



Wyoming State
Board of Nursing
Board Meeting Minutes

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on January 8 and 9, 2002, at the Cheyenne Veteran's Affairs Medical Center, 2360 East Pershing Boulevard, 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 Judy Turner at 9:00 a.m., Tuesday, January 8, 2002.

ROLL CALL: President Turner took the roll call.

Board Members Present:

Judy Turner, MS, RN, President, Story
Ruthann Holzer, RN, Vice President, Lovell
Beth Evans, Ph.D., Secretary, Consumer Board Member, Cheyenne
David Sones, MA, RN, CS, Board Member, Cheyenne
Patti Ellis, LPN, Board Member, Pinedale (via phone Jan 8, 2002; 9:00 - 9:15 a.m.; 10:00 - 11:45 a.m.; 4:00 - 4:15 p.m.; and Jan 9, 2002, 3:35 - 5:00 p.m.)

Board Members Absent:

None.

Staff Present:

Cheryl Koski, MN, RN, CS, Executive Director
Mary Schaper, MS, RN, Assistant Executive Director/Practice Consultant
Mary Calkins, Ph.D., RN, CNN, Compliance Consultant
Fran Hawkins, Management Services Officer
Rachel Riles, Administrative Specialist
Angela Dougherty, Attorney General's Office (Jan 8, 2002, 9:00 - 11:15 a.m.)

Visitors Present:

Jan Beeken, RN, VA Medical Center (Jan 8, 2002, 9:00 - 9:15 a.m.)
Jackson Waters, RN, WPAP Representative (Jan 8, 2002, 1:20 - 3:00 p.m.)
George Vandel, WPAP (Jan 9, 2002, 10:00 - 11:30 a.m.)
Berton Toews, M.D., WPAP (Jan 9, 2002, 10:00 - 11:30 a.m.)

DECLARATION OF QUORUM: President Turner 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 May 14-16, 2001 Board Meeting:

Motion: A motion was made and seconded, January 8, 2002 to approve the minutes of the July 18-20, 2001 and the October 22-24, 2001 Board Meetings, and the November 29, 2001

Conference call, as amended. The vote on the above decision was 5-0-0-0.

OLD BUSINESS

The following items remain open from past meetings:

- Request for AG clarification on WPAP immunity. (Feb 2001)
- Equipment replacement schedule (Feb 2001)

ADMINISTRATIVE ISSUES

Educational Programs:

Summary of Annual Reports: The Board reviewed the summary information from the annual report database and the letters responding to each college regarding their Annual Report submission.

Northwest College: The Board reviewed the progress report received from Ms. Marlys Ohman. Curriculum has been adjusted to accommodate the future plans to change the program to a two-year Associate of Applied Science in Nursing degree without the LPN spinoff. The Board also reviewed NWC's plans to expand the program to Worland. The Board feels plans to expand the nursing program to Worland would over-extend NWC's existing program. Also, the Board would like it noted that expansion would require Board approval.

A focused visit to the program is due in April to address correction of deficiencies. By consensus, the Board decided to contract for an outside individual to go with President Turner for the site visit.

University of Wyoming: President Philip Dubois and Dean Robert Kelley sent a letter to Ms. Koski informing her of the University's intention to seek a budget request for a capital construction project to improve facilities used in the education and training of future health professionals, including nurses, and encouraged her to consider endorsing it. By consensus, the Board feels it is not our position to endorse such legislative budget requests.

Laramie County Community College: The Board reviewed Ms. Deselms' letter indicating LCCC has begun the process of reviewing/revising/updating the conceptual framework of the Nursing Program. Ms. Deselms also reported concern regarding continued faculty shortages.

Pickens Tech Practical Nursing Program: The Board considered a letter from Ms. Shirley Harris, DON, UMC to the Governor requesting the Board of Nursing increase the faculty/student ratio, as a Petition for Rulemaking under the Wyoming Administrative Procedures Act, as per request from the Governor.

***Motion:** A motion was made and seconded, January 9, 2002 to deny petition for an emergency rule change and direct staff to respond in writing with our rationale. The vote on the above decision was 5-0-0-0.*

National Council of State Boards of Nursing:

Mid-Year Meeting - March 4-6, 2002: By consensus, the Board agreed to send President Turner, Ms. Koski, and Ms. Schaper to the mid-year meeting in Chicago, IL. Cost is expected to be approximately \$3,400.

