


Wyoming State
Board of Nursing
Board Meeting Minutes

February 20, 21, and 22, 2001

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on February 20, 21, and 22, 2001, at the University of Wyoming Family Practice Center, 821 East 18th, 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 at 9:00 a.m., Tuesday, February 20, 2001, at the University of Wyoming Family Practice Center by Veronica Taylor, Board President.

ROLL CALL: President Veronica Taylor took the roll call.

Board Members Present:

Veronica Taylor, MS, RN, President, Gillette
Judith Knight, MS, RN, FNP, Vice President, Laramie
Beth Evans, Ph.D., Secretary, Consumer Board Member, Cheyenne
Karla Roich, LPN, Board Member, Rock Springs
Patricia Fritz, BSN, RNC, Board Member, Basin
Judy Turner, MS, RN, Board Member, Casper
Patti Ellis, LPN, Board Member, Pinedale

Staff Present:

Cheryl Koski, MN, RN, CS, Executive Director
Mary Schaper, MS, RN, Nurse Practice Consultant
Mary Calkins, Ph.D., RN, CNN, Compliance Consultant
Fran Hawkins, Management Services Officer (Feb 22, 01; 9:00 - 10:50 a.m.)
Rachel Riles, Administrative Specialist
Angela Dougherty, Attorney General's Office

Visitors Present:

Cynthia S. Schultz, RN, LCCC (Feb 21, 01; 8:00 - 10:00 a.m.)
Carol Kabeiseman, RN, LCCC (Feb 21, 01; 8:00 - 10:00 a.m.)
Carrie Deselms, RN, LCCC (Feb 21, 01; 8:00 - 10:00 a.m.)
Bill Vasey, Senator (Feb 21, 01; 12:35 - 1:15 p.m.)
Tex Boggs, Senator (Feb 21, 01; 12:35 - 1:15 p.m.)
Loretta Wolff, WNA (Feb 21, 01; 12:35 - 1:15 p.m.)
Jack Waters, RN, WPAP (Feb 21, 01; 12:30 - 2:30 p.m.)

ELECTION OF OFFICERS

MOTION: *A motion was made and seconded, February 20, 2001, to elect Pat Fritz, President; Judith Turner, Vice President; and Beth Evans, Secretary. The vote on the above matter was 7-0-0-0.*

Beth Evans and Patti Ellis were appointed to the Disciplinary Committee by newly elected President Fritz.

DECLARATION OF QUORUM: President Fritz declared a quorum present.

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

APPROVAL OF THE MEETING MINUTES

Minutes of the December 11-13, 2000 Board Meeting:

***MOTION:** A motion was made and seconded, February 20, 2001, to approve minutes of December 11-13, 2000, as amended. The vote on the above decision was 7-0-0-0.*

Minutes of the January 15, 2001 Telephone Conference Call Meeting:

***MOTION:** A motion was made and seconded, February 20, 2001, to approve conference call minutes of January 15, 2001. The vote on the above decision was 7-0-0-0.*

Revision of Meeting Minutes Format: Dr. Evans stated the minutes are too cumbersome as presently written and could be cut by at least a third in length. She suggested the format of the minutes be revised to primarily document actions, motions, and votes. She proposed that Ms. Riles and she work on changing the format. By consensus, the Board agreed to allow Dr. Evans and Ms. Riles to experiment with the format.

ADMINISTRATIVE ISSUES

Administrative Rules and Regulations:

Proposed Rules, Chapter II - Licensure Requirements for RNs and LPNs and Certification Requirements for CNAs:

***MOTION:** A motion was made and seconded, February 22, 2001, to adopt the proposed rules and regulations on Chapter II "Licensure Requirements for Registered Professional Nurses and Licensed Practical Nurses and Certification Requirements for Nursing Assistants/Nurse Aides." The vote on the above decision was 7-0-0-0.*

Proposed Rules, Chapter IV - Advanced Practitioners of Nursing:

***MOTION:** A motion was made and seconded, February 22, 2001, to adopt the proposed rules and regulations on Chapter IV "Advanced Practitioners of Nursing." The vote on the above decision was 7-0-0-0.*

Proposed Rules, Chapter VI - Standards for Nursing Education Programs:

The only comment received regarding the proposed rules was from Loretta Wolff, on behalf of Senator Tex Boggs regarding qualification of teachers and instructors in nursing programs at the community college level.

