

 **Board of Nursing**  
*Board Meeting Minutes*

June 14, 15 and 16, 2000

**PUBLIC SESSION**

The Wyoming State Board of Nursing held its regularly scheduled meeting on June 14, 15, 16, 2000, in the Barrett Building 4th Floor Conference Room, 2301 Central Avenue, Cheyenne, Wyoming.

**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., June 14, 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  
Patti Ellis, LPN, Board Member, Pinedale

**Board Members Absent:**

None.

**Staff Present:**

Cheryl Koski, MN, RN, CS, Executive Director  
Mary Calkins, Ph.D., RN, CNN, Compliance Consultant  
Mary Schaper, MS, RN, Nurse Practice Consultant  
Fran Hawkins, Management Services Officer  
Rachel Riles, Administrative Specialist  
Angela Dougherty, Attorney General's Office

**Visitors Present: (June 14, 2000)** (9:00 a.m. - 4:45 p.m.)

Wayne Flagg, Office of Administrative Hearings  
Norma DeLong, Court Reporter  
Dan Frank, Frank Law Office, P.C.  
Aleatha Claypool, RN  
Donny Gemmel  
Angela Gemmel  
Jan Beeken, RN  
Deb Swan, RN  
Yvonne Tremayne, RN  
Dr. James Broomfield, Assistant Professor of Family Practice,  
University of Wyoming (10:00 a.m.-10:30 a.m.)

**Visitors Present: (June 15, 2000)**

Wayne Flagg , Office of Administrative Hearings (9:00-9:30 a.m.)  
Dan Frank, Frank Law Office, P.C. (9:00-9:30 a.m.)  
Jan Beeken (9:00-9:30 a.m.)

**Visitors Present: (June 16, 2000)**

Nancy Vehr, Attorney General's Office (9:00-10:00 a.m.)  
Chris Smalley, RN (1:00-1:30 p.m.)  
Tomara Walsh, RN (1:00-1:30 p.m.)  
Martha Newman, RN (1:00-1:30 p.m.)  
Karen Patton, RN (1:00-1:30 p.m.)  
Michal Tyree, RN (1:00-1:30 p.m.)  
Judith Randall, RN (1:00-1:30 p.m.)  
Rozella Rice, RN (1:00-1:30 p.m.)

**DECLARATION OF QUORUM**

**1.2. DECLARATION OF QUORUM**

President Taylor declared a quorum present.

**REORDERING OF THE AGENDA**

**2.2. REORDERING OF THE AGENDA**

By consensus, the agenda was accepted with flexibility, including the written additions and deletions submitted by Cheryl Koski, Executive Director.

**BOARD MEETING MINUTES**

**3. APPROVAL OF THE MEETING MINUTES**

**3.1. MINUTES OF THE MARCH 27-29, 2000 BOARD MEETING**

By consensus, the minutes of the March 27-29, 2000 Board Meeting were approved with corrections.

### **3.2. MINUTES OF THE APRIL 19, 2000 BOARD CONFERENCE CALL MEETING**

By consensus, the minutes of the April 19, 2000 Board Conference Call Meeting were approved with corrections.

## **ADMINISTRATIVE ISSUES**

### **4. ADMINISTRATIVE ISSUES**

#### **4.1 Administrative Rules and Regulations**

##### **4.1.1. Chapter II – Licensure and Certification Requirements**

The Board reviewed the proposed changes. No further changes were recommended.

##### **4.1.2. Chapter IV – Advanced Practitioners of Nursing**

The Board reviewed the proposed changes. No further changes were recommended.

##### **4.1.3. Chapter VI – Standards for Nursing Education Programs**

The Board reviewed the proposed changes and made the following corrections:

Page 6-11, Section 6. (C)(iii) third line, remove the word “agency’s” from “... the agency’s ~~experience~~ **contractual agreement with the agency.**”

##### **4.1.4. Proposed Rules and Regulations Schedule for Public Notice of Intent to Adopt Rules**

A motion was made and seconded to publish for public comment revisions/ amendments to the Wyoming State Board of Nursing Administrative Rules and Regulations for Chapters 2, 4 and 6.

