

Wyoming State
 **Board of Nursing**
Board Meeting Minutes

PUBLIC SESSION: The Wyoming State Board of Nursing (WYBON) held its regularly scheduled meeting on October 10, 11 & 12, 2005, at the Financial Center, AARP Conference Room, 2020 Carey Avenue, Mezzanine, Cheyenne, Wyoming.

**Voting numbers on all decisions and motions are as follows:
IN FAVOR – OPPOSED – ABSTAINING – ABSENT**

CALL TO ORDER: The meeting of the Wyoming State Board of Nursing was called to order by President Ouzts at 3:00 p.m., Monday, October 10, 2005.

ROLL CALL: President Ouzts took the roll call.

Board Members Present:

Karen Ouzts, PhD, RN, President, Laramie (via telephone 10/10/05)
Parry Davison, CRNA, MS, Vice President, Kemmerer
Shirley Harris, RN, MSN, MBA, Secretary, Cheyenne
Bernadine Davis, LPN, Member, Douglas
Kim Williamson, LPN, Member, Torrington
Baerbel Merrill, MS, BSN, RNC, Member, Gillette

Board Members Absent:

Bernadine Davis, LPN, Member, Douglas (10/10/05)

Staff Present:

Cheryl Koski, MN, RN, Executive Director
Mary Calkins, PhD, RN, Assistant Executive Director/Practice & Education Consultant
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant
Deebs Sullivan, Fiscal and Human Resource Officer (10/11/05, 1:30-2:45 p.m.)
JoAnn Reid, Executive Assistant
Ken Nelson, Senior Assistant Attorney General (10/11/05, 9:00-11:20 a.m.)
Angela Dougherty, Senior Assistant Attorney General (10/11/05, 9:00-9:15 a.m.; 10:30-11:10 a.m.)

Visitors Present:

Rebecca Doby, Court Reporter (10/11/05, 10:45-11:15 a.m.)
Deb Baumer, JD, Office of Administrative Hearings (10/11/05, 10:45-11:15 a.m.)
Ardyce Hill, MSN, RN, Coordinator of Practical Nursing Program, Western Wyoming Community College (10/12/05, 12:40-2:20 p.m.)
Kate Selby, Human Resource Manager, A & I – Human Resources (10/12/05, 2:00-3:15 p.m.)
Kristy Fertig, HR Professional, A & I – Human Resources (10/12/05, 2:00-3:15 p.m.)

DECLARATION OF QUORUM: President Ouzts declared a quorum present.

APPROVAL OF MEETING MINUTES

Minutes of the July 11-15, 2005 Board Meeting, & September 12, 2005 Teleconference:

The Board agreed to approve the following minutes:

Motion: It was moved and seconded, October 10, 2005, to approve the minutes for the July 11-15 Board meeting, and the Board Teleconference call on September 12, 2005.

ADMINISTRATIVE ISSUES

Attorney General's Office

Jerry Penny v Wyoming Mental Health Professions Licensing Board:

Senior Assistant Attorney General and attorney for the Board Ken Nelson and Senior Assistant Attorney General and attorney for the Board Angela Dougherty, were present to discuss the Supreme Court case of Jerry Penny v Wyoming Mental Health Professions Licensing Board in which Ken Nelson was prosecutor.

Senior Assistant Attorney General Angela Dougherty informed the Board that they can tap inside sources such as Board Members and Board of Nursing Executive Director, Assistant Executive Director and Practice and Education Coordinator and Compliance Consultant as expert witnesses rather than contract out on some cases being reviewed by the Board.

Medical Review Panel:

Ms. Koski discussed the Medical Review Panel Rules and the Board reviewed the following article and letters:

- Letter to Eric Easton dated July 29, 2005
- Letter to Eric Easton dated August 25, 2005
- Letter to Eric Easton dated September 30, 2005

Ms. Koski informed the Board that the Medical Review Panel has reviewed approximately one case per month since July and if the cases continue to come in at this pace, more volunteers will be needed. The Board inquired as to how volunteers are chosen. Ms. Koski explained that she has sent out mass E-mails requesting volunteers in the past and members are chosen by the Attorney General. The Board was informed that an advertisement will be placed in the next Wyoming Nurse Reporter.

