

July 12, 13, 14 & 15, 2004

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

**PUBLIC SESSION:** The Wyoming State Board of Nursing held its regularly scheduled meeting on July 12, 13, 14, and 15, 2004, 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 Merrill at 1:00p.m., Monday, July 12, 2004.

**ROLL CALL:** President Merrill took the roll call.

**Board Members Present:**

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

**Board Members Absent:**

Linda Luegge, Consumer Member, Sheridan

**Staff Present:**

Cheryl Koski, MN, RN, Executive Director  
Mary Calkins, Ph.D., RN, Assistant Executive Director/Practice & Education Consultant  
Rachel Riles, Management Services Officer (7/13/04 9:00-9:30 & 1:00-1:30)  
Kathy Marquis, JD, MSN, FNP-C, Compliance Consultant  
Rita Pouppirt, Executive Assistant  
Ken Nelson, Attorney General's Office (7/13/04 9:30-12:00 & 1:30-5:00, 7/14/04 9:00-)  
Angela Dougherty, Attorney General's Office (7/13/04 9:30-12:00)  
Trish Fox, Licensing Coordinator (7/12/04 1:00-1:25p.m.)  
Kaycee Lattin, Student Intern (7/12/04 1:00-2:30p.m., 7/13/03 8:50a.m.-12:00p.m., 7/14/04 9:00- 12:00)

**Visitors Present:**

Lynne Callaghan, Attorney General's Office (7/13/04, 8:29-10:35a.m.)  
Marcia Dale, Expert Witness (7/13/04, 8:30-10:35a.m.)  
John Chambers, Attorney General's Office Intern (7/13/04, 9:20-10:55a.m.)  
Patty McRae, Lander Valley Medical Center (7/13/04, 9:25-10:34a.m.)  
Airin Edlund, CNA Applicant (7/13/04, 9:25-10:35a.m.)  
Casey Parker, Attorney General's Office (7/13/04, 9:30-10:35)  
Levi Martin, Attorney General's Office (7/13/04, 9:30-10:35)  
Deb Baumer, Office of Administrative Hearings (7/13/04, 9:30-10:55a.m.)  
Norma De Long, Court Reporter (7/13/04, 9:25-10:55a.m.)  
George Vandell, WPAP (7/13/04, 10:50-11:15a.m.)  
Paul DeLap, RN Conditional License (7/13/04, 1:40-2:00p.m.)  
Cliff Mikesell, Office of Health Facilities (7/13/04, 2:30-3:30p.m.)  
Laura Hudspeth, Office of Health Facilities (7/13/04, 2:30-3:30p.m.)  
Ruth Monroe, Albany County Public Health (7/13/04, 2:30-3:30p.m.)

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Jull Hult, Shephard of the Valley (7/13/04, 2:30-3:30p.m.)  
Tom Jones, Wyoming Health Care Association (7/13/04, 2:30-3:30p.m.)  
Dan Lex, Quality Health Care Foundation (7/13/04, 2:30-3:30p.m.)  
Patricia Fritz, Mountain Pacific Quality Health Foundation (7/13/04, 2:30-3:30p.m.)

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

**WELCOME AND INTRODUCTIONS OF NEW BOARD STAFF:**

Ms. Koski announced to the Board Members that the Governor had just appointed the new Consumer Board Member, Linda Luegge from Sheridan, last week. Linda is retired from the VA Medical center, where she worked in the Fiscal Department. She was unable to attend the July meeting because of a prior commitment.

Two new employees have joined the Board Staff, and Ms. Koski introduced them to the Board Members. Trish Fox is the new Licensing Coordinator. She had been previously working for another State agency. Kaycee Lattin is working for the Board Staff as a Student Intern. She is currently a student at Laramie County Community College studying Radiography.

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

**APPROVAL OF THE MEETING MINUTES**

**Minutes of the April 5-8, 2004 Board Meeting:**

The Board voted to approve the minutes of the April, 2004 Board Meeting, as amended.

**Motion:** *It was moved and seconded, July 12, 2004 to approve the Minutes of the April 5-8, 2004 Board Meeting.*

*The vote on the above decision was 5-0-0-1.*

**Minutes of the May 17, 2004 Board Conference Call Meeting:**

The Board voted to approve the minutes of the May 17, 2004 Board Meeting as amended.

