

# Regular Board Meeting Minutes

Wednesday, October 14, 2015  
St. John's Medical Center Board Room  
Jackson, WY 83001

## Attendees:

Board Members: Cindy Woods (CW), Donna Nurss (DN), Marcie Burr (MB), Barbara Summers (BS), Kathy Cromer (KC), Marge Christiansen (MC), Sue Howard (SH)  
Staff: Cynthia LaBonde (CL) Executive Director (ED), Lacey Osburn Investigative Assistant  
Attorney General's office: Jessica Frint (JF) Assistant Attorney General (AAG)  
Guests: Mary Katherine King (minute taker), Dr. David Martorano (via telephone)

## Committee of the Whole Work Session

The Board met at 8:15 a.m. and discussed the following topics:

- President Woods welcomed Susan Howard to the Wyoming State Board of Nursing.
- Vice President (VP)/Practice & Education (P&E) Committee Chair Nurss presented the Board with an update on activity which included:
  1. Chapter 6 - Standards for Nursing Education Programs: P&E finalizing Chapter 6. Final version to be presented to Board for approval on November 10<sup>th</sup> then continues through the rules promulgation process.
  2. Program Approval – The chart presented lists the programs and date the P&E committee approved; all were approved with the exception of those withdrawn. Items listed on document will be brought forward for confirmation of approval.
  3. Eastern Wyoming College (EWC) – EWC is in process of starting a new nursing program. The committee still has concerns about the program and the timeline in completing requirements by fall 2016. EWC requested an Exception to the rule that requires faculty to be hired by a certain date as EWC has not had qualified candidates apply. Consultants have been hired to approve Director activity and education and curriculum development. VP Nurss noted that since EWC has consultants, the committee would consider an exception. EWC has been asked to submit another letter to the committee specifying their request.
  4. Practice and Education Committee Charge – will provide revision for approval.
- Application Review Committee (ARC) Chair Burr presented the Board with an update on ARC activity which included:
  1. Application Revisions for all Licensures and Certifications – Application consolidation draft review will be deferred to the January 2016 ARC meeting.
  2. Chapter 2 rule changes to be considered in future include changing the LPN Intravenous Therapy certification requirement to one-time only, versus every two years during the renewal period. Recommendation to be moved to P&E for a January decision.
  3. GNA Process – Temporary process.
  4. CNA – NNAAP test results within 2 business days.
  5. New Application Processing Checklist – Reviewed the new application process which was designed to improve the licensure process and reduce the processing time from 45 days to 30 days.
  6. Criminal Background Check (CBC) on Re-licensures/Recertification.
- ED LaBonde discussed the Student Passport concept. Consideration of accepting the passport Criminal Background Check (CBC) for licensure if the CBC met WSBN requirements.
- Legislative Committee (LC) Chair Summers presented the Board with an update on LC activity which included:
  1. Chapter 8 – Procedure for Application Licensure and Discipline Process. Final revision will be presented at Board meeting today for approval.

2. Nurse Licensure Compact (NLC)/Advanced Practice Registered Nurse Compact (APRNC) - Legislative Service Office (LSO) has written draft bills to be presented Monday, October 19 to the Interim Labor, Health and Social Services Committee in Buffalo, WY.
  - Discussion ensued on the APRNC.
  - Discussed fund balance, hiring freeze and budget cuts.
  - Discussed frequency of Board meetings and use of telephonic meetings in lieu of travel.
  - Discussed evaluating the structure of the Nurse Monitoring Program.
  - ED LaBonde attended the Wyoming Nurses Association annual Nursing Summit and presented information on the “enhanced” NLC and APRNC.
  - MC and BS reported on the NCSBN/NCLEX conference.
  - Next Teleconference will be November 10, 2015. Draft agenda presented.
  - ED LaBonde announced upcoming conferences and meetings including interim Labor, Health and Social Services committee, 10/19-10/20; National Council State Boards of Nursing (NCSBN Annual Institute of Regulatory Excellence (IRE) conference, January 26-28, 2018; and Federated Association of Regulatory Boards (FARB) 40<sup>th</sup> Annual Forum, January 28-31, 2016.
  - Dr. David Martorano of Wyoming Behavioral Institute in Casper joined the meeting at 9:30 a.m. by teleconference. Dr. Martorano discussed his concerns, specifically on the topic of independent nurse practitioners practicing pain management specifically regarding pain management and addiction prescribing guidelines, overdose issues and best care for patients.

