

# MINUTES

## BOARD OF NURSING MEETING

August 12, 2021  
Heber M. Wells Bldg.  
ELECTRONIC MEETING – 8:30 a.m.  
Salt Lake City, UT 84114

CONVENED: 8:31 A.M.

ADJOURNED: 12:59 P.M.

### **DOPL STAFF PRESENT:**

Bureau Manager: Jeff Busjahn  
Board Secretary: Thomas Togisala  
Compliance Specialist: Sharon Bennett  
Outreach Manager: Ashley Beyer  
UPHP Manager: Kelli Jacobsen  
UPHP Medical Director: Robert Simpson

### **CONDUCTING:**

Debra Mills, MSN, RN – Chair

### **BOARD MEMBERS PRESENT:**

Debra Mills, MSN, RN  
Julianne Brady, BSN, RN  
Ralph Pittman, LPN  
Ellen Brown, BSN, RN  
Linda Hofmann, RN, Ph.D.  
Julie Gee, RN, Ph.D.  
Luisa Echeverria, RN  
K. Kumar Shah, Public Member  
Kristi Vick, APRN-CRNA

### **BOARD MEMBERS EXCUSED:**

David Skalka, JD, APRN, FNP-C

### **GUESTS:**

N/A

## **ADMINISTRATIVE BUSINESS:**

### **CALL MEETING TO ORDER:**

Ms. Mills called the meeting to order at 8:31 a.m.

### **REVIEW AND APPROVE THE JULY 8, 2021 MINUTES:**

Mr. Pittman motioned to approve the minutes.

Dr. Gee seconded the motion.

The vote in favor was unanimous.

### **OATH OF OFFICE FOR NEW APPOINTED BOARD MEMBERS:**

Mr. Shah was sworn-in as a new member on the Board of Nursing.

Ms. Vick was sworn-in as a new member on the Board of Nursing.

### **LEGISLATIVE UPDATE & ENVIRONMENTAL SCAN:**

N/A

### **UPHP GENERAL DISCUSSION:**

*(Refer to audio for specifics. Part 1\_06:15 – 25:34)*

Ms. Jacobsen and Dr. Simpson discussed a new program for licensee's who have a drug and alcohol problem. This new program is called the Utah Professionals Health Program (UPHP). This new program replaced the Utah Recovery Assistance Program (URAP).

UPHP has 65% of nurses within their program. It's important for UPHP and the Board of Nursing to build a stronger relationship to better help and serve our licensee's within the program. UPHP is a program that works with healthcare professionals who have substance use disorders. UPHP is an alternative to the public discipline process. In addition, the goal is to educate the licensing boards and the public on the services available through UPHP.

### **DOPL WIDE OUTREACH INITIATIVES:**

*(Refer to audio for specifics. Part 1\_26:00 – 27:40)*

Ms. Beyer provided a brief update on the outreach initiatives. She has received some suggestions from Dr. Hofmann.

Ms. Beyer has been working on Commerce initiatives, but once another person has been hired, she will refocus her attention on DOPL initiatives for the licensing boards.

Ms. Beyer encouraged the Board to continue to provide suggestions and she'll implement them into her 1-5 year DOPL outreach plan.

Ms. Mills will gather more data and feedback from BYU and she'll provide that information as it comes through.

**PROPOSED RULE CHANGE DISCUSSION: R156-31-B-402, R156-31B-301 (a), (b), (c), (d)**

*(Refer to audio for specifics. Part 1\_34:40 – 41:35)*

R156-31b-402 is a Rule regarding Administrative Penalties.

R156-31b-301 (a), (b), (c), (d) is a Rule regarding LPN and RN education, examination and experience requirements.

During the 2021 legislative session, H.B. 287, eliminated part of the unprofessional conduct in 58-31b-502 (q). Since this portion was eliminated through Code, the Rule must be updated.

Ms. Mills motioned to remove the existing fine for unprofessional conduct as it no longer exists.

Dr. Hofmann seconded the motion.

The vote in favor was unanimous.

Ms. Mills motioned to accept the changes for R156-31b-301 (a), (b), (c), (d) as it pertains to the LPN, RN, and APRN education, examination, and experience requirements.

Mr. Pittman seconded the motion.

The vote in favor was unanimous.

**BOARD BUSINESS:**

Ms. Bennett provided the Board a brief overview on probationer files.

**INFORMAL ADJUDICATIVE PROCEEDING:**

*(Refer to audio for specifics. Part 1\_1:23:00 – 1:58:10)*

Robert Douglas Rose – Proceeding conducted by Ms. Wilde.

Ms. Wilde conducted this proceeding for Mr. Rose.

