

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

May 14, 15, and 16, 2001

**PUBLIC SESSION:** The Wyoming State Board of Nursing held its regularly scheduled meeting on May 14, 15, and 16, 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., Monday, May 14, 2001, at the University of Wyoming Family Practice Center by Patricia Fritz, Board President.

**ROLL CALL:** President Patricia Fritz took the roll call.

**Board Members Present:**

Patricia Fritz, BSN, RNC, President, Basin  
Judy Turner, MS, RN, Vice President, Casper  
Beth Evans, Ph.D., Secretary, Consumer Board Member, Cheyenne  
Karla Roich, LPN, Board Member, Rock Springs  
Patti Ellis, LPN, Board Member, Pinedale  
Ruthann Holzer, RN, Board Member, Lovell  
David Sones, MA, RN, CS, Board Member, Cheyenne (May 14, 2001; 9:00-11:00 a.m.)

**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 (May 15, 2001; 1:00 - 4:30 p.m.)  
Paula Shepherd, Exam Coordinator (May 15, 2001; 3:00 - 4:30 p.m.)  
Leslie Levensgood, Licensing Officer (May 15, 2001; 3:00 - 4:30 p.m.)  
Rachel Riles, Administrative Specialist  
Angela Dougherty, Attorney General's Office

**Visitors Present:**

Vonni Bray, Court Reporter, Bray Reporting (May 14, 2001; 12:30 - 4:00 p.m.)  
Wayne Flagg, Administrative Hearing Officer (May 14, 2001; 12:45 - 4:00 p.m.)  
JoAnn Alexander, RN, Newcastle (May 15, 2001; 9:00 - 9:30 a.m.)  
Janice McCoy, Ph.D., RN, Riverton (May 15, 2001; 1:00 - 4:30 p.m.)  
Marlene Ethier, MA, BSN, RN, WWCC, Rock Springs (May 15, 2001; 1:00 - 2:00 p.m.)  
Garry McKee, Ph.D., MPH, Department of Health (May 15, 2001; 3:00 - 4:30 p.m.)  
Iris Oleske, Department of Health (May 15, 2001; 3:00 - 4:30 p.m.)  
Marcia Dale, Ed.D., RN, University of Wyoming (May 16, 2001; 1:00 - 2:00 p.m.)  
Beth Nelson, Director, Department of Employment (May 16, 2001; 2:00 - 2:30 p.m.)

**DECLARATION OF QUORUM:** President Fritz declared a quorum present and welcomed new members to the Board.

**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 February 20-22, 2001 Board Meeting:

***MOTION: A motion was made and seconded, May 14, 2001, to approve the minutes of the February 20-22, 2001 Board Meeting, as amended. The vote on the above decision was 6-0-0-1.***

## OLD BUSINESS

The Board requested that any action items from past Board Meetings be addressed as old business at future meetings.

### The following items remain open from past meetings:

- Request for AG opinion regarding Board jurisdiction over nursing education programs. (Dec 2000)
- Request for AG opinion regarding practice of hiring a NA/CNA for 120 days, terminating and then re-hiring the NA/CNA for an additional 120 days. (Dec 2000)
- Request for AG clarification on WPAP immunity. (Feb 2001)
- Equipment replacement schedule (Feb 2001)

## ADMINISTRATIVE ISSUES

**Administrative Rules and Regulations:** The Board reviewed the Administrative Rule Review Report from Glen Lang, Staff Attorney for the Legislative Services Office. Technical notes for agency consideration addressed the use of the phrase “and/or.” Some courts have held the use of “and/or” as being inherently ambiguous. It may be worthwhile to consider the use of “and” or “or” to avoid confusion in some provisions of the rules where the phrase is currently used. The Board indicated that this would be looked at during the next revision of the Administrative Rules and Regulations.

The Governor certified Chapters II, IV, and VI on May 15, 2001. These rules will be reviewed by the Management Council May 22, 2001.

