

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

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on April 28-30 and May 1, 2003, 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 9:00 a.m., Monday, April 28, 2003.

ROLL CALL: President Holzer took the roll call.

Board Members Present:

Ruthann Holzer, RN, President, Lovell
Baerbel Merrill, BSN, RNC, Vice President, Gillette
Cynthia Northrup, AAS, LPN, Secretary, Evanston
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, CS, Executive Director
Mary Calkins, PhD., RN, CNN Assistant Executive Director/Practice & Education Consultant
Fran Hawkins, Management Services Officer
Rita Edwards, Executive Assistant
Rachel Riles, Exam Coordinator (4/28/03)
Ken Nelson, Attorney General's Office (4/28/03, 4/30/03, 5/1/03)
Angela Dougherty, Attorney General's Office (4/29/03,4/30/03, 5/1/03)

Visitors Present:

Faith Jones, RN, Powell Valley Healthcare (4/28/03)
Greg Jones, Powell WY (4/28/03)
George Vandell, WPAP (4/28/03)
Jim Carder, Board of Pharmacy (4/28/03)
Deb Baumer, Office of Administrative Hearings (4/29/03, 4/30/03, 5/1/03)
Norma DeLong, Wyoming Reporting Service (4/29/03)
Dain Johnson, Petitioner (4/29/03)
Annette Quammen, Petitioner (4/29/03, 4/30/03)
Jennifer Golden, Attorney General's Office (4/29/03)
Nancy Jansa, Expert Witness (4/29/03, 4/30/03)
Julie Hedelson, Wyoming Reporting Service (4/30/03)
Nancy Clark, petitioner (4/30/03)
Chuck Hall, Department of Health, Bioterrorism (4/30/03)
Deborah Fleming, Department of Health (4/30/03)
Jolene Knaus, Casper College (5/1/03)
Sandra Brown, Casper College (5/1/03)

Lori Fichman, Casper College (5/1/03)
Evelyn Irvin, Casper College (5/1/03)
Jan McCoy, Contact Site Visitor (5/1/03)
David Fisher, Sheridan College (5/1/03)
Trudy Munsick, Sheridan College (5/1/03)
Nancy Larmer, Northern Wyoming Community College - Gillette (5/1/03)
Connie Newman, Wyoming Kidney Center (5/1/03)
Mary Joan Brown, Wyoming Kidney Center (5/1/03)
Janet Laidlaw, Southwestern Wyoming Dialysis (5/1/03)
Dr. Jean Halpern, M.D., Southwestern Wyoming Dialysis (5/1/03)
Darlene Rogers, ESRD Network 15 (5/1/03)
Karen Strott, ESRD Network 15 (5/1/03)
Diane Garcia, Wind River Dialysis (5/1/03)
Patricia O'Hara, Campbell County Hospital (5/1/03)
Jason Jones, Memorial Hospital of Sweetwater (5/1/03)
Fred Cole, Wyoming Reporting Service (5/1/03)

DECLARATION OF QUORUM: President Holzer declared a quorum present.

WELCOME BOARD MEMBERS: Board Members and staff introduced themselves to Bernie Davis and Karen Ouzts.

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.

DECLARATION OF ANNUAL MEETING:

***Motion:** It was moved and seconded to declare this meeting the annual meeting and to elect officers of the Board.*

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

***Motion:** It was moved and seconded to continue the tradition of the Vice President assuming the presidency and elect Ruthann Holzer, RN, as President.*

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

***Motion:** It was moved and seconded to elect Baerbel Merrill, RN, as Vice President.*

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

***Motion:** It was moved and seconded to elect Cindy Northrup, LPN, as Secretary.*

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

APPROVAL OF THE MEETING MINUTES

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

By consensus, the Board agreed to approve the minutes of the January 6-9, 2003 Board Meeting, as amended.

Old Business

Remodel/relocate BON office.

ADMINISTRATIVE ISSUES

Attorney General's Office (AGO):

Ken Nelson, Assistant Attorney General, introduced himself to the Board and will be replacing Gene Jackson, who left the AG's office to go full-time with the Wyoming National Guard. He gave a brief explanation of his duties for the Board of Nursing and explained he will be present at the Board of Nursing's quarterly meetings only when he is specifically needed for his advice. Mr. Nelson referred to the Memo from Jennifer Clymer, dated April 10, 2003, which explains

how rule reviews are processed and coordinated through the AG's office. Ms. Koski commended Mr. Nelson for his prompt responses to inquiries from the Board.

The AG training presentation originally scheduled for Friday, April 25, 2003, has been rescheduled for Wednesday, June 18, 2003. Mr. Nelson handed out a memo dated April 16, 2003, which briefly describes the training to be held from 8:00 a.m. to 5:00 p.m. in the Herschler Building, Room 1299. The training will cover such things as administrative hearings, discipline, and an outline of administrative law. Ms. Merrill and Ms. Northrup will attend the training along with new Board Members, Dr. Ouzts and Ms. Davis.