***MOTION:** A motion was made and seconded, February 22, 2001, to adopt the proposed rules and regulations on Chapter VI "Standards for Nursing Education Programs." The vote on the above decision was 7-0-0-0.*

Educational Programs:

Northwest College: Ms. Koski reviewed the progress Northwest College is making on their

program improvement. NWCC's program is working on faculty workload, revising course syllabi, revising testing methods, measurable outcomes, and developing a preceptor package. Additional five-year educational plans have been submitted for two faculty members. Dr. Jan McCoy will be consulting with Northwest College, with her first visit scheduled for February 5, 2001.

Laramie County Community College, Guests - Carrie DeSelms, Carol Kabeiseman and Cindy Schultz: President Fritz stated the Board had reviewed LCCC's Annual Report and addressed the Board's additional concerns.

The PN and RN programs were not differentiated. LCCC admits students every semester which makes it very difficult to enter year end totals. The Board wants to know how many students entered the PN or RN programs yearly. The Board's new Annual Report form, available in the near future, will help LCCC report numbers more accurately.

LCCC's faculty/student ratio was listed as 1:8 but appeared to be 1:10. Ms. DeSelms indicated the ratio was 1:8 and in some cases 1:7 as several students had dropped the program. She provided the Board with a rotation schedule indicating the actual faculty/student ratio.

Ms. DeSelms addressed the Board's concerns with faculty load and the director's teaching load. The director's teaching load includes 12 credit hours of administrative time in her load computation. The college policy for workload is 15 credit hours per semester, not to exceed 30 credit hours per academic year. The average teaching load is 12-15 credit hours per semester.

Most faculty have or are currently working on plans for completing their Master's Degree. Previously, LCCC has not required their part-time or adjunct faculty to have Master's degrees. All new contracts now will require a plan for completion.

Ms. DeSelms addressed the problem of getting enough CNA students for their CNA program. She indicated they had canceled the last two courses because of lack of attendance. The Board recommended LCCC contact all of the long-term care facilities in the area to see if they would work with LCCC in obtaining students.

The Board thanked Ms. DeSelms, Ms. Kabeiseman, and Ms. Schultz for all the work that has gone into correcting areas of concern in their program.

University of Wyoming - Site Visit, April 4-6, 2001, Contract - Dr. Barbara Gaines: The contract has been finalized and is being forwarded to Dr. Gaines.

Western Wyoming Community College - Site Visit, February 27, 2001 - March 1, 2001, Contract - Dr. Jan McCoy: The contract has been finalized and is being forwarded to Dr. McCoy.

Casper College: Ms. Knaus, Director of Nursing at Casper College sent a letter (dated February 9, 2001), informing the Board that faculty member Helen Byrd will not complete her master's degree and will be retiring at the end of this school year.

Weber State University: Dr. Debra Huber, Nursing Department of Weber State University, submitted written notice, January 29, 2001, that they have withdrawn all students and faculty from the program related to clinical experiences within Wyoming State boundaries. She further indicated they will be submitting a proposal to request approval from the Wyoming State Board of Nursing to deliver a nursing education course in Wyoming. The Board

discussed possible ways to prevent the implementation of nursing programs within the state without prior Board approval. One suggestion was to alert DONs they need to ensure that students in their facility are in an approved nursing education program.

Nursing Education Annual Report Form: The Board reviewed the updated copy of the Annual Report Form. It was noted that an additional graph will be needed for institutions with both ADN and PN programs. As soon as the rules are approved, this form will be updated with the appropriate changes.

Annual Report Tracking Form: The Board reviewed the final format of the Annual Report Tracking Form. By consensus, the Board approved the format of the form.

