

MINUTES

**UTAH
BOARD OF NURSING
MEETING**

March 14, 2013

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

CONVENED: 8:32 a.m.

ADJOURNED: 4:24 p.m.

Bureau Manager:
Board Secretary:

Debra Hobbins
Shirlene Kimball

Conducting:

Peggy Brown, Chair

Board Members Present:

Peggy Brown
Cescilee Rall
Diana Parrish
Sue Kirby
Ralph Pittman
Marie Partridge
John Killpack
Alisa Bangerter
Barbara Jeffries

Board Members Excused:

Tonya Bailey
Sherri Palmer

Division Staff:

Irene Woodford, Division Investigator
Connie Call, Compliance Specialist

Guests:

Jeffrey Hawking, Everest College student
Amenthist Dominguez, Everest College student
Jennifer Byrd, Everest College student
Sara Best, Everest College student
Angela Badham, Everest College student
Liz Cloward, Everest College student
Kat Smithee, University of Utah student
Mark Brinton, UMA

TOPICS FOR DISCUSSION
ADMINISTRATIVE BUSINESS
February 14, 2012 minutes:

DECISIONS AND RECOMMENDATIONS

The February 14, 2013 minutes were tabled.

Rules discussion:

Ms. Brown had a question regarding R156-31b-802 Medication Aide-Certified training programs. She stated she is concerned the Rule may be interpreted that a medication aide-certified could be precepted by a non-nurse instead of a licensed nurse. The instructor could have two students at one facility, two students at another facility, and two students at a third facility. According to the Rule, the program would need to provide three faculty members. It was suggested that the Rule indicate the instructor would have to be available at all times and on site if a licensed nurse is not directly supervising the student.

It was suggested placing all requirements for the instructor in one section, and the requirements for the facility in a second section. Dr. Hobbins stated she would re-arrange the statements. Mr. Killpack made a motion to approve the Rules with those changes. Ms. Parrish seconded the motion. All Board members voted in favor of the motion.

Environmental Scan,
Mr. Killpack follow-up to the Propofol
discussion:

Mr. Killpack stated, as a follow-up to the Propofol discussion, he contacted forty-eight of the fifty states to find out if they have a position regarding RN-administered Propofol. Mr. Killpack stated forty states have responded. Seven states have a complete ban on RN-administered Propofol; fourteen approve RN-administration with the nurse making the judgment; and the rest do not have clear guidelines. He reported the Texas statement is the most specific. Ms. Parrish indicated the Board should actively solicit comments for discussion. The request for further comment will be in regards to sedation medications and would include more than just Propofol. Mr. Killpack stated that the surgeons have been receiving pressure to use RNs for sedation from the insurance companies. Mr. Killpack suggested sending the letter asking for comments to all Utah nursing associations, UMA, Utah Hospital Association, Utah Dental Association, endoscopy centers and facilities such as Intermountain, Mountain Star, ISAS, University of Utah and the VA.

Adjourned to Hearing at 9:00 a.m.
Reconvened from Hearing at 10:07 a.m.

The Monica Cook proceeding before the Board of Nursing was held.

Discussion regarding Board meetings:

Board members indicated they would like to keep meeting the second Thursday of the month instead of the first Tuesday as discussed. It was determined that Board meetings would continue to be held on the second Thursday of the month.

Medication Aide Certified update:

Dr. Hobbins indicated Weber State University and Stevens-Henager College have expressed an interest in developing a Medication Aide Certified program. Dr. Hobbins indicated the Division would issue a temporary license to graduates of approved programs who meet all licensure requirements except passing the Medication Aide Certification Examination (MACE) until the MACE is in place.

Meeting closed in accordance with the Open Meetings Act section 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 Meetings Act section 52-4-205(1(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion. The meeting was closed at 10:20 p.m.

Mr. Killpack made a motion to open the meeting. Mr. Pittman seconded the motion. All Board members voted in favor of the motion. The meeting was opened at 10:40 a.m.