**Motion:** *It was moved and seconded, July 12, 2004 to approve the Minutes of the May 17, 2004 Board Meeting.*

*The vote on the above decision was 5-0-0-1.*

**OLD BUSINESS**

**The following items remain open from past meetings:**

- "Parking Lot" items - changes to the Wyoming Nursing Practice Act
- Office Relocation
- Draft Bill - Authorizing Administrative Penalties for State Licensing and Certification Boards

**ADMINISTRATIVE ISSUES**

**Attorney General's Office**

**Unlicensed Practice:**

Mr. Nelson wrote a letter to Wendy Tyson at the Department of Employment regarding the release of the names and addresses of persons employed by healthcare facilities, physicians offices, healthcare clinics, and nursing education programs who are currently practicing without a current license in Wyoming. Ms. Tyson had responded to the Board's request for this information by stating that the information is excluded from the definition of public record. However, Mr. Nelson pointed out that the Federal Freedom of Information Act does not apply to the Department of Employment. Ms. Tyson has yet to respond to Mr. Nelson's letter dated June 14, 2004. Since this is a patient safety issue, it is an important matter that will be pursued. If Ms. Tyson does not respond, Mr. Nelson could file for action under the public

records act. The Board will plan the next course of action at the October Board meeting.

**Meeting with Board of Medicine - Practicing without a license, May 20, 2004**

Ms. Koski reported on her presentation to the Board of Medicine regarding the issue of making sure the nurses who work for them have current licenses.

**Draft Bill: Authority to Assess Administrative Penalties**

Mr. Nelson presented a draft of the proposed bill authorizing various boards to assess administrative penalties for licensing violations. The Board members discussed different aspects of the bill and how it would affect our Rules and Regulations. Mr. Nelson explained that a sponsor for the bill is yet to be determined. An orientation for legislators is being held this Fall, and he will solicit a sponsor at that time.

**Office of the Governor**

**Board ID Cards**

The Board Members received ID Cards from the Governor's office. The Governor reinstated the tradition of issuing these cards to board and commission members. The cards help members identify themselves when they are on official state business.

**EDUCATIONAL PROGRAMS:**

**Summary of Educational Programs:**

Dr. Calkins presented the Educational Summary report to the Board. The report was redesigned by Ms. Pouppirt in an Access database format to make it easier to update and to have the flexibility of generating different types of reports.

Dr. Ouzts gave a brief explanation of the Education Committee's duties for the benefit of the new Board members. She explained further that the committee has been working hard to standardize the Annual Report and Faculty Qualification Sheet format so the reports are easier to read. The Faculty Qualification Sheets are particularly important so we can make sure the instructors are properly educated. None of the nursing education programs in Wyoming have a fully Master's prepared faculty, but that is the ultimate goal.

**Laramie County Community College (LCCC):**

The Education Committee reviewed the Annual Report submitted by Laramie County Community College.

***Motion:** It was moved and seconded to approve the Education Committee's recommendation to approve LCCC's Annual Report. The Board commends the LCCC Nursing Program's excellent preceptor manual.*

*The vote on the above decision was 5-0-0-1.*

**Northwest College (NWC):**

The Education Committee reviewed the letter and Annual Report submitted by Marlys Ohman, Program Director of Northwest College.

***Motion:** It was moved and seconded to approve the Education Committee's recommendation to approve the letter from Marlys Ohman, Program Director, regarding notification of newly hired faculty which are: Marilyn Smith, MSN, Carole Genz-Mould, MSN, and Cody Moncur-Nielson, MSN. The Education Committee also recommends acceptance of NWC's Annual Report. The Board commends the NWC Nursing Program's excellent preceptor manual.*

*The vote on the above decision was 5-0-0-1*

**Central Wyoming College (CWC):**

The Education Committee reviewed the Annual Report submitted by Central Wyoming College Nursing Program Director, Billie Dutcher.

**Motion:** *It was moved and seconded to approve the Education Committee's recommendation to approve CWC's Annual Report. The Committee would like to clarify the use of preceptors, as CWC indicated a number of zero preceptors in the annual report. The Committee would also like a description of what is being done to increase retention rates. The vote on the above decision was 5-0-0-1*

**Casper College (CC):**

The Education Committee reviewed the Annual Report submitted by Casper College.

