



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

October 7-10, 2013

Department of Workforce Services (DWS) Conference Room
Work Force Center
Casper, WY 82601

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 Carrie Deselms, Vice President Marcie Burr, Secretary Lori Johnson

Board Members: Donna Nurss, Barbara Summers, Cindy Woods, Tracy Wasserburger

Staff: Executive Director Cynthia LaBonde, Executive Assistant Tandra Shafer

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

Tuesday, October 10, 2013

Opening

a) Call to Order

President Deselms called to order the meeting of the Wyoming State Board of Nursing at 1:00 p.m on October 8, 2013 in the Department of Workforce Service Conference Room.

b) Roll Call

ED LaBonde conducted a roll call.

Board Members Present:

Carrie Deselms, MSN, APRN, FNP-BC, President

Marcie Burr, RN, RD, CCHP, Vice President

Lori Johnson, LPN, Secretary

Donna Nurss, MS, APRN, PMHNP-BC, Board Member

Barbara Summers, Public Member



Cindy Woods, BSN, RN-BC, Board Member
Tracy Wasserburger, RNC, NNP-BC, Board Member

Members Absent:

None

Staff Present:

Cynthia LaBonde, Executive Director
Tambra Shafer, Executive Assistant
Paula Smith, Practice and Education Consultant
Laura Rowe, Nurse Monitoring Program Manager/Nurse Investigator¹
Victoria Pike, Nurse Investigator²
Cindy Stillhan, Fiscal Officer/Human Resources³
Lacey Osborn, Administrative Assistant⁴
Maxine Hernandez, Licensing Specialist⁵
Jessica Frint, Assistant Attorney General
Bob Walters, Senior Assistant Attorney General⁶

Visitors Present:

Joe Baker, Executive Director, Florida Board of Nursing⁷
Michaela Walker-Hettinger, RN, DWS Workers' Compensation⁸
Linda Robinson, BSN, RN, DWS Workers' Compensation⁹
Anne Bowline, Professional Reporting Network¹⁰
Wendy Sneed, Licensee¹¹

c) Declaration of Quorum

Quorum declared by AAG Frint.

d) Reordering of the Agenda

The agenda was approved as distributed with changes made as needed.

AI #01 – Standing Committee Reports

a. Practice and Education (P&E)

Chair Woods presented the Board with an update on P&E activity which included:

1. CRNA Opt Out Follow Up - Department of Health final standing
2. Advisory Opinions that correlate to the Rules Reduction.

¹ October 8, 9, 2013, via google hangouts

² October 9, 2013, via google hangouts

³ October 8, 9, 2013, via google hangouts

⁴ October 10, 2013, via google hangouts

⁵ October 8, 2013, via google hangouts

⁶ October 9, 2013, via teleconference

⁷ October 7, 8, 2013, in person

⁸ October 8, 2013, in person

⁹ October 8, 2013, in person



¹⁰ October 9, 2013, in person

¹¹ October 9, 2013, via teleconference

3. Draft of Application for Prelicensure Distance Education Nursing Program Approval

b. Application Review Committee (ARC)

Secretary Johnson provided the Board with an update on ARC work. It included:

1. Proposing changes to Endorsement and Examination applications to mirror language in the current Rules, Chapter 2.
2. Updating Question Seven (7) on all applications to include the words “expungement and sealed records.” Applicants will be aware all infractions must be disclosed.
3. Addressing “Practice of Nursing” as it relates to applicants. Can employment that does not require a license be used as competency for renewals?

c. Legislative Committee (LC)

Chair Wasserburger provided the Board with an update on LC activity which included:

1. Rules Reduction Public Comment Period update. Received 5 or 6 comments via email. ED LaBonde will respond individually so the person sending the comments knows they have been received. Public Comment period closes October 14, 2013.
2. Chapter Five - Fees – Crosswalk with proposed 10/20/20 fee increases provided and reviewed. ED LaBonde is preparing fiscal analysis. Any fee increase should be “budget neutral.”
3. ED to prepare a policy which outlines the rule revision process to include the steps, timelines and key people involved. This policy will aid in the direction of future rule amendments.

