



# 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 9-11, 2017

Wyoming State Board of Medicine Board Room  
130 Hobbs Avenue, Suite B  
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. The Board reserves the right to vary from the times and order of matters presented depending upon the need and necessity of facilitating the flow of business.

The following were present or presented reports during the three day meeting:

<p><u>Board Members</u> Donna Nurss APRN President (DN) Marjory Christiansen RN Vice President (MC) Charlotte Mather RN Secretary (CM) Susan Howard RN (SH) Helen Byrd RN (HB) Kathy Cromer LPN (KC) Stephen Delger Public (SD)</p>	<p><u>Staff</u> Cynthia LaBonde, Executive Director (CL) Victoria Pike, Compliance &amp; Discipline/Licensing Manager (VP) Lisa Hastings, Licensing Supervisor (LH) Cindy Stillahn, Fiscal/HR (CS) Tasha Selfridge, Office Support Specialist (TS) Joey Clure, Investigative Assistant Kara Aguirre, Legal Assistant Jennifer Burns, Practice &amp; Education Consultant</p> <p><u>Attorney General's Office</u> Jim Peters, Advising Attorney (JP) Jessica Frint, Prosecuting Attorney (JF)</p>	<p><u>Office of Administrative Hearings</u> Deb Baumer Tanya Hitreck</p> <p><u>Court Reporter</u> Jackie Gallow</p> <p><u>Guests</u> Tina Spencer LesLee Huffacker Dave Globe Chasity Skinner Sgt. Richard Hillhouse</p>
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### Monday, January 9, 2017 Board Work Sessions

### WSBN Conference Room

During this time, the Practice & Education Committee, Alternative to Discipline Ad-Hoc Committee, Application Review Committee and Legislative Committee met to work on projects.



**Tuesday, January 10, 2017 Board Work Sessions**

**Board of Medicine Board Room**

**AI#05 Committee of the Whole (COW) Work Session**

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

Board Committee Chairs presented information on the following:

- a. Board President: 2017 Reminders
  1. Confirmation from Board supporting (CL) taking position with NCSBN.
  2. Board Behavior.
- b. Practice and Education Committee (MC)
  1. Updated Advisory Opinions. (AO)
    - i. Amniotomy AO tabled for further research and evidence.
    - ii. Delegation AO requires further grammatical changes before approval.
    - iii. CNA Role AO approved.
    - iv. Telehealth AO requires further grammatical changes and link added for future approval.
    - v. Auricular Acupuncture AO suggestion presented and will be developed for future approval.
    - vi. Pericardial Drainage AO suggestion presented and will be developed for future approval.
    - vii. Chest Tube Flushing AO suggestion presented and will be developed for future approval.
  2. Revisions to Chapter 3 and 9.
  3. Reports on Eastern Wyoming College and University of Wyoming.
  4. Annual Education Report.
- c. Alternative to Discipline Ad-Hoc Committee (MC)
  1. Revised Committee charge relating to Discipline Matrix development.
- d. Application Review Committee (CM)
  1. New Applications and Volunteer Application.
- e. Legislative Committee (SH)
  1. Current Legislation on Enhanced Nurse License Compact. (eNLC)
  2. Nurse Practice Act revisions moving forward to Legislature.
- f. Conference Reports

Reports presented on educational conferences recently attended:

  1. eNLC model rules and implementation work group meeting.
- g. Educational Opportunities

Future opportunities identified for Board Members and Staff.

**WSBN Scheduled Business Meeting**

**Tuesday, January 10, 2017**

**Board of Medicine Board Room**

Meeting called to order at 10:03 a.m. ED LaBonde conducted Roll Call and Declared Quorum. Guests registered and welcomed.



## **AI#06 Executive Session Legal Advice (JP)**

## **AI#07 Committee Reports and Recommendations / Board Actions**

Board Committees provided recommendations for the following:

### a. Practice and Education Committee (MC)

1. Updated Advisory Opinions: CNA Role, Delegation and Telehealth presented to Board for approval.

**Motion:** Motion made and seconded to accept the CNA Advisory Opinion as presented. Motion passed without dissent. (7-0-0-0)

**Motion:** Motion made and seconded to accept the Delegation Advisory Opinion as presented. Motion passed without dissent. (7-0-0-0)

**Motion:** Motion made and seconded to accept the Telehealth Advisory Opinion as presented. Motion passed without dissent. (7-0-0-0)

