

MINUTES

**UTAH
Board of Nursing
MEETING**

July 10, 2014

**Room 474 4th Floor – 8:30 am
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:33 am

ADJOURNED: 4:28 pm

**Bureau Manager:
Board Secretary:**

Debra Hobbins
Boyce Barnes

Board Members Present:

Ralph Pittman, LPN
Alisa Bangerter, RN
Calvin Kremin CRNA
Megan Christensen, BS public member
M Peggy Brown, MSN
Cescilee Rall, BSN

Board Members Absent:

Diana Parrish, BS public member

Guests:

Janet Sirstins, PCH, Diabetes Clinic
Trina Brown, PCH Diabetes Clinic, Endo U of U
Catherine Sparkes, UDOH, Peds/Endo
Jennifer Howell, Utah State Office of Education
Anmy Mayfield, Rocky Mountain University
Lee Hamilton, PCH Diabetes/Endo U of U
Elizabeth Hinkson, Utah County HD – Alpine School
Margo Hill, Davis School District
Amber Rees, USNA – Nebo School District
Carol Huntington, for Lori Wright
Karen Best on phone conf
Faith Devinny
Lisa Simon

DOPL Staff Present:

Connie Call, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

June 12, 2014 Minutes:

Mr. Pittman made a motion to approve the June 12, 2014 minutes with corrections. Ms. Rall seconded the

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

Nominations for Delegates to NCSBN Annual meeting:

A motion was made to approve Dr. Hobbins and Mr. Steinagel as delegates to the NCSBN Annual meeting in Chicago. The motion was seconded. All Board members voted in favor of the motion.

The meeting was closed in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.

Mr. Pittman made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded. All Board members voted in favor of closing the meeting. The meeting was closed at 8:45 a.m. A motion was made to open the meeting. The meeting was opened at 9:29 a.m.

Group 1
Minute Taker: Boyce Barnes

Erin Rasmussen,
Non-compliance:

Ms. Rasmussen was invited to meet with the Board due to non-compliance with the terms and conditions of her Order. Mr. Pittman conducted the interview. Ms. Rasmussen questioned why the Board considers her out of compliance with her Order. Committee members indicated her therapist report was late and she failed to enter a prescription into Affinity. Committee members stressed the importance of complete compliance. Ms. Rasmussen indicated she is currently looking for work in nursing and was reminded to disclose her Stipulation and Order. Ms. Rasmussen questioned whether she is allowed to administer non-controlled medications to her patients and call in non-controlled substance prescriptions to a pharmacy. Committee members indicated that Ms. Rasmussen could administer the non-controlled medications to patients; however, she cannot call in any prescriptions to a pharmacy. Ms. Rasmussen is formally requesting that she be allowed to attend 4 12-Step meetings in lieu of PIR meetings. Mr. Pittman indicated her request would be discussed with the full Board. Committee members did indicate that she must have a sponsor by August 10, 2014 as required by the Order.

Rachel Zimmermann,
Non-compliance:

Ms. Zimmermann was invited to meet with the Committee to discuss her non-compliance. Ms. Rall conducted the interview. Ms. Zimmermann is non-compliance due to not submitting her therapist report. Ms. Zimmermann indicated she is on the waiting list to get into VOA Cornerstone. Ms. Rall made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Pittman seconded the motion. All Board members voted in favor of closing the meeting. The meeting was closed at 9:42 a.m. Ms. Rall made a motion to open the meeting at 9:45 a.m. Ms. Christensen seconded the motion. All Committee members voted in favor.

Ms. Zimmermann stated she does not have the money to enter treatment. Ms. Zimmermann was reminded that she must comply with her Stipulation and Order and Dr. Hobbins suggested Ms. Zimmermann might want to consider surrendering her license until she enters treatment. Ms. Zimmermann stated she is not currently attending PIR meetings or therapy. Dr. Hobbins reminded Ms. Zimmermann that she needs to be compliant or she will be referred for an Informal Adjudicative Proceeding. The Board is concerned that Ms. Zimmermann is working while being non-compliant and the Board discussed whether to suspend her license. Board members stated that treatment is her most important goal at this time. The Board offered Ms. Zimmermann the option of a limited license. Ms. Zimmermann stated that she would have her signed employment report submitted today. Ms. Rall stressed the importance of entering treatment immediately and that her license be changed to a limited license. Ms. Zimmermann must start attending PIR and AA meetings. Ms. Zimmermann will be requested to meet with the Board next month.

