stated her concern is the new Orders are not allowing individuals to work at night. Nursing is different from other professions and most employers start by having new employees work the evening, night or week-end shifts. Board members also feel direct supervision should be determined on an individual basis after the first 6 months. Board members also recommended taking out the part approving the supervisor. Again, nursing is different from other professions and approving the supervisor would place harder restrictions on the nurse.

The following additional changes were suggested:  
Section (8)(t) needs to be rewritten and the first two

sentences be eliminated. Clarification is also requested regarding three consecutive 12 hours shifts. Also eliminate “during the probationary period” and eliminate “schedule”.

Section (8)(v) change the 40 hours to 48 hours.

Section (8)(z)dd change immediate notification of an address change to notify the Division within 7 days.

Ms. Woodford suggested adding a section that the individual must call every day. Also add to Section (8)(s) the probationer can not work in hospice.

Mr. Jones stated he will make the changes.

Action from Probation Peer Committee:

Jennifer Fredrickson is requesting general supervision. Committee members recommend approval of the request for general supervision. All Board members voted in favor of the recommendation.

Amy Dansie is requesting early termination of probation. Committee members recommended approval of the request for early termination. All Board members voted in favor of the recommendation.

Kaylyn Thompson appears to be in compliance this month; however, Ms. Schilleman requested a complete audit of her file to ensure the information is correct. If she is out of compliance, she will be referred for an OSC Hearing.

Michael Gearheart will be scheduled to meet with the Board March 2012. If he does not appear, he will be referred for an Order to Show Cause Hearing. Ms. Call also reported Mr. Gearheart has two prescriptions for a significant amount of the same controlled substance written two days apart by the same physician. Board members expressed a concern with the change in behavior and requested Division staff follow-up on the prescriptions.

Ian Gowans: Committee members made a recommend to amend his order to allow him to attend either PIR or 12-Step meetings. Mr. Allred opposed the recommendation. All other Board members voted in favor of amending his Order.

Karen Shelton,  
Request to be allowed to work in home health:

Ms. Shelton requested she be allowed to work at Maxim Staffing Agency taking after hours hospice care. Ms. Jeffries made a Motion to deny the request to work in home health. Mr. Killpack seconded the Motion. All Board members voted in favor of the Motion.

Troy Cady,  
Request for early termination of probation:

Mr. Cady has been in total compliance with the terms and conditions of his Order. He was on probation in Arizona for one year, and has been on probation in Utah for 4 ½ years. Mr. Allred made a Motion to terminate probation. Ms. Partridge seconded the Motion. All Board members voted in favor.

*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.*

March 8, 2012  
Date Approved

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

March 8, 2012  
Date Approved

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