Educational Programs

Summary of Educational Programs:

Dr. Calkins presented the "Summary of the Educational Programs" report with the updates from the July, 2005 meeting.

The Education Committee gave their recommendations to the Board, and the following motions were approved:

Northwest College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

NWC letter dated September 27, 2005 concerning new faculty hired August, 2005

- *Kristie Blough, BSN and 5 year plan*
- *Terri Dahl, BSN, no 5 year plan submitted*
- *Rachel Finn, BSN and 5 year plan – No WY license*

The Education Committee also recommends to accept the Faculty Qualification Sheet (FQS) for Faith Jones, MSN received August 18, 2005.

The vote on the above motion was 5-0-0-1. Member Davis was absent

University of Wyoming:

Motion: *It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:*

- *Annual Report*
 - *Linda Johnson was hired 2/21/05 – as of the report date of 7/26/05, she still had not completed the 10 clock hours of educational preparation in principles and methods of teaching, learning and evaluation of performance outcomes.*
 - *Ms. Gayle Martinchick and Cheryl Smith both marked "NO" to "completed the 10 clock hours of educational preparation in principles and methods of teaching, learning and evaluation of performance outcomes."*
 - *The following faculty are not using the current Faculty Qualification Sheet that was instituted January, 2004:*
 - *Virginia Conley*
 - *Carrie Deslems*
 - *Darryl Faulk*
 - *Sue Hager*
 - *Anne-Marie Hart*
 - *Sue Hume*
 - *Holly Miller*
 - *Karen Ouzts*
 - *Judith Robertson*
 - *Sherrie Rubio-Wallace*
 - *Janet Somlyay*
 - *Mary Beth Stephans*
 - *Gloria Stoddard*
 - *Veronica Taylor*
 - *Norma Wilderson*
 - *Linda Williams*
 - *Gayle Martinchick*
 - *Cheryl Smith*
 - *The total number of preceptors being used was not documented.*
 - *The Board commends the faculty on the increased retention rate and NCLEX-RN pass rate.*
- *The Board accepted the Letter of Intent to develop a Bachelors Reach for Accelerated Nurse Degree (BRAND). The Board reminds them that they must follow the Board Rules and Regulations Chapter 6, Section 2 for approval of a nursing education program, since this program has a different curriculum than what is currently approved by the Board.*

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Central Wyoming College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Letter dated August 1, 2005 notifying the Board that Janet Harp, MSN is the Program Director.
- Letter dated August 3, 2005 from NLN-AC regarding re=accreditation with a Focus visit in 2 years.

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Casper College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Annual Report
 - Gina Alexander BSN, hired 8/04-no 5 year plan
 - Nubia Urquijo-Arana, ADN, hired 8/04-no 5 year plan
 - Heather Huber, BSN, hired 8/2000-did she graduate from UW with MSN in May?
 - Teresa Leshner, BSN, hired 8/04-started University of Phoenix in 2000-shows no progression-no 5 year plan
 - Heidi Loucks, BSN, hired 8/01-did she graduate from UW with MSN in May?
 - Leah Pisani, BSN, hired 9/94-no 5 year plan
- Letter dated September 23, 2005
 - New Faculty Hired August 2005
 - Nubia Urquijo-Arana, ADN-plans to start classes for RN to MSN in March 2006
 - Tiffany Reed, BSN-Looking at various programs-no 5 year plan
 - Susan Edmonds, AND-currently enrolled in University of Phoenix RN to MSN. Will complete BSN in 2006-2007 then will work on MSN. Progress is very slow for BSN-no classes in 2003, 1 in 2004 and 1 in 2005.
 - Teresa Leshner, BSN, will apply for graduate school in November, 2005.

