

MINUTES

**BOARD OF NURSING
MEETING**

**December 12, 2014
Room 474 – Fourth Floor – 8:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:30 a.m.

ADJOURNED: 4:17 p.m.

Bureau Manager:

Suzette Farmer, PhD, RN

Board Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

Peggy Brown, MS, RN

Board Members Present:

Peggy Brown, MS, RN
Alisa Bangerter, BS, RN
Diana Parrish, BS, public member
Cescilee Rall, BSN, RN
Megan Christensen, BS, public member
Steven Higginson, MSN, RN
Sheryl Steadman, PhD, APRN (8:30 – 12:00)
Debra Hobbins, DNP, APRN
Katherine Oswald, MSN, RN
Ralph Pittman, LPN

Board Members Excused:

Calvin Kremin, MSN, CRNA

ADMINISTRATIVE BUSINESS:

October 23, 2014 Minutes:

Dr. Steadman made a motion to approve the October 23, 2014 minutes with corrections. Ms. Parrish seconded the motion. The vote was unanimous.

November 13, 2014 Minutes:

Ms. Parrish made a motion to approve the November 13, 2014 minutes with corrections. Mr. Higginson seconded the motion. Mr. Pittman abstained. All other Board members voted in favor of the motion.

Rules:

The following sections of rule were reviewed:

- R156-31b-602 and R156-31b-603: Dr. Hobbins made a motion to approve the changes and to file the Rule as presented. Dr. Steadman seconded the motion. The

vote was unanimous.

- R156-31b-301c(2)(C)(II): Ms. Rall made a motion to approve the changes and to file the Rule as presented. Ms. Christensen seconded the motion. The vote was unanimous.
- R156-31b-301b(3). Ms. Parrish made a motion to accept the proposed changes and move forward with filing the proposed changes. Dr. Hobbins seconded the motion. The vote was unanimous.

Proposed Nurse Compact Model Act revisions: Dr. Farmer indicated there were minimal proposed changes to the PN and RN Compact. Dr. Farmer reported proposed versions to the APRN Compact Model Act had the most changes. These changes were specific to the need to license the APRN by their role. Steadman stated she would recommend the Board follow the Consensus Model and make the necessary changes to our rule. Board members indicated the Division has the Boards support for the proposed Model Act Compact changes.

Medication Aide Certified: Dr. Farmer indicated that Education Committee members approved two additional Medication Aide programs, Stevens-Henager College at Provo and Mountainland ATC. Dr. Farmer indicated both programs would like to begin enrolling students in January 2015. There are now three approved Medication Aide programs in the state. Dr. Farmer indicated the Division is working with NCSBN to secure an examination contract. The Medication Aide Certification Examination (MACE) should be available in five or six months. The estimated cost to take the examination is \$80.00

**Connie Call,
Compliance Report and
Probationer requests:**

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Orders:

- Layne Lowry – late paperwork.
- Betty Edwards – missing prescriptions.

Ms. Call indicated the following individuals are requesting amendments to their Orders:

- Tracy Schroeder is requesting that her access to controlled substances be returned. Ms. Rall made a motion to return Ms. Schroeder's access to controlled substances. Ms. Parrish seconded the motion.
Discussion: Mr. Pittman voiced concern that Ms. Schroeder has only been on probation since January and is concerned with the short length of time she has been monitored by the Board. Ms. Parrish indicated she feels it would be helpful for the Board to monitor her practice with access. Mr. Pittman opposed the motion. All other Board members voted in favor of the motion. The motion passed.
- Sara Swearingen: Committee members reviewed the evaluations for Ms. Swearingen. According to the evaluation, Ms. Swearingen does not have a substance use disorder. However, the evaluator recommended Ms. Swearingen continue to see her therapist on a regular basis and that she be closely monitored if she has access to medications. Ms. Rall made the following motion: Ms. Swearingen must:
 - Continue to see her therapist and submit therapist reports;
 - Continue with urine screens;
 - Attend 12-Step meetings as outlined in her Order;
 - Cannot work in home health or any other setting where supervision is not available; and
 - Follow all other terms and conditions of the current stipulation and Order.Ms. Parrish seconded the motion. The vote was unanimous.
- Ann Montgomery: Ms. Montgomery requested her suspension be lifted. Mr. Pittman made a motion to deny the request until Ms. Montgomery submits the physical evaluation and fitness for duty letter. Mr. Higginson seconded the motion. Dr. Hobbins opposed the motion. All other Board members voted in favor of the

motion.

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.

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. Rall seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 9:26 a.m. The meeting was opened at 10:15 a.m.

**Lisa Pledger,
Renewal application:**

Ms. Pledger submitted a renewal application with several “yes” answers on the qualifying questionnaire.

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. Rall seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 10:30 a.m. The meeting was opened at 10:46 a.m.

Ms. Pledger stated she has not worked since December 9, 2013 and does not plan to go back to work until the end of February 2015. Dr. Hobbins made a motion to have Ms. Pledger:

- Obtain a physical, psychological and substance use disorder evaluation;
- Provide a fitness for duty letter from all evaluators; and
- Submit a BCI report.

