

**WYOMING STATE BOARD OF NURSING
BOARD MEETING MINUTES**

March 27, 28, 29, 2000

PUBLIC SESSION

The Wyoming State Board of Nursing held its regularly scheduled meeting on March 27, 28, 29, 2000, in the Barrett Building 4th Floor Conference Room, 2301 Central Avenue, Cheyenne, WY. The Board held a compressed video conference with Northwest College, Powell, in the Emerson Building Conference Room 123 on Wednesday, March 29, 2000, at 4:00 p.m.

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

CALL TO ORDER

1. CALL TO ORDER

The meeting of the Wyoming State Board of Nursing was called to order at 8:15 a.m., March 27, 2000, in the Barrett Building 4th Floor Conference Room by Veronica Taylor, board president.

ROLL CALL

1.1. ROLL CALL

President Veronica Taylor took the roll call.

Board Members Present:

Veronica Taylor, MS, RN, President, Gillette
Judith Knight, MS, RN, FNP, Vice President, Laramie
Beth Evans, PhD, Secretary, Consumer Board Member,

Cheyenne

Karla Roich, LPN, Rock Springs
Patricia Fritz, BSN, RNC, Board Member, Basin
Judy Turner, MS, RN, Board Member, Casper

Board Members Absent:

Patti Ellis, LPN, Board Member, Pinedale

Staff Present:

Cheryl Koski, MN, RN, CS, Executive Director
Mary Calkins, Ph.D., RN, CNN, Compliance Consultant
Mary Schaper, MS, RN, Nurse Practice Consultant
Paula Shepherd, Examination Coordinator
Fran Hawkins, Management Services Officer
Rachel Riles, Administrative Specialist
John Burbridge, Attorney General's Office
Angela Dougherty, Attorney General's Office
Gay Woodhouse, Attorney General's Office (Executive Session, 29 March 2000, 9:00-10:15)

Visitors Present: (March 27, 2000)

Larry Donovan, Office of Administrative Hearings (0900-1200)
Norma DeLong, Court Reporter (0900-1200, 1600-1700)
Taniela Kivalu, LPN (0900-1200)
Barbara Schaffer, CNA Applicant (1600-1700)
Jerry Webb, Pioneer Manor (1600-1700)

Visitors Present: (March 28, 2000)

None

Visitors Present: (March 29, 2000)

Janice McCoy, Ph.D., RN, Riverton (1300-1500)
Via Compressed Video:
Ms. Jean Voege, NWC (1600-1700)
Dr. Sher Hursku, NWC (1600-1700)
Dr. Ron Hitchcock, NWC (1600-1700)
Ms. Darleen Woodruff, NWC (1600-1700)

DECLARATION OF QUORUM

1.2. DECLARATION OF QUORUM

President Taylor declared a quorum present.

REORDERING OF THE AGENDA

2. REORDERING OF THE AGENDA

By consensus, the agenda was accepted with flexibility.

WELCOME AND INTRODUCTIONS

3. WELCOME AND INTRODUCTIONS

3.1. Judy Turner, MS, RN - Educational Programs

Judy Turner was introduced to the board as the newest appointed member of the Board of Nursing.

3.2. Rachel Riles - AWEC

Rachel Riles was introduced to the board as the AWEC addition to board staff.

BOARD MEETING MINUTES

4. APPROVAL OF MEETING MINUTES

4.1. MINUTES OF THE JANUARY, 2000, BOARD MEETING

By consensus, the minutes of the January, 2000, Board Meeting were approved with corrections.

ADMINISTRATIVE ISSUES

5. ADMINISTRATIVE ISSUES

5.1. ADMINISTRATIVE RULES AND REGULATIONS

5.1.1. Chapter IV - Advanced Practitioners of Nursing

The board reviewed and drafted proposed changes to

chapter IV. The primary changes addressed inclusion of the criteria for the written plan of practice and collaboration in the Administrative Rules and Regulations in accordance with the Attorney General's letter, November 1999.