**Motion:** *It was moved and seconded to approve the Education Committee's recommendation to approve the Annual Report of Casper College. The Board requests that Casper College use the most current version of the Faculty Qualification Sheet. The vote on the above decision was 5-0-0-1.*

**Northern Wyoming Community College District (NWCCD)- Sheridan College and Gillette Campus:**

The Education Committee reviewed the Annual Report for NWCCD, Sheridan.

**Motion:** *It was moved and seconded to approve the Education Committee's recommendation to approve the Annual Report of NWCCD. The Committee recognized that two faculty members, Rina Davis and Sue Klus, have each worked for NWCCD for five years, but neither one has completed a Master's program. The vote on the above decision was 5-0-0-1.*

**Weber State University:**

The Education Committee reviewed the request by Weber State nursing program to offer the clinical portion of Nursing 5061 - Psychiatric/Mental Health Nursing Across the Lifespan, at the Wyoming State Hospital.

**Motion:** *It was moved and seconded to approve the Education Committee's recommendation to approve the clinical nursing course: Nursing 5061 - Psychiatric/Mental Health Nursing Across the Lifespan at the Wyoming State Hospital. The Board wishes to remind Weber State to use the Wyoming Board of Nursing Faculty Qualification Sheet and course syllabus. In addition, the Committee asks that Weber State have Board approval before implementing outreach programs in Wyoming. The vote on the above decision was 5-0-0-1.*

**Pickens Tech:**

The Education Committee reviewed the Letter of Request to provide Pickens Tech Practical Nursing Program clinical experiences at United Medical Center in Cheyenne for Fall, 2004.

**Motion:** *It was moved and seconded to approve the Education Committee's recommendation to approve Pickens Tech's request to offer the following courses in Wyoming at United Medical Center:*

- *PRN 245 (clinical II) August 19-October 22, 2004*
- *PRN 195 (clinical I) November 4, 2004-January 14, 2005*
- *PRN 285 (clinical III) November 4, 2004-January 14, 2005*

*The Committee was unable to determine what courses need to be completed by Carol Dowdy in order to complete her MSN. In addition, all syllabi for all courses offered in Fall 2004 need to be submitted no later than September 1, 2004.*

*The vote on the above decision was 5-0-1-1.*

**Idaho Nursing Education Statutes:**

The Board members reviewed information from the Idaho Board of Nursing regarding out-of-state Clinical Experiences. These experiences are being approved by the Idaho Board of Nursing based on documentation that a nursing education program is approved by another Board of Nursing. If a program is approved by another Board of Nursing, Idaho accepts this as being equivalent to their requirements for nursing education program approval. The Education Committee recommends that the Wyoming Board of Nursing follow their lead, but with more

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specific criteria, such as accreditation.

The Board suggested that this item be put in the “parking lot” list of change items to the Wyoming Nursing Practice Act. There should be rules and regulations to cover this situation so the Board can be proactive, instead of reactive. For example, Wyoming requires a clinical component, but Excelsior College out of New York does not have the same requirement. The National Council of State Boards of Nursing (NCSBN) has a Model Practice Act that could be used for guidance in this situation.

#### **National Council of State Boards of Nursing:**

##### **HIPDB Agreement Between National Council and Board of Nursing:**

Ms. Koski presented the new HIPDB Agreement between National Council and the Wyoming State Board of Nursing, dated May 17<sup>th</sup> 2004.

##### **Annual Meeting - Kansas City, MO - August 3-6, 2004:**

The annual meeting delegates are President Merrill, and Dr. Ouzts. The alternates are Ms. Koski, and Ms. Williamson. All four will be attending the meeting in Kansas City in August.

##### **NCSBN Awards Program - Beth Evans Nomination:**

During the April, 2004 Board meeting, the Board Members nominated Dr. Beth Evans, the former Consumer Member, for the NCSBN Exceptional Contribution Award. The nomination was submitted by Ms. Koski to the 2004 Awards Program Committee on May 16, 2004. No word has been received yet as to whether or not a selection has been made for the recipient of this honor.