Kelly Powell,
New Order

Ms. Powell met with the Committee and explained the circumstances that brought her before the Board. Ms. Powell's nursing license is currently suspended and she is working at Harmony Home Health as a secretary. Ms. Powell indicated she is currently working on her continuing education and understands that her essay is due in 30 days. Committee members

suggested she make notes regarding any questions she has in regards to the Stipulation and Order and made sure she understand all the terms and conditions so that she can remain in compliance with the Order.

Jeffrey Jones,
New Order:

Mr. Jones explained the circumstances that brought him before the Board. Committee members discussed the Stipulation and Order with Mr. Jones and stressed the importance of reviewing his Order often to make sure he is in compliance with the terms and conditions of the Order.

A Motion was made to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded. All Board members voted in favor of the motion. The meeting was closed at 10:45 a.m. A Motion was made to open the meeting. The motion was seconded. All in favor of opening the meeting. The meeting was opened at 10:55. Mr. Jones disclosed to Committee members that new charges are pending through the Court. Mr. Jones was requested to submit the documents to Ms. Call.

Alecia Hall,
New Order:

Ms. Hall explained the circumstances that brought her before the Board. Committee members discussed the Stipulation and Order and Ms. Hall stated she understands the terms and conditions of the Order. Ms. Hall stated she disagrees with several sections. Ms. Hall indicated she felt having to contact the board within a certain period for the emergency room visit was concerning. Dr. Hobbins explained the reasons why it is in the Order. Ms. Hall stated she is not currently working and indicated she has not started the cognitive restructuring course yet. Committee members reminded Ms. Hall she must remain in compliance with the terms and conditions of her Order if she is to remain in compliance.

Amy Coleman,
New Order:

Ms. Coleman explained the circumstances that brought her before the Board. Ms. Coleman was reminded to read her Stipulation and Order and if she has any questions to contact Ms. Call. Ms. Rall explained the Limited License and Ms. Coleman might consider

signing a limited license agreement.

Group 2
Minute taker: Connie Call

Dusti Jo Hall,
non compliance:

Ms. Hall expressed concerns and frustrations regarding her therapist. Committee members indicated Ms. Hall could change therapists if she decides to do so. Ms. Hall indicated she is thinking about relocating to Arizona and questioned what she would have to do to be licensed there. Ms. Call explained the process. Ms. Hall submitted an essay and Committee members recommend accepting her essay.

Lori Wright,
Non-compliance:

Ms. Wright indicated that her positive urine screen resulted from taking Nyquil to help her sleep. Ms. Wright was informed she needed to be more careful when taking medication to make sure there is no alcohol in the medication. Ms. Wright stated she has great family and friends for support. Ms. Wright indicated she is having problems finding employment.

Jamie Partridge,
New Order:

Ms. Partridge did not appear for her scheduled interview. However, it is believed that Ms. Partridge remains in an in-patient treatment program and would not be able to attend.

Amy Stone,
Evaluation review:

Committee members reviewed the evaluation with Ms. Stone. Committee members recommended she obtain a mentor and attend the cognitive restructuring class.

Anne Montgomery,
New Order:

Ms. Montgomery explained the circumstances that brought her before the Board. Ms. Montgomery stated she understands the terms and conditions of her Order. Ms. Montgomery reported her sobriety date is May 13, 2014. She reports she has good family support.

Leslie Mitchell,
New Order:

Ms. Mitchell failed to meet with compliance staff prior to the meeting and is out of compliance with the Order.

Brett Alexander,
New Order:

Mr. Alexander explained the circumstances that brought him before the Board. Mr. Alexander stated he understands the terms and conditions of the Order. Committee members recommended Mr. Alexander

complete a cognitive restructuring class.

Reconvene to Full Board:

Board discussion:

A Motion was made to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded. All Board members voted in favor of the motion. The meeting was closed at 12:27 p.m. A Motion was made to open the meeting. The motion was seconded. All in favor of opening the meeting. The meeting was opened at 12:44 p.m. Mr. Pittman made a motion to offer Karen Sharp a Surrender document to surrender her license so that she can focus on what she needs to do. If she does not want to surrender her license, Board members will require a hair analysis; add back urine screens and attendance at PIR meetings. The motion was seconded. All Board members voted in favor of the motion.

