

Wyoming State
 **Board of Nursing**
Board Meeting Minutes

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on January 5, 6, and 7, 2004, at the Financial Center, AARP Conference Room, 2020 Carey Avenue, Mezzanine, Cheyenne, Wyoming.

**Voting numbers on all decisions and motions are as follows:
IN FAVOR - OPPOSED - ABSTAINING - ABSENT**

CALL TO ORDER: The meeting of the Wyoming State Board of Nursing was called to order by President Ruthann Holzer at 12:30p.m., Monday, January 5, 2004.

ROLL CALL: President Holzer took the roll call.

Board Members Present:

Ruthann Holzer, RN, President, Lovell
Baerbel Merrill, BSN, RNC, Vice President, Gillette
Beth Evans, Ph.D., Consumer Board Member, Cheyenne
David Sones, MA, RN, CS, Board Member, Cheyenne
Bernadine Davis, LPN, Board Member, Douglas
Karen Ouzts, PhD, RN, Board Member, Laramie

Board Members Absent:

None

Staff Present:

Cheryl Koski, MN, RN, Executive Director
Mary Calkins, Ph.D., RN, Assistant Executive Director/Practice & Education Consultant
Fran Hawkins, Management Services Officer (1/7/04, 10:00-11:35)
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant
Rita Pouppirt, Executive Assistant
Ken Nelson, Attorney General's Office (1/5/04, 1:05 - 3:55; 1/6/04 9:03-2:45)
Angela Dougherty, Attorney General's Office (1/6/04, 9:20-12:00)
Rachel Riles, Exam Coordinator (1/7/04, 10:00-11:35)
JoAnn Reid, Licensing Officer (1/7/04, 10:00-11:00)

Visitors Present:

Carol Kabeiseman, LCCC (1/5/04, 12:55-1:20)
Mary Anne Dudley, LCCC (1/5/04, 12:55-1:20)
Kay Laub, LCCC (1/5/04, 12:55-1:20)
Jennifer Anderson, LCCC (1/5/04, 12:55-1:20)
Cynthia Schultz, LCCC (1/5/04, 12:55-1:20)
Martie Curl, LCCC (1/5/04, 12:55-1:20)
Janice McCoy, WYBON Site visitor (1/5/04, 2:50-3:50)
Marcia Dale, WYBON Site visitor (1/5/04, 2:55-3:50)
Fred Cole, Wyoming Reporting Service (1/6/04, 9:15-11:03)
Wayne Flagg, Office of Administrative Hearings (1/6/04, 9:25-11:00)
Mike Corney, Attorney (1/6/04, 9:30-11:00)
Anita LaFond, RN (1/6/04, 9:36-11:00)
John LaFond, Visitor (1/6/04, 9:36-11:00)
Harlan Ribnik, Pain Consultants of the Rockies (1/6/04, 12:50-1:50)

DECLARATION OF QUORUM: President Holzer declared a quorum present.

REORDERING OF THE AGENDA: By consensus, the agenda was accepted with flexibility, including the written additions and deletions submitted by Ms. Cheryl Koski, Executive Director.

APPROVAL OF THE MEETING MINUTES

Minutes of the October 6-9, 2003 Board Meeting:

By consensus, the Board agreed to approve the minutes of the October, 2003 Board Meeting, as amended.

OLD BUSINESS

The following items remain open from past meetings:

- Office Relocation

ADMINISTRATIVE ISSUES

Retired Volunteer Nurse Licensure

Ms. Koski reported on the final approval of the Retired Volunteer Nurse License proposed rules. Copies were handed out to the Board members. The proposed rules went to the Governor's office October 13, 2003. It was sent to Management Council, approved October 31, 2003, and finally signed by the Governor on November 12, 2003. The finalized rules have been posted to the Wyoming Board of Nursing (BON) website, and an insert was prepared for the Nursing Practice Act and Administrative Rules and Regulations booklets already on hand at the BON office. The BON staff are working on finalizing a Volunteer Nurse application. There are only four known clinics in the State (Cheyenne, Laramie, Casper, and Jackson) which have held themselves out as meeting the statutory requirements for utilizing Volunteer Nurses. Ms. Koski mentioned that the BON staff has the right to ask for documentation of our competency requirements, just as we do for any other license. We only received two letters regarding Volunteer Nurse licensure. Ms. Koski has responded to both Jean Pinter and Mary Ann Putnam. President Holzer commended Ms. Koski and her staff for getting it all done so quickly.

Attorney General's Office

Ken Nelson from the Attorney General's (AG) office was present to discuss the letter regarding Unlicensed Practice from the Board. Ms. Koski's letter specifically asked the following: "In reference to W.S. 33-21-130, in relicensing a person who has allowed their license to lapse for failure to renew, how does the Board address the issue of illegal practice during the time the person was not licensed?" Ken answered that there are several things the Board can do in this situation:

- The BON can notify the employer, and they can take action;
- Unlicensed practice can be reported to law enforcement authorities for prosecution;
- The BON can initiate an investigation for disciplinary actions, and in addition, it can seek an injunction to bar practice;
- The BON may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any person.