The Board is concerned about the 58% retention rate. Do you have plans to address and to implement increasing the retention rate of students.

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Laramie County Community College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Letter dated August 17, 2005 clarifying Ms. Bratton's education.
- Letter dated September 26, 2005 notifying the Board that LCCC will begin admitting 56 students in Fall Semester and 56 in Spring Semester.
- We commend Ms. Kabeiseman and the nursing faculty for taking measures to increase the number of graduates and concentrating on increasing the NCLEX-RN pass rate and improve new graduate performance.

The Board is concerned with the increased enrollment, how will you meet the clinical faculty student ratio of 1:8 with your current 11 faculty?

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Northern Wyoming Community College District-Sheridan and Gillette Campus:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Letter from Trudy Munsick, RN, Acting Dean of Health Science, dated October 5, 2005 informing the Board that Nancy Larmer's job title is now Gillette Campus Director of Nursing/Coordinator of Curriculum and Accreditation.
- Kaleen Juergens, BSN and 5 year plan
- Stacy Hobbs, BSN and 5 year plan
- Norine Kasperik, BSN and 5 year plan
- Victoria Milne, BSN and 5 year plan
- Sandra Ota, MSN
- Suzanne Johnsrud, BSN-temporary instructor hired for 1 semester only
- Karen Forman, ADN-temporary instructor hired for 1 semester only
- Deborah Varns, ADN-temporary instructor hired for 1 semester only

Train the Trainer for Nursing Assistants does not meet the requirements of the Board's Rules and Regulations regarding the 10 clock hours of educational preparation in principles and methods of teaching, learning and evaluation of performance outcomes, neither does the Stand and Deliver In-service.

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Western Wyoming Community College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Annual Report
 - The Board Commends Faculty on 100% pass rate for NCLEX-PN

The vote on the above motion was 5-0-0-1. Member Davis was absent.

Ardyce Hill, MSN, RN, Coordinator of Practical Nursing Program introduced a "Letter of Intent" to the Board at 1:00 p.m. on October 12, 2005, to establish a LPN Program in remote sites such as Evanston, Kemmerer, Afton and Pinedale. Graduates would earn a certificate of completion and would be able to take the NCLEX-PN. The program hopes to help people take the first step in getting their RN degree.

- Target Population: Site bound working persons with families
- Anticipated Student Populations:
 - Evanston 67-70
 - Afton 33-34
 - Kemmerer 22-23
 - Pinedale 9-10

The Board agreed by consensus to accept the "Letter of Intent" and await further information.

Excelsior College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Letter dated July 19, 2005 with the following concerns:
 - List 18 students from Wyoming as enrolled in the ADN program-
 - 9 LPNs
 - 4 EMTs
 - 1 RT

- 1 BS in PT
- Who are the other three?
- We request the names of the 18 students and where they are within the program.
- We wish to have an update concerning how the students are preparing clinically for the CPNE.
- Please clarify the military "HN", "HM" and "91 Whiskey" as they are not equivalent to a LPN (91 Charlie).

The vote on the above motion was 5-0-0-1. Member Davis was absent.

St. Ignatius Health Science College:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- Letter dated September 1, 2005.
 - Graduates of this program are considered graduates of a foreign school of nursing and must follow the Board's Rules and Regulations for eligibility for licensure which includes but is not limited to the following:
 - Submit evidence of certification from a board approved national certifying organization for graduates of foreign nursing school and English equivalency and
 - Take and pass the first board approved national nursing licensure examination for which they are eligible.
 - Graduates may only apply for a licensure for which they have been educationally prepared. If a student graduates from a RN program, they are not eligible to take the NCLEX-PN, nor are they eligible for licensure in the state of Wyoming.

The vote on the above motion was 5-0-0-1. Member Davis was absent.

