

MINUTES

**BOARD OF NURSING
MEETING**

**July 9, 2015
Room 474 – Fourth Floor – 8:30 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:31 a.m.

ADJOURNED: 3:35 p.m.

Bureau Manager:

Suzette Farmer, PhD, RN

Compliance Specialist:

Sharon Bennett

Conducting:

Cescilee Rall, BSN, RN

Board Members Present:

Alisa Bangerter, BS, RN
Cescilee Rall, BSN, RN
Megan Christensen, BS, public member
Steven Higginson, MSN, RN
Katherine Oswald, MSN, RN
Ralph Pittman, LPN
Diana Parrish, BS, public member
Sheryl Steadman, PhD, APRN
Debra Hobbins, DNP, APRN

Board Members Excused:

Calvin Kremin, MSN, CRNA

Guests:

Terry Spencer, Attorney for Annette Howard
Kim Kramar

ADMINISTRATIVE BUSINESS:

June 11, 2015 Minutes:

Ms. Parrish made a motion to approve the June 11, 2015 minutes with corrections. Dr. Steadman seconded the motion. The vote in favor of the motion was unanimous.

Environmental Scan:

Dr. Farmer updated the Board on the following:

- The contract for the Medication Aide Certification Exam (MACE) remains in process. Temporary licenses will be reauthorized for those waiting for the examination to be available.
- The UNA and UONL have been notified

about the proposed changes to the Nurse Licensure Compact (NLC) at the national level. Professional associations, organizations, and individuals will need to initiate contact with legislators and voice their support or non-support for Utah to remain in the NLC.

- The final outcome of the recommendation to the U.S. Department of Education about the approval of the ACEN as a recognized accrediting body is not yet known. It is understood that the final decisions should be made by the end of September 2015. The Board and DOPL are unable to make any decisions or recommendations about the situation until the final decision is made and implications for Utah-based nursing education programs are clear.

**Annette Howard, LPN (193102-3101)
Attorney, Terry Spencer
Informal Adjudicative Proceeding:**

Mr. Jones explained the process for the Informal Adjudicative Proceeding and read into the record the Notice of Informal Agency Action.

Mr. Jones outlined the information used to support the position of the Division in the proceeding. He also informed the Board of the Division's recommendation for conditions and restrictions to be placed on Ms. Howard's nursing license.

Mr. Spencer described Ms. Howard's response to the information contained in the Notice of Informal Agency Action. He provided copies of recent evaluations completed by Ms. Howard and asked that the Board find no cause for action against Ms. Howard's nursing license.

The Board reviewed the case in closed session from 9:28 a.m. until 10:13 a.m.

The Board found by unanimous vote and a preponderance of the evidence that Ms. Howard's offenses, when considered with the functions and duties of a nurse, bear a reasonable relationship to her ability to safely and/or competently practice as a nurse.

The Board recommended by a unanimous vote that Ms. Howard's license be placed on probation, with associated conditions and restrictions, for a period of three (3) years.

**Julie Porter, RN (201085-3102)
Informal Adjudicative Proceeding:**

Ms. Porter did not appear before the Board.

Mr. Jones explained the process for the Informal Adjudicative Proceeding and read into the record the Notice of Informal Agency Action.

Mr. Jones outlined the information used to support the position of the Division in the proceeding. He also informed the Board of the Division's recommendation for revocation of Ms. Porter's nursing license.

The Board reviewed the case in closed session from 10:40 a.m. until 10:45 a.m.

The Board found by unanimous vote and a preponderance of the evidence that Ms. Porter had violated the terms and conditions of her probation on numerous occasions.

The Board recommended by a unanimous vote that Ms. Porter's license be revoked and that she not be permitted to reapply for licensure as a nurse in Utah for a period of five (5) years.

**Sharon Bennett
Compliance Report:**

Ms. Bennett informed the Board about the compliance status of the individuals scheduled to meet with the Board and distributed case files and information for Board members to review. She also presented special requests submitted by six (6) licensees on probation.

Meeting Closures and Breaks:

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 1:47 p.m. The meeting was opened at 1:51 p.m.

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. Oswald seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 2:57 p.m. The meeting was opened at 3:07 p.m.

A number of licensees scheduled to meet with the Board did not appear. The Board decided to break from the business of the Board during the following times:

- 1:02 p.m. and 1:20 p.m.
- 1:39 p.m. and 1:41 p.m.
- 2:10 p.m. and 2:17 p.m.
- 2:29 p.m. and 2:46 p.m.

Due to technical difficulties, the audio-recording of the meeting is incomplete. There is no recording for business completed between approximately 11:15 a.m. and the lunch break. There is no recording of the Board's interview with Ms. Jennie Johnson or Mr. Malcolm Allen at the end of the Board meeting. Minutes will reflect the Board's recommendations during the times when no audio-recording was made.

Special Requests:

The following special requests were considered by the Board:

- **Amy Coleman (343394-3102)**
 - Motion by Dr. Steadman, seconded by Ms. Oswald, to deny Ms. Coleman's request to increase her work hours. Unanimous vote.
 - The Board recommended that Ms. Coleman remain in compliance and resubmit her request after she has

been employed for six (6) months.