### Educational Programs:

**Northwest College:** The Board reviewed and discussed Ms. Ohman’s report regarding actions that have been taken to address the recommendations for improvement that NWC received from the Board of Nursing. Additional clarification is requested for the use of laboratory time and lecture time. Ms. Ohman is to be commended on the tremendous amount of work completed in a short amount of time.

**Gillette Nursing Program, Annual Report:** Ms. Turner, Ms. Koski and Dr. Calkins reviewed the Annual Report and reported the following:

- Currently do not use preceptors.
- Program options are unique; they only offer a program every other year.
- Admission Rates are fine, averaging around 20 students per class.
- Attrition rates are good, but do contain a few glitches.
  - Attrition rate was 65% in 1996 and 69% in 1999.
- Faculty is a problem. Currently have 3 full-time and 2 part-time faculty.
  - Only 1 full-time and 1 part-time faculty have Master’s degrees.
  - Two of the BSN faculty are working on their Master’s degree program.
  - One individual, appointed in 1996, indicates she would think about starting the Master’s degree program in 2007.

- Only one faculty member has been retained since the last BON visit.
- No distinction of who provided course leadership on the Faculty Data sheets.
- Students seem to be well prepared and motivated.
- Curriculum, Appendix A appears to have new goals for PN and ADN levels, with several items that would be difficult or impossible to measure.
- Resources are fine.
- Clinical facilities are fine.
- Program Evaluation statement: Answered yes in all areas but it is difficult to determine what they are doing since we don't ask for any documentation.

Response to Gillette should address that the faculty preparation and the lack of properly prepared faculty could contribute to future problems with curriculum.

**Western Wyoming Community College - Site Visit, February 27, 2001 - March 1, 2001, Guests: Dr. Jan McCoy and Marlene Ethier:** Dr. McCoy reviewed Site Visit findings with the Board. A great deal of work and improvement on the program has been accomplished; however, Dr. McCoy expressed concerns regarding the number of changes that have been made in a short amount of time and the lack of time to gather data to see if those changes are going to work. Ms. Ethier commented on how hard the faculty worked to get to this point and the thoroughness, professionalism and kindness of the four site visitors.

***Motion: A motion was made and seconded, May 15, 2001, to re-approve WWCC's ADN and PN programs for a period of 8 years with a self-study report and Site Visit in 2009. A report addressing the areas of concern must be submitted at the same time an interim report is due to NLNAC. The vote on the above decision was 6-0-0-1.***

**University of Wyoming - Site Visit, April 4-6, 2001, Guests Dr. Barbara Gaines (via teleconference) and Dr. Marcia Dale:** Dr. Gaines reviewed the findings of the UW Site Visit with the Board and Dr. Dale. Dr. Gaines indicated that 6 of the 7 standards were completely met. The school has responded to the areas of concern addressed by the Board in 1993 and again in 1999 in the area of teaching qualifications of the faculty. Substantial improvements have been made in equipment for the Resources Center. Curriculum is clearly more community focused and emphasizes health promotion.

Areas of excellence: The UW School of Nursing demonstrates conclusively that it is integral to the mission of the University as a whole and to the College of Health Sciences in particular. The caliber of Dr. Dale's leadership was very impressive. Faculty workloads are heavy. They do an enormous amount of service and research and quite substantial amounts of clinical practice and are to be commended for all their hard work. The school is to be commended in its creativity to involve the students in the kinds of learning experiences that are very appropriate to implement the baccalaureate program and students learn research skills in a hands-on approach. Their advisory system for students is very strong.

Concerns were addressed under program evaluation because of the lack of documentation, not that program evaluation was not being done.

Recommendation for future consideration: The dean of the UWSON and the other members of the CHS Academic Leadership Council, in cooperation with the dean of the College of Health Sciences, develop a proposal for a new comparator standard for the college that is specific and sensitive to the complexity and intensity of health sciences education. The proposed comparator standard should be submitted to the university administration for consideration as an implementing strategy to facilitate recruitment and retention of doctorally-prepared faculty and academic professionals who will assist the university attain its strategic plan and maintain the excellence of its ongoing programs.

