

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

September 25, 26, and 27, 2000

**PUBLIC SESSION**

The Wyoming State Board of Nursing held its regularly scheduled meeting on September 25, 26, and 27, 2000, in the Lions Den, West Park Hospital, 707 Sheridan Avenue, Cody, 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 9:00 a.m., September 25, 2000, in the Lions Den 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, Ph.D., Secretary, Consumer Board Member,

Cheyenne

Karla Roich, LPN, Board Member, 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  
Fran Hawkins, Management Services Officer  
Rachel Riles, Administrative Specialist  
Angela Dougherty, Attorney General's Office

**Visitors Present: (September 25, 2000)**

Jeanne Kaiser, West Park LTCC (9:00 - 9:30 a.m.)  
Elaine Alsop, RN, West Park Hospital (9:00 - 9:30 a.m.)  
Brenda Barber, RN, West Park Hospital (9:00 - 9:30 a.m.)  
Bill Shelledy, Attorney, Worland (3:00 - 4:00 p.m.)  
Jerrill Walter, CCAC, Worland (3:00 - 4:00 p.m.)  
Barbara Morgenweck, Court Reporter, Cody (3:00 - 5:00 p.m.)  
Mary Harris, Basin (3:00 - 4:00 p.m.)  
Ella Jane Ingersall, Basin (3:00 - 4:00 p.m.)  
Dianna Homura, Worland (3:00 - 4:00 p.m.)

**Visitors Present: (September 26, 2000)**

Jean Voege, RN, Northwest College (9:00 - 10:00 a.m.)  
Anne Wilson, Valley Home Care  
Marlys Ohman, RN, MN, Northwest College (9:00 - 10:00 a.m.)  
Sheryl Hruska, Ph.D., RN, Northwest College (9:00 - 10:00 a.m.)  
Elaine Kaiser, West Park LTCC (in and out all day)  
Cheryl Harkin, RN, West Park Hospital Home Health & Hospice  
Linda Harbron, RN, West Park Hospital Home Health & Hospice

**Visitors Present: (September 27, 2000)**

Marlene Ethier, RN, Western Wyoming Community College (10:00-11:00 a.m.)  
Jack Waters, RN, WPAP (1:00 - 1:30 p.m.)  
Judith Cole, RN, West Park Hospital (2:30 - 3:00 p.m.)  
Scott Polley, MD, West Park Hospital (2:30 - 3:00 p.m.)

**WELCOME**

Ms. Kaiser welcomed Board members and staff to Cody and extended an invitation to tour the facility if time permitted. President Taylor thanked Ms. Kaiser and indicated, if time permitted, a tour of the facility would be appreciated.

**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 June 14-16, 2000 BOARD MEETING**

By consensus, the minutes of the June 14-16, 2000 Board Meeting were approved with corrections.

## **ADMINISTRATIVE ISSUES**

### **4. ADMINISTRATIVE ISSUES**

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

Discussion ensued regarding the Rules and Regulations submission time line; to date, we are right on schedule.

A motion was made and seconded to adopt Chapter 2 of Wyoming Board of Nursing Rules and Regulations.

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

A motion was made and seconded to adopt Chapter 4 of Wyoming Board of Nursing Rules and Regulations.

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

A motion was made and seconded to adopt Chapter 6 of Wyoming Board of Nursing Rules and Regulations.

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

#### **4.1.1 Letter received from Karen Wendt, RN, MS, CNM Dated July 10, 2000**

Ms. Wendt addressed the following questions in her letter to the Wyoming State Board of Nursing:

1. Objected to changing the requirement for CNAs to have 16 hours as opposed to the current 500 hours of work as a CNA. Also addressed the requirement for twenty-four (24) hours of education.

Response to Ms. Wendt is to indicate that Wyoming Statute 33-21-122(c)(xxiii) states "...Board rules and regulations under this paragraph shall be no more stringent than federal rules and regulations." Therefore, we are bound by statute to change our requirements to match federal guidelines. As far as the requirement for 24 hours of education, it is a federal requirement to maintain competency.

2. Objected to the use of "certified registered nurse midwives" in Chapter IV, Section 1.(a)(ii)(A) and indicated that the correct term should be "certified nurse midwives."

Response to Ms. Wendt is to indicate that the Board of Nursing recognizes advanced practice registered nurse midwives, not lay midwives. This is not an item that had a proposed change.