The Board members asked Mr. Nelson if a fine could be charged for working without a license. Mr. Nelson replied that the issue is currently being addressed and may be brought up in the next legislative session on behalf of all Boards in the State of Wyoming. Mr. Nelson will bring it up and further discuss it at the next AG meeting with the other Boards, and possibly draft a proposed bill. Issuing a fine may help licensees to remember to renew during the renewal period. The Board also asked if the BON could deny the application when the applicant tries to re-license. Mr. Nelson said yes, it is a basis to deny and in the hearing the burden of proof falls on the applicant to prove they are entitled to a license.

On a related topic, Ms. Koski told Mr. Nelson and the Board about some information she recently

found out from the Department of Employment. From a research study they have been conducting, they have discovered quite a few RNs who are currently working without licenses. If there are nurses out there practicing without a license, then it is our responsibility to protect the public. Many of them are currently working in physicians offices. Kathy Marquis, Compliance Consultant for the BON, will draft a letter to physicians' offices regarding the illegality of nurses practicing in their offices without a license. The letter will direct them to verify that all nurses under their employment have valid and current licenses, and that violations must be reported to the BON. It may also be helpful to put the letter on our website under news items so everyone is aware of the issue. It is important to make this highly visible. Ms. Koski will make sure it appears in "Wyoming Nurse," a publication that is widely read across the state.

Office of the Governor

Letter to Cynthia Northrup

Ms. Koski referred the Board Members to the letter Governor Freudenthal wrote to former Board member, Cynthia Northrup. He thanked her for her volunteer service to the citizens of Wyoming. Ms. Northrup was suffering from health problems and had to resign after the October, 2003 Board meeting.

Safety Discount Program - Worker's Safety and Compensation Division

Ms. Koski explained to the Board members about the mandate from Governor Freudenthal requiring all agencies to enroll in the Safety Discount Program through the Wyoming Worker's Safety and Compensation Division. Worker's Compensation premium discounts will be given after one year of safety program implementation and a 10% improvement of loss ratio position. Ms. Koski's Executive Assistant, Ms. Poupirt, downloaded the information from the Worker's Safety and Compensation Division website. There was a template on the site with a sample safety program which could be tailored to any work environment. JoAnn Reid, the BON Licensing Officer has been appointed the Safety Coordinator. Ms. Reid will attend training and set up yearly safety training sessions for the BON staff. Her training will include information about how to report to OSHA when there is a workplace accident. It is an attempt to make everyone safety conscious, and save money at the same time.

Educational Programs:

Summary of Educational Programs

Dr. Mary Calkins compiled the summary of all educational programs for the Board to review.

Laramie County Community College:

Carol Kabeiseman, Director of Nursing at LCCC, and several faculty and staff members were present to hear the Report of Site Visit by Janet Sandy and Kathy Hankel, the site visitors. Ms. Sandy presented the information on the site visit by speaker phone. Janet thanked the LCCC team for their hospitality during the visit, and commented that the College had made a lot of progress. Janet gave her comments in each of the following categories: Organization and Administration, Faculty, Students, Curriculum, Resources, Clinical Facilities and Program Evaluation. LCCCs Areas of Strength are: Strong program and faculty support from the LCCC administration and general education faculty; Nursing Program Director, Carol Kabeiseman, demonstrates excellent leadership and managerial skills, and is well respected and supported by the College administration, nursing faculty, and clinical agency staffs; Caring, hard-working and dedicated nursing faculty who are committed to the program and student success; and generous budget resources support the program. The Areas of Concern are: All nursing faculty do not have Masters Degrees in Nursing; Written criteria for awarding of points on the clinical evaluation tool need to be developed for objectivity in administering the clinical evaluation; Continued refinement and evaluation of the effectiveness of the new Systematic Program Evaluation including analysis of trended aggregated data.

Motion: *It was moved and seconded, January 5, 2004 to accept the October 2003 Site Visit Report with the following: Full approval for 8 years with a progress report in Fall 2006 addressing the strengths and weaknesses of the new curriculum and submit evidence of all areas of concern from the*

site visit report. The Board also accepted Debra Griner's Faculty Qualification Sheet.

The vote on the above decision was 6-0-0-0.

The Board reviewed the Clinical Evaluation Tool submitted by LCCC. The Board had previously expressed concerns about the tool, but the LCCC staff did an excellent job addressing the concerns as shown by the finished product.

Motion: *It was moved and seconded, January 5, 2004 to accept the Education Committee's recommendation to approve the LCCC Clinical Evaluation tool.*

The vote on the above decision was 6-0-0-0.