University of Nebraska Medical Center-Scottsbluff:

Motion: It was moved and seconded, October 10, 2005, to accept the Education Committee's recommendation to accept the following:

- NRSRG 340 Family Center Maternity and Women's Health Nursing-Susan Wilhelm, RN, PhD, Faculty-Licensed in WY
- NRSRG 410 Client Centered Psychiatric Mental Health Nursing-Margaret Scharf, MSN, FNP, Faculty-Licensed in WY
- NRSRG 420 Community Health Nursing-Wendy Wells, MSN, RN, Faculty-Licensed in WY

The Education Committee Recommends denial of NRSRG 480 Transitions to Professional Nursing until Jan Judy, MSN, RN, Faculty applies and receives licensure. Once Ms. Judy has received a WY license, you may proceed with this course.

The vote on the above motion was 5-0-0-1. Member Davis was absent.

NATIONAL COUNCIL STATE BOARDS OF NURSING

Miscellaneous NCSBN Information:

The Board reviewed the following memos from NCSBN:

- 2006 LPN/VN Practice Analysis and Medication Aide Practice Analysis: Request for Expert Panel Members
- Recommendation of English Standards for Foreign Nurses

Ms. Koski informed the Board that Dr. Calkins was elected to the Nominations Committee.

CERTIFIED NURSING ASSISTANTS

NATCEP Active Programs:

Dr. Calkins reported on the NATCEP active training programs as of September, 2005.

Expanded Role of CNA's:

The Board reviewed a draft of the CNA survey requesting information as to the CNA's thoughts towards additional duties such as the regulation of oxygen and application of topical medications. The Board delegated a committee to revise the survey so that the proper questions are asked in order to obtain a useful response. The committee members are Ms. Koski, Dr. Calkins, President Ouzts and Vice President Davison.

It was suggested that the survey be limited to Long-term Care, sorted at random by county rather than sending to all active CNAs. We can send 2,702 surveys out with return postage for approximately \$2000. This covers only postage and not the cost of paper and envelopes.

The Board also reviewed the following:

- o Letter to Board dated October 25, 2004
- o Motion Regarding Expanded Role of CNA's dated October 28, 2004

NNAAP Skills Examination:

The Board reviewed the revisions to the NNAAP Skills Examination effective June 2005.

Long Term Care Survey:

Dr. Calkins collected data on Long Term Care facilities from www.medicare.gov and compiled it into an Excel spreadsheet. This data covered hours per resident per day, national average, level of harm, substandard survey, etc.

The Board again stressed the importance of working closely with the Office of Health Facilities in alerting them when a complaint on a nurse is due to staffing issues at the facility.

WYOMING PROFESSIONAL ASSISTANCE PROGRAM (WPAP)

Re-appointment of Jack Waters, RN as WPAP Representative

The Board reviewed the letter to Jackson Waters, BSN, RN dated August 18, 2005, officially reappointing him to serve as the representative for the Board of Nursing to the Wyoming Professional Assistance Program.

The Board reviewed the letter to George Vandell, NCAC II, CAP, Executive Director, WPAP dated August 19, 2005.

Urine Drug Screens:

Dr. Calkins reported to the Board her findings in researching other states regarding discipline pertaining to drug diversion and the reintroduction of passing medications. The Board would like to find out more about when people are relapsing, how many are losing their jobs and how many are employer supported and how many had to leave the

nursing field. President Ouzts would like to work with Dr. Calkins in gathering this information.

Quarterly Report:

The Board reviewed the WPAP Quarterly Report dated October 2005.

BUDGET

Ms. Sullivan reviewed all budget items with the Board, including the Administrative Budget Report ending September 30, 2005 and the Nurse Aide Budget Report ending September 30, 2005.

Biennium Budget Request:

Ms. Koski is to meet with Governor Freudenthal on October 21st, at 9:00 a.m. to discuss the Biennium Budget Request. The request for a Nurse 1 has been reclassified as a Nurse 3 and the AD01 request has been reclassified to an AD02.

