


Board Meeting Minutes

PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on October 6, 7, 8, and 9, 2003, at the Financial Center, AARP Conference Room, 2020 Carey Avenue, Cheyenne, Wyoming.

**Voting numbers on all decisions and motions are as follows:
IN FAVOR - OPPOSED - ABSTAINING - ABSENT**

CALL TO ORDER: The meeting of the Wyoming State Board of Nursing was called to order by President Ruthann Holzer at 1:00 p.m., Monday, October 6, 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, Ph.D., RN, Board Member, Laramie

Board Members Absent:

None

Staff Present:

Cheryl Koski, MN, RN, Executive Director
Mary Calkins, Ph.D., RN, Assistant Executive Director/Practice & Education Consultant
Fran Hawkins, Management Services Officer (10/7/03, 1:00-1:30 p.m.)
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant
Rachel Riles, Exam Coordinator
Ken Nelson, Attorney General's Office (10/6/03, 1:15-2:45 p.m.; 10/7/03, 1:30-5:35 p.m.; 10/8/03, 11:30 a.m.-3:00 p.m.)
Angela Dougherty, Attorney General's Office (10/7/03, 9:30-11:00 a.m.; 10/8/03, 11:30 a.m.-3:00 p.m.)
Stacey Aurzada, Attorney General's Office (10/7/03, 9:30-1:00 a.m.)
Elizabeth Gagen, Attorney General's Office (10/7/03, 1:30-5:35 p.m.)

Visitors Present:

October 7, 2003:

Judith Knight, MS, RN, FNP, Laramie (9:30 a.m.-5:35 p.m.)
Wayne Flagg, Administrative Hearing Officer (1:30-5:35 p.m.)
Kenna Jackson, Court Reporter (1:30-5:35 p.m.)
Mike Cornia, Attorney, Evanston (1:30 - 5:35 p.m.)
Anita LaFond, RN, Cheyenne (1:30 - 5:35 p.m.)

October 8, 2003:

Deborah Baumer, Administrative Hearing Officer (11:25 a.m.-1:00 p.m., 1:50-3:00 p.m.)
Kenna Jackson, Court Reporter (11:25 a.m.-1:00 p.m., 1:50-3:00 p.m.)
Koreen Meares, NA Application, Cheyenne (11:25 a.m.-12:30 p.m.; 2:45 - 3:00 p.m.)
Patricia Meares, Cheyenne (11:25 a.m.-12:30 p.m.)

Maria Mores, Cheyenne (11:25 a.m.-12:00 p.m.)
Steve Meares, Cheyenne (11:25 a.m.-12:30 p.m.)
Marilyn Wehner, RN, Winchester, VA (1:30-1:45 p.m.)

October 9, 2003:

Nancy Gay, Pickens Technical School (9:00-9:45 a.m.)
Dan R. Lucero, Pickens Technical School (9:00-9:45 a.m.)
Roxanne Shaw, BSN, RN, Pickens Technical School (9:00-9:45 a.m.)

DECLARATION OF QUORUM: President Holzer 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 July 14-17, 2003 Board Meeting:

By consensus, the Board agreed to approve the minutes of the July 2003 Board Meeting, as amended.

OLD BUSINESS

The following items remain open from past meetings:

- Office Relocation
- Draft Annual Report Form
- Board Strategic Plan
- Retired Volunteer Nurse License

ADMINISTRATIVE ISSUES (enter headings from agenda)

**Retired Volunteer Nurse License - Proposed Administrative Rules and Regulations
Educational Programs:**

The Board office received the Governor's notice to proceed with the proposed rules on July 31, 2003. The Notice of Intent to Adopt New Rules and Regulations was sent out for public comment on August 11, 2003 with written comments to be submitted no later than 5:00 p.m. September 25, 2003. The Board reviewed the three written responses received from the public and responded to their comments. The Board would like the office to keep track of costs associated with this change to the rules.

Motion: *A motion was made and seconded, October 9, 2003, after reviewing public comments, to adopt proposed mandated Volunteer Nurse License rules, Chapter II, Section 23.
The vote on the above decision was 6-1-0-0.*

Attorney General's Office:

The Board reviewed the Attorney General's (AG) Office response to the request for an opinion regarding interpretation of W.S. 33-21-122(c)(xx). It concluded that the fees are to be applied biennially and the criminal background check fees are not included in the \$200.00 fee amount limit.

Ms. Merrill briefed the Board on the AG's meeting with Boards and Commissions in Casper September 29, 2003.

- Attorney General Pat Crank discussed equalization of costs to Boards;
- Boards are discouraged from hiring outside attorneys because of the difference in opinions and lack of knowledge base;
- Board members who recuse themselves must leave the proceedings and the minutes

should reflect the departure;

- Board members should not be tainted by details;
- The AG's Office is considering having a session with the Legislative Service Office (LSO) to assist Boards & Commissions in their legislative efforts.