Ms. Sandy commended LCCC for building a solid foundation for the Nursing Program by all of their hard work.

Northwest College:

Site visitors Jan McCoy and Marcia Dale reported on the Site Visit to Northwest College October 28-30, 2003. Marlys Ohman, Director of Nursing at Northwest College was on phone conference to hear the report. Ms. McCoy and Ms. Dale recommend full approval of the nursing program for eight years (Spring of 2011), having earned 203 out of 230 points. The areas of strength included the following:

- Enthusiastic, hardworking nursing faculty;
- Bright, articulate students;
- Supportive leadership from dedicated, highly respected nursing director who works hard to develop competent faculty and create a successful learning environment for students;
- Supportive college administration, student services personnel, and general faculty (division chair even attends nursing faculty meetings);
- Budgetary support for program operations and faculty;
- Library access to nursing related literature is impressive for the size of the college;
- Active, involved and interested advisory committee;
- A program that is responsive to recommendations from students, graduates, employers, and community for program improvement;
- Involvement in meeting community needs unrelated to the nursing program.

Areas of concern:

- All nursing faculty do not have Masters Degrees in Nursing;
- Curriculum needs to be refined for consistency and congruency. The philosophical framework and educational outcomes need to be woven throughout the curriculum and visible in all course objectives and evaluation tools. There needs to be congruency between level objectives and course objectives;
- Program evaluation plan needs further development;
- Data do not guide program changes;
- No conceptual map to guide course development;
- Curriculum is not stable;
- Program outcomes are not developed from the mission and philosophy.

Ms. McCoy did receive a revised curriculum recently. She will share the information with the Board.

Motion: *It was moved and seconded, January 5, 2004 to accept the Education Committee's recommendation to accept the October Site Visit Report with the following: Full approval for 8 years with a progress report in 2 years including submission of supporting documentation to show evidence of implementation in the areas of concern.*

The vote on the above decision was 6-0-0-0.

University of Wyoming:

The Board reviewed the Faculty Qualification Sheets from Dr. Pamela Clarke, Dean and Professor of the UW School of Nursing. The Board also expressed concern over UW's NCLEX pass rate of only

75%.

Motion: *It was moved and seconded, January 5, 2004 to accept all Faculty Qualification Sheets and for Ms. Koski to address in writing how the UW School of Nursing plans to meet the Boards minimum passing standards of 75%*

The vote on the above decision was 6-0-0-0.

Western Wyoming Community College:

The Education Committee and the Board reviewed the Faculty Qualification Sheets for the new faculty hired for Fall Semester 2003, which Marlene Ethier sent to the Board in October. The Board also reviewed the letter from Ms. Ethier which addressed Board concerns about information contained in their Annual Report.

Motion: *It was moved and seconded, January 5, 2004 to accept the Education Committee's recommendation to accept the Faculty Qualification Sheets. The Board wishes to commend Western Wyoming Community College on their 100% NCLEX pass rate. In addition, the Board appreciates the WWCC nursing program addressing the areas of concern from their annual report.*

The vote on the above decision was 6-0-0-0.

Central Wyoming College:

The Board reviewed the Annual Report Review Follow-up submitted by Billie Dutcher, in response to the Boards concerns.

Motion: *It was moved and seconded, January 5, 2004 to accept the Education Committee's recommendation to accept and acknowledge the following:*

- *Faculty Qualification Sheets.*
- *The Board appreciates CWC addressing the areas of concern from the Annual Report.*
- *The Nursing orientation program appears to focus on orienting new instructors to the CWC Nursing program, but does not include the BON requirement of 10 clock hours of education preparation in principles and methods of teaching, learning and evaluation of performance outcomes.*

The vote on the above decision was 6-0-0-0.

Casper College:

The Board reviewed the letter sent by Dr. Mary Calkins to Jolene Knaus, Director of the Nursing program at Casper College. Dr. Calkins informed her that the Board Of Nursing accepted the Faculty Qualifications Sheets and five year plans at their October 2003 meeting.

Weber State University:

The Board members reviewed the letter from Debra Huber, Chair of the Nursing Department, regarding the feasibility of delivering an Outreach Associate Degree program in Afton, Evanston, and Kemmerer.

Motion: *It was moved and seconded, January 5, 2004 to accept the Education Committee's request to review the report of Dr. Huber's site visit to investigate the possibility of the Outreach Associate Degree program in those communities.*

The vote on the above decision was 6-0-0-0.

Pickens Tech:

The Board reviewed the letter Dr. Calkins wrote to Roxanne Shaw regarding Annual Report she submitted. The Board accepted the report during the October Board meeting, and appreciated the participation of Ms. Nancy Gay and Dr. Dan Lucero in the meeting.