***Motion: A motion was made and seconded, May 16, 2001, to grant full re-approval of the UW BSN (generic) nursing program for 8 years with a site visit in the spring of 2009. The vote on the above decision was 6-0-0-1.***

**Weber State University - Guest Dr. Debra Huber (via teleconference):** Dr. Huber addressed questions the Board had regarding Weber State University's request for review of a distance nursing education course. The Board requested additional documentation on the course and will address this issue again at the July Board meeting.

**Revised Annual Report and Revised Report of Site Visit Forms:** The Board reviewed the revised Annual Report and Report of Site Visit forms which reflect changes from the new rules. Ms. Turner would like schools to make the distinction between full-time and part-time faculty on the Annual Report.

### **National Council of State Boards of Nursing:**

#### **National Council Meetings:**

**Investigator Summit - June 22-23, 2001, Chicago, IL:** Dr. Calkins was selected to attend this meeting. Approximate cost for attending: \$915.00.

**NCLEX Invitational - September 28, 2001, Las Vegas, NV:** Meeting will discuss education and changes to NCLEX. Ms. Turner was selected to possibly attend this meeting. Approximate cost for attending: \$840.00.

**Annual Meeting - August 6-11, 2001, Pittsburgh, PA:** Ms. Fritz and Ms. Turner were selected to attend, with Ms. Holzer selected as an alternate. Ms. Koski's way might be paid as she is the chair of the Resolution's Committee. Information has not been received on this meeting so registration fees are not known. Approximate cost for attending: \$1500.00 including airfare and registration per person.

**Mid-Year Meeting:** President Fritz and Ms. Schaper attended the mid-year meeting. Ms. Schaper compiled a notebook of the information received at this meeting if anyone is interested in reviewing it. Several of the presentations were excellent:

- New Jersey is allowing consumer-directed care where the nurse teaches the client what care they need and the client is responsible for hiring and teaching an individual how to care for them. Consumer-directed care seems to be very well received; it enables the consumer to direct his/her care and places the responsibility and liability on the consumer.
- National Council is having problems getting applications from Boards of Nursing for awards. Boards need to look at submitting worthy individuals for awards.
- Nursing shortage issues were well presented: Geographical regions, regional speciality shortage, knowledge in skills shortage, increase in temporary staffing, little labor market elasticity, and caring not being what it used to be. Maryland has established a Commission on Crisis of Nursing.
- National Council will be changing the by-laws. A list of which by-laws will be changed should go to members attending the next meeting. They want to clarify and define the boundaries of authority of the delegate assembly and the Board of Directors; re-exam the election process to ensure appropriate continuity and ongoing development of effective leaders for National Council; review the process and terms for standing committee appointments; determine the charges for the committees and reporting lines to support the strategic plan; consider the current four geographic areas and the potential for other appropriate membership groupings.
- Reviewed healthcare errors and how the Joint Commission on Accrediting Healthcare

Organization has changed its standards to assist with this.

- To Error is Human - Building a Safer Healthcare System: Discussed encouraging voluntary reporting. A lot of states have mandatory reporting and they still don't have adequate or accurate data.
- Multi-state Compact. Fifteen states are now participating.

Long-range presence of Wyoming's BON at National Council was discussed. Ms. Koski's presence at National Council has been very beneficial to Wyoming. She had volunteered to resign from the Resolutions Committee. Her resignation was turned down.

Discussions regarding Medication Aides:

- States with Medication Aides are reporting they don't have any problems.
- States that do not have Medication Aides are in the same quandary as we are regarding Medication Aides.

**Excellence in Nursing Regulation Pilot Study:** A random sample of nurses was provided to National Council in preparation for pilot study data collection this spring. These sample groups will be surveyed to capture their perspectives about specific types of BON performance.