Ms. Wilde provided the Board an overview on Mr. Rose’s informal agency action.

Ms. Wilde reviewed each allegation on Mr. Rose with the Board.

Mr. Rose explained his situation on each allegation and how it has affected him.

Ms. Wilde stated that DOPL recommends the following for Mr. Rose’s license.

- Revoke respondent’s license and that he cannot reapply for a license for three years.
- Respondent submits a substance use and physical evaluation two months prior to reapplying.

The Board found all 13 allegations against Mr. Rose to be true.

The Board voted to revoke Mr. Rose’s license and that he cannot reapply for a nursing license for three years. In addition, two months prior to reapplying for his license, he will need to submit a mental health substance use disorder evaluation.

**PROBATIONER INTERVIEWS:**

Whitney Carter – Interview conducted by Ms. Brady.

Ms. Carter is doing well. This is her first interview with the Board.

Ms. Carter is not currently working as a nurse, but is actively interviewing for jobs.

Ms. Carter has been sober for 318 days.

Ms. Carter has no missed check-ins.  
Ms. Brady and the Board encouraged Ms. Carter to get familiar with her stipulation and order, so she knows exactly what's expected of herself and her probation.

Ms. Brady motioned to approve Ms. Carter's physical evaluation.  
Mr. Pittman seconded the motion.  
The vote in favor was unanimous.

Lorin Ward – Interview conducted by Ms. Echeverria.

Mr. Ward is stressing with personal family issues and is working through them.  
Mr. Ward is working as a nurse and enjoys his job.  
Mr. Ward is not in compliance. He has two no-shows and three positive UAs.  
Ms. Bennett and Ms. Echeverria encouraged Mr. Ward to communicate through Spectrum, so we are aware of what is happening.

Ms. Echeverria motioned to fine Ms. Ward \$750.00 for non-compliance.  
Dr. Hofmann seconded the motion.  
The vote in favor was unanimous.

Heidi Palfreyman – Interview conducted by Dr. Gee.

Ms. Palfreyman is currently in an outpatient treatment program.  
Ms. Palfreyman has one dilute UA, one positive UA for alcohol, and one out-of-range.  
Ms. Palfreyman is working as a nurse.

Dr. Gee motioned to fine Ms. Palfreyman \$750.00 for non-compliance.  
Mr. Pittman seconded the motion.  
The vote in favor was unanimous.

Gregory Cruea – Interview conducted by Ms. Mills.

Mr. Cruea tested positive for alcohol in July.  
Mr. Cruea is seeing a therapist to help with his use of alcohol.

Ms. Mills motioned for Mr. Cruea to have another mental health evaluation completed by October 1, 2021.  
Mr. Pittman seconded the motion.  
The vote in favor was unanimous.

Ms. Mills motioned to fine Mr. Cruea \$1250.00 for the use of alcohol.  
Dr. Gee seconded the motion.  
The vote in favor was unanimous.

Steven Meadows – Interview conducted by Ms. Echeverria.

Mr. Meadows has no missed check-ins.  
Mr. Meadows completed his cognitive restructuring course. He will send his certificate of completion to Ms. Bennett.

Mr. Meadows is seeking a sponsor to help maintain his sobriety.  
Mr. Meadows is compliant.  
No motions were made.

Britanie Bailey – Interview conducted by Ms. Brown.

Ms. Bailey is doing well and is enjoying her new job.  
Ms. Bailey works part time as a nurse and attends therapy regularly.  
Ms. Bailey reads her stipulation and order weekly.  
Ms. Bailey attends an AA meeting once a week.  
No motions were made.

Aeriel Trujillo – Interview conducted by Dr. Hofmann.

Ms. Trujillo works as a nurse and is doing well.  
Ms. Trujillo has great employer reports.  
Ms. Trujillo is requesting for early termination. The Board recommended for her to submit a formal request by letter for consideration.  
No motions were made.

Makayla Park – Interview conducted by Ms. Brown.

Ms. Park is doing well.  
Ms. Park’s license is currently suspended. She needs to submit a completed physical evaluation with a “fit to practice” statement. Her mental health evaluation also needs to be submitted.

Ms. Brown motioned to extend Ms. Park’s due dates for the physical and mental health evaluations to September 1, 2021.

Dr. Gee seconded the motion.

The vote in favor was unanimous.

Ms. Brown motioned to extend Ms. Parks CE due dates to November 1, 2021.

Ms. Brady seconded the motion.

The vote in favor was unanimous.

Sarah Naylor – Interview conducted by Mr. Pittman.

This is Ms. Naylor’s first interview with the Board.

Mr. Pittman explained the expectations of being on probation.

