



Wyoming State Board of Nursing

Mission Statement: Serve and safeguard the people of Wyoming through the regulation of nursing education and practice.

Vision Statement: Acknowledging the dynamic nature of healthcare provides the climate, collaboration and regulatory framework for nurses to practice to the fullest extent of their scope.

Core Values: Excellence, Ethics, Education, Safety and Competence

Regular Meeting Minutes

April 8-10, 2013

Board of Medicine Board Room
130 Hobbs Avenue, Suite A
Cheyenne, WY 82002

In accordance with the State of Wyoming Public Records Act, supporting documentation to the meeting minutes is a public record and is available upon a written request.

Voting Numbers on all decisions and motions are as follows:
In Favor – Opposed – Abstaining – Absent

Board: President Tracy Wasserburger, Vice President Carrie Deselms, Secretary Cindy Woods

Members: Marcie Burr, Lori Johnson, Donna Nurss

Staff: Executive Director Cynthia LaBonde, Executive Assistant Tambra Shafer

Attorney General's Office: Assistant Attorney General Jessica Frint, Senior Assistant Attorney General Bob Walters

President Wasserburger called to order the regular meeting of the Wyoming State Board of Nursing at 1:00 p.m. on Monday, April 8, 2013 in the Board of Medicine Board Room. After roll was taken, AAG Frint declared a quorum of the Board. The agenda was approved as distributed with changes made as needed.

Board Members Present:

Tracy Wasserburger, RNC, NNP, President
Carrie Deselms, MSN, APRN, FNP-BC, Vice President
Cindy Woods, BSN, RN, BC, Secretary
Marcie Burr, RN, HSA, CCHP, Board Member¹
Lori Johnson, LPN, Board Member
Donna Nurss, MS, APRN, BC, Board Member

¹ Absent April 8, 2013, Present April 9-10, 2013

Staff Present:

Cynthia LaBonde, Executive Director
Lesla O'Dell, Practice and Education Consultant
Tambra Shafer, Executive Assistant
Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General
Cindy Stillahn, Fiscal and Human Resources Officer²
Maxine Hernandez, Licensing Specialist³
Laura Rowe, Nurse Monitoring Program Manager/Nurse Investigator⁴

Visitors Present:

Chris Bartholomew, MS, RN, President of WY School Nurse Assoc (WSNA)⁵
Danielle Beach, Laramie County School District 1⁶
Deb Balmer, Office of Administrative Hearings⁷
Nella Martinez, Attorney General's Office⁸
Sherry Griffin, Attorney General's Office⁹
Emily Smith, Witness¹⁰
Court reporter from Wyoming Reporting Service¹¹
Kevin Bohnenblust, Executive Director, Board of Medicine¹²
Angela Dougherty, personal counsel¹³

² April 8, 2013

³ April 8, 2013

⁴ April 10, 2013

⁵ April 8, 2013

⁶ April 8, 2013

⁷ April 10, 2013

⁸ April 10, 2013

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¹⁰ April 10, 2013

¹¹ April 10, 2013

¹² April 10, 2013

¹³ April 9, 2013

Monday, April 8, 2013

AI # 1 – Administrative Report

a) **Office Update** – Ms. LaBonde presented information on the following topics:

- Open House scheduled for Tuesday, April 9 from 5-7 p.m.
- Staff Align training was conducted on February 20, 2013
 - Discussed role of Board, administration and staff
 - 90 minute presentation conducted by Jodi Shields from ALIGN
- Staff/Board Member vacancies:
 - Investigative Assistant position open since March 5, 2013
 - Project to fill between May and July 2013
 - Public Member Board Position open since February 28, 2013
 - Ads placed in Casper Star Tribune – no applicants yet
 - Governor will send invitation if person identified

b) **Unlicensed Practice/School Nurse Update** – Ms. LaBonde discussed matter addressed during March Special Teleconference. School nurse most often disciplined for unlicensed practice. Smaller schools and districts may not check for current licensure as hospitals do. Impacts school district and students as the nurse may be the only nurse for entire district. Ms. LaBonde presented plan to curb this problem.

