

MINUTES

BOARD OF NURSING MEETING

October 23, 2014
Room 474 – Fourth Floor – 8:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:30 a.m.

ADJOURNED: 4:56 p.m.

Bureau Manager:

Suzette Farmer, Ph.D., RN

Board Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Division Staff:

Mitchell Jones, Assistant Attorney General

Conducting:

Peggy Brown, MS, RN, 8:30 a.m. – 9:00 p.m.
Cescilee Rall, BSN, RN, 9:00 a.m. – 4:56 p.m.

Board Members Present:

Peggy Brown, MS, RN
Alisa Bangerter, BS, RN
Ralph Pittman, LPN
Diana Parrish, BS, public member
Cescilee Rall, BSN, RN
Megan Christensen, BS, public member
Steven Higginson, MSN, RN
Sheryl Steadman, Ph.D., APRN
Debra Hobbins, DNP, APRN

Board Members Excused:

Calvin Kremin, MSN, CRNA
Katherine Oswald, MSN, RN

ADMINISTRATIVE BUSINESS:

**Introduction of Suzette Farmer,
Bureau Manager:**

Dr. Farmer introduced herself to the Board and provided a brief overview of her professional background. Board members welcomed Dr. Farmer as the new Bureau Manager.

**Administer Oath of Office to Debra
Hobbins, new Board member:**

Dr. Farmer administered the Oath of Office to new Board member, Debra Hobbins. Board members welcomed Dr. Hobbins.

September 11, 2014 Minutes:

Ms. Parrish made a motion to approve the September 11, 2014 minutes as written. Mr. Pittman seconded the motion. The Board vote was unanimous.

**Mitchell Jones,
Presentation – Board’s Role and
Responsibilities:**

Mr. Jones met with the Board to discuss the Board’s role and responsibilities in considering information provided during a Board meeting, at Informal Adjudicative Proceedings and for Formal Hearings. Mr. Jones stated that Board business must be conducted in accordance with the Open and Public Meetings Act. Mr. Jones reminded Board members that all Board meetings are recorded. Mr. Jones stated there are a number of individuals who listen to the recordings and in some instances transcripts are being made of the meetings. Mr. Jones also indicated Board members should not discuss cases outside the meeting room. He indicated there have been several complaints that Board members discuss cases in the hallways and restrooms. Mr. Jones reminded Board members that some of the documents provided are very sensitive and these documents should never be taken out of the meeting room.

Mr. Mitchell indicated that on occasion Board members will receive a telephone call regarding an individual or an issue that may come before the Board. The proper response when approached would be “I can’t talk to you about it, you will need to contact DOPL.” Let DOPL and the Board know you have been contacted if the issue comes before the Board. If a Board members wants or needs to be recused from a discussion, that decision is left up to the Board member.

Marilyn Johnson:

Ms. Johnson canceled her meeting with the Board.

Connie Call,
Compliance Report:

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Parrish seconded the motion. The Board vote was unanimous. The meeting was closed at 8:45 a.m. The meeting was opened at 9:05 a.m.

Ms. Brown left the meeting due to illness. Ms. Rall proceeded to chair the meeting.

Dr. Farmer – Discussion regarding a change to the Nurse Practice Act Rule, R156-31b-202:

Dr. Farmer reported on a meeting that included Mark Steinagel and members of a group representing proprietary schools with nursing education programs. At that meeting, a recommendation was made to expand the Peer Education Committee and increase the number of Committee members from five to seven, and to include at least one representative from a public, private and proprietary nursing education programs. Dr. Farmer provided a copy of the proposed rule change to Board members for review. Chuck Ericson, Chief Operating Office from the Eagle Gate College Group requested that a representative from Eagle Gate College or Provo College be considered for a position on the Committee. Mr. Ericson stated he was in support of the change. Dr. Farmer stated that if the Board approves the Rule, it will be presented at the Education Committee meeting and a rule would be implemented.

