

April 5, 6, 7, and 8, 2004



PUBLIC SESSION: The Wyoming State Board of Nursing held its regularly scheduled meeting on April 5, 6, 7, and 8, 2004 at the Financial Center, AARP (American Association of Retired Persons) Conference Room, US Bank Building, 2020 Carey Ave, 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 9:20a.m., Monday, April 5, 2004.

ROLL CALL: President Baerbel Merrill took the roll call. She noted that the governor has not yet appointed a consumer member to the Board.

Board Members Present:

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

Board Members Absent:

None

Staff Present:

Cheryl Koski, MN, RN, Executive Director
Mary Calkins, Ph.D., RN, Assistant Executive Director/Practice & Education Consultant
Fran Hawkins, Management Services Officer 4/6/04 4:00-4:30p.m.; 4/8/04 10:00-10:20a.m.
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant
Rita Pouppirt, Executive Assistant
JoAnn Reid 4/7/04 1:00-1:25p.m.
Rachel Riles 4/7/04 1:00-1:40p.m.
Ken Nelson, Attorney General's Office 4/5/04 10:00am-12:00p.m.; 4/6/04 1:00p.m. - 2:35 p.m.
Angela Dougherty, Attorney General's Office 4/5/04 10:00am-12:00p.m. & 1:00p.m. 3:45p.m.; 4/6/04 9:00am - 12:00p.m.

Visitors Present:

Cliff Mikesell, Dept. Of Health - Office of Health Facilities 4/6/04 3:00-3:40p.m.
Deb Mutter, University of Wyoming Student 4/7/04 1:00-4:00p.m.
George Vandell, Wyoming Professional Assistance Program 4/7/04 4:05-4:30p.m.

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DECLARATION OF A QUORUM: President Merrill declared a quorum present.

REORDERING OF THE AGENDA: By consensus, the agenda was accepted with flexibility, including the written additions and deletions submitted by Ms. Cheryl Koski, Executive Director.

APPROVAL OF THE MEETING MINUTES:

Motion: It was moved and seconded, April 5, 2004 to approve the Minutes of the January 5-7, 2004 Board Meeting.

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

OLD BUSINESS

The following items remain open from past meetings:

- Office Relocation

Welcome and Introductions New Board Members

- Shirley Harris, RN, MSN, MBA – Administration – Cheyenne
- Parry Davison, MS, CRNA – Various Nurses – Kemmerer
- Kim Williamson, LPN – Torrington

Board Orientation

Ms. Koski requested that the Board members return all materials when their terms are over. President Merrill commended Ms. Poupirt for organizing the Board orientation materials in the notebooks with dividers.

Ken Nelson and Angela Dougherty, Attorneys for the Board, introduced themselves to the new Board Members. Mr. Nelson went over the basics of nursing statutes, and disciplinary issues. Ms. Dougherty explained the disciplinary process from a prosecution standpoint and reviewed examples of disciplinary cases.

Kathy Marquis explained to the Board the disciplinary process from an investigator's standpoint. Ms. Marquis holds a juris doctorate degree, so she can look at issues from both a nursing and a legal point of view. Ms. Marquis gave the Board some cases to look over as a homework assignment. This assignment helped the Board members to see how the disciplinary process works.

Ms. Koski gave a general overview of the Board of Nursing Board Packet and Board Member policies and procedures. She told the Board members about the costs for personal copies and faxes. The charges will be collected by Fran on a monthly basis. She stressed the importance of using a calling card for long distance calls. In addition, any requests for assistance of Board staff must go through Ms. Koski so she is aware of the additional work load. In regards to travel, Ms. Koski requested that the Board members make their own arrangements for air travel and hotel rooms. When traveling on business for the Board, she reminded the members that they are acting on behalf of the Board.

As part of the Board orientation, Ms. Marquis and Ms. Dougherty helped the Board Members analyze some previous Board cases. The members expressed to Ms. Dougherty that this was a very helpful process.

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Fran Hawkins oriented the Board on her job as Fiscal and Human Resources Coordinator. She also explained the paperwork they will need to fill out for each Board meeting in order to get their Board pay and reimbursement of meeting expenses.

Dr. Mary Calkins, Practice and Education Consultant, explained her position to the Board. She described how the Practice and Education Committees look at the documentation regarding practice and education issues. The committee then makes recommendations to the Board regarding the appropriate action to take.