Mr. Pittman encouraged Ms. Naylor to read her stipulation and order often and keep it in a binder so it’s accessible for her to reference.

Mr. Pittman explained the importance of compliance.

Ms. Naylor is working as a nurse.

Ms. Naylor has a good support system within her family.

Ms. Naylor is compliant.

No motions were made.

Ian Gowans – Interview conducted by Mr. Pittman.

Mr. Gowans has his evaluations and essay due in September.

Mr. Gowans has his CEs due in December.  
Mr. Gowans is not working as a nurse.  
Mr. Gowans is actively seeking a nursing job.  
Mr. Gowans is aware of what is expected of him throughout his probation.  
Mr. Gowans is in compliance.  
No motions were made.

Joseph Christman – Interview conducted by Ms. Mills.

Mr. Christman is not in compliance.  
Mr. Christman admitted to drinking with family members.

Ms. Mills motioned to fine Mr. Christman \$1000.00 for a positive PEth test for alcohol.  
Mr. Pittman seconded the motion.  
The vote in favor was unanimous.

Nelson Kinyanjui – Interview conducted by Ms. Echeverria.

Mr. Kinyanjui is compliant within his probation.  
Mr. Kinyanjui is doing well.  
Mr. Kinyanjui has learned a lot throughout his probation. He's applied everything he's learned to his position as a nurse. It has been a positive motivation in his life.  
Mr. Kinyanjui requested early termination, because he would like to continue his nursing education. His request was not accepted at this time.

Ms. Echeverria motioned to lift Mr. Kinyanjui's controlled substance restriction.  
Ms. Brown seconded the motion.  
The vote in favor was unanimous.

Lindsay Wootton – Interview conducted by Dr. Gee.

Ms. Wootton is doing well.  
Ms. Wootton has great employer reports.  
Ms. Wootton has submitted all reports.  
Ms. Wootton submitted a request for early termination.  
Ms. Wootton is compliant within her probation.

Dr. Gee motioned to terminate Ms. Wootton's probation early.  
Mr. Pittman seconded the motion.  
The vote in favor was unanimous.

Daniel Fitzgerald – Interview conducted by Dr. Hofmann.

Mr. Fitzgerald has no missed check-ins.  
Mr. Fitzgerald has great employer reports.  
Mr. Fitzgerald works as a nurse and loves his job.  
Mr. Fitzgerald is compliant within his probation.

Dr. Hofmann motioned to allow Mr. Fitzgerald to go from indirect to general supervision.

Ms. Brown seconded the motion.

The vote in favor was unanimous.

Dr. Hofmann motioned to lift Mr. Fitzgerald's overnight restrictions and to allow him to work up to 96 hours within a two week work period.

Mr. Pittman seconded the motion.

The vote in favor was unanimous.

Dr. Hofmann motioned to allow Mr. Fitzgerald to work in a float pool within the hospital that he works in.

Ms. Brown seconded the motion.

The vote in favor was unanimous.

Laurie Tashman – Interview conducted by Ms. Echeverria.

Ms. Tashman has three no-shows to UA appointments and 21 missed check-ins.

Ms. Tashman is not in compliance.

Ms. Tashman is not working as a nurse, but is actively seeking a nursing job.

Ms. Echeverria motioned to fine Ms. Tashman \$500.00 for non-compliance.

Dr. Gee seconded the motion.

The vote in favor was unanimous.

## **REQUESTS & APPROVALS:**

Mary Wendel – File reviewed by Ms. Brown.

Ms. Brown motioned to lift Ms. Wendel's controlled substance pharmacy restriction.

Mr. Pittman seconded the motion.

The vote in favor was unanimous.

Ms. Brown motioned to allow Ms. Wendel to go from indirect to general supervision.

Mr. Pittman seconded the motion.

The vote in favor was unanimous.

Audra Dangerfield – File reviewed by Ms. Mills.

Ms. Mills motioned to terminate Ms. Dangerfield's probation early.

Mr. Pittman seconded the motion.

The vote in favor was unanimous.

Megan Brownlee – File reviewed by Mr. Pittman.

Mr. Pittman reviewed Ms. Brownlee's evaluation and no motions were made.

**NEXT SCHEDULED MEETING: OCTOBER 14, 2021**

**ADJOURN: 12:59 P.M.**

**Meeting adjourned at 12:59 P.M.**

**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. For specific details, refer to the audio recording.**

10/14/2021 Debra Ann Mills

**Date Approved Debra Mills - Chairperson, Board of Nursing**

10/18/2021 Larry Marx for

**Date Approved Jeff Busjahn - Bureau Manager, DOPL**