Dr. Hobbins made a motion to accept the proposed rule changes as presented. Mr. Higginson seconded the motion. The vote to accept the proposed rule change was unanimous

Lisa Young,
Relicensure application:

Ms. Young met with the Board to request re-license. She indicated she surrendered her license in 2006 due to substance abuse. Ms. Young reported her sobriety date is December 2, 2012 and she indicated she has been in recovery since that date. Ms. Young stated she has completed the refresher course through Weber State University. Mr. Pittman questioned if she has any thoughts of relapse. Ms. Young stated she has no thoughts of relapse and has not relapsed since the December 2, 2012 date.

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Higginson seconded the motion. The vote to close the meeting was unanimous. The meeting was closed at 9:26 a.m. The meeting was opened at 10:01 a.m.

Dr. Hobbins made a motion to issue Ms. Young's license on 5-year probation with the standard terms

and conditions of a drug related stipulation and order. Ms. Parrish seconded the motion. The Board vote was unanimous.

Kenneth Cook,
Informal Adjudicative Proceeding:

Mr. Jones indicated Mr. Cook was notified of the meeting; however, Mr. Cook was not present for the proceeding. Debra Hobbins was recused since she was the Bureau Manager at the time the Notice of Agency Action was signed.

Mr. Jones provided the Board with the following documents: Notice of Agency Action; Mr. Cook's response to the Notice of Agency Action; Ogden Police Report; minutes of the February 13, 2014 Board of Nursing meeting; March 5, 2014 letter to Mr. Cook from the Division; and information, sentence, judgment, commitment and statement supporting guilty plea; and the Division's proposed probation terms and conditions.

Mr. Jones indicated Mr. Cook submitted a response to the Informal Adjudicative Proceeding and admitted to numbers one, three and four of the Notice of Agency Action. Mr. Jones indicated Mr. Cook's response goes into great length, discussing his medical conditions and disagreeing with the police reports. Mr. Cook objected to the police description of the events that occurred.

Mr. Jones indicated that Mr. Cook initially submitted a renewal application along with court documents and police reports and was requested to meet with the Board to discuss the circumstances surrounding the March 6, 2012 incident. Mr. Cook met with the Board February 2014 in which the Board requested Mr. Cook complete a neurological evaluation. Mr. Cook had been charged with and pleaded guilty to unlawful detention and interference with arresting officer. Mr. Cook did not plead guilty to using a dangerous weapon to detain a victim. The judgment and conviction on November 1, 2012 was for unlawful detention and drawing a dangerous weapon. Mr. Cook's response was that he does not deny the counts.

Mr. Jones contacted Officer Caygle of the Ogden

Police Department by telephone. Officer Caygle provided a narrative of what happened when he responded to the 911 call and the events of Mr. Cook's March 6, 2012 arrest. The Division and Board members asked several questions of Officer Caygle.

Mr. Jones stated the Division recommends Mr. Cook's license be revoked with a stay and the license be immediately suspended until Mr. Cook successfully completes a neuropsychological evaluation and a physical evaluation from an evaluator approved by the Division; and that each evaluator provide an evaluation report to the Division stating that Mr. Cook can safely practice as a nurse; complete any treatment recommended by the evaluators; and that Mr. Cook meet with the Board and the Board determines that he can safely practice as a nurse. Once the suspension is lifted, the license should be placed on probation for a period of five years with probationary terms and conditions.

The meeting was closed at 10:30 a.m. in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. The meeting was opened at 11:12 a.m.

The Board found unanimously, that Mr. Cook engaged in the unprofessional conduct as set forth in the Notice of Agency Action that bears a reasonable relationship to Mr. Cook's ability to safely and competently practice as a nurse.

Ms. Parrish made a motion that Mr. Cook's license to practice as a licensed practical nurse be revoked, the revocation stayed, and the license immediately suspended until Mr. Cook successfully completes a neuropsychological evaluation and a physical evaluation from an evaluator approved by the Division; that each evaluator provide an evaluation report to the Division stating Mr. Cook can safely practice as a nurse; that he successfully complete any treatment recommended by the evaluators, and that Mr. Cook meet with the Board and the Board

determines that he can safely practice as a nurse. Once the suspension is lifted, place Mr. Cook's license on probation for a period of five years, with probationary terms and conditions. Dr. Steadman seconded the motion. The Board vote was unanimous.

