



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 Meeting Minutes

October 8-11, 2012

WSBN

1810 Pioneer Ave
Cheyenne, WY 82002

First National Bank
2015 Central Avenue
Cheyenne, WY 82001
307-773-0506

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: Interim Executive Director Cynthia LaBonde, Assistant Executive Director Todd Berger, Executive Assistant Tambra Shafer

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

President Wasserburger called to order the regular meeting of the Wyoming State Board of Nursing at 1:10 p.m. on Monday, October 8, 2012 in the WSBN Conference room. After roll was taken, AAG Frint declared a quorum of the Board. The agenda was approved as distributed with changes made as needed.

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 Member¹
Marguerite Herman, BA, MAT, MMC, Consumer Board Member
Lori Johnson, LPN, Board Member²
Donna Nurss, MS, APRN, BC, Board Member

Staff Present:

Cynthia LaBonde, Interim Executive Director
Todd Berger, Assistant Executive Director
Tambra Shafer, Executive Assistant
Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General
Cindy Stillahn, Fiscal and Human Resources Officer³
Maxine Hernandez, Licensing Specialist⁴
Laura Rowe, Nurse Monitoring Program Manager/Nurse Investigator⁵

Visitors Present:

Joyce Hefeneider, A&I Budget Office⁶
Jenny Dockter, A&I Budget Office⁷
Jess Ketcham, A&I Budget Office⁸
Dr. Authur Merrill⁹
Sean Chambers, Office of Administrative Hearings¹⁰
Nella Martinez, Attorney General's Office¹¹
Kathy Kendrick, Wyoming Reporting Service¹²
Bill Pilger, Attorney General's Office¹³
Ken Nelson, Attorney General's Office¹⁴

¹ Absent October 8, Present October 9 - 11, 2012

² Appeared telephonically October 9 - 11, 2012

³ October 8 - 9, 2012

⁴ October 9, 2012

⁵ October 10, 2012

⁶ October 8, 2012

⁷ October 8, 2012

⁸ October 8 - 9, 2012

⁹ October 10, 2012

¹⁰ October 10, 2012

¹¹ October 10, 2012

¹² October 10, 2012

¹³ October 11, 2012

¹⁴ October 11, 2012

Monday, October 8, 2012

AI # 1 - 360 Review of Practice

Mr. Berger presented an overview of Practice Program and how it touched eight different facets in the Nursing Program. He explained the process for answering practice questions posed by nurses. The Board asked that these questions be brought to the Practice and Education Committee for their benefit and shared knowledge. The Board determined that these questions and inquiries should be kept track of formally because they represent the WBoN/WSBN stance on issues. AAG Frint explained that the Board had ultimate decision in how these questions were handled and the answers must be consistent with the stance of the Board taken during discipline.

***ACTION:** The Board tasked Mr. Berger with taking process back and work with the Practice and Education Committee to establish steps and processes in order to streamline and track these questions. The Board asked for a Decision Tree Matrix to be presented by the Practice and Education Committee at the January Meeting.*

Mr. Berger discussed the WNR. The Board asked about weighing the options of hiring a full time editor versus hiring another co-editor with a nursing background and Mr. Berger would just submit articles and items for the issues.

AI # 2 - 360 Review of Fiscal

Ms. Stillahn presented a 360 review of the fiscal process. She reviewed the 100/200/300/400/500/700 and 900 series, and explained to the Board ways to minimize expenses. A more in depth discussion of each series will occur later in the Board meeting.

AI # 3 - 360 Review of Budget

Ms. Stillahn presented a 360 budget review to the Board. Primary source of revenue is licensing fees. She presented the Budget Book to the Board and reviewed expert witness contracts. SAAG Walters stated that the Board need not necessarily go outside the Board's expertise for a witness. The Board would like more input on the budget process and be more involved.

***ACTION:** Ms. Stillahn will present the Budget Book for April and July 2013 to align the Board meetings with the budget process.*

AI # 4 - Question and Answer with A&I Budget Office Staff

Ms. Dockter and Ms. Hefeneider explained how Cost Allocation works and answered questions from the Board.

Tuesday, October 9, 2012

President Wasserburger called the meeting to order at 8:30 a.m.

