



- I. Meeting called to order September 20, 2010 at 11:15 a.m. at 1810 Pioneer Ave, Cheyenne, WY 82002  
1) Roll Call

### **In attendance**

President Kellie Clausen	Vice President Tracy Wasserburger
Secretary Marguerite Herman	Member Kim Williamson
Member Carrie Deselms	Member Marcie Burr
Member Lee Carruthers in attendance September 21 <sup>st</sup> and 23 <sup>rd</sup>	
Senior Assistant Attorney General Bob Walters	Assistant Attorney General Sean Chambers
Executive Director Dr. Mary Kay Goetter	Assistant Executive Director Todd Berger

### **Absent**

Member Lee Carruthers absent September 20<sup>th</sup> and 22<sup>nd</sup>

- 2) Declaration of Quorum by AAG Sean Chambers
- 3) Reordering of Agenda

### **II. Service**

- 1) Consumer Advocacy/Communication with Stakeholders
  - i. Open action items reviewed and follow up assigned
    - 1. New Action Item: Member Herman will work on making rules and regulations easier to read and create an index**
  - ii. Review of board retreat
    1. Will hold another retreat with board meeting to follow in July 2011 with focus on financial training and NCSBN training
    2. Decide on location in January meeting, tentatively at the TA Ranch in Buffalo, WY
  - iii. Approval of minutes from August 19, 2010 teleconference
  - iv. Motion to approve teleconference minutes made by Member Burr, seconded by Vice President Wasserburger.
  - v. Motion carried 6-0-0-1
- 2) Customer Service
  - i. Office Phone and Message Directory
  - ii. Phone directory has been improved and simplified for ease of use
  - iii. Licensing Statistics
    1. To date for 3<sup>rd</sup> quarter: 1598 phone calls, 516 licenses issued, 590 applications received.



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2. Increase of more than 1,000 from last year, sustaining approximately 10% growth per year
  - iv. Renewals
    1. Testing in process will be ready to go live by October 1, 2010
    2. Discussion regarding renewals of applications with “YES” answers to history questions. All applicants may continue to practice until a final decision has been made. Renewal may be held during investigation.
    3. **New action item – Dr. Goetter will write a letter to all healthcare agencies in the state to update them on renewals and paperless licensing.**
  - 3) Records Management
    - i. Office clean up includes archiving and aligning office records with retention requirements; substantial number of inactive discipline files found that need organization and review. ACTION: Dr. Goetter has contacted NCSBN for financial assistance through the Business Fund.
  - 4) Outreach and Board Meetings
    - i. 2011 board meeting schedule discussed with dates set for January 10-14, 2011, April 4-8, 2011, July 5-8, 2011, October 3-7, 2011, and January 9-13, 2012.
      1. Motion made by Member Burr, seconded by Member Williamson.
      2. Motion Carried 6-0-0-1

Motion made by Vice President Wasserburger to enter executive session to meet with board attorney at 12:30 p.m., seconded by Member Williamson  
Motion carried 6-0-0-1

Executive Session ended 1:30 p.m.

- ii. Teleconference dates to be posted to website in advance of meeting for public notice.
  1. Teleconferences held the third Tuesday after a board meeting to approve minutes from previous meeting, resolve items from last meetings, initiate final actions and board orders, address any settlement agreements
  2. Motion made by Vice President Wasserburger, seconded by Member Burr
  3. Motion carried 6-0-0-1
- iii. Public notice for board meetings
  1. Must give notice by statute, website is sufficient notice
    - a. Post draft agenda
    - b. Include Notice of hearings
- iv. Website Reporting