No decisions or motions were made during this work session.

## **Opening**

### **Call to Order**

President Woods called to order the meeting of the Wyoming State Board of Nursing at 10:05 a.m. on October 14, 2015 in St. John’s Medical Center Board Room in Jackson, 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  
Marjory Christiansen, MSN, RN, CEN  
Marcie Burr, RN, DO, CCHP  
Kathy Cromer, LPN  
Barbara Summers  
Susan Howard, MSN, RN-BC

#### **Staff Present:**

Cynthia LaBonde, Executive Director  
Lori Hart, Practice and Education Consultant (via teleconference)  
Laura Rowe, Compliance & Discipline/Nurse Monitoring Program Manager/Investigator (via teleconference)  
Victoria Pike, Nurse Investigator (via teleconference)  
Kara Sutton, Legal Assistant (via teleconference)  
Lacey Osburn, Investigative Assistant  
Cindy Stillahn, Fiscal/HR Coordinator (via teleconference)  
Mary Katherine King, St. John’s Medical Center Administrative Assistant (minute taker)

Attorney General's Office:

Jessica Frint, Assistant Attorney General

Visitors Present

Dr. David Martorano (via teleconference)  
Shyla Hamilton-Holderman  
Tonia Hoffman  
Pat Weber  
Sarah Graham  
Katrina Campbell  
Yan Chan Olaic  
Esther Ellis  
Vicki Rosenberg  
Joan Palmer  
Cinder Weber  
Annette Eastman

**Declaration of a Quorum**

Quorum declared by AAG Frint.

**A1 #02 – Executive Session – Legal Advice**

*Motion: Member Howard moved to enter executive session at 10:28 a.m. for legal advice. This motion was seconded by Member Christiansen and passed without dissent. (7-0-0-0).*

**A1 #03 – Approval of Board Orders**

**Tonya Nekvasil, CNA Applicant**

AAG Frint reviewed the proposed order for denial with the Board.

*Motion: Member Summers moved to approve the Order for Denial on Tonya Nekvasil, CNA Applicant. This motion was seconded by Member Christiansen and passed without dissent. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Application Review Committee abstained from voting. (DC: MB))]*

**Sidney Payne, GNA Temp #2558**

AAG Frint reviewed the proposed order for suspension with the Board.

*Motion: Member Christiansen moved to approve the Order for Suspension on Sidney Payne, GNA Temp #2558. This motion was seconded by VP Nurss and passed without dissent. [(7-0-0-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: Matrix Decision))]*

**Mariah Butterfield, CNA #22661 CNA**

AAG Frint reviewed the proposed order for suspension with the Board.

*Motion: Member Christiansen moved to approve the Order for Suspension on Mariah Butterfield, CNA #22661. This motion was seconded by Member Burr and passed without dissent. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: BS))]*

**Roxanne Almon, RN #31398**

AAG Frint reviewed the proposed order for suspension with the Board.

*Motion: Member Summers moved to approve the Order for Suspension on Roxanne Almon, RN #31398. This motion was seconded by Member Christiansen and passed without dissent. [(7-0-0-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: Lynn Kirman, resigned from Board effective August 17, 2015)]*

**Shari Romero, RN #21612**

AAG Frint reviewed the proposed order for denial of motion for summary judgment.

*Motion: Member Summers moved to approve the Order for Denial of Motion for Summary Judgment on Shari Romero, RN #21612. This motion was seconded by Member Christiansen and passed without dissent. [(5-0-2-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: CW, MB)]*

The WSBN recessed at 12:04 p.m.

**Public Forum**

Public discussion commenced at 1:00 p.m. and ended at 1:50 p.m.

**A1 #04 – Consent Agenda**

**Reordering of the Agenda**

There was no request made to reorder the agenda.