Commission on Collegiate Nursing Education (CCNE) Accreditation Teams: Ms. Taylor has tentatively been chosen for training in May.

Commission on Graduates of Foreign Nursing Schools (CGNFS) - Proposed Changes to NAFTA Regulations Concerning RN Aliens: CGNFS plans to oppose an upcoming change to the NAFTA regulations concerning Canadian RN Aliens that would allow them to enter the United States without a work permit. CGNFS will continue to inform us of any changes. Presently, this does not affect nurses practicing in Wyoming as all are required to meet our licensing requirements, which includes passing the NCLEX.

Faculty - Nursing Education Programs - Guests - Senator Tex Boggs, Senator Bill Vasey, and Loretta Wolff, WNA: Senator Boggs indicated they wanted to meet with the Board to talk about the nursing shortage, especially in small communities, and the need for nursing education programs. He expressed concerns about the shortage of nursing educators and the requirement for a Master's degree for nursing educators. He addressed the problem with finding qualified faculty to teach in smaller communities, such as Rawlins and Evanston. If these educators have no plan for or intention of completing their Master's degree, could the nursing education programs lose national and state accreditation? Ms. Turner responded, as a Board member as well as the Chair of the NLNAC, that this is not the only aspect an accreditation body evaluates. Now, more than ever, the NLNAC and the Board of Nursing are looking at trends. Problems are looked at in the aggregate; such as, a nursing education program without Masters prepared faculty is likely to also show problems with policies, curricular issues, resources, facilities, etc. In such cases, a program could be in danger of losing its accreditation.

Senator Boggs wanted to know how colleges can recruit individuals without Master's degrees. Ms. Taylor indicated there are several things the Board has already tried to do to help this cause because we are aware of the problems colleges face in hiring and retaining qualified faculty. There are more readily accessible avenues that faculty can take to obtain their Master's degree, such as online and distance education. There are things the colleges could do to help aid these faculty members obtain their Master's, such as financial aide and lighter workloads while they are completing their programs.

Changes in the proposed Rules and Regulation include a new student/faculty ratio with the use of preceptors for clinical experiences which will also aid nursing education programs. In the new Rules, when clinical preceptors are used in a clinical setting, the ratio shall be 1:1 for the clinical preceptor/student and no more than 1:15 for the faculty/student ratio.

The Board does not want to close down existing nursing education programs and will work with the colleges in any way possible to help them meet requirements. Senator Boggs requested the Board take a look at including a waiver, to be issued by the Board on a case by case basis, for the 5 year requirement for a Master's degree.

Senators Boggs and Vasey thanked the Board for their time and for clearing up several issues in running a nursing program.

National Council of State Boards of Nursing: National Council informed Ms. Koski (letter dated January 17, 2001) they will officially switch NCLEX test service vendors from the Chauncey Group International to NCS Pearson on October 1, 2002. National Council has requested volunteers for participation in the Alpha and Beta testing. By consensus, the Board determined it would be too cumbersome for staff to participate in the volunteer testing.

NCSBN Mid-Year Conference - March 5-8, 2001: Ms. Fritz and Ms. Schaper are registered to attend the mid-year conference. Ms. Schaper will be attending the Executive Director's Meeting in Ms. Koski's place. The Board would like to know how other states are addressing the Medication Aide issues and how they are tracking medication errors.

Nurse Aide Program

Department of Health, MOU - Amendment Number Two - March 30, 2001: Discussion ensued regarding the costs of operating the CNA program, how the program has operated in the past, and how the program can be reduced to bring it in line with the money being received from the Department of Health. If funding issues cannot be resolved and services cannot be decreased to cover the costs of running the program, the Board should look at possible repeal of the Rules and Regulations regarding CNAs and approach the legislature to remove the CNA reference from the Nurse Practice Act.

MOTION: A motion was made and seconded, February 22, 2001, to extend the current MOU with the Department of Health until March 31, 2002. The vote on the above decision was 7-0-0.