Upon receipt of the additional documentation, a determination will be made whether to place Ms. Pledger’s license on probation.

Mr. Higginson seconded the motion. Discussion: Mr. Pittman made a motion to amend Dr. Hobbins’ motion and renew the license pending further information to determine whether the license should be placed on probation. No second was made to Mr. Pittman’s amended motion. The motion died.

Mr. Pittman made a motion to suspend Ms.

Pledger's license until her evaluations are completed and received, and then place the license on a five-year probation with all the terms and conditions of a substance use disorder Stipulation and Order. Ms. Rall seconded the motion. The vote was unanimous.

**Leisha Flink,
Relicensure application:**

Ms. Flink surrendered her license August 2013.

Ms. Flink reported to the Board that she:

- Has been in counseling and her therapists feel she is ready to return to work;
- Would like to return to nursing part time and work in home health if possible, then work her way back to full time nursing;
- Continues to meet with her therapist once a month; and
- Agrees that she would benefit by being monitored by the Board for a period of time. Board members reminded Ms. Flink that if she were placed on probation, it would be a public action. Ms. Flink stated she is concerned that the action will be public, but understands.

Board members recommended the following:

- Place Ms. Flink's license on a two-year probation with the following terms and conditions:
 - Submit therapy report;
 - Submit self-assessment reports;
 - Submit employer reports;
 - No restrictions on the number of hours she can work per week; and
 - No restrictions regarding area of practice, however, she must check with the Board before accepting a position in a home health agency.

Ms. Rall seconded the motion. The vote was unanimous.

**Michael Ludwig,
His request:**

Mr. Ludwig met with the Board to request that his probation be termination. Mr. Ludwig indicated his DUI offense happened nearly 10 years ago. He is current with all terms and conditions of his probation. Mr. Ludwig stated he wants to return to school to obtain his BSN degree. He indicated he

has maintained sobriety for seven years. He stated he has no DUI's since high school and his last charge was possession of marijuana when he was 24. Ms. Parrish made a motion to terminate probation. Mr. Pittman seconded the motion. The vote was unanimous

**Break for lunch 11:12 a.m.
Reconvened at 12:55 p.m.**

**Group 1
Ralph Pittman, Conducting
Shirlene Kimball, Secretary
Suzette Farmer, Bureau Manager**

Board members present: Ms. Rall, Mr. Pittman, Mr. Higginson, Ms. Christensen, Dr. Hobbins and Ms. Oswald.

**Layne Lowry,
Non compliance:**

Mr. Lowry submitted his employer report. Mr. Lowry is current on all reports with Nevada. Mr. Lowry stated he has not worked as a nurse since the end of November 2014.

Mr. Lowry stated the reason he is out of compliance is due to having to be in compliance with two state Boards and not understanding the paperwork for Utah. Mr. Lowry stated he spoke with NCSBN who indicated that Utah had control over his Order and did not have to follow Nevada's Order. Board members indicated that since Nevada conducted the investigation, Utah would follow the Nevada Order. Mr. Lowry stated he understands he was not professional when he covered the mouth of a patient, and when he yelled at another patient, but he stated he never harmed the patient. Mr. Lowry stated he was under a lot of personal stress, has received counseling and is a different person than he was a year ago. Mr. Lowry is requesting changes to his Order. Board members indicated that he should submit his requests in writing.

**Rebecca Holm,
New Order:**

Ms. Holm explained the circumstances that brought her before the Board. Board members:

- Accepted her essay, and requested that she submit another one in six months so the Board can review her progress; and
- Approved the continuing education outline Ms. Holm presented. She focused on geriatrics and developed a skills assessment

one-on-one with another nurse. However, if additional information is received as a recommendation of the evaluation, she will need to follow that recommendation. Ms. Holm stated:

- She understands the terms and conditions of the Stipulation and Order;
- She is currently working at Avalon Valley Rehabilitation inputting data to determine eligibility and benefits; and she
- Requested permission to work more than 40 hours per week. She requested that she be allowed to work an extra 12-hour shift every other weekend in order to maintain her nursing skills.

**Betty Edwards,
New order:**

Ms. Edwards explained the circumstances that brought her before the Board. Ms. Edwards stated she relapsed on alcohol and went to work intoxicated. Ms. Edwards indicated the following:

- August 12, 2014 is her sobriety date;
- She has a sponsor and attends AA twice a week; and
- She is not currently working.

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. Christensen seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 2:06 p.m. The meeting was opened at 2:10 p.m.

- Ms. Edwards stated she understands the recommendation to complete a neuropsychological evaluation at a later date, if necessary.
- Committee members reviewed and accepted the essay with the recommendation that she resubmit an essay in six months to review her process.
- Ms. Edwards requested approval for two prescribing practitioners, a psychiatrist and surgeon. The surgeon is the only practitioner prescribing pain medications. Committee members will recommend

approval of the request.

