



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

Board Meeting Minutes

July 9 – 12, 2012

877-278-8686; pin 517378

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 (Pres) Tracy Wasserburger, Vice President (VP) Carrie Deselms, Secretary (Sec) Cindy Woods

Members: Marcie Burr, Lori Johnson, Marguerite Herman, Donna Nurss

Staff: Executive Director Mary Kay Goetter, Assistant Executive Director Todd Berger

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

I. Opening

a) **Call to Order**

President Wasserburger called to order the meeting of the Wyoming State Board of Nursing at 1:38 p.m.

Date	Time Started	Time Ended	Location	Reason Ended
July 9	1:38 p.m.	2:05 p.m.	Wyoming State Board of Nursing Office	Recess
July 10	8:00 a.m.	3:00 p.m.	Carriage House, Historic Governor's Mansion	Executive Session
	3:00 p.m.	5:00 p.m.	Executive Session for Personnel	Recess

July 11	8:00 a.m.	12:10 p.m.	Board of Medicine Board Room	Recess for Lunch
	1:30 p.m.	5:00 p.m.	Board of Medicine Board Room	Recess
July 12	8:00 a.m.	9:35 a.m.	Board of Medicine Board Room	Executive Session
	9:35 a.m.	12:10 p.m.	Executive Session for Licensure and Personnel	Recess for Lunch
	1:30 p.m.	4:00 p.m.	Board of Medicine Board Room	Adjourned

b) Roll Call – July 9th – 12th, 2012

* Present July 9 – 12, 2012

Board Members Present:

Tracy Wasserburger, RNC, NNP, President *

Carrie Deselms, MSN, APRN, FNP-BC, Vice President ¹

Cindy Woods, BSN, RN, BC, Secretary *

Marcie Burr, RN, HSA, CCHP, Board Member ²

Marguerite Herman, BA, MAT, MMC, Consumer Board Member ³

Lori Johnson, LPN, Board Member *

Donna Nurss, MS, APRN, BC, Board Member *

Staff Present:

Todd Berger, Assistant Executive Director ⁴

Cindy Stillahn, Fiscal and Human Resources Officer ⁵

Cynthia LaBonde, Nurse Investigator ⁶

Barbara Rollins, Legal Assistant ⁷

Ken Nelson, Senior Assistant Attorney General *

Jessica Frint, Assistant Attorney General *

Bob Walters, Senior Assistant Attorney General ⁸

Visitors Present:

Sean Chambers, Office of Administrative Hearings ⁹

¹ Absent July 12, 2012, but appeared telephonically for Executive Session

² Absent July 9, 2012

³ Appeared telephonically on July 9, Absent July 10-11, 2012, Present July 12, 2012

⁴ Present July 9, 11 – 12, 2012

⁵ Present July 11 – 12, 2012

⁶ Present July 11 – 12, 2012

⁷ Present July 11 – 12, 2012

⁸ Present July 10 – 12, 2012

⁹ Present July 11, 2012

Nella Martinez, Paralegal ¹⁰
Sherri Griffith, Paralegal ¹¹
Jess Ketcham, A&I Budget Office ¹²
Erin Butcher, UW Brand Nursing Student ¹³

c) Declaration of Quorum

Quorum declared by AAG Jessica Frint.

d) Reordering of Agenda

- By consensus, the agenda was accepted with flexibility, including the written additions and deletions submitted by Pres Wasserburger.
- Remove **Docket 11-044**, Eric Knurr, RN 30088, Inactive License from consent agenda.
- Request to correct spelling of Pres Wasserburger's name on C&D letter.
- For the record, Sec Woods acknowledged that she had a professional relationship with one of Settlement Agreements applicants, Barbara Johnson, CNA.

