



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

Meeting Minutes

January 9-12, 2012

Cheyenne, WY

Board Meeting 1:00 p.m. to 3:00 p.m.

1. Board review of DC Process Evaluation – *Safety*

Meeting called to order at 1:00 p.m.

Introduction of new board member, Cindy Woods

Review of DC process

A 360 degree review of the discipline process was conducted. The participants included board members, board staff and the AG's office. The process was examined closely to determine what enhancements could be made to ensure a seamless process between all entities.

Meeting adjourned 3:15 p.m.

Discussion restarted Tuesday at 10:30 a.m.

Motion to create a policy for a deadline of 12:00 p.m. on Monday of the week prior to the regularly scheduled board meeting for the submission of agenda items by Member Burr, second by Member Clausen

Motion carries

6-0-1-0

Committee Meetings:

2. Application Review Committee (TW, MH) – *Safety*
 - a. Pre-conference Meetings: 8:00 a.m., 9:00 a.m., 3:00 p.m.
3. Practice Committee (KC, LJ, TB) – *Safety and Education*
4. Education Committee (CD, TB) (December 28, 2011)- *Education*
5. Legislative Committee (KC, TW, MH, KN, TB, MKG) – *Policy Making*

-
1. Welcome (5 minutes)

Roll Call

Present:

President Tracy Wasserburger, Vice President Carrie Deselms, Secretary Marguerite Herman
Members: Kellie Clausen, Marcie Burr, Lori Johnson, Cynthia Woods
Executive Director Mary Kay Goetter, Executive Assistant Amanda Roberts, Senior Assistant Attorney
General Ken Nelson, Senior Assistant Attorney General Ryan Schelhaas

Absent:

Assistant Executive Director Todd Berger, excused
Senior Assistant Attorney General Ken Nelson absent Monday and Tuesday, excused,
Senior Assistant Attorney General Ryan Schelhaas covered SAAG Nelson's absence Jan 9 & 10.

- Declaration of Quorum
Quorum declared by SAAG Schelhaas
- Reordering of Agenda
 - Carrie Deselms requested that any discussion items be removed from consent agenda

Added Settlement agreement for application for CNA by Barbara Johnson, Conditional

Executive Session will be held Thursday morning

Move School letters, application review, strategic plan updates, and discipline matrix to action items on consent agenda

Information items moved off consent agenda

Add discussion of board meeting locations to New Business

Hearing for Christine Kinuthia RN 28444, moved to Wednesday at 9:00 a.m.

2. Consent Agenda (5 minutes)

- Action Items
 - Minutes of December Teleconference
 - Education School Letters
 - Application Review Committee (ARC) Tier Guidelines (first update since 01/2010) - *Safety*
 - Discipline Matrix (first update since 10/2010) - *Safety*
 - Strategic plan (accept updates from last board meeting) – *Policy Making*

Motion to approve consent agenda by Member Deselms, second by Member Burr

Motion carries

6-0-1-0

Information Only

- Licensing Report - *Service*
- Compliance and Discipline Report - *Safety*
- Nurse Monitoring Program (NMP) Report - *Safety*
- NCSBN President Announcement (attention to change in locations of mid-year meeting) - *Education*
- NCSBN Remediation (Attention to underlined sections in Discussions 14 and 15) - *Safety*
- NCSBN Talking Points (trends on RN supply affects fees and regulation) – *Policy Making*
- Thank you letter from UW - *Public Relations*

- MACE Exam (NCSBN support outcome of Todd Berger's advocacy) -*Service*
- Holiday Cards mailing list - *Public Relations*
- Update from WCNHCP (WSBN is on advisory committee) – *Public Relations and Service*

3. Strategic Discussions (7 hours)

- Rules/NPA
 - Chapter 5 Proposed Fee Restructure - *Policy Making*

Review of proposed Chapter 5 rules as written

Discussion regarding fees that have increased, lowered, and stayed the same

Discussion regarding the costs to the board to regulate licensure and how fees are determined by Wyoming Statute 33-1-201 Fees generally.