Divided into Groups at 11:15 a.m.
Group 1
Suzette Farmer, Bureau Manager
Shirlene Kimball, Secretary

Members present: Megan Christensen, Ralph Pittman, Cescilee Rall, and Debra Hobbins.

Rachel Zimmermann,
Non-compliance:

Ms. Zimmermann reported she has been attending AA meetings weekly. Ms. Zimmermann did not submit her self-assessment report for October and the therapist report was received late. Ms. Zimmermann reported she last used drugs April 13, 2014 and has been off all controlled prescriptions since August 11, 2014 so she feels her sobriety date is August 11, 2014. She stated she has no thoughts of relapse and has not relapsed. Ms. Zimmermann stated she does not have a sponsor, and does not work the steps because she is attending Odyssey House. Mr. Pittman indicated Ms. Zimmermann needs to find a sponsor within the next 30 days.

Alecia Hall,
Non-compliance:

Ms. Hall is being seen for non-compliance. Her self-assessment reports were late for August and September and she did not submit employer reports for September or October. Ms. Christensen reminded Ms. Hall she must read and understand her Order and make sure she is in compliance with all terms and conditions of the Order.

Brett Alexander,
Non-compliance:

Mr. Alexander stated he has been attending PIR meetings on Sundays and checking-in with Affinity everyday. He stated he cannot afford to complete the neuropsychological evaluation. He indicated his plan is to find employment outside of nursing and save up his money so that he can complete the evaluation. He also needs to pay a \$1600.00 fine. Board members suggested he may want to sign a limited license Stipulation and Order so that he can address his recovery without worrying about meeting the terms and conditions of the Stipulation

and Order. Mr. Alexander stated he would like to sign a Limited Stipulation and Order.

Mr. Alexander stated he is attending PIR meetings and has not worked in nursing since June 2014. Mr. Pittman stated that if he does sign the Limited Stipulation and Order, that he hopes Mr. Alexander will continue to work on recovery and attend 12-step meetings.

Rebecca Davis,
Non-compliance:

Ms. Davis submitted her 12-step and PIR meeting attendance reports late for June and September. The employer and self-assessment reports were received late in September. Ms. Davis missed checking in with Affinity once in June 2014, once in July 2014 and once in August 2014. Ms. Davis stated she attends 12-step meetings and has completed the steps. She indicated she is working on step 4 again. She reported her sobriety date is June 17, 2013, and has no thoughts of relapse and has not relapsed. Mr. Pittman stated she is getting close to the end of her probation, and if she continues to be non-compliant, the Board will not recommend termination of probation. Dr. Hobbins recommended that Ms. Davis be issued a \$200.00 fine due to non-compliance. Ms. Christensen seconded the motion. All Committee members voted unanimously in favor of the motion.

Kelly Powell,
Her request:

Ms. Powell requested a meeting with the Board to discuss her employment at Parkway Health and to request she be allowed to work at Harmony Home Health. Ms. Powell's employer was present at the meeting. Ms. Powell indicated she would have direct supervision at all times at Parkway Health and at Harmony Home Health. Committee members indicated Ms. Powell's Order does not indicate she cannot work in home health, only that she has to have indirect supervision as defined in the Order. Ms. Powell's employer indicated that according to the Order, indirect supervision would require another nurse in the facility. He questioned if they could create some sort of time line, have Ms. Powell supervised directly for 30 or 60 days, then move forward and not have the nurse in the home, but to have Ms. Powell check in with him on a

daily basis and he would review the documentation. Dr. Hobbins indicated that an Order is not usually amended so soon after being signed by the probationer. The Board finds it best to monitor the individual for a period before making modifications. Mr. Pittman stated Ms. Powell's Order does not prevent her from working in home health; however, she needs to be under indirect supervision with a nurse onsite when Ms. Powell is practicing. Ms. Rall suggested Ms. Powell come back to the Board in six months to make the request. Mr. Pittman suggested have both the supervising nurse and Ms. Powell sign the charts, have a random chart audit every two month and the Board could reevaluate her request in six months. Ms. Powell will be responsible for requesting this meeting.