3. Confused as to whether she was required to maintain a DEA

number. Stated she is unclear what the identification number is that is to be used on prescriptions as stated in the rules.

Again, this was not an item that had a proposed change. She should use her Wyoming APN number and is required to maintain a DEA number, only if she wants to prescribe controlled substances.

**4.1.2. Letter received from Barbara Coy, RN, BSN, Dated July 13, 2000**

Ms. Coy requested an explanation of why a recognized, advanced nurse practitioner would have to submit a written plan on their speciality area, scope of their practice, and the standards of practice. She considers this overkill of the process.

Response to Ms. Coy is to indicate that the plan has to be based on the Standards of Practice. It is the Board's way of determining that appropriate standards of practice are being incorporated into the practice of the APN to assure the safety of the public.

**4.1.3. Letter received from Baerbel Merrill, Dated July 18, 2000**

Ms. Merrill expressed the same concerns as Ms. Wendt regarding the reduction of hours a CNA is required to work in order to maintain competency.

Response to Ms. Merrill is to indicate that Wyoming Statute 33-21-122(c)(xxiii) states "...Board rules and regulations under this paragraph shall be no more stringent than federal rules and regulations." Therefore, we are bound by statute to change our requirements to match federal guidelines.

**4.1.4. Letter received from Ann Enlow, RN, MS, FNP, Dated August 16, 2000**

Ms. Enlow indicated that she found the proposed changes confusing rather than clarifying. She expressed concerns regarding the use of collaboration and supervision. She stated the frequent mention of collaboration simply reinforces the Board of Medicine's belief that collaboration is supervision.

Response to Ms. Enlow is to quote Statute 33-21-120(a)(i) regarding the definition of an "advanced practitioner of nursing" and "...collaboration with a licensed or otherwise legally authorized physician or dentist,..." and indicate that the Board does not recognize this is supervision, APNs can continue to work autonomously and independently, and they must collaborate. Further, Section 3(a)(vii)(C)(I)(2) is required by law and Section

3(a)(vii)(C)(I)(3) allows for broader practice of the holistic view typically used by an APN.

**4.1.5. Letter received from Mary Burman, Dated August 16, 2000**

Ms. Burman addressed many of the same concerns as Ms. Enlow and is to be responded to in the same manner.

**4.1.6. Letter received from Wyoming Medical Society, Dated August 18, 2000**

Dr. J. Stephen Sloan and Ms. Wendy P. Curran from the Wyoming Medical Society forwarded a letter addressing collaboration and defining collaboration as well as the written plan of practice and collaboration. They believe it is essential that the signature of the collaborating physician or dentist be required on the written plan as well as the signature of the APN. They would further like to see included provisions for disclosure of the collaborative relationship to the patient.

Response to the Wyoming Medical Society is to indicate that we have no statutory authority over physicians and dentists to require them to sign APN collaborative plans. As far as the disclosure of the collaborative relationship, the Board feels it is addressed in Section 7(c) and it is a standard of practice to include the patient in the healthcare plan. As far as definitions, they are included in a separate chapter of the rules that is not currently open to these revisions. The Board of Nursing wholeheartedly agrees with the Wyoming Medical Society's teamwork approach to patient care as this has long been a standard of practice within the nursing profession.

**4.1.7. Chapter II - Licensure and Certification Requirements**

**4.1.8. Chapter IV - Advanced Practitioners of Nursing**

**4.1.9. Chapter VI - Standards for Nursing Education Programs**

**4.1.10. Relicensure and Continued Competency for Persons Not Employed for 5 Years**

Recently, there was an individual who had not been practicing in the last 5 years and challenged our request to take a refresher course because one of the competency requirements allows for the completion of 20 CEUs in the last two (2) years. The Board recommended that Chapter II, Section 17 be reviewed in the future to specifically address an individual who has not actively practiced in the last 5 years.

**4.1.11. Retired Nurses**

Received two letters from retired nurses who have placed their licenses in an inactive status and would like to do volunteer work. Current practice is to make them reactivate their license.

Recommendation from the Board to both of these nurses that they should keep their licenses in an active status. They can count their volunteer time as hours worked. Wyoming is a mandatory licensure state.