##### **Report of Investigator Summit, June 14-16, 2004 - Kathy Marquis:**

Ms. Marquis reported on the Summit she attended in Philadelphia. It was an excellent conference where the following items were discussed:

- Independent psychiatric evaluations; Ms. Marquis wants to compare other states' laws on this issue to Wyoming and prepare a discussion on the topic.
- Keeping statistics on disciplinary actions; comparison of the number of complaints between now and 20 years ago.
- Whether or not disciplinary actions are actually making a difference in dealing with problems.
- Developing criteria on what items have to go directly before the Board, and what items can go through a Disciplinary Committee to handle large volumes of cases in some states.

##### **Report of Information Technology Summit, May 11-12, 2004 - Rachel Riles**

Ms. Riles reported on the Information Technology Summit that she attended in San Diego in May. She enjoyed meeting her counterparts from other states, while appreciating the networking opportunities. The following items were discussed at the conference:

- Computer crimes; how to safeguard information using firewalls and password security
- Paperless Board meetings and associated costs, especially dedicated IT personnel to assist with problems
- Document imaging
- Online applications and renewals
- NURSYS and the ongoing data problems

##### **Report of Unlicensed Assistive Personnel (UAP) Meeting June 11, 2004 - Cheryl Koski and Dr. Mary Calkins**

Ms. Koski and Dr. Calkins reported on the UAP meeting they attended on June 11, 2004.

Members of the federal government were there. Ms. Koski spoke on the topic of delegation and all of the issues associated with it, and presented on issues relating to denial of permission to work in federally funded facilities. There was more discussion of the possibility of having different levels of CNAs. President Merrill commended the proactive stance of the Board and staff on the UAP issue so it does not get out of control.

### **Countries Selected for NCLEX Testing**

Ms. Koski presented a news release to the Board regarding the NCSBN's decision to offer the NCLEX in three foreign countries: Seoul, South Korea; London, England; and Hong Kong. Additional countries may be added on an as needed basis. The pilot program will assist nurses potentially interested in becoming a licensed nurse in the United States to take the NCLEX without having the burden of travel.

### **Letter to NCSBN From New Jersey Regarding NCLEX for Visa-Screen**

Ms. Koski referred the Board Members to the letter from the New Jersey Board of Nursing. They are very unhappy about the recent NCSBN decision to allow licensed practical nurses who are in the U.S. on a temporary visa to sit for the NCLEX. They have asked the National Council to postpone the implementation of this decision until it has been brought before the Delegate Assembly, so an appropriate action can be recommended after proper consideration.

### **Visa Assist Program:**

Ms. Koski presented to the Board a letter from Visa Assist Program Inc., since it will impact our Rules and Regulations. The program was created for the purpose of processing Certified Visa Assist Certificates for foreign healthcare professionals. The Department of Homeland Security had requested that new companies become authorized to provide Certified Visa Certificates, since The Commission on Graduates of Foreign Nursing Schools (CGFNS) is having difficulty meeting the demand for this service.

### **Certified Nursing Assistants:**

Dr Calkins included a listing of the current Nurse Aide training programs in the Board packet for the members to review.

Ms. Koski reported that the Arkansas Board of Nursing has contacted her about coming to their state to give a presentation on our CNA program. They will pay her expenses for the trip.

### **Paid Feeding Assistant Program:**

Ms. Marquis attended a statewide meeting regarding the Center for Medicare Services (CMS) Paid Feeding Assistants on April 22, 2004 in Lander. The Department of Health, Office of Health Facilities, the Wyoming Health Care Association, and the Quality Health Care Foundation of Wyoming facilitated the meeting to discuss a formal Paid Feeding Assistant Program. A number of facilities were represented at the meeting, and many of them are in favor of the Feeding Assistant program. The Board members discussed the various issues and challenges including delegation of feeding duties by RNs and LPNs. Education guidelines for the Feeding Assistants were also discussed. Dr. Calkins volunteered to write some standardized training guidelines for the Board to review. The Board members agreed to issue an advisory opinion on the matter.