The Board requires each practice question to be submitted in writing. The form is now available on the Board of Nursing website for the convenience of all concerned. All Advisory Opinions have been reviewed recently, and placed on the website in alphabetical order. Dr. Calkins passed out notebooks containing all current opinions as of January 2004.

JoAnn Reid explained her position as Licensing Coordinator to the Board Members. She described the difficulty she has been having with the online verification system, NURSYS versus the traditional written verification that is being phased out by many states. The applicant pays to have their verification available from the NURSYS website; however, JoAnn has found that the information is often not complete. Most of the time it is the educational program and licensure testing scores that are missing. She must then contact the Board of Nursing at the original state of licensure to get the required information, which often causes delays. This, in turn, is also upsetting to the applicant. The Board then asked JoAnn some general questions, and thanked her for her time.

Rachel Riles told the Board about her position as both Exam Coordinator, and Information Technology Coordinator. She explained the testing process and applicant requirements, as well as how she monitors the exam candidates. Ms. Riles also described the new database currently being constructed by Katchemak. They will be linking together several of our existing databases and creating a Graphical User Interface (GUI) and reports for us to make the system more user friendly. Ms. Riles mentioned that improvements and advances in technology will improve our efficiency in the office as well as cut costs.

ADMINISTRATIVE ISSUES

Parking Lot Items

Ms. Koski handed out a list of possible Rules and Regulations changes that have been discussed in the past. The Board needs to set up a time line for working on these issues. This will be on the agenda for the July meeting.

Paperless Board Meeting

Ms. Riles will be going to an IT summit in May. Agenda items at the conference includes, but is not limited to paperless Board meetings. She will give the Board an update at the July meeting. The Board members brought up the issue of confidentiality, and how it could prevent us from going totally paperless.

Attorney General's Office

Memorandum of Understanding – Medicaid Fraud Control:

Mr. Nelson reviewed the draft of the MOU regarding Medicaid Fraud Control with the Board. In the opinion of the Attorney General, we are both State Government agencies and should cooperate with each other so there is no need for a formal agreement.

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Letter of Request to Cindy Pomeroy, Dept. of Employment:

Ms. Koski discussed the letter she wrote to Cindy Pomeroy at the Department of Employment regarding the names and addresses of all persons employed in nursing in the State. Ms. Koski had been informed recently that there were nurses within the State working without a license, and in the interest of protecting the public the Board needed to know who they are so the problem can be corrected. Wendy Tyson, the Administrator from the Employment Tax Division responded, saying that the Department of Employment records do not contain specific occupational data. It may be possible to retrieve names and addresses by merging their data with data collected by the Research and Planning Section. However, the resulting information could be used "for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual..." Mr. Nelson will research the issues legal implications and report back to the Board.

Program Site Visit Reimbursement:

Mr. Nelson referred to the letter Ms. Koski wrote, regarding reimbursement for costs for site visits to approve nursing education programs. Some of the costs include the following: fee for actual site visit and report, travel, lodging, meals, ground transportation, and other miscellaneous expenses. Mr. Nelson told the Board that without the "express statutory authority the Board lacks the power to require reimbursement for expenses incurred in site visits to nursing education programs." If the statute is changed, then we would have the authority. Ms. Pouppirt was directed to put this item in the "Parking Lot" list of items to revisit at a later date.

Feeding Assistants

Mr. Nelson addressed the letter Ms. Koski wrote regarding CFR 483 and 488 and Feeding Assistants. Ms. Koski asked if they are consistent with the Wyoming Nurse Practice Act, Board Administrative Rules and Regulations, and/or Wyoming State Statutes. The Board Members were given copies of the CFRs to review. Mr. Nelson indicated that the CFRs are not consistent with Wyoming statutes, and that feeding and hydration are nursing tasks which may not be delegated beyond a certified nurse aide. The only way for Wyoming to participate in this would be to change the Nurse Practice Act. There was some discussion among the Board Members and Board Staff regarding this issue.

Ms. Koski mentioned that the Department of Health wanted to have a meeting with all interested parties on April 22nd at the Lander State Training School regarding the offering of Feeding Assistant courses. The Board members agreed that the Board of Nursing should be represented at the meeting to find out more about it. Kathy Marquis and Shirley Harris will attend the meeting.

The Board requested a representative from Office of Health Facilities come and discuss the Feeding Assistant program plans.