Draft Annual Report Form

Ms. Koski presented the draft of the Annual Report form which was reviewed recently by the Nurse Educators of Wyoming. The Board discussed the proposed changes and suggestions.

CNA as Mandatory Pre-requisite to LPN and/or RN Nursing Education

David Sones requested the Board's opinion on mandating a CNA be obtained prior to admission to a nursing education program. Mr. Sones stated he was opposed to this concept as it would possibly extend the time frame for an individual to complete a nursing program. Board members discussed the pros and cons of this as an admission requirement. By consensus, the Board decided that the issue should be up to the individual nursing programs.

Temporary Permit for APN Students

Ms. Koski has received inquiries from some APN students in Colorado and Idaho who would like to be able to obtain a temporary permit (or a licence at a reduced fee, since they won't be practicing in Wyoming permanently) to practice in Wyoming in order to do their clinicals here.

The Board discussed the ramifications of making exceptions for just a few students. It was decided that creating a temporary permit for APN students is not feasible at this time because of budgetary issues and possible workload increases on the Compliance Consultant in case there are any disciplinary problems among the temporary permit holders.

National Council of State Boards of Nursing:

Revision of RN Passing Standard

Ms. Koski reviewed the News Release regarding the NCLEX-RN Examination Passing Standard revision with the Board. Ms. Koski explained that test scores statewide may be lower because the standards have been increased in several areas. Candidates can always retake the exam after 45 days if needed. Ms. Koski sent the notice to all education programs in the state. She expressed her concern about how the changes will affect student pass rates, and will offer her assistance to them as they prepare students for the exam. She also submitted the information to the *Wyoming Nurse* for publication so everyone is aware of the changes.

Revision of NCLEX-PN Test Plan

Ms. Koski also went over the information from NCSBN on the NCLEX-PN test plan changes. The Education Committee has also reviewed the document. Discussion among the Board members followed. The changes need to be made to reflect the changing LPN role across the nation, and to guide the educational programs in preparing LPNs for the increasing complexity of the job. Ms. Koski will forward the Board comments to NCSBN to be voted on at the 2004 Delegate Assembly.

Report of Citizen's Advocacy Meeting - Dr. Beth Evans

Dr. Evans reported on the Citizen Advocacy Center's 2003 Annual Meeting, which she attended in November, 2003. She brought back several reference readings from the meeting. They are on file in the BON office. Dr. Evans handed out a synopsis of the sessions she attended on the topics of Quality of Care, Pain Management, Medical Errors, Complaints and the Disciplinary Process, Delegation/Supervision, Mandatory Staffing/Overtime, Continuing Competence, and Patient Safety.

NCSBN Mid-Year Meeting

Ms. Koski reviewed the information and agenda for the NCSBN Mid-Year Meeting to be held March 3-5, 2004 in Chicago, Illinois. Baerbel Merrill, as President would normally go with Ms. Koski, but she had a scheduling conflict. Dr. Ouzts will attend in her place with Ms. Koski.

Institute of Regulatory Excellence

Ms. Koski presented a letter to the Board members regarding her acceptance into the Regulatory Excellence Fellowship Program. She was one of 25 applicants awarded a one-year membership in the fellowship program. As a fellow, she will receive full support for registration, travel and lodging for a three-day seminar on January 12-14, 2004 in Fort Worth, Texas.

Final Report of Multi-state Licensure Compact Impact Evaluation

Ms. Koski reviewed the information on the impact of multi-state licensure compacts. The tables in

the report show how many states have lost revenue they would have had in endorsement fees. In some cases, the Boards of Nursing in those states had to increase their fees to cover the loss. The Board members discussed the issue and the fact that our rules and regulations would need to be changed in order to increase fees, which would not be an easy thing to do. The bottom line is, the BON cannot afford to lose the revenue brought in by endorsements.

NCSBN Events Budget Forecaster

Ms. Koski briefly went over the Events Budget Forecaster with the Board members for informational purposes. The document shows the scheduled meetings for 2004. The Board would like to discuss the schedule further at the April meeting to decide who will attend some of the meetings.

A Board Investigator Summit meeting will be held June 14-16, 2004 in Philadelphia, PA. Kathy Marquis, Compliance Consultant for the BON, will attend with one other person. This will be decided at the April Board meeting.

Ms. Koski, and Dr. Calkins will be attending the UAP Conference on June 11, 2004 in Austin, TX.

NCSBN Response to Issues Surrounding Recent Case of Nurse Who Admitted to Killing Patients

The Board reviewed the information and discussed the importance of protecting the public from harm. Employers must also take responsibility to do background checks as part of the hiring process.

