



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 Board Meeting Minutes

January 12, 2016

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

Officers: President Cindy Woods (CW), Vice President (VP) Donna Nurss (DN), Secretary - Vacant

Board Members: Marcie Burr (MB), Marjory Christiansen (MC), Barbara Summers (BS), Kathy Cromer (KC), Sue Howard (SH)

Staff: Executive Director (ED) Cynthia LaBonde, Compliance & Discipline Manager Victoria Pike (VP), RN Kara Aguirre (KA),

Attorney General's Office: Assistant Attorney General (AAG) Jessica Frint (JF)

Tuesday, January 12, 2016

Opening

Call to Order

President Woods called to order the meeting of the Wyoming State Board of Nursing at 8:03 a.m. on January 12, 2016 in the Wyoming Board of Medicine Board Room, Cheyenne, WY.

Board Members Present:

Cindy Woods (CW), BSN, RN-BC, President
Donna Nurss (DN), MS, APRN, PMHNP-BC, Vice President
Marjory Christiansen (MC), MSN, RN, CEN, Board Member
Marcie Burr (MB), RN, DO, CCHA, Board Member
Kathy Cromer (KC), LPN, Board Member
Barbara Summers (BS), Board Member
Susan Howard (SH), MSN, RN-BC, Board Member

Staff Present:

Cynthia LaBonde (CL), Executive Director
Kara Aguirre (KA), Legal Assistant
Victoria Pike (VP) Nurse Monitoring Program/Compliance & Discipline, Licensing Mgr.
Linnie Cough (LC), Meeting Minutes
Jeffrey Rosinski, Licensing Specialist¹
Lacey Osburn, Investigative Assistant²
Cindy Stillahn, Fiscal/HR Coordinator³

Attorney General's Office:

Jessica Frint (JF), Assistant Attorney General
Bob Walters (BW), Senior Assistant Attorney General⁴
Mackenzie Williams, Senior AAG⁵
Shelley Colgan, Paralegal AG office⁶
Nella Martinez (NM), Paralegal⁷
Jessica Curless (JC), Paralegal⁸

Visitors Present

Matt Sholty (MS) (via Leader phone)⁹
Mary Burman(M Burman) (via Leader phone)¹⁰
Candice Cochran (CC), Executive Director, WY Professional Assistance Program (WPAP)¹¹
Kevin Bohnenblust (KV), Executive Director, Board of Medicine¹²
Suzy Delger (SD), Nursing Director, Eastern WY College¹³
Rick Patterson (RP), President, Eastern WY College¹⁴
Mike Durfee (MD), Assoc. Director of Outreach, Eastern WY College¹⁵
Judy Stickel, retired educator¹⁶
Celia Teague, Laramie County Community College, retired educator¹⁷

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Pat Crank, Ms. Romero's Attorney¹⁸
Vicki Woodward, Paralegal for Mr. Crank¹⁹
Shari Romero²⁰
Thor Romero, Ms. Romero's spouse²¹
Frank Del Real, MD, witness²²
Arthur Merrell, MD, witness²³
Officer Michael Simmons, Wyoming State Police, witness²⁴
Deb Baumer, Hearing Officer²⁵
Laura Rowe, Former Employee of WSBN, witness²⁶
Kathy Kendrick, Court Reporter²⁷
Tracy Wasserberger, APRN, Former Nursing Board Member (via phone)²⁸
Lacey LeBlanc²⁹
Karis Bresach (via phone)³⁰

AI#01 Committee of the Whole (COW) Work Session

(No Board action was taken, topics for discussion only)

- a. WY Nursing Workforce & Education Data project
- M Burman & MS participated via Leader phone re use of workforce and education data.
 - Reports will focus on WY nursing student population.
 - President Woods thanked M Burman and MS for their collaboration.
- b. Nurse Monitoring Program
- Candice Cochran (CC) provided an overview of the WPAP substance abuse program
 - Nurses able to enroll independently (without a Board order) if WSBN contracts with WPAP.
 - Certified Nursing Assistants not currently covered under WPAP but would consider.
 - President Woods thanked CC for the presentation and added the topic would be discussed further at the regular Board meeting to follow.
- c. Board Approval of all Dismissals and NOW's *(This topic followed Item h. as there were several*

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guests in attendance).