Educational Programs:

Ms. Koski explained the Summary of Educational Programs document which is updated after every board meeting. It briefly describes each educational program in Wyoming and notes each program's strengths and deficiencies.

Summary of NCLEX Scores:

Ms. Koski presented summaries of both RN and PN NCLEX candidate scores. The Education Committee expressed concerns about the in-state nursing education programs pass/fail rates and repeat test takers. They are also concerned with candidates from Weber State, Pickens, Excelsior, and the Philippines.

Nationwide NCLEX-RN and NCLEX-PN Scores:

- Ms. Koski related to the Board information regarding the Excelsior program presented at the recent Midyear Meeting. Clinical experiences are no longer a component of this nursing program. Graduates of this program are currently entitled to licensure by endorsement in Wyoming. Because they do not require clinicals, it is difficult to determine the competency of the students. The State of Wyoming Rules and Regulations require that applicants must be graduates of a state approved program for licensure in Wyoming. Currently, Excelsior is a state approved program. The Board expressed concerns about putting nurses on the floor without clinical experience, and how it could affect the companies trying to hire new graduates during the current nursing shortage.

Fifteen Philippine nurses are expected at United Medical Center this year alone. There may be cultural barriers in the testing process and differences in educational training. The hiring of foreign nurses is a growing trend in the U.S. due to the nursing shortage.

- When comparing Wyoming to other states, NCLEX scores have improved from last year, but are still below the national average. However, the statistics may be misleading due to the small numbers tested in Wyoming.

Northwest College:

- Ms. Koski referred to the letter from Marlys Ohman regarding the resignation of faculty member, Connie Crawford. George Albrecht was hired to fill the position of clinical instructor at the sophomore level. His faculty qualification sheet will be sent to us soon.
- Northwest College is scheduled for an NLNAC site visit October 28-30, 2003. A contract site visitor will do the visit again, along with Dr. Calkins and Ms. Koski.
- The Faculty Qualification Sheet for Robert Lindberg, a part-time instructor, does not show a plan for completing his masters degree
- The Board reviewed the Faculty Qualification Sheet for Kristina Clifton, who started in January.

Laramie County Community College:

- The Board reviewed the letter from Carol Kabeiseman, dated March 28, 2003, and the

Clinical Evaluation Tool. The tool is designed to aid the student and instructor to focus on expected performance outcomes.

- The Board noted the required quarterly paperwork was not submitted. After reviewing the information, the Education Committee recommended Ms. Kabeiseman submit by June 15, 2003, the missing paperwork, and the annual report for review at the July Board. LCCC is still in the process of searching for a Director of Nursing. Ms. Kabeiseman is still serving as Interim Director, as well as Dean of the Health, Science and Agriculture Division. The position has been widely advertised, but an appropriate candidate has not been found.
- The Board suggested Ms. Koski send a letter to Ms. Kabeiseman expressing concerns about the missing paperwork, the on-line education nursing program currently being advertised, and the doubling of nursing student numbers. The letter will also invite Ms. Kabeiseman to appear at the next meeting in July to discuss the documentation that is still needed from the nursing program. The Board understands the tremendous pressure LCCC is receiving from facilities for nursing graduates because of the current nursing shortage and would like to assist LCCC in providing a quality program.
- The Board recommended coordinating the upcoming site visit with that of NLNAC and hiring outside site visitors for the sake of objectivity.

Sheridan and Gillette Campus of Northern Wyoming Community College District:

Jan McCoy and Kathy Hankel reported on the February 18-20, 2003, site visit. Ms. Hankel joined the discussion by teleconference. Ms. Hankel and Dr. McCoy went through the report categories, noting the strengths and weaknesses of the program. The site visitors recommended full approval of the nursing program.

- The site visitors noted all data is currently reported by location, not as one program. They suggest everything be reported to the Board of Nursing as one program rather than separately. The evaluators recommend full approval, with a total of 206 points earned out of 230 points.
- Areas of Strength: strong support from the community, emerging collegiality between campuses, outstanding support personnel, committed advisory committees, strong administrative support, bright articulate students who are excited and eager to get into the profession and are involved in community activities.
- Areas of Concern: All faculty don't have masters degrees, record keeping is not consistent between campuses, lines of authority are unclear, lack of consistency regarding continuing education in faculty files, nursing program policies are not presented in a clear and consistent format between campuses, the PN role is not clearly differentiated during the first year, inequity in resources between the campuses, integrity of published documents, and grading inconsistencies between faculty.
- Ms. Larmer from the Gillette program clarified the statistics provided in the Annual Report for the Board. From now on Sheridan and Gillette will submit one report as of May 2003.
- The Board expressed several concerns: The need for masters level faculty, educational progress needs to be seen on the faculty qualification sheets, documentation of the 10 educational hours, and clear documentation of courses taken. Other concerns involve the excessive workload and amount of teaching done by the Director, Ms. Larmer, the need for consistent record keeping for both student and faculty files, and documentation of progress by both students and faculty.