Certified Nursing Assistants:

Ms. Koski presented a summary of all CNA programs in the state for the Board to look over. She also reviewed the letter and Annual Report she sent to Cliff Mikesell with the Office of Health Facilities. Ms. Koski also included with the letter a calculation of costs incurred by the Board for the Nurse Aide Training Programs, and NACEP and a calculation of the cost of cost reimbursements derived from the December, 2001 MOU.

Response from Attorney General's Office 11/25/03 regarding request for population of all nurse aides

Mr. Nelson from the AGs office addressed the letter Ms. Koski had written regarding the Federal Department of Health and Human Services' request for detailed Nurse Aide information. Mr. Nelson told the Board that the Wyoming Freedom of Information Act is extremely broad, and because of the nature of their request, it would be proper for the BON to release the information since they are using it for a study.

Ms. Koski told the Board that the license database for CNAs will soon be upgraded to include a field to track employment in long term care facilities. We will also ask for this information on our CNA certification application, and the renewal card which will be sent out this coming fall. With that information in place, we can respond to requests from the Federal Government. They will be auditing records to make sure facilities and CNAs are in compliance with the laws. The BON staff must notify prospective endorsees that the Government will be checking records.

Bioterrorism - Dept. Of Health

Ms. Koski went over the Proposal submitted to Dept of Health regarding the Board of Nursing staff maintaining the Data Base for Wyoming Nurse Alert System. The Department of Health will be looking at the proposal in more detail when legislature is over. By consensus the Board acknowledges and supports the Bioterrorism proposal.

Wyoming Professional Assistance Program (WPAP):

The Board reviewed the letter Ms. Koski sent to Nancy Freudenthal regarding request for

increased funding.

George Vandell gave the quarterly WPAP report to the Board by phone conference. The Board members briefly discussed the report and asked Mr. Vandell about some of the information it contained, the fee increase in particular. He will be in Cheyenne soon, and is planning to meet with Ms. Marquis to discuss the monitoring agreement, the UA collection procedure and other items.

Budget:

Ms. Hawkins reviewed all budget items with the Board. She noted the following costs from recent meetings and site visits:

- Hearing Cost from October 2003 Board Meeting - \$2,537.26
- October Board Meeting Costs - \$7,685.86
- Site Visits: LCCC - \$4,825.64; NWCC - \$4,771.80
- CAC Meeting in Washington (Dr. Evans) - \$1,807.35

The Board was surprised at the cost of the site visits for the two schools. All agreed ask for an AG Opinion on reimbursement for Site Visits.

Motion: *It was moved and seconded, January 7, 2004 to ask for an AG Opinion as to the appropriateness of reimbursement for mandatory site visits to educational institutions.*

The vote on the above decision was 6-0-0-0.

Administration Budget Report Ending December 31, 2003

Ms. Hawkins explained that she needs the Board to approve a B-11 budget request for WPAP and Central Services costs. Ms. Hawkins explained that a B-11 is simply a request to the Governor to spend our own money.

Motion: *It was moved and seconded, January 7, 2004 to approve the B-11 Budget request for \$61,000 to 200 and 400 series money of the Administrative Budget.*

The vote on the above decision was 6-0-0-0.

Biennium Budget 2004-2006

Ms. Hawkins and Ms. Koski explained the Biennium Budget Request to the Board.

B-11 Computer Services Upgrade

Ms. Hawkins and Ms. Riles presented the information about the budget request for \$42,000 for the design, development and construction of a license tracking software system. A team from the BON office, which included Ms. Hawkins, Ms. Riles and Ms. Koski, reviewed several proposals and conducted interviews to select the best company for the job. The proposals were included in the Board packet for the Board members to see. The group gave Katchemak Data Systems and Web Technologies was given the contract, as they had the best proposal, plus good recommendations from other State Agencies. The Board discussed the proposal and asked questions for clarification.

Motion: *It was moved and seconded, January 7, 2004 to accept Katchemak Data System's proposal for the conversion of the current database.*

The vote on the above decision was 6-0-0-0.

Request for Proposal - Office Move

Ms. Hawkins explained to the Board that the money needed to move to a different location is now in our budget. We budgeted for 5,000 at \$16 per square foot. The Board staff are still touring different locations around Cheyenne to find the right location. The Lessor of whatever building we decide on will need to fill out a Request for Proposal and submit it to the Department of A & I for approval. At the next Board meeting Ms. Hawkins will probably have more details to report on.

The Board commended the staff for their hard work this quarter.

Department Of Employment Workforce Study

Ms. Koski discussed the handout from the Department of Employment Workforce Study regarding projections about nursing education and employment in Wyoming. She will be speaking to the Health Care Commission about these figures on January 26th, 2003 in Casper. Dr. Ouzts will also attend. The Board highly recommends that Ms. Koski and Dr. Ouzts attend the meeting as representatives of the Board of Nursing.