**Consent Agenda**

**a. Approval of Minutes**

1. August 11, 2015 Teleconference Meeting Minutes

**b. Executive Session Meeting Minutes**

1. July 14, 2015/1:21 p.m. – (Right to Practice-Davis) (PP)
2. July 15, 2015/8:03a.m. – (Legal Advice) (PP)
3. July 15, 2015/9:36 a.m. – (Right to Practice – Romero) (PP)
4. July 15, 2015/11:11 a.m. – (Right to Practice –Muzquiz) (LK)
5. July 15, 2015/2:41 p.m. – (Legal Advice) (PP)
6. July 15, 2015/3:39 p.m. – (Right to Practice-Payne) (PP)
7. July 15, 2015/3:42 p.m. – (Right to Practice-Butterfield) (PP)
8. July 15, 2015/3:44 p.m. – (Right to Practice-Almon) (PP)
9. July 15, 2015/3:55 p.m. – (Right to Practice-Payne) (PP)
10. July 15, 2015/4:00 p.m. – (Right to Practice-Butterfield) (PP)
11. July 15, 2015/4:03 p.m. – (Right to Practice-Almon) (PP)

**c. Settlement Agreements/Stipulations**

1. Kara Mouat, GNA Temp. #4519, Case No. 14-15-334-MTX (LOR)
2. Cynthia Lee, RN #17812, Case No. 14-15-340-MTX (LOR)
3. Disiree Lang, RN #33050, Case No. 14-15-233-DN/MC (Conditional)

4. Rhea Knudson, CNA #20607, Case No. 14-15-210-BS/MC (VS)
5. Kari Husman, RN #28622, Case No. 14-15-242-DN (Inactive)
6. Melissa Quinn, RN #29047, Case No. 14-15-295-MTX (LOR)
7. Donna Flowers, CNA #14147, Case No. 14-132-BS (LOR)
8. Cecilia Shirley, CNA #21657, Case No.14-15-292-MC (LOR)
9. Dallas Mitchell, CNA #26526, Case No. 14-104-MTX (Suspension)
10. Natalie Willman, GPN Temp. #1253, Case No. 15-028-MTX (LOR)
11. Maryum Pitts, LPN #8355, Case No. 14-15-283-MTX (LOR)

**d. Denials**

1. Lacey LeBlanc, CNA Applicant, Case No. 14-15-262-DN
2. Karis Bresach, CNA Applicant, Case No. 14-15-300-MB

*Motion: Member Christiansen moved to accept the Consent Agenda as presented. This motion was seconded by Member Burr and passed. (7-0-0-0)*

**A1 #05 – Executive Session – Right to Practice:** Was not used

**A1 #06 – Special Licensing Requests – Reinstatements**

**Tonya Miles, RN #21615** – Laura Rowe presented via teleconference the background and facts of this reinstatement request.

*Motion: Member Burr moved to grant reinstatement for Tonya Miles, RN #21615. This motion was seconded by VP Nurss and passed. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: BS)]*

**Alison Melle, RN #25986** – Laura Rowe presented via teleconference the background and facts of this reinstatement request.

*Motion: Member Summers moved to grant reinstatement for Alison Melle, RN #25986. This motion was seconded by Member Cromer and passed. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: DN)]*

**A1 #07 –Approval of Board Orders for Special Licensing Requests:**

**Tonya Miles, RN #21615**

AAG Frint reviewed the proposed order for approval with the Board.

*Motion: VP Nurss moved to approve the Order for RN Reinstatement. This motion was seconded by Member Howard and passed without dissent. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: BS)]*

**Alison Melle, RN #25986**

AAG Frint reviewed the proposed order for approval with the Board.

*Motion: Member Burr moved to approve the Order for RN Reinstatement. This motion was seconded by Member Christiansen and passed without dissent. [(6-0-1-0) (In accordance with Board Rules and Regulations, members of the Disciplinary Committee abstained from voting. (DC: DN)*

**A1 #08 / #09– Standing Committee Reports/Recommendations to the Board/Board Action**

**a. Practice and Education Committee (P&E)**

Chair Nurss presented the Board with an update on P&E activity which included three (3) items for approval:

1. Revised P&E Committee charge.
2. Program approvals as presented in the Board packet.
3. Granting EWC exception to the rule requiring them to have faculty hired prior to December 2016.

