

**MINUTES**

**BOARD OF NURSING  
MEETING**

**March 12, 2015  
Room 474 – Fourth Floor – 8:30 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:30 a.m.**

**ADJOURNED: 3:30 p.m.**

**Bureau Manager:**

Suzette Farmer, PhD, RN

**Board Secretary:**

Shirlene Kimball

**Compliance Specialist:**

Connie Call

**Conducting:**

Cescilee Rall, BSN, RN

**Board Members Present:**

Peggy Brown, MS, RN

Alisa Bangerter, BS, RN

Cescilee Rall, BSN, RN

Megan Christensen, BS, public member

Steven Higginson, MSN, RN

Debra Hobbins, DNP, APRN

Calvin Kremin, MSN, CRNA

Ralph Pittman, LPN

Katherine Oswald, MSN, RN

**Board Members Excused:**

Diana Parrish, BS, public member

Sheryl Steadman, PhD, APRN

**Guests:**

Maureen Kaufmann, UNA

**ADMINISTRATIVE BUSINESS:**

**February 12, 2015 Minutes:**

Dr. Hobbins made a motion to approve the February 12, 2015 minutes with corrections. Ms. Christensen seconded the motion. The vote in favor was unanimous.

**Dr. Farmer – reminder:**

There will be a two-day hearing in April.

**Connie Compliance:**

Ms. Call reported:

- Tiffany Pickett is a new Order and will be requesting early termination of probation
- Mendy Stucki is a new Order. She is self employed and would like clarification

regarding who she should have submit employer reports

- Regan Simpkins is requesting clarification regarding what type of mental health/psychological evaluation he must submit
- Lisa Pledger is a new Order and the Board needs to review her evaluations to determine if the evaluation she completed meets the mental health evaluation criteria
- Carol Gittins is out of compliance due to having three different prescribing practitioners
- Helen Gallegos has not submitted any of the required documentation and is out of compliance with the terms and conditions of her Stipulation and Order

Ms. Call stated the following probations have made the following requests:

- Susan Merryweather: Approval of a second pharmacy to fill her prescription she cannot afford to pay for from her primary pharmacy. Mr. Pittman made the motion to allow the second pharmacy to fill the prescription requested. All other prescriptions must be filled at the primary pharmacy. Ms. Brown seconded the motion. The vote in favor was unanimous.
- Sherrie Sutch: Return her access to controlled substances. Dr. Hobbins made a motion to deny the request. Ms. Bangerter seconded the motion. The vote in favor was unanimous.
- Cami Hyatt: Approval of a second prescribing practitioner
  - 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. Dr. Hobbins seconded the motion. All Board members voted

unanimously to close the meeting. The meeting was closed at 8:51 a.m. The meeting was opened at 9:01 a.m.

- Dr. Hobbins made a motion to amend the Order to allow a second prescribing practitioner. Mr. Pittman seconded the motion. The vote in favor was unanimous.

**Jamie Partridge,  
Informal Adjudicative Proceeding:**

Ms. Partridge did not appear for the Informal Adjudicative Proceeding. Mr. Jones indicated:

- The Notice of Agency Action and supporting documents were to Ms. Partridge December 30, 2014 to her last known address in Spanish Fork.
- Mr. Jones read into the record the allegations supporting the Informal Adjudicative Proceeding.
- The allegations included:
  - Ms. Partridge called in a fraudulent prescription for Tylenol with Codeine for herself using the name and DEA registration of her employer.
  - Pleaded guilty to one count of retail theft
  - Submitted an application for renewal and submitted false information to the Division stating she had not been arrested for any offense since her last renewal
  - Failed to check-in with Affinity on sixty-three occasions between October 1, 2014 and December 4, 2014
  - Failed to provide a sample for drug screens on September 29, 2014, October 8, 2014 and November 19, 2014
  - Failed to submit any paperwork
  - Failed to complete require courses
  - Failed to submit psychological, physical and substance use disorder evaluations

- Obtained prescriptions for controlled substances from four different prescribing practitioners and filled the controlled substance prescriptions at three different pharmacies
- Mr. Jones stated the Division is requesting that Ms. Partridge's license be revoked and she not be allowed to reapply for a nursing license for a period of five-years

The Board meeting was closed at 9:12 a.m. to allow the Board to deliberate. The meeting was reopened at 9:14 a.m.