Motion: *It was moved and seconded to accept the recommendation by the site visitors to grant full approval (8 years) to Sheridan and Gillette campus ADN and PN Exit option programs.*

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

Motion: *It was moved and seconded to accept the Annual Report from Sheridan College and Gillette campus of Northern Wyoming Community College District.*

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

Casper College:

Janet Sandy and Jan McCoy reported on the February 11-13, 2003, site visit to Casper College. Ms. Sandy joined the discussion by teleconference. Ms. Sandy and Dr. McCoy went through the report categories, noting the strengths and weaknesses of the program. The site visitors recommended full approval of the nursing program.

- Areas of strength: Strong program support from the College administration; program director demonstrates excellent leadership and managerial skills; cohesive, caring and dedicated nursing faculty; excellent college facilities; outstanding support personnel; active advisory committee; highly adequate budget resources; strong student support for faculty and program.
- Areas of Concern: All nursing faculty do not have Masters Degrees in Nursing and curriculum needs to be refined for consistency and congruency.
- The program received 218 out of 230 points. The visitors recommended full approval for the next 8 years.

The visitors commented on what a privilege it was to do the visit at Casper College. The Board congratulated Casper College for their high marks.

Motion: *It was moved and seconded to give full approval for 8 years to Casper College's nursing education program..*

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

Western Wyoming College:

The Board reviewed a letter of notification of substantive changes in the Associate Degree Nursing Program at Western Wyoming Community College. The program is expanding from two to three years. The Education committee noted the changes: All general education requirements will be taken the 1st year and Nursing program courses will be taken during the 2nd and 3rd year. The Board questioned whether the degree was considered an Associate Degree in Nursing, or an Associate of Applied Science.

Referring to the NLNAC Interim Report, the Board recommends that confidential information (e.g., Yearly Evaluation Summaries) from faculty personnel records not be provided with the report. The Board also sees a problem with the employee who has an Associate Degree in nursing, with plans for a BSN in 5 years, instead of master's degree.

Weber State University:

The Board reviewed a request from Debra Huber, Nursing Department Chair, to continue psychiatric clinical instruction at the Wyoming State Hospital. Ms. Koski questioned whether the Board has the authority to request an annual report. The Board referred to the Rules and Regulations and concluded Weber State does not need to submit an annual report but must keep the Board informed of any curricular changes. The Board suggested Ms. Koski write a letter stating we will not require them to submit an annual report every year because they have adhered to our requests and have met and exceeded our expectations.

Motion: *It was moved and seconded to accept the recommendations of the Education Committee regarding NWC, LCCC, WWCC and Weber State, including the concerns discussed by the Board.*

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

Annual Report Form - Nurse Educators of Wyoming (NEW): Ms. Koski asked for feedback on the Annual Report form and has requested to be placed on the Nurse Educators of Wyoming (NEW) Agenda to discuss the Annual Report Form and the Faculty Qualification Sheets. Ms. Koski and Rachel Riles redesigned the form to make it easier to complete, to read, and to provide consistent information. Ms. Koski reported that the Education Committee recommended using this Annual Report format, and the Board agreed by consensus. The Board suggested the revised form be used for the next round of annual reports.

Follow-up letters to Nursing Education Programs: Ms. Koski reviewed the follow-up letters to the education programs, addressing Board comments from the January 6-9, 2003 Board meeting.

National Council of State Boards of Nursing:

- Ms. Koski reviewed an email about a teleconference with the NCSBN Board of Directors. Member Boards were invited to participate in the call, which was scheduled during the current Board meeting.
- A copy of the NCSBN Events Budget Forecaster was provided. Ms. Koski asked for volunteers to attend the August 5-8, 2003 Annual meeting and 25th Anniversary being held in Alexandria, VA. The conference will be celebrating women in uniform. Baerbel Merrill, Cindy Northrup, Dr. Calkins and Ms. Koski will attend.
- Ms. Koski gave a report on the NCSBN Mid-Year Meeting. Highlights included: learning about what is going on in every state in regard to nursing, a leadership forum on Strategic Planning presented by Glen Tucker, the discussion of various issues during breakout sessions, including foreign nurse licensing, COGFNS, criminal background checks, new legislation, NURSYS, and HIPDB. They also discussed workloads, and the costs to nursing staff. The next Mid-Year meeting will be held in Kansas City in August. Dr. Ouzts will attend the NCLEX meeting in Boston in September.
- Ms. Koski discussed an article from NCSBN regarding NCLEX Alternate Item Formats and addressing how the general format of the examinations are changing. Some of the questions are being reformatted to more effectively assess entry-level nurse competence. The new item formats may be administered to candidates starting in April, 2004.