***Motion:*** *It was moved and seconded, July 13, 2004, to issue an advisory opinion concerning paid feeding assistants stating the following:*

- *The Board has no jurisdiction concerning paid feeding assistants*
- *The RN or LPN may delegate to the paid feeding assistant in a long term care facility providing the following criteria are met:*
  - (1) *The nurse shall follow the delegation model of Chapter 7, Section 6 & 7 of the Board Rules and Regulations.*
  - (2) *The resident has no complicated feeding problems as defined by CFR 42 482.35(h)(3)*
  - (3) *The paid feeding assistant must successfully complete a standardized training program for paid feeding assistants approved by the Wyoming Department of Health that meets CFR 42 482.160.(a). The standardized training program must include content that the paid feeding assistant is under the supervision of the licensed nurse.*

*Mr. Nelson, the Wyoming Board of Nursing attorney, will write a letter to Tom Jones reflecting this advisory opinion.*

*The vote on the above motion was 5-0-0-1.*

The Department of Health and other interested parties came before the Board and made a presentation on this issue. Cliff Mikesell and the other representatives presented the following:

- The background of this Federal regulation: The purpose of the program is to enhance the nutrition and hydration services provided to nursing facility residents. Each state has the flexibility to decide whether or not to implement the program. The effective date was October 27, 2003.
- The state will not pay for or maintain a registry on feeding assistants, but the Office of Health Facilities will keep a listing of individuals who have successfully completed the program training.
- CMS requires a minimum of 8 hours of training covering a multitude of areas including nutrition, communication, behavioral issues, and safety and emergency procedures. A group of Feeding Assistant advocates is developing a Wyoming Nutrition Support Assistant Program, which will be taught by nursing facility staff. A draft copy of the program was provided to the Board members for their review.
- The feeding assistants will be submitted to the same background checks and screening processes as any other facility employee. In addition, a paid feeding assistant must work under the direct supervision of an RN or LPN in order to assure quality care and safety.
- Based on a recent survey, 36 states have responded that they intend to implement the program, and 8 states currently have the program in place.
- Over half of the facilities in Wyoming are interested in the program. Only 4 hospital-based facilities have indicated they are not interested.
- The state approved training program will be monitored by the Wyoming Department of Health, Office of Health Facilities during the survey process.
- The training costs will be absorbed 100% by the facility. The Office of Health Facilities will absorb the cost of monitoring and oversight.

There was a question and answer session with the Board members at the conclusion of the presentation.

**Wyoming Nursing Practice Act:**

Ms. Koski presented the draft proposed changes that she worked on with Dr. Calkins and Ms. Marquis. Although they had gone through the Act line by line to make changes and additions, they did not use the NCSBN Model Practice Act as a guide. Ms. Koski explained further that the changes to the Nursing Practice Act will then be followed by drafting the proposed Rules changes that will be necessary to be consistent with statutory changes made. President Merrill commended the staff for the preliminary work the Board staff had accomplished. It is clear that changes need to be made, and the Board needs to be perceived as an organized group. The formation of a legislative committee was suggested by the Board members.

***Motion:** It was moved and seconded July 14, 2004 to implement a legislative committee within the Wyoming State Board of Nursing.*

*The vote on the above motion was 5-0-0-1.*

The Legislative Committee will be composed of the following members: Shirley Harris, Parry Davison, and Linda Luegge. The Committee will invite other Board members to participate from time to time. After the Board meeting has adjourned, the Committee will convene to get organized, appoint a Chair, and set priorities. One of their duties will be to pick sponsors from the House and the Senate. The sponsor will submit the Bill to the Legislative Services Office.

The Board Members, recognizing the time constraints of the Board meeting, agreed to take the time to look over the proposed changes, in addition to the NCSBN Model Act to see if there are any more changes that should be made.

Mr. Nelson, the Board attorney, suggested that the Board set deadlines for comments and suggestions, as we need to get a Bill sponsor as soon as possible. The Board may also wish

to schedule a phone conference to discuss it before anything is finalized.

**Wyoming Professional Assistance Program (WPAP):**

- Ms. Koski included the information regarding the sixth amendment to the contract between the Board of Nursing and WPAP in the Board packet for the members to review.
- George Vandel came before the Board to give his Quarterly Report. He thanked the Board for their continued support and for the increase in financial contributions. Mr. Vandel gave an update on monitoring agreements, and described the random urine drug screening process. He called for questions from the Board and a discussion ensued. George mentioned that the Disruptive Physician program is currently on hold. The costs involved in developing such a program can be prohibitive, especially the legal expenses. In addition, it is difficult for physicians to discuss their behavior problems.
- The Board discussed having Mr. Vandel propose some criteria for the evaluation of the program, an over-all quality measuring tool, to try to measure its success rate. Some of the Board Members remembered requesting it from Mr. Vandel during previous meetings. The Board Members would be willing to help establish some indicators, if Mr. Vandel needs assistance in putting it together. Ms. Koski will send a formal letter to WPAP requesting the instrument.
- Ms. Koski briefly mentioned the "Impaired Professionals" article written by Nancy Freudenthal. The article describes the problems suffered by many legal professionals, and how the Wyoming Professional Assistance Program could possibly help.