- Board members found, by a preponderance of the evidence, that Ms. Partridge engaged in unprofessional conduct by violating the terms and conditions of her Stipulation and Order as outlined in the above allegations
- Ms. Brown made the motion to revoke Ms. Partridge's license and she cannot reapply for a nursing license for a period of five years. Mr. Pittman seconded the motion. The vote was unanimous in favor of the motion.

**Nathan Beesley,  
review of evaluations:**

The following motions were made:

- 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. All Board members voted unanimously to close the meeting. The meeting was closed at 9:20 a.m. The meeting was opened at 9:34 a.m.
- Dr. Hobbins made a motion to require Mr. Beesley to complete the psychological evaluation within the next six weeks. The evaluation must include recommendations from the evaluator and a treatment plan. Based on the recommendations and treatment plan from the evaluator, the Board will determine whether Mr. Beesley needs to complete an inpatient or outpatient

treatment program or if any additional requirements are necessary. Mr. Pittman seconded the motion. The vote in favor of the motion was unanimous.

- Mr. Pittman made a motion to accept Mr. Beesley's essay; however, Mr. Beesley must submit another essay in six months regarding what he has learned from the process. Mr. Higginson seconded the motion. The vote in favor of the motion was unanimous.

**NCSBN Midyear Meeting:**

Ms. Brown indicated that she and Ms. Rall will be attending the NCSBN Midyear Meeting next week. Dr. Farmer indicated Mr. Higginson has agreed to attend the NLC Delegate meeting in May.

**Break at 9:40 a.m.**

**Reconvened at 9:50 a.m.**

**Calvin Kremin, discussion regarding Propofol:**

Mr. Kremin discussed the administration of propofol by non-anesthesia providers. Mr. Kremin stated:

- His concern from a quality standpoint is the increased risk for patients of non-anesthesia providers
- The packaging for propofol has a Black Box warning and requires an individual educated and trained in general anesthesia to administer propofol
- There is no reversal medications for propofol
- There is an increased risk when the patient has been given moderate sedation, has lost an airway and the nurse does not have a lot of experience with intubations
- Those administering propofol may not know that propofol is a soy-based product and there is an increased risk for allergies
- Upon review of the different State statutes, half of the State Boards of Nursing had taken a stance regarding non-anesthesia providers. Those states with independent Boards are more likely to have a statement

for propofol and those that are umbrella agencies are less likely to have a statement

- Not having a definitive statement is leaving the RN in a very difficult position
- It falls back to the community standard; however, updating ACLS every two years does not make an individual competent to establish an airway.

Ms. Brown indicated it is a quality issue for an agency and each agency will have to determine their policies and procedures. Ms. Bangerter stated that physicians feel since they are right there, they can handle anything that happens. However, it may not be realistic to think that the physician can continue with the procedure and provide help for the patient.

Mr. Pittman stated the Board discussed this issue and was informed they could not issue a position statement. Dr. Farmer stated that the Division reviews complaints; however, this is an issue that would need to be taken to the Legislature.

Ms. Brown stated she feels that the RN should not administer medications that do not have a reversal agent. Ms. Rall indicated that there are several medications that have the black box warnings and some of these medications are administered in the school setting with informed consent. Board members suggested that the UNA may want to consider a discussion regarding anesthesia agents (non-reversible) used by non-anesthesia personnel at their next convention. Dr. Farmer stated it is important for the public and nurses to be informed.