HRSA Gallop Poll

Ms. Koski referred to the letter of request from Marilyn Biviano with the Federal Department of Health and Human Services. Ms. Biviano needed a complete list of RNs for a Health Resources and Services Administration research study. BON policy only allows a partial listing of those RNs who have opted to allow a release of information - approximately 56%. Mr. Nelson from the AGs office has approved a 100% release of names to the Federal agency since the information will be used for statistical purposes only. Mr. Nelson will need to approve all requests of this type.

Mandatory Overtime

It has come to the attention of the Board that mandatory overtime is being abused by some institutions. Student nurses are working as CNAs as many as 14-16 hours per week in addition to their already full class schedule. They are being told that if they don't work the schedule that has been set for them, then they will be fired. Lack of quality care in an such an environment is a big concern to the Board members. The Board has taken the position that legislation needs to be pushed through to limit the number of hours CNAs can work, as it can present a danger to the public. We will put a statement on our website to reflect our concerns.

Statement: The Board of Nursing expresses it's concern regarding the use of mandatory overtime because of its potential adverse effects to patient safety and quality of care.

Board Strategic Plan:

The Board Members reviewed the Strategic Plan brochure, which Dr. Evans put together with the assistance of Rachel Riles, Board Staff member. The details and formatting were discussed by the Board. Board President, Ruthann Holzer, commended Dr. Evans for her work, and the professional looking piece.

***Motion:** It was moved and seconded, January 7, 2004 to approve and adapt the Wyoming Board of Nursing Strategic Plan brochure without the Board members names, but the role representation as listed in the statute.*

The vote on the above decision was 6-0-0.

The Board members discussed items they wanted to include in the "Parking Lot" document which was set up in the July, 2003 Board meeting with items to be addressed at a later time. Ms. Poupirt will print out the document and it will be reviewed at the April, 2004 Board meeting.

Ms. Koski reviewed the Goals and Objectives document with the Board members. They all discussed it and made suggestions for improvement and clarity. It is a living document, which will be continually updated as the goals and objectives are achieved. The Board commended Ms. Koski for all of her hard work in setting the goals and objectives.

Personnel Issues:

Ms. Koski explained to the Board about the salary freeze which has been in effect for several months. She passed out a memo from the Governor regarding cost of living increases, market inequity adjustments, and performance management/training programs. There was discussion about the lack of control State agencies have regarding employee compensation. The Board also looked at Governor's Compensation Plan, the Memo from Governor Freudenthal regarding Agency Compensation Policies, and the Draft Proposed State Personnel Rules

Board Vacancies

Ms. Koski discussed the upcoming Board vacancies with the members. One LPN position was already vacated after the October Board meeting, and has not yet been filled. The terms of the following Board members expire February 29, 2004: Ruthann Holzer, Dr. Beth Evans, and David Sones. Ms. Koski has had a number of inquiries about the vacancies, but there have been no appointments made so far. An article about the vacancies will be placed in the Casper Star as soon as possible.

Board Meeting Schedule - FY04-05

The Board members agreed to set a schedule of meetings for the coming year. The consensus was to schedule the quarterly meetings for the second full week of January, April, July and October. Due to a conflict in scheduling, however, Ms. Davis could not attend the meeting during the second week of April this year. Her attendance is required for a quorum as she is the only LPN at this time. The meeting schedule was set as follows: April 5-8, 2004; July 12-15, 2004; October 11-14, 2004; and January 10-12, 2005.

The Board discussed whether or not the Board meetings would always be held in Cheyenne, or if the site for the meetings should be alternated. Due to the hearings, and the fact that few members attend the meetings when they have been held out of town, the Board decided that Cheyenne is the best place for the meetings.

Ms. Koski asked the Board members to make their own reservations for their hotel rooms for all future Board travel needs. In addition, instead of delivering all of the Board packets to the different hotels around Cheyenne, the packets will be mailed to the Board members at their home addresses 10 days in advance of the meetings.

Declaration of Annual Meeting

The Board declared an Annual Meeting.

Motion: *It was moved and seconded, January 6, 2004 to declare this January as the Annual Meeting to elect officers in order to ensure continuity of the Board.*

The vote on the above decision was 6-0-0-0.

Election of Officers

The Board conducted an election of officers.

Motion: *It was moved and seconded, January 6, 2004 to elect Baerbel Merrill as President, Dr. Karen Ouzts as Vice President and Bernie Davis as Secretary beginning March 1st, 2004 to ensure continuity of the Board's officers.*

The vote on the above decision was 6-0-0-0.

Executive Session

A performance evaluation regarding the Executive Director's performance was given by the Board Members during Executive Session.

Motion: *It was moved and seconded, January 7, 2004 to give the Executive Director a 7.5% raise based on performance*

The vote on the above decision was 4-1-0-1.