II. Consent Agenda

a) Approval of Minutes

- May 19, 2012 – Teleconference
- June 4, 2012 - Teleconference

b) Settlement Agreements – *Safety*

- **Docket 11-081**, Barbara Johnson, CNA 23544, Inactive Certificate
- **Docket 10-155**, Ronda Socia, RN 25470, Inactive License
- **Docket 11-053**, Crystal Joyner, LPN Applicant, Conditional License
- **Docket 10-126**, William Nunez, RN 17247, Conditional License
- **Docket 11-078**, Christine Garner, RN 17892, Conditional License
- **Docket 11-12-200**, William DeClue, RN 9088, Letter of Reprimand
- **Docket 11-093**, Crystal Davis, RN 26429, Letter of Reprimand

c) Summary Suspension

- **Docket 11-12-201**, Julie Karloff, RN 26377, Summary Suspension
- **Docket 11-12-188**, Michelle Tweeter, CNA 2482, Summary Suspension
- **Docket 11-12-205**, Jennifer Evans, RN 17161, Summary Suspension

¹⁰ Present July 10, 2012

¹¹ Present July 10, 2012

¹² Present July 11, 2012

¹³ Present July 12, 2012

d) Voluntary Surrender

- **Docket 10-11-260**, Aimee Bennett, CNA 16559, Voluntary Surrender
- **Docket 11-12-155**, Averie Ball, LPN 7474, Voluntary Surrender

e) Practice and Education

- WNA Refresher Course – *Education*
- UW Notice of Program Change – *Education*
- New DONs, Casper College and NWC (Powell) – *Education*

Motion: VP Deselms moved to accept the consent agenda. This motion was seconded by Member Johnson and passed without dissent. (6-0-0-1) Member Herman absent.

III. Administrative Issues

a) Nurse Practice Act and Rules and Regulations

Temporary Certification Requirements for Nurse Assistants

- Emergency/Regular Rule – Chapter 2 (Temporary permit)

AAG Frint explained that a long-term care facility in Montana might need to evacuate its residents due to threat of wildfires to Gillette, WY. In addition, a long-term care facility in New Castle, WY, anticipated an equal need;; however, they would move their residents to an in state location. The administrators of the facilities contacted the WSBN staff and asked what procedures were necessary for allowing their nursing staff to accompany the patients. Transferring staff that are already licensed in the state was not an issue from the Board of Nursing perspective, however, transferring staff from one state of licensure to another required review by the licensing office. The Nurse Practice Act and the Board rules and regulations provide for temporary permits for RN and LPNs, but not CNAs.

The Board discussed the advantages and disadvantages of preparing an emergency rule vs. a regular rule to allow CNAs to obtain a temporary permit. The Board discussed the need to work with bordering states in times of an emergency, not just wildfires. The Board discussed the desire to provide this service, temporary permits, to CNAs.

Motion: VP Deselms moved to create an agenda item on this matter and send it to the Legislative Committee for further discussion. The motion was seconded by Member Johnson and passed without dissent. (6-0-0-1) Member Burr absent.

b) Informational Presentation

- Cynthia LaBonde gave a report on behalf of Laura Rowe regarding the Nurse Monitoring Program.

Action: Member Nurss was appointed to the newly created board committee. An article on NMP statistics will be included in fall issue of the Wyoming Nurse Reporter. FAQs were created and posted to WSBN website.

Todd Berger deferred his presentation to the Board on the Customer Service Initiatives/Board Action Plan Board and referred the Board to the information provided in the packet. , but no report provided.

c) Strategic Plan and Committee Reports

- Report given by SAAG Walters regarding the Disciplinary Committee.
- Member Burr gave a report on the behalf of the Application Review Committee.
- Legislative Committee – Policy Making
 - Report given by AAG Jessica Frint.
 - Chapter 2 Rule Changes - Todd Berger presented the Legislative Committee’s proposed rule changes for Chapter 2 to allow CNAs to get a temporary certification by endorsement whether seeking certification or not. Changes include:
 - Adding “certified” or “certification” after licensure.
 - Adding a subdivision of the subparagraphs under (a)(i)(A) and (b)(i)(A) to include that the fee for temporary licensure or certification will be the same as the fee for initial licensure or certification.
 - Remove “to practice nursing” or “to practice” language to clarify that CNAs do not practice nursing.

VP Deselms expressed her appreciation for the work of the Committee to tackle this issue and allow the Board to be more accommodating to our neighboring States when emergencies arise such as the aforementioned fire situation.