AI # 5 - Review of Expenses with Jess Ketcham from A&I Budget Office

a) 200 Series

Ms. LaBonde presented an overview of the current Travel and Board Compensation Policy. The new policy is more in line with the state travel policy for example mileage compensation occurs from point A to point B. Board members are to report their actual hours monthly, and Ms. Stillahn will cluster them into either half or full days in accordance with the salary compensation for legislators.

b) 500 Series

Ms. LaBonde provided the Board with an update on the Lease status for the current location of WSBN. Mr. Bohnenblust presented an opportunity/possibility of a joint venture to share a building. The new building could drastically reduce the cost to Board, and provide an on-site location for Board meetings.

c) 900 Series

Katchemak/KNurse/WSBN Website

Ms. Hernandez present information on KNurse, the database used to track all licensed/certified nurses and aides in Wyoming. Katchemak is the company that created KNurse and provides technical support to the database. The WSBN website was built by the same company. The Board asked if Katchemak owned the rights to the WSBN website, KNurse and Members' Only. If the Katchemak contract was not renewed would the WSBN still have access and be able to run KNurse.

***ACTION:** AAG Frint will determine the copyright status of the website.*

Contract Status - Follow up

Ms. LaBonde and Ms. Stillahn answered questions the Board had about contracts and the WSBN Budget. The Board agreed contract use needed to be minimized. Contracting services needed parameters and guidance. Before any contract is established, it should have Board input.

***ACTION:** Ms. LaBonde and Ms. Stillahn are to review what contracts are still active, establish and clarify the contract process and how to keep select contracts.*

***ACTION:** The Board would like monthly budget status to include when moving money from one account series to another. Format a spreadsheet for quick reference. Ms. LaBonde will inform the Board on budget status. Board would like monthly budget threshold report and analysis. Ms. LaBonde and Ms. Stillahn will create a fiscal tool that*

will reflect the requested information to the Board. This will probably be more quarterly than monthly.

***ACTION:** The Board would like previous year to date reports. President Wasserburger will send an example to Ms. LaBonde for aid in development.*

Mr. Ketcham relayed there were reports he could pull from WOLFS that would reflect current expenditures and revenue. He would send it along so that the Board could review it.

AI # 6 - Renewal Snapshot and Update

Ms. Hernandez presented an update on the renewal period which began on October 1, 2012. She stated most nurses were very receptive to the online process and they had no problems renewing. The update to the database is almost instantaneous from the time the member pays the renewal fee. Ms. Hernandez stated she would like to see the 2014 renewal period be totally online with no paper applications accepted. The Board asked about upgrading the initial application process to online.

***ACTION:** Ms. LaBonde will review the application process to see if the initial application submission can be converted to paperless.*

AI # 7 - Consent Agenda

a) Approval of Minutes

- August 16, 2012 - Special Meeting (Amended)
- August 20, 2012 - Emergency Meeting (Amended)
- August 22, 2012 - Special Meeting
- September 7, 2012 - Special Meeting
- August 29, 2012 - Special Meeting (Amended to reflect the correct members of the Ad Hoc Committee by changing Cindy Woods to Marcie Burr)

b) Settlements Agreements/Stipulations

- Docket 11-038, Debra Dreyer, CNA #21413 (Voluntary Surrender)
- Docket 11-064, Flora Chastaine, LPN #2969 (Inactive)
- Docket 09-395, Lynn Meier, RN #22700 (Suspension)
- Docket 08-9-332, Kristina Gossman, RN #25421 (Suspension)
- Docket 12-056, Randy Rogers, APRN #24539.892 (Summary Suspension)

c) Orders

- Order Granting Request for Modification of Order – Stacy White, RN #26188

d) **Practice and Education – Annual School Reports**

Vice President Deselms requested minor changes be made to the three of the annual school reports.

Docket 10-143 for Kaysee Whitt, Docket 12-013 for Valerie Beck, and the Order Granting Request for Reinstatement on Shari Long-Romero were removed from the Consent Agenda for discussion purposes.

***Motion:** Secretary Woods moved to accept the consent agenda. This motion was seconded by Member Johnson and passed without dissent. (7-0-0-0)*

Docket 10-143, Kaysee Whitt, CNA # 22141 (Suspension)

SAAG Walters explained that there had been no discussion with Kaysee Whitt, CNA, in conjunction with her possible certification suspension. She did not comply with the Letter of Reprimand which mandated she complete and send in verification of additional training. Her signed agreement was sent back in but there was no other contact. SAAG Walters wanted to try to contact her to ensure Ms. Whitt understood by signing the document, exactly what she was agreeing to.

***Motion:** Vice President Deselms moved to allow SAAG Walters to contact Ms. Whitt to ensure she knew what she signed and the repercussion of the suspension. The deadline for this was set for Oct 24. This motion was seconded by Member Nurss and passed without dissent. (7-0-0-0)*

Docket 12-013, Valerie Beck, RN Applicant (Conditional License)

SAAG Walters presented background to the Board on Valerie Beck. She originally voluntarily surrendered her license. Since then, she has requested to be considered for possible reinstatement. She has expressed a strong desire to be a nurse and is willing to comply with the conditions of a conditional issue and comply with guidelines in the Nurse Monitoring Program.