AI #02 – Executive Director (ED) Administrative Report

- a. ED LaBonde introduced Joe Baker, Executive Director, Florida Board of Nursing and NSCBN ED Mentor. Mr. Baker departed early due to family emergency and will be extended an invitation to return at a later date.
- b. Staff Update – Licensing Specialist, Jennifer Mulford is in her new position and Legal Assistant, Kara Sutton’s first day is October 21, 2013.
- c. Conference Reports:
 1. Executive Officer (EO) Summit: Implications from Affordable Care Act, Contrasting Military experience to nurse licensure and online distance education programs.
 2. Executive Officer Forum I: Nurse Licensure Compact (NLC) issues discussed to resolve disagreements between Compact and Non-Compact



states. The forum also provided an opportunity for EOs of State Boards of Nursing to identify alternative NLC models.

3. NCSBN Annual Meeting: Emphasis on important work of delegate assembly which included abolishing annual membership fees.
4. Wyoming State Board of Nursing (WSBN) Reaching Out Tour – ED LaBonde visited two (2) schools of nursing, six (6) hospitals and facilities, attended the Wyoming Nurse Association Summit and the Wyoming Organization of Nurse Executives meeting. Topics presented to attendees included WSBN funding, education and the licensing and discipline process.

AI #03 – Licensing Report

Ms. Shafer provided the productivity and statistics report for July 1 through September 30, 2013. This information included current application information as compared to the 2012 timeframe and the number of temporary permits issued. The Board requested future reports include a trending in licensing delays.

Ms. Shafer also presented the Application Review Committee Statistics for the same timeframe and included a comparison for the same timeframe in 2012.

Action: The Board directed a 360 review of the licensing application process be accomplished and presented at the January 2014 Quarterly Board meeting.

AI #04 – Compliance and Discipline Report

Ms. Rowe provided the Compliance and Discipline report to the Board.

- For the period of July 1 through September 25, 2013, 69 cases were resolved either by Matrix or Discipline Committee decision. The new KNurse function provides tracking of county and facility where a complaint originates. This is the first quarter in which this data could be pulled and presented to the Board.
- Ms. Rowe presented a report on aged cases and the resolution progress. The goal is to move cases from opening investigation to Discipline Committee (DC) in 180 days. Only a few cases are open longer than 180 days, which is usually due to waiting for a resolution in requested evaluations.
- Ms. Rowe presented the Nurse Monitoring Program report. As of September 25, 2013, there were 50 licensees/certificate holders being monitored pursuant to a Board order.
- The Board requested information as to when a case is opened, either upon conviction or arrest? AAG Frint explained that a case could be opened upon



arrest and that the Board does not necessarily have to wait for a criminal conviction before considering taking action against a license or certificate.

Action: The Board directed Ms. Rowe to prepare a policy which reflects documents required for cases presented to the Board. A draft will be presented at the January 2014 Quarterly Board meeting.

AI #05 –Fiscal Report

Ms. Stillahn presented the fiscal report to the Board. Areas of comment included:

- Remaining key dates in the 2015-16 Biennium budget process.
- Google Hangouts equipment purchased and in use.

AI #06 –Practice and Education Consultant Report

Ms. Smith presented the Practice and Education Consultant report to the Board. For July 1 through September 26, 2013, there were 61 practice and 21 education questions received for the Practice and Education Committee's review.

The Board recessed at 5:00 p.m.

Wednesday, October 10, 2013

President Deselms called the meeting to order at 9:00 a.m.

AI #08 – Public Comment Session on Proposed Rules and Regulations Reductions

No public stakeholders requested time to address this issue. Member Wasserburger presented a review of the comments received to date.

AI #09 – AAG Input

AAG Frint presented her conference report on the Federation of Associations of Regulatory Boards (FARB) training which included:

- Application question could include the verbiage for expungement and sealed records. This advises the applicants that any criminal history needs to be disclosed.
- Proper procedures for Public Records Request from outside the state.
- Format and information contained in Cease and Desist letters.
- A disclaimer to be added to P & E question responses that the response is an opinion of the Committee which is a subset of the Board and is not binding.



Executive Session – Legal Advice

Motion: Secretary Johnson moved to enter executive session at 9:13 a.m. to receive legal advice. This motion was seconded by Member Nurss and passed without dissent. (7-0-0) Secretary Johnson took minutes during executive session.

The Board returned to public session at 10:25 a.m.