Cliff Mikesell from the Office of Health Facilities was available to speak to the Board regarding the Feeding Assistant issue. Mr. Mikesell gave the general background about Feeding Assistants, and how North Dakota and Wisconsin are using them to help with feeding in the face of staffing shortages. Many other states also support the program. He discussed with the Board members how it might be possible to work toward a solution together. The Board expressed concern about the burden of additional duties on nursing staff. The RN to patient ratio is already high, and adding

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to that would affect patient care. More informational data needs to be collected and analyzed before Wyoming can start a Feeding Assistant program. The Board had a number of questions about the program, such as:

- Will the feeding Assistant Program curriculum be standardized?
- Would the Feeding Assistant be held accountable if something happened to the patient?
- Could the number of CNAs be increased in order to address any staffing shortages, instead of creating a new group of individuals who would also need to be supervised?

These are all questions that need to be addressed.

Wyoming Sexual Assault Response Taskforce (WySART):

Ms. Koski reported that Dr. Calkins was appointed to the Wyoming Sexual Assault Response Task Force. Dr. Calkins reported on the Task Force Summit she attended March 30 - April 1, 2004. The goal is to develop a Sexual Assault Task Force for every Wyoming community to try to prevent it from happening. In Cheyenne at United Medical Center, a Sexual Assault/Domestic Violence Coordinator has been appointed to assist victims in their time of need. This was a necessary step, as many times the victims were having to sit in the Emergency Room for hours unattended. During the Summit, there was discussion about how more legislation needs to be in place in order to take care of the victim.

Memo Board of Nursing – Practicing Without A License:

Ms. Koski reviewed the memo she sent out March 12, 2004 to all Wyoming Physicians regarding unlicensed practice by Registered Professional Nurses, Licensed Practical Nurses and Certified Nursing Assistants. She has received several phone calls regarding the letter.

Office of the Governor

Ms. Koski briefly mentioned the letters sent to the outgoing Board Members, David Sones, Ruthann Holzer, Beth Evans and Cynthia Northrup. She also mentioned the welcome letters to new Board Members, Parry Davison, Shirley Harris, and Kim Williamson.

Educational Programs

Summary of Educational Programs

Dr. Calkins explained to the Board that the Education Committee reviewed the nursing education programs earlier in the day, for the benefit of the new Board members. She showed the members the spreadsheet summary of the programs, which is updated after each Board meeting.

Laramie County Community College (LCCC)

Ms. Koski reviewed the letter and site visit report regarding approval status from the Board of Nursing to Carol Kabeiseman at Laramie County Community College. LCCC received full accreditation.

Northwest College (NWC)

Ms. Koski reviewed the letter from the Board to Northwest College regarding the site visit report, noting Areas of Strength and Areas of Concern. The Board acknowledged the

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receipt of the Faculty Qualification Sheet for Linda Ermer, RN, and the program changes including the off-campus program in Worland.

Motion: It was moved and seconded that the Education Committee recommendation to the Board be accepted regarding the Faculty Qualification Sheet and 5 year plan for Linda Ermer, RN. The Education Committee requests clarification for the following:

Does the Communication for health Professions transfer to the University of Wyoming?

Regarding the off-campus Worland program

1. Will it be taught with the instructor physically present, or by compressed video?

2. When do you plan to begin the off-campus program in Worland?

The vote on the above motion was 5-0-0-0.

NLNAC Notice Regarding Accreditation

Ms. Koski reviewed the letter from NLNAC dated March 17, 2003 for the Board to look over. The letter confirmed the accreditation status of both LCCC and NWC. The warning was removed from the LCCC program by the NLNAC.

University of Wyoming

The Board reviewed the nursing education program information for the University of Wyoming.

Motion: It was moved and seconded to confirm the Education Committee's recommendation to accept the following:

Faculty Qualification Sheet for Julie Brown

Commend the Dean and faculty for their comprehensive action plan addressing four areas to increase the NCLEX pass rate which are

1. Clinical courses

2. Teacher made tests and testing procedures

3. HESI testing

4. Student characteristics

The Education Committee understands the need for the School of Nursing to know specific students who failed the NCLEX, but the Board of Nursing believes that the tracking of individual students is the responsibility of the School of Nursing.

The vote on the above decision was 4-0-1-0. Dr. Ouzts abstained from voting.