***Motion:** Member Burr moved to accept the three (3) P&E recommendations put before the Board regarding EWC exemption, the committee charge, and the program approvals, as presented. This motion was seconded by Member Summers and passed. (7-0-0-0)*

**b. Application Review Committee (ARC)**

Chair Burr provided the Board with an update on ARC activity which included four (4) internal policies and procedures for approval: A) LPN IV Course Completion B) LPN Transcripts from Western Wyoming C) Mailing Lists D) Temporary permits for applicants with prior discipline. Chair Burr noted the committee will exempt item “D” (temporary permits for applicants with prior discipline) from approval as the policy is inadequate.

***Motion:** Member Christiansen moved to accept the ARC recommendations put before the Board regarding internal policy/procedure revisions, as presented. This includes items A, B, and C in the report. Item D- Temporary Permits will be tabled for further discussion. This motion was seconded by Member Summers and passed. (7-0-0-0)*

**c. Legislative Committee (LC)**

Chair Summers provided the Board with an update on LC activity. The first item presented for approval:

1. Proposed revisions to Chapter 8 – Practice and Procedure for Disciplinary, Application and Licensure Matters

***Motion:** VP Nurss moved to approve the Chapter 8 proposed rules and proceed with Chapter 8 rule making. This motion was seconded by Member Burr and passed. (7-0-0-0)*

The remaining items presented for approval:

2. Legislative Committee charge – revision 9.18.15.
3. Continue supporting legislative process for the “enhanced” NLC/APRNC.

***Motion:** Member Christiansen moved to accept the Legislative Committee report as presented, on the topic of the renewed NLC This motion was seconded by Member Cromer and passed. (7-0-0-0)*

### **A1 #10 – Fiscal/HR Report**

- Ms. Stillahn presented the fiscal report through September 30, 2015. Areas of comment included:
- a. Revenue and expenditures for third quarter 2015
  - b. Fiscal comparison with previous biennium
  - c. IRS increase in per diem rates and lodging rates
  - d. Review of specific items in FY 17/18 budget

*Motion: Member Howard moved to accept the Fiscal/HR Reports as presented. This motion was seconded by Member Cromer and passed. (7-0-0-0)*

### **A1 #11 – Compliance and Discipline Report**

- Ms. Rowe provided the C&D and NMP reports which included:
- a. For the period of June 18, 2015 to September 24, 2015: 77 cases resolved either by Matrix or Discipline Committee (DC) decision. This report contained comparison tracking from 2013 to current, including tracking of complaint origin by county and facility. The report is available on the WSBN website.
  - b. Victoria Pike reported on her visit to the Wyoming State Hospital on October 7<sup>th</sup> as part of outreach and education with managers and staff.
  - c. Active Open Case Analysis report – on track with getting cases processed. The Strategic Plan has a goal of cases getting sent to the DC within 160 days.
  - d. Update provided on resolution to Kira Davis (KD) summary suspension case, informing Board a Notice of Warning (NOW) was issued by the Disciplinary Committee.
    - i. AAG Frint and Board discussed KD proceeding in July 2015 where summary suspension order lifted, reinstating CNA certificate and denying petitioner's motion to dismiss complaint.
    - ii. Discussion on whether DC decision for NOW changed Board decision where during July 2015 proceeding a Letter of Reprimand was discussed but no motion was made and passed. At issue is whether Board wishes to see all dismissals and NOW's that are issued or whether the Board should continue to trust the DC and Matrix decisions in current process.
    - iii. Discussion on use of Interim Letter Agreements (ILA). ED LaBonde recommended that staff draft proposed guidelines for use of ILA for presentation to Board in January 2016.

*Motion: VP Nurss moved to accept the Compliance and Discipline Report as presented. The motion was seconded by Member Burr and passed. (7-0-0-0)*

- Ms. Rowe continued her C&D Report. Topics included:
- a. Nurse Monitoring Program Report: As of September 24, 2015 there were 53 licensees/certificate holders being monitored pursuant to a Board order. Discussed new function on website verification page that will indicate a licensee or Certified Nursing Assistant (CNA) has completed their requirements under a reprimand order.
  - b. Power Point presentation on C&D Project Analysis – Violations and Subsequent Discipline report presented

*Motion: VP Nurss moved to accept the remainder of the Compliance and Discipline Report as presented. The motion was seconded by Member Burr and passed. (7-0-0-0)*