- CL recognized
 - the Board would like and needs to have more information on dismissals and NOWs (Notice of Warnings)
 - licensees can be issued a dismissal or NOW via Matrix or Disciplinary Committee decision under current process, without Board knowledge.
 - MTX may change.
- CL recommends
 - Office holds on issuing dismissal or NOW letters until the Board has had an opportunity to review and approve.
 - Monthly meetings via teleconference to review/approve these case types under Consent Agenda and decrease volume of material for quarterly Board meetings.
- CL requested Board action for the Board to approve NOWs and dismissals at future meetings.

d. Practice and Education Committee (P&E)

- Chair Nurss provided an overview of P&E activity-

Eastern Wyoming College (EWC), Provisional Nursing Program approval

- Suzy Delger (SD) thanked those who have assisted with the Application for Provisional Program approval, including Lori Hart (LH), WSBN Practice & Education Consultant.
- Chair Nurss thanked SD for all that SD has done to coordinate program development. Chair Nurss also indicated-
 - only seven (7) nursing programs have been in existence in WY since the 1970s, this nursing program makes 8
- President Woods thanked EWC for addressing the Board, advising provisional program discussion/vote would occur later in the day during the regularly scheduled meeting.
 - CL directed to call SD later in day after Board made final decision.

Annual Education Report

- Chair Nurss -
 - thanked LH for the excellent job in preparing the annual report, verbalizing LH has resigned and will be missed.
 - discussed the highlights of the annual report
 - directed letters be sent to all nursing education program directors to advise of Board approval, highlighting particular areas to be addressed in future.

e. Application Review Committee (ARC)

- Chair Burr provided an overview of ARC activity -
 - Advisory Opinion (AO) for LPN IV certification being reviewed
 - Chapter 2 revisions are being discussed
 - Agreed to meet monthly via teleconference on the first Monday between quarterly Board meetings, to stay abreast of the activity related to application and Chapter 2 revisions.

- f. Legislative Committee (LC)
- Chair Summers provided an overview of LC activity -
 - Chapter 8 - discussed comments received during the public comment period and Attorney Barrett's (of the Governor's office) response to comments.
 - "enhanced" NLC and APRNC
 - National Council of State Boards of Nursing to mail NLC posters to WY healthcare facilities by end of week.
 - Toni Decklever, WY Nurse Association lobbyist, emailed "Fact Sheet for Legislators" to WY legislators this week
- g. Conference/Education opportunities
- 2016 NCSBN mid-year meeting, March 14-16, 2016, Baltimore, MD
- h. Quarterly Governor's office update, plus (CW)
- Positive meeting with Tony Young, Governor's office
 - Mary Walker, Director, Board of Pharmacy (BOP) requested WSBN Board member participation for the BOP meeting March 2-3, 2016 in Cheyenne to discuss telemedicine issues.
 - Vice President Nurss agreed to represent WSBN at the meeting.

AI #02 – Executive Session – Legal Advice

Executive Session was not needed. President Woods adjourned the COW work session at 10:16.

WSBN Board Quarterly Business Meeting

Meeting was called to order at 10:37 am by President Woods.

Roll call was taken by ED LaBonde:

- President, RN representative, Cindy Woods, Wheatland
- Vice President, APRN representative, Donna Nurss, Casper
- RN Administrative representative, Marci Burr, Riverton
- RN Education representative, Marjory Christiansen, Casper
- RN representative, Sue Howard, Gillette
- LPN representative, Kathy Cromer, Cheyenne
- Consumer Representative, Barbara Summers, Casper

Declaration of a Quorum

A Quorum was declared by ED LaBonde at 10:39 am.

AI#03 – Elections

Two (2) members of the Board will be leaving; Member Burr after eight (8) years of service and Member Summers after a three (3) year term. President Woods thanked both for their years of service to the Board and opened the floor to nominations.