Western Wyoming College

The Board reviewed a letter sent to Marlene Ethier at Western Wyoming Community College.

Motion: It was moved and seconded to approve the Education committee's recommendation to accept and thank Marlene Ethier for the March 30, 2004 letter.

The vote on the above decision was 5-0-0-0.

Central Wyoming College

The Board members reviewed the nursing program information for Central Wyoming College.

Motion: It was moved and seconded to approve the Education committee's recommendation to accept and thank Billie Dutcher for the clarification and

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differentiation of the on-the-job orientation and the 10 clock hours that the Board requires for education preparation.

The vote on the above decision was 5-0-0-0.

Casper College

The Board looked over the Education Program Summary Report showing the Rawlins Outreach had a 45.45% NCLEX pass rate.

Motion: It was moved and seconded to accept the Education Committee's report showing a 45.45% NCLEX pass rate for the Rawlins Outreach program. The Executive Director has spoken with Jolene Knaus, Nursing Program Director, Casper College, Marlene Ethier, Nursing Program Director, Western Wyoming Community College and Jeannie Daniel, Nursing Instructor, Rawlins of the concerns.

The vote on the above decision was 5-0-0-0.

Northern Wyoming College District – Gillette Campus

The Board reviewed the letter from the Gillette Campus regarding the employment of Jennifer Bryan, BSN, RN.

Motion: It was moved and seconded to approve the Education Committee's recommendation to accept the Faculty Qualification Sheet of Jennifer Bryan.

The vote on the above decision was 5-0-0-0.

Weber State University

The Board members reviewed the letter from Board to Weber State regarding the site visit to Afton, Evanston, and Kemmerer. It is still not clear whether they plan to offer the courses by compressed video and online or the entire program on site. Regardless of how they do it, they must follow the Rules and Regulations.

Pickens Tech

The Board members reviewed the letter from Pickens Tech to the Board of Nursing regarding the new Director at Pickens Tech.

Motion: It was moved and seconded to approve the Education Committee's recommendation to accept the notification that Margaret Brandt has been appointed Director of Pickens Tech LPN Program. An application for licensure was sent to Ms. Brandt on March 3, 2004, along with the Board Rules and Regulations that the Program Director must be licensed in WY. As of 4/7/04, the application has not been returned to the Board Office.

The vote on the above decision was 4-0-1-0. Ms. Harris abstained from voting.

Annual Report Form

The Board reviewed the final draft of the Annual Report form. The nursing education programs will be using this form for the next round of Annual Reports. It is more user friendly, and tracks the information we need to give to the legislature. The October Board meeting will be the time to see the results of this new form.

Miscellaneous Information

Ms. Koski copied articles from various sources and included them in the Board packet for the members to read for their own information and at their leisure.

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Memo to Nursing Education Programs

Ms. Koski shared the memo she sent out to all nursing education programs and nursing faculty. The memo addressed the required ten clock hours for nursing faculty, the Faculty Qualification Sheet and the NCLEX RN and PN Test Plan Changes.

National Council State Boards of Nursing (NCSBN)

Excelsior College Program

Ms. Koski received an email from Kristin Hellquist at NCSBN regarding the non-acceptance of Excelsior graduates. Every state has been discussing whether or not to accept the graduates for licensure because of their lack of clinical experience. Excelsior has begun to file law suits against states because of this. There was some discussion among the Board members regarding their experiences with Excelsior graduates. Our Rules and Regulations specifically state that a licensee must have adequate clinical experience. We must disseminate this information as soon as possible. Ms. Koski will put an article in the WNA newsletter regarding the Excelsior litigation information. She will also include other pertinent information such as NCLEX changes, delegation, and the letter recently sent to physicians regarding unlicensed personnel.

Health Professions Boards Delegation Questionnaire

Ms. Koski showed the Board the letter she wrote to Deb Bridges at the Board of Dental Examiners. She sent the same letter to various other health-related Boards to get information on how they use Unlicensed Assistive Personnel (UAP). A UAP committee has been appointed by NCSBN to define the following in regard to the use of UAP: Assignment, Delegation, Supervision, and Direction.

Report of Mid-Year Meeting, March 3-6, 2004

Ms. Koski and Dr. Ouzts reported on the NCSBN Mid-Year meeting. They both thought the meeting was worthwhile and presented important information on what other states are doing.

