



## **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

### **Regular Board Meeting Minutes**

November 10, 2015

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 (CW), Vice President (VP) Donna Nurss, Secretary - Vacant

**Board Members:** Marcie Burr (MB), Marjory Christiansen (MC), Barbara Summers (BS), Kathy Cromer (KC), Sue Howard (SH)

**Staff:** Executive Director (ED) Cynthia LaBonde, Compliance & Discipline Manager Laura Rowe (LR)

**Attorney General's Office:** Assistant Attorney General (AAG) Jessica Frint (JF)

### **Tuesday November 10, 2015**

#### **Opening**

#### **Call to Order**

President Woods called to order the meeting of the Wyoming State Board of Nursing at 9:30 a.m. on November 10, 2015 in the Wyoming Board of Medicine Board Room, Cheyenne, WY.

#### **Roll Call**

ED LaBonde conducted a roll call.

#### **Board Members Present:**

Cindy Woods, BSN, RN-BC, President

Donna Nurss, MS, APRN, PMHNP-BC, Vice President (by teleconference)

Marjory Christiansen, MSN, RN, CEN, Board Member

Marcie Burr, RN, DO, CCHA, Board Member<sup>1</sup> (by teleconference)

Kathy Cromer, LPN, Board Member

Barbara Summers, Public Member

Susan Howard, MSN, RN-BC, Board Member (by teleconference)

---

<sup>1</sup> Ms. Burr was attending the meeting via telephone conference until 10:08 AM when she disconnected from the call and did not return to the meeting.

Staff Present:

Cynthia LaBonde, Executive Director  
Laura Rowe, Compliance & Discipline Manager  
Kara Sutton, Legal Assistant  
Lori Hart, Practice and Education Consultant

Attorney General's Office:

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

Visitors Present

Sean Chambers, Office of Administrative Hearings  
Kathy Kendrick, Wyoming Reporting Services, Inc.  
Jessica Stalder  
Peggy Jolovich  
Roxanne Gorman

**Declaration of a Quorum**

Quorum declared by AAG Frint.

**AI #01 – Contested Case Hearings**

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

**a. Docket #14-15-239-MC, Andra Cousins, RN #18451**

Hearing officially began at 9:33 a.m. with introductions around the room. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-T were admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Complaint submitted by Spring Wind Assisted Living alleging drug diversion.
- SAAG Introduced Jessica Stalder, RN complainant in case and in attendance.
- SAAG Walters discussed the evidence of switching medication labels and placing Tramadol labels on bubble packages for resident for Vitamin D and Tylenol. Evidence showed was ordering more Vitamin D for residents then was needed and before they should have run out. Discussed newspaper article explaining Respondent's arrest and criminal charges related to conduct at the facility.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

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

Mr. Chambers explained the matter of Krystal Steward would not be heard until 10:30 a.m. to allow for witnesses to arrive and they would proceed with hearing the other scheduled matters on the agenda.

**c. Docket #13-14-209-CW, Iris Daugherty, RN #32082**

Hearing officially began at 9:45 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-I were admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Original complaint was for unsafe practice. Resulted in a letter of reprimand with education requirements. Board staff followed-up on Respondent's completion of the education requirements; however, the required training has not been completed.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

As the DC member, Cindy Woods did not participate in the discussion or deliberation.

**d. Docket #14-15-178-BS, Matthew Nation, CNA #23274**

Hearing officially began at 9:50 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-M were admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Case arose due to disclosures on 2014 renewal application of a 3<sup>rd</sup> DUI in 10 years. Subject of prior criminal action. DC recommended a conditional certificate. Respondent communicated he would not be able to afford drug testing. Accommodations were made by the DC to permit drug testing with his probation requirements; however, he stopped responding to Board staff.
- Exhibit K had minor substitution by Petitioner by including a signed page for declaration.
- Matter turned over to Board Members for discussion and questions. President Woods asked about recommendation for conditional certificate and additional thoughts from DC. DC Summers explained conditional certificate recommended due to 3<sup>rd</sup> DUI and when they spoke with Respondent he seemed willing to comply when granted the ability to use probation testing but stopped responding. President Woods asked about Respondent's current employment status, informed this was not known by Petitioner at the time.
- Board took matter under advisement.

As the DC member, DC Summers did not participate in the discussion or deliberation.

**e. Docket #14-15-272-BS, Jacob Hawkins, CNA #20268**

Hearing officially began at 10:00 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Mr. Chambers explained Mr. Hawkins participated in the pre-hearing conference. Exhibits A-U were admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Complaint submitted by Wyoming State Hospital.
- Respondent acknowledged his wrong doing, expressing disappointment in himself and is very remorseful. Evidence shows failure to conform to standards of nursing assistant practice.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

As the DC, DC Summers did not participate in the discussion or deliberation.