2. EWC and UW Reports presented to Board for approval.

**Motion:** Motion made and seconded to accept the report presented for EWC. Motion passed without dissent. (6-0-1-0)

**Motion:** Motion made and seconded to accept the report presented for UW. Motion passed without dissent. (7-0-0-0)

3. Annual Education Report presented to Board for approval.

**Motion:** Motion made and seconded to accept the Annual Education report presented. Motion passed without dissent. (7-0-0-0)

### b. Application Review Committee (CM)

1. Volunteer Application.

**Motion:** Motion made and seconded to accept the Volunteer Application as amended. Motion passed without dissent. (7-0-0-0)

### c. Legislative Committee (SH)

1. Nurse Practice Act revisions.

**Motion:** Motion made and seconded to accept the NPA revisions with amendments as required. Motion passed without dissent. (7-0-0-0)



## **AI#08 Consent Agenda**

Reordering of the Agenda:

SD requested the following be removed:

- 16-118-CM

DN requested the following be removed:

- 16-196T2, CNA Applicant
- 16-202T2, RN Applicant

CM requested the following be removed:

- 16-016 -DN, RN
- 16-041 -DN, RN

### a. Approval of Meeting Minutes

- i. December 8, 2016 Special Meeting Minutes
- ii. December 16, 2016 Special Meeting Minutes
- iii. December 23, 2016 Special Meeting Minutes

### b. Disciplinary Matters

#### i. Dismissals

1. Docket No. 15-16-214-MTX, CNA

#### ii. Notice of Warning

1. Docket No. 15-16-207-DN, APRN
2. Docket No. 15-16-208-MTX, RN
3. Docket No. 15-16-226-MTX, CNA

#### iii. Settlement Agreements/Stipulations

1. Docket No. 16-161-KC, CNA Applicant (Application Tier III SLOR)
2. Clarissa Krueger, CNA Applicant, Docket No. 16-035-KC  
(Application Tier III Conditional)

### c. Application Matters

#### i. Licenses/Certificates Issued

#### ii. Tier II

1. Docket No. 16-197T2, CNA Applicant
2. Docket No. 16-198T2, RN Applicant
3. Docket No. 16-201T2, CNA Applicant

#### iii. Tier III

1. Docket No. 16-162-CM, RN Applicant
2. Docket No. 16-187-KC, CNA Applicant
3. Docket No. 16-189-CM, RN Applicant

#### iv. Denials

1. Mark Slewitzke, CNA Applicant, Docket No. 16-004-CM

***Motion:*** Motion made and seconded to approve the Amended Consent Agenda. Motion passed without dissent. (7-0-0-0)

## **AI#09 Executive Session – Right to Practice**

***Motion:*** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0)



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

**AI#08 (b)(i)(2.) Docket No. 16-016-DN, RN**

**Motion:** Motion made and seconded to accept the Dismissal of Docket No, 16-016-DN, RN as recommended. Motion passed without dissent. (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:DN) (6-0-1-0)

**AI#08 (b)(i)(3.) Docket No. 16-041-DN, RN (no executive session held on this dismissal)**

**Motion:** Motion made and seconded to accept the Dismissal of Docket No, 16-041-DN, RN as recommended. Motion passed without dissent. (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:DN) (6-0-1-0)

**AI#09 Executive Session – Right to Practice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (7-0-0-0)

The Board returned to public session at 1:41p.m.

**AI#08 (c)(ii)(1.) Docket No. 16-196T2, CNA Applicant**

**Motion:** Motion made and seconded to approve the application submitted without the Notice of Warning. Motion passed without dissent. (7-0-0-0)

**AI#10 Executive Session – Right to Practice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (7-0-0-0)

The Board returned to public session at 1:46 p.m.

**AI#08 (c)(ii)(5.) Docket No. 16-202T2, RN Applicant**

**Motion:** Motion made and seconded to approve the application submitted. Motion passed without dissent. (7-0-0-0)(In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:SH)

**AI#11 Executive Session – Right to Practice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:CM)



The Board returned to public session at 2:12 p.m.

### **AI#08 (c)(iv)(2.) Allison Smith, CNA Applicant, Docket No. 16-118-CM**

**Motion:** Motion made and seconded to deny the ARC recommendation. Motion passed without dissent. (6-0-1-0)(In accordance with the Board Rules, members of the Application Review Committee abstained from voting)(DC:CM)

**Motion:** Motion made and seconded to approve licensure with a Notice of Warning. Motion passed without dissent. (6-0-1-0)(In accordance with the Board Rules, members of the Application Review Committee abstained from voting)(DC:CM)

### **AI#12 Licensing Report (VP)**

The following were presented:

- Productivity/Statistics
- Licensing Activity

### **AI#13 Compliance and Discipline Report (VP)**

The following were presented:

- Productivity/Statistics
- Monitoring Program Report

### **AI#14 Practice and Education Consultant Report (JB)**

- Productivity/Statistics /Trends
- Quarterly Report
- New AO's
- Abbreviated Annual Education report
- Report presented on EWC and UW

### **AI#15 Fiscal/HR Report (CS)**

The following were presented:

- Statistics
- HR Activity
- HB 62 Fiscal Audit: no date set.