Report of Institute of Regulatory Excellence, January 12 – 14, 2004 – Cheryl Koski

Visa Screen

Ms. Koski presented various pieces of information regarding foreign nurses and homeland security. Visa screening has become a big issue for the CGFNS organization in regard to foreign nurses. Currently there is no CGFNS exam for LPNs, which means only foreign trained RNs can be licensed in the US if they meet all of the requirements.

NURSYS

Ms. Reid had already given the Board members an overview on the Nursys online verification system, when she spoke to the Board earlier. Ms. Koski presented a more detailed of how the system works. Currently there are only a few states who do not belong to NURSYS, and Wyoming is one of them. The National Council wants all states to belong to the system to simplify the verification process. Since we still rely on written verifications for applicants who want to endorse into our state, getting them filled out is becoming more and more of a problem. Some states refuse to fill out the form, even if the information on the NURSYS site is incomplete.

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NCSBN Awards Program Report

Ms. Koski presented a nomination form for the 2004 Awards Program, in case the Board members wish to nominate someone for an award. President Merrill would like to nominate Dr. Evans for the Exceptional Contribution Award. Her term as Consumer Board Member recently expired, but she did a lot for the Board. President Merrill and Ms. Koski will work on a letter of support and the nomination application in order to get it in by May 16, 2004.

Motion: It was moved and seconded to nominate Dr. Beth Evans for the NCSBN 2004 national award: Exceptional Contribution.

The vote on the above decision was 5-0-0-0.

NCSBN Call for Nominations

Ms. Koski gave the Board information on the NCSBN recruitment campaign. The elections will be held in August. Wyoming is part of Area 1, which includes CA, NV, OR, WA, UT, AZ, HI, and Guam. She encouraged anyone who would be interested in a national office to submit their applications.

NCSBN Meeting Schedule 2004-2005

Ms. Koski reviewed the scheduled NCSBN meetings for the coming year and who will attend each one.

- IT Summit May 11 – 12, 2004 in San Diego; Rachel Riles will attend
- UAP Conference June 11, 2004 in Austin Texas; Dr. Calkins, and Ms. Koski will attend. Ms. Koski's expenses will be paid by the NCSBN as she is a sub committee chair.
- Board Investigator Summit June 14 – 16, 2004 in Philadelphia; Ms. Marquis will attend
- Annual Meeting August 3-6, 2004 in Kansas City; Ms. Koski, President Merrill, Dr. Ouzts, and Ms. Williamson will attend. Ms. Koski's expenses will be paid by the National Council, as she is a sub committee chair.
- NCLEX Invitational September 13, 2004 in San Francisco; since Dr. Ouzts attended the meeting last year, the Board decided not to send anyone this year.

NCSBN Council Connector

Ms. Koski included a copy of the NCSBN newsletter in the Board packet for informational purposes.

American Academy for Advanced Practice Nurses

Ms. Koski received an email regarding a regional meeting in Denver for Advanced Practice Nurses. The exact date of the meeting is not known at this time, but Ms. Marquis and Ms. Davison will attend.

Legislative Issues

Legislative Briefing from the Wyoming Hospital Association

Ms. Koski reviewed the legislative summary sent to the Board. She noted House Bill 174 regarding Volunteer Health Care Professionals. The bill amended the immunity provisions relating to volunteer health care professionals and nonprofit health care

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facilities and amending requirements for nonprofit health care facilities to be insured as specified. It was signed by the House Speaker.

Enrolled Act 33 – Relating to Administrative Rules:

Mr. Nelson reviewed the highlights of enrolled Act 33 with the Board Members. In brief, the Act extends the time period given to submit proposed rule changes from five days to ten days.

Draft Bill

Mr. Nelson provided a draft of a bill regarding an alternative disciplinary measure, whereby the Board could charge fines up to \$2,000 to licensees. He used the Board of Pharmacy's rules as a model. He would like for the other Boards to review it and make suggestions before it is presented to the legislature.

President Merrill would like to discuss the draft bill during the July Board meeting. We need to make sure we define fine limits, and differentiate between the types of licensees.

Legislative Network for Nurses

Ms. Koski included copies of the January, February and March issues of Legislative Network for Nurses for the Board members to review.

Sixteenth Annual Legislative Update – Issues Relating to Advanced Practice Registered Nurses

Ms. Koski asked the Board to review the Sixteenth Annual Legislative Update for their own information.