***Motion:** VP Deselms moved to approve the Legislative Committee’s recommendation to proceed with the regular rule-making process for Chapter 2 section 9 - temporary permits for CNAs. Member Johnson seconded the motion, and the motion passed without dissent.*

Action: Todd Berger will proceed forward with starting the rule-making process by getting memorandum to Governor.

- Nurse Licensure Compact – Policy Making
 - Requests have been made for the Board to join the Nurse Licensure Compact. The decision to join the Compact must be made by the Legislature, not the Board. If the Legislature decides to join the compact, then the Legislature must change the statutes that govern the practice of nursing, and must pass model legislation.
 - The main advantage of nurse licensure is:
 - The ability of employers to more quickly fill open nursing positions with out of state applicants.
 - The disadvantages of national licensure include:

- Duplication of the discipline process for either WY nurses getting discipline in other states or other state nurses getting disciplined in WY.
- WY would lack authority to take actions against a nurse's licensure from another state.
- Increased burden on the Board for reporting discipline to other states and for entering into agreements for those nurses with disciplinary histories.
- A potential decrease in fee revenue.
- Multi-state privilege does not apply to new graduates or advanced practice nurses.
- Possible change to WSBN standards required for current licensure (not all states require criminal background checks.)

Action: AAG Jessica Frint will draft Frequently Asked Questions (FAQs) document relating to National Compact Licensure to appear on the website.

- Practice and Education (P&E) Committee – Service / Education
 - Report given by VP Deselms.
 - Western Wyoming Community College (WWCC) has lost their accreditation. Current rules require State approval, not accreditation, which WWCC has. The requirement for accreditation will be considered when rewrite of Chapter 6 resumes.
 - Wyoming Nurse Association (WNA) Refresher course has been updated per request and current students completing the course may submit this coursework for licensure.
 - Todd Berger provided the Board with a P&E report.
- Committee Charges – Pres Wasserburger proposed a work session on each committees charge (function and structure).

Action: Each committee will establish their “charge” and report at the next quarterly meeting.

d) Budget and Fiscal Report

- Budget
Report given by Cindy Stillahn and Jess Ketcham. The Board asked questions and discussion followed. WSBN has completed all twenty-four months of BFY11/12 with a revenue total of \$2,268,805.36 (July 2010 – June 30, 2012), expenditures totaling \$2,641,528.86, leaving a deficit of (372,723.50). There are still some outstanding invoices for BFY 11/12 that are anticipated, so totals will slightly change from the above figures at the year-end close in July.

New budget fiscal year began on July 1, 2012, with a budgeted amount of \$2,945,619.00. A total increase of \$222,835.00 from BFY11/12. The increase in cost

allocation figures was discussed. VP Deselms suggested WSBN consider a less expensive vendor to maintain the website. Discussion ensued regarding two other vendor proposals. The Board discussed website and database (KNurse) integration and the ability of WSBN to accomplish online renewals/ verifications if another vendor is contracted to manage website before October 2012 renewals. The Board discussed transferring of monies from one series to another or within the same series. Ms. Stillahn spoke on the importance of not moving monies to show the Board when and where expenditures have exceeded the budgeted amount. The Board requested notification of proposed salary amounts for newly filled positions in order to determine how the salary relates to the 91% of the Medium (MPP.) The two former (AWEC) positions became permanent positions in April 2012 and the pros and cons of that conversion was discussed.

Action: To occur at the October 2012 Board Meeting:

- Cindy Stillahn to research the Board's questions and provide answers.
- 360 budget review.

- **Board Member Compensation Policy – Policy Making**

AAG Frint provided the Board with a history of the Board's policy regarding compensation. The Board reviewed the January 1, 2011 policy. AAG Frint reminded the Board that their compensation is dictated by W.S. 33-21-126 which allows salary sum paid each day to legislators and reimbursement governed by W.S. 9-3-102 and W.S. 9-3-103. AAG Frint referred the Board to the *Travel Regulations* for April 2012 for guidance.

Action: AAG Frint will provide the Board with the *Travel Regulations* from April 2012.