**f. Docket #14-120-BS/KC, Lisa Vincent, CNA #8739**

Hearing officially began at 10:10 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-P were admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Complaint initiated by Board staff for disclosure on 2014 renewal application of 3<sup>rd</sup> DUI.

- Matter turned over to Board Members for discussion and questions. President Woods asked DC if because Respondent did not appear if recommendation would still be for conditional certificate. DC Summers responded would defer to Board for decision.
- Board took matter under advisement.

As the DC members, DC Summers and DC Cromer did not participate in the discussion or deliberation.

**b. Docket #14-15-303-CW, Krystal Steward, RN #24154**

Hearing officially began at 10:15 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-P were admitted. Respondent did not appear at the hearing.

- Matter previously before the Board on complaint submitted by Cheyenne Regional Medical Center (CRMC) alleging drug diversion by nurse.
- Director of Quality Assurance, Roxanne Gorman, investigated the matter for CRMC, she was present as a witness.
- Evidence showed removal of 10 mg of morphine from Accudose Machine, even though other doses available. Would remove doses shortly before patient leaving care, some were removed after patient discharged. Pattern of removing and wasting in short period of time.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

As the DC member, DC Woods, did not participate in the discussion or deliberation.

**g. Docket #14-15-280-MB, Diane Posthauer, RN #34768**

Hearing officially began at 10:30 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Mr. Chambers discussed letter from Respondent dated October 8, 2015 and received by OAH on October 13, 2015 where she questions being summoned by the Board, explained she would be unable to attend the hearing and explained she would accept whatever the Board's decision was. Exhibits A-J were admitted. Respondent did not appear at the hearing. SAAG Walters asked whether DC Burr was on the phone line, she was not. SAAG Walters presented the background of the case:

- Board staff initiated complaint due to voluntary surrender of her license in Connecticut.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

DC Burr was not present at this portion of the meeting and did not participate in the discussion or deliberation.

**h. Docket #14-15-301-MTX, Lesli Benson, CNA #13364**

Hearing officially began at 10:40 a.m. Mr. Chambers summarized motions and filings previously submitted in the case. Exhibits A-O admitted. Respondent did not appear at the hearing. SAAG Walters presented the background of the case:

- Complaint submitted by Weston County Health Services alleging Respondent failed random facility UA and tested positive for marijuana.
- As part of the investigation ED LaBonde requested Respondent undergo a substance abuse evaluation. Respondent did not complete the requested evaluation.
- Matter turned over to Board Members for discussion and questions. No questions were presented.
- Board took matter under advisement.

As a Matrix matter, ED LaBonde did not participate in the discussion or deliberation.

Hearings closed at 10:47a.m.

Mr. Chambers asked the Board members for input and feedback on how OAH is handling contested case matters. He and SAAG Walters have become efficient in processing contested case matters but also don't want to process matters without having sufficient information.

President Woods explained it is assumed Board Members are reading the documents that are presented. Acknowledged that prehearing conferences are being held earlier and this allows admitted exhibits to be shared with Board Members earlier for more time to review. Discussed the declarations prepared by SAAG Walters are helpful; also discussed involving Board staff because they are involved with communications with licensees and attempts to communicate. Mr. Chambers requested that if anything needs to be adjusted to let them know, want to ensure adequate time being given for consideration of cases. President Woods asked Board Members to give it some thought and provide feedback.

#### **AI#02 – Executive Session – Right to Practice**

***Motion:*** Member Summers moved to enter executive session at 10:57 a.m. to deliberate on the Right to Practice of a Professional Person. This motion was seconded by President Woods and passed without dissent at 11:04a.m. (4-0-0-3). Member Burr, VP Nurss and Member Howard were absent.

The Board returned to public session at 1:37 p.m.

#### **Board Action**

***Motion:*** Member Cromer moved to grant Petitioner's motion for default judgment on Andra Cousins, RN #18451. This motion was seconded by Member Summers and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: MC.)]

***Motion:*** Member Cromer moved to revoke the RN license of Andra Cousins, RN #18451. This motion was seconded by Member Summers and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: MC.)]

President Woods turned the floor over to VP Nurss to conduct the meeting.

***Motion:*** Member Summers moved to grant Petitioner's motion for default judgment on Krystal Steward, RN #24154. This motion was seconded by Member Christiansen and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: CW.)]