Proposed 2004 NCLEX-RN Test Plan:

Ms. Koski explained the revised test plan may be implemented in April, 2004, following a vote by the delegate assembly this summer. She is advising students to take the test before the changes are implemented. The Board commented they were pleased to see more on pharmacy, because it may help the new graduates to make less medication errors, especially in an acute care atmosphere. The Board also discussed the effect of the constantly changing content on the nursing education programs. Ms. Koski mentioned the nursing schools are aware of these changes and she has asked for their feedback.

NCLEX Review - Spring 2003:

Ms. Koski discussed the need to visit the Pearson-Vue testing site in Casper. Ms. Davis and Dr. Ouzts will plan a visit and report to the Board at the next meeting.

PN Job Analysis Study - Angie Koenig:

Previous board member, Angela Koenig, attended the PN Job Analysis Study as a representative from the Board.

2003 Model Nursing Practice Act Revisions:

Ms. Koski discussed the revisions that will be voted on at the Delegate Assembly this summer. The Board commented on the following:

- Page 9 - RN and LPN assessment - explains the difference in the breadth and depth and comprehensiveness of the assessments conducted by the two levels of licensed nurses. The RN will do a comprehensive and the LPN will do a focused assessment. The language is more specific.
- Page 15 - the need to add powers regarding nursing education - The Board felt strongly

- about having the authority to govern education programs.
- Page 25 APN Certification programs - Ms. Koski received a letter from an APN who did not agree with this section because there are not enough specialty certification exams. The Board disagrees with this.
- Page 43 - nursing education distance programs under Curriculum, section ii. discusses didactic content, which will impact any online program. The Board feels clinical experience needs to be supervised.
- Page 44, section ii.- the regulation of distance learning programs will have an impact on Wyoming. It states that faculty shall be licensed in the state of the origination of the distance learning program. States do not have to adopt this, but NCSBN is trying to get the states to do the same thing nationally. Program objectives and standards may be different than what Wyoming has and, therefore, the Board opposes this.
- Page 40 - nursing education program administrator qualifications. A minimum of a bachelor's degree in nursing and a masters in nursing or a related field will be required, with a Doctoral degree in nursing program administration preferred. In regard to qualifications for PN programs, the minimum is a Bachelor's degree. RN faculty must have at least a BSN. The Wyoming Board has higher standards than this in comparison to other states. We require masters prepared faculty.

The Board supports the proposed model rules, but felt more time was needed to review it, specifically the concern about on distance education. Ms. Koski asked that the Board read through the proposed model more closely and make suggestions.

APRN Certification Examinations:

Ms. Koski presented an APRN Task Force Comment paper containing opinions regarding their review of each certification program. The task force looked at certification exams to see if they measure job-related knowledge, skills, and abilities, and are psychometrically sound. It is difficult to know if the test is sound since there are such a low number of candidates taking the exam. The Board reviewed additional comments by the task force. Some of the certifications had not yet been reviewed by National Council.

Board and Committee Invitation to Serve:

Ms. Koski presented the Board and Committee Candidate Nomination Form from NCSBN. None of the Board members have elected to serve. Dr. Calkins was asked to serve on the NCLEX Item Review Committee. Nomination forms were due April 11, 2003.

Certified Nursing Assistants:

Promissor Contract Update:

Promissor, previously known as ASI, has been contracted to fully process and administer Nurse Aid testing candidates. A letter will be sent to the Nurse Aid training programs to let them know about the changes. An orientation program is scheduled on June 26th in and Promissor will pay 50% of the cost for the conference room and lunch. The Board will pay travel expenses for the coordinators. Board members are invited. Full training sessions will be held for the coordinators before the program is fully implemented. Promissor will provide a fax machine to each college so the results of the exam can be faxed back in about 10 minutes and the candidate will know the results almost immediately. The cost for the candidate will increase from \$35 to \$90, plus \$60 for background check fee. Only one check, made payable to Promissor, will be necessary. Promissor will hire a part-time coordinator to oversee the testing sites in Wyoming.

An implementation date of September 1, 2003 has been tentatively set. Because Promissor will be processing the applications, the candidate will need to provide a certificate of completion in order to schedule testing. Also, a new booklet specifically for Wyoming students will be issued.