### **AI#16 Administrative Report (CL)**

The following were presented:

- Board/Staff Update: Interviewing for licensing position
- Strategic Plan 2016-2019: Reported additions, action items and process improvements.

**Motion:** Motion made and seconded to approve reports as presented. Motion passed without dissent. (7-0-0-0)



### **AI#17 Executive Session – Right to Practice & Legal Advice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:SD)

The Board returned to public session at 3:42 p.m.

### **AI#18 Voluntary Surrender (VP)**

**Motion:** Motion made and seconded to accept the Voluntary Surrender of Tomas Lucero, CNA #19481, Docket No. 16-143-SD. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:SD)

### **AI#19 Executive Session – Right to Practice & Legal Advice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:DN)

### **AI#20 Board Orders for Approval and Other Disciplinary Matters**

#### a. Stipulated Motion for Modification of Conditions and Restrictions

1. Deborah Lane, RN #23375, Docket No. 16-088-DN

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:DN)

The Board returned to Public Session at 3:53 p.m.

**Motion:** Motion made and seconded to approve the modified agreement for Deborah Lane, RN #23375 as presented. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:DN)

#### b. Board Orders for Approval

1. Austin Holmes, CNA #27548, Docket No. 16-204-HB

**Motion:** Motion made and seconded to approve the Board Order for Austin Holmes, CNA #27548 as presented. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:HB)



2. Tomas Lucero, CNA #19481, Docket No. 16-143-SD (Voluntary Surrender)

***Motion:*** Motion made and seconded to approve the Board Order for Tomas Lucero, CNA #19481 as presented. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:SD)

### **AI#21 Elections for Board Officers**

An election was held to fill term vacancies.

***Motion:*** Motion made and seconded for Donna Nurse to resume the position of President. Motion passed without dissent. (7-0-0-0)

***Motion:*** Motion made and seconded for Marjory Christiansen to resume the position of Vice President. Motion passed without dissent. (7-0-0-0)

***Motion:*** Motion made and seconded for Charlotte Mather to resume the position of Secretary. Motion passed without dissent. (7-0-0-0)

Note: Newly elected, President Nurss expressed the need to review the transparency of discipline in 2017.

**Wednesday, January 11, 2017**

**Board of Medicine Board Room**

Meeting called to order at 8:33 a.m. ED LaBonde conducted Roll Call, Declared Quorum and Welcomed Guests

### **AI#22 Public Forum**

No Guests registered

Note: Agenda Items were moved due to availability of time to proceed on matters. The Board reserves the right to vary from the times and order of matters presented depending upon the need and necessity of facilitating the flow of business.

### **AI#23 Discipline Matrix Policy and Guidelines (JF)**

Jessica Frint presented the Matrix Policy and Guidelines, specifically discussion and decisions regarding levels of discipline and guidelines set by the Board.

### **AI#24 Hearings**

At 9:00 a.m. President Nurss turned the floor over to Hearing Examiner, Deb Baumer, OAH who presided over the hearings and introduced the procedural background.





a. Brandi Wolfe, CNA #13585, Docket No. 16-067-CM/SD

Prosecuting Attorney, JF summarized the motions and filings previously submitted in the case. Respondent did not appear at the hearing. Prosecuting Attorney, JF presented opening remarks, presented the case, presented evidence and called expert witness' who testified on the evidence presented. Prosecuting Attorney, JF showed burden of proof and presented closing remarks supporting the motion for default of Revocation due to Ms. Wolfe's failure to appear at the hearing.

b. Jennifer Clouse, CNA #19918, Docket No. 15-16-204-MC

Prosecuting Attorney, JF summarized the motions and filings previously submitted in the case. Respondent did not appear at the hearing. Prosecuting Attorney, JF presented opening remarks, informed the court that Ms. Clouse's attorney called and informed the Office of Administrative Hearings that he was no longer representing Ms. Clouse. Expert witnesses were called to testify on the evidence presented. Prosecuting Attorney, JF recommended default with Revocation of Certification due to Ms. Clouse's failure to appear at the hearing.

c. Tina Jo Spencer, CNA applicant, Docket No. 15-16-179 SH/CM

Prosecuting Attorney, JF summarized the motions and filings previously submitted in the case. Ms. Spencer appeared at the hearing, presenting a statement to the Board. Ms. Spencer called character references; her employer, daughter and father, who were given the opportunity to make statements on her behalf. Prosecuting Attorney, JF presented opening remarks, presented the case, called expert witness' who testified on the evidence presented. The Board had the opportunity to ask questions of Ms. Spencer and of her character witnesses. Prosecuting Attorney, JF presented the closing arguments for denial of CNA certificate. Ms. Spencer made a closing statement to the Board and presented the Board with a plan of accountability in consideration of granting a certificate.