Amy Nau,
Non Compliance:

Ms. Nau failed to submit paperwork due July 1, 2014. Committee members indicated that based on her history of non-compliance, she needs to be very mindful of submitting her documents on a timely basis. Ms. Nau stated she does not have a sobriety date because she does not have any issues with drugs. She indicated she diverted the medications for someone else. Ms. Nau stated she feels the probationary restrictions regarding the number of hours she can work are restricting her ability to find employment that will allow her to be home with her child. Committee members indicated she has not been on probation long enough for the Board to make an amendment to the Order to allow her to work more hours. Mr. Pittman made a motion to fine Ms. Nau \$50.00 based on the short period of time Ms. Nau has been out of compliance for missing paperwork.

Helen Gallegos,
New Order:

Ms. Gallegos did not meet with the Board.

Hyeshik Koo,
New Order:

Ms. Koo explained the circumstances that brought her before the Board. Ms. Koo stated she understands the terms and conditions of her Order. Ms. Koo's evaluation was reviewed and the evaluator recommends Ms. Koo attend therapy. Ms. Koo indicated that she does not have the

money to see a therapist, and is trying to find a nursing position.

Layne Lowry,
New Order:

Mr. Lowry explained the circumstances that brought him before the Board. Mr. Lowry indicated he was placed on probation in Nevada and Utah mirrored Nevada's Order. Mr. Lowry indicated he is compliant with Nevada's Order. He indicated for the Utah Order, the only additional information he needs to provide is the self-assessment and employer reports. He stated he is not currently working as a nurse and has not worked as a nurse since the end of November 2013. He stated he is looking for a nursing position. Mr. Lowry stated he feels like he has been punished twice, once by Nevada and once by Utah. He stated his Nevada Order does not allow him to work in home health or any area where he is not supervised. Mr. Lowry indicated he would like to work with an agency where he would be assigned work at the same ER with the same supervisor and questioned why he would not be allowed to work in the ER where he would have the same supervisor each time. Committee members indicated working with an agency; he may not be placed in the same area with the same supervisor each time he works. The reason for the same supervisor is so that if there were any problems, the supervisor would pick up those issues more quickly. Committee members indicated they would like to see a period of compliance prior to making any modifications to Mr. Lowry's Order.

JoAnne Somers,
Review Order:

Ms. Somers did not appear for her scheduled interview.

Group 2
Diana Parrish, conducting
Connie Call, minute taker

Members present: Diana Parrish, Sheryl Steadman, Steven Higginson and Alisa Bangarter.

Leslie Mitchell,
Non-compliance:

Ms. Mitchell indicated her reasons for being placed on probation were for forging the signatures of three Medicare patients on Notice of Medicare Coverage Forms. She stated she does not have issues with substance abuse and questioned why she has to submit prescriptions if admitted to the

emergency room. Committee members indicated they feel it is important that this section remain in the Order and Committee members will recommend Ms. Mitchell's request to amend her Order be denied.

Suzanne Menatti,
Non-compliance:

Ms. Menatti is being seen for non-compliance. Ms. Menatti missed check-in one time in June, July, and August. She has not submitted copies of her prescriptions. Ms. Menatti was reminded she needs to submit her prescriptions to the Division for acceptance of the information she is entering into Affinity. Ms. Menatti was also reminded she must check in with Affinity everyday.

Lori Wright,
Non-compliance:

Ms. Wright is being seen for non-compliance. Ms. Wright notified the Division on September 3, 2014 that she was working in a home health care setting. She was informed that her Order does not allow her to work in home health and yet Ms. Wright continued to work there without authorization. Committee members recommended Ms. Wright be fined \$500.00.

Katherine Roach,
Her Request:

Ms. Roach canceled her appointment with the Board.

