



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

January 7-10, 2013

First National Bank
2015 Central Avenue
Cheyenne, WY 82001

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, Marguerite Herman, 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, January 7, 2013 in the First National Bank Conference 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

Marguerite Herman, BA, MAT, MMC, Consumer Board Member

Lori Johnson, LPN, Board Member

¹ Absent January 7, Present January 8-10, 2013

Donna Nurss, MS, APRN, BC, Board Member

Staff Present:

Cynthia LaBonde, Executive Director

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:

Jim Puente, NLC Chairperson⁵

Lori Scheidt, MO BON Executive Director⁶

Dr. Mary Burman, Dean, Fay Whitney School of Nursing, Laramie⁷

Parry Davison, CRNA, WYANA President⁸

Camille Plowman, CRNA, Executive Assistant, WYANA⁹

Dan Perdue, President, WHA¹⁰

Neil Helton, WHA¹¹

Phyllis Sherard, PhD, CRMC¹²

Julie Cann-Taylor, CNO WMC¹³

Mary Lynn Shickich, WMC¹⁴

Kennetha Julien, CO BON Executive Director¹⁵

Joey Ridenour, Chair person, NLC ED AZ Board of Nursing¹⁶

Sean Chambers, Office of Administrative Hearings¹⁷

² January 7, 2013

³ January 9, 2013

⁴ January 9 and 10, 2013

⁵ January 7 and 9, 2013

⁶ January 7, 2013

⁷ January 8 and 10, 2013

⁸ January 8, 2013

⁹ January 8, 2013

¹⁰ January 9, 2013

¹¹ January 9, 2013

¹² January 9, 2013

¹³ January 9, 2013, via teleconference

¹⁴ January 9, 2013

¹⁵ January 9, 2013, via teleconference

¹⁶ January 9, 2013

¹⁷ January 9, 2013

Visitors Present (Cont):

Nella Martinez, Attorney General's Office¹⁸
Sherry Griffin, Attorney General's Office¹⁹
Court Reporter from Wyoming Reporting Service²⁰
Jennifer Anderson, Director, LCCC Nursing Program²¹
Heather Huber, Program Director, Casper College Nursing Program²²
Marlene Ethier, Director, Nursing Program, WWCC²³

Monday, January 7, 2013

G-Mail Training – AAG Frint provided G-Mail training to board members. Training provided Board members with greater knowledge of features available through the G-Mail account.

President Wasserburger called the meeting to order at 1:00 p.m.

AI # 1 – Nurse Licensure Compact

Mr. Jim Puente, NCSBN NLC Consultant, presented history, facets and functions of the Nurse Licensure Compact. . Lori Scheidt, MO Board of Nursing Executive Director, presented information on how the Compact has affected her Board and State.

AI # 2 – Old Business

- a) **Peer Review Tool** - SAAG Walters presented the Board a resource binder that included standards, forms and related information to assist board members in APRN discipline cases. This binder will be located in the P & E consultant's office as well as electronically.

***ACTION:** The Board suggested a biennial review of this binder. .*

- b) **Independent Contractor Policy and Procedure (P & P)** – Ms. LaBonde presented a new policy and procedure , including a spreadsheet reflecting current active contracts.

¹⁸ January 9, 2013

¹⁹ January 9, 2013

²⁰ January 9, 2013

²¹ January 10, 2013

²² January 10, 2013

²³ January 10, 2013, via teleconference

- c) **Training Course Options for Licensees** - Ms. Shafer informed the Board a PDF version of the Excel product was placed on the WSBN website for licensees to use as a reference tool for continuing education courses.
- d) **Board Policy and Procedure Book and Index** - Ms Shafer presented the Board with the P & P book that affected both Board members and staff. The Book is maintained in the Executive Assistant area and electronically on the N drive.

***ACTION:** The Board suggested a biennial review of this book for currency. All Board policies and procedures will be presented to new Board members either hard copy or electronically as part of their orientation.*

AI # 3 – Fiscal Report

Ms. Stillahn updated the Board on current fiscal status. The report included the revenue raised by the 2014 renewal period and a comparison from the 2012 renewal period. Ms. Stillahn also presented current revenue and expenditure reports.