Anthony Hull, yes answer on renewal:

Mr. Hull met with the Board to explain his "yes" answer on the renewal questionnaire. He indicated he unknowingly rented a room in his home to an individual he thought was a massage therapist; however, instead of a massage therapist she was a call girl. He indicated he received a Class C misdemeanor for attempting to aid prostitution. Mr. Killpack questioned Mr. Hull regarding his thought process, what he thought was going on? Mr. Hull stated he was naïve, he just thought she was using the room for massages. Mr. Hull indicated he has had no other issues with the courts and has been at his current place of employment for ten years. Ms. Jeffries made a motion to renew the license without restrictions. Mr. Killpack seconded the motion. All Board members voted in favor of the motion.

Meeting closed in accordance with the Open Meetings Act section 52-4-205(1(a) to discuss

Mr. Pittman made a motion to close the meeting to meet with the Administrative Law Judge to discuss the

the character, professional competence, or physical or mental health of an individual:

character, professional competence, or physical or mental health of an individual. Mr. Killpack seconded the motion. All Board members voted in favor of the motion. The meeting was closed 10:57 a.m.

The meeting was opened at 11:10 a.m.

Discussion regarding the NCSBN study on Veteran's transition to an LPN/LVN career:

NCSBN reviewed the Army LPN, Army Health Care Specialist, Navy Corpsman and Air Force Airmen curriculum. This curriculum was compared to a standard LPN curriculum. The analysis found areas that are the same, and some areas where there were significant gaps. NCSBN provided recommendations and talking points based on their findings. Mr. Killpack stated he feels it is important that a veteran complete a bridge or transition program to orient to the role of the LPN. He indicated he would be concerned that the veteran would practice beyond the LPN scope of practice.

Stacia Frank Thorkelson,
Discussion regarding evaluations:

Ms. Thorkelson met with the Board to discuss her evaluation and non-compliance with the terms of her probation. Ms. Thorkelson has been out of compliance since she began probation February 2012. A Stipulation and Order has been drafted to include a fine for non-compliance. Board members indicated she needs to review and sign the document if she agrees. Ms. Thorkelson stated she would sign the document. She was encouraged to thoroughly review the document prior to signing. She did not review the document.

Ms. Thorkelson stated she does not feel therapy is beneficial for her. Ms. Thorkelson stated she had mentioned to the therapist that she did not want to work in a setting with access. Her therapist recommended to the Board that her practice be restricted permanently to only work in an administrative setting. Board members reviewed the evaluation with Ms. Thorkelson. Mr. Pittman made a motion to close the meeting in accordance with accordance with the Open Meetings Act section 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion. The meeting was closed at 11:20 a.m. Mr. Pittman made a

motion to open the meeting. Ms. Jeffries seconded the motion. The meeting was opened at 11:30 a.m. Ms. Jeffries questioned Ms. Thorkelson if she is a drug addict. Ms. Thorkelson stated she does not see herself as a drug addict. She stated she does not want to accept a position where there are medications. She stated she does not want to take the risk and knows she cannot work around the medications. Ms. Jeffries questioned if she feels she is in recovery. Ms. Thorkelson stated she is in recovery and feels she is making the right choices, but she does not like attending meetings. Ms. Jeffries stated that recovery is about attending meetings. Ms. Thorkelson stated she does not find them helpful because they talk about day-to-day life, not about substance abuse. She stated she does not have a sponsor. She also stated she does not want to attend therapy, but will go because it is in her Order. Board members questioned if she attends therapy, will she participate? Ms. Thorkelson stated she would not attend group meetings and finds individual meetings more beneficial. Mr. Killpack made a motion that she needs to attend therapy and to obtain a second evaluation. Mr. Pittman seconded the motion. All Board members voted in favor of the motion. Board members recommended she may want to find another therapist if she is not comfortable with her current therapist.

Adjourned for lunch at 11:40 a.m.
Reconvened at 12:07 p.m.