Additionally, Ms. Holzer, Ms. Koski, and Ms. Schaper will be attending the Annual Meeting in August in Long Beach, CA, Dr. Calkins will be attending the Investigator's Summit in June, and

Dr. Evans will be attending the Citizen Advocacy meeting in November.

Commitment to Excellence Project: The NCSBN is studying Excellence in Boards of Nursing. NCSBN surveys regarding practice, education, licensure, and governance are to be completed and returned by March 2002. An interim report of data analysis and “best practices” will be presented at the 2002 Midyear meeting and a full report of Commitment to Excellence data at the 2002 Delegate Assembly.

NCLEX Examination Review: President Turner, Mr. Sones, Ms. Koski and Ms. Schaper will be participating in an exam review at the Sylvan Learning Center, May 31, 2002.

CRNA Supervision: Dr. Brent Sherard, State Health Officer has been appointed by Governor Geringer to review the new federal requirement for CRNA supervision. The Board of Medicine does not want the Governor to opt-out of this requirement, the Hospital Association does, and the Board of Nursing has not yet been asked. The Board would like Ms. Koski to send the BON’s recommendation to the Governor to opt-out of the supervision requirement for CRNAs.

Department of Health:

ASI Contract Proposal Draft: ASI has been purchased by Computer Adaptive Technologies, Inc. (CAT) and will be know as CAT*ASI. Consequently, the move toward ASI providing full-service coverage for Wyoming will require further negotiations with the newly-merged company. Ms. Schaper will continue to work toward establishing a contract for full-service; however, the new company may not desire to offer the full-service previously agreed upon with ASI.

MOU - Department of Health (DOH): The MOU with DOH was finalized on December 12, 2001. The Board reviewed a letter sent by Ms. Kay Wagner, Director of the Office of Health Quality (OHQ), requesting a process be established to place names on the registry since only the State Survey and Certification Agent can officially place persons with charges of abuse, neglect and misappropriation of property on the Registry. Ms. Koski stated she had sent a reply to Ms. Wagner stating a process has been in place since 1996 and, in fact, the Department of Health, OHQ, had assisted in developing it.

Since the MOU with DOH is finalized for the CNA program, the Board no longer felt the need to submit a letter to the Governor addressing the Board’s concerns on this issue.

***Motion:** A motion was made and seconded, January 9, 2002 to withdraw the motion of July 19, 2001 to approve a letter to the Governor regarding CNA MOU issues, with staff and attorney to approve content, as discussed at July 18-10, 2001 meeting.*

The vote on the above decision was 5-0-0-0.

MOU - Medicaid Fraud Control Unit: The MOU with MFCU regarding the sharing of information on cases of fraud, abuse, or neglect with Medicaid Fraud was finalized December 3, 2001.

Wyoming Professional Assistance Program (WPAP): George Vandell has been hired as the new clinical administrator for WPAP. The Board of Medicine and the Wyoming Medical Society have opted to dissolve their business partnership (Corporation with Partners) regarding WPAP. There is now a proposal to change WPAP’s corporation status from a “Corporation with Partners” to a “Corporation with Board Governance.” The Board reviewed and discussed the impact of the proposed Bylaws on the Board of Nursing.

Guest - Jack Waters, RN, Board WPAP Representative: Mr. Waters reviewed proposed changes to WPAP with the Board. He addressed concerns regarding Board representation, immunity status, and a proposed two-track system. The proposed Bylaws do not require representation from any of the participating Boards, only that potential directors “may” be solicited. Presently, the only communication BON receives is from their Board appointed representative. Additionally, if the individual representing the BON were no longer an agent of the Board, the question of immunity would become more complicated. The Board expressed concern over the proposed two-track system which would place nurses in one track and all other licensees into another. Mr. Waters will relay the Board’s concerns regarding representation and not having split tracks at the next WPAP Board Meeting.

Guests - Dr. Berton Toews and George Vandel: Dr. Toews reviewed the history of WPAP with the Board and discussed the proposed restructuring of the organization to become an autonomous business, based on the recommendations of the recent consultation review. Recommendations include: developing a governing board that has business expertise, creating an advisory board, and managing nurses in a separate structure from other professionals because of the higher numbers and difference in reporting procedures required from the Board of Nursing.

