



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 7-8, 2014

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 Carrie Deselms, Vice President Marcie Burr, Secretary Lori Johnson

Board Members: Donna Nurss, Barbara Summers, Cindy Woods, Tracy Wasserburger

Staff: Executive Director Cynthia LaBonde, Executive Assistant Tambra Shafer

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

Tuesday, January 7, 2014

Opening

a) Call to Order

President Deselms called to order the meeting of the Wyoming State Board of Nursing at 1:10 p.m on January 7, 2014 in the Board of Medicine Board Room.

b) Roll Call

AAG Frint conducted a roll call.

Board Members Present:

Carrie Deselms, MSN, APRN, FNP-BC, President

Lori Johnson, LPN, Secretary

Donna Nurss, MS, APRN, PMHNP-BC, Board Member

Barbara Summers, Public Member

Cindy Woods, BSN, RN-BC, Board Member

Tracy Wasserburger, RNC, NNP-BC, Board Member

Members Absent:

Marcie Burr, RN, RD, CCHP, Vice President



Staff Present:

Cynthia LaBonde, Executive Director
Tambra Shafer, Executive Assistant
Paula Smith, Practice and Education Consultant
Laura Rowe, Nurse Monitoring Program Manager/Nurse Investigator¹
Victoria Pike, Nurse Investigator²
Cindy Stillhan, Fiscal Officer/Human Resources³
Lacey Osborn, Administrative Assistant⁴
Maxine Hernandez, Licensing Specialist⁵
Jennifer Mulford, Licensing Specialist⁶
Kara Sutton, Legal Assistant⁷
Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General⁸

Visitors Present:

Ryan Schelhaas, Senior Assistant Attorney General, Civil Division⁹
Elizabeth Gagen, Senior Assistant Attorney General, Tort Division¹⁰
Bree Ramirez, Legal Assistant¹¹
Jennifer Anderson, LCCC¹²
Mary Burman, Fay Whitney, School of Nursing, University of Wyoming¹³
Angela LeDoux, Wyoming Medical Center¹⁴
Margie Dauster, Wyoming Court Reporting Services¹⁵
Sean Chambers, Office of Administrative Hearings¹⁶
Kelly Roseberry, Office of Administrative Hearings¹⁷
Charles Woodruff, Respondent¹⁸

c) Declaration of Quorum

Quorum declared by AAG Frint.

d) Reordering of the Agenda

The agenda was approved as distributed with changes made as needed.

¹ January 7, 8, 2014

² January 7, 8, 2014

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¹¹ January 7, 2014

¹² January 7, 2014

¹³ January 7, 2014, via leaderphone

¹⁴ January 8, 2014

¹⁵ January 8, 2014

¹⁶ January 8, 2014

¹⁷ January 8, 2014

¹⁸ January 8, 2014



AI #01 – Attorney General Roles

SAAG Ryan Schelhaas and SAAG Elizabeth Gagen presented the roles and responsibilities of the attorneys to the Board. The presentation included:

- Role of the Advising Attorney.
- Role of the Prosecuting Attorney.
- Wyoming Statute and Wyoming Supreme Court decisions establishing the procedure.
- Separation of Duties and “Ethical Wall” established.

AI #02 – Standing Committee Reports

a. Practice and Education (P&E)

Chair Woods presented the Board with an update on P&E activity which included:

1. Advisory Opinions
 - 137 opinions have been reviewed, revised or retired in conjunction with Rules Reduction.
2. Annual School of Nursing Reports were reviewed. There is one school that is trending downward and might need assistance in the immediate future. The P&E consultant will be monitoring this situation and will be in contact with them.
3. The Committee suggested Janet Sandy be contacted to act as a mentor for Paula in reference to school of nursing site visits. Since Paula has never conducted a site visit to review a nursing program and in the event a site visit needs to occur, a mentor for Paula for her first site visit is recommended.