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- v. Post OAH record to website for notice of hearings.
  - vi. HPDIB Reporting
    - 1. Information was received notifying board that some records may be expunged if they should never have been reported; WSBN is not planning on exploring this option at present.
- III. Policy Making
- 1) Legislative Committee Report
  - 2) Practice Committee Report
    - i. Member Williamson reported that there have been many questions regarding Chapter 9 on delegation.
      - 1. **New action item – Assistant Executive Director Berger will further clarify this in the upcoming *Wyoming Nurse Reporter* and review Chapter 9 of the Rules and Regulations**
      - 2. **Executive Assistant Roberts will add Chapter 9 review and possible changes to the Rules and Regulations proposed list of changes.**
    - ii. Discussion regarding CNA II and Medical Assistant Certified
      - 1. NCSBN has already made available a curriculum. ACTION ITEM: Mr. Berger needs to make this curriculum available on the website. No education programs are available in Wyoming at present. An instructional and testing module for RNs wishing to become instructors must be obtained and made available. There are several people interested in becoming instructors once the information is available.
  - 3) NCSBN offerings
    - i. The new board president needs to plan on attending the Midyear meeting in March 2011 in Chicago.
  - 4) Fiscal Reports
    - i. Ms. Shelly Andrew, Budget Analyst from Administration and Information provided an overview of the supplemental budget process
    - ii. Ms. Stillahn provided fiscal & budget reports
  - 5) Staff Updates
    - i. A hearing has been scheduled October 27, 2010 with Governor Freudenthal to discuss the supplemental budget for converting the two AWEC positions to permanent positions. All board members who wish to attend are welcome.
    - ii. Ms. Nella Martinez has taken a position with the Attorney General's office.
    - iii. Ms. Janice Ross has been hired as the AWEC Legal Assistant for the board.
    - iv. Executive Director Goetter received the 2009 Field Grade Nurse of the Year award from the National Guard.



IV. Safety

- 1) Contested Case Hearings held at U.S. Bankruptcy Court, 2120 Capitol Ave, Cheyenne, WY 82002

Executive session ended 8:35 a.m.

- i. Docket: 08-9-249 – Kristine Scott, CNA #19728; Denial
  1. Administrative hearing commenced September 21, 2010 at 8:30 a.m.
  2. The board heard the testimony and reviewed the evidence presented during the administrative hearing.
  3. Motion to enter executive session to deliberate administrative hearing by Member Herman, seconded by Member Williamson at 11:04 a.m. Motion carries 5-0-2-0 with President Clausen and Vice President Wasserburger abstaining.
  4. Board returns to public session at 11:34 a.m.
  5. Motion to revoke the certificate of Ms. Scott made by Member Herman, and seconded by Member Burr. Motion carries 5-0-2-0 with President Clausen and Vice President Wasserburger abstaining.
- ii. Docket: 08-9-287 & 09-136 – Shari Long, RN #21612; Revocation
  1. Administrative hearing commenced September 21, 2010 at 11:30 a.m.
  2. The board heard the testimony and reviewed the evidence presented during the administrative hearing.
  3. Administrative hearing adjourned for evening of September 21, 2010 at 5:00 p.m.
  4. The board called to order and resumed the administrative hearing at 8:30 a.m. on September 22, 2010
  5. Motion to enter executive session by Member Herman, seconded by Member Wasserberger at 8:00 a.m. Motion carries 4-0-1-1 with Member Williamson abstaining and Member Carruthers absent.
  6. The board returns to public session at 8:35 a.m.
  7. The administrative hearing resumed at 8:40 a.m.
  8. The board heard the testimony and reviewed the evidence presented during the administrative hearing.
  9. Motion to enter executive session to deliberate administrative hearing by Member Burr, seconded by Member Deselms at 10:22 a.m. on September 22, 2010. Motion carries 4-0-1-1 with Member Williamson abstaining and Member Carruthers absent.
  10. Board returns to public session at 1:15 a.m.