**4.1.11.1. Letter from Marguerite Nelson, Dated June 14, 2000**

Ms. Nelson is a retired nurse who placed her license in an inactive status. She requested that another category of license be created for retired nurses who would like to volunteer their time in non-paying positions. The Board reviewed the request but stated nurses must be currently licensed to practice nursing.

**4.1.11.2. Letter from Barbara Blair, Dated August 25, 2000**

Ms. Blair is a retired nurse who also placed her license in an inactive status. She asked if it were permissible to do volunteer work for a free Downtown Clinic. The Board reviewed the request but again stated nurses must be licensed to practice nursing.

**4.1.12. Wyoming Medical Society Newsletter - FYI**

The Board reviewed the Wyoming Medical Society newsletter.

**4.1.13. Administrative Procedures Act, Ch. 3 & 4 - FYI**

The Board reviewed the Administrative Procedures Act, Chapters 3 & 4.

**4.1.14. Letter Received from D'Ann Miller Regarding Licensure**

Ms. Miller addressed concerns regarding receiving her APN recognition. Her first concern was the amount of time that was involved in actually receiving her recognition because of her transcript not being received from UW, which she indicated was forwarded in a timely manner. Her second concern regarded the short amount of time that her APN recognition was in effect before she had to renew. Discussion with Ms. Dougherty indicated that the Board is covered by statute as all individuals are treated equally. Other licensees have expressed similar concerns as Ms. Miller's. Pro-rated fees were discussed and decided against. Application packets have been revised to clearly state that licensure is through the end of the biennium, which is the end of every even year.

A motion was made and seconded to respond to Ms. Miller that we

regret the timing, but must adhere to rules as written.

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

#### **4.2. Annual Report and Organizational Chart - FY99**

The Board reviewed the Annual Report and Organizational Chart that was submitted to the Wyoming Department of Audit. This is a requirement of every agency to complete each year. The Department is going to audit statistics but that will not be a problem for our staff as we have monthly reports to substantiate the data.

Preparing a list of goals for the Board of Nursing would help Ms. Koski in preparing a Strategic Plan for the upcoming year. President Taylor has some information on strategic planning that she will share at the November Board Meeting.

#### **4.3. Educational Programs**

NCLEX: Ms. Paula Shepherd provided a report on NCLEX RN and PN results for graduates of Wyoming schools seeking licensure in Wyoming. Some schools look better than others; however, the report is by time period and by school. This data would be much more beneficial if it was reported by class, rather than testing time period. Wyoming's pass rate is above the national average.

NCLEX reviews have been a concern for students. President Taylor indicated that UW did a review this year. President Taylor will forward Ms. Koski information on the review.

There will be a switch to NCS for testing. The NCLEX exam will be the same with some minor modifications.

Annual Reports and Site Visits: Ms. Evans proposed annual report and site visit data be compiled for an overall status report, beginning with the 2001 fall meeting. The report would allow the board to review historical information on each of the state's education programs. Ms. Evans proposed this report list the various schools, the date of the last BON Site-Visit, the date of the last NLNAC Site-Visit, the current year's Annual Report, and the preceding year's Annual Report. The date, type of approval, and any deficiency(ies) cited would be noted under the last BON and NLNAC Site Visits. The required status report(s) should be noted for those schools that are not in compliance with accreditation. The Annual Report should list the date received and the area(s) of concern noted. Such a status report would give consistent data to look at from year to year for comparison purposes. Dr. Calkins has already begun compiling this information.

Program Review Form: Ms. Turner volunteered to chair a subcommittee to work on the Program Review form and develop a

better formula for grading to determine if a program meets conditional or full approval.

#### **4.3.1. Western Wyoming Community College**

##### **4.3.1.1. Letter from Marlene Ethier and Review of Nursing Program Material**

The Board reviewed the letter from Ms. Ethier and all the program materials submitted. The Board commends Ms. Ethier on the tremendous amount of work she has done. WWCC's faculty plans are good; with the exception of Greer Ferrero's who indicates taking several years to complete her degree. The format of the content map is nice; however, the Board noted that there were many mental health and maternal child concepts included in the course syllabi that are not reflected in the content map. The board expressed concerns about the Preceptor Manual because it indicates students would not be working under the preceptor's license, yet the preceptor is responsible for the students.

President Taylor welcomed Ms. Ethier, commented on the improvements that Western is making, and thanked her for all her hard work. The Board addressed faculty plans, concept map, systematic evaluations, and suggested that since NCLEX scores were down, a mandatory NCLEX review for students be considered.