Julie Porter,
Non-Compliance:

Ms. Porter was out of compliance with her Order when she decided to sign a non-disciplinary surrender. The non-disciplinary surrender was in place for a short period of time when Ms. Porter decided she was ready to return to work. The non-disciplinary surrender was terminated August 14, 2014 and her Stipulation and Order was reinstated. Ms. Porter has been out of compliance since that time. Ms. Porter submitted her paperwork late, has not submitted the required evaluations, and she had a positive EtG on September 15, 2014. Committee members indicated to Ms. Porter that she needs to come into compliance with the terms and conditions of her Order. Committee members did not make any recommendations at this time.

Nina Manning,
Non-compliant:

Ms. Manning did not appear for her interview. Ms. Manning is non-compliant for being terminated from her employment and failing to notify the

Division. Her drug screens have been prescription positive. She was sent a surrender document per her request but failed to sign and return it.

Robin Walker,
Non-compliance:

Ms. Walker is being seen for non-compliance for failure to submit her paperwork due July 1, 2014. She submitted the paperwork October 1, 2014 along with her October reports. Committee members indicated she must submit all paperwork by the due date.

Rebecca McInnis,
New Order:

Ms. McInnis explained the circumstances that brought her before the Board. Ms. McInnis indicated she is self-employed and questioned who would fill out the employer report. She has a supervising physician who is rarely in the clinic and she does not speak with him very often. Ms. McInnis also questioned what happens to the probation on the RN license if she gets her CNM license back. She also questioned section 8(1)m. Committee members indicated they will discuss her situation and questions with the full Board.

Michele McArdle,
New Order:

Ms. McArdle explained the circumstances that brought her before the Board. Ms. McArdle questioned if she would be required to submit another psychological and physical evaluation because she was required to submit these evaluations prior to signing the Stipulation and Order. Ms. McArdle also questioned if she would be allowed to call into pharmacies for thyroid medication. Committee members indicated that they would discuss this request with the Board.

Carol Gittins,
New Order:

Ms. Gittins explained the circumstances that brought her before the Board. Ms. Gittins stated she did not inject the medications. However, she did test positive for the missing medications. She reported her sobriety date is 2009. Ms. Gittins indicated she understands the terms and conditions of her Order.

Jeffrey Alleman,
New Order:

Mr. Alleman explained the circumstances that brought him before the Board. He requested he be allowed to have two prescribing practitioners and fill prescriptions at two pharmacies. Committee

members will recommend that the full Board approve the requests. Mr. Alleman stated he understands the terms and conditions of his Order.

Report from Committees:

Rebecca Davis: Ms. Davis was fined \$200.00 for non-compliance with the terms and conditions of her Order.

Kelly Powell: Ms. Powell requested she be allowed to work under general supervision. The request was denied, however, she can meet with the Board again in six months and the Board will consider her request again. Her order does not state she cannot work in home health, but she must work under indirect supervision. Ms. Powell indicated to Committee members she would work under indirect supervision with another nurse with random chart audits every two months.

Amy Nau: Ms. Nau was fined \$50.00 for non-compliance and was given fourteen days to submit her report to Ms. Call.

Leslie Mitchell: Ms. Mitchell requested section 8(1)m of her order be modified to eliminate the requirement to submit prescriptions if admitted to the emergency room. She indicated she does not have a standard drug stipulation. The recommendation from the committee is to deny the request. She must submit the prescripts from the Emergency Room to the Board/Division. All Board members voted unanimously. Ms. Mitchell's essay was also accepted.

Lori Wright: Ms. Wright has been practicing in home health. Ms. Wright was informed a month ago that she could not work in home health and has continued to do so. The Committee fined Ms. Wright \$500.00. Board members discussed requesting a current psychological and physical evaluation since her last evaluation was in 2007 and she is having difficulty coming into compliance with her Order. Board members did not make a determination regarding the evaluation at this time.

Katherine Roach canceled her appointment. However, she is requesting early termination of

probation. Mr. Pittman made a motion to deny her request based on non-compliance and she has not been on probation for a long enough period. Ms. Christensen seconded the motion. All Board members voted unanimously in favor of the motion.

