

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

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on July 14 -17, 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 (WBON) was called to order by President, Ruthann Holzer at 9:10 a.m., Monday, July 14, 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, Executive Director
Mary Calkins, PhD., RN, Assistant Executive Director/Practice & Education Consultant
Fran Hawkins, Management Services Officer (7/16/03)
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant
Rita Edwards, Executive Assistant
Joann Prall, Licensing Officer (7/14/03)
Amber Peckham, Student Intern (7/14/03)
Ken Nelson, Attorney General's Office (7/14/03, 7/15/03, 7/16/03, 7/17/03)
Angela Dougherty, Attorney General's Office (7/14/03, 7/16/03, 7/17/03)

Visitors Present:

Jackson Waters, WPAP (7/14/03)
Ronda Eagleson, WNA (7/14/03, 7/16/03)
Carol Kabeiseman, LCCC (7/14/03)
Brad Cave, Holland & Hart on behalf of UMC (7/14/03, 7/16/03)
Fred Cole, Wyoming Reporting Service (7/15/03)
Shannan Tucker, AG's Office Summer Intern (7/16/03)
Norma DeLong, Court Reporter (7/16/03)
Michelle Harris, Applicant (7/16/03)
Donna Harris, Mother of Michelle Harris (7/16/03)
Elizabeth Gagen, AG's Office (7/16/03)
Deb Baumer, Office of Administrative Hearings (7/15/03, 7/16/03)
Marcia Dale, Expert Witness (7/15/03, 7/16/03)

Kenna Hasbrouck, Petitioner for Certification (7/16/03)
Loretta Green, Counsel for Kenna Hasbrouk (7/16/03)
Neva Hasbrouck, Mother of Kenna Hasbrouk (7/16/03)
Kenneth Hasbrouck, Father of Kenna Hasbrouk (7/16/03)
Wayne Flagg, Office of Administrative Hearings (7/16/03)
Holly Lester, Applicant (7/16/03)
Zane Kolschefsky (7/16/03)
Denna Werner (7/16/03)
George Vandel, WPAP (7/17/03)

DECLARATION OF QUORUM: President Holzer declared a quorum present.

WELCOME NEW STAFF: Cheryl introduced the new staff members to the Board: Joann Prall, Licensing Officer, Kathy Marquis, Compliance Consultant and Amber Peckham, Student Intern.

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

APPROVAL OF THE MEETING MINUTES

**Minutes of the April-May, 2003 Board Meeting:
Approved with modifications.**

The minutes will be posted to the WBON website. Scope of Practice issues will be posted to the web as soon as they are finished.

OLD BUSINESS

The following items remain open from past meetings:

Promissor Contract
Office Relocation

ADMINISTRATIVE ISSUES

Educational Programs: President Holzer suggested that only the Education Committee receive the School Annual Reports, since the other Board members do not need to read the whole thing. Ms. Koski will notify the schools they only need to send five copies.

Summary of 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.

Northwest College:

- Ms. Merrill presented a summary of the Annual Report and the Education Committee's comments. Four of the faculty are not currently masters prepared. Two of them will not be teaching this fall, and the other two do not have five year plan. The nursing student handbook and preceptor manual are exceptionally good. The school has new clinical facilities and has increased faculty salaries, which should help the program to continue to grow. The Committee noted that the framework for program evaluation was there but it is not being used.
- By consensus Board agreed to change procedure for annual report form review and a motion will be made for each school from now on.