- Submit information to Board of Education Fall 2014 publication before renewal period begins
- Contact WNA to assist with publishing information in newsletter
- Chris Bartholomew, President of WSNA offered to assist with publishing renewal information.
- Ms. Bartholomew stated WSNA was updating the medication manual utilized by school nurses. SAAG Walters requested the Practice & Education Consultant and Committee review the document before publishing to ensure it meets standards under NPA and Rules and Regulations.

c) **Nurse Licensure Compact Stakeholders Meeting Update-** First meeting scheduled for April 25, 2013, at 9:00 a.m., to be held in the Board of Medicine Board Room. Approximately 15 stakeholders are scheduled to attend.

d) **Meeting Minutes Samples Update** - The Board continues to review the samples of various meeting minutes for formatting in an effort to provide concise and pertinent information to the public of business proceedings of the WSBN Board Members meetings.

- Agenda Item Request Forms assisting with meeting minutes organization. Top three points of the topic are to be included on request form.

e) **Investigative Report vs. Agenda Item Request Form Update-** SAAG Walters requested both the Agenda Item Request Forms and the Investigative Reports continue to be utilized. Both documents serve different purposes and it is not a duplicate of effort.

f) **Joint Topics Meeting with Boards of Medicine and Pharmacy** – Ms. LaBonde to attend this meeting scheduled for Friday, April 12, 2013. Items to be discussed affect all three agencies. Topics for this meeting were proposed by Board of Pharmacy which included:

- HB 094- Pharmacists to administer immunizations
- Scope of Practice

AI # 2 – Elections/Committee Selection

AAG Frint presented Election information as follows:

- Wyo Statute 33-21-124 requires annual election of officers
- Previously, Member Burr moved to change elections from April to July 2013 This motion was voted and passed in the July 2012 Quarterly Board meeting. This was to allow time for appointments and re-appointments by the Governor’s Office. All appointments that could be filled have been completed prior to April 2013 and the delay in elections proved unnecessary.
- The Public Member position could remain empty for some time

***Motion:** Vice President Deselms moved to hold elections in April 2013 instead of waiting until July 2013. This motion was seconded by Secretary Woods and passed without dissent. (5-0-0-1)(MB absent)*

AI # 3 – Fiscal Report

Ms. Stillahn updated the Board on current fiscal status. Included was revenue raised by the 2014 renewal period through the grace period which ended March 1, 2013 and a comparison from the 2012 renewal period. Ms. Stillahn presented current revenue and expenditure reports to the Board which included:

- the total donation to WCNHCP,
- office move expenditures and savings
- State budget office transitioning to Zero-based budgeting in August 2013.

AI # 4 – Licensing Report

- a) **Final Renewal numbers/percentage** - Ms. Shafer presented the Board with renewal numbers and a comparison from the two previous renewal periods. The 2014 renewal period ended with a 71.46% renewal of licenses/certificate holders.
- b) **Licensure Certificates-** Board members were presented Licensure certificates created by Maxine Hernandez, Licensing Specialist. These certificates will be made available to licensee/certificate holders as well as new graduate nurses for \$30. Information will be found on the WSBN website.
- c) **Google Docs Feedback/Update** – Ms. Shafer asked the Board for feedback on the use of Google Docs as the main forum to share documents. The Board provided positive feedback and would like to continue the use.
- d) **Electronic Application Conversion** – Three estimates for the conversion were obtained and submitted to the Board for review. A discussion of the topic included:
 - What are the advantages versus disadvantages to converting to online application?
 - How many other states are using an online initial application process?
 - With possible changes in Board processes, is it realistic to consider changing vendors/application process and spending funds when new directives would change this endeavor
- e) **Productivity/Statistics Report** – Ms. Shafer presented the productivity and statistics for the licensing department for the third quarter, 2013 fiscal year.