5.1.2. Chapter VI - Standards for Nursing Education Programs

The board reviewed and drafted proposed changes to Chapter VI. Further discussion concerning out of state faculty teaching in Wyoming Nursing Education Programs will take place via Conference Call, tentatively scheduled for May. The changes addressed primarily are editorial and format. Angela Dougherty, Assistant Attorney General, will draft proposed language.

5.1.3. Chapter II - Licensure Requirements for Registered Professional Nurses, Licensed Practical Nurses and Certification Requirements For Nursing Assistants/Nurse Aides

The board reviewed and discussed changes. There was discussion of CNA's having difficulty meeting the 500 hours of work. Federal guidelines only require 8 hours of work in a two year period to maintain certification. By consensus, the board agreed to change this requirement to 16 hours.

5.1.4. Chapter VIII - Practice and Procedure

The board discussed changes to this chapter. No changes will be proposed at this time.

5.2. Educational Programs

5.2.1. Gillette Nursing Programs

5.2.1.1. Annual Report

The board reviewed the Annual Report submitted by Gillette Nursing Program. The board commended Gillette for their pass rate on the NCLEX. The conceptual framework is good. They need to clarify PN role as manager of care. The board noted that the Gillette Nursing Program does not meet all their program outcomes. They do need to meet their outcomes and need to keep the BON informed.

The board questioned what the Gillette programs plan of action will be if they are unable to meet their program outcomes. In addition, the board noted there is an inconsistency between the definition of manager of care and collaboration with the objectives of the program. Ms. Koski will send a letter to Gillette addressing the areas of concern.

The board noted that not all faculty hold a Master's Degree in Nursing nor do all faculty have a plan for completion of their degree within five years.

5.2.1.2. Letter from Nancy Larmer dated February 22, 2000, concerning NLNAC accreditation and State Board Approval

The board discussed the letter received from Nancy Larmer addressing NLNAC's decision to only accredit one program - Northern Wyoming Community College District. They will not have separate accreditations for both Gillette and Sheridan. The board reviewed and approved Gillette's proposed changes and schedule for merging of the programs. The board discussed Gillette's request for a single program review with NLNAC in Spring 2003. The board agreed to this request. However, the board decided that they would still visit Sheridan Nursing Program as scheduled since the program will be in change. It will be a focused visit to address the areas of concern.

Ms. Koski will send a letter to NWCCD addressing the site visit.

5.2.2. Western Wyoming College

5.2.2.1. Letter dated February 28, 2000, from Marlene Ethier and materials for Board Review

The board reviewed and accepted the materials submitted by Marlene Ethier from Western Wyoming Community College Nursing Programs. The board addressed several areas of concern. These include the following:

- 1) The need to define the type of program, i.e., ADN or PN spinoff;
- 2) state the role of the PN they are preparing;
- 3) the need for a content map;
- 4) other areas include admission criteria, philosophy, objectives and conceptual framework;
- 5) preceptor manual;
- 6) curriculum and faculty.

The board was very concerned about the satellite campuses and whether the students were receiving the same quality of education as the on-campus students. This concern stems from the level of preparation of the faculty in the outreach sites. Ms. Koski was directed to send a letter to WWCC nursing Program addressing the areas of concern.

The minutes are much more comprehensive and organized. Overall, the program shows a great deal of work by the faculty. The board noted a report addressing correction of all areas of deficiency must be submitted to the board by July 1, 2000 (See attached summary of program).

5.2.3. Northwest College

5.2.3.1. Letter dated February 1, 2000, from Darlene Woodruff and Jean Voege

The board reviewed and accepted the letter received from Darlene Woodruff and Jean Voege addressing the personnel/faculty changes at Northwest College. Ms. Woodruff and Ms Voege are serving as Interim Co-Directors.

5.2.3.2. Compressed video conference with nursing Faculty and administration Northwest College To discuss annual report and concerns/issues

The board began this video conference by introducing themselves and having staff at Northwest College introduce themselves as well. Dr. Sher Hurska indicated they are currently working through the faculty handbook to make appropriate changes to address the concerns raised by the board following the Annual Report in the areas of administrative governance.