Probationer requests:

Tricia Schmidt submitted a letter requesting termination of probation and included what she has learned from the process. Ms. Jeffries made a motion to approve the request for early termination. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Karen Carter's probation will terminate April 22, 2013. Ms. Kirby made a motion to terminate the probation early. Ms. Partridge seconded the motion. All Board members voted in favor of the motion.

Kay Dillinger requested early termination of probation. She has been on probation since April 2009. Ms. Call reported she missed calling in only three times and has only had one dilute urine screen

since 2009. Ms. Partridge made a motion to terminate probation. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

Sheryl Jensen requested termination of therapy. Mr. Pittman made a motion to terminate the therapy requirement based on the recommendation of the therapist. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

Scott Hirschi requested termination of therapy. Mr. Pittman made a motion to amend the Order that no therapy is required at this time due to the recommendation of therapist. Ms. Bangerter seconded the motion. All Board members voted in favor of the motion.

Karen Burton requested her license suspension be lifted. She still needs to submit letters from her evaluators indicating that she is safe to practice. She also needs to submit the letter from the doctoral program indicating awareness of the terms and conditions of her Stipulation and Order.

Amy Nau is requesting access to controlled substances. Ms. Jeffries made a motion to lift the restriction and allow her to pass controlled substances. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

Traci Lujan requested she be allowed to work past midnight and to have access to controlled substances. Ms. Partridge made a motion to allow her to work after midnight and to lift the restriction and allow her to pass controlled substances. All Board members voted in favor of the motion.

Christine Whiteside has been on probation since 2004; however, she has not worked as a nurse since 2004. Ms. Whiteside requested an indefinite suspension so she does not have to continue with urine screens and submit documentation. Mr. Pittman made a recommendation to suspend the license until she begins looking for a job. At the time she finds employment, require urine screens before returning to work. Dr. Hobbins indicated we could not suspend the license. A new Stipulation would have to be drawn up for her to surrender the license. If she surrenders the

license, she would not meet current requirements. Mr. Killpack indicated he is concerned that she has not practiced since 2004. Mr. Killpack made a motion to deny her request and let her know the option of surrendering. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Board members discussed probations that are not working and how to handle the probationary period. The Order could be amended to place a hold on the requirements, then upon obtaining a job, put the requirements back into effect. Dr. Hobbins indicated this topic would be discussed at the Division Managers meeting. Mr. Killpack stated he would like the individual to continue attending 12-step meetings through this period. Another suggestion was to place the requirements on hold, then one year to six months prior to going back to work, require urine screens. However, if all of sudden they find employment, they would not be able to provide the 6 months or year of urine screens.

Stephanie Thomas requested two prescribers and two pharmacies. Ms. Jeffries made a motion to approve the request and allow one prescriber and one pharmacy for the compounded medication and one other prescriber and one pharmacy for all other prescriptions. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Connie Call,
Compliance Report:

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

- Karrie Larson has not provided her employer with a copy of her Stipulation and Order.
- Julie White Hall was late submitting her employer report and did not submit copies of her prescriptions.
- Shauna Tall's letter inviting her to meet with the Board last month was mailed to the wrong address. She has been given another chance to meet with the Board before she is referred for an OSC Hearing.
- Lauren Moger did not submit her therapist report.
- Lillian Howell was late submitting paperwork. She has been unemployed and on probation since 2001. Board members indicated she be requested to surrender her license.
- Michael Green has not submitted any paperwork.

The Division has been unable to locate Mr. Green and he does not respond to phone calls. Letters sent to the last know address have been returned.

-Synthia Carter has not submitted her self-assessment or employer report for the last two quarters. Board members requested she be seen next month.

-Marc Haldin submitted his employer report late.

-Robin Walker's essay does not appear to meet the requirements of her Order and will need to be reviewed by the Board.

Separated into Groups at 1:00 p.m.

Group 1

Secretary: Shirlene Kimball

Board members present: Cescilee Rall, Marie Partridge, Sue Kirby and Ralph Pittman.