**Application - Area I Director:** Ms. Schaper has submitted her name for consideration for Area I Directorship.

#### **Department of Health:**

##### **MOU Between the Department of Health and the Board of Nursing: Guests Dr. Gary McKee and Ms. Iris Oleske:**

Dr. McKee indicated that the information the BON had submitted to DOH was passed on to the federal agency responsible for providing funding. Ms. Oleske, DOH's Medicaid Agent, worked with that federal group, provided data, and answered any questions they had during the process. After the request was reviewed, a determination was made by the federal agency regarding Wyoming's funding level.

Ms. Dougherty indicated the Attorney General's office has provided DOH, as well as BON, with an opinion that there is no statutory duty for the BON to regulate CNAs. Ms. Dougherty added that, if the BON undertakes this endeavor, the BON can go no further than the CFR in implementing the CNA program because that is all the funding source covers. It has been her impression that DOH interprets the BON's management of the CNA program as a statutory responsibility. Dr. McKee indicated it didn't really matter what DOH felt, because their responsibility is required since DOH receives the federal dollars. He feels that the intent of the legislation, and based on the testimony during the last legislative session, is that the BON is to manage the CNA program. If the BON decides not to manage the program, then DOH is obligated to do the CNA component for which they have the responsibility and oversight because of federal dollars.

Ms. Oleske provided copies of the breakdown of allocated costs. The cost breakdown showed allowable and disallowed costs for the Nurse Aide program as it relates to Medicare and Medicaid. Costs for Home Health is disallowed and only a portion of Nursing Facilities/State Nursing Facilities (NF/SNF) are allowable. The federal agency has indicated that funding is a state obligation because there is a state statute obligating the Board of Nursing. Ms. Dougherty indicated this is where the disagreement stems from because the Board is not mandated by statute to administer the CNA program. Ms. Oleske quoted W.S. §33-21-138 and 33-21-140 as being the statutory mandate. The cited statutes refer to RN and LPN nursing programs, not CNAs, and Ms. Oleske was

corrected on this information. Ms. Oleske indicated that this is certainly open for further discussion but presently BON rules clearly indicate the Board has taken on this obligation. Ms. Dougherty recommended that the DOH inform HCFA that the CNA program is not a Board of Nursing mandate in order to possibly obtain additional funding. Ms. Oleske stated additional funding might be available if it is determined that it was for medicare/medicaid.

President Fritz asked how the figures for CNA funding have been determined in the past. Ms. Oleske was unsure, but she believes that the initial estimate of costs was placed in the DOH budget and was not looked at again until an increase was requested from the BON. Ms. Koski inquired why DOH had never requested the data to identify the costs of managing the program. Dr. McKee indicated that Wyoming had been identified as receiving more money than surrounding HCFA Region VIII states yet has the smallest population. Thus, Wyoming was marked for further investigation; however, there were bigger problems to resolve and, since the request for funding had not changed, it was accepted as submitted. HCFA is nationally looking at all areas, especially in the Nursing Home business, and Wyoming was lucky to receive the level of funding they have over the years without being questioned, reviewed, and audited.

Dr. Evans stated that the Board of Nursing could not continue to run the CNA program at the level it has in the past and have nurses continue to subsidize the program. The Board's options are to cut services, increase fees and/or charge employers, or discontinue BON's management of the program. Dr. McKee indicated, since statutorily the CNA program was not under DOH, they could not run the program. DOH's intent is to assist with a funding stream. Dr. McKee and the Board agreed that both agencies need to work together to resolve the funding issue, both with the federal government and to possibly obtain additional state funding.