Certified Nursing Assistants

NATCEP Active Programs As of March 1, 2004

Dr. Calkins presented a list of active NATCEP programs for the Board members to review.

Request for Item Writer Representative – National Nurse Aide Assessment Program

Ms. Koski reported that she had sent in the name of Ruthann Holzer to be a representative at the three day meeting in June at the Promissor headquarters in Evanston, IL.

Wyoming Professional Assistance Program

George Vandel came to the meeting to give his quarterly report to the Board. Mr. Vandel introduced himself to the new Board members and explained the program. Ms. Marquis and Mr. Vandel will be meeting soon to write rules that will be specific for APNs if they are practicing solo. The Board discussed the Monitoring Agreement. A new contract will be initiated by Nancy Freudenthal in June, 2004.

Budget

Ms. Hawkins reviewed the Administration and Nurse Aide Budget Reports for the end of February as well as for the end of March 2004. She explained how everything is laid out and the expenses we have. Ms. Hawkins asked the Board members for their comments and suggestions.

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During the January 2004 Board meeting, the members made a motion to submit a B-11 request of \$61,000 for Board staff financial needs through FY03. Ms. Koski explained the appropriation process for the benefit of the new Board members. She also briefly described the State Budgeting process. The Board of Nursing received the approved 2005-2006 budget on March 11, 2004.

Computer Services Upgrade

Ms. Koski reviewed the Katchemak Data Systems Proposal and contract for the new Board members. The company has been working on the database structure and has submitted a bill for the work done so far. Erin Peterson, from Katchemak will be meeting with the Board staff soon for a preview of how they are upgrading our database.

Request for Proposal - Office Move

Ms. Koski updated the Board on the progress of the office move. A Request for Proposal (RFP) was sent out to a State Approved list of bidders. Included in the list were several locations we have recently visited and liked, including the Hynds Building, and Eagle Ridge. We will look at all the proposals and find a place that is big enough in size, as well as affordable.

University of Wyoming Summit – June 18, 2004

Dr. Ouzts reported on the upcoming nursing summit on June 18, 2004 with the purpose of addressing the nursing workforce issues. A panel of experts will be on hand (including Ms. Koski) to bring forth meaningful discussions about critical health care issues which can affect the well-being of Wyoming citizens.

Publishing Concepts, Inc. (PCI)

Dr. Calkins received a letter from Publishing Concepts, Inc. Regarding the publication of a full color custom publication for the State of Wyoming. There is no charge for the magazine, as it is paid for with advertising dollars. All we need to do is fill it with articles. We will need to sign a contract.

Motion: It was moved and seconded to approve the publishing of a Wyoming Board of Nursing news magazine four times annually, utilizing Publishing Concepts, Inc.

The vote on the above decision was 5-0-0-0.

Personnel Issues

Classification and Compensation Issues

Ms. Koski reported on a recent article in the Cheyenne newspaper regarding the proposed Personnel Rule changes and the call for public comment. There seems to be some controversy over some of the changes, but everyone is allowed to voice their opinion. Some of the changes involve restrictions on pay raises and upgrading positions in the State system. Ms. Koski conveyed to the Board the importance of upgrading the current Nurse 3 positions, to Nurse 2 as she is concerned about retention. She presented a draft memo in support of the reclassification. The legislature did award a 3% raise across the board for all State employees. There is also a provision for a \$300 bonus, if an employee receives an "exceeds expectations" on their annual performance evaluation. The Board members expressed their concern over the low salaries, and being able to retain talented and capable staff. Ms. Koski briefly discussed some of the other changes and how they will affect the Board of Nursing office staff.

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*Motion: It was moved and seconded to request from the office of personnel and the Governor a reclassification of the nursing staff positions, pursuant with the education and experience required by these positions. The nursing leadership (Executive Director, Compliance, and Practice and Education positions) has great responsibility for the protection of the public's health, welfare, and safety.
The vote on the above decision was 5-0-0-0.*

Committee Appointments

President Merrill gave the following Board Committee assignments:

Education - Karen Ouzts, Baerbel Merrill, Consumer Representative (not yet appointed)
Application - Shirley Harris, Bernie Davis
Disciplinary - Karen Ouzts, Kim Williamson
Practice - Parry Davison, Bernie Davis

Scope of Practice

CNenet LPN Refresher Course Changes

Dr. Calkins provided the Board with information on the changes to the CNenet LPN Refresher course.