Karrie Larson,
New Order:

Ms. Larson explained the circumstances that brought her before the Board. Ms. Larson reported she entered Diversion due to cocaine use. She indicated she was almost through with the Diversion program when she drank alcohol. She stated she does not feel it was a relapse. Ms. Larson indicated she has not ingested alcohol since the end of June or first part of July. Ms. Larson indicated she is currently employed at Riverton Hospital and her employer was made aware of the Order today. She stated she has no thoughts of relapse and has not relapsed. She indicated she attends 12-step meetings, but does not have a sponsor. Ms. Larson stated she understands the terms and conditions of her probation. **Ms. Larson is in compliance with the terms and conditions of her Order.**

Lyndi Slack,
New Order:

Ms. Slack did not appear for her scheduled interview. She will be rescheduled for next month.

Robin Walker,
Probation interview:

Ms. Walker met with Committee members and indicated she is having a conflict with Ms. Call. Ms. Walker indicated she feels the process is not moving very smoothly and has been made more difficult than it should be. Ms. Walker also indicated no one knew where she could get the neuropsychiatric evaluation and she had to do the research to find an evaluator. Dr. Hobbins indicated the Division is not allowed to provide a list of names of evaluators; however, we can give some guidance. Ms. Kirby stated it is Ms. Walker's responsibility to remain in compliance. Ms. Walker stated she does take responsibility; however,

she just wanted some help. She stated it took 75 phone calls and the earliest appointment she can find is for June. She questioned how the Board expects an individual to have the evaluation completed within 45 days. Ms. Walker stated she was clueless and did not know she needed the neuropsychiatric examination. Ms. Kirby stated she signed the Stipulation and she needs to comply with the Order. All other reports were late and Committee members will recommend a fine be issued for non-compliance. Ms. Walker stated her reports are late because she wanted help from Ms. Call, but did not receive the help. She questioned why the Board is not supportive and why didn't anyone help her. Mr. Pittman stated communication is a two-way street. She is sitting here telling the Board she did not receive any help but she is the one who needs to be proactive. She could have called her insurance company and asked who was approved to do the neuropsychiatric exam instead of looking at it as the Board's responsibility. Ms. Walker stated she has no intention of paying the fine and signing the Stipulation for the fine. Ms. Walker stated she was not present during the Board's conversation regarding her non-compliance and questioned how the Board can talk about her when she is not present. She questioned how to find out when the Board meets and wants to be informed if the Board will be discussing her case. Mr. Pittman stated bringing her before the Board for non-compliance is the Board decision and we cannot tell her ahead of time if she is going to be scheduled, it depends on her compliance. Ms. Walker then stated she was called for a urine screen today and stated that is not random. Committee members indicated it is random and the Board has nothing to do with when a person is called to provide the urine screen. Ms. Walker indicated she has been in contact with Ms. Call by email, but feels all that does is cause Ms. Call to turn her into the Board. Dr. Hobbins stated there is nothing Ms. Call can do if Ms. Walker is late submitting paperwork, etc. It is her responsibility, not the Division's or Ms. Call's. Ms. Call will present a formal request from a probationer to the Board, but not all correspondence is brought before the Board. Mr. Pittman stated she must be willing to take responsibility and everyone has to be working on the same page. Her Order does allow the Board to take further action if out of compliance. Ms. Walker stated

she understands now.