AI #10 –NCSBN Contract Review

ED LaBonde presented the new NCSBN contract for Board review. This new contract:

1. Removes the \$3,000 membership fee.
2. Specifies the licensing Board must use National Council Licensure Examination (NCLEX) for a means of criteria for licensure.
3. Allows workforce data sharing.

AI #11 – Nurse License Compact

ED LaBonde presented an update on the Nurse License Compact (NLC) as requested by the Legislative Committee. The updated included:

1. Criminal Background Check - State by State comparison.
2. Possible revenue losses based on current licensee information.

Action: The Board directed the staff to organize the next NLC meeting in Casper Wyoming before the end of November, if possible. Also solicit input from stakeholders for agenda item topics and conduct a cost analysis of discipline now versus if Wyoming was under the NLC.

AI #12 – Contested Case Hearing Process

AAG Frint proposed a different method of handling Contested Cases. The proposal includes:

1. Overview of proceedings which could allow scheduling the hearings outside regular quarterly Board meetings.
2. Allow a hearing examiner to conduct the evidentiary hearing without the Board present and provide evidence to the Board for consideration.
3. Board reviews evidence prior to Board meeting, deliberates and then makes determination in the case.
4. Board could retain the flexibility to determine which cases would be sent to hearing examiner and those they would hear and consider.



Executive Session – Legal Advice

Motion: Member Wasserburger moved to enter executive session at 11:45 a.m. to receive legal advice. This motion was seconded by Vice President Burr and passed without dissent. (7-0-0-0) ED LaBonde took minutes during executive session.

The Board returned to public session at 12:15 p.m.

Contested Case Hearings

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

1. Docket #11-12-182, Rose Rocco, LPN #7771

Hearing officially began at 1:30 p.m. with introductions around the room. Respondent did not appear. SAAG Walters presented the background of the case:

Exhibits A-K were provided with activity transpired to date. The Board heard the testimony and reviewed the evidence presented during the administrative hearing.

As the Disciplinary Committee, Secretary Johnson did not participate in the discussion or deliberation.

Executive Session – Right to Practice

Motion: Member Wasserburger moved to enter executive session at 1:34 p.m. to deliberate on the Right to Practice of a Professional Person. This motion was seconded by Vice President Burr and passed without dissent. (6-0-1-0) Vice President Burr took minutes during executive session. Secretary Johnson did not enter executive session, nor participate in the deliberations or discussions.

The Board returned to public session at 1:40 p.m.

Motion: Member Summers moved to accept Petitioner's motion for default judgment on Rose Rocco, LPN #7771. This motion was seconded by Member Woods and passed. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: LJ.)]

Motion: Member Wasserburger moved to revoke the nursing license of Rose Rocco, LPN #7771. This motion was seconded by Vice President Burr and passed. [(6-0-1-0) (In



accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: LJ)]

AI #12 – Contested Case Hearing Process (CONT.)

SAAG Walters and OAH Officer Chambers provided input on the proposed Contested Case Hearing process. Mr. Chambers estimated an average case would take approximately 5-15 hours to prepare before Board review and decision.

Reordering of the Agenda

Member Woods requested the Kymberly Riddle Settlement Agreement be removed from the consent agenda to allow discussion.

AI #16 – Consent Agenda

a. Approval of Minutes

1. August 5, 2013 Teleconference Meeting Minutes
2. August 20, 2013 Special Teleconference Meeting Minutes
3. September 20, 2013 Special Teleconference Meeting Minutes

b. Settlement Agreements/Stipulations

- | | |
|-----------------------------------|------------------------------|
| 1. Lillian Milne, APRN #19448.714 | (Letter of Reprimand) |
| 2. Janet Chimenti, RN #8010 | (Letter of Reprimand) |
| 3. Joy Lundeen, RN #11276 | (Letter of Reprimand) |
| 4. Kymberly Riddle, RN #13639 | (Letter of Reprimand) |
| 5. Dawn Gudahl, RN #15062 | (Voluntary Surrender) |
| 6. Michael Skretteberg, RN #27668 | (Letter of Reprimand) |
| 7. Betty Schantle, LPN #3154 | (Order for Inactive License) |
| 8. Randal Parent, LPN #4968 | (Letter of Reprimand) |
| 9. Mary Lou McKenzie, LPN #7013 | (Letter of Reprimand) |
| 10. Kerry Yarborough, LPN #7782 | (Letter of Reprimand) |
| 11. David Nussbaum, CNA #4518 | (Letter of Reprimand) |
| 12. LeeAnna Kofoed, CNA #17322 | (Letter of Reprimand) |
| 13. Whitney Barrett, CNA #21961 | (Conditional Certificate) |