Report from Committees:

Erin Rasmussen: Committee members recommended Ms. Rasmussen be allowed to attend four 12-step meetings per month in lieu of two 12-step and two PIR meetings. Board members unanimously approved the recommendation.

Rachel Zimmermann: Ms. Rall made a motion to refer Ms. Zimmermann for an Informal Adjudicative Proceeding. Ms. Christensen seconded the motion. All Board members voted in favor of the motion.

Amy Stone: Committee members recommended Ms. Stone complete a Cognitive Restructuring course and obtain a nurse mentor. All Board members voted in favor of the recommendation.

Brett Alexander: Committee members recommended Mr. Alexander be allowed to have two prescribing practitioners. All Board members voted in favor of the recommendation.

Review proposed Rule additions:

Mr. Kremin made a motion to accept the proposed changes. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Lunch Break at 11:58 a.m.
Reconvened at 12:45 p.m.

Karen Burton:

Ms. Brown reviewed Ms. Burton's request to reinstate her access to controlled substances. Ms. Burton stated she did not intend on passing narcotics at work, but felt that obtaining access is the natural progression of her recovery. Ms. Burton is in compliance with the terms and conditions of her Order. Mr. Pittman made a motion to approve Ms. Burton's request and allow access to controlled substances. Ms. Rall seconded the motion. Four Board members voted in favor of the motion, two opposed. Motion passed.

Discussion regarding School Nurses, and LPN scope of practice:

Lisa Simon indicated she is a Nationally Board Certified School Nurse working in the public school setting. Ms. Simon indicated she is seeking clarification of changes in the Nurse Practice Act Rule and clarification on delegation by an RN to UAPs regarding insulin administration and G-tube medication administration, as well as the role of an LPN regarding the training of UAPs. Ms. Simon submitted a list of questions for the Board's review. Ms. Simon participated by telephone. Dr. Hobbins reported that there have been no changes in the Nurse Practice Act.

Ms. Simon questioned whether the RN could delegate G-tube medication administration to an unlicensed person. Board members indicated that routine medications do not include G-tube medication and school nurses can only delegate routine medication. Medication Aides may not dispense G-tube medications per the Nurse Practice Act Rule.

Ms. Simon questioned if the delegation of insulin administration to UAPs for in between meal high blood glucose readings would be in compliance with the new Rule. Board members indicated no, and this was clarified with nurses present from Primary Children's Medical Center.

Ms. Simon questioned if it is permissible for an LPN to train UAPs working in the school setting how to administer the following, if the training is not student

specific: asthma rescue inhalers and nebulizers, oral medications, epi-pens, insulin via pumps/pens/syringe and vial, glucagon, g-tube feedings and g-tube medications?

The new rule allows for an RN to delegate a “scheduled doses of insulin” to a UAP. Does the Board consider the administration of insulin using set ratios established by an established chart (insulin to carb and correction dose) to fit the definition of “scheduled dose of insulin.”

Guest, Janet Thurston, indicated that if a correction dose is not given at the time of the pre-meal dose, it is not to be given if it is within three hours of a meal. Ms. Thurston indicated that a scheduled dose needs to be clarified. Can an unlicensed person give, 5-7 year olds a carb dose and a correction dose in the school setting?

Ms. Rall indicated that the Granite School District has an insulin nurse come in to give the dose or the child self-administers. Guest, Amber Reese, stated in most schools, there is not enough money for insulin nurses to come into the schools.

A licensed person can give insulin if it does not require the assessment, judgment and evaluation of a nurse. A nurse may determine if the person is competent to the nurse’s judgment and satisfaction. Otherwise, it should not be delegated. A nurse is ultimately responsible and must use due diligence as it is under her license. The nurse should document everything that they teach, train and should evaluate on a regular basis.

Insulin should not be given outside the noontime meal and orders are written on a chart. The pre-meal dose is a combination of carbohydrate ratio dose and, if necessary, a correction (high blood sugar) and together, is considered one dose.

The unlicensed individual cannot give medication through a G-tube. Venting is not specifically addressed and the nurse would need to check for the community standard of care.