The Board reviewed the memo to the Governor from the Wyoming Healthcare Commission and the minutes from their meeting September 25-26, 2005.

APN Nursing Workforce Study:

The Board reviewed the draft of the Wyoming Health Care Commission Advance Practice Workforce Study. Ms. Koski explained that the first and second drafts were denied. The WBON will mail the study out for them when it is finalized. The survey will then be returned to Nebraska.

UW Summit:

The Board reviewed the UW Summit Board Presentation and the Nursing Workforce Action Plan.

Travel Rate Reimbursement:

Ms. Koski informed the Board of the increase. All members will be paid at the higher rate for their travel for this meeting.

Office Move:

Ms. Koski informed the Board that the "Letter of Intent" for the office space in the Trilegiant building went to Cendant Corporation last week. Bids are out for the construction of the additional doors. We are asking for new paint and a few of the ceiling tiles need to be replaced. The current cleaning crew charges \$.08 per square foot. We would like to bid out to see how much we can save with limited cleaning.

Katchemak Data Systems:

Ms. Koski informed the Board that Mr. Petersen recently came to the office to give the staff a presentation of what he has done so far we would like to extend the Katchemak contract for continued support once the new database is complete. This will provide time for training and working out any bugs. The Board agreed by consensus to pursue contract extension.

2004-2005 Annual Report:

The Board reviewed the 2004-2005 Annual Report.

Committee Work – Board Administrative Rules and Regulations:

The Board scheduled times for the Chapter Committees to meet to go over the Administrative Rules and Regulations:

- Chapter 1, Friday, October 14, 2005, 12:00-3:00 p.m.
- Chapter 2, Thursday, October 13, 2005, 12:00-3:00 p.m.
- Chapter 3, Wednesday, October 12, 2005, 8:00-11:00 a.m.
- Chapter 4, Thursday, October 13, 2005, 8:00-11:00 a.m.
- Chapter 5, Thursday, October 13, 2005, 8:00-11:00 a.m.
- Chapter 6, Wednesday, October 12, 2005, 2:00-5:00 p.m.
- Chapter 7, Friday, October 14, 2005, 8:00-11:00 a.m.
- Chapter 8, Thursday October 13, 2005, 12:00-3:00 p.m.

The Board would like to have the first draft ready by the January meeting. If this is to happen, everything needs to be to Dr. Calkins by December 1, 2005.

SCOPE OF PRACTICE

Dr. Calkins went over the Practice Committee recommendations and the following motions were made:

Revision to Advisory Opinion 03-123: LPN IV Therapy

Motion: *It was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation that Section IV of Advisory Opinion 03-123 IV Therapy by LPNs read as follows:*

- IV. Advanced Cardiac Life Support (ACLS):
The Licensed Practical Nurse must practice within the scope of practice for a licensed practical nurse. The LPN can not assess, intubate, push or bolus any IV medication.

The vote on the above motion was 6-0-0-0.

Conscious Sedation and Analgesia

Motion: *It was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation that when a RN is administering IV conscious sedation, a physician must be physically present. The facility also needs to check with their risk manager and liability carrier.*

The vote on the above motion was 6-0-0-0.

Anesthesia Technicians

Motion: *It was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation of the following:*

It is not within the delegated nursing tasks for a CNA to function as an anesthesia technician including restocking the anesthesia cart with medications and supplies, act as retractor holders during surgical procedures, prepare intravenous lines and hang irrigation solutions.

The vote on the above motion was 6-0-0-0.

Train the Trainer Course for Nurse Aide Instructors

Motion: *It was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation of the following*

Approval of Train the Trainer Course (on-line) from Mountain Plains Health Consortium:

The vote on the above motion was 6-0-0-0.