The vote on the above matter was 7-0-0-0.

A public hearing is to be tentatively scheduled for the first week of September at the UW Outreach in Casper at 7:00 p.m. if requested by an organization with at least 25 persons in its membership and/or 25 individuals.

#### **4.2. Educational Programs**

##### **4.2.1. Western Wyoming Community College**

##### **4.2.1.1. Letter from Marlene Ethier dated May 31, 2000 Addressing Suspension of First Year of Outreach**

### **Programs in Evanston and Rawlins**

The Board reviewed Marlene Ethier's letter regarding WWCC's decision to suspend the first year of the program.

#### **4.2.1.2. Fax from Kristie Nielson dated April 6, 2000 Addressing IV Therapy Concerns in Preceptor Manual – FYI**

The Board reviewed and discussed Kristy Nielson's position on IV therapy concerns in the preceptor manual.

The Board reaffirmed its position as stated at the March Board Meeting that the IV tubing should be pinched prior to administering IV push medications.

#### **4.2.1.3. Letter to Marlene Ethier from Board dated May 11, 2000 Addressing Areas of Concern - FYI**

The Board reviewed the letter to Marlene Ethier addressing the materials submitted by WWCC Nursing Programs addressing progress made towards correction of the areas cited by the Board in the Fall 1999.

### **4.2.2. Northwest College**

#### **4.2.2.1. Complaint for Full Board Review**

Dr. Calkins and Ms. Turner reported on their investigation of a complaint received against the Northwest College Nursing Program by the Board of Nursing. During the course of the investigation, it became difficult to separate the elements of the complaint with other issues that arose during the investigative process. The overall program was found to have serious deficiencies.

#### **4.2.2.2. Letter from Dr. Sher Hruska dated May 17, 2000 Addressing Resignation of Darlene Woodruff and Jean Voegge as Co-Directors**

The Board reviewed and discussed the resignation of Ms. Woodruff and Ms. Voegge as co-directors of the Northwest College Nursing Programs.

#### **4.2.2.3. Letter from Dr. Sher Hruska and Jane Rosen Addressing Discontinuation of LPN Option**

The Board reviewed and discussed Northwest College's decision to discontinue the LPN option of their program.

#### **4.2.2.4. Letter from Dr. Sher Hruska dated May 30, 2000**

**addressing Concerns of Board following Annual Report, 1999**

The Board reviewed and discussed Dr. Hruska's letter.

**4.2.2.5. Annual Report Dated May, 2000**

After reviewing and discussing Northwest College's submission of their Annual Report, a motion was made and seconded to not accept NWC's Annual Report in its present form. NWC will need to re-submit the report when it is due - 60 days after the completion of the PN spinoff.

The vote on the above matter was 7-0-0-0.

After reviewing and discussing all correspondence from NWC, a motion was made and seconded pursuant to Wyoming Statute 33-21-142 and the Wyoming State Board of Nursing Rules and Regulations, Chapter 6, Section 3(b) withdraw full approval and to place Northwest College's Nursing Program on conditional approval for a period of 18 months due to deficiencies in the following areas: Organization and administration, faculty, curriculum and program evaluation. Progress reports shall be submitted to the Board two weeks prior to each regularly scheduled Board Meeting during the conditional period.

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

**4.2.3. Gillette Nursing Programs - FYI**

**4.2.3.1. Letter dated May 10, 2000 from Board Addressing Merging of Sheridan College and Gillette Nursing Programs – FYI**

The Board reviewed and discussed a letter from Nancy Larmer addressing the merging of Sheridan College and Gillette Nursing programs.

**4.2.3.2. Letter dated May 10, 2000 from Board Addressing Gillette Nursing Program's Annual Report, 1999 – FYI**

The Board reviewed and discussed the 1999 Annual Report. The Board noted: not all faculty have a masters degree in nursing, attrition/retention notes need to be in future reports, objectives under the goal of collaboration/manager of care need to address management of care at the PN level, and the program needs to address plans of what to do if outcomes are not met. A letter was sent to Gillette Nursing Program, see attached.