Based on the information presented by DOH, Ms. Dougherty stated the Board would like to make another amendment to extend the present MOU to cover any upcoming disciplinary cases. The Board had reservations regarding the new MOU received by DOH because of the additional requirements added. Ms. Oleske indicated the MOU was for DOH to draw down federal funds rather than to require the Board to do additional items and was addressing what the Board is already doing based on current Rules. Money is drawn down after the services have been performed. Ms. Dougherty stated the Board is willing to continue with the MOU that was initially in place in 1988, but they are not willing to comply with the additional obligations imparted by the new MOU. The new MOU would hold the Board to a contractual level of performance rather than allowing the Board of Nursing rule requirements to dictate the manner in which the Board operates. Ms. Oleske requested Ms. Dougherty or the Board articulate specific problems with the new MOU to DOH. Dr. McKee would like to resolve the MOU issue as soon as possible. Ms. Oleske will need to have substantiation as to why our obligations are not statutory in order to justify requesting additional federal funding. The Board's goal is not to stop handling the CNA program, just to obtain adequate funding with which to run the program.

***Motion: A motion was made and seconded, May 16, 2001, to amend the February 22, 2001 motion regarding extending the then existing MOU with DOH and modifying the time period for the then existing MOU to expire on June 30, 2001, pursuant to DOH's representation of willingness at May 15, 2001 BON meeting to re-access the financial figures requested from the federal programs. The vote on the above decision was 6-0-0-1.***

#### **Nurse Aide Program:**

**ASI Testing Services:** Discussions have begun with ASI regarding full service of CNA

testing. This could possibly enable the Board to cut costs in testing CNAs.

**ASI Item Review Meeting:** Toni Decklever has been selected to represent Wyoming at the ASI Item Review Meeting to meet with the ASI Test Development Department. Participants will be working with Subject Matter Experts (SMEs) to review previously written items (test questions) from the NNAAP.

**HB83 - Study of Substance Abuse in the State of Wyoming:** The 2001 Wyoming Legislature passed HB83 requiring the Department of Health to conduct a study of substance abuse problems in the state and reporting back with a comprehensive plan for prevention and treatment. A copy of our rules, outlining BON policies, will be provided to the Substance Abuse Division.

**Wyoming Professional Assistance Program (WPAP):** The Board reviewed the monthly reports for January-March, 2001. Any individuals who are non-compliant are notified by Dr. Calkins and informed what actions may result if they do not become compliant.

**Board of Pharmacy:** The Board reviewed a letter the Board of Pharmacy sent to the Drug Enforcement Administration regarding schedule II prescriptive authority for APNs and Physician Assistants.

**Nursing Shortage:** Several agencies are currently doing studies on the nursing shortage. It is felt that the problems are in working condition/environment, salaries, and mandatory overtime rather than an actual shortage of nurses.

**Department of Employment - Guest, Beth Nelson:** Ms. Nelson indicated she was part of a team of people at the state level who are working on a variety of issues. They are focusing on trying to meet employers' needs in the arena of making sure they have trained employees, which includes nursing. She wanted to address the Board to let them know about this team which includes the Wyoming Business Council, Wyoming Community College Commission, University of Wyoming and the Department of Employment. The DOE has a Research and Planning section which publishes an occupational projection study and projects the top 30 fastest growing occupations in Wyoming, RNs came out number two and LPNs were in the top 30 group. This information is available on DOE's website for review and Ms. Nelson provided Ms. Koski with a hard copy of the study. The Board feels that there is not a need to create new programs, just expand on the existing programs. Working conditions also impact an individual's decision to enter and/or leave nursing and that issue should be addressed.

DOE can cross match licensees' SSNs with the DOE records and provide the Board with information on salary ranges.

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

**Personnel/Board Issues:** The Board discussed personnel issues in Executive Session.

**Market Pay:**

***Motion: A motion was made and seconded, May 16, 2001, to approve market pay and other salary adjustments as discussed in Executive Session and submitted to Executive Director (Exhibits A-G). The vote on the above decision was 6-0-0-1.***

**Travel Rules:** New travel rules were discussed with Board members. In-state travel will be paid at a rate of \$22.50 for the day left, regardless of the time left, and \$30.00 per day thereafter. Receipts for meals and incidentals will no longer be required for in-state travel. There will be total reimbursement for motel bills up to \$55.00. Total reimbursement for motel rooms over \$55.00 must be pre-approved by the Executive Director. Mileage will still be

reimbursed. There is an automated version of the travel voucher on the internet that will automatically calculate all your expenses for you.