(a) (ii) Fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required for the profession or occupation under this title;

Discussion of staging increases over next three renewal cycles in order to meet statutory directive.

Staging of the fee increase will delay the time it takes to reduce deficit but is to ease the cost burden on licensees.

Discussion of key factors in current fiscal situation:

- Cost and operations increases to agency over past 14 years
- Statutory requirement to set fees to meet expenses;
- Denial of last three requests for fee increases (2004, 2008, 2009);
- Denial of legislature for SF90 cost recovery from disciplined licensees;
- Denial of Rep Buchannan's HB205 proposed funding for fully online application.

Discussion about need to educate the licensees and consumers as proposed rules move forward

Motion to approve proposed Chapter 5 rules and move forward with rule-making process by Member Herman, second by Member Burr

Discussion:

Discussion of LPN fees being similar to RN if LPN elects certification in IV Therapy

Discussion of writing rules to allow fees to be flexed as needed, SAAG Nelson stated this is not allowable. Discussion that regulation of LPN IV certification has an attached cost (IT, compliance, etc).

Motion carries

6-0-1-0

- Chapter 2 Changes - *Policy Making*

Reviewed statement of reasons and proposed changes as written

Discussion of the few changes for Chapter 2 related to what was necessary to ease process for licensees during renewals, board acknowledged Chapter 2 needs a future complete rewrite incorporating suggestions from Governor's staff (anticipated in the next 12 months)

Motion to approve proposed Chapter 2 rules and move forward with rule-making process by Member Burr, second by Member Johnson

Discussion:

Discussion held regarding 16-hour requirement for employment for CNAs. This is dictated by the Code of Federal Regulations (CFR 42) and Chapter 2 reflects this.

Motion carries
6-0-1-0

- Nurse Practice Act: enforce existing statutory provision for unlicensed practice – *Policy Making*

The NPA under 33-21-145 Violations; Penalties outlines definition of practicing without a license and consequences. The Legislative Committee discussed using the existing statutory authority and proposed reporting of unlicensed practice directly to the District Attorney to prosecute as he or she determines. SAAG Nelson suggested board staff simply notify him and he will prepare an injunction

- Updates

- Follow up on action items – *Policy Making*

Action item list reviewed and will be updated

- Strategic Plan and Committee Updates
 - Discipline Committee (report on process mapping & present updated matrix) – *Safety*

Board updated on meeting between AG's office and board staff regarding information on hearings and how process works

- Application Review Committee (presenting updated matrix) – *Safety*

No additional report given

- Legislative Committee (updated LC strategic plan) – *Policy Making*
 - Discussion of Chapter 6 and how to go about re-addressing.
 - Board members, members of Nurse Educators of Wyoming (NEW) group, and possibly NCSBN representative need to set up an appointment with the Governor's office to discuss rationale for needed changes to the chapter
 - It will be made explicit that any nursing student in a nursing education program at the time the proposed rules would go into effect would be grandfathered in; i.e., eligible for licensure even if their program did not meet new standards outlined in rules
 - NEW group meets on February 22, 2012 from 8:00-10:00 at LCCC and meeting with Governor's staff at that time can be discussed.
 - Member Cindy Woods will join meetings for board representation along with Member Carrie Deselms for the rule change reviews with Governor Mead's office.

Motion by legislative committee to standardize discipline for practicing without a license with a letter of reprimand

Motion carries
6-0-1-0

- Education Committee – *Education and Service*
 - Quality & Safety Education for Nurses (QSEN) (CD)

Member Deselms presented general information on QSEN since this is guiding nursing education in the 21st century. QSEN is a structure that focuses on six different areas and the knowledge, skills, and attitudes for each:

- Patient centered care
- Teamwork and collaboration
- Evidence Based Practice
- Quality improvement
- Safety
- Informatics

QSEN.org has additional information

- Discussion of timeliness of responses & feedback to program directors regarding school annual reports. Program directors perceive a delay due to the timing of board meetings and dissemination of board decisions to approve the reports from when the report was actually received. This will be discussed further when NEW group visits with board.
- Wyoming Nursing Association (WNA) Nurse Refresher course

Board updated on status of WNA Refresher course and changes within the WNA and who is responsible for the oversight of the Refresher course.