Rebecca McInnis:

Ms. McInnis was licensed in Utah as a CNM in 2002. In May 2012, she let her license lapse. When she renewed the CNM license, she indicated that she had current national certification. However, at that time, her national certification had also lapsed. Ms. McInnis was issued a citation and fine. Ms. McInnis stated she completed an MSN in December 2013. Ms. McInnis stated she needs to obtain the RN license in order to obtain the CNM certification. A statement from Texas indicates that her RN license was revoked due to the Utah issues and she does not have a current RN license. Therefore, she was eligible for the CM Certificate, but not the CNM certificate, which is necessary for licensure in Utah. Ms. McInnis did not disclose on her application for CNM that she had only received CM certification and the CNM license was denied. Ms. McInnis stated she surrendered her CNM license once it was discovered she was not nationally certified. Ms. Bangerter questioned how it came to her attention that she was not certified. Ms. McInnis stated that the Division notified her that she was not certified and issued a fine. When questioned whether she has been seeing patients or delivering babies, she indicated she has not. Ms. McInnis stated that all of the issues have been taken care of; she has paid her citations and fines, and repaid the payment to the patient whose insurance would not cover care because she had not been licensed at the time of care, although she indicated at that time, that she was licensed.

The meeting was closed in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Pittman made a motion to close the meeting at 2:25 p.m. Ms. Rall seconded the motion. All Board members voted in favor of the motion. Mr. Pittman made a motion to reopen the meeting. Ms. Christensen seconded the motion. All Board members voted in favor of the motion. The meeting was opened at 2:37 p.m.

Ms. Bangerter made a motion to issue an RN license to Ms. McInnis on a three-year probation with the following conditions: complete a cognitive restructuring course; complete a professional and legal

accountability course; maintain her license; submit self-assessment reports; submit a personal essay; notify the Board of any address change and/or move to another State; and other standard Stipulation terms and conditions. The motion also included a peer review physician who is on the consultation and referral plan to oversee her work; quarterly review by Board; 10% chart review by the supervising physician quarterly. Mr. Pittman seconded the motion. All Board members voted in favor of the motion. However, it is noted that as an RN, she will not have a consultation and referral plan to have the 10% chart review, or quarterly physician review and supervision.

Gena Schmidt:

Ms. Schmidt submitted a re-licensure application as an LPN. Ms. Schmidt's interview was conducted by telephone. Ms. Schmidt indicated she is currently living in Nevada, but does not have her Nevada nursing license. Ms. Schmidt indicated she surrendered her Utah license and last practiced as a nurse seven years ago. Ms. Schmidt stated that the facts in the Stipulation and Order were not correct and that she only administered Botox to herself, her boyfriend, and the micro dermabrasion to herself only.

Mr. Pittman made a motion to issue Ms. Schmidt an LPN license on probation for four years with the standard terms and conditions: employer reports, monthly self-assessment reports, one time personal essay, cognitive restructuring course, professional ethics course. Ms. Christensen seconded the motion. All board members voted in favor of the motion. Ms. Schmidt stated she is not sure she wants to sign the Stipulation and Order. A motion was made that once the Stipulation and Order is drawn up and mailed to Ms. Schmidt, she must return it within 30 days or the application will be denied. The motion was seconded. All Board members voted in favor of the motion.

Julie Porter,
Non-compliance:

Ms. Porter did not appear for her scheduled interview.

Connie Call, Compliance
Compliance report:

Mr. Pittman made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional

competence, or physical or mental health of an individual. Mr. Kremin seconded the motion. All Board members voted in favor of closing the meeting. The meeting was closed 3:40 p.m. Mr. Pittman made a motion to reopen the meeting. Ms. Christensen seconded the motion. All Board members voted in favor of opening the meeting. The meeting was opened at 4:15 p.m.

-Marie Gygi: Ms. Gygi's essay was accepted; however, Ms. Gygi is out of compliance and will be scheduled to meet with the Board next month.

-Starla McRae: Ms. McRae's essay was accepted by the Board.

-Diane Judkins: Ms. Judkins' essay was not approved and Ms. Judkins will need to redo the essay.

-Tige Hazelton: Mr. Hazelton does not have a DEA registration and has surrendered his CRNA license. He currently holds the RN license.

-Tracy Schroeder: Ms. Schroeder will need to follow Dr. Courtney's recommendations.

-Linda Doan: Ms. Doan's essay review was tabled.

Discussion regarding standing Orders:

Board members indicated they were not clear on the email question regarding standing orders.

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.

9/11/2014
Date Approved

(ss) Peggy Brown
Peggy Brown, Chairperson, Utah Board of Nursing

9/11/2014
Date Approved

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