Ms. Ethier was notified that the Board will be visiting at the same time as NLNAC to give them time to work on their program.

The Board liked Western's addendum to their employment contracts that insures a legal basis for instructors completing Masters degrees within five (5) years of hire. The Board informed Ms. Ethier they would like to obtain a copy to share as a template with other colleges. The preceptor manual and guide is probably the best in the state; however, there are still concerns regarding IV therapy and the way it is stated that the student is not practicing under the preceptor's license. When a student is with a preceptor, they are practicing under that preceptor's license; however, the student is still accountable for his/her own actions.

Ms. Ethier indicated that administration has been very supportive and the workload has been reduced for everyone that is currently working on a Master's Degree. She further indicated they are in the process of reopening the Outreach site in Evanston. The community of Evanston is willing to support Western by whatever means necessary. The Board advised that there would need to be full-time faculty on site.

#### **4.3.2. Northwest College**

##### **4.3.2.1. Letter Received from Jane Rosen and Dr. Sher Hruska, Dated July 24, 2000 Addressing Reversal of**



### **Decision to Discontinue LPN Program**

The Board reviewed Ms. Rosen's and Dr. Hruska's letter indicating they had decided to reconsider dropping the LPN spin-off option for two years rather than the previously indicated one year.

#### **4.3.2.2. Letter and Site-Visit Report from Board to Northwest College, Dated August 21, 2000**

The Board reviewed Ms. Koski's letter and Site-Visit Report to the Director of Nursing at Northwest College placing them on notice that the Wyoming State Board of Nursing (Board) intends to place the Northwest College Associate Degree with Practical Nursing Spin-Off Nursing Program on conditional approval for a period of eighteen (18) months.

#### **4.3.2.3. Letter Received from Dr. Sher Hruska, Dated August 24, 2000 Waiving 10-days to Show Full Compliance**

The Board reviewed the letter from Dr. Hruska indicating Northwest College's Nursing Program "has chosen to forfeit the available ten-day opportunity to show full compliance with all lawful requirements in relation to the standards for nursing education programs." They plan to devote the next 18 months to addressing concerns and bringing the program back into full compliance.

#### **4.3.2.4. Letter from Elsa Kortge, RN, Received August 28, 2000**

The Board reviewed Ms. Kortge's positive comments about the Northwest College Nursing Program and instructors Darlene Woodruff and Jean Voege.

#### **4.3.2.5. Letter from Dr. Frances Feinerman, Received September 11, 2000**

The Board review Dr. Feinerman's response to Ms. Kortge's letter.

#### **4.3.2.6 Review of Northwest College Annual Report**

The Board reviewed and discussed Northwest College's Annual Report. The Board acknowledges Northwest is trying to correct items identified in the Site-Visit and wishes to thank them for submission of their Annual Report. Areas to be addressed include: organization and administration, faculty, curriculum, and program evaluation.

Dr. Hruska, Ms. Ohman, Ms. Wilson, and Ms. Voege met with the Board to discuss progress and deficiencies. President Taylor made introductions of the Board and Staff and welcomed visitors to the

meeting. Ms. Ohman provided the board with information on how they are addressing concerns, what they have done with faculty workload, how they are tracking students, etc. Faculty now have posted office hours. NWC will be providing the Board with up-to-date faculty qualifications. Changes were made to the clinical schedule as currently the college catalog states one thing and curriculum indicates another. NWC is evaluating conceptual framework, faculty serving as advisors through the two year period for a student, and ways to test critical thinking skills. President Taylor thanked the staff at NWC for all their hard work and indicated that a settlement agreement would need to be reviewed and signed by NWC. She further indicated to Dr. Hruska and Ms. Ohman that substitutes need to be masters prepared also or have a plan in place just as regular staff do.

NWC will need to submit written progress reports prior to each Board Meeting. Currently scheduled meetings are November 15-17, 2000 and January 24-26, 2001.

Ms. Ohman went on to inform the Board students have been notified that NWC is no longer fully accredited. The college sent a news release to the local newspaper to give factual dissemination of the information. They wanted to give a positive attitude about the accomplishments that are being made to bring the program back into full accreditation. NLNAC has also been notified of the conditional status and has responded to Ms. Ohman.

