



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

Teleconference Meeting Minutes

May 18, 2012

877-278-8686; pin 517378

WSBN

1810 Pioneer Ave

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

Board: President Tracy Wasserburger, Vice President Carrie Deselms, Secretary Cindy Woods

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

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

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 9:00 a.m. on May 18, 2012 by means of teleconference.

b) Welcome

Welcome to new board member, Donna Nurss, and Assistant Attorney General, Jessica Frint. Member Nurss and AG Frint introduced themselves.

c) Roll Call

Secretary Woods conducted a roll call.

Board Members Present:

Tracy Wasserburger, RNC, NNP, President
Carrie Deselms, MSN, APRN, FNP-BC, Vice President
Cindy Woods, BSN, RN, BC, Secretary
Marcie Burr, RN, HSA, CCHP, Board Member
Marguerite Herman, BA, MAT, MMC, Consumer Board Member
Lori Johnson, LPN, Board Member
Donna Nurss, MS, APRN, BC, Board Member

Members Absent:

None

Staff Present:

Mary Kay Goetter, Executive Director,
Todd Berger, Assistant Executive Director
Amanda Roberts, Executive Assistant
Barbara Rollins, Legal Assistant
Cynthia LaBonde, Nurse Investigator
Laura Rowe, Nurse Monitoring Program Manager / Investigator
Cindy Stillahn, Financial Officer & Human Resources Officer
Ken Nelson, Senior Assistant Attorney General
Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General

Visitors Present:

None

d) Declaration of Quorum

Quorum declared by SAAG Nelson

e) Reordering of Agenda

Settlement agreements were moved to the top portion under the consent agenda.

Remove Jody Phifer's Settlement Agreement from the consent agenda to allow for discussion.

Add Andrea Shultz, CNA 11780, to consent agenda.

II. Consent Agenda

a) Approval of Minutes

The Board unanimously approved the minutes from the April 2012 meeting as distributed.

b) Settlement Agreement (Consent)

- **Docket 11-12-111**, Carol Schanefelt, RN 14076, Voluntary Surrender

- **Docket 10-143**, Kaycee Whitt, CNA 22141, Letter of Reprimand
 - **Docket 11-12-172**, Vicki Roberts, LPN 4429, Letter of Reprimand
 - **Docket 10-1-328 & 11-040**, Carol McDonald, Letter of Reprimand and Conditional License
 - **Docket 11-12-103**, Alison Penny, CNA 22941, Voluntary Surrender
 - **Docket 10-11-295**, Jeffrey Green, APRN 18112-679, Letter of Reprimand and Additional Conditions
 - **Docket 11-12-113**, Jennifer Evans, RN 17161, Conditional License
- c) **Final Board Orders**
- Docket 10-11-326, Andrea Schultz, CNA 11780

***Motion:** Member Herman moved to approve the consent agenda. This motion was seconded and passed without dissent. (7-0-0-0)*

III. Compliance and Discipline

a) Settlement Agreements

- **Docket 06-7-106**, Jody Phifer, RN 17701, Conditional License

President Wasserburger asked for background info regarding Ms. Phifer's participation in the NMP. SAAG Walters discussed the portion of the settlement agreement indicating that Dr. Walter had recommended that she continue with a conditional, with provisions for no tolerance for noncompliance and/or relapse, which he considered necessary for safe practice purposes

***Motion:** Member Herman moved to accept the Disciplinary Committee's recommendation to accept the Settlement Agreement, Stipulation and Order for Conditional License. This motion was seconded and approved. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.)*

Having no other discipline cases or questions, SAAG Walters left the meeting.

b) Request from Licensees

Stacy White's attorney requested an extension for completing her refresher course.

The Board discussed several options for possibly extending her deadline including 30 days, 60 days, or 90 days.

Motion: Secretary Woods moved to extend the deadline for Stacy White's refresher course completion to August 30, 2012. This motion was seconded and passed without dissent. (7-0-0-0)

IV. Old Business

a) Rules and Regulations – Policy Making (Chapter 2 Rules)

The Board discussed previously circulated public comments and responses.

- 5 individuals commented during the open comment period to the proposed changes to Chapter 2. All 5 comments were combined with comments on Chapter 5. All 5 comments were brief, but stated they were in favor of the changes.
- Additionally, the Wyoming Nursing Association (WNA) submitted the results of a survey of their members regarding the changes to Chapter 2. 18% of the WNA's membership responded to the survey. 67.9% were in favor of the changes and 32.1% were opposed. Ultimately, the WNA supported the proposed changes to Chapter 2.

Motion: Member Herman moved to adopt the Chapter 2 Rules as they were proposed for public comment. This motion was seconded and passed without dissent. (7-0-0-0)

b) Rules and Regulations – Policy Making (Chapter 5 Rules)

The Board discussed previously circulated public comments and responses and provided opinions of the comments in a roundtable discussion. The discussion included the following ideas, suggestions, and thoughts:

- A fee increase is needed, but the comments indicate that a lesser amount would be preferred.
- Suggestion: have a 1 time increase that is small and resume discussions at a later date. The downside would be revisiting the rulemaking process multiple times.
- Board needs better accounting and more transparency.
- Board members are practicing nurses, too, and are willing to pay for the privilege to practice.
- Suggestion: decrease the amounts, impose them once and make the increases reflect relative income differences, as they increase from CNA to APRN.

Motion: Secretary Woods moved to remove fee increases for 2014 and 2016 for initial and renewal licensure fees, and change 2012 fees as follows:

APRN 80

RN 60

LPN 40
CNA 20

The Board discussed how this approach would respond to complaints that the proposed increases ignored different earning power of certificate-holders and licensees.

SAAG Nelson reminded the Board any changes could not increase fees in proposed rules. He advised the Board compare actual amounts under this new scenario before acting on the proposal.

Secretary Woods withdrew her motion.

Motion: *Secretary Woods moved to table this item and schedule an additional board meeting in the next seven to fourteen days to address the changes to Chapter 5. This motion was seconded and passed without dissent. (7-0-0-0)*

Action: Mr. Berger will draft revenue examples based on numbers in above withdrawn motion by the end of next week.

Member Burr had to leave the meeting, but a quorum was still maintained and declared by SAAG Nelson.

V. New Business

a) **New Open Meeting Legislation**

SAAG Nelson advised the Board of the use of e-mail among board members as it relates to the statutory rules/guidelines for public meetings. He advised the Board that utilizing the “reply all” function when communicating by e-mail is considered to be holding a meeting. Discussion about matters that could potentially require board action should not be addressed through e-mail and through use of the reply all feature.

Additionally, SAAG Nelson advised the Board of the notice requirements of special meetings must be posted at least 8 working hours prior to the meeting. Once notice is published, the agenda is set; no additions can be made to the agenda.

Penalties for violating this act as of July 1 will become a civil matter with a maximum penalty is up to \$750.00.

VI. Executive Session

***Motion:** Member Herman moved to enter executive session for personnel reasons. This motion was seconded and approved without dissent. (6-0-0-1)*

The Board returned to public session at 12:25 a.m.

VII. Adjournment

President Wasserburger adjourned the meeting at 12:26 a.m. The next meeting will occur in 7 – 14 days.

Minutes submitted by: Amanda Roberts, Executive Assistant

Minutes approved by: Tracy Wasserburger, President

Cindy Woods, Secretary