### **A1 #12 – Practice and Education (P&E) Consultant Report**

- Ms. Lori Hart presented the P&E Consultant report which included:

- a. For the period of July 1, 2015 to September 30, 2015 there were over 250 phone calls and emails received. The calls have been increasing substantially.
- b. Update on number of Twitter and Facebook followers receiving information
- c. Pain Management Toolkit – presentation given to APRNs at the Wyoming Counsel for Advanced Practice Nursing Pharmacology conference.
- d. Annual Education Report – due by October 31<sup>st</sup>, but may be delayed due to programmer unable to update report. Results should be available for January meeting.
- e. Changes in the examination process for CNAs; examiners will no longer give candidates test results at the site.

***Motion:** Member Howard moved to accept the Practice and Education Consultant Report as presented. The motion was seconded by Member Cromer and passed. (7-0-0-0)*

### **A1 #13 – Licensing Report**

ED LaBonde (interim Licensing Manager) presented the Licensing Report which included:

- a. Statistics presented regarding licenses/certificates issued by type for period June 27, 2015 through September 30, 2015.
- b. Licenses/Certifications Issued report activity June 27, 2015 through September 30, 2015.

***Motion:** Member Christiansen moved to accept the Licensing Report as presented. The motion was seconded by Member Cromer and passed. (7-0-0-0)*

### **A1 #14 – Executive Director (ED) Administrative Report**

ED LaBonde presented the Administrative Report which included:

- a. Board/Staff Update:
  - Welcomed Susan Howard as the new RN Representative member of the Board
  - Marcie Burr’s 2<sup>nd</sup> term expires February 28, 2016; ED LaBonde will notify Governor Mead that the RN Administrator position will need to be filled.
  - Barbara Summers’s 1<sup>st</sup> term expires February 28, 2016. Member Summers, the Consumer Representative, is eligible for one additional term; she will notify the Governor’s office if she desires to be reappointed for a 2<sup>nd</sup> term.
  - Executive Assistant/Licensing Manager staff position is open. Due to a Governor mandated hiring freeze, ED LaBonde received an exception request from Governor Mead to fill this position. Considering agency reorganization.
- b. WBSN Collaboration Tour Update – ED LaBonde attended the Nursing Summit in September, presenting on the “enhance” NLC/ARNC. Lori Hart, P&E Consultant, attended the APRN Meeting and presented on pain management. Staff Pike toured the State Resource Center in Lander. ED LaBonde will visit Charlotte Mather, CNO and staff at the Sheridan Hospital on October 19, 2015.
- c. Discussed the Strategic Plan and reviewed items the Board had requested (i.e. quarterly update and action plan).
- d. Board Meeting Evaluation – July 2015: Positive feedback received. ED LaBonde to distribute an evaluation form to Board for this meeting.
- e. The proposed 2016 calendar was presented. Discussion ensued on the number of days allocated for meetings, travel meetings, board training/education and the amount of weeks between quarterly meetings and teleconference calls. AAG Flint recommended five (5) weeks between quarterly meeting and teleconference with distribution of Board documents the Friday before the teleconference.



f. Conference Reports

- ED LaBonde and Lori Hart attended annual NCSBN meeting August 2015; focus was on the “enhanced” NLC/APRNC.
- WNA Nursing Summit in Casper, September 24-25, 2015; ED LaBonde presented information about the ‘enhanced’ NLC/APRNC.

***Motion:** Member Christiansen moved to accept ED Administrative Report as presented. The motion was seconded by Member Burr and passed. (7-0-0-0)*

**Election Board Secretary – WS-33-21-124(b)**

President Woods noted that having a Secretary on the Board is not mandated by statute. No action was taken to appoint a new Secretary. Board will table discussion until the January 2016 meeting.

**Adjournment**

The Board adjourned at 5:00 p.m.

The next general meeting will be on November 10, 2015 at 9:30 a.m. via teleconference.

Minutes submitted by: Mary Katherine King, Executive Assistant, St. John’s Medical Center

Minutes reviewed by: Lacey Osburn, Investigative Assistant  
Laura Rowe, C & D/NMP Manager  
Cynthia LaBonde, Executive Director  
Cynthia Woods, President

Minutes approved: November 10, 2015