Motion: *It was moved and seconded to accept the Education Review Committee's recommendation accepting the annual report of Northwest College with the following items of strengths and weaknesses: Strengths - good student handbook; excellent preceptor manual. Weaknesses - two faculty members are not masters prepared and do not have a five year plan; no documented 10 clock hours education curriculum development; program evaluation not filled out through present framework; addressed NLNAC requirements, but not the WBON.*

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

Laramie County Community College:

- Dr. Ouzts presented findings from LCCC Annual Report, and quarterly report. Carol Kabeiseman, Director of the Nursing Program was in attendance at the Board meeting as well. LCCC is on warning status at this time by NLNAC, but is fully approved by the WBON The Education Committee had questions about the number of part-time faculty on the report, as well as the names of the new faculty. The Committee is also concerned about the amount of responsibility being placed on Ms. Kabeiseman. She has recently stepped down as Dean of the Health, Science, and Agriculture Division to devote full time to the director roll. The Board asked Ms. Kabeiseman to address these as well as other concerns such as: application materials for students, lack of Masters prepared faculty, notifying the Board about hiring new faculty and following up with Faculty Qualification sheets, grading percentage requirements for progression, five year plans for the current faculty, and curriculum revision progress.
- Ms. Kabeiseman provided the information requested by the Board, and discussed the letter she sent to the Board regarding nursing program issues. Ms. Kabeiseman stated that the Faculty Qualification Sheets are very confusing for the faculty so there has been some difficulty in getting them filled out. There has also been some confusion about the documentation that needs to be submitted to the Board. Specifically, she asked the Board what is meant by "most recently published?" The Board replied they need publications and documents for the period of time the Annual Report covers. The Fall 2003 syllabi have been approved by the College curriculum committee. The Board expressed concern over how long the process has taken, and the fact that they did not have a chance to review what was submitted for approval. Ms. Kabeiseman inquired about how much detail is needed in the faculty five year plans? The Board suggested that LCCC look at the system the University of Wyoming uses, which shows two, three and four year plans with list of courses to be completed. The Board needs to see a plan which shows faculty progress.

Motion: *To accept the Education Review Committee's recommendation accepting the Annual and Quarterly report from LCCC, noting the following strengths and weaknesses: Strengths - improved NCLEX scores, number of Masters prepared faculty, systematic plan and program surveys well done. Weaknesses - the Board has not received updated curriculum, inconsistency in PN progression, percentage that determined a "C" grade, faculty qualification sheets need to be on new form including five year plan and information needed concerning 10 hour education requirement, and notifying the Board when new faculty are hired.*

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

Sheridan and Gillette Campus of Northern Wyoming Community College District: Ms. Merrill presented the Annual Report for the Sheridan campus, which has been approved until 2008. The Board noted the decrease in pass rates, and the Faculty Qualification Sheets of two new faculty. The report was accepted. It was noted only a partial Annual Report was submitted as Sheridan had a full site visit review in April 2003.

Motion: *It was moved and seconded to accept the Education Review Committee's recommendation to accepting the Annual Report from the Sheridan campus of Northern Wyoming Community College District.*

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

Casper College: Dr. Ouzts presented the Annual Report. The Casper College nursing program has been approved through 2011. The Board expressed concerns about retention rates, although the NCLEX pass rates were high.

Motion: *It was moved and seconded to accept the Education Review Committee's recommendation accepting the Annual Report from Casper College noting that 71.45% retention rate, and the Education Review Committee got 70.3% retention rate, noting potential math error.*

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

Western Wyoming College: Dr. Ouzts presented the notification from Marlene Ethier regarding

the reactivation of the Rawlins outreach ADN program. Ms. Ethier also sent another letter to the Board to clarify that the nursing program degree is an Associate Degree in Nursing (ADN).

Motion: *It was moved and seconded to accept the plan to reactivate the Rawlins Outreach site and request they address the following items: Microbiology availability; admission of students - annual or biannual admissions; clarify use of preceptors.*
The vote on the above motion was 7-0-0-0.

Weber State University: Dr. Ouzts presented a letter from Debra Huber, Nursing Department Chair. The letter was sent to the Board thanking us for our vote of confidence in their program. The letter was also sent to notify the Board of the new lead clinical faculty, Pamela Molen.