Motion: *Member Nurss nominated President Woods to a second term as President. Member Christiansen seconded and the Board approved the nomination. The motion passed without dissent. (7-0-0-0)*

Motion: *Member Woods nominated Vice President Nurss for a second term as Vice-President. Member Howard seconded and the Board approved the nomination. The motion passed without dissent. (7-0-0-0)*

Motion: *Member Burr nominated Member Christiansen for the position of Secretary, which is currently vacant. Member Cromer seconded the motion and the Board approved the nomination. The motion passed without dissent. (7-0-0-0)*

New Board members should be appointed by Governor Mead by February 28, 2016. Standing committee assignments will be considered by President Woods after appointments are made.

AI#04 Consent Agenda (CW)
Reordering of the Agenda

Motion: *Member Burr moved to add Amanda Knipp, CNA #25524, Case No. 14-139 to the Consent Agenda.*

- a. Approval of Minutes
 - 1. November 10, 2015, Meeting Minutes
 - 2. November 19, 2015, Teleconference Meeting Minutes
 - 3. December 7, 2015, Teleconference Meeting Minutes
 - 4. December 28, 2015, Teleconference Meeting Minutes

- b. Executive Session Meeting Minutes
 - 1. October 14, 2015/10:26 a.m., (Legal Advice) (CL)
 - 2. November 10, 2015/11:10 a.m., (Right to Practice-Benson) (MC)
 - 3. November 10, 2015/11:20 a.m., (Right to Practice-Posthauer) (MC)
 - 4. November 10, 2015/11:35 a.m., (Right to Practice-Vincent) (MC)
 - 5. November 10, 2015/11:45 p.m., (Right to Practice-Hawkins) (MC)
 - 6. November 10, 2015/12:00 p.m., (Right to Practice-Nation) (MC)
 - 7. November 10, 2015/12:35 p.m., (Right to Practice-Cousins) (CW)
 - 8. November 10, 2015/12:40 p.m., (Right to Practice-Steward) (MC)
 - 9. November 10, 2015/12:45 p.m., (Right to Practice-Daugherty) (MC)
 - 10. November 10, 2015/2:33 p.m., (Legal Advice) (LR)
 - 11. November 10, 2015/2:47 p.m., (Legal Advice) (LR)
 - 12. November 10, 2015/3:06 p.m., (Legal Advice) (LR)
 - 13. November 10, 2015/3:40 p.m., (Legal Advice) (MC)
 - 14. December 7, 2015/2:25 p.m., (Right to Practice-Asay) (MC)
 - 15. December 28, 2015/9:25 a.m., (Legal Advice) (MC)
 - 16. December 28, 2015/10:05 a.m., (Right to Practice-Asay) (MC)

- c. Settlement Agreements/Stipulations
1. Teresa Cady, APRN #16280.1063, Case No. 14-15-176-DN (LOR)
 2. Jessica MacGregor, RN #25491, Case No. 15-060-MTX (LOR)
 3. Jill Morris, RN #21994, Case No. 15-085-MTX (LOR)
 4. Ca-Di Sobralski, CNA #23422, Case No. 15-050- MTX (LOR)
 5. Chantel Harris, CNA #26147, Case No. 15-065-MTX (LOR)
 6. Amanda Knipp, CNA #25524, Case No. 14-139-BS

Motion: Member Burr moved to accept the Consent Agenda as amended. This motion was seconded by Member Christiansen and passed without dissent. (7-0-0-0)

AI#05 Executive Session – Right to Practice (JF) Was not used

AI#06 Executive Session – Legal Advice (JF)

Motion: At 10:45 a.m., Member Howard moved to enter Executive Session for legal advice. Member Burr seconded the motion. The motion was passed without dissent. (7-0-0-0) Member Christiansen took minutes during executive session.

The Board returned to public session at 11:45 a.m.

AI#07 Board Orders for Approval (JF)

- a. **Matthew Nation, CNA #23274, Case No. 14-15-178-BS**
AAG Frint reviewed the proposed order for approval with the Board.