Member Nurss extended kudos for the hard work Paula Smith, P&E Consultant, has done for the Committee.

b. Application Review Committee (ARC)

Secretary Johnson provided the Board with an update on ARC activity which included:

1. Application Review Matrix was returned to previous format and employed.
2. Reviewed ARC Policy procedure drafted for office use.
3. Committee will assign one member instead of two for case review. Assigned member can request assistance from second member if needed.
4. Recommend “Practice of Nursing” Advisory Opinion be passed to P&E Committee for development.

c. Legislative Committee (LC)

Chair Wasserburger provided the Board with an update on LC activity which included:

1. Chapter Five Fees



- a. Met with Governor's Office for proposed revision/possible fee increase:
 - o More justification and data requested before presented to the Governor's Office.
 - o Staff updating sheet and Statement of Reasons with requested information.
 - b. May require special teleconference to present and gain Board approval to begin process.
 - c. Nurse Licensure Compact (NLC) verbiage – not currently included in proposal. AAG Frint advised the Board if NLC was adopted, rules would be changed to reflect the enactment.
 - d. RN First Assist – Need research and possibly establish rules for regulation.
2. Wyoming Nurses Association Meeting
 - Information sharing was well received.
 - Members presented with clear understanding of Chapter Five revision.
 3. NPA/Rule Revision Process Policy – changed verbiage to more generic to allow flexibility in process.
 4. Updated Committee charge - new version presented to the Board.

AI #03 – Compliance and Discipline (C&D) Report

Ms. Rowe provided the C&D and NMP reports to the Board.

- For the period of October 1 through December 23, 2013, 60 cases were resolved either by Matrix or Discipline Committee (DC) decision. This report contains tracking of complaint origination by county and facility. This is a cumulative total.
- Report on aged cases and the resolution progress: **As of December 26, 2013, one case is over 180 days old and hasn't been submitted for DC/Matrix review due to actions of licensee that temporarily suspended the investigation.**
- Nurse Monitoring Program Report: As of December 23, 2013, there were 53 licensees/certificate holders being monitored pursuant to a Board order.
- Identified a NCSBN Educational video, *Substance Use Disorder in Nursing*, which will aid education and possible prevention of substance abuse.
- Reinstatement limitations: information for certain disciplinary orders.
 - Currently, no reinstatement limitation is included in suspensions or voluntary surrenders.
 - Request Board inputs on establishing minimum durations.
- Draft of Documents Provided to Board for Disciplinary Case Review Policy:
 - Presented to clarify Board expectations.



- Policy specifies what documents are presented for specific disciplinary matters.

Action: *The Board directed Ms. Rowe to research if permission is needed from NCSBN to place the link to this video on the WSNB website, under the NMP tab.*

Action: *The Board directed Ms. Rowe to incorporate a minimum 24 months time limit before requesting reinstatement, suspension and voluntary surrender settlement agreements. Revocations will be handled separately. Updated draft policies will be presented at the January teleconference.*

Action: *The Board directed the staff to revise the policy regarding pre-hearing conferences and notice to the Board.*

Motion: *Member Woods moved to accept the Compliance and Discipline Report as presented. The policies will be presented at the January teleconference. This motion was seconded by Secretary Johnson and passed without dissent. (6-0-0-1)(MB- Absent)*

AI #04 –Revolutionizing Nursing Education in Wyoming (ReNew)

Jennifer Anderson, LCCC School of Nursing and Mary Burman, Fay Whitney School of Nursing presented information on the ReNew program:

- It is collaboration between the community colleges, nursing employers and the University of Wyoming on creation of new nursing curriculum.
- The new curriculum will be a shared, competency-based statewide curriculum where students can earn an associate degree or continue seamlessly to the BSN degree (or higher) starting at any of the community colleges or UW.

AI #05 –Fiscal Report

Ms. Stillahn presented the fiscal report to the Board. Areas of comment included:

- Revenue and expenditures through December 31, 2013.
- Key events in the 2015-2016 Biennium Budget Process.
 - October 30, 2013 meeting with the Governor
 - December 10, 2013 meeting with the Joint Appropriations Committee
- Final cost analysis difference for hosting Board Meeting in Casper versus Cheyenne. There was minimal cost difference between locations.

Motion: *Secretary Johnson moved to accept the Fiscal Report as presented. This motion was seconded by Member Nurss and passed without dissent. (6-0-0-1) (MB-Absent)*

The Board recessed at 5:20 p.m.



Wednesday, January 8, 2014

President Deselms called the meeting to order at 8:00 a.m.

