


Wyoming State
Board of Nursing
Board Meeting Minutes

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on June 17 and 18, 2002, 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 Judy Turner at 9:00 a.m., Monday, June 17, 2002.

ROLL CALL: President Turner took the roll call.

Board Members Present:

Judy Turner, MS, RN, President, Story
Ruthann Holzer, AAS, RN, Vice President, Lovell
Beth Evans, Ph.D., Secretary, Consumer Board Member, Cheyenne
David Sones, MA, RN, CS, Board Member, Cheyenne
Baerbel Merrill, BSN, RNC, Board member, Gillette
Angela Koenig, LPN, CM, Board Member, Wheatland
Cynthia Northrup, AAS, LPN, Board Member, Evanston

Board Members Absent:

None

Staff Present:

Cheryl Koski, MN, RN, CS, Executive Director
Mary Smedley, MA, RN, Assistant Executive Director/Practice Consultant
Mary Calkins, Ph.D., RN, CNN, Compliance Consultant
Fran Hawkins, Management Services Officer
Rachel Riles, Administrative Specialist
Gene Jackson, Attorney General's Office (*June 17, 2002, 11:00 a.m. - 12:00 p.m. and June 18, 2002, 1:00 - 2:05 p.m.*)

Visitors Present:

Jackson Waters, RN, WPAP Representative (*June 17, 2002, 9:35 - 11:30 a.m.*)
George Vandel, WPAP (*June 18, 2002, 9:00 - 10:00 a.m.*)
Janet Sandy, MSN, RN, NWC Site Visitor (*Via phone, June 18, 2002, 1:00 - 2:15 p.m.*)
Marlys Ohman, MN, RN, NWC, Powell (*June 18, 2002, 1:00 - 2:15 p.m.*)
Floyd Young, NWC, Powell (*June 18, 2002, 1:00 - 2:15 p.m.*)

DECLARATION OF QUORUM: President Turner declared a quorum present.

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

APPROVAL OF THE MEETING MINUTES

Minutes of the March 25-26, 2002 Board Meeting:

By consensus, the Board agreed to approve the minutes of the March 25-26, 2002 Board Meeting, as amended.

OLD BUSINESS

The following items remain open from past meetings:

- ASI Contract for full-service. (July 2001)

ADMINISTRATIVE ISSUES

Educational Programs:

Summary of Educational Program Information: Ms. Koski reviewed information with the Board.

Northwest College: Ms. Sandy and Ms. Turner reviewed the findings of the April 16-17, 2002 Site visit with Board Members and NWC staff. The Board commends NWC on the progress made to correct deficiencies and applauds the support received from college administration and faculty.

***Motion:** A motion was made and seconded, June 18, 2002 a) to remove approval conditions and restore full approval to NWC's nursing education program; and b) reaffirm self-study report and full site visit in fall of 2003.
The vote on the above decision was 7-0-0-0.*

Laramie County Community College: The Board reviewed the Quarterly Remedial Plan Report and expressed concern regarding the lack of progress in addressing the problems. Ms. Koski will forward a letter to LCCC addressing the specific concerns and requesting Ms. Kabeiseman attend the next Board meeting.

Gillette Campus of Northern Wyoming Community College District: The Board reviewed the follow-up letter sent to Ms. Larmer.

Pickens Tech Practical Nursing Program: Pickens has not responded to repeated requests to submit their Annual Report. Deadline for submission is 60 days following completion of the program. Additionally, the Board has not received any response regarding Pickens Tech's desire to continue their program in Wyoming. Initial agreement was for one year only.

National Council of State Boards of Nursing:

NCLEX Examination Contract: The Board reviewed the new contract for NCLEX examination. A location for administering the exam in Wyoming has not yet been determined.

HIPDB/NPDB Contract Draft: The contract has been signed. National Council is now the reporting agency.

Report of TERCAP Meeting: Dr. Calkins reported on TERCAP to the Board. The target date to begin the pilot project is July 1, 2002.

Report of NCLEX Examination Item Review Session - Judy Turner, David Sones, Cheryl Koski: Ms. Turner, Mr. Sones, and Ms. Koski reported on the review session. Next year they would like an LPN to take the exam review.

Future Meetings:

- Investigator's Summit - June 20-22, 2002. Dr. Calkins and Mr. Jackson will be attending.
- Annual Meeting - August 13-20, 2002. Ms. Holzer, Ms. Koski and Ms. Northrup will be attending.

- NCLEX Invitational - September 23, 2002. Ms. Merrill is tentatively scheduled.
- Citizen Advocacy Center's Annual Meeting - November 13-15, 2002. Dr. Evans would like to see the agenda before committing to attend.

Certified Nursing Assistants:

Attorney General Opinion Request to Gene Jackson, Dated May 23, 2002 Regarding 120 Days: Mr. Jackson would advise a rule change to strengthen the language rather than an opinion on an ambiguous law. He would like to review the CFR to see how it is worded.

