



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

December 28, 2015
877-278-2734; pin 517378

Wyoming 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 Cindy Woods, Vice President Donna Nurss, Secretary - vacant

Board Members: Marcie Burr, Barbara Summers, Marjory Christiansen, Kathy Cromer, Susan Howard

Staff: Executive Director Cynthia LaBonde, Legal Assistant Kara Aguirre, Victoria Pike NMP/Compliance & Discipline/Licensing Manager, Linnie Cough (minutes)

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

Monday, December 28, 2015

Opening

a) Call to Order

President Woods called to order the meeting of the Wyoming State Board of Nursing (WSBN) at 9:04 a.m. on December 28, 2015 via teleconference.

b) Roll Call

Executive Director (ED) LaBonde conducted a roll call.

Board Members Present:

Cindy Woods, BSN, RN-BC, President
Donna Nurss, MS, APRN, PMHNP-BC, Vice President
Marcie Burr, RN, DO, CCHP, Board Member (joined and left the call)
Marjory Christiansen, RN, CEN, Board Member
Kathy Cromer, LPN, Board Member (joined and left the call)
Susan Howard, MSN, RN-BC, Board Member

Members Absent:

Barbara Summers, Board Member

Board Staff Present:

Cynthia LaBonde, Executive Director
Kara Aguirre, Legal Assistant
Victoria Pike, Compliance and Discipline Manager
Linnie Cough, Minutes

Attorney General's Office Present:

Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General
Nella Martinez, Paralegal

Visitors Present

Sean Chambers, Office of Administrative Hearings
Kathy Kendrick, Wyoming Court Reporting Services
Bryce Bishop RN, Cheyenne Regional Medical Center, via phone
Virginia Cullivan (witness), via phone
Lisa Bellmyer, Hands 2 Help (Complainant), via phone
Alvin Lehman (witness), via phone

c) Declaration of Quorum

Quorum declared by AAG Frint.

d) Reordering of the Agenda

Item a. – James Bell, RN #12503, Case No. 15-087-MTX (Summary Suspension) moved to Consent Agenda as WSBN received a signed Settlement Agreement for Summary Suspension (SS).

AI #01 – Contested Case Hearing

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

a. Docket #15-074-CW, Bonnie Asay, CNA #23020

Hearing officially began at 9:10 a.m. with introductions around the room. SAAG Walters summarized the motions and filings previously submitted in the case. Respondent did not appear at the hearing. SAAG Walters presented the background of the case.

- Complaint submitted by Hands 2 Help alleging drug diversion.
- SAAG Walters introduced Lisa Bellmyer, complainant in case and in attendance. SAAG Walters also introduced Ms. Virginia Cullivan as percipient witness and Mr. Alvin Lehman, Ms. Cullivan's spouse, who were both in attendance.
- SAAG Walters discussed the evidence that Ms. Cullivan's special needs daughter was being cared for by Ms. Asay while they were away for the evening. Upon their return, they noticed that at least fifteen (15) of Mr. Lehman's Oxycodone tablets were missing from his prescription bottle. Ms. Bellmyer was notified and subsequently requested Ms. Asay complete a drug test. Ms. Asay was unable to complete the drug test after consuming liquids over a three (3) hour period, while at the Hands 2 Help center. Ms. Asay abruptly left the center at the end of the three (3) hour period without providing a urine sample.
- The matter was turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

As the Disciplinary Committee (DC) member, Cindy Woods did not participate in the discussion or deliberation.

AI #02 –Executive Session – Right to Practice

***Motion:** Member Howard moved to enter executive session for Legal Advice at 9:20 a.m. This motion was seconded by Member Christiansen and passed without dissent. (4-0-1-2). Member Summers and Cromer were absent; DC: Woods abstained from voting in accordance with Board Rules and Regulations.*

Member Cromer joined the call at 9:40 a.m.

The Board returned to Public Session at 9:50 a.m.

V.P. Nurss tabled the discussion of Motion for Default Judgment for later in the meeting.

Board members asked questions of the witnesses. Mr. Chambers submitted evidence to the Board and went off the record at 10:03 a.m.

***Motion:** Member Christiansen moved to enter Executive Session at 10:05 a.m. for deliberation and Right to Practice. This motion was seconded by Member Burr and passed without dissent. (5-0-1-1). Member Summers was absent; DC: Woods abstained from voting in accordance with Board Rules and Regulations.*

V.P. Nurss declared the Board out of Executive Session and back into Public Session at 10:40 a.m.

Board Action

***Motion:** Member Christiansen moved to deny the Motion for Default Judgment for Ms. Asay. Member Howard seconded the motion and the motion passed. (4-0-1-2). Members Summers and Cromer were absent; DC: Woods abstained from voting in accordance with Board Rules and Regulations.*

***Motion:** Member Christiansen moved to grant a Summary Suspension for Ms. Asay. Member Howard seconded the motion and the motion passed. (4-0-1-2). Members Summers and Cromer were absent; DC: Woods abstained from voting in accordance with Board Rules and Regulations.*

AI#03 Consent Agenda

***Motion:** Member Christiansen moved to approve the Consent Agenda as amended. Member Nurss seconded the motion and the motion passed. (4-0-0-3). Members Summers, Cromer and Burr were absent.*

- a. Settlement Agreements/Stipulations
 1. Jessica Harris, CNA #11033, Case No. 14-15-310-KC (VS)
 2. Kelly Nolan, RN #22530, Case No. 15-092-MTX (Summary Suspension)
 3. James Bell, RN #12503, Case No. 15-087-MTX (Summary Suspension)

AI#04 Executive Session – Right to Practice

Session not used.

The Board adjourned at 10:45 a.m. The next general meeting will be January 11-14, 2016 in Cheyenne, WY.

Minutes submitted by: Linnie Cough

Minutes reviewed by: Cynthia Woods, President , reviewed 1.4.16
Kara Aguirre, Legal Assistant, reviewed 12.31.15
Cynthia LaBonde, Executive Director, reviewed 12.31.15

Minutes Approved at: **January 12, 2016**