Motion: Member Wasserburger moved to accept the consent agenda as amended with the removal of the Riddle Settlement Agreement. This motion was seconded by Secretary Johnson and passed without dissent. (7-0-0-0)

President Deselms opened the floor for discussion on the Settlement Agreement for Kymberly Riddle. Member Woods had a question about the wording in the agreement



which indicated Ms. Riddle had not worked with patients since 2006. Discussion ensued about the Practice of Nursing as related to renewal competency.

Motion: Member Woods moved to accept the Settlement Agreement and Letter of Reprimand for Kymberly Riddle as presented. This motion was seconded by Vice President Burr and passed without dissent. (7-0-0-0)

AI #17 – Special Licensing Request

1. Wendy Sneed, RN #28514, Reinstatement

Ms. Sneed joined the meeting via teleconference to answer questions from the Board. SAAG Walters presented background on the licensing reinstatement request which included licensee history to date and additional information provided by the licensee.

Executive Session – Right to Practice

Motion: Secretary Johnson moved to enter executive session at 3:06 p.m. to deliberate on the Right to Practice of a Professional Person. This motion was seconded by Member Summers and passed without dissent. (7-0-0-0) Secretary Johnson took minutes during executive session. Vice President Burr did not enter executive session, nor participate in the deliberations or discussions.

The Board returned to public session at 3:25 p.m.

Motion: Member Nurss moved to deny reinstatement of Wendy Sneed's license, RN #28514. This motion was seconded by Member Woods and passed. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: MB)]

Licensee advised to contact Ms. Rowe for information on Nurse Monitoring Program.

AI #21 – Strategic Plan Review

The Board discussed the Strategic Plan Review. The following changes were made:

1. Remove "Resources Needed" column.
2. Include 3-5 year goals for the organization.
3. Review Strategic Plan annually.

The Board updated the Strategic Plan goals. New goals will be added to the master document.



The Board recessed at 5:00 p.m.

Thursday, October 10, 2013

President Deselms called the meeting to order at 8:15 a.m.

Public Forum

No members from the public attended meeting.

AI #24 – Board Orders for Review

AAG Frint provided a brief synopsis on each proposed order. The Board was given the opportunity to ask questions and discuss each order.

1. Chauntelle Keilholtz, RN #27554
2. Shawna Cole, CNA #20662

***Motion:** Member Woods moved to approve the order denying the reinstatement of Chauntelle Keilholtz license, RN #27554. This motion was seconded by Secretary Johnson and passed. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: MB)]*

***Motion:** Vice President Burr moved to approve the order to Summarily Suspend Shawna Cole, certificate CNA #20662. This motion was seconded by Member Wasserburger and passed. [(7-0-0-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. DC: MTX)]*

Executive Session - Personnel

***Motion:** Member Nurss moved to enter executive session at 10:19 a.m. for personnel reasons. This motion was seconded by Vice President Burr and passed without dissent. (7-0-0-0) Secretary Johnson took minutes during executive session.*

The Board returned to public session at 11:30 p.m.

AI #20 – Board Committee of the Whole (COW) Feedback/Recommendations

a. Practice and Education

Member Woods introduced six (6) new Advisory Opinions for the Board's consideration. They included: Ketamine, CNA Scope of Practice, CNA II Role, MA-C Role, LPN Basic and Advanced IV Therapy Scope of Practice, Nitrous Oxide Administration

***Motion:** Member Summers moved to approve the Advisory Opinions, with minor administrative changes. This motion was seconded by Secretary Johnson and passed. (7-0-0-0)*



b. Application Review Committee

Secretary Johnson proposed the Board accept the applications' history question #7 be modified to include the wording about expunged and sealed records when the applicants are disclosing past incidents.