Pickens Tech: Brad Cave from Holland and Hart, representing United Medical Center (UMC), was present at the Board meeting to hear the Board discuss the letter of request sent by Roxanne Shaw from Pickens Tech. Ms. Merrill presented the letter to the Board. Pickens plans to teach three courses at UMC. The Board expressed concern about the lack of a Master's prepared person to coordinate the program. Also there are no five year plans to complete a master's degree for some of the faculty. In addition, an old version of the Faculty Qualification Sheet was used so the Board does not have complete information on the faculty. The Education Review Committee recommended that the Pickens letter of request be denied until they can meet our requirements of having a master's prepared coordinator. Ms. Koski stated she received a call from the Colorado BON, saying a site visit had been completed and would be recommending full approval of the program the Board.

Mr. Cave commented on behalf of UMC. He requested the Board approve the new faculty person, as she will have her master's degree in the Spring of 2004. If the Board does not agree to this request, Pickens requests that Shirley Harris from UMC be appointed as the coordinator of the program. Mr. Cave distributed a copy of a faxed letter of request he received this morning from Roxanne Shaw. The fax was also sent to the WBON office this morning.

Discussion ensued among the Board members. The members are concerned that Ms. Harris may not have the time to coordinate an educational program with all of her other responsibilities at the hospital. Mr. Cave commented that Ms. Harris wants to do the coordinating because she wants the program to be successful since the students will be working for her when they have completed the program. The Board stated that every program that comes into Wyoming must meet the WBON requirements.

Motion: *It was moved and seconded to accept the Education Review Committee's recommendation to deny Pickens Tech application to hold clinicals in Wyoming because:*

1. *They have no master's prepared coordinator*
2. *Clinical faculty are BSN prepared and did not provide the required 5 year plan leading towards a master's in nursing*
3. *No proof of meeting the required 10 clock hours of Education/Curriculum development*
4. *Application not filled out appropriately.*

The above motion was withdrawn by Ms. Merrill due to information received late Monday from Pickens Tech through Mr. Cave, the lawyer representing UMC.

Motion: *It was moved and seconded to request a postponement of further discussion of the application of Pickens until the Board has an opportunity to review all appropriate materials from past events, in light of new information provided at the last minute of the Board meeting, late Monday afternoon. Primarily, has Pickens met the requirements presented by the Board during our last Board meeting? Postpone until October Board meeting. This postponement is to ensure Pickens meets the same standards of nursing as required and completed by other Wyoming nursing programs.*

The above motion failed. The vote was 2-5-0-0.

Motion: *It was moved and seconded to approve the clinical portion of PRN 195, 245 and 285 under the following conditions:*

1. *From August 21, 2003 through June 30, 2004;*

2. For 16 students (with one clinical instructor per 8 students); and

3. At United Medical Center, Cheyenne WY

Future requests will only be considered if:

1. All provisions of the rules and regulations are addressed in the original request (Chapter 6, Section 2(a)(ii)(B)(I)(a)-(f));
2. The original request and ALL documentation is received at least 16 weeks prior to program implementation;
3. The coordinator directly involved with the daily educational program has a master's degree prior to the implementation of the program;
4. All Wyoming clinical instructors who are not master's prepared submit a five year plan with a completed Faculty Qualification Sheets that demonstrates evidence of progress in obtaining their master's degree and documents required 10 clock hours; and
5. The Board is notified of any changes in faculty or coordinator during 2003-2004 school year and in the future.

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

Motion: It was moved and seconded to request for a representative from Pickens Tech program to be present at the October 2003 Board Meeting to present the program and address weaknesses and concerns the WBON has with Pickens Tech., Spec. Program Coordinator of Pickens Tech Practical Nursing Program, Roxanne Shaw.