Questions about preparedness of faculty and professional credentials were raised. Dr. Hruska posed the question as to who makes these decisions, does NWC defer to the Board? The Board did discuss this issue about all programs and informed NWC that they were going to ask WWCC if they could share their contract format with the other colleges to use as a template in creating contracts with staff. All nursing education programs need to ensure that faculty is Masters Prepared or have a written plan to complete their degree within five (5) years of hire.

#### **4.3.2.7. Letter from Phil Wilson Regarding Master's Degree**

The Board reviewed Mr. Wilson's letter regarding completion of his Master's Degree.

#### **4.3.2.8. Letter Received from Maryls Ohman Regarding Substitute Faculty**

The Board reviewed and discussed Ms. Ohman's letter regarding substitute faculty obtaining a Master's Degree. It was determined that the substitute faculty would need to comply with the requirement to obtain a Master's Degree.

#### **4.3.3. Gillette Nursing Programs**

#### **4.3.3.1. Letter Received August 17, 2000 from Nancy Larmer Addressing Hiring of Darla Watson**

The Board reviewed Ms. Larmer's letter indicating they had hired Ms. Darla Wilson and she was informed of the requirement for completion of a Master's Degree in Nursing within five years of her hire date. The board noted they would see a plan for Ms. Wilson in the next Annual Report from Gillette.

#### **4.3.4. Central Wyoming College**

##### **4.3.4.1. Review of Annual Report**

The Board reviewed and discussed CWC's Annual Report. Areas to be addressed are plans for remediation and faculty having very little or no continuing education. CWC does have good outcomes and data collection; however, retention rates are down and the Board noted that the 1999 NCLEX scores are lower than the national average.

##### **4.3.4.2. Review of Report Submitted to NLNAC Regarding Distance Education at CWC**

The Board reviewed the report submitted to NLNAC regarding distance education at CWC.

#### **4.3.5. Casper College**

##### **4.3.5.1. Review of Annual Report**

The Board reviewed and discussed Casper College's Annual Report. The Board had the following concerns: 1999 NCLEX pass rate was low, not all faculty have plans to complete their Masters Degree, there were no criteria identified for selection of preceptors, and the director's workload is quite heavy.

#### **4.3.6. Laramie County Community College**

##### **4.3.6.1. Letter received July 25, 2000 from Carrie DeSelms Addressing Increase of Student Numbers and Week-end Format of Program**

The Board reviewed Ms. DeSelms' letter indicating they will be increasing the number of students admitted into the nursing program. Theory courses will be offered online and clinicals will be on weekends.

##### **4.3.6.2. Letter Received August 11, 2000 from Carrie DeSelms Addressing Conditional Approval from NLNAC for Implementation of Distance Education**

The Board reviewed Ms. Deselms' letter stating she has received conditional approval from NLNAC for the LCCC Nursing Department's plan to implement distance education.

#### **4.3.6.3. Letter to Carrie DeSelms, Dated August 22, 2000 Addressing Receipt of Distance Education Notification**

The Board reviewed Ms. Koski's acknowledgment of LCCC's intent to offer the nursing program in a weekend format via distance education beginning Fall, 2000.

#### **4.3.6.4. Review of Annual Report**

The Board reviewed and discussed LCCC's Annual Report and found several problems. Problems noted were: the consistency of the student/faculty ratio with inconsistencies of the total number of students who were admitted, what program students were enrolled in, and during what period of time were students enrolled. Concerns regarding the teaching load of the director were also discussed. There were no faculty data forms so the board was unable to ascertain if LCCC has met its educational requirements or if faculty have plans to complete Masters Degrees.

#### **4.3.7. Sheridan College**

##### **4.3.7.1. Review of Annual Report and Program Materials**

The Board reviewed and discussed Sheridan College's Annual Report and program materials. It was noted that NCLEX scores were good and that faculty have Masters degree plans in place. The Board expressed concerns about showing the difference between the Practical Nurse and ADN outcomes. Area responsibilities need to be identified for each facet of the evaluation plan. Sheridan College's marketing brochure needs to be revised to show the duality of their program.

#### **4.3.8. University of Wyoming**

##### **4.3.8.1. Review of Annual Report and Nursing Program Materials**

The Board reviewed and discussed UW's Annual Report. The Board noted NCLEX scores were up, attrition rate was up, and graduation numbers were down. Faculty information has improved. Current faculty/student ration should be no more than 1/8; however, the current report reflects a 1/10 ratio when preceptors are utilized.