Motion: Member Christiansen moved to approve the Board order for a conditional license. Member Howard seconded the motion and the motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:BS)

- b. **Diane Posthauer, RN #34768, Case No. 14-15-280-MB**
AAG Frint reviewed the proposed order for approval with the Board.

Motion: Member Christiansen moved to approve the Board order revoking Posthauer's license. Member Summers seconded the motion and the motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:MB)

- c. **Jacob Hawkins, CNA #20268, Case No. 14-15-272-BS**
AAG Frint reviewed the proposed order for approval with the Board.

Motion: Member Burr moved to approve the Board order for a Notice of Warning. Member Cromer seconded the motion and the motion passed without dissent (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:BS)

d. **Lisa Vincent, CNA #8739, Case No. 14-120-BS/KC**

AAG Frint reviewed the proposed order for approval with the Board.

Motion: *Member Burr moved to approve the Board order revoking Vincent's license. Member Howard seconded the motion and the motion passed without dissent (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:BS/KC)*

e. **Andra Cousins, RN #18451, Case No. 14-15-239-MC**

AAG Frint reviewed the proposed order for approval with the Board.

Motion: *Member Summers moved to approve the Board order revoking Cousin's license. Member Nurss seconded the motion and the motion passed without dissent (6-0-1-0.) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:MC)*

f. **Lesli Benson, CNA #13364, Case No. 14-15-301-MTX**

AAG Frint reviewed the proposed order for approval with the Board.

Motion: *Member Summers moved to approve the Board order suspending Benson's certificate until submitting to a substance abuse evaluation. Member Cromer seconded the motion and the motion passed without dissent. (7-0-0-0)*

President Woods turned the floor over to Vice President Nurss.

g. **Krystal Steward, RN #24154, Case No. 14-15-303-CW**

AAG Frint reviewed the proposed order for approval with the Board.

Motion: *Member Christiansen moved to approve the Board order revoking Steward's license. Member Burr seconded the motion and the motion passed without dissent (6-0-1-0). (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW)*

h. **Iris Daugherty, RN #32082, Case No. 13-14-209-CW**

AAG Frint reviewed the proposed order for approval with the Board.

Motion: *Member Burr moved to approve the Board order suspending Daugherty's license until compliant with previous Board order. Member Summers seconded the motion and the motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW)*

Vice President Nurss turned the floor back over to President Woods.

AI#08&09 Standing Committee Reports and Recommendations to the Board/Board Action

a. Practice and Education Committee

- Chair Nurss provided the Board with an update on P&E activity.
 - Annual Education report requires Board approval
 - Chair Nurss praised staff member Lori Hart for her diligent work in preparing the report.

Motion: Member Burr moved to approve the Annual Education report as presented. Member Howard seconded the motion and the motion passed without dissent. (7-0-0-0)

- Eastern Wyoming College’s application for provisional nursing program requires Board approval

Motion: Member Summers moved to approve Eastern Wyoming College’s application for a provisional nursing program. Member Cromer seconded the motion and the motion passed without dissent. (7-0-0-0)

b. Application Review Committee

- Chair Burr provided the Board with an update on ARC activity.
 - AO for LPN IV Certification being reviewed
 - Chapter 2 Revisions being discussed
 - ARC has agreed to meet monthly on first Mondays via teleconference to keep abreast of activity in 2016.

No action taken.

c. Legislative Committee

- Chair Summers provided the Board with an update on LC activity.

Chapter 8 – two (2) public comments received during public comment period. Chair Summers recommends approving as written with the exception of removing Section 13(a), Burden and Standard of proof for Summary Suspension.

Motion: Member Nurss moved to adopt the revised rules for Chapter 8 based on public comment and proceed with rule-making. Member Cromer seconded the motion and the motion passed without dissent. (7-0-0-0)

- “enhanced” NLC and APRNC
 - National Council of State Boards of Nursing to mail NLC posters to WY healthcare facilities by end of week.
 - Toni Decklever, WY Nurse Association lobbyist, emailed “Fact Sheet for Legislators” to WY legislators this week.