Specifically, four questions were asked regarding nurse aides working 120 days in Wyoming:

- If their Wyoming certificate/license is expired and the individual is applying for relicensure/recertification?
- If an individual has an active certificate/license in another state and is applying for certification/licensure by endorsement in this state?
- If an individual has an expired certificate/license in Wyoming, and active certificate/license in another state and is applying for recertification/relicensure in Wyoming?
- If an individual has an expired certificate in another state and is applying for certification/licensure in this state and meets competency standards?

Mr. Jackson recommended a rule change to only allow 120 days to first time nurse aides hired in Wyoming and not to renewals or expired certificates/licenses, unless the CFR allows otherwise. If the rule is revised, each individual would need to be issued a temporary permit. Staff informed the Board that issuing temporary permits to each CNA would increase workload by at least one third due to the volume of CNA applications processed each month.

CAT*ASI Contract Draft: Changes have been sent back to Jean Lennon for review. Board staff hope to have an agreement in place in the next 6-9 months.

Feeding Assistants: Concerns were addressed regarding feeding assistants and proposed federal rules. Presently only CNAs can assist feeding patients.

Temporary Permits: Mr. Jackson recommended the Board keep track of all temporary permits issued and retain all applications where a temporary permit was issued or individual was allowed to work 120 days. Presently, temporary permits are not issued to CNAs because of the 120 day rule, the volume of applicants, and workload to staff. Applications are destroyed after two years if permanent licensure/certification is not sought.

Nursing Shortage:

Preliminary Report of Department of Employment (DOE) and Board of Nursing Data Analysis - June, 2002: The Board reviewed the preliminary report released from DOE. Salaries, which are slightly inflated because they include APN figures, are ranked 49th in the nation. Interestingly, 28% of RNs who began employment in long-term care and 6% of RNs entering acute care in Wyoming cannot be located working in healthcare in a five state area one year after entering. The statistics for nursing education programs are slightly skewed as data is from preceding year.

Wyoming Professional Assistance Program (WPAP):

WPAP Contract Renewal: The contract with WPAP, renewed for 9 months to align all contract expiration dates, is due to expire June 30, 2002. Mr. Jackson, Board Attorney, approved a 4th amendment to this contract. Ms. Freudenthal indicated the WPAP Board has expressed the possibility of increasing the fees. Ms. Koski spoke with Dr. Hogarty regarding the increase and he agreed not to request an increase in money for this contract.

Motion: A motion was made and seconded, June 18, 2002 **a)** to approve July 1, 2002 through June 30, 2003 contract with WPAP for \$2,000 per month (not to exceed \$24,000), and **b)** to direct BON staff to explore other options available to the Board to provide an impaired practitioner program for Wyoming nurses, and report their findings to the Board by March, 2003. The vote on the above decision was 7-0-0-0.

Update of WPAP Board Meeting - Jack Waters: Mr. Waters informed the Board that WPAP was unable to meet June 15, 2002 due to housing conflicts in Jackson. The WPAP Board noted the BON increase from \$3.00 to \$4.00 but Mr. Waters was unaware further discussion had occurred regarding increasing fees. He was assured at the January meeting there would be no increase.

The Board has reservations about the stability of WPAP. The Board feels it cannot increase the amount paid per licensee. Staff will look into other options for monitoring impaired nurses.

Letter to AG Regarding Immunity from Liability: Mr. Jackson, Assistant Attorney General, addressed the question regarding Mr. Waters' immunity. He is covered while participating on the WPAP Board as a BON representative.

Report to the Board - George Vandel: WPAP now has a Casper office separate from Wyoming Recovery. Mr. Vandel reviewed the agreement and monitoring processes of his office. Individuals are required to self-report and attend at least one Caduceus meeting monthly.

The Board expressed concerns about the financial stability of WPAP. Mr. Vandel indicated WPAP is still seeking funding from the Wyoming Hospital Association and expressed concerns that most communities are still unaware that WPAP exists. The Board asked Mr. Vandel if they were seeking any grant money to assist their funding situation. Mr. Vandel indicated they have not.

The Board requested a copy of WPAP's Marketing Plan, to be notified of WPAP Board meetings dates, and receive copies of the minutes.

Board of Medicine - Proposed Rules: The Board reviewed the proposed rules.

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

- A new fax machine has been ordered.
- Expenses were less than anticipated in the nurse aide budget
- Ms. Hawkins is working on setting up the budget for the next biennium. There will be three weeks at the beginning of the new biennium where items cannot be paid.

Budget Survey - National Council of State Boards of Nursing: The Board reviewed the summary from 23 states regarding their annual operating budgets.

Application Review Committee:

Motion: A motion was made and seconded, June 18, 2002 to pay the two members of the Application Review Committee one-day's Board member's pay per month of service effective July 1, 2002. The vote on the above decision was 7-0-0-0.

Computer Equipment: The prior request for funding to purchase computer equipment was not enough to cover costs.

Motion: A motion was made and seconded, June 18, 2002 to B-11 the necessary funds (not to exceed \$25,000) for the computer equipment upgrades needed in the office. The

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

Remodeling Office Spaces: A bid for remodeling the proposed office space has been requested. Additionally, a request has been submitted to A&I for possible relocation. The Board feels it may be better served if staff office relocates to a more suitable space that includes a conference room and adequate space for staff and files.