##### **4.3.8.2. Letter from Marcia Dale Regarding CCNE**

The Board reviewed the letter from Ms. Dale regarding the School

of Nursing at UW undergoing voluntary accreditation by the Commission on Colligate Nursing Education (CCNE).

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

##### **4.4.1. Nursys**

###### **4.4.1.1. Review of Revised Verification Request Form**

The Board reviewed the revised Verification Request Form provided from National Council. We are to reproduce the form and send it out with our application packages. Discussion ensued regarding our signing the participation form. Once this occurs, the Board will lose approximately \$20,000 in revenue every biennium. The Board decided to table the decision to sign the participation agreement.

A motion was made and seconded to take no action on the Nursys contract at this time.

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

###### **4.4.1.2. Increase of Fees from \$15.00 to \$30.00 Effective January 1, 2001**

Ms. Koski informed the Board of the increased fee for Nursys verifications from \$15.00 to \$30.00 effective January 1, 2001.

###### **4.4.1.3. Review of Nursys Disciplinary Data Bank Reporting Form**

Ms. Koski reviewed the new Nursys Disciplinary Data Reporting form with the Board. This form is basically set up for mutual recognition. Any public discipline is to be submitted on this form and can be submitted electronically or via mail. The form includes CNAs, psychology technicians, etc.

##### **4.4.2. National Council Annual Meeting - Minneapolis**

National Council's *NCsBN Nursing News* summarized the annual meeting of the National Council in Minneapolis, August 8 - 12, 2000.

###### **4.4.2.1. Election Results**

The Board reviewed and discussed the election results: Joey Ridenour, Arizona, is President; Kathy Apple, Nevada, is Vice President; Barbara Morvant, Louisiana, Treasurer; Myra Broadway, Maine and Deborah Burton, Oregon, directors at large. Area Directors include Dorothy Fulton, Lorinda Inman, Julia Gould, and Iva Boardman.

#### **4.4.2.2. Area Meetings**

National Council voted to eliminate area meetings. The area meetings are to be combined into a single midyear conference to address issues facing all member boards. The board's delegates to the annual meeting voted against this combination. Areas will continue to meet during the midyear meeting.

#### **4.4.2.3. Uniform APRN Requirements**

APRN uniform requirements were passed at National Council's Annual Meeting. These recommendations do not mean that states have to comply at this time; however, we should consider these requirements in the future, which would entail changes in our Rules.

#### **4.4.2.4. Increase in NCLEX Examination Fees to \$200.00 Effective October 1, 2001**

Ms. Koski informed the Board the NCLEX Examination fees will increase from \$130.00 to \$200.00. The board's delegates voted against the increase.

#### **4.4.2.5. Action Plan to Delineate and Establish congruency Between Education, Practice and Regulation for Roles of All Nurses**

President Taylor reported on the action plan discussion. Carol Anderson gave the presentation regarding enrollments, shortages, how there is no differentiation between education levels, why major employers haven't gotten into this issue, why a young person would enter nursing, nursing upward mobility, and late career choices. The average Ph.D. is 46 years of age. Anderson feels we need to elevate the status of nursing through education and to differentiate roles of preparation through regulation.

#### **4.4.3. National Council Agent contract for Reporting to HIPDB**

We received two contracts from Vedder-Price regarding HIPDB. The first one did not have us as a CNA reporting state so they sent a second contract that included CNAs. Ms. Dougherty reviewed the contracts and indicated the only thing missing was the sovereign immunity clause. She will draft this to be included in the contracts.

##### **4.4.3.1. Contract for Reporting Only RN's, APN's, and LPN's**

A motion was made and seconded not to approve the HIPBD contract that does not include CNAs.

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

#### **4.4.3.2. Contract for Reporting RN's, APN's, LPN's and CNA's**

A motion was made and seconded to accept the HIPDB contract that includes CNAs, with the additions recommended by our legal counsel.

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

#### **4.4.4. Agency for Healthcare Research and Quality National Summit on Medical Errors and Patient Safety - FYI**

The Board reviewed the Healthcare Research and Quality National Summit report on medical errors and patient safety. We were provided with enough additional copies of the IOM report to be mailed to all of our legislators and Healthcare Facilities.