The Board discussed discipline procedures with Mr. Nelson, specifically the perception that the AG's Office is running the discipline process. The Board has the option of proceeding regardless of the AG's recommendation.

Motion: *A motion was made and seconded, October 9, 2003 to request an AG opinion in reference to WS 33-21-130; specifically, in the relicensing of someone who has allowed their license to lapse for failure to renew, how do we address the issue of illegal practice during the time they were not licensed?*

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

Office of the Governor:

Governor Freudenthal has terminated the "one voice" policy. Ultimately, the state will have one position; however, state agencies are now free to differ.

A description of functions and duties of the Board of Nursing was provided to Patti Burns, Boards and Commissions, Office of the Governor.

The Board will have three vacancies occurring February 28, 2004. Dr. Evans' term is expiring and she is ineligible for reappointment. Ms. Holzer's and Mr. Sones' positions are also expiring. Ms. Holzer has indicated she will not seek reappointment because her plans to retire make her ineligible. Mr. Sones will submit his paperwork for reappointment.

Educational Programs:

Northwest College:

Motion: *A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept Terri Dahl's Faculty Qualification Sheet and five year plan with clarification.*

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

Laramie County Community College:

Motion: *A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept LCCC's letter dated 7/21/03. The Education Committee noted the following concern: Anderson & Laub have documented 10 clock hours and date completed listed "continuous." Request Clarification of when the clock hours actually were completed.*

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

Casper College:

The Board would like to commend Heather Huber on her excellent plan and would like to request permission to use it as an example for other plans.

Motion: *A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept Casper College's Faculty Qualification Sheets and five year plans from Heather Huber, Kelly Politte, Evelyn Irvin, and Heidi Loucks.*

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

Western Wyoming Community College:

Motion: A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept WWCC's Annual Report. The Education Committee noted the following concerns:

- 64% retention rate - while improving, what is being done to address this?
- Ferrero's five year plan does not meet the Board Rules and Regulations requirements to complete a Master's in Nursing within five years from date of hire.
- Nielson's five year plan does not meet the Board Rules and Regulations requirements to complete a Master's in Nursing within five years from date of hire.

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

Central Wyoming College:

Motion: A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept CWC's Annual Report. The Education Committee noted the following concerns/comments:

- Only one MSN prepared faculty.
- DeClue - No five year plan
- Baumer - No five year plan, no 10 clock hours, hired 9/2000.
- Gookin - OK five year plan.
- Nez - No 10 clock hours, five year plan OK.
- Wells - OK five year plan.
- Retention rate is 44% - What is being done to address this?
- We commend you for your curricular changes to help facilitate students who desire to continue to a BSN program.

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

University of Wyoming:

Motion: A motion was made and seconded, October 6, 2003, to approve the Education Committee's recommendation to accept UW's Annual Report. The Education Committee noted the following concerns/comments:

- Hart - No 10 hours for education principles and methods of teaching, learning and evaluation.
- Stoddard - No five year plan. Unable to determine if she completed her program.
- UW is to be Commended on 90% retention rate.

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

Pickens Tech: Faculty Qualification Sheets for all faculty who teach in Wyoming, as well as the main Pickens instructors in Colorado, were provided by Pickens Tech. When questioned about the enrollment for 2002-2003, Ms. Shaw explained Pickens Tech completes four (4) tracks per year and their count included 16 students for Wyoming during the 2002-2003 academic year.

Motion: A motion was made and seconded, October 9, 2003, to approve the Education Committee's recommendation to accept Pickens Tech's annual report. The Education Committee recommends the following:

- An Annual Report will no longer be required.
- Pickens Tech is required to submit a request for all courses being taught in Wyoming one semester (i.e., 6 months - no summers) prior to the courses actually being taught.
- Please follow Board Rules and Regulations, Chapter 6, Section 2(ii)(B)(I)(a-f).
- Please keep the Board informed of all changes in faculty teaching for Pickens Tech in Wyoming.
- Please keep the Board informed of all program changes, including but not limited to: curriculum, faculty, administration, students, evaluation and facilities and resources.
- We encourage you to keep abreast of all Wyoming Board of Nursing Rules and Regulations.

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

Draft Annual Report Form - Update:

The Annual Report Form is still in draft form and expected to be finalized Spring 2004. The review checksheet will match the Annual Report format.

NCLEX Review:

Ms. Merrill and Ms. Davis will attend an NCLEX review at the Pearson Vue test center in Casper, at 9:00 a.m., October 31, 2003.