Dr. Hurska also indicated they are currently searching for a new director. The board expressed the need of the Director of Nursing to have authority and to be involved in the annual evaluation of the faculty. Conflicts with the Division Chair and Director of Nursing were also discussed, as well as workload for the new Director of Nursing.

The role of faculty and preceptors was discussed in depth as well as issues of faculty and preceptors currently located in Montana. Questions were raised as to licensure requirements in Montana as well as Wyoming. Presently, the Board of Nursing rules requires faculty to be licensed in Wyoming. President Taylor requested that Northwest College further address this line of questioning in a letter so that the board could address all areas of concern.

The board also discussed nursing program outcome measures and assessment. The college must develop program outcomes.

5.2.4. Nursing Education Program Review Form

The board discussed the Nursing Education Program Review Form and made minor modifications. The Education Committee will meet with Ms. Koski to revise the Annual

Report Form.

5.3. Board of Pharmacy Rules

Discussion on the Board of Pharmacy Rules and the impact on advanced practice nursing ensued.

5.4. National Council of State Boards of Nursing

5.4.1. NPDB/HIPDB Authorized Agent Designation Form

The board has signed a final copy authorizing the NCSBN to be the authorized agent for the WSBN. Ms. Koski informed the board that presently we are not in compliance with the CNA's. We will be submitting past documented discipline on CNA's to the NPDB/HIPDB. Only discipline cases that are completely documented with Board Orders have been submitted.

Ms. Koski informed the board that HIPDB sent letters to licensees who have been reported informing them that they had reported which has resulted in many calls from licensees. HIPDB did not tell NCSBN of their intent to notify licensees.

5.4.2. NPDB/HIPDB QUERIES

Currently, access to the NPDB is free. All staff have been given access to the system. There will be a fee for each HIPDB query.

5.4.3. Executive Officers Conference/Mutual Recognition Summit

Ms. Koski discussed the Executive Officers Conference and Mutual Recognition Summit. The board expressed several concerns about how fees were going to be handled, how discipline would be handled and how we would stay financially viable. Ms. Koski indicated that switching to mutual recognition was not a priority in Wyoming at this time. We are continuing to monitor the progress in other states.

5.4.4. Area I Meeting

Ms. Koski indicated the Area I meeting in Jackson Hole went very well. Reports from other states have been very positive.

5.4.5. Nursys Training

Dr. Calkins attended training on Nursys. It is a fairly simple program to use. She will be providing training to all staff on its use.

As of April 30th, we have no choice but to use this system. All applicants for endorsement in Wyoming will

be verified using this system.

5.4.6. NCLEX Review by Board Members and Staff

Ms. Koski, Ms. Schaper and Dr. Calkins will possibly be reviewing the NCLEX at the Sylvan Learning Center in Casper in May.

5.4.7. Casper Sylvan Center Site Visit Response

Ms. Koski informed the board we have received notification that there had been security violations at the Sylvan Learning Center in Casper, Wyoming. These breaches in security were identified during a site visit by Chauncey Group in Casper, Wyoming and have been corrected.

5.4.8. NCS Testing Center

There is one testing center, presently located in Casper at the Sylvan Learning Center. When the NCSBN switches to National Computer Systems for the NCLEX, there will again only be one testing center which will remain in Casper. NCS is looking for a site to lease.

5.4.9. Haitian Nursing Programs

The board discussed the problems with mail order schools and that nurses are receiving diplomas in nursing from these schools.

5.5. Wyoming Professional Assistance Program (WPAP)

5.5.1. Minutes of the January 15, 2000, WPAP Board Retreat

The board reviewed the minutes. Representatives from WPAP will be addressing the board in June. Contacts need to be made to ensure that procedures are being accomplished.

5.5.2. WPAP Change of Address

As a result of the resignation of Beverly Stalder, WPAP has a new address. It is now located in Dr. Toews' office: Wyoming Professional Assistance Program, P.O. Box 50152, Casper, WY 82605-0152.

5.5.3. WPAP Quarterly Report from 12/1/99 - 2/29/2000

The board reviewed the quarterly report. Discussion about the need for quarterly advertising of this program, such as a regular ad in the Wyoming Nurse or possible health tip on the radio, ensued.