There are some questions and concerns regarding about the clinical skills checklist and identification of realistic, measurable goals for clinical portion of the course. Further information is needed from WNA. The Education & Practice Consultant and the Education Committee will work with WNA to gain approval.

- Practice Committee – *Service and Education*

- LPN IV Therapy Rule is being reviewed. Question whether IV Therapy requirements should be left up to institution and use Decision Tree Model. If this changes, current rules would need to be rescinded.
- Currently, a written practice statement/clarification may be enough to resolve any confusion about if LPNs are required to have certification in IV Therapy in order to perform phlebotomy

Motion for the Board to direct the Practice Committee to develop a practice opinion clarifying this issue

Motion carries

6-0-1-0

- Continued competency requirement discussions are continuing for all areas of licensure and certification
 - Nurse Monitoring Program Advisory Committee (recap on recommendations) – *Safety*

The advisory committee has met twice via teleconference. The committee has reviewed all program documents. Some changes to documents have been made but other changes still need to be reviewed, considered and possibly implemented.

Written reports will be provided by the committee members when all the research is complete

- Other
 - Update on meeting with Governor's staff (TW)-*Policy Making and Public Relations*

President Wasserburger, Dr. Goetter, and SAAG Nelson met with Kari Jo Gray of the Governor's staff. It was indicated that Governor Mead views the board members as a direct extension of himself and his team.

The board received feedback regarding rule promulgation and was advised that to maximize success of this process, board members need to communicate directly to Governor Mead and his team.

No new complaints were received at the Governor's office regarding WSBN. We were encouraged to continue with customer care and service initiatives. Ms. Gray indicated that board training through the AG's office will be made available.

- Update on meeting with Wyoming Nurses Association (WNA) (MKG) –*Public Relations*

Dr. Goetter met via teleconference with members of the WNA. Notified them of the proposed fee restructuring, encouraged advertising in the *Wyoming Nurse Reporter* to defray mailing costs, and discussed the Nurse Refresher Course. Dr. Goetter requested that WSBN have a booth at their next conference to improve communication and collaboration by promoting areas of commonality with WNA to all of our stakeholders.

Dr. Goetter will be meeting with WNA again during Legislative Days in February. Board members encouraged to attend.

- Nurse Monitoring Program (PH attending Thursday) – *Safety*

Ms. Hefflin reviewed the NMP program updates with the board.

On-line forms are now available on CertaTrust website

On-line caduceus meetings are being held

Update on Nurse Monitoring Advisory Committee meetings

Case statistics provided

- Legislative Report on WY Boards and Commissions (current structure as it affects WSBN supported by legislative review) – *Policy Making*

Dr. Goetter reviewed the report provided by the legislature.

- Fiscal Report –*Service*

Budget report provided by Fiscal Officer, Ms. Cindy Stillahn was presented by Dr. Goetter

- Budget - Jess Ketcham (Wednesday, January 11, 3:00 p.m.)

Mr. Ketcham introduced himself as WSBN's new Budget Analyst effective 12/22/2011 and explained his role as the budget analyst to the board.

Board has asked Mr. Ketcham to review cash flow projections that have been prepared after he has had more time to familiarize himself with the board and our budget

- 2, 5, and 8% budget cuts (MKG)

The Governor has asked for proposed budget cuts (2, 5, % 8%) from all generally funded agencies. WSBN is not required to do this as of yet since we are self-funded, but it is a demonstration of the board's commitment to fiscal responsibility to find ways to reduce spending. Board staff have already committed to no longer employing any staff from Express Personnel which accounts for just under 1% of our biennial budget. The more expensive copy machine has been moved to a less convenient location; we are researching dropping to one copy machine as this is a significant expense. Dr. Goetter has negotiated a lesser fee for mailing *Wyoming Nurse Reporter* to CNAs. The publisher mails *WNR* for free to all nurses because advertising costs offset the cost; we are continually trying to gain more advertising so that they will also provide it for free to CNAs. If not, we may have to eliminate home delivery to CNAs due to fiscal constraints.