Dr. Toews indicated he would like a timetable, in writing, from the Board of what is required for reporting, when it is to be reported (i.e., monthly, quarterly, etc.), how it is to be prioritized, and who is to be admitted into the program. Dr. Calkins will submit this information to WPAP. There was discussion about potential problems with licensure if WPAP accepts nursing students into the program.

Nursing Regulation - National Disasters/Emergencies: The Board reviewed and discussed the proposed Model State Emergency Health Powers Act which Wyoming may adopt. This act to grant specific emergency powers to state governors and public health authorities was prepared by the Center for Law and the Public’s Health at Georgetown and Johns Hopkins Universities in collaboration with the National Governors Association, National Conference of State Legislatures, Association of State and Territorial Health Officials, National Association of City and County Health Officers, and National Association of Attorneys General. The Governor has set up a committee to study the impact on Wyoming if enacted. The Board would like Ms. Koski to be appointed to this committee.

Nursing Shortage: The Board reviewed proposed legislative bills for the upcoming legislative session, including nursing education and criminal background checks in nursing facilities. A BON review of the licensed nurses in Wyoming shows a steady increase in numbers, rather than a decrease, with numbers being at the highest ever. This would lead the Board to believe the problem is workforce related rather than an availability problem.

MOU - Department of Employment (DOE): The MOU with DOE has been finalized and a request for money to pay for the survey was sent to the Wyoming Business Council, who declined to fund the study. The Board determined it is the responsibility of the Wyoming Commission for Nursing and Nursing Education (WCNNE) to pay for the research as it is part of their mission. By consensus, the Board agreed that it is inappropriate for the BON to participate because the BON is a regulatory agency and not an advocate for nurses. The Board has contributed in-kind services to the Commission.

Strategic Planning: It was decided that strategic planning to determine an appropriate course and direction for the Board needs to be discussed at the next Board meeting. Also, a review of appointment of Board members to internal committees should be accomplished at the next meeting, as well as a total review of discipline issues.

Budget: Ms. Hawkins reviewed all budget items with the Board. To cover unexpected costs, a B-

11 is needed to balance the budget.

Motion: A motion was made and seconded, January 9, 2002 to B-11 \$55,000 to the administration budget to cover increase in office lease (\$4,500), the increase in A&I's cost allocation (\$7,000), and WPAP (\$36,000) and VIPS (\$7,500) costs.
The vote on the above decision was 5-0-0-0.

Revenue and expenditures for the Nurse Aide program are just about even and, for the first time, no money will need to be transferred (via the B-11 process) to cover costs.

Effective 1 Jan 2002 the standard private automobile reimbursement rate will increase to \$.365 per mile. Any and all miles traveled up through 31 Dec 01 will be reimbursed at the old rate of \$.345 and any and all miles traveled on and after 1 Jan 02 will be reimbursed at \$.365 per mile.

The fax machine for the office needs to be replaced. By consensus, the Board approved replacement.

Board Vacancy Announcements: Letters were sent to DONs and LPNs soliciting applications for the current Board vacancies. To date, two LPN applications and several RN applications have been received by the Governor's Office. There are Board vacancies for one RN and 2 LPNs.

Board Meeting Dates: The following dates were chosen for next year's scheduled meetings:

- March 25-27, 2002, Cheyenne
- June 17-19, 2002, Sheridan
- September 30 - October 1-2, 2002, Cheyenne
- January 6-8, 2003, Cheyenne

The Board would like a copy of this tentative meeting schedule to be published in the Wyoming Nurse with an invitation for anyone to attend. Further, they would like an informational article published in each issue of the Wyoming Nurse.

Executive Session - Personnel/Board Issues: The Board discussed personnel issues in Executive Session, January 8, 2002 10:00-11:45 a.m. and again on January 9, 2002, 3:45-5:00 p.m.

SCOPE OF PRACTICE ISSUES

Epidural Analgesia - Role of the RN: Ms. Schaper surveyed states regarding Epidural Analgesia and has received responses from 20 states regarding their position on this subject. A draft Advisory Opinion was reviewed by the Board. Ms. Schaper will make changes and bring them before the Board at the next meeting for further discussion and/or approval.

Sclerotherapy and Ultrasound - Peggy Lusch, Consultants in Surgery: Ms. Schaper received an E-Mail message from Ms. Lusch asking if RNs and LPNs could do sclerotherapy injections. Based upon review of current literature, by consensus, the Board feels this is beyond the scope of practice of RNs.