***ACTION:** The Board requested a cost/benefit analysis with additional research to include pros and cons of converting to online applications with the staff input. This will be revisited in July 2013 Board meeting.*

AI # 5 – Consent Agenda

- a) **Approval of Minutes**
 - 1. Jan 29, 2013 Teleconference Meeting Minutes
 - 2. Mar 6, 2013 Special Teleconference Meeting Minutes
- b) **Settlement Agreements/Stipulations**
 - 1. Brenda Allen, RN #22633, (Suspended License)
 - 2. Karen McMillan, RN #16710, (Voluntary Surrender)
 - 3. Patricia Malliot, LPN 5332, (Voluntary Surrender)
 - 4. Wendy Samson, CNA #22733, (Conditional Certificate)

Docket #11-085 for Brenda Hobbs was removed from the Hearing Session to the Consent Agenda.

***Motion:** Vice President Deselms moved to accept the consent agenda with the addition of Brenda Hobbs. This motion was seconded by Member Nurss and passed without dissent. (5-0-0-1)*

The Board adjourned at 5:00 p.m.

Tuesday, April 9, 2013

President Wasserburger called the meeting to order at 9:00 a.m.

AI # 6 – Special Licensing Requests

President Wasserburger relinquished the floor to Vice President Deselms. As the Disciplinary Committee member, President Wasserburger did not participate in the discussion or deliberation.

- a. Jennifer Evans, RN #17161 (Request for Modified Conditional)
Angela Dougherty, personal counsel was present on Ms. Evans behalf. She presented background on Ms. Evans and her license. Discussion amongst Board included:
- Where and under what capacity she can work under conditional license
 - Access to dispensing medications while on conditional licensure
 - When the one year modified conditional commences.

Executive Session – Right to Practice of a Professional Person

***Motion:** Member Nurss moved to enter executive session at 10:00 a.m. for Right to Practice of a Professional Person. This motion was seconded by Member Burr and passed without dissent. (5-0-0-1) Member Johnson took minutes during executive session. (CW-Absent)*

The Board returned to public session at 10:45 a.m.

***Motion:** Member Johnson moved to reinstate Jennifer Evans Conditional License as specified in the Settlement Agreement. Member Burr seconded the motion and passed. (4-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-TW, CW recused herself from voting)*

***Motion:** Member Johnson moved to accept the Settlement Agreement for Jennifer Evans, RN #17161. This motion was seconded by Member Burr and passed. (4-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-TW, CW recused herself from voting)*

Vice President Deselms relinquished the floor back to President Wasserburger at 10:50 a.m.

b. Tanie Heitz, RN #31197 (Review Order)

Executive Session – Legal Advise

***Motion:** Vice President Deselms moved to enter executive session at 10:55 a.m. for Legal Advice. This motion was seconded by Member Burr and passed without dissent. (6-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session at 11:25 a.m.

c. Van Byron Harmon, RN #19984 (Request for Reinstatement) - This matter was tabled as not all the documents were presented to the Board for prior review. This matter will be revisited later in the meeting.

AI # 7 – WNR 2013

Ms. O’Dell reported that the WNR publish dates are as follows: Mar 15, June 15, Sept 15 and Dec 15, 2013. She presented topics for remaining three publications in 2013. Topics are aligned with events that will be occurring.

- Summer Edition - Education
- Fall Edition –Practice and Professionalism
- Winter Edition – Open, year-end summary

AI #8 – Practice 360 Review

AAG Frint presented a PowerPoint reviewing the focus and processes of the practice portion of the Practice and Education Committee, this included:

- How questions from stakeholders are processed, tracked and answered
- Upcoming plans to evaluate old published advisory/WNR opinions
- Goal to develop scripts for answering recurring questions, to speed the response back to person asking the question.