### **AI#25 Executive Session – Right to Practice & Legal Advice**

***Motion:*** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:CM/SD)

The Board returned to Public session at 11:55 a.m.

### **AI#24 Hearings (a) Brandi Wolfe, CNA #13585, Docket No. 16-067-CM/SD (Revocation)**

***Motion:*** Motion made and seconded to approve the Petitioner's Motion for Default Judgment for Brandi Wolfe, CNA #13585, Docket No. 16-067-CM/SD. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting)(DC:CM/SD)

***Motion:*** Motion made and seconded to accept the recommendation of Revocation for Brandi Wolfe, CNA #13585, Docket No. 16-067-CM/SD. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:CM/SD)



### **AI#26 Executive Session – Right to Practice & Legal Advice**

***Motion:*** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:CM)

The Board returned to public session at 12:37 p.m.

### **AI#24 Hearings (b) Jennifer Clouse, CNA # 19918, Docket No. 15-16-204-MC (Revocation)**

***Motion:*** Motion made and seconded to approve the Petitioner's Motion for Default Judgment for Jennifer Clouse, CNA# 19918, Docket No. 15-16-204-MC. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:MC)

***Motion:*** Motion made and seconded to accept the recommendation of Revocation for Jennifer Clouse, CNA #19918, Docket No. 15-16-204-MC. Motion passed without dissent. (6-0-1-0) (In accordance with the Board Rules, members of the Disciplinary Committee abstained from voting) (DC:MC)

### **AI#27 Executive Session – Right to Practice & Legal Advice**

***Motion:*** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Application Review Committee abstained from voting)(DC:SH/CM)

The Board returned to public session at 2:18 p.m.

Note: The Board desired to continue with the next Agenda Item before proceeding with final decisions on Docket No. 15-16-179-SH/CM.

### **AI#23 Discipline Matrix Policy and Guidelines (JF) continued**

The Board continued to discuss and amend the levels of discipline within the Matrix as per the guidelines presented.

***Motion:*** Motion made and seconded to approve the Matrix Guidelines as amended. Motion passed without dissent. (7-0-0-0)

***Motion:*** Motion made and seconded to approve the Discipline Spectrum Guidelines as amended. Motion passed without dissent. (7-0-0-0)

Note: Board Meeting continued in the WSBN Conference Room.



### **AI#28 Executive Session – Right to Practice & Legal Advice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Application Review Committee abstained from voting) (DC:SH/CM)

The Board returned to public at 4:39 p.m.

**Motion:** Motion made to remand the case of Tina Jo Spencer, CNA Applicant, Docket No. 15-16-179-SH/CM to the ARC committee for a conditional certificate. Motion failed. (2-3-2-0)(In accordance with the Board Rules, members of the Application Review Committee abstained from voting) (DC:SH/CM)

**Motion:** Motion made to accept the ARC recommendations and deny the certification. Motion failed. (2-3-2-0) (In accordance with the Board Rules, members of the Application Review Committee abstained from voting)(DC:SH/CM)

### **AI#29 Executive Session – Right to Practice & Legal Advice**

**Motion:** Motion made and seconded to enter into Executive Session for Right to Practice of a Professional Person and Legal Advice. Motion passed without dissent. (5-0-2-0) (In accordance with the Board Rules, members of the Application Review Committee abstained from voting) (DC:SH/CM)

The Board returned to public at 4:48 p.m.

**Motion:** Motion made to remand the case of Tina Jo Spencer, CNA Applicant, Docket No. 15-16-179-SH/CM to the ARC committee for recommendations on a conditional certificate. Motion passed. (3-2-2-0) (In accordance with the Board Rules, members of the Application Review Committee abstained from voting) (DC:SH/CM)

Minutes submitted by: Tasha Selfridge, Office Support Specialist II

Minutes reviewed by: Kara Aguirre, Legal Assistant  
Cynthia LaBonde, Executive Director  
Charlotte Mather, Board Secretary

Board Approved on: 2/9/2017