AI #06 – Executive Director (ED) Administrative Report

- a. Board/Staff Update - ED LaBonde announced the appointment of Lynn Kirman, Jackson WY. She will begin March 1, 2014 as the RN representative. Member Wasserburger will fulfill her second term on February 28, 2014.
ED LaBonde introduced Kara Sutton, Legal Assistant and Jennifer Mulford, Licensing Specialist, two newest staff members.
- b. Reaching Out Tour – ED LaBonde will tour on Eastern side of the state in February.
- c. Conference Reports:
 1. Executive Officer (EO) Summit II: Continued discussion of Nurse Licensure Compact (NLC).
- d. Executive Session Meeting Minutes Policy – presented to Board for approval.
- e. Quarterly Department Statistics on website – All reports presented at Board meeting will be uploaded to website afterwards.
- f. Wind River EPA Report – ED LaBonde presented information.
- g. WSBN Annual Report and Strategic Plan update was presented to the Board. The Annual report needs a typographical error fixed before it is uploaded to the website.

***Motion:** Member Summers moved to accept the Executive Director Administration Report as corrected. This motion was seconded by Member Wasserburger and passed without dissent. (6-0-0-1)(MB- Absent)*

AI #07 – Licensing Report

Ms. Shafer provided the Licensing Report which included:

1. productivity and statistics report for October 1 through December 30, 2013. The report needs a typographical error fixed before it is uploaded to the website.
2. current application information and temporary permits issued as compared to the 2012 timeframe.
3. Application Review Committee Statistics for the same timeframe and included a comparison for the correlating 2012 period.
4. 360 review of the licensing application process. The discussion included:
 - How the application process works.
 - Renewal process and requirements.
 - Possible obstacles in the process.



Motion: Member Wasserburger moved to accept the Licensing Report as corrected. The report will be corrected before it is posted to the website. This motion was seconded by Secretary Johnson and passed without dissent. (6-0-0-1)(MB- Absent)

Public Forum

Angela LeDoux, Wyoming Medical Center attended the public session to address the Board on Computer Provider Order Entry. She presented a background on the electronic records management systems and presented concerns to the Board.

Action: The Board recommended Ms. LeDoux submit her concerns as questions to Ms. Smith, P&E consultant who will address them through the Practice and Education committee.

AI #08 –Practice and Education (P&E) Consultant Report

Ms. Smith presented the P&E Consultant report to the Board which included:

1. For the period October 1 through December 31, 2013, there were 119 practice, 81 education and 23 licensing questions received for the P&E Committee's review.
2. A summary table of each School of Nursing's Annual Report was compiled and presented to the Board for review. The P&E Committee recommended continuing approval for each school. Northwest College has some criteria that is trending downward to minimum standards and will be monitored closely by the P&E consultant.
3. Disclaimers regarding answers from P&E committee/consultant to questions posed from the public has been reviewed by AAG Frint and presented for board review. These disclaimers will be noted at the bottom of all correspondence sent out to the public.

AAG Frint advised the Advisory Opinions require action by the full Board for approval.

Motion: Member Nurss moved to accept the Practice and Education Consultant Report as presented. This motion was seconded by Secretary Johnson and passed without dissent. (6-0-0-1)(MB- Absent)

AI #09 – Board Member Conference Reports

Citizen Advisory Council Report - Member Summers provided feedback on the Conference. The conference included sessions on Peer Review, Importance of Consumer Representatives on Boards and Licensure Competency and Residency Requirements.



AI #10 – Nurse License Compact (NLC) Update

ED LaBonde presented an update on the NLC. The updated included:

1. December 4, 2013 meeting.
2. Update from EO Summit II which included new Option C proposal.
3. Option C has 14-point criteria for borderless licensure. Proposal still in infancy, not all requirements are worked out.
4. Follow up discussion scheduled for Mid-Year meeting and next EO Summit.

Board asked at what point is NCSBN legal counsel going to review the NLC proposal and make recommendations?

Action: The Board asked ED LaBonde to take concerns and questions to next Executive Officer Summit for clarification and update.

AI #11 Executive Session – Legal Advice

Motion: Member Wasserburger moved to enter executive session at 10:25 a.m. for legal advice. This motion was seconded by Member Woods and passed without dissent. (6-0-0-1)(MB Absent) ED LaBonde and P&E Consultant Smith remained for the session. Executive Assistant Shafer took minutes during executive session.

The Board returned to public session at 11:09 a.m.