- Board Compensation

Board is compensated at the same rate as Legislature. Short meetings (defined as any number of meetings to 3 hours) are paid for at the rate of 4 hours. Committee work is not reimbursable. Please review Legislative Service Office's policy on Travel Pay (in board orientation packet).

Board compensation will be reviewed further by Dr. Goetter and SAAG Nelson based on questions of definitions of short meetings and who must be involved in meeting for it to be considered a short meeting.

- Expectations and strategic planning in light of budget constraints (MKG)

Further discussion on cost containment: Dr. Goetter reviewed the differences between state governmental agencies and the private sector. Some of the suggestions of board members for increasing productivity, workflow, access and ease of Member's Only and other options for disseminating information securely are not available to the board due to limitations of state government and budget.

- Visitors: Christian Science Committee on Publication for Wyoming (20 minutes) 1:00 p.m. (request recognition for title Christian Science Nurse)

Van Driessen, Ken Bemis, and Christine Filipovich visited with board to provide information about Christian Science Nursing. They stressed that they were there to provide information rather than seek a statutory change for recognition of the title "Christian Science Nurse."

Recognition of the Christian Science Nurse practice by the board may allow members of the Christian Science religion to receive medical insurance payments.

The opinion of the visitors was that recognition does not need to be in NPA but could be an advisory letter or a letter from the Attorney General stating that the term “Christian Science Nurse” is recognized and that the practice of Christian Science Nursing does not violate the NPA.

4. Visitors (1 hour) Thursday, January 12, 2012

- Nurse Educators of Wyoming (NEW) (30 minutes) 2:00 p.m. (requesting opportunity for feedback on site visits) Teleconference 877-278-8686, pin 517378

Jennifer Anderson & Dr. Burman were present; Marlene Ethier, Phyllis Pickett, & Kathy Wells participated via phone.

Ms. Anderson thanked the board for the opportunity to work on Chapter 6 and stated that they wish to continue that collaboration.

The nursing education program directors would like the opportunity to evaluate the board’s site visits. Example of form from other accrediting site visits provided.

Request from Ms. Anderson was made to have board members (not just board staff) visit and interact with the various nursing education programs throughout the state. Ms. Anderson and Dr. Burman acknowledged that budget and time constraints may make this difficult.

- Wyoming Center for Nursing & Health-Care Partnerships (WCNHCP) (30 minutes) 2:30 p.m. (requesting checkbox for donations with renewal application)
Dr. Burman explained to the board what WCNHCP has done in the past year and what their future plans are.

Dr. Burman followed up on discussion from a year ago on opportunities to help with funding for WCNHCP. They wish the board to consider exploring options to add a checkbox on all renewal applications for nurses to add a donation for WCNHCP if they desire.

Motion to investigate the feasibility of assisting WCNHCP in their sustainability by Member Deselms, second by Member Burr

Motion carries

6-0-1-0

5. Compliance and Discipline -*Safety* (12 hours)

- Contested Case Hearings
Hearing officer Deb Baumer was present and explained the procedure at Office of Administrative Hearings for contacting the respondents and attempting to set up pre-hearing conferences. No respondents appeared so Ms. Bahmer declared that board could move forward with default judgments.
 - Docket 10-060 & 10-168, Laura Darrough, RN 16243, Revocation (LC/MH)
Hearing officer sent order requiring disclosure and setting of pre-hearing conference on 11/21/2011. Notices sent to two different addresses, both returned as not deliverable. Pre-hearing conference on 01/03/2012, she was not able to be reached at either number provided. Exhibits and motion for default approved.