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

Draft Annual Report Form: Ms. Koski presented a new draft of the annual report form. She sent it out to all nurse educators in Wyoming to get feedback. Ms. Koski also asked for feedback from the Board. She will bring the final copy to the October Board meeting. The Board suggested the following changes: Item #12 reads "most recently published" documents should be changed to "during the period of this report"; item # 13 should say "Please submit Faculty Qualification Sheet (and 5 year plan to complete a master's program, if applicable) for all faculty employed during the period of this report"; item #11 change number of copies to 5 instead of 10.

Motion: It was moved and seconded to accept Education Review Committee's recommendation to send a copy of the final review of program evaluation to Nursing Education programs after WBON review.

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

Nursing Education Program Letters - April Board Meeting: Ms. Koski presented letters that were sent out after last meeting and attached to the minutes.

National Council of State Boards of Nursing (NCSBN):

NCLEX Invitational: Ms. Koski announced that Dr. Ouzts will go to Boston, Massachusetts September 26, 2003 to the NCLEX Invitational meeting

Report of UAP Conference:

- President Holzer and Dr. Calkins attended the UAP Conference in New Orleans, LA May 14-15, 2003. Dr Calkins reported the highlights of the meeting to the Board.
- On the subject of Medication Aides: Nebraska has big problems with their disciplinary process. Only one person reviews the complaint and if they believe the incident occurred, they send a notice for removal from the medication aide registry. If the person does not respond, it is a default motion. If the person responds, then an investigation ensues and then an administrative hearing occurs. The fee charged for a Medication Aide examination is only \$10.00. The application is \$5.00, and the renewal is also \$5.00. They are losing money, as it costs \$65.00 just to break even for the processing every 3 years. Oregon has a better program. Instructors have to be approved by the Board and teach Board curriculum. Wyoming does not recognize the Medication Aide designation.
- Susan Rinehart presented the concept of consumer directed care, whereby consumers have the

authority to direct their own care by employing a personal attendant or CNA. No nurse would be involved. There was not a lot of support for this type of care from the other participants.

- Only nine Boards of nursing were represented at the UAP Conference. It was good to hear what other Boards were doing. A small conference was good because they could get to know the other Board members on more of a personal level. President Holzer highly recommend the conference to the other Board members.

NCSBN Annual Meeting: 2003 Delegates - Ms. Koski and Ms. Merrill are the primary delegates for the Annual Meeting and Ms. Northrup and Dr. Calkins are the alternates. All arrangements have been made for the trip to Alexandria, Virginia August 5-8, 2003. Board Mission Statements and by-laws will be discussed. It is the 25th anniversary so there will be a gala to celebrate. Four Boards will celebrate their 100th anniversary.

2003 Slate of Candidates - FYI: Ms. Koski related to the Board that the slate of candidates for the 2003 delegate assembly is still changing.

Model Nurse Practice Act and Model Rules and Regulations: Ms. Koski asked the Board members to look at the revisions to the model rules. It will be voted on during delegate assembly. There was some discussion among the Board members. Some of their comments and suggestions included distance education issues, such as student work and testing integrity. Ms. Koski does not have the final draft to show the Board yet. Section contents are still being reviewed. It will be ready for the Annual Meeting in August. Every state will have to write their own Rules according to their standards. The model rules will not be mandated, they are a national standard that will help all states to be more uniform. The Board members expressed concern about programs which do not require clinical experiences (e.g. on-line education programs in New York and Texas) and the level of skill required for new graduates. It is important to change our educational training with the times, but some students are not getting the amount of experience they need in order to do a good job. Facilities will be responsible for training in the future if this trend continues. Foreign nurses are also a concern because of the differences in education and language/cultural barriers.