No action taken

AI#10 Fiscal Report (CS)

Cindy Stillahn presented the fiscal report through December 30, 2015. Areas of comment included:

- a. Revenue and expenditures for fourth quarter 2015.
- b. Fiscal comparison with previous biennium.
- c. Mileage rate changes for personal vehicles effective 1/1/2016 per IRS and Governor's memo of 1/7/2016.
- d. Review of Board travel expenditures in the 200 series.

President Woods commended Ms. Stillahn for her diligent work and excellent budget format.

Motion: Member Summers moved to accept the Fiscal/HR report as presented. This motion was seconded by Member Cromer and the motion passed without dissent. (7-0-0-0)

AI#11 Licensing Report (VP)

Victoria Pike presented her reports on:

- a. Productivity/Statistics
Ms. Pike reported a decrease in each level due to May graduation.
- b. Licenses/Certificates Issued Report
- c. Licensing Department is now working on issuing current licenses. There is no backlog.

Motion: Member Howard moved to accept the licensing/certificate report as issued. Member Burr seconded the motion and the motion passed without dissent. (7-0-0-0)

AI#12 Compliance and Discipline Report (VP)

Victoria Pike presented the following:

- a. Productivity/Statistics Report

Motion: Member Burr moved to approve the productivity/statistics report as presented with clarification on the -2 in the report. Member Nurss seconded the motion and the motion passed without dissent. (7-0-0-0)

- b. Nurse Monitoring Program Report (NMP)

A presentation was made to the Board regarding the benefit of transitioning the in-house NMP to WPAP. Candice Cochran, Executive Director of WPAP was present and responded to many of the Board's questions/concerns. Kevin Bohnenblust was called in to speak about his experience with the program, which he described as "excellent." Member Nurss voiced her concern regarding CNA participation in WPAP.

Motion: Member Nurss moved to give WSNB staff permission to pursue a negotiated contract with WPAP and to determine the best means to provide monitoring services to the CNAs. Member Cromer seconded the motion and the motion passed without dissent. (7-0-0-0)

AI#13 Proposed Guidelines for Interim Letter Agreements (ILA) (VP)

Victoria Pike led the discussion. Between 2010-2015, a total of 38 ILAs were offered and 35 of the 38 were executed. The number of ILAs doubled from 2014 to 2015. There is also inconsistent language in

the ILAs with regard to whether ILAs are discoverable. There was no significant difference in the number of ILAs offered to licensees/certificate holders who were represented by an attorney, as opposed to those who were unrepresented. A little more than half (51%) of the ILAs were offered in lieu of Summary Suspension proceedings.

The recommendation was made not to use ILAs in the future; rather, if a matter warrants Summary Suspension, issue a Summary Suspension. If education is required, the Board may issue a NOW with required education, which would provide the Board with a final Board action, but is non-reportable discipline. If the licensee/certificate holder breaches the SA, then he/she would be suspended until there is full compliance with the Board Order.

Motion: *Member Summers moved to discontinue the use of ILAs. Member Burr seconded the motion and it passed without dissent. (7-0-0-0)*

Motion: *Member Christiansen moved to proceed with new processes for Summary Suspension and for Voluntary Surrenders after Chapter 8 is approved. Member Howard seconded the motion and it passed without dissent. (7-0-0-0)*

Motion: *Member Nurss moved to approve the use of NOWs and Dismissals to be placed on the Consent Agenda using Case #s. Member Burr seconded the motion and it passed (6-1-0-0). Member Summers dissented.*

AI#14 Executive Session – Legal Advice (JF)

Motion: *At 3:37 p.m., Member Nurss moved to enter Executive Session for legal advice. Member Cromer seconded the motion. The motion was passed without dissent. (7-0-0-0) Member Christiansen took minutes during executive session.*

The Board returned to public session at 4:15 p.m.

Board Member Recognition – President Woods recognized Members Burr and Summers for their hard work and dedication to the Board of Nursing as their appointments to the Board nears completion. They received plaques commemorating their years of service.

The Board meeting recessed at 4:45 p.m.

Wednesday, January 13, 2016

The Board meeting reconvened at 8:00 a.m.

AI#15 Public Forum –

No public guests present.