Ms. Rall stated that if the nurse is giving a medication with a black box warning, training has to be extensive; the nurse needs to recognize symptoms; the patient must be monitored closely; and the nurse must be proficient at establishing an airway if giving medications like propofol. Dr. Farmer stated the responsibility is on the nurse and the nurse should be using their critical thinking skill and knowledge to make practice decisions.

**Rules Hearing at 11:00 a.m.:**

Administrative Law Judge, Jennie Jonsson presided over the Rules Hearing. The Rules Hearing was held.

**Lunch Break at 11:15 am  
Reconvened at 1:00 pm:**

**Group 1  
Conducting: Cescilee Rall  
Bureau Manager: Suzette Farmer  
Secretary: Shirlene Kimball**

Members present: Ms. Rall, Mr. Kremin, Mr. Pittman, Dr. Hobbins and Ms. Christensen.

**Tiffany Pickett,  
New Order:**

Ms. Pickett met with the Board and explained the circumstances that brought her before the Board.

Ms. Pickett indicated:

- She was disciplined in Texas and feels like she was punished for mistakes new nurses make
- She has been working in Utah since 2011
- She stopped working January 5, 2015.
- She has applied for numerous positions, but has not been hired due to the restrictions on her license.

Ms. Rall stated she has reviewed the allegations and findings of the Texas Order. Ms. Rall stated that the findings are very different from the circumstances Ms. Pickett explained to the Board. Ms. Rall stated Ms. Pickett needs to make an appointment with Ms. Call to review her Stipulation and Order and to make sure she understands the terms and conditions of the Order.

**Mendi Stucki,  
New Order:**

Ms. Stucki explained the circumstances that brought her before the Board. Ms. Stucki indicated:

- She understands the terms and conditions of the Order
- She is self-employed and questioned who should fill out her employer report. Board members indicated that her Order indicates that she will need to hire an outside peer

consultant to review her business and operational practices at Elderberry Care and submit reports to the Division. If she is not employed outside her business, she will only need to submit the report from the peer consultant

- She questioned whether the consultant would need to review patient charts. Dr. Farmer indicated that the Board would need to have the peer consultant review Ms. Stucki's charting and all the information that was negotiated with the Health Department.

**Robert Jellings,  
New Order:**

Mr. Jellings explained the circumstances that brought him before the Board. Mr. Jellings stated:

- He was charged with sexual battery
- He questioned whether he could work PRN at the University of Utah
- He is currently employed full time as a case manager for the LDS Church and does not have direct patient contact
- He would like to work an additional 12 hours every weekend at the University of Utah
- Committee members indicated they would take his request to the full Board.
- He stated he understands the terms and conditions of his Order and will complete the continuing education courses within six months and the thinking errors course within one year.
- Mr. Jellings completed the psychosexual evaluation and submitted it to the Board for review. The evaluator indicated that general supervision is fine for case management, but not for direct patient care. Mr. Jellings currently is under indirect supervision.

**Regan Simpkins.  
His request:**

Mr. Simpkins indicated:

- He is working at Red Cliff Rehabilitation in St. George.
- He stated he has a good support system in

place

- Has arranged for payment of his fine
- He is requesting clarification regarding the evaluations he is required to obtain. Mr. Simpkins stated after his last Board meeting, he had the understanding he could request a mental health evaluation provided by a social worker or psychologist and have a fitness for duty letter. After speaking with Ms. Call, he was under the impression that he would need to complete a neuropsychological evaluation
- Committee members clarified that he needs the evaluation provided by a psychologist, but it does not need to be a neuropsychological evaluation.

**Group 2**  
**Conducting: Ms. Brown**  
**Minute taker: Connie Call**

Board members present: Mr. Higginson, Ms. Brown, Ms. Bangerter and Ms. Oswald.