***Motion:*** Member Summers moved to revoke the RN license of Krystal Steward, RN #24154. This motion was seconded by Member Cromer and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: CW.)]

***Motion:*** Member Cromer moved to grant Petitioner's motion for default judgment on Iris Daugherty, RN #32082. This motion was seconded by Member Christiansen and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: CW.)]

**Motion:** Member Cromer moved to suspend the RN license of Iris Daugherty, RN #32082 until she is compliant with the prior Board order. This motion was seconded by Member Summers and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:CW.)]

VP Nurss turned the floor back to President Woods to conduct the meeting.

**Motion:** Vice President Nurss moved to grant Petitioner's motion for default judgment on Matthew Nation, CNA #23274. This motion was seconded by Member Cromer and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:BS.)]

**Motion:** VP Nurss moved to approve the Disciplinary Committee recommendation for a conditional certificate for a period of three (3) years with conditions stated in the order for Matthew Nation, CNA #23274. This motion was seconded by Member Christiansen and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: BS.)]

**Motion:** Vice President Nurss moved to deny Petitioner's motion for default judgment on Jacob Hawkins, CNA #20268. This motion was seconded by Member Cromer and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:BS.)]

**Motion:** Vice President Nurss moved to recommend issuance of a Notice of Warning to Jacob Hawkins, CNA #20268. This motion was seconded by Member Christiansen and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: BS.)]

**Motion:** Member Christiansen moved to grant Petitioner's motion for default judgment on Lisa Vincent, CNA #8739. This motion was seconded by VP Nurss and passed. [(4-0-2-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:BS, KC.)]

**Motion:** Member Christiansen moved to revoke the certificate of Lisa Vincent, CNA #8739. This motion was seconded by Vice President Nurss and passed. [(4-0-2-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:BS, KC.)]

**Motion:** Member Summers moved to deny Petitioner's motion for default judgment on Diane Posthauer, RN #34768. This motion was seconded by Member Cromer and passed. [(5-0-0-1) (DC Burr was absent from the meeting during this vote.)]

**Motion:** Member Summers moved to revoke the RN license of Diane Posthauer, RN #34768. This motion was seconded by Member Cromer and passed. [(5-0-0-1) (DC Burr was absent from the meeting during this vote.)]

**Motion:** Member Christiansen moved to grant Petitioner's motion for default judgment on Leslie Benson, CNA #13364. This motion was seconded by Member Cromer and passed. [(6-0-0-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: MTX.)]

**Motion:** Member Christiansen moved to indefinitely suspend the certificate of Leslie Benson, CNA #13364 until she submits to a substance abuse exam. This motion was seconded by Member Cromer and passed. [(6-0-0-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:MTX.)]

Discussion ensued on instances where the DC has recommended a conditional certificate, to have the proposed conditions presented to the Board so the members have a better idea of what conditions the DC is recommending.

Discussion ensued on concern of length of time that passes between when the conduct occurs and the time the Board takes action. Concerns noted that for the Matthew Nation matter, Petitioner did not know whether he was currently working, and if so where.

**AI#03 – Consent Agenda**  
**Reordering of the Agenda**

The agenda was re-ordered to remove the following items requested by VP Nurss: item b1. October 14, 2015 Executive Session Meeting Minutes; Settlement Agreement #2 Pamela Dooley, RN #19544, Case No.13-14-205-BS; Settlement Agreement #3 Jennifer Weeks, RN #35310, Case No. 14-109-MB; and Settlement Agreement #4 Heather Russell, CNA #9720, Case No. 14-15-209-MB/KC.

**Consent Agenda**

a. Approval of Minutes

1. October 13 – 14, 2015 Meeting Minutes

c. Settlement Agreements

1. Margaret Easley, APRN #32683.1268, Case No. 14-105-DN (LOR)

5. Stephanie Dupree, APRN #21565.1132, Case No. 12-13-264-DN (Inactive)

6. Wendy Parrott, LPN #8118, Case No. 15-026-MTX (LOR)

7. Christie Colon, CNA #27145, Case No. 15-027-MTX (LOR)

***Motion:*** Member Summers moved to accept the Consent Agenda as reordered/modified in removing items b1; Settlement Agreements #2, #3 and #4. This motion was seconded by Member Howard and passed. (6-0-0-1).