Personnel/Board Issues:

Retirement - Mary Smedley: Ms. Smedley will be retiring effective July 1, 2002.

Temporary Assistance: Board staff requested assistance for the upcoming renewals.

***Motion:** A motion was made and seconded, June 18, 2002 to approve BON office contract for additional temporary clerical assistance during renewal period (Oct, Nov, Dec, 2002) The vote on the above decision was 7-0-0-0.*

Executive Session: The Board discussed personnel issues in Executive Session, June 18, 2002 5:15-5:50 p.m.

SCOPE OF PRACTICE ISSUES:

Laser Hair Removal: Deferred to next meeting.

DISCIPLINARY ISSUES:

In the process of reviewing the applications, a discrepancy in the Discipline Model Form was noted in scoring individuals' risk. The Application Review Committee and Dr. Calkins were directed to revise the form and report back to the Board.

Applications and Complaints for Full Board Review:

Case No. 01-077, NA Applicant.

***Motion:** A motion was made and seconded, June 17, 2002 to issue license/certificate with Letter of Reprimand to Case No. 01-077; if doesn't accept, deny.
The vote on the above decision was 7-0-0-0.*

Case No. 02-019, NA Applicant.

***Motion:** A motion was made and seconded, June 17, 2002 to issue license/certificate to Case No. 02-019.
The vote on the above decision was 3-4-0-0.*

***Motion:** A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-019.
The vote on the above decision was 7-0-0-0.*

Case No. 02-028, NA Applicant.

***Motion:** A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-028.
The vote on the above decision was 7-0-0-0.*

Case No. 02-029, NA Applicant.

***Motion:** A motion was made and seconded, June 17, 2002 to issue license/certificate with Letter of Reprimand to Case No. 02-229; if doesn't accept, deny.
The vote on the above decision was 7-0-0-0.*

Case No. 02-031, RN Applicant.

Motion: A motion was made and seconded, June 17, 2002 to deny licensure to Case No. 02-031, RN.

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

Case No. 02-035, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to deny license/certificate to Case No. 02-035.

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

Case No. 02-034, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-034.

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

Case No. 02-037, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-037.

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

Case No. 02-038, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to deny license/certificate to Case No. 02-038.

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

Case No. 02-042, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-042.

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

Case No. 02-043, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate to Case No. 02-043.

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

Case No. 02-044, LPN Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate to Case No. 02-044.

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

Case No. 02-045, NA Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-045.

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

Case No. 02-046, GN Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with a Letter of Awareness to Case No. 02-046.

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

Case No. 02-047, LPN Applicant.

Motion: A motion was made and seconded, June 17, 2002 to issue license/certificate with Letter of Reprimand to Case No. 02-047, if doesn't accept, deny.

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

Board Affirmations:

Dismissals: None to consider.

Tag and File:

Motion: A motion was made and seconded, June 17, 2002, to affirm the Disciplinary Committee's recommendation to tag and file the following:

Case No. 02-016, 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.

Advisory Letters: None to consider.

Letters of Awareness: None to consider.

Proceed with Discipline:

Motion: A motion was made and seconded, June 17, 2002, to affirm the Disciplinary Committee's recommendation to proceed with discipline on the following:

Case No. 01-047, 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: None to consider.

Board Reconsiderations: None to consider.

Off Conditional License: None to consider.

Actions Finalized (Signatures Needed):

Letters of Reprimand:

Motion: A motion was made and seconded, June 17, 2002, to affirm the Disciplinary Committee's recommendation to issue a Letter of Reprimand to:

Case No. 01-071, Kay Knigge, LPN

Case No. 01-085, Bette Peiterson, 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.

Stipulated Agreements/Conditional Licensure: None to consider.

Voluntary Surrender:

Motion: A motion was made and seconded, June 17, 2002, to affirm the Disciplinary Committee's recommendation to accept voluntary surrender from:

Case No. 01-021, Linda Rose, LPN

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.

Motion: A motion was made and seconded, June 17, 2002, to affirm the Disciplinary Committee's recommendation to accept voluntary surrender from:

Case No. 01-076, Kelly Ward, 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: None to consider.

Other:

Motion: *A motion was made and seconded, June 17, 2002, to extend to 10/02 the deadline to complete a refresher course to Case No. 99-245, Nan Hruska, 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.*

Office of the Inspector General - Reporting Requirements: The Department of Health and Human Services, Office of the Inspector General is requesting the Board of Nursing furnish them with all information regarding the Board's disciplinary actions but are not going to pay costs associated to releasing this information. This information will impact federal funding for medicare/medicaid which in turn affects conditionally licensed nurses because federal funds are denied. All Boards are meeting in August to discuss this issue, Ms. Koski will keep Board members apprised of the outcomes of this meeting.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Turner at 5:50 p.m. on June 18, 2002.

Submitted by:

Rachel Riles, Recorder

Judy Turner, MS, RN, President

Ruthann Holzer, AAS, RN, Vice President

Beth Evans, Ph.D., Secretary