Rebecca McInnis; Ms. McInnis had several questions regarding who should sign her employer report since she is self employed. Ms. McInnis also questioned what happens to her RN probation if her CNM license was returned. Ms. McInnis also questioned whether her hours would count if she is working as the director of her clinic and not working as a nurse. Board members indicated she must provide a job description prior to the Board making a decision. Ms. McInnis also questioned why she needs to provide documentation if she is seen in the emergency room. The Board did not approve any modifications to the existing Order.

Michele McArdle: Ms. McArdle has a new order. She provided a psychological and physical evaluation prior to signing the Stipulation and Order and has requested that the Board accept these evaluations. Board members indicated that if she provides the name of the evaluator to Ms. Call and the evaluator is approved, the evaluation could be accepted if it provides all the necessary information and recommendations are included. Ms. McArdle also requested she be allowed to call in thyroid medications to a pharmacy. Ms. Bangerter made a motion to deny the request to call in thyroid medication or any other medication because there would be no way to monitor that she was only calling in the thyroid medication. Ms. Christensen seconded the motion. All Board members voted unanimously in favor of the motion.

Jeffrey Alleman: Mr. Alleman has a new Order and is requesting he be allowed to have two prescribers and two pharmacies. Committee members recommend approval of the request. All Board members voted unanimously in favor of the Committee's recommendation.

Ms. Call,
Probationer Requests:

Julie Hall: Ms. Hall requested early termination of probation. Board members indicated that she wrote

an excessive amount of prescriptions and due to the egregiousness of her initial charge, she would need to remain on probation. Mr. Higginson made a motion to deny the request. Ms. Christensen seconded the motion. All Board members voted unanimously.

Diane Judkins: Ms. Judkins requested her suspension be lifted. Mr. Pittman made a motion that based on the evaluation, the suspension be lifted and Ms. Judkins license be placed on probation with the terms and conditions outlined in her Order, along with the evaluator's recommendations for treatment and continue to attend PIR or 12-Step meetings and continue random drug screens. Mr. Higginson seconded the motion. All Board members voted unanimously.

Amy Coleman: Ms. Coleman's evaluations were reviewed. Mr. Pittman made a motion to follow the recommendations in the evaluation and require Ms. Coleman to continue to attend either PIR or 12-Step meetings weekly and continue in treatment. Ms. Christensen seconded the motion. All Board members voted unanimously.

Jeffrey Jones: Mr. Jones submitted his essay. The essay was accepted by the Board.

Dee Ann Taylor: Ms. Taylor's evaluations were reviewed. Mr. Pittman made a motion to follow the recommendations from the evaluators including treatment for period of six months, monitored drug screens, attend PIR and 12-Step meetings weekly, in addition to all terms and conditions in her Order. Ms. Parrish seconded the motion. All Board members voted unanimously.

Karen Burton: Ms. Burton request her Order be amended to allow her teach classes at Nightingale College Nursing Program. Mr. Pittman made a motion to allow her to work 16 hours online teaching classes with Nightingale College. Ms. Parrish seconded the motion. Six Board members in favor of the motion: Ralph Pittman, Diana Parrish, Alisa Bangerter, Megan Christensen, Steve Higginson and Cescilee Rall. Sheryl Steadman and

Meeting Closed meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.

Review Requests from William Schwarz:

Debra Hobbins abstained. Motion passed.

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Parrish seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 4:30 p.m. The meeting was opened at 4:50 p.m.

Please note: In the September 11, 2014 minutes, Mr. Schwarz's name was misspelled as Schwartz. The correct spelling is Schwarz.

Board members answered Mr. Schwarz's questions and indicate the following:

- Once the Stipulation and Order is amended and the suspension lifted, Mr. Schwarz will receive a written copy of the Amended Order lifting the suspension and will receive a new probationary/restricted license in the mail. The Division/Board will not send out written authorization stating that it is appropriate for Mr. Schwarz to begin sending resumes and seeking employment. It is Mr. Schwarz's responsibility to remain in compliance with the terms and conditions of his amended Order. Any nursing position he accepts must meet the criteria of the Order.
- Renewal information regarding Mr. Schwarz's APRN license is outlined in the Nurse Practice Act and Nurse Practice Act Rule. Mr. Schwarz is responsible for completing the renewal process and submitting all required documentation and fees.
- In order to prescribe controlled substance, Mr. Schwarz will need to follow all applicable state laws and any requirements of the DEA. The DEA is a Federal agency and determines the status of Mr. Schwarz's DEA license. Mr. Schwarz will need a current DEA license to obtain access to the Utah Controlled Substance Database. Mr.