AI # 4 – Licensing Report

- a) **Renewal numbers** - Ms. Shafer presented the Board with the renewal numbers and a comparison from the two previous renewal periods. The 2014 renewal period ended with a 68% renewal of licenses/certificate holders.
- b) **Renewal Process** – Update/explanation to the Board about using current technology and tools such as Twitter and Email Blast to inform licensees and certificate holders about upcoming renewal periods and requirements.
- c) **Electronic Application Conversion** – Topic was addressed at the October 2012 Board Meeting re converting initial licensing process from paper to electronic submission. An estimate from Katchemak was presented for work required

***ACTION:** The Board directed that other avenues be researched/explored. A timeline to be developed in addition to obtaining bids from other vendors.*

- d) **NCSBN Operations Conference Report** – Ms. Shafer presented feedback on the NCSBN Conference. Ms. Hernandez, Licensing Specialist, attended the Nov 2012 conference in Chicago IL. NCSBN funded the trip. The conference covered three areas: strategies for an efficient licensure program, utilizing the multi-faceted functionality of Nursys and analyzing licensure documents for fraud.
- e) **Agenda Item Request Form** – Ms. Shafer presented the updated form to obtain feedback. AAG Frint explained the background of the agenda item request form: to streamline agenda items and provide the Board information on what is proposed and who is presenting the information at the scheduled Board meetings.

The Board adjourned at 5:00 p.m

Tuesday, January 8, 2013

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

AI # 5 – Administrative Report

a) Industry Partner Solutions (IPS)/WCNHCP Donations

Dr. Mary Burman joined via teleconference to discuss the overall goal of the IPS Project. The overall goals of this project are: to establish a baseline data on the educational background and academic progression of nurses in Wyoming and to develop a process of ongoing evaluation and monitoring of health workforce data in Wyoming. Ms. LaBonde represents WSBN on the WCNHCP Board. Ms. LaBonde presented background information on the WCNHCP donation error that occurred during the 2014 renewal period. Once identified, a fix was developed and implemented. An email was sent to those licensees that renewed from 10/1/2012 to 12/7/2012 explaining the problem and providing an opportunity to donate..

b) Personnel Updates/Options for Additional Revenue

Ms. LaBonde provided an update on personnel. Victoria Pike was hired as a Nurse Investigator and Scott Hughes was hired as a contract investigator to assist with Compliance and Discipline workload. The Practice and Education Consultant position remains open and interviews are scheduled. Ms. LaBonde also discussed with the Board possible options for raising additional revenue. One idea is to create a “new license” certificate for when a license is issued. A charge would be associated with the request for a certificate that could be framed for display purposes only. For the next renewal period, it was suggested to add a fee if the licensee or certificate holder desires to use a paper renewal form rather than completing the process online.

***ACTION:** The Board approved both suggestions as noted above.*

c) WNR 2013

Ms. LaBonde reported that the WNR publish dates are as follows: Mar 15, June 15, Sept 15 and Dec 15, 2013. Board member Herman will be assuming the role as co-editor after her term expires as Board member. Ms. Kathy Laidlaw, RN has expressed an interest in assisting as co-editor. Ms. LaBonde asked the Board about topics and themes for upcoming issues.

***ACTION:** The Board designated the co-editors to decide topics, articles and themes for the upcoming issues of the magazine.*

d) Counseling with the Soldiers Project

Ms. LaBonde identified this Project as a means by which mental health professionals are matched with veterans and family members who may be seeking some assistance with issues arising from their deployments upon their return home.

***ACTION:** The Board cautioned that RNs may participate in this project but they must have Mental Health training and there are limits on the counseling they are able to provide.*

President Wasserburger extended a huge acknowledgement to those Board members who have taken on additional responsibilities to fill voids as in the case of the P & E committee making time to address questions from licensees et al and Board Members assisting in the current production of the WNR edition.

e) NCSBN 2013 Conference Dates

Ms. LaBonde presented the NCSBN Conference Dates to the Board for planning purposes. This list was forecasted through March 2014.

f) Legislative Days 2013

An invitation was sent through the WNA for attendance. Vice President Deselms will be attending sessions and will be the WSBN representative. Ms. LaBonde was invited to present information on the NLC impact on Wyoming.

g) LSO 54/55 - Professional Licensing for Military members/Spouses

These proposed bills would affect certain licensure requirements for military members and spouses especially regarding competency. As proposed, WSBN meets the minimum standard set out in the bills. WSBN already accepts applications by endorsement and provides temporary permits to applicants in good-standing from other jurisdictions the same day they apply. AAG Frint stated that the decision before the Board was whether to ask for an exemption. Motion and vote was tabled until later in the week.

h) Board member Expirations/Recognition

Ms. LaBonde presented the Board with current Board member term expirations. Secretary Woods and Member Burr's terms will be expiring on 2/28/2013. Both have reapplied and the Board is awaiting the outcome. Member Herman's term will expire on 2/28/2013 and she has fulfilled her term length. President Wasserburger presented Member Herman with a going

away token on behalf of the Board members and staff, and thanked her for many years of service.

i) ALIGN Training Update

Ms. LaBonde received a quote from ALIGN to conduct training for the WSBN Staff. The training will be conducted in two 90 minutes sessions to accommodate office hours and work. Total cost = \$850.