Waiver Provisions and the Nurse Aide Training Competency and Evaluation Program (NATCEP) - February 9, 2001: Whenever a nursing care facility incurs specific enforcement action(s), the NATCEP is retracted from facility practices for a period of two years. Under certain conditions, a waiver provision may apply to facilities who have had the NATCEP retracted. Currently, there are several nursing homes that cannot have a NATCEP, including all three facilities in Cheyenne. Many facilities are facing problems such as finding qualified CNAs and no longer being able to train potential CNAs on site.

ASI Cut Score Study meeting for Skills Portion of the National Nurse Aide Assessment Program (NNAAP): ASI has asked for quarterly input regarding suggested changes that should be made to the testing. Ruthann Holzer participated in the last NNAAP meeting. She was the only individual selected on that review committee who actually worked in a nursing home, taught the course, and rated the candidate. Her name was submitted and selected for the next review.

Task Force on Medication Administration by UAP's: The Task Force will probably have another meeting after the legislative session ends. By consensus, the Board feels that Board staff should participate in one last meeting and, then, step back from any further involvement in this process.

The Board reviewed and discussed information dealing with Senate File 38, Medication Aides, and possible fiscal impacts on the Board of Nursing. Currently, several amendments have been proposed for this piece of legislation. The State Training School has been attached to the appropriation bill so it will be covered for a year, regardless of the outcome of SF038. School nurses are divided on whether or not they want this legislation passed.

The Board would like to commend Ms. Wolff for her active participation and prompt notifications

to Board staff during this legislative session. Her assistance has been invaluable in keeping the Board informed of potential changes in legislation that would directly impact the Nurse Practice Act, the Board's operation, and nursing in general.

Wyoming Professional Assistant Program (WPAP) - Update on WPAP Board, Guest: Jack Waters, RN: Mr. Waters updated the Board on WPAP. They are still concerned about funding and, as of January 20, 2001, have not received money from their contractual agreement with the Board of Medicine.

The Wyoming Hospital Association agreed they are supportive of WPAP and will be issuing a statement to their hospitals encouraging them to participate. To date, seven hospitals have signed up for participation at \$10.00 per person, per facility for licensed professionals. Several hospital administrators feel they do not have a problem and indicated they do not intend to participate.

WPAP is considering basing costs on usage. Currently, the BON is utilizing the program more than any other agency. Depending on the financial stability of WPAP, a request for an increase per individual is forthcoming during the next contract period.

Current methods of collecting urine samples from participants was discussed. Samples are only taken Monday-Friday, with an individual calling in each day to see if they need to provide a sample. The current method does have a potential for abuse over the weekend. Additionally, an individual calling in may be improperly notified to report or not report for testing.

Immunity is a concern. Currently, if a client does not sign a release, the information cannot be released to the Board. If the individual does not sign, WPAP contacts the individual who initially reported the client and suggests they file a formal complaint with the Board. As the Board's representative to WPAP and a member of the program's Board, Mr. Waters needs to know if this information can be released to the Board without the client's consent. Mr. Waters would like AG clarification of: (1) how far does immunity go in protecting not only the individual who reported the information, but the BON and WPAP; and (2) if the individual does not sign a release, can WPAP still report to the BON?

Mr. Waters informed the Board that WPAP is not interested in pursuing anything in behavior and anger management at this time. Presently, there is a group out of Colorado who has this type of program but WPAP does not have a binding agreement with them.

Western Wyoming Community College has a one-day program regarding the impaired nurse. Mr. Waters is willing to present this program to different campus sites, provided his expenses are paid.

WPAP has new flyers and business cards. Mr. Waters' appointment is expiring; but he indicated his willingness to continue as the BON's representative to WPAP.

MOTION: A motion was made and seconded, February 20, 2001, to reappoint Jack Waters, RN, to WPAP Board for the upcoming year (February 2001 - January 2002). The vote on the above decision was 7-0-0-0.