Motion: It was moved and seconded to approve the Practice Committee's recommendation to the CNenet LPN Refresher course.

The vote on the above motion was 5-0-0-0.

Application, Model Curriculum, and Syllabus for Nurse Aide Training, Competency, and Evaluation Program (NATCEP)

Dr. Calkins reviewed the NATCEP Application with the Board members

Motion: It was moved and seconded to approve the Practice Committee's recommendation to accept the application packet and model curriculum and syllabus for NATCEP.

The vote on the above motion was 5-0-0-0.

RN and LPN Refresher Course By Greenville Tech

The Board reviewed the letter from Jennifer Walker regarding the online RN and LPN Refresher courses.

Motion: It was moved and seconded to approve the Practice Committee's recommendation to accept the Greenville Tech College RN and LPN Refresher course.

The vote on the above motion was 5-0-0-0.

Fit Testing for Respirators

The Board reviewed the request for and Advisory Opinion on RN Scope of Practice to Perform Fit Testing for Respirators from Jackie Cushing, RN, MSN.

Motion: It was moved and seconded to approve the following recommendation from the Practice Committee: It is within the scope of the registered professional nurse whose primary responsibility is Infection Control, Employee Health or Wellness, to fit test respirators.

The registered Professional nurse must meet the following criteria:

- *The registered professional nurse must have documentation of satisfactory completion of an appropriate educational program to perform fit testing;*
- *The institution or practice setting has in place an educational/competency validation mechanism that includes a process for evaluation and documenting the individual*

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registered nurse's demonstration of the knowledge, skills and abilities related to fit testing of respirators.

The vote on the above decision was 5-0-0-0.

IV Push Propofol

The Board reviewed the request by Chloe Kostal for an Advisory Opinion concerning the Circumstances Under Which an RN Can Push Propofol.

Motion: It was moved and seconded to approve the Practice Committee's recommendation to the Board that they re-enforce Board Advisory Opinion 03-124 that it is not within the scope of practice of a registered professional nurse to administer propofol for conscious sedation.

After discussion, and by consensus, the Board is of the opinion it is within the scope of a registered professional nurse to provide deep sedation for ventilator patients in intensive care settings. This may include medications classified as anesthetic and/or paralytic agents.

1. *General Requirements:*

- *The registered professional nurse must have documentation of satisfactory completion of an appropriate educational program to administer these medications;*
- *The registered professional nurse must be ACLS certified;*
- *The registered professional nurse must meet continued competency on a regular basis to administer these medications.*

The practice Committee recognizes that there are times when the anesthesiologist or CRNA are unable to administer IV anesthetics while initiating and maintaining an airway.

Therefore, the Practice Committee recommends to the Board it is within the scope of practice of a registered professional nurse (RN) to administer IV push medication during rapid sequence intubation at the direction of a licensed physician or certified registered nurse anesthetist (CRNA) provided the following criteria are met:

1. *There is direct, over the shoulder supervision by the physician or CRNA who is performing the intubation.*
2. *The licensed physician or CRNA selects and orders the medication(s) to be administered.*
3. *Written policies and procedures are maintained by the facility.*
4. *The registered nurse has the knowledge, skill, and judgement for the task.*
5. *The institution or practice setting has in place an educational/competency validation mechanism that includes a process for evaluation and documenting the individual registered nurse's demonstration of the knowledge, skills and abilities related to the administration of IV push medications for rapid sequence intubation.*

The Licensed physician or CRNA must be present at all times when Propofol is administered or infused to a clients who is not mechanical ventilated.

The vote on the above decision was 5-0-0-0.

Laser Removal of the Stratum Corneum

The Board reviewed the request for an Advisory Opinion on Scope of Practice for RN to Perform Laser Removal of Stratum Corneum by Penny J. Smalley, RN.

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Motion: It was moved and seconded to approve the Practice Committee's recommendation to the Board to table this issue until the following information is obtained from requester:

- *What are the complications of this procedure?*
- *What is the incidence of burns below the stratum corneum?*
- *What is the potential for scarring.*
- *What is the rate of infection?*
- *What is the training that is needed?*
- *When using the laser on a pediatric patient, where is the laser being used?*

The vote on the above decision was 5-0-0-0.