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11. Motion by Member Deselms to issue a letter of reprimand for the nondisclosure issues and an indefinite conditional license for substance abuse issues with modifications following the recommendations of Dr. Walter and Dr. Watt. The motion was seconded by Member Burr. Motion carries 4-0-2-0 with President Clausen and Vice President Wasserburger abstaining and Member Carruthers absent.
  - iii. Docket: 09-10-592 – Wendy Beighley, LPN #7223 Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 5-0-1-1 with Member Williamson recused and Member Carruthers Absent.
  - iv. Docket: 07-8-073 – Barbara Emerson, LPN #6600 Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 5-0-1-1 with Member Williamson recused and Member Carruthers Absent.
  - v. Docket: 08-012 – Nancy Gilbert, RN #14495 Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 4-0-2-1 with Members Williamson and Burr recused and Member Carruthers Absent.
  - vi. Docket: 09-073 & 09-077 – Trina Heide, CNA #14087; Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 4-0-2-1 with Members Williamson and Burr recused and Member Carruthers Absent.
  - vii. Docket: 06-7-117 – Marcella Knaub, RN #20430; Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 5-0-1-1 with Member Williamson recused and Member Carruthers Absent.
  - viii. Docket: 08-9-394 – Pamela Mattson, CNA #18634; Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 4-0-2-1 with Members Williamson and Burr recused and Member Carruthers Absent.
  - ix. Docket: 08-9-248 – Trina Waterman, RN #26297; Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 4-0-2-1 with Members Williamson and Burr recused and Member Carruthers Absent.
  - x. Docket: 09-021 & 09-338 – Christina Williams, RN #26695; Revocation
    1. Motion for default judgment made by disciplinary committee. Motion carries 5-0-2-1 with Member Burr recused and Member Carruthers Absent.
- V. Strategic Planning
- 1) Outside evaluation of WSNB



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- i. NCSBN has offered to provide funds to assist in recovering costs for evaluation of board processes and outcomes. The assessment could be provided by CAC.
  - ii. **New Action Item – Executive Assistant Roberts will add to the strategic plan to complete next year**
  - 2) Outside presentations
    - i. Assistant Executive Director Berger will be presenting for the Wyoming Hospital Association’s Chief Nurse Officer meeting at their annual meeting
    - ii. Executive Director Goetter will make regional presentations to Nurse Administrators in collaboration with WHA
  - 3) Agenda aligned with strategic plan.
    - i. **New Action Item – Place legend at bottom of agenda as well as top**
    - ii. **Add goals to the agenda**
  - 4) Public Relations
    - i. Develop poster for legislative hallway to increase visibility
      1. **New Action Item – Legislative committee will research and obtain permission to display as well as create display**
    - ii. **New Action Item – Executive Assistant Roberts will look into lapel pins and/or ink pens to give away at legislature**
    - iii. Provide website suggestions to Executive Assistant Roberts
  - 5) Policy Making
    - i. Establish organized and efficient process and procedures
    - ii. Review fines and authority for no show fees, practicing without a license etc.
      1. **New Action Item – Legislative committee will research as this must be included in statute**
    - iii. Implement a routine schedule for review of rules and regulations annually
    - iv. Board officers develop job descriptions and a summary of standing committee responsibilities
      1. **New Action Item – Executive Assistant Roberts will create a list of acronyms and their meaning for board member training**
      2. **New Action Item – Board member training will be available on the website in the future**
    - v. Review decision tree annually in January
      1. **New Action Item – Mr. Berger will review prior to January board meetings**
  - 6) Service
    - i. Telephone script is improved
    - ii. Continue customer service training
    - iii. Consider budget options and location while determining what to do about building lease expiration
    - iv. Improve board meeting space



