

**MINUTES**

**UTAH  
BOARD OF NURSING  
MEETING**

**March 8, 2012**

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

**CONVENED:** 8:40 a.m.

**ADJOURNED:** 3:53 p.m.

**Bureau Manager:**  
**Board Secretary:**

Debra Hobbins  
Shirlene Kimball

**Conducting:**

Diana Parrish, Chair

**Board Members Present:**

Peggy Brown  
Joel Allred  
Alisa Bangerter  
Diana Parrish  
Sue Kirby  
John Killpack  
Barbara Jeffries

**Board Members Excused:**

Debra Schilleman  
Marie Partridge

**Guests:**

Deana Herring, Legislative Auditor (10:40 a.m.)

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS**

February 9, 2011 MINUTES:

Ms. Brown made a motion to approve the February 9, 2012 minutes with corrections. Mr. Killpack seconded the motion. All Board members voted in favor of the motion.

Connie Call,  
Compliance Report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders: Julie Hall, Jason Van Daam, Michael Green, Shauna Tall, Karen Carter, Kim Baker, Synthia Carter, Veronica Banks, Tina Godby, Dawn Wade and Julie Willardson.

Ms. Call reported Tyler Miller has been placed on probation with the Respiratory Board and they will monitor his probation. Ms. Jeffries made a motion that as long as Mr. Miller's probation is monitored by the Respiratory Board, he will not need to meet with the Board of Nursing unless he becomes employed as a nurse. Ms. Brown seconded the motion. All Board members voted in favor of the motion.

Ms. Call reported Lillian Howell requested her urine screen requirement be placed on hold until she becomes employed in nursing. Ms. Call stated if approved, Ms. Howell would have to continue to call Affinity daily and if she missed calling in, the urine screen requirement would be reestablished. Mr. Allred stated he would recommend that the urine screen requirement be kept in place; however, the screens could be at a less frequent basis. If Ms. Howell does not want to follow the terms and conditions in her Stipulation and Order and is not working in nursing, she could surrender the license. Ms. Jeffries made a motion to deny the request. Ms. Bangerter seconded the motion. All Board members voted in favor of the motion.

Dr. Hobbins discussion:

Dr. Hobbins reported she has received a number of phone calls from individuals who have surrendered their license and are requesting re-licensure. These individuals have signed a Stipulation and Order surrendering their licenses for specific periods of time and want to reapply without waiting the period of time outlined in the Order. Mr. Jones, Assistant Attorney General, indicated the individual must abide by the signed document; however if the Board wants to shorten or lengthen the period of time, he would be willing to add that time period for new Orders. Board members indicated since the individual signed the Order, there should be no exceptions and the time period in the Order honored.

Dr. Hobbins also discussed probationers who are consistently non-compliant. Dr. Hobbins stated she feels there needs to be consequences for non-compliance and suggested the Board start issuing fines to get the attention of the probationer who is out of compliance. She suggested issuing \$50.00 or \$100.00 fines. Ms. Jeffries stated she agrees with the issuance

of fines. Mr. Allred stated he also agrees with issuing a fine and it provides the Board with an option other than going to an OSC Hearing. Mr. Killpack stated things happen and there may be a good reason for the non-compliance. Ms. Parrish stated the determination to issue a fine could be on a case by case basis. Ms. Parrish requested Ms. Calls' compliance report be sent with the Board notice and agenda so that Board members can thoroughly review the information prior to Board meetings.

Board members separated into groups at 9:30 a.m.

Group 1  
Conducting Joel Allred  
Secretary: Shirlene Kimball

Board members present: John Killpack, Joel Allred and Alisa Bangerter.

Annette Stricklin,  
Quarterly Probation Interview:

Ms. Stricklin reported she is doing well. She indicated she is not employed in nursing, but has a job interview on Tuesday. Ms. Stricklin reported her sobriety date is May 7, 2008 and she indicated she has no thoughts of relapse and has not relapsed. She indicated she has a good support system and contacts her sponsor weekly. She stated she is not taking any medications not lawfully prescribed for her. **Ms. Stricklin is in compliance with the terms and conditions of her Order.** She will be scheduled to meet with the Board July 12, 2012.