**Budget:**

Ms. Riles reviewed all budget items with the Board and answered questions from the members regarding various items.

Ms. Riles recently took over the Fiscal and Human Resources functions for the Board staff since the departure of Fran Hawkins in May. Ms. Koski explained to the Board that Ms. Reid had taken over the Examination Coordinator position vacated by Ms. Riles. She commended them both for doing an excellent job.

Ms. Riles answered questions from the newer Board Members on how to fill out the reimbursement forms for Board meeting expenses. Ms. Riles will email the form to all of the Board Members so they can fill it in on their computers, and then they will always have a copy of it.

Ms. Riles and Ms. Koski also briefly explained the progress on finding a suitable office space to move to, and updated the Board on the database upgrade, which should be up and running by the end of August.

Some of the Board Members inquired as to the condition of the computer equipment currently being used by the staff. Ms. Riles responded that new monitors as well as a new laptop were badly needed. There has already been some money budgeted for new computer equipment, so the staff will be making some purchases very soon.

Ms. Koski handed out discount cards for LaQuinta Inn to all of the Board Members. The cards are good for 20% off the price of hotel rooms nationwide, and can also be used for family members.

**Nursing Shortage:**

**Wyoming Nursing Summit**

Dr. Ouzts reported on the Nursing Summit held in Laramie on June 18, 2004. There was an excellent turnout for the event, with approximately 80 people attending from various agencies

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and organizations from throughout the State. There were speakers and then discussions among the participants. Ms. Koski gave a presentation on various nursing statistics particular to Wyoming. One of the main goals is to develop a strategic statewide plan for nursing manpower in the State. Dr. Ouzts made the point that the nurses need to stick together and speak in one voice. One of the ways to accomplish this would be to establish a Nursing Center of Excellence, but this takes a lot of effort, time and money. Part of this may involve legislation. Dr. Ouzts will write a white paper about the type of research that is necessary and will try to get more people involved in the cause. She mentioned that there may be grant money we could apply for, which would help in making the public aware of nursing shortage issues.

#### **Nursing Shortage Articles:**

Ms. Koski included the following articles about the nursing shortage nationwide for the Board members to read:

It's Never Been a Better Time to Be a Nurse - FYI

Brother, Can you Spare an RN - FYI

Essentials of a Magnetic Work Environment - FYI

Legislative Network for Nurses - May 17, 2004

Legislative Network for Nurses - May 31, 2004

#### **Publishing Concepts, Inc.:**

Ms. Koski presented the contract between Publishing Concepts and the Wyoming State Board of Nursing. The contract was executed on June 14, 2004. The Board and staff must now come up with articles to fill the magazine. The articles must be sent to the publishing company several months in advance. The Board staff is concerned with renewals right now, as that will take most of their time and energy until January. Dr. Calkins said she was already soliciting articles from different sources. The Board Members agreed that it is best to start gathering the articles now and not wait until January. The publishing company sells the advertisements, so there is no cost to the Board of Nursing. The magazine will be a glossy full color publication, which will be mailed out to all licensees third class bulk mail.

#### **Out of State Meetings:**

##### **American Academy of Nurse Practitioners**

Dr. Calkins, and Ms. Davison will attend the Annual Region 8 Invitational Leadership meeting of the American Academy of Nurse Practitioners on July 18, 2004, at Keystone, CO. The AANP will reimburse up to \$100 of an attendee's travel expenses to attend the meeting. The objectives of the meeting are to facilitate discussion of national and state issues pertinent to the Region 8 states, and to foster collaborative working relationships among AANP members, state leaders and other groups and organizations in the region.