ACTION: *Feedback on training will be due at April Board meeting.*

j) WSBN Office Move update

Ms. LaBonde provided an update on the WSBN office move. The 90 day “out” letter was mailed end of December. Construction and remodeling costs are covered by current budget dollars and the refund of dollars already paid, but not used, in current lease. No additional funding needs were identified. Projected move date is March 20 and 21. An open house will be scheduled in conjunction with the April Board meeting.

AI # 6 – Consent Agenda

a) Approval of Minutes

- October 8-11, 2012 - Regular Meeting Minutes
- October 30, 2012 - Regular Teleconference Minutes

b) Settlements Agreements/Stipulations

- Docket 12-029, Robert McCoy, CNA #16463 (Voluntary Surrender)
- Docket 11-12-180, David Joy, RN #13013 (LOR)
- Docket 11-12-137, Twila Heinrich, RN #27884 (LOR)
- Docket 12-26, Angela Crane, RN #20918 (Summary Suspension)
- Docket 11-086, Rana McCallum, RN #21421 (Inactive Status)
- Docket 11-044, Eric Knurr, RN #30088, (Inactive Status)
- Docket 12-056 Randy Rogers, APRN #24539.0892 (Request for Reinstatement)

Docket 12-056 for Randy Rogers was removed from the Consent Agenda for discussion purposes.

MOTION: *Member Nurss moved to accept the consent agenda. This motion was seconded by Member Johnson and passed without dissent. (7-0-0-0)*

Docket 12-056 Randy Rogers, APRN #24539.0892, (Request for Reinstatement)
SAAG Walters provided background on this case. He explained that the DC

members confirmed that the respondent has completed all requirements posed by the 2012 Summary Suspension and should be reinstated with a NOW letter issued.

***Motion:** Member Burr moved to approve the Request for Reinstatement of Randy Rogers. This motion was seconded by Member Johnson and passed. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MH/DN)*

***Motion:** Vice President Deselms moved to approve the Order of Reinstatement. This motion was seconded by Secretary Woods and passed. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MH/DN)*

AI # 7 – WYANA (WY Association of Nurse Anesthetists)

Parry Davison and Camille Plowman, WYANA, introduced themselves and their organization to the Board. They explained the current rules required CRNAs to be supervised by the operating physician and asked the Board for support on opting out of the supervision. Ms. Davison stated they would be happy to assist on any practice and education questions concerning CRNAs.

AI # 8 - Committee Reports and Charges

- a) The Application Review Committee presented figures on number of applicants being reviewed by ARC.
- b) Practice & Education Committee explained the logging process for practice questions being presented to the Committee. All P & E questions are sent in, logged and emailed to the committee for review.
- c) Legislative Committee – AAG Frint provided an update on the proposed changes to the Rules that will be coming up.
 - Chapter 2, Section 9 was approved and finalized.
 - Chapter 6, Nursing Education Programs will need to be reviewed and processed.
 - Chapter 9 and Chapter 3 will need to be reviewed to ensure they are not contradicting each other.
- d) SAAG Walters presented proposed changes to Chapter 8. These changes incorporate the matrix process so licensees and certificate holders understand how the process for discipline works; summary suspension proceedings are differentiated from other proceedings; reinstatement procedures are established.

Executive Session - Personnel

***Motion:** Vice President Deselms moved to enter executive session at 4:15 p.m. for personnel reasons. This motion was seconded by Member Johnson and passed without dissent. (7-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session and adjourned at 4:40 p.m.

Wednesday, January 9, 2013

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

AI # 9 – NLC Stakeholders Meeting

Jim Puente, Joey Ridenour, Dan Purdue, Neil Helton, Phyllis Sherard, Mary Lynn Shickich all were present for the Stakeholders meeting. Kennetha Julien and Julie Cann-Taylor participated via teleconference. The main topic was the pros and cons of WY joining the NLC. Stakeholders are interested in attracting qualified nurses to Wyoming and licensing them quickly. The WSBN is charged with protecting the public, requiring criminal background checks, and maintaining self-sufficiency as a regulatory agency. It was acknowledged that not all key stakeholders were present, and future discussions need to include all stakeholders.

***Motion:** Vice President Deselms moved to have WSBN charter a task force to work with key stakeholders to discuss the pros and cons of Wyoming joining the NLC. This motion was seconded by Member Burr and passed without dissent. (7-0-0-0)*

***ACTION:** The Board recommended a charter be established in order to research this matter further.*

Contested Case Hearings

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

Docket # 12-086, Travis Miller, CNA #19108

Hearing officially began at 1:07 p.m. with introductions around the room. The Board heard the testimony and reviewed the evidence presented during the administrative hearing. Respondent did not appear. SAAG Walters provided the Board with background on the case, explained exhibits A-E, and what had transpired to date. SAAG Walters yielded the floor to President Wasserburger for discussion on the facts presented, no

discussion ensued. As the Disciplinary Committee member, Member Herman, did not participate in the discussion or deliberation.