- All board members will review the policies.
- Pres Wasserburger and Member Burr will present proposed changes to the compensation policy at the October 2012 board meeting.

e) Board Training and Development – Education / Service

- Board Training

Align conducted Board Member Training with the following:

- Policies and Procedures
 - Review staff policies in place; draft or amend policies if needed
 - Review board policies
- Financial Stewardship - Conduct 360 review of financial process
- Board/Executive Director/Staff
 - Annual evaluation for ED (in progress)
 - Staff training based on some of the content of the Board Training (i.e. board versus management role)
 - Celebrate successes
 - Gather feedback and input from staff

- Todd Berger deferred his presentation to the Board on Board Orientation and referred the Board to the information provided in the packet.

f) Board Meeting Schedule

- 2013 Board Meeting Dates

A Board meeting calendar was proposed to the Board, including the following dates for meetings:

January 7 – 10, 2013 Board Meeting
 January 28, 2013 Teleconference
 April 8 – 11, 2013 Board Meeting
 April 29, 2013 Teleconference
 July 8 – 11, 2013 Board Meeting
 July 29, 2013 Teleconference
 October 7 – 10, 2013 Board Meeting
 October 28, 2013 Teleconference

***Motion:** SecSec Woods moved to accept the 2013 Board meeting calendar as proposed. This motion was seconded by Member Burr, and passed without dissent. (6-0-0-1) VPVP Deselms absent.*

- 2013 Annual Election of Board Officers

***Motion:** Member Burr moved to change 2013 Board Annual Election of officers from April 2013 to July 2013 to allow time for appointments and re-appointments. The motion was seconded by Member Herman and passed without dissent. (6-0-0-1). VPVP Deselms absent.*

g) HIPDB Reporting Discussion – Service

Todd Berger provided an update regarding elimination of HIPDB self inquiry reports for applicants. It has been determined that the HIPDB reports are costly to licensees, confusing, and not serving the purpose for which they were intended. Loraine Saulino-Klein had contacted the Board requesting action on the HIPDB self inquiry.

***Motion:** VP Deselms moved to remove the HIPDB self inquiry requirement from the licensing process for applicants. This motion was seconded by Sec Woods and passed without dissent. (6-0-0-1) Member Herman absent.*

Action: Todd Berger will ensure the change is reflected and information advertised by:

- Change all application forms to reflect the elimination of the self inquiries.
- Post change on website.
- Post change in next issue of Wyoming Nurse Reporter.
 Contact Loraine Saulino-Klein and advise of change.

j) Strategic Plan Review

The Board reviewed action items. All items reviewed, updated and reassigned as needed.

Action: Practice department to conduct a 360 degree review at the October 2012 board meeting, followed by fiscal/budget review.

Action: Todd Berger will collect all Board policies and procedures.

IV. Compliance and Discipline (C&D)

a) C&D Report

Cynthia LaBonde reported on C&D statistics.

- It was noted that the “Tour de Hospital” by ED Goetter, was discontinued due to budgetary concerns.
- It is perceived that more complaints are being generated by facilities due to the “Tour de Hospital.”

Action: C&D will add a “year to year” and “discipline case by licensure status” to the quarterly report.

b) DSM IV Diagnosis

SAAG Walters provided information to the Board.

c) Unlicensed Practice

AAG Jessica Frint gave a report to the Board about lack of jurisdiction for discipline of unlicensed persons that have never applied for a license in WY. The Board has no jurisdiction to discipline these persons. The Board can contact the authorities in that county. If the person applies for a license, the Board can then attach discipline contingent upon the license being issued.

d) Personal Appearance for request of full reinstatement

Shari Long-Romero appeared before the Board with her attorney, Tara Nethercott, to request full reinstatement of her license. Ms. Nethercott presented Ms. Long-Romero’s request for reinstatement. Ms. Long-Romero also addressed the Board. SAAG Walters spoke on behalf of the Prosecuting Attorney’s Office. The Board took her case under advisement and will address at a later time during the meeting.

***Motion:** Member Johnson moved to enter into Executive Session on personnel/personnel issues and right to practice of a professional person. This motion was seconded by Member Burr and passed without dissent. (6-0-0-1). VPVP Deselms absent.*

The Board returned entered executive session at 9:35 a.m.

The Board returned to public session at 12:10 p.m.