Certified Nursing Assistants:

Promissor Meeting in Casper: An orientation meeting for the new CNA testing process was held in Casper on June 26, 2003. Approximately 60 people attended. Dorothy Fiorino and Gary Esquerre from Promissor were there to present information and give a demonstration to the Exam Coordinators, Raters and other interested parties in attendance. Gary demonstrated how the tests are faxed in for scoring and the candidate gets results back within 15 minutes. The afternoon session was a special coordinator meeting with Dorothy. The total cost of the meeting was approximately \$1,000, which was shared with Promissor. On August 14, 2003 from 10:00a.m. to 5:00p.m. there will be a mandatory training session for all Exam Coordinators and Raters. A training session is important so everyone will be consistent in how they do the testing. Promissor will pay for the cost of the training and lunch will be provided. They will also pay for coordinator travel expenses. The WBON staff is still finalizing details, such as the examination application, at this time. The target date to begin this new process is September first.

In-State Administrator Position: Tony Decklever was hired for the Wyoming Administrator position. Ms. Decklever already knows all of the programs and has traveled throughout the state.

Nursing Legislation - Enrolled Acts:

No. 42 - Nursing Education Bill: A copy of the draft rules from the Higher Education Assistance Authority regarding the Wyoming Investment in Nursing Program were given to the Board members. A new commission has been developed to handle the program, consisting of seven people from throughout the state. The Board members expressed concern that the nursing school directors will not get the information they need to give to the students about the program. The Financial aid office will most likely receive the details. The program is for the unmet need of the

student. The Board discussed the sample application which had a few errors on it.

No. 76 - Volunteer Licenses: Ms. Koski provided a copy of the bill and rules schedule. She also passed out a draft of the rules created by Ms. Koski, Dr. Calkins, and Ms. Marquis. Mr. Nelson approved the rules schedule, but reminded the Board that flexibility is key because it could go more quickly or it could take longer. There are many variables in the process. Ms. Koski asked if the Board should have a public hearing on the subject of volunteer licensing in the near future. Mr. Nelson stated that in order to have a hearing, it has to be requested by a member of the public first. At this time, there have been no requests. Ms. Koski asked for feedback from the Board. The Board members would prefer to have a public hearing during the Board meeting in October, if it is requested, in the interest of time and cost savings.

The Board discussed the draft of the rules, which was put into Chapter 2, Section 23. Mr. Nelson did not think emergency rules were necessary. The regular schedule should suffice, since it is uncertain how many applicants will actually apply for volunteer licenses. The Board discussed several volunteer issues and concerns:

- Volunteers being able to meet competency requirements
- The Volunteer License should indicate plainly that it is a "Volunteer License"
- The application process
- Procedures for criminal background check
- The time and money this will cost the WBON staff to process the applications. The Board would like the staff to keep track of this information.
- RN and CRNA continuing education requirements.
- Whether or not volunteer hours should equate to paid hours

There was discussion among the Board members about whether volunteer hours should be accepted for all types of licensees. Practice hours = 200 regular hours. The policies should be consistent with all types of licenses. The WBON staff will put a statement on the web about it for renewal of licenses.

Motion: *It was moved and seconded to approve the proposed rules for Nurse Volunteer Licenses. The vote on the above motion was 6-0-0-1.*

The Board members asked Ms. Edwards, the recorder of the meeting, to keep a list of things the Board wants to discuss regarding Rules at future meetings. She will create a "parking lot" file on computer to record these items. The items discussed during the meeting are as follows:

Changes in Statutes: To include misdemeanors for disciplinary issues as well as felonies

Changes in Rules:

- To include misdemeanors for disciplinary issues as well as felonies
- Not to accept personal checks for renewals beginning in 2004

No. 71 - Health Care Commission: Ms. Koski presented a newspaper article from the Wyoming Tribune-Eagle which listed the names of individuals appointed to the Health Care Commission. Ms. Koski noted that there is not a nurse on the commission. The group will be meeting for the first time soon to look at all medical shortages (not just in the nursing profession) tort reform, and other important health issues facing Wyoming today.