Charlene Espindola,  
Quarterly Probation Interview:

Ms. Espindola stated she is making payments toward her restitution. She reported no current stressors and stated she has a good support system. Ms. Espindola indicated her current frustration is not being able to find work closer to home. **Ms. Espindola is in compliance with the terms and conditions of her Order.** She will be scheduled to meet with the Board July 12, 2012.

Debbie Kilgrow,  
Quarterly Probation Interview:

Ms. Kilgrow stated she is volunteering at Maliheh Free Clinic. Ms. Kilgrow reported her sobriety date is 2004. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking medications that are not lawfully prescribed for her. She stated she understands her Order and takes full responsibility for her actions. Ms. Kilgrow indicated she has had an offer to work in the office for a home

health care agency doing chart review. Ms. Kilgrew questioned if she would be allowed to work in the office. She stated she understands she is not allowed to conduct home visits. Committee members indicated she would need to submit a request in writing along with a job description so Board members can review the position. **Ms. Kilgrew is in compliance with the terms and conditions of her Order.** She will be seen again July 12, 2012.

Shauna Tall,  
Board request:

Mr. Allred questioned whether or not Ms. Tall understands why she was requested to meet with the Board. Ms. Tall stated she did not know. Mr. Allred questioned whether or not she is in compliance with her Order? Ms. Tall stated she is late submitting paperwork and has not been attending PIR or 12-step meetings. Mr. Allred indicated Ms. Tall was invited to meet with the Board to let her know her license is at stake and this is her last chance to come into compliance. Her urine screens have been dilute and she missed meeting with the Board last month. Committee members questioned how long she thinks the Board will be tolerant of non-compliance? Mr. Allred stated the Board's role is to protect the public and to monitor the nurse on probation. This meeting is her opportunity to recommit to being in compliance. Committee members indicated they understand her struggles, but will not accept excuses. The Board still needs documents from the therapist indicating she does not need therapy, or she will need to begin attending therapy. Mr. Killpack stated she has signed the Order and has agreed to the terms listed in the Order. Ms. Tall indicated she understands she needs to come into compliance. **Ms. Tall is out of compliance with the terms and conditions of her Order.** She will be seen again July 12, 2012.

Julie White Hall,  
Quarterly Probation Interview:

Ms. Hall was rescheduled to meet with the Board next month.

Christopher Moore,  
New Order:

Mr. Moore explained the circumstances that brought him before the Board. He stated he has reviewed his Order with Ms. Call and stated he understands the terms and conditions of the Order. Mr. Moore questioned whether or not he could attend LDS 12-Step meetings in lieu of the PIR meetings. Committee members indicated they feel PIR is an

important meeting with other medical professionals and would prefer he attend the PIR meetings. Mr. Moore also questioned whether or not he could have two prescribing practitioners. Committee members reminded Mr. Moore that he signed an Order agreeing to the terms and conditions of the Order. Mr. Moore stated his sobriety date is June 13, 2007 for alcohol and December 22, 2010 for illegal controlled substances. Mr. Moore stated he entered an intensive outpatient program on January 1, 2011. Committee members requested he provide the paperwork from the program and also a letter indicating he is safe to practice. Committee members indicated their primary responsibility is to protect the public and the best measure they have is the paperwork to monitor compliance with the terms of the Order. Mr. Moore stated he has no thoughts of relapse and has not relapsed since December 22, 2010. **Mr. Moore is in compliance with the terms and conditions of Order.** He will be seen again July 12, 2012.

Jason VanDaam,  
Probation Interview:

Mr. VanDaam did not appear for his scheduled interview.

Group 2  
Minute taker: Connie Call:

Board members present: Barbara Jeffries, Peggy Brown, Diana Parrish and Sue Kirby.