Discussion ensued on settlement agreement for voluntary surrender (VS) of Pamela Dooley, RN #19544, Case No. 13-14-205-BS. VP Nurss asked about the lack of a tolling provision in the agreement that would require monitoring if she seeks to be reinstated, similar to provisions contained in the settlement agreement for suspension of Jennifer Weeks. AAG Frint explained that though specific requirements to reinstatement were not contained in the agreement, the licensee would still need to follow the requirements of Chapter 2 for reinstatement. Discussed possibility of having licensee sign new agreement with revisions; concerns noted with obtaining licensee's signature on new agreement. Discussion ensued on having the licensee sign an addendum wherein she acknowledges understanding of requirements to reinstatement.

***Motion:*** VP Nurss moved to approve the settlement agreement for VS of Pamela Dooley, RN #19544, No. 13-14-205-BS on the condition that Ms. Dooley sign a separate document acknowledging she needs to complete certain requirements prior to reinstatement. This motion was not seconded, allowed to proceed on advice of AAG Frint. This motion failed. [(2-3-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: BS.)]

**Motion:** Member Christiansen moved to accept the settlement agreement for VS of Pamela Dooley, RN #19544, No. 13-14-205-BS as presented. This motion was seconded by Member Cromer. This motion passed. [(4-1-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC:BS.)]

**Motion:** Member Christiansen moved to accept the settlement agreement for suspension of Jennifer Weeks, RN #35310, Case No. 14-109-MB as presented. This motion was seconded by Member Summers. This motion passed. [(6-0-0-1) (DC Burr was not in attendance during this vote)].

Discussion ensued on settlement agreement for conditional certificate for Heather Russell requesting clarification on the felony conviction referenced in the settlement agreement that she did not disclose to the Board office. Board staff reviewed the matter and provided information that the felony conviction related to Wyoming Statute § 31-5-233e.

**Motion:** Member Summers moved to accept the settlement agreement for conditional certificate for Heather Russell, CNA #9720, Case No. 14-15-209-MB/KC as presented. This motion was seconded by Member Christiansen. This motion passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC Cromer and DC Burr were not in attendance during this vote)].

#### **AI#04 – Executive Session – Legal Advice**

**Motion:** VP Nurss moved to enter executive session at 2:33 p.m. for legal advice. This motion was seconded by Member Christiansen and passed without dissent. [(6-0-0-1) Member Burr absent.] Ms. Rowe took minutes during executive session.

The Board returned to public session at 3:19 p.m.

**Motion:** VP Nurss moved to table the October 14, 2015/10:26 a.m. Executive Session Meeting Minutes until the January, 2016 Board Meeting so they can be revised. This motion was seconded by Member Christiansen and passed. [(6-0-0-1). Member Burr was absent.]

#### **AI#05 – Board Orders for Approval**

##### **Callista Muzquiz, GNA Temp. #4173**

AAG Frint reviewed the proposed order for issuance of a Notice of Warning with the Board. Ms. Rowe noted that reporting language to the National Practitioner Databank should not be included in the order. Member Christiansen noted on page 5, paragraph 9 should be “aide.” AAG Frint noted on page 28 should say “certificate” not “license.”

**Motion:** Member Summers moved to accept the Board order as amended per discussion. This motion was seconded by Member Christiansen and passed. [(6-0-0-1) (In accordance with Board Rules and Regulations, members of the DC abstained from voting. DC: MTX)].

**Motion:** Member Summers moved to table the proposed orders of denial for Lacey LeBlanc and Karis Bresach until January, 2016 to reconsider the matter and remand the matters back to the Application Review Committee. This motion was seconded by Member Cromer and passed. [(5-0-1-1) (In accordance with Board Rules and Regulations, members of the Application Review Committee (ARC) abstained from voting. ARC Nurss and ARC Burr were not in attendance during this vote)].

**AI#06 – Rule Promulgation – Approval of Chapter 6**

ED. LaBonde expressed thanks to staff and Board members for their involvement in this process and for their work on the revisions.

*Motion: Member Christiansen moved to approve the proposed rules and proceed with rule making. This motion was seconded by Member Cromer and passed. [(6-0-0-1) Member Burr was absent.]*

**AI#07 – Executive Session – Legal Advice**

*Motion: Member Howard moved to enter into executive session for legal advice. This motion was seconded by Member Cromer and passed without dissent. [(6-0-0-1) Member Burr was absent.] President Woods did not enter executive session nor participate in the deliberations or discussions.*

The Board returned to public session at 4:05 p.m.

**Adjournment**

VP Nurss adjourned the meeting at 4:05 p.m.

Minutes submitted by: Laura Rowe, Compliance & Discipline Manager

Minutes reviewed by: Cynthia Woods, President 11/23/15

Kara Aguirre, Legal Assistant 11/23/15

Cynthia LaBonde, Executive Director 11/20/2015

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