- **Lisa Young (362914-3102)**
 - Motion by Mr. Higginson, seconded by Ms. Bangerter, to increase Ms. Young's work hours to 48 hours/week and allow her to phone in non-scheduled controlled substance prescriptions in conjunction with her employment as a nurse. Unanimous vote.

- **Vaiola Panter (356948-3102)**
 - Motion by Ms. Rall, seconded by Mr. Pittman, to recommend early termination of Ms. Panter's probation. Unanimous vote.
 - The Board congratulates Ms. Panter on her progress and wishes her well.

- **Stacia Thorkelson (7174147-3102)**
 - Motion by Ms. Parrish, seconded by Dr. Hobbins, to deny Ms. Thorkelson's request to have access to controlled substances during the course of her employment as a nurse. Unanimous vote.
 - The Board noted that once Ms. Thorkelson is 100% compliant for a period of time, she should resubmit her request.
 - The Board requested a meeting with Ms. Thorkelson.

- **Susan Cluff (362511-3102)**
 - Motion by Mr. Pittman, seconded by Ms. Christensen, to deny Ms. Cluff's request to have access to controlled substances during the course of her employment as a nurse. Unanimous vote.
 - The Board requested a meeting with Ms. Cluff.

- **Joanna Arbogast (4751267-3102)**
 - Motion by Ms. Rall, seconded by Ms. Parrish, to deny Ms. Arbogast's request to work during the over-night hours.
 - The Board noted that Ms. Arbogast could resubmit her request after six (6) months.

Synthia Carter (223958-3102)
Interview

Met with the Board. Indicated that she had submitted all fees associated with renewal of licensure, although the Division was not able to confirm this.

Ms. Carter will follow-up with Ms. Kimball (Board Secretary) to ensure that all documentation and fees are submitted in order for Ms. Carter's license to be renewed.

Once her nursing license is renewed, Ms. Carter will be subject to all terms and conditions of her initial Stipulation and Order.

Terryl Dale Hullinger (355927-3101)
No Show

Mr. Hullinger had requested to meet with the Board to discuss a previous request for changes to his Stipulation and Order regarding working in a home care or hospice setting.

Mr. Hullinger did not appear before the Board as scheduled.

The Board noted that Mr. Hullinger has missed 14 check-ins and he is not compliant with his Stipulation and Order.

Motion by Mr. Pittman, seconded by Ms. Parrish, to deny Mr. Hullinger's request for changes to his Stipulation and Order. Unanimous vote.

Layne Lowry (5994751-3102)
Interview

Mr. Lowry requested to meet with the Board to request changes to his Stipulation and Order regarding working for a staffing agency.

The Board noted that Mr. Lowry is non-compliant

because his paperwork has never been submitted by the stated deadline. The Board suggested that once Mr. Lowry is in full compliance with his Stipulation and Order, they would consider requests for changes to the Order.

Motion by Dr. Hobbins, seconded by Mr. Higginson, to deny Mr. Lowry's request for changes to his Stipulation and Order. Unanimous vote.

Jeffrey Jones (9039283-3102)
Interview

Mr. Jones requested to meet with the Board to request changes to his Stipulation and Order. He indicated that the changes would allow him to secure full-time employment as a nurse.

Motion by Mr. Pittman, seconded by Ms. Parrish, to lift the controlled substance restrictions on Mr. Jones' license if he completes all required continuing education and secures a 12-step sponsor within the next 30 days. Eight Board members voted in favor of the motion, Dr. Hobbins opposed. Motion carried.

Mariela Escalante (8615640-3102)
Interview

Initial interview with the Board. Ms. Escalante was reminded that she must inform the Board of the outcome of all legal proceedings as soon as possible. The Board reviewed Ms. Escalante's Stipulation and Order, no additional recommendations were made.

Jennie Johnson (342629-3102)
Interview

Initial interview with the Board. The Board did not accept the evaluations that Ms. Johnson submitted. The Board requires that Ms. Johnson complete another mental health/substance use evaluation for submission to the Board within three (3) months. The comprehensive evaluation, including recommendations, must be completed by a licensed psychologist, psychiatrist, or psych/mental health APRN.

Lisa Pledger (334673-3102)
No Show

Ms. Pledger's license has been suspended due to a recommendation from an evaluator that she complete a cognitive restructuring program before being allowed to practice.

Motion by Ms. Rall, seconded by Ms. Parrish, to accept the essay submitted by Ms. Pledger.
Unanimous vote.

**Malcolm Allen (213871-8901/-4406)
Interview**

Initial interview with the Board. Mr. Allen indicated that he not currently working and that he is attending AA on a regular basis. Mr. Allen reported that he understood the terms and conditions of his Stipulation and Order.

Motion by Ms. Parrish, seconded by Ms. Oswald, to accept the essay submitted by Mr. Allen.
Unanimous vote.

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.

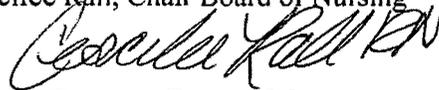
Date Approved

8-13-15

Date Approved

8/13/15

Cescilee Rall, Chair Board of Nursing



Suzette Farmer, Bureau Manager,

Division of Occupational & Professional Licensing