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1. **New Action Item –Executive Assistant Roberts will research video conference capabilities and improved seating/tables for board room**
- 7) Safety
    - i. Continue to refine and improve Nurse Monitoring Program
    - ii. Provide continued standard reports and evaluations of program
      1. **New Action Item – Ms. Hefflin will outline process and bring back to the board for an evaluation tool**
  - 8) Education
    - i. Practice and education consultant as a resource to the state
      1. **New Action Item – Have Assistant Executive Director create a YouTube video explaining the application process**
      2. **It would be desirable to visit each school site in next six months, if possible**
      3. **Add Educational resources to website**
      4. **Assistant Executive Director Berger will work with the NEW group to create guidelines for school site visits**
  - 9) **New Action Item –Member Deselms will update strategic plan and future updates will be done by Executive Assistant Roberts.**
    - i. Every meeting will have a review of the strategic plan to ensure goals are being addressed
- VI. Safety (continued)
- 1) Application Review Committee report
    - i. Statistics provided to board. Reviewed 24 applications during quarter with five denials.
    - ii. **New Action Item – Executive Director Goetter and Executive Assistant Roberts will place statistical information regarding licensing and complaints on the website.**
  - 2) Nurse Monitoring Program
    - i. Ms. Hefflin provided an update on the program. There are currently 18 people enrolled with one person being returned to the discipline committee for a positive drug test. Five people participating are doing so voluntarily and do not yet have board orders.
  - 3) A Medical Review Officer (MRO) is being contracted to review positive and non-negative test results. This will be a service provided by CertaTrust and is paid for by the enrollee. There is no additional cost to the Wyoming State Board of Nursing.
    - i. A medical release information form is in development
    - ii. **New Action Item – Ms. Hefflin will provide data to the board regarding the different drug screen levels and costs for each.**
    - iii. **New Action Item – Ms. Hefflin will provide a link on the website for worksite monitor training**



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- 4) Discipline Committee Report
    - i. Discipline statistics provided
      1. Twenty nine files have been reviewed. Discussion held to ensure that cases are reviewed by experts in the field. Example, APRN cases would go to the APRN board representatives.
  - 5) Managing Discipline Committee Cases
    - i. **New Action Item – A checklist for steps involved in working a discipline case to assist board members with consistency and accuracy will be created by the compliance department**
    - ii. Board staff or working on a tracking tool for disciplinary cases that will be available to board members
  - 6) Proposal for administrative authority for selective cases
    - i. A proposal for a discipline decision making matrix was introduced by Executive Director Goetter. Not all complaints need board attention as some are frivolous and do not violate the NPA or Rules & Regulations. The matrix would allow guidelines for board staff to handle these complaints without taking away valuable time from more serious items the board needs to focus on.
    - ii. Motion by Vice President Wasserburger to adopt discipline decision making matrix as a policy with ongoing review, seconded by member Williamson.
      1. Motion carried 6-0-0-2, with Members Carruthers and Burr absent
  - 7) Settlement Agreements/Stipulations
    - i. Docket: 09-405 – Dolly Putnam, LPN #6048; Letter of Reprimand
      1. Motion made by discipline committee to accept settlement agreement for letter of reprimand.
        - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
    - ii. Docket: 09-10-564 – Catherine Riding RN #19539; Conditional License
      1. Motion made by discipline committee to accept settlement agreement for conditional license
        - a. Motion carried 4-0-1-1 with Member Burr abstaining, Member Carruthers absent
    - iii. Docket: 09-10-483 & 09-10-518 – Rose Brown, RN #26459; Voluntary Surrender
      1. Motion made by discipline committee to accept settlement agreement for voluntary surrender
        - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
    - iv. Docket: 09-10-519 & 09-10-561 – Susan Hermann, RN #20499; Voluntary Surrender
      1. Motion made by discipline committee to accept settlement agreement for voluntary surrender





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- a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - v. Docket: 09-10-618 – Constance Underwood, RN #15597; Voluntary Surrender
    1. Motion made by discipline committee to accept settlement agreement for voluntary surrender.
      - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - vi. Case: 07-8-012 – Nina Bhutto, RN #20556; Voluntary Surrender
    1. Motion made by discipline committee to accept settlement agreement for voluntary surrender
      - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - vii. Docket: 10-004 – Jerold Ewen, LPN #5593; Voluntary Surrender
    1. Motion made by discipline committee to accept settlement agreement for voluntary surrender
      - a. Motion carried 4-0-2-1 with Member Williamson and Member Deselms abstaining, Member Carruthers absent
  - viii. Docket: 10-031 – Heather Burnam, RN #20814; Summary Suspension
    1. Motion made by discipline committee to accept settlement agreement for summary suspension
      - a. Motion carried 4-0-1-1 with Member Burr abstaining, Member Carruthers absent
  - ix. Docket: 10-033 – Kelly Schweda (Robinson) RN #14072; Summary Suspension
    1. Motion made by discipline committee to accept settlement agreement for summary suspension
      - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - x. Docket: 09-10-478 – Gwen Andrews, LPN #3242; Conditional License
    1. Motion made by discipline committee to accept settlement agreement for conditional license
      - a. Motion carried 4-0-2-0 with Member Williamson and Vice President Wasserburger abstaining,
  - xi. Docket: 09-10-540 – Ahlea Martin, RN #25101; Conditional License
    1. Motion made by discipline committee to accept settlement agreement for conditional license
      - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - xii. Docket No: 09-404 – Jacqueline Kimball #7457, Letter of Reprimand
    1. Motion made by discipline committee to accept settlement agreement for letter of reprimand