National Council of State Boards of Nursing:

Report of 2003 Annual Meeting: Ms. Koski, Ms. Merrill, and Dr. Calkins reported on the Annual Meeting:

- New area directors have been elected.
- Changes to the bylaws.
- The time limit for NCLEX candidates to wait before retaking their exam was approved to be shortened from 90 days to 45 days effective January 1, 2004.
- Adopted a new NCLEX test plan to be implemented in April 2004.
- A new mission statement was created.
- Reviewed National Council's ability to test students in foreign countries. Will not be implemented prior to 2005.
- Established a committee regarding delegating to unlicensed personnel.
- Celebrated their 25th Anniversary.
- Discussed increasing the time allowed to take the NCLEX.
- LPN Workshop
 - LPN guidance varies drastically from state to state.
 - Some states allow LPNs to do IVs, some do not.

Report of NCLEX Invitational - September 2003: Ms. Ouzts reported on the NCLEX Invitational:

- Job analysis review of LPNs will begin in 2004.
- The pass level will be changing.
- Alternative test formats will be available April 2004.
- Some questions have more than one correct answer.
- Schools and students can download the test plan.
- Students need to make sure the correct school is used.
- They are looking for test writers who are actually practicing nursing.
- Encouraged faculty to take courses offered on writing test questions.

The Board asked Ms. Ouzts to prepare a small article to be published on our website outlining these changes.

Appointment of Mary Calkins and Cheryl Koski to NCSBN Committees for 2003-2004:

Dr. Calkins has been appointed to the Practice and Education Committee and Ms. Koski has been appointed to the UAP Committee.

NCSBN Meeting Schedule: The Board reviewed the calendar of 2003-2004 meetings.

Citizen Advocacy Meeting - November 13, 2003, Alexandria, Virginia: Dr. Evans is scheduled to attend this meeting.

Patient Safety Summit - November 15, 2003, Alexandria, Virginia: Dr. Evans is scheduled to attend this meeting, Ms. Ouzts was selected to attend in the event Dr. Evans could not attend.

NCSBN Institute of Regulatory Excellence: National Council will be providing educational training for Executive Officers and is offering scholarships to attend. The Board will be forwarding a letter of recommendation for Ms. Koski to attend.

Dakota Nurse Connection: The company that publishes the Dakota Nurse Connection will publish a magazine/newsletter for Boards of Nursing, at no cost to the Board, in exchange for advertising in the magazine. The Board would provide a mailing list and content to be published.

***Motion:** A motion was made and seconded, October 7, 2003 to direct the staff of the Board of Nursing to pursue, investigate, review, and report to the Board on the feasibility to participate in the publishing of a Wyoming Board News magazine.
The vote on the above decision was 7-0-0-0.*

Certified Nursing Assistants:

Promissor Update: Ms. Koski and Ms. Riles briefed the Board on the transition. The Board expressed concerns about the cost increase to the students. Avenues of financial aide available to the students was discussed.

Request from Office of Inspector General, dates September 3, 2003: The U.S. Department of Health and Human Services, Office of Inspector General, Office of Evaluation and Inspections has requested we provide a list of all nurse aides, including all information pertaining to each individual nurse aide, that are listed on the nurse aide registry as of September 15, 2003. This request has been submitted to the AG's office for approval of release.

Wyoming Professional Assistance Program (WPAP):

WPAP has asked not to report all relapses to the Board and our response to them was we have other things to consider. WPAP would like the Board to change their five year program to three years and WPAP stay at five years to wean individuals off the program. Dr. Evans felt it would be more appropriate for the Board to change their program to a seven year program.

If drug diversion is involved in a WPAP referral, it needs to be reported because it is a violation of the law.

Changes to urine screening was discussed. WPAP is trying to ensure that 100% of collection is observed.

WPAP is again requesting an increase in the amount of money the Board of Nursing pays. The present contract expires June 30, 2004 for which the Board is paying \$24,000. WPAP would like to see that amount increased by \$6,000 to \$30,000.

***Motion:** A motion was made and seconded, October 9, 2003 to negotiate a contract with WPAP.
The vote on the above decision was 7-0-0-0.*

Budget:

Administration Budget Report Ending September 30, 2003: Ms. Hawkins reviewed all budget items with the Board. CNA testing money is down because of the changeover, but we have received a \$14,000 check from WYNATS for the first two groups of CNAs tested.

Biennial Budget - 2004-2006: Ms. Koski and Ms. Hawkins reviewed the Biennial budget with the Board.

IT Project: Ms. Koski discussed updating our current database, from a flat database to a multi-dimensional one, with the Board.

Motion: *A motion was made and seconded, October 9, 2003 to give permission to the BON office personnel to investigate costs, database user friendly, etc. and report back to the Board*
The vote on the above decision was 7-0-0-0.

Sound System: The Board would like a portable sound system purchased for use during hearings.