**4.2.4. NCLEX Examination Review – Judith Turner and Mary**

## **Calkins**

Dr. Calkins and Ms. Turner reported on their review of the NCLEX Examination at the Sylvan Learning Center in Casper and discussed their findings with the Board. Concerns were made regarding the PN exam as no distinction was made between the RN and PN levels.

### **4.2.5. NCLEX RN & PN Results for Graduates of Wyoming Schools - FYI**

The Board reviewed and discussed the NCLEX RN and PN results for Wyoming graduates.

### **4.2.6. South Dakota State University RN/BSN Mobility Program via Distance Learning**

Ms. Koski discussed the letter received from South Dakota State University Nursing Program answering the questions of the Wyoming State Board of Nursing. The South Dakota Nursing Program is an RN/BSN Mobility Program that uses a blended modality for delivery. The courses are downloaded. All course outlines for courses to be delivered were submitted by South Dakota State University and reviewed by the Board. The Board requested a letter be drafted to address South Dakota State University's concerns regarding offering distance education in Wyoming. The letter is to state that currently the Board's Administrative Rules and Regulations do not address the issue of distance education. The Board would also like to inform South Dakota State University that RN students providing direct patient care in Wyoming must hold a current unencumbered license in Wyoming.

## **4.3. National Council of State Boards of Nursing**

### **4.3.1. Nursys**

Ms. Koski discussed the implementation of Nursys. Presently, only five states are participating and individuals from those participating states will pay a fee of \$15 per verification. Some of the concerns addressed about the system include: no access for CNAs in Nursys; if an individual is not identified on the system you cannot print the screen indicating no information found; and the system does not indicate other state verifications.

#### **4.3.1.1. National Council Nursys Questionnaire**

The Board reviewed Ms. Koski's response to the National Council's survey questionnaire regarding Nursys. The questionnaire is part of a data gathering effort of the National Council to obtain

information concerning the volume of data jurisdictions will be submitting to Nursys. This information will then be used to decide whether or not to increase the fee for Nursys usage.

#### **4.3.1.2. Memo to Executive Directors With Forms for License Verification, User Access and Data Restriction**

The Board reviewed the memo updating executive officers on the status of Nursys pilot and accessing Nursys once the DDB (Disciplinary Database) is phased out. All member Boards needing access to disciplinary information will need access to the Nursys system.

#### **4.3.1.3. Nursys Participation Request Agreement**

Ms. Koski indicated the participation request agreement needs to be signed and Wyoming will almost have to agree as the DDB (Disciplinary Database) is no longer in existence. If Wyoming agrees to participate, we will have to transmit information to the National Council.

#### **4.3.1.4. Nursys Policy Manual**

The Board reviewed the Nursys Policy Manual, final draft version 1.0.

#### **4.3.1.5. Nursys News from National Council – FYI**

The Board reviewed the Nursys news.

#### **4.3.2. National Council Annual Meeting – Minneapolis**

Ms. Hawkins reported on the costs of sending individuals to National Council's annual meeting and estimates costs to run \$1750 per person if two individuals share a room or \$1550 if three individuals share. The Board would like to send four people to the meeting: Ms. Koski, Ms. Fritz, Ms. Roich and either President Taylor or Ms. Turner.

##### **4.3.2.1. Licensed Practical/Vocational Nurse Forum**

The Board reviewed the brochure from National Council on Licensed Practical/Vocational Nurse Forum to be held in Minneapolis, MN August 7, 2000.

##### **4.3.2.2. Annual Meeting – Charting the Course for Nursing Regulation**

The Board reviewed the pamphlet on Charting the Course for Nursing Regulation.

#### **4.3.2.3. Annual Meeting – General Information**

The Board reviewed the newsletter from National Council regarding the annual meeting.

#### **4.3.2.4. National Council Slate of Candidates – FYI**

The Board reviewed the list of candidates for 2000.