##### **Continuing Legal Education (CLE) in Professional Regulatory Law**

The Board Members reviewed the information on the CLE course in Chicago, Illinois, September 17-19, 2004. The course is sponsored by the Association of State Agency Attorneys and Administrators, and will cover Professional Regulatory Law.

**Motion:** *It was moved and seconded July 12, 2004 to approve Ms. Marquis' attendance at the CLE Professional Regulatory Law Meeting in Chicago.*

*The vote on the above motion was 5-0-0-1.*

##### **Citizen's Advocacy Meeting**

Since a Consumer member has been appointed, the Board Members discussed and approved having Ms. Luegge attend the 2004 annual meeting October 28-30, 2004 in Orlando, Florida. The theme for this years' meeting is "Assessing the Healthcare Oversight System: Diagnoses and Prescriptions for Improvement." The Citizen Advocacy Center is a non-profit organization which provides training, research, technical support, and networking opportunities for public members of health care regulatory and governing

boards.

### **SCOPE OF PRACTICE:**

The Practice Committee described their duties for the benefit of the newer Board members.

#### **Bravo Ph Monitor - RN Scope of Practice Request from Margaret Walker, New Hampshire Board of Nursing:**

The Practice Committee reviewed the request for an opinion regarding use of the Bravo Ph Monitor.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that it is not within the scope of practice of the registered professional nurse to insert a non-nasogastric catheter pH monitor.*

*The vote on the above motion was 5-0-0-1.*

#### **CNAs discontinuing IV and heparin/saline locks - Request for Opinion by Stacy Stanek, Riverton**

The Practice Committee reviewed the request for an opinion regarding CNAs discontinuing IV and heparin/saline locks.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that discontinuing IVs or heparin/saline locks are not a tasks that can be delegated to CNAs. The vote on the above motion was 5-0-0-1.*

#### **Physician's Orders by Office Staff - Request for Opinion by Dr. Mary Calkins**

The Practice Committee reviewed the request for an opinion on physician orders.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that RNs and LPNs should not accept orders from any one other than the physician or any licensed practitioner.*

*The vote on the above motion was 5-0-0-1.*

#### **FNP to Practice as Psych-Mental Health APN - Request by Josh Hamilton for Opinion Within Scope of APN Practice**

The Practice Committee reviewed the request regarding whether it was appropriate for an FNP to practice as a Psych-Mental Health APN.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that it is not within the scope of a FNP to practice as a CS or NP in Psych Mental Health. The FNP may only practice within the standards of practice promulgated by the national accreditation agencies representing FNPs. If the FNP wishes to practice as a CS or NP in Psych/Mental Health, they must have the educational preparation (degree/post graduate certificate in psych/mental health nursing). It is also encouraged that the APN become certified as a NP in Psych/Mental Health.*

*The vote on the above motion was 5-0-0-1.*

#### **May CNAs Perform Digital Stimulation, Administer Theravac Mini Enema, and Administer Medications to a Cognitive Quadriplegic - Request by Anne Wilson, Powell Valley Home Care**

The Practice Committee reviewed the request regarding the appropriateness of a CNA to perform the above tasks.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's following recommendations:*

- *Digital Stimulation is not a task that a CNA may perform.*
- *Administering a Theravac enema is a task a CNA may perform who has been educationally prepared.*
- *Regarding the administration of medication, the CNA must adhere to the assistance of medication self administration, including that the client must be awake, alert and cognizant*

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*of medications that the client takes.  
The vote on the above motion was 5-0-0-1.*

**May CNAs Perform Pulse Oximetry - Request by Denise Krajewski**

The Practice Committee reviewed the request of an opinion on whether CNAs can perform Pulse Oximetry.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that a CNA may perform a pulse oximetry with the appropriate documented training and continued competency per institutional policy and protocols. The vote on the above motion was 5-0-0-1.*

**Sample Collaborative Plans for APNs**

The Practice Committee reviewed the sample collaborative plans for each APN specialty, submitted by Dr. Calkins.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation to accept the collaboration plans for the APN specialty areas. The vote on the above motion was 5-0-0-1.*

**LPNs Administering Oral Chemotherapeutic Agents**

The Practice Committee reviewed the request for an opinion on whether LPNs can give oral chemotherapeutic agents.