SCOPE OF PRACTICE:

Board Advisory Opinions

Management of Analgesia by Catheter Techniques

Dr. Harlan Ribnik, Anesthesiologist, United Medical Center, Epidural Analgesia

Dr. Robnik gave a detailed presentation to the Board on Epidural Analgesia and provided handouts to everyone. He read the Advisory Opinion written by the Practice Committee. He

felt that it was a very well crafted document. The Board thanked him for his time and expertise.

The Practice committee discussed the concern submitted by Brandy Sellers from Memorial Hospital of Sweetwater County regarding epidural analgesia. The Board also discussed the letter from United Medical Center regarding Epidural Catheters, which was tabled during the October, 2003 meeting. After discussion among the Board members, it was concluded that while the BON Advisory Opinion on Management of Analgesia by Catheter Techniques is not congruent with the Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN), the institutional policies may be more strict than the Board of Nursing.

RN Presence During Apheresis

The Board discussed a practice question regarding Apheresis.

Motion: *It was moved and seconded, January 6, 2004 to accept the Practice Committee's recommendation that an RN be present during the apheresis procedure in compliance with current literature.*

The vote on the above decision was 6-0-0-0.

LPN's Performing Peritoneal Dialysis

The Board discussed a practice question regarding Peritoneal Dialysis.

Motion: *It was moved and seconded, January 6, 2004 to accept the Practice Committee's recommendation that it is within the scope of the LPN to perform peritoneal dialysis under the following conditions:*

1. *Have received education beyond licensure that is specific to peritoneal dialysis.*
2. *The patient shall be assessed by the RN and determined to be stable.*
3. *May perform peritoneal dialysis under the supervision of the RN.*
4. *Follow institutional policy, procedure, and protocol*

The Board also accepted the Practice Committee's recommendation that it is not within the scope of the LPN to teach the client peritoneal dialysis. The LPN may reinforce the patient teaching performed by the registered professional nurse.

The vote on the above decision was 6-0-0-0.

Student Nurse Externship Programs

The Board addressed nurse extern programs (RN students who have completed the second semester of a nursing education program). It has come to the Board's attention that many facilities are hiring student nurse to serve in their Externship programs performing duties which require CNA certification.

Motion: *It was moved and seconded, January 6, 2004 to accept the Education and Practice Committee's recommendation in regard to the following:*

- *The nurse extern program shall be offered for credit through a Wyoming Board of Nursing (WBON) approved nursing education program.*
- *All standards of the Board's Administrative Rules and Regulations shall apply to nurse extern programs.*
- *All out-of-state nursing programs must have WBON approval prior to offering a nurse extern program in the state of Wyoming.*

The vote on the above decision was 6-0-0-0.

Advisory Opinion Revisions

The Practice Committee presented their recommendations to the Board regarding revisions that needed to be made for several Advisory Opinions.

Motion: *It was moved and seconded, January 6, 2004 to accept the Practice Committee's recommendation to revise the following Advisory Opinions:*

- *89-14 Diagnosis and Treatment of STD by RN*

- 91-29 IV Versed
 - 92-41 CNA Hired by a Family
 - 01-108 Oxygen Administration by CNA
 - 02-110 Management of Analgesia by Catheter (i.e. Epidural)
 - 03-123 IV Therapy by LPN
- The vote on the above decision was 6-0-0-0.

Advisory Opinions to be Repealed

The Practice Committee recommended to the Board that several Advisory Opinions be repealed.

Motion: It was moved and seconded, January 6, 2004 to accept the Practice Committee's recommendation to repeal the following Advisory Opinions for one or more of the following reasons:

- ▶ Out-of-date;
- ▶ Contradicts Board Rules and Regulations;
- ▶ Part of Delegation Model;
- ▶ Another Advisory Opinion is more current;
- ▶ Duplicate Advisory Opinion;
- ▶ Board has no jurisdiction
- ▶ Not an Advisory Opinion;
- 88-1 Graduate Foreign Nurse Temporary Permit
- 88-2 Epidural Medication Monitoring
- 88-3 Delegation of nursing tasks to nurse interns
- 88-5 Enforcement of APN Recognition Status Policy
- 88-6 Epidural Medications
- 88-7 Visitors to Board Meetings Guidelines
- 88-9 LPN to be recognized as FNP
- 88-12 Interspinalcatheter administration of low dose anesthetic agents
- 88-13 Epidural Duramorph
- 88-16 Signing off Verification forms
- 88-17 Administration of anesthetic/analgesia by catheter
- 88-18 Suturing by RN
- 88-19 Intraosseous Fluid Replacement
- 90-21 UAP supervising medication administration
- 90-22 Epidural Medication Administration
- 90-23 PCA pump monitoring by LPN
- 90-24 Oxygen Administration by CNA
- 90-26 PICC Line insertion
- 91-28 CNA as a Tele Tech
- 91-31 OTC Drug Therapy and ARC
- 91-32 IV Labeling by LPN
- 91-33 LPN Adding and Mixing IV Antibiotics
- 91-34 Application of shampoos, ointments and powders by CNA
- 92-39 BOM Proposed Rules Change re: "Surgical Procedure"
- 91-40 LPN Add-a-Mix IV
- 92-42 IV Push meds by ACLS LPN
- 92-43 IV Meds LPN
- 92-44 Oxygen turn-off by CNA
- 92-48 RN as First Assistant
- 92-49 Documentation of Medication Errors
- 93-51 LPN and Phlebotomy
- 93-52 LPN IV Therapy Revision
- 94-55 ACLS for LPN
- 96-65 Rapid Sequence Intubation by RN
- 97-66 IV Chemotherapeutic Drugs by LPN
- 97-72 Training UAP to Administer Medication
- 97-75 Care Staff members
- 97-79 Oxygen Administration by CNA
- 97-81 Telemedicine