**Lisa Pledger,**  
**New Order:**

Ms. Pledger explained the circumstances that brought her before the Board. Ms. Pledger reported:

- Her sobriety date is December 14, 2014
- Has successfully completed her Professional Accountability and Legal Liability course
- She is not currently working in nursing
- Has not submitted her mental health and substance use disorder evaluation. She will need to contact Ms. Call by March 17, 2015 to let her know when the evaluation will be submitted

**Leisha Flink,**  
**New Order:**

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

- She is working for Ivy Lane Pediatric Home & Hospice.
- She stated she understands the terms and conditions of her Order
- She will send the Division a copy of her

- mental health evaluation
- Has a good support system

**Carol Gittins,  
Non-compliance:**

Ms. Gittins is out of compliance due to:

- Submitting paperwork late
- Did not submit or enter her prescriptions into Affinity
- Has three different prescribing practitioners
- Missed one drug screen

Ms. Gittins was reminded:

- To enter prescriptions into Affinity within 48 hours
- To submit documentation of completion of her continuing education course by March 26, 2015

Ms. Gittins indicated her sobriety date is 2009 and indicated she has a good support system.

**Helen Gallegos,  
Non-compliance:**

Ms. Gallegos called and indicated she would not be able to attend the meeting.

**Reconvened to Full Board:**

**Melisa Hess,  
Re-licensure request:**

Ms. Hess explained the circumstances regarding her 2006 Surrender and what she has been doing for the last nine years. Ms. Hess indicated:

- Her sobriety date is September 18, 2012.
- If the Board returns her license she would find a nursing position where she does not have access to controlled substances
- She has completed a comprehensive refresher program and is requesting to be allowed to sit for the NCLEX examination

The following motions were made:

- Dr. Hobbins made a motion to allow Ms. Hess to sit for the NCLEX examination. Ms. Oswald seconded the motion. The vote in favor of the motion was unanimous.
- Ms. Brown made a motion that upon passing the NCLEX examination, Ms. Hess be issued a license on five-year probation

with the standard drug and alcohol stipulation. Ms. Oswald seconded the motion. The vote in favor of the motion was unanimous

**Report from Committees:**

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. All Board members voted unanimously to close the meeting. The meeting was closed at 2:56 p.m. The meeting was opened at 3:14 p.m.

**Robert Jellings:**

- Mr. Pittman made a motion that based on the recommendations from the psychosexual evaluation and reports from his probation officer that Mr. Jellings requests to work PRN at the University of Utah and to be allowed to work 12 additional hours per week be denied. Mr. Kremin seconded the motion. The vote in favor of the motion was unanimous.
- Mr. Pittman made a motion to approve his request to change from indirect to general supervision while employed as a case manager for the LDS Church. Mr. Kremin seconded the motion. The vote in favor of the motion was unanimous.

**Tiffany Pickett:**

- Was very confused regarding her Stipulation and Order
- Her Utah Order is based on the Texas Order
- Her Texas Order requires that she pay a fine and complete continuing education courses
- Board members indicated she needs to meet with Ms. Call to review both the Utah and Texas Order

Carol Gittins:

- Has three different prescribers and her Order only allows for one prescriber
- Submitted her essay for review
- Requested she be allowed to attend the meditation course in lieu of attendance at 12-step meetings
- Ms. Bangerter made a motion to accept the essay, and to amend her Order to allow her to complete the meditation course in lieu of attendance at 12-step meetings. Ms. Christenson seconded the motion. The vote in favor of the motion was unanimous.
- She is out of compliance due to the three different prescribing practitioners

Helen Gallegos:

- Ms. Brown made a motion that Ms. Gallegos provide the Division with all required evaluations by May 12, 2015. If the evaluations and fitness for duty letters are not received by that date, her license will be suspended. Mr. Higginson seconded the motion. The vote in favor of the motion was unanimous

*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.*

Date Approved

4-9-15

Date Approved

4/9/15

Cescilee Rall, Chair Board of Nursing



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