Michael Scott Green,  
Quarterly Probation Interview:

Mr. Green did not appear for his scheduled interview. He has failed to submit a psychological and physical evaluation. **Mr. Green is out of compliance with the terms and conditions of his Order.**

Sarah Cormier,  
Quarterly Probation Interview:

Ms. Cormier reported she is doing great at work. She indicated there is always a supervisor who reviews her prescriptions for controlled substances. Ms. Cormier will submit a letter requesting early termination of probation and will include what she has learned from this experience and why she feels she deserves early termination. Committee members also requested a letter of support from the supervisor. **Ms. Cormier is in compliance with the terms and conditions of her Order.**

Steven Booth,  
Monthly Probation Interview:

Mr. Booth indicated he has been clean and sober five years July 2012. Mr. Booth reported he will be having additional surgery and is concerned about taking pain medications. Mr. Booth stated he feels safer having

the surgery while he is under the supervision of the Board and the Division. He reported he speaks with his sponsor daily. He stated he is dealing with stress by reading and identifying the core of his addiction. Mr. Booth explained why he is out of compliance with the terms and conditions of his Order and indicated he was working for two different agencies and he did not properly notify them of his probation. Mr. Booth reported he has resigned from Sunrise Home Health. **Mr. Booth is out of compliance with the terms and conditions of his Order** and will be meeting with the Board on a monthly basis.

Taylor Goodwin Simmons,  
Quarterly Probation Interview:

Ms. Simmons did not answer the telephone for her scheduled interview. She will be contacted next month for her interview.

Tyler Miller,  
Quarterly Probation Interview:

Mr. Miller was scheduled for a telephone interview but was not available.

Lacy Tanner,  
Boards request:

Ms. Tanner was requested to meet with the Board due to her non-compliance. She failed to inform the Board she would not have supervision at the Cache County School District and she missed calling Affinity three times since her last meeting. Committee members helped assist Ms. Tanner in determining her sobriety date, which is January 19, 2011. Ms. Tanner indicated she speaks with her sponsor every two weeks and she has a great support system. Ms. Tanner requested that her Order be amended to allow her to work 15 hours per weeks at the 5 minute clinic and to be allowed to substitute for Cache County School District with special needs children at four different schools in the district. Committee members indicated her request would be presented to the full Board; but she needs to be aware that she may be issued a fine due to the non-compliance to her Order. **Ms. Tanner is out of compliance with the terms and conditions of her Order.** She will be seen July 2012.

Michael Gearheart,  
Probation Interview:

Mr. Gearheart needs to provide a copy of his psychological, chemical and physical evaluations to the Compliance Unit by the end of March. He also needs to submit the AA/PIR attendance record for December 2011 and January 2012. Mr. Gearheart reported his sobriety date is October 18, 2008. Mr. Gearheart is requesting general supervision so he can

work an additional position at his current employment. The position would be Nursing Supervisor dayshift weekend. He is also requesting he be allowed to work 60 hours per week. **Mr. Gearheart is out of compliance with the terms and conditions of his Order.**

Adjourned to lunch at 12:00 noon.  
Reconvened at 12:45 p.m.:

Susan Deahl,  
Application reinstatement request:

Ms. Deahl called indicating she did not feel well and requested she be excused.

Julie Willardson,  
Request to meet with the Board:

Ms. Willardson stated she requested a meeting with the Board to discuss the Nurse Practice Act Rule regarding nursing education program faculty requirements. Ms. Willardson stated that the Nurse Practice Act Rule states that a faculty member must have an unencumbered license in order to teach nursing courses. She indicated she is working at Roseman University and would like to continue to teach didactic courses. Ms. Willardson stated she feels this position is the best place for her. Board members questioned whether or not it would affect her job if she could not teach clinicals? Ms. Willardson stated it would not affect her position. Mr. Killpack stated the public may not understand the difference between didactic and clinicals and may question why an individual on probation is teaching students. Ms. Willardson stated she speaks freely about substance abuse and feels it is a very powerful reminder that becoming addicted can happen to anyone. Board members indicated her Order requires direct supervision. Ms. Willardson stated she visits with the Dean daily and also has a professor who checks in periodically. Ms. Jeffries stated an individual committed to recovery goes through a process of change and she believes Ms. Willardson has experiences she could pass on to the students. Ms. Willardson took steps to correct her problems prior to coming before the Board. Ms. Brown stated it would set a precedence to allow an exception. Ms. Parrish stated the Board could allow a variance on a case by case basis and then re-evaluate the decision. Ms. Parrish stated just because we have done it one way doesn't mean we can't change. Mr. Allred made a motion to allow Ms. Willardson to continue in the