Wyoming Commission for Nursing and Nursing Education: Ms. Koski reported to the Board that the Commission met and wants to do a nursing employment study. They will fund the study this time and would like the MOU to be ongoing. The BON will share data with them so they can have current statistics in order to see supply and demand trends. They would also like to collect data from health care facilities, such as FTE (Full-time Employee) data, but they need funding to accomplish this. They can come up with up to \$2,000, and perhaps a federal grant could be obtained for the rest. Dr. Ouzts is already collecting this type of data. She is looking at models from different states to see how they are collecting the data. Dr. Ouzts is willing to work with the Department of Employment to write a grant.

Wyoming Professional Assistance Program (WPAP): Jack Waters from WPAP presented the 2003 second quarter report. He began by briefly explaining the history of the program for the new Board members. He also discussed the minutes from their Board Meeting in January. Mr. Waters asked for permission from Board to describe the monitoring of urine drug screening collection with "urethra to cup" instead of just saying that urine collection will be monitored. We must do everything we can to protect the public. WPAP has signed up a few more hospitals and some have not renewed their contracts. WPAP is now functioning profitably. Jack opened a discussion regarding raising fees to help with their office expenses. He is concerned that WPAP will have to fold because of lack of revenue. The Board members began a discussion regarding what the BON statutes say about fees, as they cannot go above \$200. Mr. Waters suggested a rate of 10% of licensing fees from the BON, as that is what everyone else is paying. The Board asked for more time to discuss the issue. The current structure of WPAP is set up with two partners, but they have been discussing restructuring the organization. The WBON's current contract with WPAP is at the current fee \$4 per licensee until June 30, 2004. The Board recommendation that we get clarification from the Statutes about the maximum amount of fees we can charge.

George Vandel was present to go over the WPAP Quarterly Report with the Board members. He related some details about issues that arose with some of the nurses under contract with WPAP. Mr. Vandel met with the Wyoming Hospital Association (WHA) Board of Directors. One problem they have encountered is that the hospitals don't like the language in the WPAP agreement because it leaves them out of the communication loop. WPAP will change the language to make it more CEO friendly. WPAP said they would keep in touch with the CEOs letting them know if the nurses were in compliance or not. Mr. Vandel appealed to the BON for its support of WPAP. Mr. Vandel believes that the BONs support will enforce what they do when they do their marketing presentations. They are receiving more referrals of nurses and other medical professionals. Mr. Vandel stated that there are 32 nurses out of 50 people in the program. The Board also wanted to know if WPAP had been working on any federal grant applications, and Mr. Vandel replied that they are working on it right now. There was some discussion of the urine drug screening procedure. With the new agreement in place, urine specimen collection will be very closely monitored because of problems with cheating. WPAP is working with a new lab called Northwest Toxicology to process the drug screenings. The working relationship is going great and they get the test results back in within 48 hours. The difference is the 11 panel screening to test for various types of different drugs. Mr. Vandel will provide a list of the actual drugs being screened to the Board. The lab supplies WPAP with detailed information on each client so drug abuse can be detected. Mr. Vandel explained the sample collection process and the tamper proof packaging.

Motion: *It was moved and seconded to submit a letter to the WHA supporting the WPAP at this time.*

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

Budget: Ms. Hawkins reviewed all budget items with the Board. The WBON had to write off 17 insufficient funds checks after renewals. A copy of the check is filed in the licensee's file, and a certified letter is sent asking them to return their certificates (all were CNAs) and requesting payment. The licenses are expired as far as the WBON office is concerned. The BON staff could not verify that they were employed anywhere as a CNA. As Ms. Hawkins has suggested in the past, the Board members agreed not to accept personal checks during the next renewal period to eliminate this problem.

Relocation of Board Office Update: Ms. Koski explained that the WBON needs to go through exception Budget process because of the amount of money it will cost to move. She explained the State budgeting process to the Board members. We have to postpone the move for a year or so. In the mean time, the WBON Staff may be able to find a less expensive office space to move into. There are several options both downtown and in other areas in Cheyenne. Our current lease amount is scheduled to increase in the next few years and the office space is insufficient for the WBON staff's needs.