5.6. Unlicensed Assistive Personnel and Medication

Administration

5.6.1. Letter From James Carder dated February 8, 2000

The board reviewed the letter from James Carder where he indicates the Board of Pharmacy is agreeable to participate in the UAP Sub-committee.

5.6.2. Report of Meeting of Sub-Committee on UAPs and Medication Administration

Dr. Jan McCoy addressed the progress of the UAP committee. The board requested that Dr. McCoy keep the board updated on progress with this sub-committee. The board further discussed items that the sub-committee needs to accomplish, such as developing a position statement. The next Meeting of the UAP Sub-committee is tentatively scheduled for April 12th.

5.6.2.1. Sub-Committee - Medication Aide Curriculum and Standards

The board discussed the draft of the medication aide standards as presented by Dr. McCoy. The possibility of a two/three tier system of medication aides was discussed.

5.6.3. Letter from Larry Newland, Albany County School District, dated March 21, 2000

The board discussed the concerns of Albany County School District relating to non-medical personnel administering medication.

5.6.4. NCSBN - UAP's in School Settings

The board reviewed the information from National Council's Insight newsletter regarding UAP in school settings.

5.7. Medical Errors

5.7.1. Remarks by President Clinton February 22, 2000

The board reviewed the remarks by the President on medication errors.

5.7.2. Bill in the Senate of the US to Reduce Accidental Injury and Death Resulting From Medical Mistakes and to Reduce Medication-Related Errors

The board reviewed the bill in the senate to reduce accidental injury and death from medical mistakes.

5.7.3. National Council of State Boards of Nursing's Summary of Key Concepts: To Err is Human:

Building A Safer Health System

The board reviewed National Council's brochure To Err is Human: Building a Safer Health System.

5.7.4. Conference - Error in Medicine: A Complex Sorrow

The board reviewed the pamphlet Error in Medicine: A Complex Sorrow.

5.8. Board of Medicine

5.8.1. Board of Medicine Appointments

Ms. Koski notified the board of the Governor's appointments to the Board of Medicine. Discussion ensued about hand carrying copies of the Board of Nursing Rules to their board office and inviting them to attend our board meetings.

5.9. Advanced Practice Issues

5.9.1. HCFA To Remove Nurse Anesthetist Supervision

The board reviewed and discussed this change.

5.9.1.2. American Association of Nurse Anesthetists - HCFA and Supervision of Nurse Anesthetists

The board discussed the implications of the removal of physician supervision for nurse anesthetists.

5.9.2. ANCC - Commission on Certification

The board discussed ANCC's change to this requirement.

5.10. Legislative Issues

5.10.1. Needlestick Injuries

Ms. Koski briefed the board on the risk of needlestick injuries.

5.10.2. Legislative Report from Loretta Wolf, WNA

The Labor and Health Committee will be studying the issue of needlestick injuries as an Interim Health Committee topic. WNA requested this study.

5.11. Budget

5.11.1. Budget as of February 29, 2000

The board was informed of the poor renewal fee response. Licensees renewing from January through April were given the option of renewing their licenses to December 31, 2000 or December 31, 2002. Fewer licensees took

advantage of this than anticipated. Licensees renewing from May through December will not be given this option, they will be renewed through December 31, 2002.

5.11.2. Voice Verification System

The board was informed that the voice verification system still has problems with access. Presently, updates are only being accomplished once a week as it is more complicated than originally thought. It will cost \$1000 to write a program to fix the problem as well as make additional changes to the system. Access is going good and is more versatile than D-Base was.

5.11.3. Web Page

The board was informed that we have a new, more appropriate Web address: <http://nursing.state.wy.us>.

5.11.3.1. Costs of Services - A&I

The board was informed that new charges for Internet service will be \$25 a month for basic service with a \$65 an hour technical assistance fee. A future goal is to obtain a secure site so that we can accept renewals and credit card payments over the Internet.

5.11.3.2. Board and Staff Pictures

Discussion about obtaining pictures for board members and staff was discussed with one possibility of having them taken at Sears. Pictures will be scheduled to be taken during the June board meeting.