Secretary Woods thanked AAG Frint for her assistance to Practice & Education Committee.

AI # 9 - Committee Reports

The Application Review Committee, Practice & Education Committee and the Legislative Committee conveyed reports and charges.

- a) Practice & Education Committee – Vice President Deselms provided an updated charge for the committee.

- To develop and provide evidence-based responses and guidance to nurses and educators in the practice of nursing and nursing education in Wyoming.

Ms. O'Dell presented a Practice & Education report which contained:

- Chapter 6 Revision update
 - Distance Learning Programs Update
 - Statistics on Practice & Education Questions for Nov-Dec 2012
- b) Application Review Committee – Ms. Shafer presented the statistics for the quarter January 1-March 31 2013. In the third quarter, 89 applications were reviewed under the Application Review Matrix, (89 applications were reviewed using the matrix, of which 13 were sent to the Application Review Committee for review and decision) (7 CNAs, 2 LPNs, 4 RNs and 0 APRNs).

Executive Session - Personnel

Motion: Secretary Woods moved to enter executive session at 2:45 p.m. for personnel reasons. This motion was seconded by Vice President Deselms and passed without dissent. (6-0-0-0) Secretary Woods took minutes during executive session.

The Board returned to public session and adjourned at 5:19 p.m.

AI # 10 – Public Board Member Recognition

Public Board Member Recognition and Open House cancelled due to inclement weather.

Wednesday, April 10, 2013

President Wasserburger called the meeting to order at 9:05 a.m.

Public Forum - Presentation by Kevin Bohnenblust

1. WPAP Report – Candice Cochran is the newly hired Executive Director of Wyoming Professional Assistance Program (WPAP). The WPAP annual report was read as required by the Memorandum of Understanding with the Board. Ms. Cochran was unable to attend the meeting due to weather; Kevin Bohnenblust represented WPAP and answered questions. Currently, WPAP is recruiting a medical director and clinical staff member. At this time, no self-referred nurses are in the program.
2. CRNA Opt-Out – Kevin notified the Board that the Board of Medicine is meeting April 13, 2013 to discuss CRNA opt-out. Kevin extended an invitation to Board members and staff to attend the meeting and participate in the discussion. Kevin indicated that a possible collaborative compromise could be discussed. The Board discussed factors that affect CRNA practice including facility composition, case type and procedure.

AI # 9 - Continued, Legislative Committee Report

1. Charge - The Board reviewed the Legislative Committee Charge. After Board discussion, all committee charges will be revised to reflect Board members serving on committees.
2. Chapter 8 – The Executive Director had an informal meeting with Legislative Service Office staff regarding Chapter 8 rules. A discussion addressing the matrix process, as presented, did not present an improper delegation to Board staff because the Board retained final decision making authority.

At the end of the comment period, no written comments have been received. Two verbal comments were made to the staff, but were grammatical and non-substantive changes:

- Change “shall be” to “is”
- Change “of” to “or”

The Board discussed how newly proposed rules would adhere to the Governor’s Office request to reduce rules by one-third. The Board discussed a desire to comply with directive, but expressed a concern with cutting the process and procedure for licensure and disciplinary actions and due process of licensees and certificate holders. The Board discussed a review of other rules which could be reduced.

***Motion:** Secretary Woods moves to adopted revised Chapter 8. Seconded by Member Johnson and passed. 6-0-0-0*

3. Chapter 5 – Changes to Chapter 5 fees will be postponed to July instead of April due to alignment with new Biennial Fiscal Year (BFY) 15/16 due August 2013. The Board discussed authority to fine and cost recovery. SAAG advised the Board that fines imposed on licensees would be retained by the Board. AAG Frint advised that:
 - Currently, the Board lacks statutory authority to impose fines and the ability to assess cost against licensees.
 - The Board would need to seek amendments to the Nurse Practice Act for such authority.
 - Article 7 Section 5 of the Wyoming Constitution requires that any fine or penalty goes to the public school fund, and would not go to the Board.
4. Chapter 6 – The Practice and Education Committee will be tackling education revisions to Chapter 6. Those changes could be completed and submitted to the Board in July.