Ms. Kirby stated to be clear, she needs to Sign the Stipulation and Order, pay the fine, complete the neuropsychiatric evaluation, submit monthly paperwork on time, and to contact Ms. Call if she has a request to go before the Board. The Board will request Ms. Call check the file to see if the substance use disorder evaluation has been received. Ms. Walker must also contact Ms. Call when she has a date scheduled for the evaluation. **Ms. Walker is out of compliance with the terms and conditions of her Order.**

Jerilynn Erickson,
Interview:

Ms. Erickson provided the Committee with the police reports as requested last month to help clear up questions regarding the prescriptions found in her car. Ms. Erickson explained that at her place of employment, patient medications are received from a pharmacy in the Salt Lake area. If a wrong dose has been dispensed for a patient, the correct dose is dispensed by the secondary pharmacy in the Richfield area. Ms. Erickson stated she documented she administered the corrected dose of medications. She had placed the incorrect doses of medications in her car and had intended to return them to her place of employment at the time of her incident. She stated she did not save up the medications for her own use. Ms. Erickson stated she has never used medications that have not been lawfully prescribed for her. She stated she does not have a substance abuse problem.

Ms. Erickson stated that since the last meeting with the Board she was arrested for doctor shopping. She indicated this was associated with last year's problems that brought her before the Board. Mr. Pittman reminded Ms. Erickson that the meeting is recorded and she may want to carefully consider what is said. Ms. Erickson stated she understands. Dr. Hobbins indicated this charge has been addressed by the Stipulation. She indicated that since she takes so many medications, the physicians felt she was doctor shopping. However, she indicated she has medical records for all her conditions and documentation for the medications prescribed for her.

Ms. Erickson stated she likes the divorce class,

however, there are times when she shows up for a class and no one is there. Her evaluation recommended weekly therapy; however, her therapist indicated once-a-month attendance is sufficient. Committee members requested a letter from the therapist indicating it is acceptable for her to move to monthly therapy meetings. She is not required to attend PIR or 12-step meetings. She reported she attends the divorce class, a co-dependency group and a women's support group. She stated she drives 90 minutes one way to attend the women's support group. The co-dependency class is in Richfield. Committee members indicated she could attend one or the other, as long as she attends one support group a week. Committee members also questioned whether or not there was a Bishop or Pastor that was aware of her situation that could provide support if she cannot attend the women's support group. She indicated she did have individuals who provide support to her.

Ms. Erickson questioned whether she would need to do drug testing. Her evaluation stated she does not have a substance use disorder. Committee members will discuss this with the Board. **Ms. Erickson is in compliance with the terms and conditions of her Order.**

Group 2
Minute taker: Connie Call

Board members present: Ms. Brown, Ms. Parrish, and Mr. Killpack, Ms. Jeffries and Ms. Bangerter.

Traci Johnson,
New Order:

Ms. Johnson explained the circumstances that brought her before the Board. She reported her sobriety date is April 14, 2008. She stated she contacts her sponsor daily and sponsors three individuals. Committee members will recommend termination of therapy as recommended by her evaluator. The Order will be amended to allow her to attend PIR or 12-step meetings at least once a week; allow for two prescribers (one for hormone medications and the second prescriber for all other medications); and to be allowed to fill prescriptions at two pharmacies (one compounding pharmacy and all other medications filled at a second pharmacy). Ms. Johnson stated she understand the terms and conditions of her Order. **Ms. Johnson is in compliance with the terms and conditions of her Order.**

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Minutes
Board of Nursing
March 14, 2013
Ian Gowans,
Probation interview:

Mr. Gowans was scheduled to meet with the Board due to non-compliance with the terms and conditions of his Order. Mr. Gowans indicated he would submit his paperwork on time. He reported he contacts his sponsor once a week and has good family support. He reported his sobriety date is December 4, 2011. Committee members will recommend he be allowed to attend either 12-Step or PIR meetings once a week. **Mr. Gowans is out of compliance due to submitting his paperwork late.**

Lori Wright,
Probation interview:

Ms. Wright was late appearing for her interview. She appeared to be very disoriented and a urine screen was requested. Committee members recommend a \$100.00 fine for non-compliance. If the urine screen comes back positive, Committee members recommend she be referred for an Informal Adjudicative Proceeding. **Ms. Wright is out of compliance with her Order.**

Shauna Tall,
Probation interview:

Ms. Tall did not appear for her scheduled interview. Committee members recommend she be referred for an Informal Adjudicative Proceeding for license revocation due to repeated non-compliance to the terms and conditions of her Order. **Ms. Tall is out of compliance with the Order.**