Department of Health - Proposed Reorganization of Board of Nursing by Department of Health: Without prior notification to the Board of Nursing, the Department of Health proposed reorganization of the Board of Nursing under the Department of Health to Governor Geringer's office. This proposal was presented to Ms. Koski and Ms. Schaper on January 18, 2001 by Ms. Lisa Skiles from the Governor's Office and Dr. McKee, Mr. Bronnenberg, and Ms. Wagner from the Department of Health.

Ms. Skiles spoke with President Taylor during the WNA legislative reception and indicated Board staff perhaps overreacted to the proposed realignment. She would like a response from the Board regarding the proposed realignment. The Board drafted a memorandum to the Governor's Office responding to the Department of Health's proposed organizational realignment and requesting more information (attached).

Legislative Update: The Board reviewed and discussed the impact of: HB0117, Advanced nurse practitioners - writing prescriptions; HB0181, Hospitalization of mentally ill-examiners; and HB0282, Volunteer health care professionals - immunity from liability.

Ms. Koski received a letter from Representative Lorna Johnson asking for the BON to clarify their position on HB0282. The intent of the bill is honorable but the bill itself is poorly written and needs a lot of work. The Board directed Ms. Koski to respond that they could not support the bill as presently written. For example, the proposed bill contains several contradictions of current law, such as individuals covered by the bill who could not meet our minimum competency requirements for licensure.

Budget: Ms. Hawkins reviewed all budget items with the Board.

Supplemental Budget: The supplemental budget was approved by the JAC and will become effective April 1, 2001. Once the supplemental budget is received, Ms. Hawkins can replace the administrative funds that had been transferred to cover costs for the nursing aide program. This will make the budget a little cumbersome to look at; however, will give a very accurate figure of how much the nurse aide program is costing and how much the program is being subsidized by RNs and LPNs.

The permanent administrative position requested was not approved, but funding for the current AWEC position was approved.

Rules and Regulations: Many licensees have outdated Rules and Regulations; however, the cost to send out new Rules and Regulations to each licensee would be approximately \$23,400. One possible way to cut this cost is to send a letter to all licensees indicating new Rules and Regulations have been published and how they could obtain a current copy (e.g., written request, downloading from BON website, from the state library, or from their employment facility).

Renewals - December 31, 2000: Final renewal figures are as follows:

RNs - 4228 renewed (82%)
LPNs - 857 renewed (72%)
CNAs - 2900 renewed (52%)

Computer and Printer Requests: Ms. Riles' old computer needs to be replaced at an approximate cost of \$1500.00. The older computer will remain in the office as an emergency back-up when someone's computer needs to be repaired. Additionally, the printers for Dr. Calkins and the main network need to be replaced. Cost for replacement for each printer is \$1101.00 per printer. A duplex option for the network printer would be an additional cost. A five-year equipment replacement plan is being worked on and IT has provided us with guidelines for equipment replacements. By consensus, the Board approved the purchase of one new computer and two new printers.

Personnel/Board Issues:

Board Vacancies: There will be three Board vacancies as of March 1, 2001. Dr. Evans has requested reappointment to her position as the Consumer Representative. The Board would

like to see an APN appointed to one of the vacant RN positions.

Farewells - Veronica Taylor and Judith Knight: Ms. Knight and Ms. Taylor were honored for their six years of service on the Board with a farewell dinner and appreciation plaques.

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

- May 14, 15, and 16, 2001, Cheyenne
- July 18, 19, and 20, 2001, Casper
- October 1, 2, and 3, 2001, Cheyenne
- January 7, 8, and 9 2002, Cheyenne

SCOPE OF PRACTICE ISSUES: The Board reviewed information items: APN's Reimbursement Problems if State Law Fails to Authorize Medical Diagnosis and Treatment; Nurse Anesthetists - Removal of Physician Supervision; and Practice of Acupuncture by Chiropractors issues.

DISCIPLINARY ISSUES

Case Review Issues: The Board discussed the enormous workload on the attorneys and its effect on processing our disciplinary cases. The possibility of requesting some of the workload be contracted out and the potential ramifications on our assigned attorneys was discussed. Currently, Board Staff are trying to prioritize the work given to Ms. Dougherty and they will continue to work with her to help resolve the backlog of cases.