Classification and Compensation Update: Ms. Koski referred to a memo from the Governor's office regarding the Compensation Plan Review Committee. The task force was created to look at market pay and to possibly create new system with raises, steps and a cost of living adjustment. They hope to have everything in place by September.

Board Strategic Planning: Ms. Koski reviewed the Board Strategic Plan, and the staff's response to the Strategic Plan. She included a copy of the Department of Administration & Information's (A&I) Strategic Plan for the Board members to review. Since the BON is under A&I, the staff tried to follow the same format. Governor Freudenthal wants consistent uniform format within the State. The State has hired a consultant from New Mexico, and they came up with a template that all agencies will have to follow. A meeting is scheduled for July 21, 2003 and the State will fly any Board members who are interested in the process to New Mexico and back. Discussion followed among Board members. It was agreed that Ms. Koski will attend. The Strategic Plan is important, as it will drive the budget. The Board expressed concern about how much time the Board has spent in planning and talking about writing the Strategic Plan. The consensus is that the concepts that have already been discussed and put in writing can be put into the template. It is important for new Board members to have clear guidelines on what the WBON is all about and what is the Strategic Plan. The Board members felt it was necessary to finalize goals and objectives during the July meeting. They agreed that all letterhead and official documents out of the BON office will have vision statement "...protecting the public through excellence in nursing." The Board members discussed revisions to the Strategic Plan, and it was edited and approved during the meeting.

Personnel Issues: Ms. Marquis, the new Compliance Consultant will not go to the CLEAR conference in Canada, but there is a CLE conference in September in Phoenix/Scottsdale. She will meet with her counter-parts from all over the country.

Motion: *It was moved and seconded to send Ms. Marquis, Compliance Consultant, to the CLE conference in Scottsdale, AZ.*

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

Scope of Practice

Ms. Davis gave the report for the Practice Committee. Dr. Calkins also provided copies to the Board of two more practice issues which came in late.

Neonatal Intubation: Can an RN or Respiratory Therapist perform neonatal intubation? The Board does not have jurisdiction over Respiratory Therapists. The Practice Committee recommended against this issue unless the nurse is Neonatal Certified. Sometimes a doctor may not make it in time for a delivery and a nurse may have to deliver the baby. The Board discussed liability issues. Dr. Calkins contacted the American Association of Neonatal Nurses for their opinion. She suggested to have Practice Committee check with expert sources for further research, and table further action on this item until the October Board meeting.

Certified Healing Touch Practitioner, RN: Jacqueline Page, a Certified Healing Touch Practitioner, inquired if it is permissible to practice Healing Touch under the Nurse's Scope of Practice in Wyoming. She briefly explained that the purpose of this type of treatment is to balance and align the human energy field. The Board discussed the issue. The members questioned if this would apply to LPNs also? The client must first give permission in order to receive any type of complimentary treatment. The item was tabled. Dr. Calkins will write a letter to Ms. Page asking for clarification to explain the details that are involved in the "non-invasive" treatments mentioned in her letter.

Telephone Triage by LPNs: The Board received a letter from Patricia Richesin from Mountain View Medical Center in Powell, Wyoming regarding the possibility of modifying to the Nursing Practice Act to allow LPNs to perform telephone triage. The members discussed issues relating to the scope of practice and skill requirements of an LPN, such as critical thinking, judgement and assessment. The Practice Committee recommended to disapprove the request.

Motion: *It was moved and seconded to accept the recommendation of the Practice Committee that it is not within the scope of an LPN to perform telephone triage as defined by national standards for telephone triage (American Association of Ambulatory Care Nurses). The vote on the above motion was 6-0-0-1.*

Cytotec Administration by RNs: The Board reviewed a question from Stacia Jenson from West Park Hospital in Cody, Wyoming regarding the administration of Cytotec by an RN for the purpose of the induction of labor.