PROMISSOR Item Review Meeting:

Ms. Koski presented a letter from Kelly Norton, Senior Editor of Solutions Integrations, in regard to a meeting being held to review items on the written portion of the National Nurse Aide Assessment Program (NNAAP) exam. The meeting was held Friday, April 25th through the 27th in Bala Cynwyd, Pennsylvania.

Contract - Toni Decklever; NATCEP Training Programs Review:

The Department of Health MOU with the Wyoming Board of Nursing requires visits to all CNA training programs every two years. All programs must have their site visits by the end of this year. Toni Decklever has been contracted by the Board to visit and evaluate all of the programs in the State. Her contract was presented to the Board.

CNAs - 120 Day Rule Possible Rule Changes:

Ms. Koski presented a draft memo to Directors of Nursing, Nurse Educators in Wyoming, and NATCEP test coordinators and training programs regarding clarifications to the 120 Day Rule. Our Rules specify first date of hire and 120 days, but the CFR does not. Therefore, the Board suggested the memo be changed to reflect the "four months" specified in the CFR and the issue be called "the four month rule," instead of the 120 Day Rule. The memo will be from the Department of Health as well as the Wyoming Board of Nursing. The Board suggested putting a signature line on the memo for each recipient and administrator to sign indicating they have read and understand the memo. Monday, May 5, 2003 will be the effective date. The memo will also be given to all CNA applicants. The Board discussed and decided against issuing temporary permits because CNA applicants already have four months to become certified and the Rule was originally meant for students enrolled in a CNA training program.

Nurse Aide Abuse Registry:

Ms. Koski presented a letter from the Office of Health Quality (DOHQ) dated March 12, 2003, in response to her letter of February 21, 2003. Ms. Koski requested the placement of a number of CNAs on the Abuse Registry. The DOHQ has to approve the placement of CNAs on the registry. They approved one, but requested a listing of names and findings of all the other CNAs and home health aides, per the requirements set forth in 42 CFR 483.156. Ms. Koski complied with the request and also reminded them of the exclusion of certain individuals and entities from participation in Medicare and State health care programs.

Nursing Legislation - Enrolled Acts: The Board discussed the following legislative bills enrolled during the previous legislative session:

- No. 42 - Nursing Education Bill: This bill will probably increase nursing school enrollment. Education programs still have to be approved and regulated by the Wyoming BON. Some programs won't be able to expand because they don't have the clinical resources required.
- No. 60 - Immunity from liability - Volunteer Health Care Professionals: This bill grants immunity from liability for those volunteering in a non-profit setting and administering health care services to a low income population. This bill also applies to Dentists, Pharmacists, Doctors, and Optometrists.
- No. 76 - Volunteer Licenses: This bill provides a volunteer license to retired dentists, dental hygienists, optometrists, physicians, osteopaths, nurses, and physician assistants who are serving in a non-profit agency to a low income population.
- 4.No. 71 - Health Care Commission: The Governor created this commission to address healthcare issues.

- No. 75 - Controlled Substances Tracking: Jim Carder from the Board of Pharmacy presented information on this bill to the Board (see below).

- No. 87 - Respiratory Care Practitioners: This bill creates a licensing board for respiratory care practitioners.

Department of Health, Bioterrorism:

- Chuck Hall, Department of Health, presented the new MOU currently in force with the Wyoming BON. Mr. Hall commented that both parties have worked together to make sure each others needs are met. The volunteer application forms have been revised, and will be sent out with all new licenses. The 2004 renewal cards will have an check-off option to continue their voluntary service. Currently, the Department of Health is entering the data from the applications and that information will eventually be linked to our database so we can work together. The Bioterrorism Department will pay the costs of producing 2500 copies and postage. There are approximately two thousand people who said they are willing to volunteer in case of a crisis. The nurses will be contacted to volunteer to receive small pox shots and trained to administer the shots.
- Introduction of Deborah Fleming, Director of the Department of Health (DOH): The Board welcomed Deb Fleming to the meeting. Ms. Fleming said she was pleased to be invited to the BON meeting and wanted to start off having a good working relationship with the Board and Board staff.

Wyoming Professional Assistance Program (WPAP):

Quarterly Report to the Board - George Vandel: George Vandel presented the annual report for 2002 and a brief overview of the Quarterly Report for 2003. At the end of the first quarter of 2003, the WPAP is monitoring 28 nurses. One nurse surrendered her license and another was out of compliance as of 3/31/03 and has been discharged from WPAP. Mr. Vandel has been in close communication with Dr. Calkins from the BON staff about this case. In regard to voluntary referrals to WPAP, the employer and WPAP handle the contract, so the BON does not have to know about it. WPAP's goal is to become more visible to let people know they are available to help. WPAP's contract with the BON is up for renewal in June. Their attorney will initiate the new contract.