***Motion:** Member Nurss moved to accept and grant the conditional reinstatement for Valerie Beck. This motion was seconded by Member Herman and passed without dissent. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting. ARC- MB/LJ)*

Order Granting Request for Reinstatement on Shari Long-Romero

AAG Frint requested the Order Granting Request for Reinstatement for Shari Long-Romero be removed from the Consent Agenda to allow the Disciplinary Committee members the opportunity to abstain from voting. The Board had reviewed and approved the reinstatement. This is the final action approving the Order to close this docket.

***Motion:** Member Herman moved to approve the Order of Reinstatement. This motion was seconded by Vice President Deselms and passed. (5-0- 2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-CW/MB)*

AI # 8 - Committee Reports and Charges

The Application Review Committee, Practice & Education Committee and the Legislative Committee conveyed reports and charges.

AI # 9 - Parliamentary Procedure Training

AAG Frint presented to the Board about parliamentary procedure, board meeting decorum, and an overview of public meetings and public records. She also notified the Board members that each Board member would be receiving state e-mail accounts to help assist with conducting of public business associated with the Board. Additional training will follow. She cautioned the Staff about sending information to the Board as a whole, and warned the Board about utilizing the "reply all" function as the communication stream could be considered a public meeting.

AI # 10 - Old Business

a) Nurse Licensure Compact Frequently Asked Questions

AAG Frint presented Frequently Asked Questions (FAQ) on Nurse Licensure Compact. After revisions by Board members, these questions will be available on the WSNB website.

b) Board Policy and Procedures Index

Mr. Berger was to present to the Board an index of all Board/Office policies and procedures. Instead, the Board discussed where all the established policies and procedures were located. Cooperate knowledge should be located in one location for ease of reference by Board members as well as staff. This would be used as a learning tool for newly appointed Board members.

***ACTION:** Ms. LaBonde and Mr. Berger will compile all memos, directives, policies and procedures that have been presented and adopted by the Board in one location.*

c) Changes to HIPDB Reporting on Applications Update

Mr. Berger presented the status of the HIPDB change. All applications have been updated to reflect this change. Notice of the change was posted on the WSNB website and all reference of this requirement has been removed. The feedback from customers has been overwhelmingly positive.

Executive Session - Personnel

***Motion:** Vice President Deselms moved to enter executive session at 4:02 p.m. for personnel reasons. This motion was seconded Member Burr and passed without dissent. (7-0-0-0) Secretary Woods took minutes during executive session.*

The Board returned to public session and adjourned at 4:50 p.m.

Wednesday, October 10, 2012

President Wasserburger called the meeting to order at 8:20 a.m.

AI # 11 - Disciplinary Matrix Review

SAAG Walters presented background and update to Board members on Disciplinary Review matrix. He presented history and direction. SAAG Walters presented information that was uploaded to the WSBN website to educate licensee and certificate holders.

AI # 12 - Disciplinary Committee Assignment

SAAG Walters proposed the idea/suggestion of assigning one Board member to a Disciplinary Committee instead of the current policy assigning two.

The Board asked how the number of Disciplinary Committee members would be determined. SAAG Walters presented that there are certain cases that would automatically call for one Disciplinary Committee member such as in the case of DUI or drinking on duty. The decision for one or two members would be decided by how egregious the case in or by a Board member asking for another member be assigned.

***ACTION:** Ms. LaBonde will assign one Disciplinary Committee member and provide feedback, pros and cons in Jan 2013 quarterly meeting.*

AI # 13 - Disciplinary Committee - Library of Resources

a) Training Course Options for Discipline Decisions

Ms. LaBonde and SAAG Walters created a table to provide DC members with a quick reference of courses available. Ms. LaBonde will send the Training Course product to the Board members for their review. The Board discussed posting the Training Course Overview on the WSBN website as an educational or preventive tool. The Board would like the document retitled to remove some of the negative connotation. AAG Frint suggested a disclaimer would need to be added stating the WSBN does not endorse or sponsor any of the companies listed in the document. It is just a list to show what courses could be found out there on the internet.

***ACTION:** Ms. LaBonde will prepare the Training Courses document for posting to the website by the January 2013 quarterly meeting.*

b) Peer Review Resource List

President Wasserburger stated there was a need for a product or library much like the Training Course Options document for Peer Review. There is a need showing what additional training is available for APRNs, Prescriptive Authority and what is needed for Peer Review. This document should include what exist for different disciplines like APRNs, RNs, LPNs and CNAs. This document should incorporate corporate knowledge from what was needed in the past.