After review of documents from the FDA, on May 12, 2002, the FDA did make label changes to Cytotec to reflect the fact that it is widely used by physicians to induce labor and is also part of the FDA-approved regimen for inducing medical abortion. Please be advised that according to Board Rules and Regulations, Chapter 3, Section 2 (b)(i)(C) and (D) the nurse retains accountability and responsibility for his/her actions. Specifically, "the registered professional nurse shall obtain instruction and assistance as necessary when implementing nursing techniques and procedures and accept only client care assignments for which [the nurse] is educationally prepared and adequately trained."

Dr. Calkins will write a letter to Ms. Jenson citing the Rules and Regulations on the issue of accountability and responsibility for his/her actions.

DISCIPLINARY ISSUES:

Attorney General: Mr. Nelson addressed the memo to Board members regarding Legal Advice to Occupational Licensing Boards. Mr. Nelson would like to know about any issues in advance of the Board meetings and issue his response in writing rather than giving the advice in the meeting, as legal "advice provided in such a forum loses its privileged and confidential status." This procedure will allow him to fully research the issue for the sake of accuracy. Ms. Koski asked Mr. Nelson to research the maximum amount of money the BON can charge for fees. Ken will look into the issue and get back to Ms. Koski. The Board discussed disciplinary procedures.

Motion: *It was moved and seconded to delegate to the Application Review and Disciplinary Committees the authority to proceed with the disciplinary process following concurrence from the Assistant Attorney General. The Board will no longer affirm the actions of these committees in an attempt to expedite the process and maintain clarity of roles and objectivity of Board members sitting in hearings. The vote on the above motion was 7-0-0-0.*

Public Discipline

Off Conditional License:

Motion: *It was moved and seconded, July 17, 2003, to affirm the removal of conditions from the following:*

- Case No. 99-240, Joann Alexander, RN
- Case No. 99-245, Nan Hruska, RN
- Case No. 99-243, Richard Hofer, 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.

Actions Finalized: None.

Letters of Reprimand:

Motion: *It was moved and seconded, July 17, 2003, to accept the letters of reprimand for the following:*

- Case No. 03-014 Denise Schmidt, RN
- Case No. 30-021 Carol Wilson, 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:

Motion: It was moved and seconded, July 17, 2003, to accept the conditional licenses for:

Case No. 02-093 - Kimberly Schaffer, 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.

Voluntary Surrender:

Motion: *It was moved and seconded, July 17, 2003, to affirm the voluntary surrender of license from:*

Case No. 02-033, Dawn Bryson, 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.

Hearings:

Patricia Cantrell, LPN Docket No. 02-094. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *It was moved and seconded, July 15, 2003, to revoke LPN license of Patricia Cantrell, LPN, Docket 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.

Michelle Harris, NA App. Docket No. 02-105. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *It was moved and seconded, July 16, 2003, to affirm the application review committee's recommendation to deny certification of Michelle Harris, NA App., Docket No. 02-105.*

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

Kenna Hasbrouk, NA App. Docket No. 02-084. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *It was moved and seconded, July 16, 2003, to affirm the application review committee's recommendation to deny certification of Kenna Hasbrouk, NA App., Docket No. 02.084.*

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

Holly Lester, NA App. Docket No. 02-098. The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *It was moved and seconded, July 16, 2003, to overrule the application review committee's recommendation to deny and certify Holly Lester, NA App., Docket No. 02-098, as a CNA.*

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 Reconsiderations:

Candess Myers, NA App. Docket No. 02-110.

Motion: *It was moved and seconded, July 17, 2003, to rescind previous motion to deny certification and to approve certification of Candess Myers, NA App., Docket No. 02-110, upon the recommendation of the AAG.*

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.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Turner at 1:20 p.m. on July 17, 2003.

Submitted by:

Rita Edwards, Recorder

Ruthann Holzer, RN, President

Baerbel Merrill, BSN, RNC, Vice President

Cynthia Northrup, LPN, Secretary