- 98-86 *Epidural Catheters and Medication Administration*
- 98-87 *APN Collaborative Plan Review*
- 98-88 *Breast, pelvic and PAP Smears*
- 98-90 *LPN changing pre-loaded cassettes*
- 98-91 *Peripheral IV lines and LPN*
- 99-94 *Oxygen and CNA*
- 99-95 *Prescriptive Authority of Certified Herbalist*
- 00-103 *Chest Tube Removal*
- 01-107 *Peripheral Insertion of Central Lines*
- 02-111 *Administer IV Radiological Agents by LPN*
- 02-115 *Tracheal Suctioning by HHA*

The vote on the above decision was 6-0-0-0.

Feeding Assistant Regulations

The Board reviewed information from a copy of CFR 483 and 488 regarding paid Feeding Assistants in long term care facilities. The Practice Committee had already discussed the issue in their meeting. It is unclear whether or not the Feeding Assistants would be under the direct supervision of an RN.

Motion: *It was moved and seconded, January 5, 2004 to request an AG Opinion from Ken Nelson, Board Attorney, on whether CFR 483 and 488 are consistent with the Wyoming Nursing Practice Act and Board Rules and Regulations and/or any other State Law.*

The vote on the above decision was 6-0-0-0.

Draft Practice Question Request Form

The Board reviewed a draft of the Practice Question form.

Scope of Practice Letters and Advisory Opinions - October Board Meeting - FYI

The Board reviewed the letters from the October Board Meeting regarding Administration of Sevoflurane and Isoflurane, Healing Touch, Newborn Intubation, and Pelvic and Colposcopy Examination

DISCIPLINARY ISSUES:

Kathy Marquis and the Disciplinary Committee have discussed the disciplinary and complaint procedure in an effort to streamline the process.

Motion: *It was moved and seconded, January 5, 2004 to delegate authority to the Application Review Committee and Disciplinary Committee to proceed with disciplinary procedures or to deny licensure.*

The vote on the above decision was 6-0-0-0.

Regarding any motions during Board Meetings, the Board agreed by consensus to allow the Recorder of the Minutes discretion in rewording motions within the Board Meeting Minutes for better readability.

Disciplinary Statistics

Ms. Kathy Marquis briefly went over the disciplinary statistics for the years 2002-2003. As Compliance Officer, Ms. Marquis handed out a document which detailed the number of applications, complaints, and hearings reviewed in her office during the year.

Hearings:

Docket #01-062 - Anita LaFond, RN: The Board heard the testimony and reviewed the

evidence presented during an administrative hearing.

Motion: A motion was made and seconded, January 6, 2004, to revoke the license of Anita LaFond on the grounds of fraud in application and evasive testimony before the Board. The vote on the above decision was 4-0-2-0

Board Reconsiderations

None to consider

Off Conditional License

None to consider

Actions Finalized (Signatures Needed):

Letters of Reprimand:

Motion: A motion was made and seconded, January 6, 2004, to affirm the Disciplinary Committee's recommendation to issue a letter of reprimand to:

Case No. 02-112, Justin Young, CNA

Case No. 03-022, Geraldine Wolf, RN

The vote on the above decision was 4-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Stipulated Agreements/Conditional Licensure:

None to consider

Voluntary Surrender:

Motion: A motion was made and seconded, January 6, 2004, to affirm the Disciplinary Committee's recommendation to accept voluntary surrender from:

Case No. 03-010, Eleanor VinLuan, LPN

The vote on the above decision was 4-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Private Agreements:

None to consider.

Withdrawal of Application:

None to consider

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Merrill at 12:00 p.m. on January 7, 2004.

Submitted by:

//SIGNED//

Rita Pouppirt, Recorder

//SIGNED//

Baerbel Merrill, BSN. RNC, President

//SIGNED//

Karen Ouzts, PhD, RN, Vice President

//SIGNED//

Bernie Davis, LPN, Secretary