Cervical Ripening Agents

The Board reviewed the request by Elaine Volin, RN for an Advisory Opinion on Scope of Practice for RN to Administer Cervical Ripening Agents.

Motion: It was moved and seconded to approve the Practice Committee's recommendation to the Board that it is the responsibility of the primary care provider for the induction of a woman in labor.

The vote on the above decision was 5-0-0-0.

Scope of Practice Letters and Advisory Opinions – January Board Meeting

The Board members reviewed the following Scope of Practice Letters and Advisory Opinions:

- Management of Analgesia
- Epidural Catheters
- Peritoneal Dialysis
- Apheresis Procedure
- Student Extern Programs
- Executive Summary

Rural Nurse Internship Program

The Board reviewed information on the rural nurse internship program at Campbell County Memorial Hospital as presented by Dr. Calkins.

Motion: It was moved and seconded to approve the Practice Committee's recommendation to the Board accepting the Rural Nurse Internship Program at Campbell County Memorial Hospital, to be used in lieu of a nurse refresher course.

The must student follow the Rules and Regulations for licensure and must have a Wyoming Board of Nursing temporary permit in order to complete the clinical portion of the Internship program.

The vote on the above decision was 5-0-0-0.

Executive Summary - Patient Safety

Ms. Koski provided an article on Patient Safety for the Board members for informational purposes.

Letter to Governor Freudenthal from Frustrated UW Student

Ms. Koski gave copies of a letter she just received today from a UW student who has been unable to get into the nursing program. The Board Members discussed the letter, as well as noted that a copy was not sent specifically to the President of UW, Dr. DuBois.

April 5, 6, 7, and 8, 2004

Discipline

Disciplinary Statistics:

Ms. Marquis passed out copies of the disciplinary statistics to all of the Board Members for their review. The numbers show the amount of files reviewed in the Compliance office during the last year.

Board Reconsiderations:

None to consider

Off Conditional License:

None to consider

Actions Finalized:

Letters of Reprimand:

None to consider

Stipulated Agreements/Conditional Licenses:

None to consider

Voluntary Surrender:

None to consider

Private Agreements:

None to consider

Withdrawal of Application:

None to consider

Denial of Application for Licensure/Certification:

Motion: A motion was made and seconded, January 6, 2004, to affirm the Application Review Committee's recommendation to deny the following applications:

Case #03-068, David Lee Peterson, RN Application

Case # 03-053, Charlene Budimer, CNA Application

Case # 03-052, Michelle Woody, CNA Application

The vote on the above decision was 4-0-1-0. In accordance with Board Rules and Regulations, members of the Application Committee abstained from voting.

Application Denial Procedure:

Motion: It was moved and seconded April 7, 2004 to approve the following Application Denial Procedure: When the Application Review Committee determines that denial of an applicant is appropriate, the Committee, in consultation with the Attorney General's office, shall forward the letter of preliminary denial to the applicant with the notice that the applicant has 30 days in which to request a hearing to challenge the Committee's preliminary denial. If the applicant does not request a hearing the Committee's preliminary denial shall be considered a final denial by the Board and the file closed. The vote on the above decision was 5-0-0-0.

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Delegation of Authority to Application Review Committee and DC:

Motion: *It was moved and seconded April 6, 2004 to grant the Application Review Committee (ARC) and the Disciplinary Committee the authority to dismiss applications and cases and to order letters of Awareness and Advisory Letters without further Board approval. All public discipline cases and denials of applications must be affirmed by a quorum of the Board.*

The vote on the above decision was 4-0-1-0.

Order Denying Petition Rehearing on behalf of Anita LaFond:

Motion: *It was moved and seconded April 6, 2004 to deny the Petition for Rehearing filed on behalf of Anita LaFond, and to authorize the President to sign the Order Denying Petition for Rehearing as presented on behalf of the Board.*

The vote on the above decision was 4-0-1-0.

National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank:

Cheryl provided copies of the new NPDB-HIPDB brochure for the Board Members to review. Its purpose is to help health care practitioners better understand the Data Banks.

ADJOURNMENT: Having no further business to come before the Board, the meeting was adjourned by President Merrill at 12:30 p.m. on April 8, 2004.

Submitted by:

Rita Pouppirt, Recorder

Baerbel Merrill, BSN, RNC, President

Karen Ouzts, PhD, RN, Vice President

Bernie Davis, LPN, Secretary