**Worker's Compensation:** Board members are no longer covered under Worker's Compensation.

**Credit Cards:** Diner's club will no longer be used for state business. Individuals can apply for a new state VISA card. There will be a 60 day grace period on the card for payment.

**TruSecure Testing:** Testing on our computer systems will be starting soon. As our agency is an "extra small agency" with less than 50 desktops, there are no charges for this service.

## SCOPE OF PRACTICE ISSUES

**Peripheral Insertion of Central Lines:** Baerbel Merrill, Campbell County Memorial Hospital, requested Board review on the current policy statement which requires the RN have five successful return demonstrations in PICC line insertion within a two-month period under the supervision of a qualified RN. Current BON Advisory Opinion requires that to maintain PICC certification, the RN must be able to document continued competency. By Board consensus, Ms. Schaper will send a letter to Ms. Merrill indicating documentation of the competency requirement is the facility responsibility as noted in item 3 of the BON's Advisory Opinion.

**CNA Scope of Practice Issue:** Dona Hytreck, Valley View Rehabilitation and Care Center, requested clarification on CNA scope of practice in regard to oxygen administration in long-term care. By Board consensus, Ms. Schaper will send a letter to Ms. Hytreck stating that if the patient's name and liter flow are clearly identified on the tank, it can be turned back on again by a CNA at the same liter flow as is marked. Only the RN can change the flow rate.

**Practice Issue Committee:** Ms. Schaper requested a committee be formed to assist in the review and updating of Advisory Opinions. Ms. Holzer and Ms. Roich were chosen to assist in the review.

**Delegation by a Medical Doctor:** Ms. Ronda Eagleson requested an opinion from the Board regarding MDs delegating through RNs, LPNs or CNAs to medical assistants since they are not recognized in Wyoming. The Board's response to Ms. Eagleson was that a physician can run his office in any manner in which he/she desires; however, a nurse is liable if she delegates or if the physician uses her to delegate. Furthermore, nurses cannot delegate to unlicensed personnel, including medical assistants.

## DISCIPLINARY ISSUES

**CNA Discipline:** Discussion regarding stipulated agreements for CNAs ensued. While CNAs have a property right, precedence was set in December when the Board decided to regulate CNAs only on items dealing with abuse, neglect, and misappropriation of property. Each application will still be reviewed on a case-by-case basis by the Compliance Consultant.

### Applications and Complaints for Full Board Review:

**NA Applicant, Case No. 00-130.**

***Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a letter of awareness to Case No. 00-130.***

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

**NA Applicant, Case No. 01-003.**

***Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a***

**letter of awareness to Case No. 01-003.**  
**The vote on the above decision was 7-0-0-0.**

**LPN Applicant, Case No. 01-007.**

**Motion: A motion was made and seconded, May 14, 2001, to issue license with a letter of awareness to Case No. 01-007.**  
**The vote on the above decision was 7-0-0-0.**

**NA Applicant, Case No. 01-011.**

**Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a letter of awareness to Case No. 01-011.**  
**The vote on the above decision was 7-0-0-0.**

**NA Applicant, Case No. 01-016.**

**Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a letter of awareness to Case No. 01-016.**  
**The vote on the above decision was 5-2-0-0.**

**NA Applicant, Case No. 01-018.**

**Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a letter of awareness to Case No. 01-018.**  
**The vote on the above decision was 7-0-0-0.**

**NA Applicant, Case No. 01-020.**

**Motion: A motion was made and seconded, May 14, 2001, to issue certificate with a letter of awareness to Case No. 01-020.**  
**The vote on the above decision was 7-0-0-0.**

**Board Affirmations:**

**Dismissals:**

**MOTION: A motion was made and seconded, May 14, 2001, to affirm the Disciplinary Committee's recommendation to dismiss the following:**