AI#9 - Continued, Application Review Committee

Charge - The Board reviewed the Application Review Committee Charge. The Board discussed having charges included in new Board member orientation.

Action: ARC Committee Members requested monthly reports on how many cases are going to ARC and the status of those cases.

AI # 11 - Compliance and Discipline Report

Laura Rowe presented a report to the Board regarding Compliance and Discipline. In the third quarter, 94 cases were closed (70 initially went to the matrix and 24 were sent to a disciplinary committee) (36 CNAs, 11 LPNs, 42 RNs and 3 APRNs). Of those 94 cases:

Matrix	Disciplinary Committee
<ul style="list-style-type: none"> • 18 dismissed • 49 resolved by a notice of warning (informal discipline) • 1 resolved by a letter of reprimand (formal discipline) • 1 resolved by settlement agreement resulting in a conditional license • 1 resolved by suspension 	<ul style="list-style-type: none"> • 4 dismissed • 5 resolved by a notice of warning (informal discipline) • 4 resolved by a letter of reprimand (formal discipline) • 2 resolved by settlement agreement resulting in a conditional license • 3 resolved by suspension • 2 resolved by licensee going on inactive status • 1 resolved by revocation of license • 2 resolved by voluntary surrender • 1 resolved by reinstatement of license

The Board discussed trends in types of discipline, and addressing reporting in a future WNR. Future goals of Compliance and Discipline include:

- Location of complaints and possible region specific educational opportunities
- Investigations will be completed within 180 days which is from the day the case is opened until the investigation is closed and sent to DC or matrix for discipline decisions

AI # 12 – Matrix Policy Review

SAAG Walters updated the Board on the Application and Discipline Matrix Policies to confirm consistency with prior Board directions. Specific changes in matrixes included:

- Added language for clarity.
- Application matrix adjusted to more closely resemble Discipline matrix.
- No substantial changes were made to Discipline matrix.

The Board discussed policy procedure on unlicensed practice. Currently, it could take up to three months to finalize an unlicensed practice with a Letter of Reprimand. The question was whether a Notice of Warning could suffice.

Action: The Board requested information on using Letter of Reprimands versus Notice of Warnings in cases of Unlicensed Practice cases. This matter will be discussed at the July 2013 meeting.

The Board discussed revising the Disciplinary Committee Decision sheet. Some items requested were:

- Needs to be more user friendly, desired is a fillable PDF version
- Ability to cut and paste information into form
- Create using a digital signature – currently, members are emailing in responses to support decisions on case

Action: The Board requested an updated DC sheet for review for July 2013 Board meeting.

AI # 6 – Special Licensing Requests- Revisited

b. Tanie Heitz, RN #31197 (Review Order)

***Motion:** Vice President Deselms moved to approve the Order Denying the Request for Reinstatement on Tanie Heitz, RN #31197. Member Nurss seconded the motion and passed. (4-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MB/LJ)*

c. Van Byron Harmon, RN #19984 (Request for Reinstatement)
SAAG Walters presented background on this case. Board members have reviewed necessary documents.

***Motion:** Vice President Deselms moved to approve the Request for Reinstatement of Van Harmon, RN #19984. This motion was seconded by Member Nurss and passed. (5-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstain from voting. DC-MB)*

Contested Case Hearings

President Wasserburger reconvened the meeting at 1:00 p.m. and turned the floor over to Ms. Balmer to conduct the three contested case hearings before the Board.