***ACTION:** SAAG Walters will assist Mr. Berger in creating this document. It will incorporate information from high volume and most recent cases advising for peer reviews and additional training.*

AI # 14 - Mental Health Evaluations – Differences and Costs Associate

Dr. Arthur Merrell presented to the Board information about mental health evaluations.

Contested Case Hearings

President Wasserburger reconvened the meeting at 1:00 p.m. and turned the floor over to Mr. Chambers to conduct the two contested case hearings before the Board.

Docket # 09-469, Kathryn Rogers, RN License #19143

Hearing officially began at 1:20 p.m. to allow time for Ms. Kathryn Rogers, RN, to arrive at the First National Bank Conference Room. The Hearing was moved from the Bankruptcy Court Room, and signs were posted at the previous location in order for Ms. Rogers to be redirected to the First National Bank.

The Board heard the testimony and reviewed the evidence presented during the administrative hearing. Respondent did not appear. SAAG Walters provided the Board with background on the case, explained exhibits A-S, and what had transpired to date. SAAG Walters yielded the floor to Vice President Deselms for discussion on the facts presented, no discussion ensued. As the Disciplinary Committee member, President Wasserburger did not participate in the discussion or deliberation.

Docket #11-12-207, Debra Woslager, CNA Applicant

The Board heard the testimony and reviewed the evidence presented during the administrative hearing. Respondent did not appear. SAAG Walters provided the Board with background on the case, explained exhibits A-Q, and what had transpired to date. SAAG Walters yielded the floor to President Wasserburger for discussion on the facts presented, no discussion ensued. Application Review Committee members, Member Burr and Member Johnson, did not participate in the discussion or deliberation.

***Motion:** Member Herman moved to enter executive session at 1:45 p.m. to discuss the right to practice of professional persons. This was seconded Member Johnson and passed without dissent. (7-0-0-0) Secretary Woods took minutes during executive sessions.*

The Board returned to public session at 2:20 p.m. President Wasserburger turned the floor over to Vice President Deselms.

***Motion:** Member Nurss moved to revoke the registered nurse license of Kathryn Rogers, RN License #19143. This motion was seconded by Member Burr and passed. (6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC-TW)*

Vice President Deselms turned the floor over to President Wasserburger.

***Motion:** Member Herman moved to accept the Application Review Committee's Motion to Dismiss Debra Woslager's Application for Certified Nursing Assistant. This motion was seconded by Secretary Woods and passed. (5-0-2-0) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting. ARC- MB/LJ)*

AI # 15 - Compliance and Discipline Report

Ms. Rowe presented information about the current status of Compliance and Discipline. She presented data reflecting how many discipline cases were handled in the last three months. Ms. Rowe explained the new False Identity Tracking System (FITS) currently introduced through the NCSBN website. This database is linked to the other NCSBN database and it tracks people who have been used or certified under false IDs or credentials.

The Board asked if there were success rates available. Ms. Rowe stated not currently but KNurse might be able to generate a report of one might be developed to reflect that information. Board members noticed the trend of practicing without a license seemed to be on the rise.

***ACTION:** The Board suggested that this be a future topic in the WNR to include a reminder that this would include working in the county school districts as a nurse.*

AI # 16 - Nurse Monitoring Program Report

Ms. Rowe presented the current status of the Nurse Monitoring Program. Currently, there are 46 people enrolled in the Nurse Monitoring Program. SAAG stated this number mirrored the national average. Ms. Rowe presented a spreadsheet with attachments of all the current enrollees.

AI # 17 - Wyoming Professional Assistance Program – Memorandum of Agreement

Ms. Rowe informed the Board that the WSBN and the WPAP have a memorandum of agreement. There is no payment to the WPAP and it is an alternative to discipline. It is more of a preventive tool. Ms. Rowe is working closely with the point of contact at the WPAP for information from them. The first report is due out April 2013. There will be an article in the WNR.

AI # 18 - Application for Reinstatement - Trudy Meehan, RN #22387

SAAG Walters presented information on the Application for Reinstatement on Trudy Meehan, RN. She has been under a conditional license since 2010. Disciplinary Committee Member: Member Nurss.