#### **4.4.5. Citizen Advocacy Center**

##### **4.4.5.1. Pilot Project Between hospitals and State Boards**

Ms. Koski informed the Board of the pilot project being developed by the Citizen Advocacy Center to work with hospitals and state boards of nursing and medicine regarding medical errors, quality assurance, and collaborative relationships between hospitals and state boards. We are not interested in becoming part of the pilot project at this time because of the lack of funding and our limited data regarding medical errors.

##### **4.4.5.2. Annual Meeting - Nov. 2 - 4, 2000**

The board approved Ms. Evans, consumer member, to attend CAC's Annual Meeting in Seattle Washington, November 2-4, 2000.

#### **4.5. Nurse Aide Program**

##### **4.5.1. Department of Health**

###### **4.5.1.1. CFR 42 - Nurse Aide Program**

Copies of the "Nurse Aide Training and Competency Evaluation," as outlined in 42 CFR Subpart 1, were provided to board members. Ms. Koski informed the Board that the Code of Federal Regulations (CFR) is revised every year. Discussion ensued regarding the nurse aide program and its impact on the Board of Nursing.

###### **4.5.1.2. Specific Costs CFR 42**

Ms. Koski informed the Board we can only receive federal money for what is outlined in the CFR. She had requested (5/12/00) additional funds from the Department of Health but they denied our request. The Department stated they could not pay for state requirements with federal money.

#### **4.5.1.3. Meeting With Frank Galeotos and Lisa Skiles**

Ms. Koski informed the Board that President Taylor, Ms. Hawkins, Ms. Dougherty, and herself had met with Frank Galeotos and Lisa Skiles (9/6/00) regarding actual costs. The meeting was to present and inform both A&I and the Governor's Office concerning the problem with funding and the Nurse Aide Program.

Ms. Koski was advised to write an addendum to the supplemental budget. Ms. Koski wrote an addendum to the supplemental budget requesting \$25,640 from the General Fund and creating the AORG Nurse Aide Program. This request was sent to Richard Cox (10/9/00) via e-mail (see attached).

#### **4.5.1.4. Memorandum of Understanding - Dept. of Health**

Ms. Koski informed the Board the current MOU with the Department of Health is about to expire. An interim MOU has been prepared for a six (6) month period of time at the same rate of reimbursement as the previous MOU. The Board has two choices: either approve the signing of the MOU or do an emergency repeal of our Rules governing CNAs. Discussion ensued about extending the MOU or repealing the rules. It was the consensus of the Board to extend the MOU and see what the Legislature has to say about increased funding. Additionally, a request should go forward regarding how much funding the Department of Health received from the federal government.

A motion was made and seconded to sign the extended Department of Health MOU for a period of six (6) months.

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

A motion was made and seconded to send an official request to the Department of Health for public records as it pertains to the initiation and maintenance of the certification program for nursing assistants.

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

#### **4.5.2. Nurse Aide Training and Competency Evaluation Program (NATCEP)**



The Board reviewed the new Nurse Aide Course Evaluation and Nurse Aide Rater Evaluation forms as required by CFR. Previously, Wyoming did not use a mechanism to evaluate the course and the rater. At the end of a training program and following the exam student nurse assistants will now evaluate both the course and rater (i.e., competency evaluator).

#### **4.5.3. NATCEP Examination for Persons not Having Practiced in 2 Years - CFR 42**

Current practice in the office is to require an individual, who has not been actively certified within the last two years and cannot meet competency, to retake the CNA course and the exam. Many individuals would like to challenge the test and not retake the course. More research of the CFR will need to be accomplished to see if it is allowable. This item will be discussed further at the next Board Meeting.

#### **4.5.4. Letter from Faith Jones, Powell Valley Health Care, Regarding Home Health Aide Education**

The Board reviewed and discussed the letter from Ms. Jones regarding the current practice of requiring CNA's to repeat Home Health Training when hired by a new facility. She requested that once they received their Home Health training, CNA's would be able to transfer to any Wyoming facility and not have to repeat the course.

A motion was made and seconded that a position paper be issued by the Board of Nursing and sent to the Office of Health Quality that a CNA who has received the 16 hours preliminary training in any Home Health agency would not be required to repeat the training when hired in another agency so long as their certification remains current. This does not preclude the requirement for orientation to each and every agency in which a CNA works.