Board of Pharmacy:

Proposed Rule Changes - Jim Carder, Executive Director Board of Pharmacy, discussed Bill No. 75 , Controlled Substances Tracking which was passed through the legislature recently. The Pharmacy Board will collect a list of prescriptions for controlled substances. The list will be used for educational purposes and for enforcement by tracking abusers of controlled substances. Letters regarding the new law, effective July 1, 2003, will be sent to all pharmacies. The new legislation will be funded by raising licensure and other Board of Pharmacy fees. Federal grant money will fund it for the first two years. Mr. Carder included for the BON's review a draft set of Rules as it will affect APNs. In regard to HIPAA, there is a valid reason for an exception in this case because of prescription drug abusers. The data will not be shared with anyone but a valid practitioner.

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

- Administration Budget Report Ending March 31, 2003: Ms. Hawkins reviewed the Administration Budget and reported there were 89 returned checks during the last renewal period, 17 of which still have not been collected. Ms. Hawkins suggested the BON no longer accept personal checks for renewals and only accept certified funds and credit cards. After some discussion, the Board decided the Board staff can refuse personal checks because of the increasing number of NSF checks. A total of \$772,870 was collected during the 2002 renewal period.
- The State of Wyoming Auditor's Office is requesting automatic deposits for payroll check processing. A form will be sent with May checks for automatic deposit. Out-of-town checks will be mailed the last working day of each month. Board member checks will no longer come directly from Mx. Hawkins.
- Ms. Hawkins reviewed the Nurse Aide Budget Ending March 31, 2003.

- Possible Board Office Relocation: Relocation to the Eagle Ridge office building was discussed. The proposed plan includes a Board room, a breakroom, bathrooms, off-street parking. In addition, all of the files currently stored in archives will be brought to the new location, saving that cost of storage. Eagle Ridge is a new building and the space can be remodeled to the BON staff's exact specifications. The Board office can be moved into the location as soon as the remodeling is done, which should only take a couple of months. The Water Development Commission is in the top floor of the building and they want to lease out approximately 9,000 square feet on the first level at \$16.50 per square foot.

Motion: *To pursue office relocation at the Eagle Ridge Building within budgetary constraints, including office furniture and fixtures.*

The vote on the above motion was 5-0-0-2.

NURSYS - Verifications: Ms. Hawkins explained NURSYS, the on-line nurse verification system. All BON licensing records would have to be given to NURSYS and a fee would be charged to BON. The Board would lose the revenue from the current \$40 per nurse verification done by the office. Additionally, there are problems with accuracy with the NURSYS system. Ms. Hawkins does not recommend going with the NURSYS system at this time, although it may be something to look at in the future once they get the integrity problems worked out.

Motion: *At the present time, the Wyoming BON declines to join the NURSYS registry and will continue its current verification process.*

The vote on the above motion was 5-0-0-2.

Position Vacancy - Compliance Consultant: Ms. Koski reviewed the Position Vacancy announcement for the Nursing Compliance Consultant position, which has been vacant since March of last year. Interviews are being set up, and the BON staff hopes to have someone in the position at the end of May. Also, Leslie Levensgood, the Licensing Officer, is retiring at the end of May. Her position will be advertised.

Council on Licensure, Enforcement and Regulation (CLEAR) Training: The new Compliance Consultant needs to attend the next Basic Program training, but the next training session is in Toronto, Ontario. The Toronto area has had travel warnings because of SARS, so the location might be changed.

Personnel Issues: Governor's Directive on Agency Compensation Policies: Ms. Koski went over presented a memo sent to all State Agency Directors from Governor Freudenthal. Effectively immediately, there will be no compensation increases for State workers until a task force reviews and revises the entire compensation chapter to provide more consistency between state agencies.

Board Strategic Planning: The Board discussed Strategic Plan developed in June, 2002, and requested it be placed on the next agenda for at least an hour on the first day and at the end of the meeting. The members asked that everyone do their homework and come to the next meeting prepared to discuss the Strategic Plan at length. The Board would also like the BON staff to go through the current Strategic Plan draft document, noting what is being done within the office to address each of the goals and objectives in the strategic plan and what still needs to be done.

Election of Officers:

Ruthann Holzer, RN, was elected President, Baerbel Merrill, BSN, RNC, was elected Vice President, and Cynthia Northrup, AAS, LPN, was elected Secretary.

Appointments to Committees:

The following Board committee assignments were made:

Practice committee - Bernie Davis and Ruthann Holzer

Discipline committee - Cindy Northrup and Beth Evans

Education committee- Baerbel Merrill and Karen Ouzts

Application Review committee - David Sones and Karen Ouzts

SCOPE OF PRACTICE:

CRNA Opt-Out:

The Board reviewed a letter from Governor Freudenthal regarding the issue of allowing CRNAs to practice without the supervision of a physician. The Wyoming Hospital Association and Nurses Association both support it, but the Board of Medicine does not. The Department of Health's position on this issue is not known at this time.