position teaching didactics in the classroom with no clinicals; provide monthly reports; meet weekly with either the supervisor or Dean, meet with the Board for reevaluation in July and then meet for another evaluation again in 6 months to one year. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion. Ms. Willardson will be seen again on July 12, 2012.

Karen Sharp,  
Requesting Re-licensure:

Ms. Jeffries indicated that she is a friend of Ms. Sharp and is not sure whether she should recuse herself from the discussion. However, if she does, there will not be a quorum of the Board to vote. Ms. Sharp stated she is comfortable with Ms. Jeffries participating in the discussion and the vote.

A motion was made 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. Jeffries seconded the motion. All Board members voted in favor of closing the meeting. The meeting was closed at 1:35 p.m.

A motion was made to open the meeting. The motion was seconded. All Board members voted in favor of opening the meeting. The meeting was opened at 1:50 p.m.

Ms. Jeffries made a motion to issue Ms. Sharp's license on a 5-year probation with the standard terms and conditions. Mr. Killpack seconded the motion. All Board members voted in favor of the motion.

Dee Ann Taylor,  
Requesting early termination of probation.

Committee members recommended approval of the request for early termination. All Board members voted in favor of the recommendation.

Mark Steinagel,  
Legislative Report:

Mr. Steinagel stated S.B. 263 has taken a lot of his time this Legislative session and he outlined the process that occurred. Mr. Steinagel stated initially he received a phone call from a Senator who was upset that the Board had withdrawn approval for WGU. Mr. Steinagel reported he indicated to this Senator that the statement was not correct and that WGU was still in good standing with the Board. The following day, he received a call from a lobbyist who had a client that

wanted to put the existing Rule requirement for national accreditation into Statute. Mr. Steinagel stated he informed them that the nursing accrediting bodies do not act independent of the Boards of Nursing. Mr. Steinagel stated he thought everything was fine; then received a call from the lobbyist indicating they were adding language that to be an approved education program, the program must be affiliated with an institution of higher education that is accredited by the Middle States Association of Colleges; New England Association of Schools; North Central Association of Colleges; Northwest Accreditation Commission; Western Association of Schools; and the Southern Association of Colleges and be accredited by the CCNE, NLNAC or the COA. Mr. Steinagel reported there would be no oversight of the Board of Nursing for these programs. Ms. Giani indicated that the Division could oppose the bill. Mr. Steinagel stated he wanted more time to explore the issue, but they said no and the bill was passed. Mr. Steinagel stated he requested implementation after the next Legislative session. The Governors office became involved and the effective date will be January 1, 2013. Mr. Steinagel stated the next step is to gather summary information and provide the Legislative Interim Committee with all the unintended consequences. Mr. Steinagel suggested that the final version be sent to all Board members and Education Committee members. Mr. Steinagel indicated there was concern from the ATC programs because they are not accredited by one of the six accreditation bodies mentioned.

Review Proposed Rule Changes:

Mr. Killpack made a motion to accept the wording change as written in the proposed rule changes for R156-31b-302c regarding the number of times an individual can take the NCLEX examination and the time out of the program. Ms. Bangerter seconded the motion. All Board members voted in favor of the motion.

R156-31b-302c Medication Aide Certification exam. Dr. Hobbins reported Weber State University wants to begin a course for Medication Aide Certified. The current rule needs to be changed regarding the required examination. Ms. Jeffries made a motion to change the exam required to the NCSBN Medication Aide Certification exam. Ms. Brown seconded the

motion. All Board members voted in favor of the motion.

Marsha Taylor,  
Request for early termination of probation:

Ms. Call reported Ms. Taylor has been in complete compliance. Mr. Killpack made a motion to approve Ms. Taylor's request for early termination of probation. Mr. Allred seconded the motion. All Board members voted in favor of the motion.