Tracheal Suctioning - Home Health Aides - Barb Merrill, Campbell County Memorial Hospital: Ms. Schaper received a letter requesting an interpretation on the functions of CNAs who work in Home Health regarding suctioning tracheotomy tubes. By consensus, the Board determined this procedure is not within the scope of Home Health Aide's practice.

Performance of Teleradiology by RN/LPN - Div. Of Immigration Health Services: NCSBN has requested information on whether or not the Board considers the issue of teleradiology to be within a nurse's (RN & LPN) scope of practice (specifically screening chest x-rays). By

consensus, the Board determined that this was not within the scope of practice.

Re-Affirmation Board Position, August 1996, on NG Tube & Foley Catheter Removal by CNA - Wyoming Medical Center: This issue was tabled. Ms. Koski was requested to seek advice from the AG if the Board can reverse a previous Board decision.

Medication Administration by UAP's in Schools - Background Information - Rozella Rice: The Board reviewed the information, forwarded from Ms. Rice, regarding medication administration by UAP's in Schools.

DISCIPLINARY ISSUES:

Applications and Complaints for Full Board Review:

Case No. 99-194, Janell Millman, RN.

Motion: A motion was made and seconded, January 8, 2002 to table Case No. 99-194. The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Case No. 00-120, Jill Deane, RN.

Motion: A motion was made and seconded, January 8, 2002 to table Case No. 00-120. The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Case No. 01-006, Peggy Reed, RN.

Motion: A motion was made and seconded, January 8, 2002 to table Case No. 01-006. The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Case No. 01-025, Susan Miller, LPN.

Motion: A motion was made and seconded, January 8, 2002 to table Case No. 01-025. The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Case No. 01-077, CNA Recertification Applicant.

Motion: A motion was made and seconded, January 8, 2002 to table Case No. 01-077. The vote on the above decision was 5-0-0-0.

Case No. 01-078, NA Applicant.

Motion: A motion was made and seconded, January 8, 2002, to deny application for certification to Case No. 01-078. The vote on the above decision was 5-0-0-0.

Case No. 01-079, LPN Applicant.

Motion: A motion was made and seconded, January 8, 2002, to issue license with a letter of awareness to Case No. 01-079. The vote on the above decision was 5-0-0-0.

Case No. 01-080, NA Applicant.

Motion: A motion was made and seconded, January 8, 2002, to deny application for certification to Case No. 01-080. The vote on the above decision was 5-0-0-0.

Case No. 01-081, NA Applicant.

Motion: A motion was made and seconded, January 8, 2002, to deny application for certification to Case No. 01-081.
The vote on the above decision was 5-0-0-0.

Case No. 01-083, NA Applicant.

Motion: A motion was made and seconded, January 8, 2002, to deny application for certification to Case No. 01-083.
The vote on the above decision was 5-0-0-0.

Case No. 01-084, NA Applicant.

Motion: A motion was made and seconded, January 8, 2002, to issue a certificate with a letter of awareness to Case No. 01-084.
The vote on the above decision was 5-0-0-0.

Board Affirmations:

Dismissals:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation to dismiss Case No. 01-059, CNA.
The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Tag and File: None to consider.

Certify/License: None to consider.

Advisory Letters:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation to issue advisory letter to Case No. 01-074, RN.
The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Letters of Awareness: None to consider.

Proceed with Discipline:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation to proceed with discipline on the following:
Case No. 01-047, RN
Case No. 01-049 CNA
The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Recertifications: None to consider.

Hearings: None to consider.

Board Reconsiderations:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation for modification to the settlement agreement for Case No. 99-199, Toni Martinez, RN.
The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Off Conditional License:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation to reinstate licensure for Case No. 98-081, Michelle Mendenhall, RN.

The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Actions Finalized (Signatures Needed):

Letters of Reprimand:

Motion: A motion was made and seconded, January 8, 2002, to affirm the Disciplinary Committee's recommendation to accept letter of reprimand from Case No. 01-046, Risha Banks, RN Applicant.

The vote on the above decision was 3-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Stipulated Agreements/Conditional Licensure: None to consider.

Voluntary Surrender: None to consider.

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 Turner at 5:00 p.m. on January 9, 2002.

Submitted by:

//signed//

Rachel Riles, Recorder

//signed//

Judy Turner, MS, RN, President

//signed//

Ruthann Holzer, RN, Vice President

//signed//

Beth Evans, Ph.D., Secretary