Motion: Member Nurss moved to send Shari Long-Romero's case to a Disciplinary Committee for a recommendation on the matter of reinstatement. This motion was seconded by Member Johnson and passed without dissent. (6-0-0-1). VPVP Deselms absent.

Action: Pres Wasserburger appointed Sec Woods and Member Burr to the Disciplinary Committee. SAAG Walters to notify Ms. Long-Romero's attorney, Tara Nethercott, of the Board's decision.

e) **Docket 11-044**, Eric Knurr, RN 30088, Inactive License

No action at this time. Applicant needs to complete application and pay fee.

f) **Order of Reinstatement**

Docket 06-7-121, Genevieve Trogden, RN 21186, Recommendation and Order of Reinstatement

Motion: Member Johnson moved to accept the Disciplinary Committee's recommendation of reinstatement. This motion was seconded by Member Nurss and passed without dissent. (4-0-2-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.) VPVP Deselms absent.

g) **Discipline Decision Matrix**

SAAG Walters presented information regarding the new matrix. Pres Wasserburger confirmed that certain discipline matters could continue to be processed under the Discipline Decision policy previously approved by the Board. The new matrix is a guideline for staff. Matters processed under the matrix that are disputed by the licensee or certificate holder are to be assigned to a Disciplinary Committee. In addition, the Board agreed that any complaint in which there are allegations of patient/client injury or harm is to be assigned to a Disciplinary Committee. The matrix policy was acknowledged as a work in progress and future changes could occur.

Action: Pres Wasserburger also directed that the advisory and prosecuting attorney(s) review rules for appropriate changes to be presented at a future Board meeting.

h) **Contested Case Hearings**

- **Docket 11-013**, Edward Schulz, CNA Applicant

Mr. Schultz, Petitioner, did not appear. OAH Chambers explained the case to the Board. SAAG Walters explained Mr. Schultz indicated he wished to waive his right to a hearing. Alternatively, the Board could grant the Application Review Committee's motion to dismiss.

Motion: Sec Woods moved to grant a request to waive the right to a hearing. This motion was seconded by Member Burr and passed without dissent. (4-0-2-1) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.) VP Deselms was absent. Pres Wasserburger was present, but abstained from voting. Quorum still maintained.

Preliminary denial now proceeds as a final denial.

- **Docket 10-11-202**, Bruce Winton, CNA 21045

Sec Woods was given jurisdiction to preside over the meeting by Pres Wasserburger.

***Motion:** Member Johnson moved to grant a motion for default judgment as Mr. Winton, Respondent, did not appear and has not otherwise responded. The motion also proposed a suspension until Mr. Winton cooperated with the investigation. The motion was seconded by Member Burr and passed without dissent. (4-0-2-1) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting.) VP Deselms was absent. Pres.Pres. Wasserburger was present, but abstained from voting. Quorum still maintained.*

V. Executive Session

***Motion:** On July 10, 2012, Member Johnson moved to enter into Executive Session for personnel reasons. This motion was seconded by Member Burr and passed without dissent. (6-0-0-1). Member Herman absent. Sec Woods took minutes during the executive session.*

The Board entered executive session at 3:00 p.m.

The Board returned to public session at 5:00 p.m.

***Motion:** On July 12, 2012, Member Lori Johnson moved to enter into Executive Session for personnel reasons and right to practice. This motion was seconded by Member Burr and passed without dissent. (6-0-0-1). Sec Woods took minutes during the executive session.*

The Board entered executive session at 9:35 a.m.

The Board returned to public session at 12:10 p.m.

VI. Old Business

a) October 2012 Board Meeting

The next quarterly meeting will be held at the Board of Medicine, if available.

b) Hot Wash

- Align training will be extended to Board staff. Executive Assistant position has been filled.
- Ken Nelson will no longer be representing the Board as their advising attorney. The Board thanked him for his years of service and appreciates all his hard work.
- Cindy Stillahn collected and ordered signature stamps for each member. She will make them available when necessary.

VII. Adjournment

Pres Wasserburger adjourned the meeting at 4:35 p.m. on July 12, 2012.

Minutes submitted by: Cindy Stillahn, Recorder

Minutes approved by: Tracy Wasserburger, President

Cindy Woods, Secretary