Labor and Health Committee: The Labor and Health Committee will be meeting on Monday, October 13, 2003. The Board supports any initiative that promotes patient safety and quality care, but not at the expense of limiting access to healthcare.

Strategic Plan:

The Board does not feel the current Strategic Plan accurately reflects its goals and does not wish to continue participation in the State initiated program. The Strategic Plan will be revised to more accurately reflect the position of the Board and be presented at the next Board Meeting.

Board Annual Report - July 1, 2002 - June 30, 2003:

The Board reviewed the information submitted to the state for the Annual Report. They would like future reports to:

- Add Practice and Education information regarding advisory statements issued.
- Have the disciplinary cases broken down by RN/LPN/CNA.
- Track how many applications that are reviewed by Compliance.
- Of the individuals registered with WPAP, how many are still employed.
- Change the meeting frequency to reflect actual number.

Personnel/Board Issues:

Classification and Compensation Issues: Bonuses will not be initiated because most state agencies do not have funds available.

Termination of Student Intern: Amber Peckam, student intern, is no longer employed with us. Another student intern can be hired to complete the remainder of the authorized 500 hours.

Executive Session: The Board discussed personnel issues in Executive Session, October 9, 2003, 12:00-12:15 p.m.

SCOPE OF PRACTICE ISSUES:

Healing Touch - Tabled from July, 2003 Board Meeting:

Motion: *A motion was made and seconded, October 8, 2003, to accept the Practice Committee's recommendation that it is within the scope of practice of the RN and LPN who are educationally prepared as a certified Healing Touch practitioner. In addition, the Practice Committee recommends that the nurse explain the procedure to the client and refrain from using standard medical terminology, e.g. "laser," "ultrasound," and "chelatom."*
The vote on the above decision was 7-0-0-0.

Neonatal Resuscitation - Tabled from July, 2003 Board Meeting:

Motion: *A motion was made and seconded, October 8, 2003, the Practice Committee determined it is within the scope of practice of the RN to intubate neonates providing the*

following criteria are met:

1. NALS certified or other equally appropriate certification;
2. Educationally prepared;
3. Adequately trained;
4. Appropriate experience; and
5. Follow institutional policy, procedure, and protocol.

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

Request from Shirley Harris, RN, dated July 28, 2003 Addressing Administration of Sevoflurane and Isoflurane:

Motion: *A motion was made and seconded, October 8, 2003, to accept the Practice Committee's recommendation that it is not within the scope of practice of a RN to administer anesthetic agents, only a CRNA may administer anesthetic agents per CRNA scope of practice.*

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

Dialysis Technicians:

Motion: *A motion was made and seconded, October 8, 2003, to accept the Practice Committee's recommendation that it is within the scope of practice of an RN to perform pelvic & colonoscopy examinations, providing the following criteria are met: Satisfactory completion of the Sexual Assault Nurse Examiner Program (SANE).*

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

UMC Letter, Regarding Epidural Cath, dated October 3, 2003

This item was tabled until the January 5, 6, 7, 2004 Board Meeting.

DISCIPLINARY ISSUES:

Hearings:

Docket #03-090 - Royce Faina, LPN: The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *A motion was made and seconded, October 7, 2003, to revoke the license of Royce Marshal Faina, LPN and place name on the registry on the grounds of abuse, fraud in application.*

The vote on the above decision was 4-0-3-0. In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.

Docket #01-062 - Anita LaFond, RN: The Board heard the testimony presented during an administrative hearing. This hearing has been continued to the January 5, 6, 7, 2004 Board Meeting due to the amount of evidence required to be reviewed by each Board Member.

Docket #02-112 - Justin Young, CNA, continued:

Docket #03-026 - Koreen Meares, NA Applicant: The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *A motion was made and seconded, October 8, 2003, to certify Koreen Meares as a CNA with a letter of awareness.*

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: None to consider.

Off Conditional License:

Docket #00-005 - Gail Pully, LPN:

***Motion:** A motion was made and seconded, October 8, 2003, that the BON reinstate Gail Pulley, LPN, with full licensure.*

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.

Docket #01-027 - Marilyn Wehner, RN:

***Motion:** A motion was made and seconded, October 8, 2003, to reinstate Marilyn Wehner, RN, with full licensure.*

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 (Signatures Needed): None to consider.

Letters of Reprimand: None to consider.

Stipulated Agreements/Conditional Licensure: None to consider.

Voluntary Surrender: None to consider.

Private Agreements: None to consider.

Withdrawal of Application: None to consider.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Holzer at 12:30 p.m. on October 9, 2003.

Submitted by:

//SIGNED//

Rachel Riles, Recorder

//SIGNED//

Ruthann Holzer, AAS, RN, President

//SIGNED//

Baerbel Merrill, BSN, RNC, Vice President

SIGNATURE ON FILE

Cynthia Northrup, AAS, LPN, Secretary