#### **4.3.3. Nurse Licensure Compact Administrators - FYI**

##### **4.3.3.1. Nurse Licensure Compact Administrators Model Rules and Regulations – FYI**

The Board reviewed the Nurse Licensure Compact Administrators (NLCA) Model Rules and Regulations developed to date.

##### **4.3.3.2. Nurse Licensure Compact Administrators Policies and Procedures – FYI**

The Board reviewed NLCA Policies and Procedures developed to date.

#### **4.4. Nurse Aide Program**

Ms. Vehr spoke to the Board regarding discipline of CNAs under medicaid and the authority to place CNAs on an abuse registry. Currently, medicaid does not have the authority to authorize the BON to do investigations and the State Survey and Certification Agency (Health Quality) has the authority to place individuals on the abuse registry. There are three areas that are to be addressed by the registry: theft of property, abuse, and neglect.

##### **4.4.1. Department of Health**

###### **4.4.1.1. Request for Nurse Aide Funding Increase – Dept. of Health**

The Board reviewed and discussed the request to the Department of Health for an increase in funding for the Nurse Aide program.

###### **4.4.1.2. Memorandum of Understanding – Dept. of Health**

Discussion ensued regarding the MOU between the Department of Health and BON regarding CNAs. The current MOU expires at the end of June and, if a new MOU is not agreed to by both departments, discussion about repealing our rules on CNA discipline should be pursued.

##### **4.4.2. Assessment Systems, Inc. Meeting With NCSBN to**



### **review Nurse Aide Job Analysis**

The Board reviewed the letter from Assessment Systems, Inc. regarding preparation of a meeting to review the results of the 1998 National Council State Boards of Nursing (NCSBN) job analysis.

#### **4.4.3. Elder Abuse Committee Report**

Ms. Koski reported on the work of the Elder Abuse Committee. The Committee is hoping to introduce legislation to assist in the development and implementation of a comprehensive system for statewide reporting of elder abuse.

#### **4.5. Task Force on Medication Administration By UAP's**

##### **4.5.1. Minutes of April 12, 2000 Meeting**

Ms. Koski updated the Board on the proceedings of the Task Force on Medication Administration. School nurses have expressed concern regarding the creation of medication aides and the possible implications of medication aides replacing nurses in schools. Senator Enzi has requested copies of the minutes from the UAP meetings as several concerns have been directed to his office regarding unlicensed personnel giving medication to children.

##### **4.5.2. Draft Position Statement**

The Board reviewed the draft position statement of the Task Force on Medication Administration.

##### **4.5.3. Meeting With School Nurses – June 16, 2000 – 1:00p.m. – 1:30p.m.**

President Taylor welcomed school nurses who were present to discuss medication aides and their presence in the school system as well as discussing the possibility of nurses delegating outside their authority to non-medical personnel.

The school nurses indicated they favored Colorado's rules and regulations and would like to see their training program implemented here. Ms. Smalley addressed the concerns that school nurses will be eliminated in favor of less costly medication aides and indicated that school nurses are covering more medical issues as well as an increase in medications in the schools.

Ms. Dougherty indicated the AG is currently reviewing an opinion on this matter and that there is a lot of information that needs to be evaluated and an opinion is forthcoming. She further explained to school nurses that the Board can only come up with rules and regulations based on it's practice act.

President Taylor reminded school nurses that the Board cannot regulate anyone other than nurses. She encouraged them to work with the Task Force on Medication Administration in drafting what is to be presented for legislation as the Board only facilitated the creation of the group and has no control over its recommendations.

**4.5.4. Letter Dated July 9, 1981 from Edgar Young, Assistant Attorney General Concerning Dispensing Medications to Students – FYI**

The Board reviewed the letter of advice issued by the Attorney General's office concerning dispensing medication to students in school settings.

**4.6. Wyoming Professional Assistance Program (WPAP)**

Dr. Calkins has been working with WPAP and receiving reports on all of our impaired nurses on a regular basis. We have a total of \$18,000 committed and WPAP's proposed budget increases that amount to \$24,323.

**4.6.1. Draft of the Business Plan Dated June 1, 2000**

The Board reviewed the draft business plan for WPAP.