Docket # 11-12-222, Malgorzata Burns, CNA

Hearing officially began at 1:30 p.m. with introductions around the room. Defendant was to be teleconferenced in for the hearing. When the call was placed, Ms. Burns refused to accept the call. SAAG Walters provided the Board with background on the case, explained exhibits A-L, and what had transpired to date. SAAG Walters yielded the floor to Ms. Balmer for discussion on the facts presented, no discussion ensued. Ms. Balmer clarified if a person does not appear at an appointed hearing time the Board can entertain default judgment. As the Disciplinary Committee, Member Johnson did not participate in the discussion or deliberation.

Docket #12-023, Darci Johnson, CNA #21877

SAAG Walters provided the Board with background on the case, explained exhibits A-F, and what had transpired to date. The Board heard the testimony and reviewed the evidence presented during the administrative hearing. SAAG Walters yielded the floor to Ms. Balmer for discussion on the facts presented, no discussion ensued. As the Disciplinary Committee, Member Johnson did not participate in the discussion or deliberation.

Docket #11-12-104, Kara Smith, CNA #18036

SAAG Walters provided the Board with background on the case, explained exhibits A-F, and what had transpired to date. The Board heard the testimony and reviewed the evidence presented during the administrative hearing. SAAG Walters yielded the floor to Ms. Balmer for discussion on the facts presented, no discussion ensued. Discipline Committee member was Executive Director LaBonde, who did not participate in the discussion.

Executive Session – Right to Practice of a Professional Person

***Motion:** Member Johnson moved to enter executive session at 1:59 p.m. for right to practice of a professional person. This motion was seconded by Member Burr and passed without dissent. (6-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session at 2:15 p.m.

***Motion:** Vice President Deselms moved to accept Petitioner's motion for default judgment on Malgorzata Burns, CNA Member Nurss seconded the motion and passed. (5-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-LJ)*

***Motion:** Vice President Deselms moved to revoke the nursing assistant certificate of Malgorzata Burns, CNA . This motion was seconded by Member Burr and passed. (5-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-LJ)*

***Motion:** Member Nurss moved to accept Petitioner's motion for default judgment on Darci Johnson, CNA #21877. Secretary Woods seconded the motion and passed. (5-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-LJ)*

***Motion:** Member Nurss moved to revoke the nursing assistant certificate of Darci Johnson, CNA #21877. This motion was seconded by Secretary Woods and passed. (5-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-LJ)*

Motion: Member Burr moved to accept Petitioner's motion for default judgment on Kara Smith, CNA #18036. Member Johnson seconded the motion and passed. (6-0-0-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-CL)

Motion: Member Burr moved to revoke the nursing assistant certificate of Kara Smith, CNA #18036. This motion was seconded by Member Johnson and passed. (6-0-0-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-CL)

AI # 14 – Elections

The Board discussed best way to nominate members for offices. Elections formerly in January, allowed for officer elections prior to term expiration in February. Meetings months can be moved from January, April, July and October to different months in quarter to minimize vacancies

Motion: Member Nurss moved to nominate Vice President Deselms as President. This motion was seconded by Member Johnson and passed without dissent. (6-0-0-0)

Motion: Member Johnson moved to nominate Member Burr as Vice President. This motion was seconded by Secretary Woods and passed without dissent. (6-0-0-0)

Motion: Vice President Deselms moved to nominate Member Johnson as Secretary. This motion was seconded by Member Nurss and passed without dissent. (6-0-0-0)

Announcements

Upcoming NCSBN Annual Meeting in Providence Rhode Island – August 14-16, 2013

- Secretary Woods expressed interest in attending

Regular Board Teleconference scheduled for April 29, 2013/8:30 a.m.

Regular Quarterly meeting scheduled for July 8-11, 2013

Action: The Board requested the Strategic Plan Review be placed on the agenda for the July Meeting.

The Board returned adjourned at 3:15 p.m. The next general meeting will be on April 29, 2013 at 8:30 a.m. via teleconference.

Minutes submitted by: Tandra Shafer, Executive Assistant

Minutes reviewed by: Carrie Deselms, President
Lori Johnson, Secretary

Minutes approved on: June 11, 2013 Special Teleconference