5.11.4. Board of Nursing Information Cards

The board received quick reference information cards containing Board of Nursing office contact information, including names and phone numbers of all board and staff members.

5.11.5. Biennial Budget Update - Richard Cox, Budget Analyst

The legislature did not make any changes to the Board of Nursing budget.

5.12. Staff Position Classifications

5.12.1. Market Pay Methodology

Ms. Koski expressed concerns about the definition of market for the purposes of competitive pay within the state salary system.

5.12.2. Memo from Darold Dykeman re: Market Development Process and Board of Nursing Staff

Market Analysis Source

This memo discusses the new market development process and the review of classifications to make a preliminary determination on whether the class will be compared to a local or regional market.

5.12.3. Memo from Joseph Dudzik re: 1999 Human Resources Member Board Survey

The board reviewed and discussed the memo and information received from the NCSBN regarding national median salaries for positions in the Board of Nursing.

5.12.4. State Board of Nursing Salary Information Based On NCSBN Salary Survey

The board reviewed the national salary information.

5.12.5. NCSBN Salary Information Based on Contiguous and Area States

The board reviewed the position salaries for contiguous states.

5.13. Executive Sessions - Board/Personnel Issues

The board went into executive session, March 28, 2000 from 9:00 a.m to 10:30 a.m. to discuss personnel issues.

5.14. Elder Abuse - Committee Report; Dept. of Justice Mandate

Ms. Koski updated the board on the committee. The board discussed the problem with coordination of efforts developed to address elder abuse and how state agencies can work together in Wyoming. Ms. Koski will keep the board informed on this issue.

6.0. Scope of Practice Issues

6.1. Intravenous Medication Administration By Unlicensed Assistive Personnel at Wyoming Medical Center under Physician Direction

The board reviewed a letter from AMS addressing IV administration by UAP's. The board does not regulate unlicensed personnel or physicians and will continue to follow established policies. The board directed Ms. Schaper to send a letter to Ms. Bray stating that UAP's are not under the BON jurisdiction and to refer this question to the Board of Medicine. The board also encouraged the faculty to check with their liability carrier.

DISCIPLINARY ISSUES

7.0. DISCIPLINARY ISSUES

Dr. Calkins is in the process of writing policies and procedures that will be brought before the disciplinary committee.

The board requested that previous affirmation list be brought so that past actions on cases could be reviewed.

APPLICATION REVIEWS

7.1. APPLICATIONS FOR FULL BOARD REVIEW

7.1.1. CNA APPLICANT, Case #99-233

Upon review of the application and after discussion, the board voted to concur with board review recommendation to deny certification to Case #99-233, certified nurse aide applicant.

The vote on the above matter was 6-0-0-1.

7.1.2. LPN APPLICANT, Case #00-004

Upon review of the application and after discussion, the board voted to concur with board review and grant licensure to Case #99-004, Licensed Practical Nurse applicant, with request to give Wyoming State Board of Nursing written notification upon completion of probation.

The vote on the above matter was 6-0-0-1.

7.1.3. LPN APPLICANT, Case #00-008

Upon review of the application and after discussion, the Board voted to concur with board review and grant licensure to Case #00-008, Licensed Practical Nurse applicant.

The vote on the matter was 6-0-0-1.

7.1.4 CNA APPLICANT, Case #00-017

Upon review of the application and after discussion, the Board voted to concur with board review and grant certification to Case #00-008, Certified Nurse Assistant applicant.

The vote on the matter was 6-0-0-1.

7.1.5 CNA APPLICANT, Case #00-018

Upon review of the application and after discussion, the Board voted to concur with board review and grant certification with an advisory letter to Case #00-008, Certified Nursing Assistant applicant.

The vote on the matter was 5-1-0-1.

7.2. REVIEW & AFFIRMATION OF DC ACTION (MARCH 27, 2000)

President Taylor closed the meeting to the public, and directed that the Disciplinary Committee present their findings and recommendations. In addition, the Committee reported that the Office of the Attorney General had concurred in writing with their recommendations. At the completion of the presentation, the Board deliberated on the recommendations. The Board came out of Executive Session and the President declared the meeting open to the public and voted on the following decisions:

7.2.1. DISMISSAL

The Board voted to affirm the Disciplinary Committee's recommendation to dismiss the allegations against:

Case No. 99-239, LPN
Case No. 99-226, LPN

The vote on the above decision was 6-0-0-1. The members of the Disciplinary Committee were absent from voting in accordance with Board Rules and Regulations.