Stephanie Thomas,  
Request to be allowed to have two prescribing practitioners:

Mr. Killpack made a motion to approve the request for two prescribing practitioners; however, only one prescribing practitioner can prescribe controlled substances. Ms. Bangerter seconded the motion. All Board members voted in favor of the motion.

E-Mails received by the Division:

Dr. Hobbins presented an e-mail regarding LPNs providing physical exams. Board members indicated the LPN can do an assessment, but not a physical exam. Board members indicated it may be outside the LPN scope of practice, but they would like more information. Dr. Hobbins indicated she will request a copy of the form for review next month.

Report from Probation Peer Review Committee:

Debbie Kilgrow is in compliance with her Order; however, she has low creatinine and she indicated she will contact her physician to determine why the level is low.

Shauna Tall is currently out of compliance with the terms and conditions of her Order. Mr. Allred stated he is not sure if she understands her Order; however, she indicated she understands she must come into compliance or she may be referred for an Order to Show Cause Hearing.

Christopher Moore is a new order. He requested he be allowed to attend 12-Step meetings in lieu of PIR meetings and have two prescribing practitioners. Committee members had indicated to him he needs to follow the terms outlined in the Order. However, after further discussion it was recommended that the Order be modified and approve both requests as long as only one prescriber prescribes controlled substances. All Board members voted in favor of the recommendation.

Steve Booth was out of compliance with the terms and conditions of his Order for not notifying his employer

of his probationary status, for not informing the Board he was working at more than one agency, and for altering his license. Mr. Booth will be scheduled to meet with the Board on a monthly basis. Mr. Killpack stated he feels further action should be taken. Board members recommend that Mr. Booth be fined \$50.00 for failure to notify employers of his probation and for altering his license. All Board members voted in favor of issuing a \$50.00 fine.

Lacy Tanner. During her last interview with the Board, her Order was amended to allow her to volunteer at the 5-Minute Clinic in Logan for 10 hours per week under supervision. She is now requesting she be allowed to work 15 hours per week at the 5 minute clinic. She also submitted an employer report signed by a teacher from Cache Valley School District where she worked one day. Dr. Hobbins indicated she spoke with Ms. Tanner and gave her approval, but Ms. Tanner had indicated there were other nurses at the school. She also missed three calling Affinity three times. Ms. Tanner has never been in compliance with the terms and conditions of her Order and Ms. Parrish recommended Ms. Tanner be issued a \$100.00 fine for non-compliance. Board members denied her request to increase the number of volunteer hours at the 5 Minute Clinic. All Board members voted in favor of denying her requests. If Ms. Tanner does not come into 100% compliance, she will be referred for an Order to Show Cause Hearing.

Michael Geaheart is out of compliance because the Division has not received an original psychiatric or physical evaluation; he has not submitted PIR meeting attendance records; did not appear for his scheduled interview last month; and for submitting his paperwork late. Mr. Gearheart reported he has the opportunity to be hired as a supervisor at his place of employment and he would need to be available week-ends. He is requesting he be allowed to practice under general supervision. He stated he will not have access to controlled substances. Board members gave Mr. Gearheart a time limit to submit the required documentation he is missing. Mr. Killpack made a motion to approve general supervision as soon Mr. Gearheart comes into compliance. The motion was seconded. All Board members in favor.

Education Committee Report:

Ms. Brown reported Broadview University met with the Education Committee to provide an update regarding the progress of the program to meet the terms of the Stipulation and Order.

Dr. Coward, Utah State University, met with the Committee to explain that changes that have taken place and the nursing programs at CEU, Uintah Basin, Tooele, Moab. Dr. Coward indicated these campuses will now be under the oversight of Utah State University.

Pharmacist Vaccine Protocol:

Mr. Allred made a motion to support the Board of Pharmacy and the Pharmacist Vaccine Protocol. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

*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.*

May 3, 2012  
Date Approved

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

May 3, 2012  
Date Approved

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