AI #12 – Board Committee of the Whole (COW) Feedback/Recommendations

a. Practice and Education

- Member Woods stated the Advisory Opinions will be ready for the Board's consideration prior to the January teleconference.
- The Annual Reports from each School of Nursing have been presented and the P&E Committee recommends continuing board approval for each school with Northwest College closely monitored.

Motion: Member Wasserburger moved to approve the 2013 Wyoming Nursing Education Annual report. This motion was seconded by Secretary Johnson and passed. (6-0-0-1) (MB –Absent)

Action: Advisory Opinions will be presented for Board review and approval at the January teleconference.

b. Application Review Committee

Secretary Johnson stated there were no proposals from the committee.



c. Legislative Committee

Member Wasserburger presented the updated NPA/Rule Revision Process policy and updated Legislative Committee charge for the Board to consider.

APRN Renewal requirements – Member Wasserburger addressed the APRN prescriptive authority renewal requirements. She suggested an audit during the next renewal period.

Motion: Member Summers moved to approve the NPA/Rule Revision Process Policy as presented with changes. This motion was seconded by Secretary Johnson and passed. (6-0-0-1) (MB –Absent)

Motion: Member Summers moved to accept the new Legislative Committee charge as presented with changes. This motion was seconded by Secretary Johnson and passed. (6-0-0-1) (MB –Absent)

Action: The Board tasked the staff with the APRN prescriptive authority renewal audit.

- d. Board Orders for Summary Suspensions - The Board asked AAG Frint for legal advice regarding board orders and the proper procedures for disciplinary matters regarding suspensions. The discussion included:
- What the definition of each action is.
 - Which action is more emergent in hierarchy
 - What verbiage should be included in the Board Orders to clarify what is expected of the applicant.

Action: The Board would like AAG Frint to present additional information at the January Teleconference.

AI #13 – Consent Agenda

Reordering of the Agenda

President Deselms requested Barbara Emerson and Jessee Mena Settlement Agreements be removed from consent agenda to allow discussion.

Member Wasserburger requested Lauretta Walker Settlement Agreement be removed from consent agenda to allow discussion.

SAAG Walters requested Christina Johnson, Kelly Haeffelin and Grace Gooch be removed from the Hearings and added to the Consent Agenda since signed Settlement Agreements were received and provided to the Board for review and consideration. SAAG Walters requested Grace Gooch Settlement Agreement be removed from the Consent Agenda to allow discussion.



a. Approval of Minutes

1. November 5, 2013 Special Teleconference Meeting Minutes
2. November 22, 2013 Special Teleconference Meeting Minutes

b. Settlement Agreements/Stipulations

1. Jasmine Fetherston, RN #23657 (Voluntary Surrender)
2. Christine Kinuthia, RN #28444 (Reinstatement Conditional)
3. Kelly Haeffelin, LPN #7292 (Voluntary Surrender)
4. Christina Johnson, CNA #18147 (Letter of Reprimand)

Motion: *Member Woods moved to accept the consent agenda as amended with the removal of the Emerson, Mena and Walker and the addition of Johnson and Haeffelin Settlement Agreements. This motion was seconded by Member Nurss and passed without dissent. (6-0-0-1) (MB-Absent)*

President Deselms opened the floor for discussion on the Settlement Agreement for Lauretta Walker. Member Wasserburger questioned whether a proctoring element was considered as a part of the required conditions. Discussion ensued about the proper course of action to change the Settlement Agreement.

Motion: *Member Wasserburger moved to reject the Settlement Agreement and Letter of Reprimand for Lauretta Walker as presented. This motion was seconded by Member Summers and passed without dissent. [(6-0-0-0) (MB-Absent) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: MTX)]*

President Deselms opened the floor for discussion on the Jessee Mena Settlement Agreement. President Deselms had a question about the wording in the agreement which indicated restrictions of practice and where the licensee would be able to work. In paragraph 2, it stated if the licensee could only find work at one of the restricted practice places, request permission from the Board before accepting employment. Member Wasserburger asked about adding verbiage addressing number of 12-hour shifts someone with a conditional license could work.

Motion: *Member Woods moved to approve the Settlement Agreement and Conditional Licensure for Jessee Mena, as presented. This motion was seconded by Secretary Johnson and passed without dissent. [(6-0-0-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: MB (absent))]*

President Deselms opened the floor for discussion on the Settlement Agreement for Barbara Emerson. The same discussion involving the restrictions of practice and settings was voiced for this conditional license.