Motion to grant motion for default judgment with order for revocation by Member Clausen,
second by Member Johnson
Motion carries
5-0-2-0

- Docket 10-118, Christine Kinuthia, RN 28444, Suspension (MB/LC)
Failed to appear, records taken by court reporter
Motion to grant motion for default judgment with order for revocation by Member Clausen,
second by Member Woods
Motion carries
5-0-2-0

- Docket 10-11-208, Wendy Sneed, RN 28514, Revocation (MB/LC)
Hearing officer called respondent on 11/23/2011 at both numbers provided; she was not
reached at either number. Hearing orders were sent and not returned. Exhibits and motion
were approved.

Motion to grant motion for default judgment with order for revocation by Member Herman,
second by Member Deselms
Motion carries
5-0-2-0

- Docket 10-11-234 & 11-033, Angeline Vargas, RN 24091, Revocation (CD/MB)
Hearing officer sent notice of pre-hearing conference 11/22/2011 was not returned. Number
provided was her sister, mother provided cell number which messages were left on and no
return calls were received. Exhibits and default motion were approved.

Motion to grant motion for default judgment with order for revocation by Member Clausen,
second by Member Woods
Motion carries
4-0-3-0

- Settlement Agreements/Consent

- Docket 11-072, Maira Grooman, CNA 12607, Voluntary Surrender (MTX)
- Docket 10-150, Jessica Mallon, LPN 6836, Conditional (MTX)
- Docket 10-11-189, Kathy Davis, CNA 21649, Voluntary Surrender (MTX)
- Docket 10-11-306, Jodi Shine, RN 13367, Voluntary Surrender (MTX)

Motion to approve above MTX settlement agreements for voluntary surrender and
conditional license by Member Herman, second by Member Burr
Motion carries
6-0-1-0

- Settlement Agreements

- Docket 10-11-272, Judy Crumly RN 8007, Letter of Reprimand (MB/LC)
Motion to approve settlement agreement for letter of reprimand by Member Johnson, second
by Member Deselms
Motion carries
5-0-2-0
- Docket 09-10-564, Catherine Riding RN 19539, Voluntary Surrender (MKG/MB)

- Motion to approve settlement agreement for voluntary surrender by Member Herman, second by Member Johnson
 - Motion carries
 - 5-0-2-0
- Docket 08-9-397, Mary Bergan RN 9649, Inactive License (MB/MKG)
 - Motion to approve settlement agreement for Inactive License by Member Deselms, second by Member Johnson
 - Motion carries
 - 5-0-2-0
- Docket 10-11-184, Anna Michenzi CNA 19876, Voluntary Surrender (CD/MH)
 - Motion to accept settlement agreement for voluntary surrender by Member Burr, second by Member Johnson
 - Motion carries
 - 4-0-3-0
- Docket 10-033, Kelly Schweda, RN 14072, Conditional License (MKG)
 - Motion to accept settlement agreement for Conditional License by Member Herman, second by Member Burr
 - Motion carries
 - 6-0-1-0
- Docket 09-184, Trudy Summers, RN 22242, Suspension (MB/MKG)
 - Motion to accept settlement agreement for suspension by Member Woods, second by Member Deselms
 - Motion carries
 - 5-0-2-0
- Docket 09-469, Katheryn Rogers, RN 19143, Summary Suspension (MKG) (pending paperwork)
- Docket 10-11-325, Tonya Miles, RN 21615, Conditional License (MTX)
 - Motion to accept settlement agreement for conditional license by Member Clausen, second by Member Johnson
 - Motion carries
 - 6-0-1-0
- Docket 11-081, Barbara Johnson CNA applicant, Conditional Certificate (TW/MH)
 - Motion to accept settlement agreement for conditional certificate by Member Johnson, second by Member Burr
 - Motion carries
 - 5-0-2-0

6. New Business (30 min)

- WPAP Visit (KC/TW) – *Safety and Public Relations*

President Wasserburger and Member Clausen visited the WPAP offices in Casper.

WPAP would like to enter into an MOU with WSBN to provide monitoring to nurses with substance use disorder who have not been reported to the board.