7.2.2. TAG AND FILE

None to consider.

7.2.3. LICENSURE /CERTIFICATION

None to consider.

7.2.4 ADVISORY LETTER

The Board voted to affirm the Disciplinary Committee's recommendation to issue an advisory letter to:

Case No. 00-019, CNA
Case No. 99-177, CNA
Case No. 99-223, CNA
Case No. 99-224, CNA
Case No. 99-225, LPN
Case No. 99-227, CNA

The vote on the above decision was 6-0-0-1. The members of the Disciplinary Committee were absent from voting in accordance with Board Rules and Regulations.

7.2.5. PROCEED WITH DISCIPLINE

The Board voted to affirm the Disciplinary Committee's recommendation to proceed with discipline against:

Case No. 99-196, RN
Case No. 99-212, LPN

Case No. 99-222, CNA
Case No. 99-243, RN
Case No. 00-009, CNA

The vote on the above decision was 6-0-0-1. The members of the Disciplinary Committee were absent from voting in accordance with Board Rules and Regulations.

7.2.6. Recertification

None to consider.

HEARINGS

7.3. HEARINGS TO SHOW CAUSE (Hearings Occurred March 27, 2000)

7.3.1. TANIELA KIVALU, DOCKET #99-030, HEARING TO SHOW CAUSE WHY HIS CERTIFICATION SHOULD NOT BE REVOKED

The Board heard the testimony and reviewed the evidence presented.

As a result of the administrative hearing, a motion was made and seconded to issue an advisory letter to Taniela Kivalu, LPN, License No. 5431, Docket No. 99-030 regarding the essential standards of acceptable and prevailing nursing practice. The rest of the allegations in the petition and complaint have not been proven and are hereby dismissed.

The vote on the matter was 5-0-1-1. The members of the Disciplinary Committee were absent from voting in accordance with Board Rules and Regulations.

7.3.2. BARBARA SCHAFFER, Docket #99-105, CNA APPLICANT, HEARING TO SHOW CAUSE SHE SHOULD BE GIVEN A CERTIFICATE AS A CNA

The Board heard the testimony and reviewed the evidence presented.

As a result of the administrative hearing, a motion was made and seconded to grant conditional certification to Barbara Schaffer, CNA applicant, Docket No. 99-105.

The vote on the matter was 6-0-0-1. The members of the Disciplinary Committee were absent from voting in accordance with the Board Rules and Regulations.

7.4. Board Reconsideration

None to consider.

7.5. OFF CONDITIONAL LICENSURE

7.5.1. LPN REQUEST FOR REMOVAL OF CONDITIONAL LICENSURE

Vicki Fowler, Licensed Practical Nurse, Case No. 97-061 did not appear before the Board to request removal of conditions on her licence.

The Board, by formal motion, granted removal of conditions and full licensure to Vicki Fowler, LPN, License No. 1556.

The vote on the matter above was 6-0-0-1.

7.6. ACTIONS FINALIZED

7.6.1. Letters of Reprimand

7.6.1.1. Sharon Daugherty, RN, Case #99-221

7.6.2. Stipulated Agreements/Conditional Licensure

7.6.2.1. Joan Alexander, RN, Case #99-240

7.6.2.2. Jane Detwieler, RN, Case #99-246

7.6.3. Private Agreements

7.6.3.1. Case #99-189, RN

7.7. Withdrawal of Application

Case No. 99-228, RN

ADJOURNMENT

ADJOURNMENT

Having no further business to come before the Board, the meeting was adjourned by President Taylor at 5:00 p.m. on March 29, 2000.

Submitted by:

//Signed//
Rachel Riles, Recorder

//Signed//
Veronica Taylor, RN, President

//Signed//
Judith Knight, RN, Vice President

//Signed//
Beth Evans, PhD, Secretary