Motion: Member Nurss moved to accept the Settlement Agreement and Conditional Licensure for Barbara Emerson as presented. This motion was seconded by Member Woods and passed without dissent. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: LJ, (MB absent)]

Action: The Board asked SAAG Walters to draft proposed language for approval and future use.

President Deselms opened the floor for discussion on the Settlement Agreement for Grace Gooch. SAAG Walters presented the background on the case to date and the fact of a signed Settlement Agreement was received. The licensee created another signature page and sent it in with the Settlement Agreement.

Motion: Member Wasserburger moved to accept the Settlement Agreement and Letter of Reprimand for Grace Gooch, as presented. This motion was seconded by Member Nurss and passed without dissent. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: CW, (MB absent)]

Contested Case Hearings

President Deselms turned the floor over to Mr. Chambers, OAH, to conduct the contested case hearing before the Board.

1. Docket #12-13-250, Charles Woodruff, APRN #23694.0835

Hearing officially began at 1:30 p.m. with introductions around the room. Respondent was present. SAAG Walters presented the background of the case:

- Exhibits A-G were provided with activity transpired to date. The Board heard the testimony and reviewed the evidence presented during the administrative hearing.
- Mr. Woodruff addressed the Board.
- SAAG Walters yielded the floor to Mr. Chambers for discussion on the facts presented, no discussion ensued.

As the Disciplinary Committee, President Deselms did not participate in the discussion or deliberation. Member Woods recused herself from discussion or deliberations.

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

Hearing officially began at 1:50 p.m. with introductions around the room. Respondent was not present. SAAG Walters presented the background of the case:

- Exhibits A-I were provided with activity transpired to date. The Board heard the testimony and reviewed the evidence presented during the administrative hearing.
- SAAG Walters yielded the floor to Mr. Chambers for discussion on the facts presented, no discussion ensued.



- Member Wasserburger asked if Mr. Miller was still working as a CNA.
- SAAG Walters stated Mr. Miller is not currently certified as a CNA and had no update on employment.

Executive Session – Right to Practice

Motion: Member Wasserburger moved to enter executive session at 1:56 p.m. to deliberate on the Right to Practice of a Professional Person. This motion was seconded by Member Nurss and passed without dissent. (6-0-0-1) Secretary Johnson took minutes during executive session. President Deselms and Member Woods did not enter executive session, nor participate in the deliberations or discussions.

The Board returned to public session at 2:35 p.m.

President Deselms relinquished the floor to Secretary Johnson.

Motion: Member Summers moved to accept the Letter of Reprimand for Charles Woodruff, APRN #23694.0835. This motion was seconded by Member Wasserburger and passed. [(3-1-2-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: CD; Abstain: CW; Absent: MB)]

Secretary Johnson relinquished the floor to President Deselms.

Motion: Member Nurss moved to accept Petitioner's motion for default judgment on Travis Miller, CNA #19108. This motion was seconded by Member Wasserburger and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: LJ; Absent: MB.)]

Motion: Member Nurss moved to revoke the nursing certification of Travis Miller, CNA #19108. This motion was seconded by Member Summers and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: LJ; Absent: MB.)]

AI #16 – Announcements

a. Future Board Meetings

1. Teleconference, January 27, 2014, 1:00 p.m.
2. Quarterly Meeting - April 8-10, 2014, in Cheyenne, WY.

b. Conference Opportunities

1. NCSBN Mid-Year Meeting - March 10-12, 2014, Kansas City MO
2. NCSBN Annual Meeting – August 13-15, 2014, Chicago IL



AI #17 – Board Member Recognition

President Deselms and the Board recognized and thanked Member Wasserburger for her dedication and hard work to the Wyoming Board of Nursing as her appointment to the board nears completion. She received a plaque commemorating her years of service.

Adjournment

The Board adjourned at 2:45 p.m.

The next general meeting will be on January 27, 2014 at 1:00 p.m. via teleconference/Google Hangouts.

Minutes submitted by: Tambra Shafer, Executive Assistant
Minutes reviewed by: Carrie Deselms, President
Lori Johnson, Secretary
Cynthia LaBonde, Executive Director
Minutes approved: January 27, 2014