**Jan Clements,
New Order:**

Ms. Clements explained the circumstances that brought her before the board. Ms. Clements stated that she:

- Understands the terms and conditions of the Order;
- Has a private practice where she works part time, and works at Visiting Physician Services part time; and
- Has completed several continuing education courses and is registered for the PACE course in January.

Committee members did not accept the essay submitted. Ms. Clements will need to resubmit another essay within 30 days.

**Helen Gallegos,
New Order:**

Ms. Gallegos explained the circumstances that brought her before the Board. She stated she was accused of improper care of a pediatric patient. She stated that she:

- Understands the terms and conditions of her Order;
- Has not yet seen a therapist because she does not have the financial resources at this time;
- Was recently hired as a medical assistant and her insurance will go into effect January 1, 2015. She will schedule a therapist appointment after that date; and
- Would like to find daytime employment as a nurse. She stated she does not want to work at night.

Ms. Gallegos is out of compliance because she failed to complete the required evaluations within 60 days of signing her Order. Committee members indicated she must make the appointment for the evaluations within the next 30 days. Mr. Pittman also explained the limited license, suspension and voluntary surrender. Ms. Gallegos stated she does not want to surrender her license.

**Group 2
Peggy Brown, conducting**

Board members present: Ms. Bangerter, Ms. Parrish, and Ms. Brown.

Connie Call, minute taker

**Chelsea Ennis,
New Order:**

Ms. Ennis explained the circumstances that brought her before the Board. Ms. Ennis stated that she:

- Has read her Order and understands the terms and conditions of Order.

Ms. Ennis was reminded she must complete the required continuing education by January 27, 2015.

**Barry Erickson,
New Order:**

Mr. Erickson explained the circumstances that brought him before the Board. Mr. Erickson reported the following:

- He has read his Order and stated he understands the terms and conditions.
- He explained that his employers are not willing to complete an employer report. Committee members discussed different options if the employer will not fill out the reports. Mr. Erickson was asked if he could send copies of his patient satisfaction reports and he stated he would check with his employer to see if the employer would agree.

**Diana Ball,
New Order:**

Ms. Ball was excused because the Division mailed the notification letter to the wrong address. Ms. Ball will be scheduled for the next meeting.

**Lisa Young,
New Order:**

Ms. Young stated that:

- She understands the terms and conditions of her Order;
- Her sobriety date is December 2, 2012; and
- She is concerned about finding a nursing position because of the probation.

Ms. Young is in compliance with the terms and conditions of her Order.

**Veronica Banks,
Annual probation interview:**

Ms. Banks reported that:

- She cannot find nursing employment because of the terms and conditions of probation.
- She is keeping her license current by completing continuing education.

Ms. Banks is in compliance with the terms and conditions of her Order.

Full Board reconvened at 3:38 p.m.

Probation Committee reports:

The following recommendations were made from Committees:

• **Rebecca Holm:**

- Approve the continuing education plan she submitted.
- Accept her essay and request that she submit another essay in six months that includes the effects of her behavior on herself and her patients.
- Approval of the request to add one 12-hour shift every other weekend and to accept her essay.

The vote in favor of the recommendation was unanimous.

• **Betty Edwards:**

- Follow the recommendations from the evaluation. Complete an intensive outpatient treatment program, continue in therapy, random drug screens, continue with prescribed medications, attend AA meetings twice a week, and have a neuropsychological evaluation completed six months after she discontinues her medications;
- Allow two prescribers until no longer under the care of a surgeon; and
- Accept her essay. She must submit a second essay in six months addressing her progress.

The vote in favor of the recommendations was unanimous.

- **Helen Gallegos** is out of compliance with the terms and conditions of her Order and needs to submit her evaluations. She has 30 days to obtain the evaluations.
- **Chelsea Ennis** is requesting that the requirement to attend 12-step meetings, drug screen and the restrictions on the number of hours she can work be terminated. She would also like to be allowed to call in prescriptions. Committee

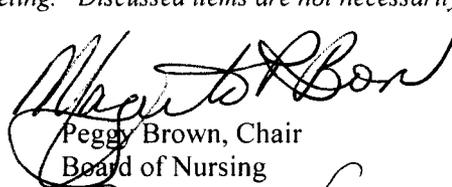
members recommend her Order be amended and terminate section (1)o, attendance at 12-step meetings; (1)s, number of hours worked per week; and (1)w, contacting pharmacy. However, the request to terminate drug screens was denied. Mr. Pittman opposed the recommendation. All other Board members voted in favor.

- **Barry Erickson's** employer is refusing to sign the employer report. Committee members discussed ways to receive a report regarding employment. Mr. Erickson requested that he be allowed to submit the patient satisfaction summary reports if his employer agrees. A motion was made to table the discussion until Mr. Erickson checks with the employer to find out if his employer will agree to the proposal.
- **Lisa Young's** evaluation indicated she would need to undergo counseling. Board members approve the recommendation. Ms. Young's essay was accepted.

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.

1-8-2015
Date Approved

1/8/15
Date Approved



Peggy Brown, Chair
Board of Nursing



Suzette Farmer, Bureau Manager,
Division of Occupational & Professional Licensing