C-Arm Positioning and X-Rays:

The Board, in concurrence with the Board of Radiology, stated that it is not within the scope of practice for the registered professional nurse to position or "push the button" of a C-Arm.

Propofol:

After discussion, and by consensus, the Board is of the opinion that it is not within the scope of practice of a registered professional nurse to administer propofol for conscious sedation.

After discussion, and by consensus, the Board is of the opinion it is within the scope of a registered professional nurse to provide deep sedation for ventilator patients in intensive care settings. This may include medications classified as anesthetic and/or paralytic agents.

1. General Requirements:

- The registered professional nurse must have documentation of satisfactory completion of an appropriate educational program to administer these medications;
- The registered professional nurse must be ACLS certified;
- The registered professional nurse must meet continued competency on an regular basis to administer these medications.

IV Therapy by LPN's:

Based on a written petition, the Wyoming Board of Nursing (hereinafter "Board") has determined the need to issue an Advisory Opinion addressing the practice nurse scope of practice in questions and concerns submitted in a petition by Tara Tamsik, RN, Iverson Memorial Hospital, Laramie, WY.

After discussion, and by consensus, the Board is of the opinion in answer to the above questions:

1. The following statement will be placed in the Board's Advisory opinion concerning LPN IV Therapy:

Intravenous therapy for licensed practical nurses includes a basic and advanced curriculum. Only LPNs that have successfully completed the Wyoming State Board of Nursing LPN IV Basic and/or Advanced Curriculum are eligible to practice Intravenous Therapy in Wyoming.

2. The current Advisory Opinion clearly states that the LPN shall not administer narcotics. See Basic Course (B)(2) and Advanced Course (B)(2). Therefore, a LPN can not remove or replace the vial in a PCA pump.
3. According to Lewis, Collier and Heitkemper, *Medical Surgical Nursing: Assessment and management of clinical problems (4th Edition)*, a central line is a catheter regardless of insertion site that enters into a central vessel. Examples of central vessels, including but not limited to, are the superior vena cava, the jugular and subclavian vessels.
4. The current Advisory Opinion clearly states that the LPN shall not administer anitineoplastics or chemotherapeutic agents. See Under Basic Course (B)(2) and Advanced Course, (B)(2).
5. It is within the scope of a LPN who has successfully completed the LPN IV Therapy Basic Course to administer Lasix, Solumedrol, Toradol, Dilantin and Phenergan. The medication must be a piggy-back with at least 50cc or more of dilutant prepared and labeled by a registered pharmacist or registered professional nurse. See Basic Course, (A)(4)(5).

Antepartal and Intrapartal Fetal Monitoring:

Based on a written petition, the Wyoming Board of Nursing (hereinafter "Board") has determined the need to issue an Advisory Opinion addressing the registered professional nurse scope of practice in the performance of the above listed procedures. The petition was submitted by Michelle Murray, Learning Resources, Albuquerque, New Mexico.

After discussion, and by consensus, the Board is of the opinion it is within the scope of a registered professional nurse to perform the following procedures with appropriate supervision or direction from a qualified licensed independent practitioner who is immediately available:

- Apply spiral electrode
- Perform amniotomy
- Insert IUPC
- Insert vaginal postaglandins
- Insert fetal pulse Oximetry

1. General Requirements:

- The registered professional nurse must have documentation of satisfactory completion of an appropriate educational program to perform these procedures;
- The registered professional nurse must have documentation of satisfactory completion of an appropriate education program on electronic fetal monitoring.

Hemodialysis:

Based on a written petition, the Wyoming Board of Nursing (hereinafter "Board") has determined the need to issue an Advisory Opinion whether a certified nurse aide may be a Dialysis Technician in the questions and concerns submitted in a petitioned by Connie Newman, RN, Wyoming Kidney Center and Jason Jones, Director of Dialysis Services, Rock Springs, WY.

After discussion, and by consensus, the Board is of the opinion that the Board has no jurisdiction concerning Dialysis Technicians or Patient Care Technicians. The Board recommends that Dialysis facilities do not make a certified nurse aide (CNA) a requirement to be employed in the Dialysis facility.

The Board further stated that if a CNA was working as a Dialysis Technician, they could not be considered a CNA. Likewise, if the Dialysis Technician was a CNA and employed as a CNA, they could not be considered as a Dialysis Technician.

DISCIPLINARY ISSUES:

Dr. Calkins briefly reviewed the disciplinary process for the new Board members and explained the color coding on the folders. Mr. Nelson, the Assistant Attorney General, explained the process when a license application is denied and referred to the Rules & Regulations. The Board has the following choices: to certify/license, deny or issue a letter of awareness. Applicants always have the right to a hearing if they wish.