**Case No. 00-126, 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.

**Tag and File:**

**MOTION: A motion was made and seconded, May 14, 2001, to affirm the Disciplinary Committee's recommendation to tag and file the following:**

**Case No. 99-244, LPN**

**Case No. 00-036, CNA**

**Case No. 00-072, CNA**

**Case No. 00-088, CNA**

**Case No. 00-112, CNA**

**Case No. 00-115, CNA**

**Case No. 00-119, CNA**

**Case No. 00-128, LPN**

**Case No. 01-005, 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:**

**MOTION: A motion was made and seconded, May 14, 2001, to affirm the**

***Disciplinary Committee's recommendation to license the following:***

***Case No. 01-012, 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.

**Advisory Letters:**

***MOTION: A motion was made and seconded, May 14, 2001, to affirm the Disciplinary Committee's recommendation to issue an advisory letter to:***

***Case No. 00-111, RN***

***Case No. 00-117, CNA***

***Case No. 00-121, CNA***

***Case No. 01-001, NA***

***Case No. 01-015, CNA***

***Case No. 01-017, NA***

***Case No. 01-024, NA***

***Case No. 01-028, 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:**

***MOTION: A motion was made and seconded, May 14, 2001, to affirm the Disciplinary Committee's recommendation to proceed with discipline the following:***

***Case No. 99-245, RN***

***Case No. 00-059, RN***

***Case No. 00-105, RN***

***Case No. 00-116, RN***

***Case No. 00-118, RN***

***Case No. 00-120, RN***

***Case No. 00-125, CNA***

***Case No. 00-129, CNA***

***Case No. 01-005, 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.

**Recertifications:** None to consider.

**Hearings:**

**Cynthia Bomar, RN, Docket No. 97-100.** Hearing to show cause why her license should not be revoked. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion: A motion was made and seconded, May 14, 2001, to revoke the registered professional nurse license no. 15717 of Cynthia Andre Bomar.***

***The vote on the above decision was 4-0-2-1.*** In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

**JoAnn Alexander, RN, Case No. 97-240:** Ms. Alexander appeared before the Board to request conditional licensure per stipulated agreement.

***Motion: A motion was made and seconded, May 14, 2001, to issue a conditional registered nurse license to JoAnn Alexander, Case No. 97-240 following the conditions stipulated by South Dakota for a period of 36 months (5/01 - 5/04).***

***The vote on the above decision was 6-0-0-1.***

**Board Reconsiderations:** None to consider.

**Off Conditional License:**

**Case No. 98-127 - Private Agreement.**

*Motion: A motion was made and seconded, May 14, 2001, to remove Case No. 98-127 from conditional license.*

*The vote on the above decision was 6-0-0-1.*

**Actions Finalized (Signatures Needed):**

**Letters of Reprimand:** None to consider.

**Stipulated Agreements/Conditional Licensure:** None to consider.

**Voluntary Surrender:**

*MOTION: A motion was made and seconded, May 14, 2001, to affirm the Disciplinary Committee's recommendation to accept voluntary surrender from:*

*Case No. 01-010, Carolyn Bergmeier, 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.

**Private Agreements:** None to consider.

**Withdrawal of Application:** *Case No. 01-019, RN*

**Disciplinary Statistics:** The Board reviewed the disciplinary statistics.

**Self-Study Packet, Ethical and Legal Issues in Nursing: Diversified Healthcare Consulting:**

*Motion: A motion was made and seconded, May 14, 2001, to approve the Nursing & Ethical Issues Educational offering by Diversified Healthcare Consulting.*

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

**Case of Mark Dorr vs. Board of CPAs:** Ms. Dougherty discussed the implications of Dorr vs. Board of CPAs decision. She feels current Board practices will preclude a similar action from occurring to the Board of Nursing; however, all members need to be aware of the potential for a similar action occurring.

**ADJOURNMENT:** Having no further business to come before the Board, the meeting was adjourned by President Fritz at 3:40 p.m. on May 16, 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