***Motion:** Member Johnson moved to accept the Application for Reinstatement and approve the Recommendation and Order of Reinstatement of Trudy Meehan, RN. This motion was seconded by Vice President Deselms and passed. (5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting.)(DC-DN, Absent-MB)*

Executive Session - Personnel

***Motion:** Vice President Deselms moved to enter executive session at 4:05 p.m. for personnel reasons. This motion was seconded by Member Johnson and passed without dissent. (6-0-0-1) (Absent – MB) Secretary Woods took minutes during executive session.*

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

Thursday, October 11, 2012

President Wasserburger called the meeting to order at 8:00 a.m.

Public Forum

No visitors attended.

AI # 05 - Travel Policy - Follow up

AAG Frint opened discussion on Travel Policy. All agreed that all the time needed to be tracked even if opting out of salary. This would present an accurate reflection of how much Board work there is. Prep time is not compensated by statute. AAG Frint posed items to consider for committee based on previous policies work such as:

- Does AAG need to be present – consensus No
- Does the Board want a cap on hours – consensus No
- Reporting Hours – Consensus Monthly

***ACTION:** Revisit tracking hours and travel compensation at April 2013 quarterly meeting.*

Contested Case Hearings - Follow up

President Wasserburger turned the floor over to Vice President Deselms.

***Motion:** Member Herman moved to approve Order of Revocation for Kathryn Rogers, RN. This motion was seconded by Secretary Woods and motion passed. (5-0-1-1) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC – TW) (Absent – LJ)*

Vice President Deselms turned the floor over to President Wasserburger.

***Motion:** Member Herman moved to approve the Order of Dismissal for CNA Applicant Debra Woslager. This motion was seconded by Member Nurss and passed. (5-0-1-1) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting. ARC–MB/LJ) (Absent-LJ)*

AI # 19 - Rules and Regulations

a) Chapter 5 - Emergency Rules Update

AAG Frint presented update on the Emergency Rule for Chapter 5 Renewal Fees. Fee structure will stay in place until it expires in January of 2013. After that time period unless another Emergency Rule is submitted, the renewal fee structure will revert back to previous fees and there will be a \$35 late fee assess for renewing after December 31, 2012. In future, there will need to be a Chapter 5 regular rule fee proposal package done to capture what is needed for the 2014 and outlying renewal year periods.

The Board inquired if previous Chapter 5 fee request information and amounts would need to be explained. AAG Frint stated that the differences in the proposed amounts would need to be addressed should questions arise as to why the difference in requested amounts.

b) Chapter 2 - Temporary Permits for CNAs

AAG Frint presented current status of Chapter 2 regular rules proposal. Public comment period ended on September 24, 2012. No comments or concerns were received.

***Motion:** Vice President Deselms moved to adopt proposed Chapter 2 rule changes. This motion was seconded by Secretary Woods and passed without dissent. (7-0-0-0)*

c) Chapter 8 – Practice & Procedure (Legislative Committee)

SAAG Walters presented information to Board on proposed changes to Chapter 8, Practice and Procedures. Specifically, there are no procedures for re-instatements.

***ACTION:** Legislative Committee will need to prepare and present proposed changes to Chapter 8 in January 2013 quarterly meeting.*

Mr. Berger proposed a review of Chapter 9 as there is conflicting guidance on what duties can be delegated to CNA IIs and MACs. There might be a direct conflict in guidance from Chapter 7 and Chapter 9.

AI # 20 - Legislative Days

Ms. Shafer asked the Board about Legislative Days and what the Board would like to do during that time. Vice President Deselms offered to provide Ms. Shafer with more information.

Executive Session - Personnel

Motion: Secretary Woods moved to enter executive session at 9:57 a.m. for personnel reasons. This motion was seconded Member Johnson and passed. (7-0-0-0) Secretary Woods took minutes during executive session.

The Board returned to public session at 11:00 a.m.

AI # 21 - Attorney General Appreciation

The Board invited Senior Assistant Attorney General Ken Nelson to attend the meeting. The Board formally thanked him for his years of service and all that he has done for the board. The Board expressed their appreciation and wished him well.

AI # 22 - Hot Wash

Board members liked the new agenda flow and way items were uploaded to jump drives. Everything was corresponding and simple. It made it easier to find documents.

Executive Session - Personnel (Executive Director Interviews)

Motion: Secretary Woods moved to enter executive session at 12:57 a.m. for personnel reasons. This motion was seconded by Member Johnson and passed. (7-0-0-0) Secretary Woods took minutes during executive session.

The Board returned to public session at 5:30 p.m. President Wasserburger adjourned the meeting at 5:30 p.m. The next general meeting will be on Oct 30, 2012, at time to be determined via teleconference.

Minutes submitted by: Tandra Shafer, Executive Assistant

Minutes approved by: Tracy Wasserburger, President
Cindy Woods, Secretary