***Motion:** Member Woods moved to accept the proposed change, adding expunged and sealed records, to the history question on all applications. This motion was seconded by Member Nurss and passed. (7-0-0-0)*

Secretary Johnson proposed clarification on the letter of reprimand stance for unlicensed practices. Unlicensed Practice is any instance where there is no active license or permit for any applicant category. A letter of reprimand will be issued for any unlicensed practice as long as it does not preclude a higher level of discipline, where applicable. After discussion, Board members agreed that a Letter of Reprimand for unlicensed practice is appropriate for new applicants or licensees who have failed to renew.

Practice of Nursing as it relates to Competency – If person is hired as a nurse and/or the job description requires licensure, then those work hours would count towards hours needed for renewal. Secretary Johnson advised the Board, the Application Review Committee would like to review this matter further before providing an advisory opinion to the Board for consideration.

***Action:** The Board directed the Application Review Committee to research and prepare an advisory opinion about what constitutes Nursing Practice. ED LaBonde will determine case by case if an applicant's employment constitutes Nursing Practice. The advisory opinion will be presented at the January 2014 Quarterly meeting.*

c. Legislative Committee

Member Wasserburger introduced the Policy and Procedure for NPA/Rule Making Revision for the Board to consider. The Board discussed the proper time frame to submit the proposed rules to the AG's office for review. The Board also discussed identifying key positions in the rule making process for ease of identifying the steps. Committee will adjust document and submit at a later date for approval.

- Application for Prelicensure Distance Education Nursing Program Approval: Member Wasserburger presented the draft of the Application for Prelicensure. The fee assessed is no more than \$500 and there must be an actual cost breakdown to show the fee assessed. Add Practice and Education Consultant or designee to the approval area. Add verbiage "upon receipt of all requested documents and processing



fee, then approval will be granted,” along with statutory reference that grants and establishes the Board’s right to grant approval and charge a fee.

Motion: Member Woods moved to approve the proposed Application for Prelicensure Distance Education Nursing Program Approval, adding upon receipt of all requested documents and processing fee, then approval will be granted, along with statutory reference that grants and establishes the Board’s right to grant approval and charge a fee, to the history question on all applications. This motion was seconded by Member Summers and passed. (7-0-0-0)

d. Board Orders for Executive Session Minutes

- Staff can be present in Executive session as needed or determined by Board.
- When present, the staff members should take the minutes.
- Meeting minutes will be prepared and distributed within 48 business hours of the session.
- Once completed, the executive session minutes will be loaded onto Google drive and shared with only the members who were present in that session.
- Any discussion regarding meeting minutes will only occur in Executive Session.
- These minutes will be placed on the consent agenda to be approved in public forum.
- Once minutes are approved, they will be printed, placed in an envelope, sealed and marked Executive Session/Date/Time.
- The Executive Director is the Keeper of Records and will store the sealed envelopes.

Action: The Board directed Ms. Shafer to create a reference sheet for placing the watermark on the documents and how to load documents onto the Google drive.

AI #23 – Board Member Conference Reports

- a. NCSBN Annual Meeting (CW/LJ) – Member Woods provided feedback on attending the annual meeting. She found it very interesting and beneficial.
- b. NCSBN Leadership and Public Policy (BS) – Member Summers presented feedback on the Leadership conference. She found the public policy portion of the meeting informative and shared with the Board to remember that when dealing with the media, be prepared.



- c. WNA Nursing Summit (MB/LJ) – Secretary Johnson provided feedback on attending the Wyoming Nurse Association.

AI# 25 – Announcements

- a. Future Board Meetings
 1. Teleconference, October 21, 2013, 10:00 a.m.
 2. Quarterly Meetings for 2014:
 - i. January 6-10, 2014
 - ii. April 7-11, 2014
 - iii. July 7-11, 2014
 - iv. October 6-10, 2014
- b. Conference Opportunities
 1. Citizens Advocacy Center - Oct 29/30, 2013, Seattle WA
Attendees – (BS)
 2. NCSBN Mid-Year Meeting - March 10-12, 2014, Kansas City MO
 3. NCSBN Annual Meeting – August 13-15, 2014, Chicago IL

The Board adjourned at 1:05 p.m. The next general meeting will be on October 21, 2013 at 10:00 a.m. via teleconference.

Minutes submitted by: Tambra Shafer, Executive Assistant
Minutes reviewed by: Carrie Deselms, President
Lori Johnson, Secretary
Cynthia LaBonde, Executive Director
Minutes approved at: November 22, 2013 Special Teleconference