**4.7. Board of Pharmacy**

**4.7.1. Proposed Rules and Regulations**

Ms. Koski indicated the changes the Board of Pharmacy are making do not impact the Board of Nursing.

**4.8. Budget**

**4.8.1. Budget As of June 30, 2000**

Ms. Hawkins reviewed the budget with the Board. She indicated that money is coming into the office at a steady rate, renewals are looking good and reserves will look good for a while but have to last until June 30, 2002.

**4.8.2. Letter From Lenoe Tanle - FYI**

The Board reviewed the letter from Lenoe Tanle regarding her opposition to changing the license renewal period to December 31.

**4.9. Personnel/Board Issues – Executive Session**

The Board went into executive session, June 12, 2000 from 12:30 p.m. to 1:15 p.m. to discuss the following personnel issues:

#### **4.9.1. Staff Position Classifications**

Discussed in executive session.

##### **4.9.1.1. Market Pay Plan Development Process – A & I**

Discussed in executive session.

##### **4.9.1.2. Pay Management Committee Review of Local/Regional Market Designations**

Discussed in Executive Session.

The Board came out of Executive Session.

Motion to table any salary adjustments until State of Wyoming has determined their salary adjustment recommendations for BON personnel. Salary adjustments are to be finalized at the September BON meeting.

The vote on the above motion was 5-2-0-0.

#### **4.8.2. Staff Evaluations/Performance Increases**

Discussed in Executive Session.

#### **4.8.3. Assistant Attorney General**

The AG discussed in Executive Session issues with the Board regarding legal concerns.

### **5.0. Scope of Practice Issues**

#### **5.1. Wyoming Board of Registration in Podiatry Request Concerning Foot Care Service By Marjorie Roach, RN**

Ms. Roach asked if corn/callus reduction was in the scope of practice. The Board determined it was in her scope of practice and requested that staff forward her a letter stating such.

#### **5.2. Request From Barebel Merrill Concerning: (1) Intubation by RN's in Critical Situations; and (2) Removal of Chest Tubes By RN's**

The Board reviewed a letter submitted by Ms. Merrill concerning 1) intubation and 2) chest tubes. The Board decided the following regarding the questions posed by Ms. Merrill:

- 1) Ms. Merrill asked if nurses are allowed to intubate in critical situations. According to Ms. Merrill, the RN must be ACLS

certified and have thorough competency in intubation at a skill station. The Board determined that if the RN is ACLS certified and is competent in intubation at a skill station, the RN may intubate.

- 2) Ms. Merrill asked if RN's can remove chest tubes if the order is written. The Board stated that these actions could have serious consequences. The Board directed Ms. Schaper to do more research on the matter and confer with the Board of Medicine. The Standards of Practice states physicians perform these procedures. The Board determined RN's cannot remove chest tubes. If further discussion on this is warranted, Ms. Schaper will bring it back to the Board.

### **5.3. Request of Dr. Ratcliff Concerning Use of LPN's as First Assistants**

Discussion ensued and it was determined that it was not within a LPN's scope of practice as a nurse to be recognized as a first assistant.

### **5.4. Response from BON and BOM to Rosemary Braz, Wyoming Medical Center, Concerning IV Medication Administration By UAP's - FYI**

The Board reviewed the letter from Ms. Braz, Wyoming Medical Center, and the response to Ms. Braz by Ms. Schaper. Ms. Braz asked if unlicensed persons can administer medications including intravenous as an "extension" of the physician's medical authority. Ms. Schaper informed Ms. Braz that the Board did not have jurisdiction over a physician or unlicensed personnel, but did not view IV medication administration as within the scope of practice for nurses. Ms. Braz was referred to the Board of Medicine.

## **DISCIPLINARY ISSUES**

### **6. DISCIPLINARY ISSUES**

#### **6.1. Applications and Complaints for Full Board Review**

##### **6.1.1. CNA APPLICANT, Case No. 00-024**

Upon review of the application and after discussion, the Board voted to concur with the Board review recommendation to deny certification to Case No. 00-024, certified nurse aide applicant.