AI#16 Practice and Education Consultant Report (CL)

Executive Director LaBonde gave the P&E Consultant Report:

- Multiple questions from the public concerning closing an APRN practice, this needs to be addressed
- Education – calls from nursing programs regarding placement of their students
- Sheridan College requested that nurses be able to place OB epidurals, this was denied
- Simple wound closure by RNs – this is still under discussion.
- CNAs – scope of practice questions still being received.
- Unlicensed practice – need an AO for guidance.
- Questions concerning response analysis is being distributed in a timely manner
- Media support services in-house are being provided by Kara Aguirre.
- Pain Management – continue working

Motion: Member Howard moved to approve the reports as presented. Member Cromer seconded the motion and the motion passed without dissent. (7-0-0-0)

AI#17 Executive Director Administrative Report (CL)

- a. Update: Board/Staff
 1. There are currently two board positions open. Several applications have been received by the Governor's office.
 2. There are several vacancies in-house due to resignations. ED LaBonde indicated the staff have discussed, feel there are too many managers, and the P&E position needs administrative support. ED LaBonde recommends eliminating the Licensing Manager position and developing a new position titled Office Support Specialist to assist both licensing and P&E. The Office Support Specialist position will also take meeting minutes and have other duties within the office. The Nurse Investigator position is vacant; the future of the position is dependent on Nurse Monitoring Program participants being transferred to WPAP. ED LaBonde stated current staff is doing a great job taking on other job responsibilities.
- b. Update: WSBN Collaboration Tour
ED LaBonde recently visited University of Wyoming spoke with the junior nursing students.
- c. Update: Strategic Plan
Nothing new to report regarding the Strategic Plan. Kara Aguirre is to take Microsoft Access Courses at LCCC. The courses are a part of her PMI goals and will assist the Board office in development of database for P&E.
- d. Conference report – NLC Cohort meeting December 3, 2015.
ED LaBonde attended the meeting of state EDs who are introducing NLC legislation in 2016.
- e. Proposed Monthly Board Meetings
ED LaBonde recognizes a lot of information is provided to the Board to read for each quarterly meeting. ED LaBonde recommends an hour long monthly teleconference, between

quarterly in-person Board meetings, to balance volume of reading materials distributed prior to meetings and provide expedient feedback to licensees who receive a Notice or Warning of Dismissal. Monthly teleconferences can also be utilized for Board member professional development when time available.

Motion: *Member Burr moved to pursue a regularly scheduled monthly board meeting. Member Nurss seconded the motion. The motion passed without dissent. (7-0-0-0).*

AI#18 Hearings

President Woods turned the floor over to Vice President Nurss. Vice President Nurss turned the floor over to Hearing Examiner Baumer.

a. Shari Romero, RN #21612, Case No. 13-096-CW/MB

Hearing Officer Baumer held oral arguments on Shari Romero's Renewed Motion for Summary Judgment.

Motion: *At 9:40 a.m., Member Christiansen moved to enter Executive Session for legal advice. Member Cromer seconded the motion. The motion passed. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

The Board returned to public session at 10:19 a.m.

Motion: *Member Christiansen moved to deny the renewed motion for summary judgment. Member Cromer seconded the motion, and it passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

Mr. Crank requested the Board state their findings of fact and conclusion of law that served as the basis for their decision to deny the Renewed Motion for Summary Judgment.

Motion: *Member Christiansen moved to allow Board counsel to speak on behalf of the Board and provide the basis for denying the motion. Member Cromer seconded the motion and it passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

AAG Frint explained the Board's decision to deny the Renewed Motion for Summary Judgment was based on a finding that an issue of material fact existed regarding whether Ms. Romero's consumption of alcohol was a brief slip or a relapse behavior according to the conflicting medical opinions offered in the case.

Motion: *Member Summers moved to ratify AAG Frint's explanation. Member Christiansen seconded the motion and it passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

Hearing Examiner Baumer conducted a contested case hearing in this matter. Mr. Walters presented Petitioners' case alleging violation of the Wyoming Nurse Practice Act and Board Rules. Afterward, Mr. Crank moved for a directed verdict pursuant to Rule 52(c) of the Wyoming Rules of Civil Procedure.