The Board discussed the difficulty regarding scheduling hearings and discussed current and future scheduling difficulties.

Applications and Complaints for Full Board Review:

Case No. 02-107, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny license/certificate to Case No. 02-107.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 02-116, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny certificate to Case No. 02-116.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-007, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny certificate to Case No. 03-007.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-014, RN Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny license to Case No. 03-014.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-015, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny certificate to Case No. 03-015.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-020, GN Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny license to Case No. 03-020.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-021, LPN Applicant.

Motion: It was moved and seconded, April 28, 2003 to deny license to Case No. 03-021.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules

and Regulations, members of the Application Review Committee abstained from voting.

Case No. 02-086, RN Applicant.

Motion: Upon reconsideration, it was moved and seconded, April 28, 2003 to deny license to Case No. 02-086.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-003, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to issue certificate with letter of awareness to Case No. 03-003.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Case No. 03-008, NA Applicant.

Motion: It was moved and seconded, April 28, 2003 to issue certificate with letter of awareness to Case No. 03-008.

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Board Affirmations:

Dismissals:

*Motion: It was moved and seconded, April 28, 2003 to affirm the Disciplinary Committee's recommendation to dismiss the following:
Case No. 02-001, RN.*

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.

Tag and file: None to consider.

Advisory Letters:

Motion: It was moved and seconded, April 28, 2003 to affirm the Disciplinary Committee's recommendation to issue advisory letters to the following:

*Case No. 02-106
Case No. 02-112
Case No. 02-013
Case No. 02-114
Case No. 03-005*

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:

Motion: It was moved and seconded, April 28, 2003 to affirm the Disciplinary Committee's recommendation proceed with discipline on the following:

*Case No. 01-062
Case No. 02-091
Case No. 02-093
Case No. 02-094*

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.

Withdrawal of Application:

***Motion:** It was moved and seconded, April 28, 2003 to affirm the Disciplinary Committee's recommendation to accept the withdrawal of application of the following:*

Case No. 02-087

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.

Recertification/relicensure: None to consider

Off Conditional License: None to consider

Actions Finalized:

Letters of Reprimand:

***Motion:** It was moved and seconded, April 28, 2003 to affirm the Disciplinary Committee's recommendation to accept the signed Letter of Reprimand from the following:*

Case No. 02-095, Carol Fields, LPN

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.

Stipulated Agreements - Conditional Licenses: None to consider

Voluntary Surrender:

***Motion:** It was moved and seconded, April 28, 2003 to affirm the voluntary surrender of license from:*

*Case No. 02-070, Victoria Vlach, LPN
Case No. 02-036 & 02-111, Krist Kuhn, RN*

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.

Private Agreements: None to consider

Hearings:

Dain Johnson, RN, Docket No. 02-067. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded, to reaffirm the denial of licensure, for Case No. 02-067*

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Margaret Storer, LPN, Docket No. 02-092. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded, to reaffirm the Disciplinary Committee's recommendation to revoke LPN license for Case No. 02-092*

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.

Debra Cody, CNA, Docket No. 02-063. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded, to reaffirm the Disciplinary Committee's recommendation to revoke CNA Certification, for Case No. 02-063*

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.

Annette Quammen, RN, Dockets No. 98-11, 98-43, 02-48. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded, to reaffirm the Disciplinary Committee's recommendation to revoke RN license, for Case No. 98-11, 98-43, 02-48*

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.

Jamina Allen-Walker, CNA, Docket No. 02-064. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded, to reaffirm the Disciplinary Committee's recommendation to revoke CNA certificate , for Case No. 02-064*

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.

Nancy Clark, NA Applicant, Docket No. 02-069. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded to certify Nancy Clark as a nursing assistant with a letter of awareness, for Case No. 02-069*

The vote on the above decision was 6-0-1-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Board Reconsiderations:

***Motion:** It was moved and seconded, May 1, 2003 to license with letter of awareness Case No. 02-086*

The vote on the above decision was 4-1-1-1. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

***Motion:** It was moved and seconded, May 1, 2003 to license with letter of awareness Case No. 03-020*

The vote on the above decision was 5-0-1-1. In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.

Motion: *It was moved and seconded, May 1, 2003 to remove Case No. 02-086 from the application motion.*

The vote on the above decision was 5-0-1-1. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Holzer at 4:50 p.m. on May 1, 2003.

Submitted by:

Rita Edwards, Recorder

Ruthann Holzer, RN, President

Baerbel Merrill, BSN, RNC, Vice President

Cynthia Northrup, LPN, Secretary