The vote on the above matter was 7-0-0-0.

##### **6.1.2. CNA APPLICANT, Case No. 00-025**

Upon review of the application and after discussion, the Board

voted to concur with the Board reviewer recommendation to deny certification to Case No. 00-025, certified nurse aide applicant.

The vote on the above matter was 7-0-0-0.

### **6.1.3. CNA APPLICANT, Case No. 00-054**

Upon review of the application and after discussion, the Board voted to concur with the Board reviewer recommendation to approve certification to Case No. 00-054, certified nurse aide applicant.

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

## **6.2. Board Affirmations**

### **6.2.1. Dismissals**

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

Case No. 00-007, LPN

The vote on the above decision was 5-0-0-2. The members of the Disciplinary Committee were absent from voting in accordance with the Board Rules and Regulations.

### **6.2.2. Tag and File (None)**

None to consider.

### **6.2.3. Certify/License**

The Board voted to affirm the Disciplinary Committee's recommendation to license/certify:

Case No. 00-040, CNA

The vote on the above decision was 5-0-0-2. The members of the Disciplinary Committee were absent from voting in accordance with the Board Rules and Regulations.

### **6.2.4. Advisory Letter**

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

Case No. 00-031, RN  
Case No. 00-032, CNA

The vote on the above decision was 5-0-0-2. The members of the Disciplinary Committee were absent from voting in accordance with the Board Rules and Regulations.

**6.2.5. Proceed with Discipline (None)**

None to consider.

**6.2.6. Recertifications (None)**

None to consider.

**6.2.7. Voluntary Surrender**

The Board voted to accept the voluntary surrender of licensure/certification of:

Case No. 98-075, RN  
Case No. 00-009, CNA

The vote on the above decision was 5-0-0-2. The members of the Disciplinary Committee were absent from voting in accordance with the Board Rules and Regulations.

**6.3. Hearings**

**6.3.1. Docket No. 99-189 – Aleatha Claypool, RN, June 14, 2000, 9:00a.m.**

The Board heard the testimony and reviewed the evidence presented.

As a result of the administrative hearing, a motion was made and seconded to place Aleatha Claypool, RN, License No. 16022, Docket No. 99-189 on conditional licensure for a period of two (2) years, subject to the following stipulations.

1. Education: successfully complete an ethics course approved by the Board staff. To be completed within one year.
2. Counseling: Monthly reports to be given for the duration of conditional licensure or release by therapist.
3. Employer monitoring with monthly reports for first year and quarterly thereafter. Employment does not require direct supervision.
4. Self Reporting monthly.

The vote on the above decision was 5-0-2-0. The members of the Disciplinary Committee were absent from voting in accordance with Board Rules and Regulations.

**6.3.2. Docket No. 99-199 - Toni Martinez, RN, June 15, 2000, 9:00a.m.**

No hearing was held as a settlement agreement was made prior to the scheduled hearing.

**6.4. Board Reconsiderations**

None to consider.

**6.5. Off Conditional License**

None to consider.

**6.6. Actions Finalized (Signatures Needed)**

**6.6.1. Letters of Reprimand**

6.6.1.1. Docket No. 99-212 - Alaina Hulet, LPN

6.6.1.2. Docket No. 99-222 – David Biebinger, CNA

6.6.1.3. Docket No. 99-196 – Betty Ann Jacome, RN

**6.6.2. Stipulated Agreements/Conditional Licensure**

6.6.2.1. Docket No. 99-243 – Richard Hofer, RN

**6.7. Withdrawal of Application**

None to consider.

**ADJOURNMENT**

**ADJOURNMENT**

Having no further business to come before the Board, the meeting was adjourned by President Taylor at 3:30 p.m. on June 16, 2000.

Submitted by:

\_\_\_\_\_  
//Signed//  
Rachel Riles, Recorder

\_\_\_\_\_  
//Signed//  
Veronica Taylor, RN, President

\_\_\_\_\_  
//Signed//

June 14, 15 and 16, 2000

16

Judith Knight, RN, Vice President

//Signed//

Beth Evans, PhD, Secretary