Executive Session - Right to Practice of a Professional Person

***Motion:** Member Johnson moved to enter executive session at 1:23 p.m. to discuss the right to practice of a professional person. This motion was seconded by Member Burr and passed without dissent. (7-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session at 1:36 p.m.

Docket #11-12-201, Julie Karloff, RN #26377

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

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

The Board heard the testimony and reviewed the evidence presented during the administrative hearing. Respondent did not appear. SAAG Walters provided the Board with background on the case, explained exhibits A-Q, and what had transpired to date. SAAG Walters yielded the floor to President Wasserburger for discussion on the facts presented, no discussion ensued. Discipline Committee members, Member Herman and Member Johnson, did not participate in the discussion or deliberation.

Executive Session – Right to Practice of a Professional Person

***Motion:** Vice President Deselms moved to enter executive session at 2:04 p.m. for right to practice of a professional person. This motion was seconded by Member Johnson and passed without dissent. (7-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session at 2:25 p.m.

***Motion:** Member Johnson moved to accept default judgment on Travis Miller, CNA #19108 for summary suspension. This motion was seconded by Secretary Woods and passed. (6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MH)*

Motion: Member Herman moved to accept default judgment on Julie Karloff, RN #26377 for summary suspension. This motion was seconded by Member Johnson and passed. (6-0-1-0) (In accordance with Board Rules and Regulations, members of the Discipline Committee abstained from voting. DC- MB)

Motion: Member Nurss moved to grant the request for continuance for Darci Johnson, CNA #21877. This motion was seconded by Secretary Woods and passed. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MH/LJ)

In response to a question regarding executive sessions and contested case hearings, AAG Frint provided information on Wyo. Stat. Ann. § 16-4-405(a)(ii). SAAG Walters questioned the applicability of statute to Board proceedings. After more discussion, President Wasserburger suggested that the two AGs reach a consensus about the applicability of the statute and report back to the Board.

AI # 10 – Google Docs Training

Ms. Shafer provided the Board training on Google Docs. The Board agreed to launch the use of Google Docs as a means to share and revise documents.

The Board was adjourned at 4:30 p.m.

Thursday, January 10, 2013

President Wasserburger called the meeting to order at 8:30 a.m.

Public Forum

No visitors attended. President Wasserburger welcomed Victoria Pike to the WSBN Staff as the new Nurse Investigator.

AI # 11 – NEW (Nurse Educators of Wyoming)

Jennifer Anderson, Heather Hubbard and Dr. Mary Burman, NEW representatives, presented NEW concerns to the Board. Marlene Ethier joined via teleconference. the representative relayed concerns re annual report requirements and the review process. The representatives inquired as to status of the Chapter 6 revision and expressed an interest in working with the Board in the next Chapter 6 revision and resubmission.. The Board acknowledged this interest.

AI # 12 - Compliance and Discipline Report

Ms. Rowe presented data reflecting the number of discipline cases handled in the past three months. Ms. Rowe also stated 37 new cases were opened as a result of the recent renewal period.

***ACTION:** The Board suggested there be an annual comparison at the end of the 4th fiscal quarter to compare the case load to date with case load for previous year.*

AI # 13 - Nurse Monitoring Program Report

Ms. Rowe presented the current status of the Nurse Monitoring Program. Currently, there are 41 people enrolled in the Nurse Monitoring Program. Ms. Rowe presented a spreadsheet with attachments of all current enrollees, pointing out that 7 licensees had met all NMP requirements and were removed from the program.

AI # 14 – AG Statistics for CY 2012

SAAG Walters presented statistics on cases from the 2012 calendar year. The Board approved 52 settlement agreements for the previous year. Attachments were presented to the Board to support the presentation.

Approval of Orders - Contested Case Hearings

***Motion:** Secretary Woods moved to approve the ORDERS GRANTING PETITIONER'S MOTION FOR ENTRY OF DEFAULT; ORDER OF SUMMARY SUSPENSION of Travis Miller, CNA #19108 for summary suspension. This motion was seconded by Member Burr and passed. (6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-MH)*

***Motion:** Member Herman moved to approve the ORDER GRANTING PETITIONER'S MOTION FOR ENTRY OF DEFAULT; ORDER OF REVOCATION of Julie Karloff, RN #26377. This motion was seconded by Member Johnson and passed. (6-0-1-0) (In accordance with Board Rules and Regulations, members of the Discipline Committee abstained from voting. DC-MB)*

President Wasserburger adjourned the meeting at 12:00 p.m. The next general meeting will be via teleconference on January 29, 2013, at 2:30 p.m.

Minutes submitted by: Tambra Shafer, Executive Assistant

Minutes approved by: Tracy Wasserburger, President
Cindy Woods, Secretary