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- a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - xiii. Docket: 09-10-478 – Gwen Andrews, LPN #3242; Conditional License
    1. Motion made by discipline committee to accept settlement agreement for conditional license
      - a. Motion carried 4-0-1-1 with Member Williamson abstaining, Member Carruthers absent
  - 8) Board Training
    - i. SAAG Walters provided a training on the rules of HIPAA and how they apply to the board in deciding discipline cases.
- VII. Public Member Agenda Item – Wyoming Center for Nursing and Healthcare Partnerships
- 1) The board was visited by Dr. Mary Burman, Matt Sholty, and Jennifer Anderson. Veronica Taylor dialed in by phone conference.
    - i. Provided a presentation to introduce the center and explain current programs including Revolutionizing Nursing Education in Wyoming (RENEW)
    - ii. Requested the board consider providing funding to the center through a portion of licensure fees
    - iii. Motion for Legislative Committee to consider a proposal to change the Nurse Practice Act to assess fees to support the Wyoming Center for Nursing and Health Care Partnership made by Member Deselms, seconded by Member Carruthers
      1. Motion carried 7-0-0-0
- VIII. Education
- 1) Educate using best practices
    - i. The *Wyoming Nurse Reporter* has been expanded and is now being mailed to CNAs and is available on the website
  - 2) Other offerings
    - i. CAC webinars and meetings are available and strongly recommended to those who are able to attend
  - 3) Education Committee Report
    - i. **New Action Item – Member Deselms and AAG Chambers will review the rules and regulations regarding approval of education programs and determine if board approval only applies to pre-licensure**
  - 4) Schools of Nursing Annual Reports
    - i. Reviewed reports for Central Wyoming College, Laramie County Community College, Northwest College, and the University of Wyoming
    - ii. Motion to approve as consent agenda
      1. Motion carried 7-0-0-0
  - 5) Letters from Excelsior College & NCSBN



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- i. NCSBN designed a research study to examine outcomes for graduates of nursing education programs that include supervised hands-on clinical instruction compared to those that do not. Excelsior College hired an outside research consultant who raised doubts as to the validity of the study design. Excelsior College contacted their graduates and instructed them to not participate so NCSBN had to cancel the study before it began.
- IX. Completion of Outstanding Items
- 1) **New Action Item- Legislative committee will consider funding for Nurse Monitoring Program while consider fee increases**
- X. Hotwash – Process Improvement for board meetings
- 1) Due to size of building and lack of security, hearings need to be held elsewhere. Creates a chaotic feeling for some. Agenda works well without actual times to allow for flexibility in covering the items while responding to real-world delays and attendance issues.
  - 2) Agenda suggestions to be implemented by Executive Assistant Roberts
    - i. No actual dates/times other than guests who have made request to appear at least 14 days prior to the board meeting and hearings.
    - ii. Put all items in outline format and they will be addressed around items that are scheduled
    - iii. Add Maxine and LaVelle’s phone numbers to agenda so that someone may contact them if they want an general time frame of when a topic may be addressed in order to attend
    - iv. Add teleconference information
  - 3) Create an item for the *Wyoming Nurse Reporter* that explains how to attend board meetings
  - 4) Change committee meetings on first day to end later and start official board meeting at 1:00 p.m.
- XI. Motion to adjourn meeting at 12:35 p.m. made by Member Williamson, seconded by Member Burr
- 1) Motion carried 7-0-0-0