Schwarz is responsible for meeting all requirements and completing all necessary activities related to obtaining his DEA license. Once he has obtained a DEA license, he should contact the Utah Controlled Substance Database and complete requirements for access.

- The Compliance officer will not notify Mr. Schwarz of deficiencies regarding his Order. It is Mr. Schwarz's responsibility to read and understand the Order and to maintain accurate records of his activities and submit all required paperwork as scheduled.
- The California Decision and Order accepting the Voluntary Surrender of Me. Schwarz's California Registered Nursing License was not considered. The surrender was not related to his Utah Stipulation and Order nor was it relevant to any recommendations related to his licensure in Utah.

Mr. Pittman made a motion to deny Mr. Schwarz's request to reduce his fine or to convert his fine to community service. This request was not within the purview of the Board. However, Mr. Schwarz can contact the Division to see if he can arrange a payment schedule. Ms. Bangerter seconded the motion. All Board members voted unanimously in favor of the motion.

Mr. Pittman made the following motion: The physical evaluation and physical fitness for duty evaluation completed by Dr. William Boyd is accepted. Board members also accept the neuropsychological fitness for duty evaluation finalized by Dr. Sugerman on October 20, 2014. Based on the recommendations in the neuropsychological evaluation, Board members recommend that the suspension of Mr. Schwarz's APRN and APRN Controlled Substances license be lifted with the following conditions: All terms and conditions of the March 5, 2012 Stipulation and Order shall remain in effect with the addition of the following requirements as stated

in Dr. Sugerman's evaluation:

- Psychotherapeutic interventions should occur once per week for a period of not less than 1 year. Monthly reports of progress are to be submitted to the Division's Compliance Officer and the Board of Nursing. Any alteration of therapy schedule should occur based on provider recommendations and consideration by the Division and the Board prior to change. The focus of the therapeutic intervention should be to assist in developing more accurate self-appraisal and more accurate situation appraisal, intended to diminish the likelihood of decisions emerging from personal arrogance and entitlement.
- Practice must occur under the Direct Supervision of a supervising nurse or physician pre-approved by the Division and Board. "Direct Supervision" as defined by Utah Administrative Code R156-1-102a[4][a] means that the supervising licensee is present and available for face-to-face communication with Respondent when and where nursing services are being provided.
- Practice must be evaluated by a Peer Supervisor. "Peer Supervision" shall be defined as an APRN, acceptable to the Division and the Board, who agrees to provide clinical review of Mr. Schwarz's clinical work in the context of usual and customary standards of practice. The Peer Supervisor must agree to be available to Mr. Schwarz on a scheduled basis to review his clinical practice. For the first 90 days of practice, weekly contact is recommended. Frequency of contact may be increased or decreased as recommended by the Peer Supervisor. A record of all contact shall be maintained and available to the Division or the Board, upon request. Subsequent Peer Supervision contact shall occur at minimum once per month for a period of two years, or more frequently as recommended by the Peer Supervisor. A plan of contact with the

Peer Supervisor including intended goals and frequency/circumstance of contact shall be agreed upon and submitted to the Division and the Board for review.

- Any changes in regards to supervision, peer review, or interventions will need to be submitted to the Division and Board for review and approval of the adjustment.

Mr. Higginson seconded the motion. All Board members voted unanimously 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.

12/11/2014
Date Approved

(ss) Peggy Brown
Peggy Brown, Chair, Board of Nursing or
Cescilee Rall, Chair-elect, Board of Nursing

12/11/2014
Date Approved

(ss) Suzette Farmer
Suzette Farmer, Bureau Manager,
Division of Occupational & Professional Licensing