Applications and Complaints for Full Board Review: None to consider.

Board Affirmations:

Dismissals: None to consider.

Tag and File:

MOTION: A motion was made and seconded, February 20, 2001, to affirm the Disciplinary Committee's recommendation to tag and file the following:

Case No. 00-045, CNA

Case No. 00-046, CNA

Case No. 00-047, CNA

Case No. 01-002, CNA

The vote on the above decision was 5-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Certify/License: None to consider.

Advisory Letters:

MOTION: A motion was made and seconded, February 20, 2001, to affirm the Disciplinary Committee's recommendation to issue an advisory letter to:

Case No. 00-133, CNA

Case No. 00-134, CNA

The vote on the above decision was 5-0-2-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Proceed with Discipline: None to consider.

Recertifications: None to consider.

Hearings: None to consider.

Board Reconsiderations:

MOTION: A motion was made and seconded, February 20, 2001, to grant an extension of the WNA refresher course for Case No. 99-194, Janelle Millman, RN, until 10/01/01. The vote on the above decision was 7-0-0-0.

Off Conditional License: None to consider.

Actions Finalized (Signatures Needed):

Letters of Reprimand:

MOTION: A motion was made and seconded, February 20, 2001, to issue a letter of reprimand to:

Case No. 00-087, Amber Dellinger, CNA

Case No. 00-095, Christine Stark, CNA

The vote on the above decision was 7-0-0-0.

Stipulated Agreements/Conditional Licensure:

MOTION: A motion was made and seconded, February 20, 2001, to issue stipulated agreements to:

Case No. 00-110, Roxanne Binstock, LPN

Case No. 00-078, Joyce Huffman-Popham, RN

The vote on the above decision was 7-0-0-0.

Voluntary Surrender:

MOTION: A motion was made and seconded, February 20, 2001, to affirm the Disciplinary Committee's recommendation to accept voluntary surrender from:

Case No. 00-052, Michelle Smith, CNA

Case No. 00-122, Rhonda Sanchez, RN

Case No. 00-113, William Blackerby, CNA

Case No. 99-116, Tammy Williams, CNA

The vote on the above decision was 7-0-0-0.

Private Agreements: None to consider.

Withdrawal of Application: None to consider.

Disciplinary Statistics: The Board reviewed the disciplinary statistics.

Proposed Change to Complaint Form:

MOTION: A motion was made and seconded, February 20, 2001, to approve the new Complaint Report Form with "if applicable" addition and the use of this form as of February 20, 2001. The vote on the above decision was 7-0-0-0.

Proposal for Discipline: Dr. Calkins presented a proposal for decreasing the CNA discipline workload. CNA applications will be reviewed using the Disciplinary Model. Certificates will be issued if the Disciplinary Model score falls between 0-6. Scores of 7-13 will result in certification with a letter of awareness. Any questionable items will be brought before the Board for review.

MOTION: *A motion was made and seconded, February 20, 2001, to adopt the CNA application discipline proposal for a one-year trial period (02/01 through 01/02) regarding:*

- 1) CNA applicants may be issued a certificate by using the Disciplinary Model, their scores fall into the "minimal risk to public safety" category (scores 0-13)*
- 2) Complaints regarding CNAs will be investigated if they fall into the three areas required by the CFR (i.e., abuse, neglect, misappropriation of property). Other complaints will be documented but not pursued unless a pattern develops.*

The vote on the above decision was 7-0-0-0.

Crimes that Disqualify Certification of Licensure - Survey: Dr. Calkins reviewed the results of a survey of other states regarding what crimes are considered to disqualify certification or licensure.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Fritz at 10:50 a.m. on February 22, 2001.

Submitted by:

//signed//
Rachel Riles, Recorder

//signed//
Patricia Fritz, BSN, RNC, President

//signed//
Judy Turner, MS, RN, Vice President

//signed
Beth Evans, Ph.D., Secretary