Motion: *At 4:37 p.m., Member Howard moved to enter Executive Session for legal advice. Member Cromer seconded the motion and it passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

The Board returned to public session at 5:08 p.m.

Motion: *Member Christiansen moved to decline to make a judgment until the Board has heard all of the evidence. Member Howard seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

Hearing Examiner Baumer continued the contested case. Mr. Crank did not present a case. The parties provided closing arguments. The Board meeting recessed at 5:52 p.m.

Thursday, January 14, 2016

The Board meeting reconvened at 8:00 a.m.

Hearings – Continued. . .

Motion: *At 8:06 a.m., Member Howard moved to enter Executive Session for deliberations on right to practice of a professional person. Member Cromer seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

The Board returned to public session at 10:38 a.m.

Motion: *Member Christiansen moved to deny the motion for directed verdict pursuant to Rule 52(c). Member Summers seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

Motion: *Member Christiansen moved to reprimand Romero and require professional monitoring for not less than one (1) year. Member Cromer seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)*

Mr. Crank moved for the Board to stay enforcement of the sanction pending an administrative appeal.

Motion: At 10:43 a.m., Member Howard moved to enter Executive Session for legal advice. Member Summers seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)

The Board returned to public session at 10:49 a.m.

Motion: Member Christiansen moved to deny motion to stay enforcement of the sanction pending an administrative appeal. Member Summers seconded the motion and the motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW&MB)

Vice President Nurss turned the floor back over to President Woods. President Woods turned the floor over to Hearing Examiner Baumer to present the next case to the Board.

b. Lacey LeBlanc, CNA Applicant, Case No. 14-15-262-DN

Hearing Examiner Baumer conducted a contested case hearing in this matter. Ms. LeBlanc was present for the hearing and presented her case. Evidence and testimony was presented to the Board. The Board would take the matter under advisement and issue their decision in due time.

c. Karis Bresach, CNA Applicant, Case No. 14-15-300-MB

Ms. Bresach was present by telephone and presented her case. Testimony and evidence was presented to the Board. The Board would take the matter under advisement and issue their decision in due time.

d. Samantha Martin, CNA #20708, Case No. 14-15-244-CW

Hearing Examiner Baumer gave an overview of the case. Ms. Martin did not appear. SAAG Walters presented his case. The Board would take the matter under advisement and issue a written decision in due time.

AI#20 Executive Session – Right to Practice (JF)

Motion: At 12:28 p.m., Member Cromer moved to enter Executive Session for deliberations on right to practice of a professional person. Member Howard seconded the motion and the motion passed without dissent. (7-0-0-0)

The Board returned to public session at 12:55 p.m.

Hearings – Continued. . .

Motion: *Member Christiansen moved to issue a conditional certificate to LeBlanc requiring random drug testing and enter a formalized support group for no less than one year. Member Summers seconded the motion, and the motion passed. (5-1-1-0) Member Woods dissented. (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:DN)*

Motion: *Member Summers moved to deny a CNA certificate to Bresach. Member Cromer seconded the motion and the motion passed (6-0-1-0). (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:MB)*

President Woods turned the floor over to Vice President Nurss.

Motion: *Member Christiansen moved to grant Petitioner's motion for default judgment against Samantha Martin, CNA #20708. Member Burr seconded the motion and the motion passed. (6-0-1-0). (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW)*

Motion: *Member Christiansen moved to suspend Martin until she submits to a substance abuse evaluation. Member Burr seconded the motion and the motion passed. (6-0-1-0). (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting.) (DC:CW)*

Vice President Nurss turned the floor back over to President Woods. President Woods adjourned the meeting at 1:02 p.m.

Minutes submitted by: Linnie Cough, Meeting Minutes

Minutes reviewed by: Cynthia LaBonde, Executive Director
Victoria Pike, Licensing/Compliance & Discipline Manager
Kara Aguirre, Legal Assistant
Cindy Woods, Board President
Marge Christiansen, Board Secretary

Minutes Approved on: March 10, 2016