Motion by Member Clausen to enter into negotiations for an acceptable MOU with WPAP to monitor nurses with substance Use disorder who have not been reported to the board, second by Member Burr
Motion carries
5-0-1-1

- NCSBN Offerings funded by NCSBN: (decision on attendees for Mid-Year Meeting and Delegate Assembly; Board President & Executive Director are highly recommended to attend both) – *Education*

Mid-year meeting March 12-14, 2012

Attendees: Mr. Todd Berger, SAAG Ken Nelson, & Dr. Goetter; others will check their schedules and wait on board appointments and will notify Dr. Goetter. President Wasserburger is not able to attend. Member Johnson would like to attend.

Delegate Assembly

Member Burr and President Wasserburger would like to attend.

- July Board Meeting: discussion of whether or not to hold board retreat. The board has experienced additional opportunities for growth and development by being able to participate in education, planning, and reflection that, due to extremely lengthy agenda and large number of disciplinary proceedings, are not able to happen during regular board meetings. Strategic plan emphasizes geographic diversity to encourage and promote attendance of citizens around the state. Options were presented:

Option A: Return to TA Ranch (if available)

Option B: Meet in Cheyenne with board development day built in

Option C: Meet in Casper with board development day built in (Come On Inn)

Board decided on Option C and asked Ms. Roberts to research feasibility.

There will be no hearings at July meeting regardless of location to allow balance for items that have not been reviewed at previous meetings.

Strategic plan will be reviewed each July in its entirety. Ms. Roberts will remove operational items from strategic plan.

- NCSBN Remediation Publication (Attention to highlighted sections in Discussions 14 and 15) – *Safety*

Dr. Goetter reviewed the evidence from NCSBN that indicates nurses who successfully complete remediation have a lower incidence or repeat violations. Explained the opportunities the board has to incorporate remediation in settlement agreements. She explained that staff are gathering information regarding remediation courses suitable for various violations. These will be compiled into a resource folder and provided to board members and prosecuting attorney when available.

- Location and dates for future board meetings

Dr. Goetter offered a written proposal to move board meetings back to WSBN office location.

The board indicated they wish to continue to meet at the Board of Medicine offices as long as they are available. Hearings will be moved to the bankruptcy court in order to address issues of safety and security.

Board meeting dates for 2012 reviewed.

Board teleconference agendas discussed to determine what is appropriate for a TC. Time constraints and availability of board members are key factors in determining what can be handled on a TC.

Teleconference agendas will be limited to only approval of minutes, settlement agreements that the board has had an opportunity to review, Summary Suspensions, finalized board orders and pressing new business that cannot wait until a regularly scheduled meeting. It was agreed that Summary Suspensions are top priority.

January 31st teleconference will include summary suspension hearing and meeting minutes from January meeting.

Future teleconference dates will be discussed at the April meeting

SAAG Nelson will check with OAH about the possibility of moving hearings to take place from Wednesday at 12:00 to Thursday at 5:00, putting them at the end of the board meeting.

In order to allow the committees to meet, no informal conferences are to be scheduled on the Monday afternoon of the board meeting. They may be scheduled in the morning or at other times during the course of the meeting.

7. Unfinished Business (1 hour)

Board will do further research regarding Christian Science Nursing in order to provide an appropriate response.

Members Burr and Johnson left early Thursday due to family emergencies

Review of Practice and Education Consultant Report

- Executive Session
Motion to enter executive session by Member Clausen, seconded by Member Burr
Motion carries
6-0-1-0
Executive Session Started at 1:40 and ended at 3:00
- Hot Wash

Meeting was sporadic due to timing issues and changes in the schedules.

Disruptions during meeting (signature gathering, dropping off documents). Other methods for gathering and distributing information need to be determined.

Continue to work on consent agenda

Committee members need to share information with other committee members
Set specific time for public comments/visitations prior to strategic discussions

Discipline is the most unpredictable part of the agenda due to no-show of respondents and last minute settlement agreements, therefore, discipline will be moved to the end of the meeting to allow board to adjourn after disciplinary matters are complete

Closing (10 minutes)

Meeting adjourned 2:20 p.m.