Removal of a Peritoneal Dialysis Catheter

Motion: *It was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation of the following:*

It is not within the scope of practice of a RN to remove a peritoneal dialysis catheter.

The vote on the above motion was 6-0-0-0.

PCA's by Proxy

Motion: *it was moved and seconded, October 11, 2005, to accept the Practice Committee's recommendation of the following:*

- 1. It is not within the scope of practice of a LPN to administer IV narcotics or IV push medications (Advisory Opinion 03-123).*
- 2. It is within the scope of practice of the RN to administer pain medication via a patient controlled device.*
- 3. the RN must follow institutional policies and procedures in addition to documenting the assessment of the client's physiological responses as well as the effectiveness of the pain medication.*

The vote on the above motion was 6-0-0-0.

The Board reviewed various letters included from Dr. Calkins regarding Scope of Practice.

A & I

PDQ Reclassification

Kate Selby, Human Resource Manager, A & I – Human Resources and Kristy Fertig, HR Professional, A & I – Human Resources met with the Board to discuss how various positions are classified. There are over 8,000 positions in State Government with 500 titles under which to classify them. They are seeking broader, more general titles.

DISCIPLINE

Disciplinary Statistics:

Ms Marquis reviewed current disciplinary statistics with the Board .

Hearings:

Docket #04-123 – Lucian Scott, NA Applicant: The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

Motion: *It was moved and seconded, October 11, 2005 to enter into Executive Session from 11:05-11:15 a.m., for discussion of disciplinary matters.*

The vote on the above motion was 4-0-2-0. Secretary Harris and Member Davis abstained from voting.

The Board entered into Executive Session at 11:05 a.m. General Session resumed at 11:15 a.m. and the following motion was made:

Motion: *It was moved and seconded, October 11, 2005, to deny Lucian Scott certificate for CNA.*

The vote on the above motion was 4-0-2-0. Secretary Harris and Member Davis abstained from voting.

Docket #04-056 – Janet Jones, RN #16222:

Motion: It was moved and seconded, October 11, 2005, to deny the "Motion for Petitioner's Exceptions to Board's Non-binding Notice of Decision" and to uphold the July 13, 2005 decision to dismiss the original complaint.

The vote on the above motion was 4-0-2-0. President Ouzts and Member Williamson abstained from voting.

Disciplinary Committee (DC) Decisions of Record:**Docket #04-010 and 05-074-Mary Beardsley, CNA**

Motion: It was moved and seconded, October 12, 2005, to accept the Disciplinary Committee's recommendation to accept the Settlement Agreement, Stipulation and Order for Reprimand for sub-standard care.

The vote on the above motion was 4-0-2-0. President Ouzts and Member Williamson abstained from voting.

PERSONNEL ISSUES

Motion: It was moved and seconded, October 11, 2005 to enter into Executive Session to discuss Personnel Issues at 4:00-5:00 p.m.

The vote on the above motion was 6-0-0-0.

The Board entered into Executive Session at 4:00 p.m. General Session resumed at 5:00 p.m. and the following motion was made:

Motion: The Board moved to increase the Executive Director's salary to \$89,500 effective November 1, 2005. Motion made by Shirley Harris, Secretary, and seconded by Baerbel Merrill, Member.

The vote on the above motion was 6-0-0-0.

OTHER BUSINESS**Kathy Marquis, Compliance Consultant:**

Kathy Marquis, Compliance Consultant for the Board has formally announced her retirement effective June 2, 2006.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Ouzts at 3:25 p.m. on October 12, 2005.

Submitted by:



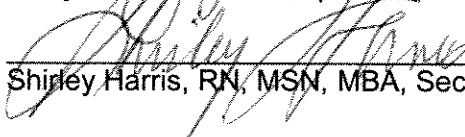
JoAnn Reid, Executive Assistant, Recorder



Karen Ouzts, PhD, RN, President



Parry Davison, CRNA, MS, Vice President



Shirley Harris, RN, MSN, MBA, Secretary