Karen Burton,
Her request:

Ms. Burton stated her sobriety date is October 3, 2012. She stated she is attending the University of Northern Colorado for her PhD. She reported she has forwarded a copy of her Stipulation to the program. Ms. Burton is requesting that the Committee lift the suspension on her license. Committee members indicated a consideration to lift the suspension would not take place until her evaluator submitted a letter indicating that Ms. Burton is physically and mentally able to practice as a nurse. In addition, her Stipulation requires a signed certification of receipt of the Stipulation from the program director at the University of Northern Colorado. **Ms. Burton is out of compliance with the terms and conditions of her Order and needs to submit the documentation from the University of Northern Colorado.**

Reconvened to full Board at 3:14 p.m.

Report from Committees:

-Lyndi Slack did not appear for her scheduled interview and will be invited to meet with the Board

next month.

-Karrie Larson requested she be allowed to receive a prescription from two prescribers. Committee members recommend approval of the request. All Board members voted in favor of the motion.

-Robin Walker stated she understands it is her responsibility to be in compliance with the terms of her Order; however, she continues to place the blame on the Board. Her essay met minimum requirements and was accepted by the Committee.

-Jerilynn Erickson: The evaluation indicates she does not have a substance use disorder. Ms. Parrish made a motion to amend the Order to remove PIR and 12-step meeting attendance and to allow therapy monthly or as determined by the Board. She must continue to attend a women's support group and if the divorce group meeting is canceled without notice and she shows up to the meeting, she can have someone sign the card. Mr. Killpack seconded the motion. All Board members voted in favor of the motion. It was also suggested she contact her Bishop or Pastor for additional support.

-Traci Johnson. Committee recommended the Order be amended to allow for two prescribing practitioners and two pharmacies as long as she fills the compounded prescription at the compounding pharmacy and all other prescriptions at the second pharmacy. Committee members also recommend the Order be amended to allow her to attend either PIR or 12-step meetings at least weekly and to terminate the therapy requirement. Ms. Johnson also requested she be allowed to be employed at the Detox Center and would need to be allowed to pass the four controlled substances listed in her letter. All Board members voted in favor of the recommendations.

-Ian Gowans. Committee members recommend the Order be amended to allow attendance at either 12-step or PIR meetings as long as he attends a meeting once a week. All Board members voted in favor of the motion.

-Lori Wright did not appear last month, and was late this month. She was very confused, and her thought process was irregular. A urine screen was collected. Committee members recommend a \$100.00 for non-compliance with the Order. If the urine screen comes back positive, Committee members recommend she be referred for an Informal Adjudicative Proceeding. All

Board members voted in favor of the motion.
-Shauna Tall did not appear and she will be referred for the Informal Adjudicative Proceeding for license revocation. All Board members voted in favor of the recommendation.
-Karen Burton's psychological and substance use disorder evaluation recommended she attend aftercare for a minimum of three years and be in 100% compliance prior to being allowed to stop attending the aftercare. All Board members voted in favor of the recommendation.

Board Business:

Dr. Hobbins provided an update on the Legislative bills that may affect nursing. She reported HJR 17 passed out of Committee but did not pass out of the Senate. This was a joint resolution regarding allowing the CRNA's to opt out of the Medicare requirement for supervision. If it had passed, the CRNA would not have to have supervision in order for the facility to be reimbursed for CRNA services.

H.B. 120: The bill is related to commercial and academic detailing for prescription drugs and would hold academic detailing to the same standards as commercial detailing.

S.B. 280 creates a licensure classification of dispensing medical practitioner. This bill will not pass this year; however, Senator Vickers would like to receive input so he could present the bill next year.

58-82 and R156-82 is the Electronic Prescribing Act and Rule which will go into effect July 1, 201

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.

May 9, 2013
Date Approved

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

May 9, 2013
Date Approved

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