***Motion:** It was moved and seconded July 12, 2004 to approve the Practice Committee's recommendation that it is within the scope of practice of the LPN to administer oral chemotherapeutic agents provided that the LPN is educationally prepared. The vote on the above motion was 5-0-1-1.*

**CNAs - Administration of Prescription Strength Ointments**

The Practice Committee briefly discussed whether or not CNAs can administer prescription strength ointments. The item was tabled pending further research on the subject.

**Joint Statement Regarding Propofol Administration - American Society of Anesthesiologists and American Association of Nurse Anesthetists - FYI**

The Board Members reviewed the Joint Statement Regarding Propofol Administration and patient safety. This information will be posted to the Board of Nursing Website.

**Scope of Practice Letters and Advisory Opinions - April Board Meeting - FYI**

Dr. Calkins presented the letters sent out regarding Advisory Opinions after the April, 2004 Board meeting.

- Rural Nurse Internship - Campbell Memorial Hospital
- Fit Testing for Respirators - Jackie Cushing
- Cervical Ripening and Induction Agents - Elaine Volin
- Laser Use for Removal of Stratum Corneum - Tabled
- LPN and RN Refresher Courses - Greenville Technical College
- North Dakota Nurses Association Refresher Course
- Propofol by IV Push - Chloe Kostal

Dr. Calkins asked that the Board members put the information in their Advisory Opinion notebooks.

**DISCIPLINARY ISSUES:**

**Disciplinary Statistics**

Ms. Marquis reviewed the disciplinary statistics with the Board members. She explained that there are 64 cases now compared to only 21 this time last year. Ms. Marquis has been overwhelmed by the amount of work coming across her desk, and the possibility of additional staff may be necessary to meet the increased overload.

## Hearings

**Docket #04-08 - Airin Edlund NA App.:** The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded July 13, 2004 to uphold the Application Review Committee's decision to deny licensure at this time and will encourage Miss Edlund to reapply for licensure on successful completion of probation.*

*The vote on the above motion was 5-0-1-1.*

**Docket #02-040 - Paul DeLap, RN - Full Reinstatement:** The Board heard the testimony and reviewed the evidence presented during an administrative hearing.

***Motion:** It was moved and seconded July 13, 2004 to affirm the Disciplinary Committee's recommendation to reinstate Mr. DeLap's RN license.*

*The vote on the above motion was 4-0-2-1.*

**Docket #99-27 - Chuck Dziakiewicz, LPN, Full Reinstatement:** No appearance due to non reception of notice.

## Board Reconsiderations

None to consider

## Off Conditional License

**Docket #99-049 - John Jacobsen, CRNA**

***Motion:** It was moved and seconded July 13, 2004 to affirm the Disciplinary Committee's recommendation to reinstate Mr. Jacobson's RN/APN license.*

*The vote on the above motion was 4-0-2-1.*

## Actions Finalized (Signatures Needed):

### Letters of Reprimand:

***Motion:** A motion was made and seconded, July 13, 2004, to affirm the Disciplinary Committee's recommendation to issue a letter of reprimand to:*

*Case No. 03-089, Diane Holl-Rambo, RN*

*The vote on the above motion was 4-0-2-1. In accordance with Board Rules and Regulations, members of the Disciplinary committee abstained from voting.*

### Stipulated Agreements/Conditional Licensure:

***Motion:** A motion was made and seconded, July 13, 2004, to affirm the Disciplinary Committee's recommendation to issue a Conditional License to:*

*Case No. 03-034, Valerie Luegering, RN*

*Case No. 03-082 Kristen Hamister, RN*

*The vote on the above motion was 4-0-2-1. In accordance with Board Rules and Regulations, members of the Disciplinary committee abstained from voting.*

### Voluntary Surrender:

None to consider

### Private Agreements:

None to consider.

### Withdrawal of Application:

None to consider.

July 12, 13, 14 & 15, 2004

**ADJOURNMENT:** Having no further business to come before the Board, the meeting was adjourned by President Merrill at 12:30 p.m. on July 14, 2004.

Submitted by:

//SIGNED//  
Rita Pouppirt, Recorder

//SIGNED//  
Baerbel Merrill, BSN, RNC, President

//SIGNED//  
Karen Ouzts, PhD, RN, Vice President

//SIGNED//  
Bernadine Davis, LPN, Secretary