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

#### **4.5.5. Assessment Systems, Inc. Meeting With NCSBN to Review Nurse Aide**

The Board reviewed Ms. Koski's request to the Casper Star Tribune and the Wyoming Tribune Eagle to run a story concerning the nomination, selection, and attendance of Ruth Ann Holzer, Nurse Aide Coordinator for the WSBN, at a meeting sponsored by the National Council of State Boards of Nursing and Assessment Systems, Inc. in Chicago on June 24-26, 2000. The article was previously published in the Lovell Chronicle (8/3/00). Ms. Holzer represented the Wyoming Board of Nursing as a subject matter

expert familiar with nurse aide practice across all major practice settings (see attached).

#### **4.5.6. Elder Abuse Committee Report**

Ms. Koski briefed the Board on the Elder Abuse Committee Report. CNAs are affected as a result of the federal government looking at elder abuse nationally. The committee's goal is to coordinate abuse registries between all agencies, such as DFS, Medicare Fraud, etc. The committee is looking at what reporting processes already exist and what is currently being reported. The committee has found our state is fragmented. The goal is to statutorily allow collaboration between the different registries for the purpose of sharing information.

#### **4.5.7. Nurse Aide Meeting - Oregon**

Oregon is putting out an RFP to have a certified medication aide test. Ms. Koski will be attending the meeting and will report back to the Board. National Council will pay for part of the travel expenses under a program for Ms. Koski to attend Executive Director orientation with Joan Bouchard. Ms. Koski will stay to attend the Nurse Aide meeting in Oregon.

### **4.6. Task Force on Medication Administration by UAPs**

#### **4.6.1. Minutes of July and August Meetings**

The Board reviewed and discussed the July and August Minutes from the Task Force on Medication Administration by UAPs. The committee met last week with John Rivera, from the Legislative Services Office, to discuss the draft bill that will be introduced. The bill gives the Board of Nursing jurisdiction over the entire program. Funding for this program is a definite concern to the board.

#### **4.6.2. Position Statement**

The Board reviewed the Position Statement of the Task Force on Medication Administration by UAPs.

#### **4.6.3. Report of Meeting of Interim Labor, Health and Social Services Sub-Committee on Long Term Health Care**

Ms. Koski informed the Board legislation had been drafted based on the South Dakota model. At the last meeting, Dan Lex indicated South Dakota had a good model and a motion was made proposing Wyoming draft legislation based on this model. Jan McCoy attended the 9/26/00 meeting in Rock Springs but did not have to testify. Senator Boggs made a motion at that meeting to withdraw

the current version (based on South Dakota) and have Mr. Rivera work with the Task Force on Medication Administration by UAPs to draft a more relevant version of the bill.

Ms. Kaiser, West Park LTCC, expressed deep concern about this legislation being passed. They already struggle with medication errors and she feels this would only increase the likelihood of medications being administered improperly. President Taylor covered some of the history of the medication aide issue, including their use in the Training School in Lander. The current problem is the board has no regulatory control over unlicensed personnel so it has two choices: ignore the problem or issue a cease and desist order. Anyone wishing to support or oppose this legislation should contact their local legislator.

#### **4.6.4. South Dakota Board of Nursing Medication Administration Program**

The Board of Nursing in South Dakota approves the medication aide program and the curriculum. They have no certification, regulation, or registry of medication aides.

#### **4.6.5. Report of Meeting of Medication Task Force September 20, 2000**

The Board reviewed and discussed the draft legislation regarding medication aides/medication administration. This draft was withdrawn at the 9/26/00 legislative subcommittee meeting [see 4.6.3].

#### **4.6.6. Summary of Medication Assistants by State - FYI**

The Board reviewed the summary provided to Ms. Koski on medication assistants by state.

#### **4.6.7. Medication Aide Certification Results - New Mexico - FYI**

The Board reviewed the medication aide certification results from the state of New Mexico.

#### **4.6.8. Letter from Gay Woodhouse to Rep. Catherine Sessions**

The Board reviewed Ms. Woodhouse's letter to Rep. Sessions regarding the practice of school personnel administering medications in school settings.

#### **4.7. Wyoming Professional Assistance Program (WPAP)**

**4.7.1. Presentation by Jack Waters, RN - WPAP**

The Board and staff introduced themselves to Mr. Waters and thanked him for coming to speak. Mr. Waters, the BON representative on the WPAP Board, was asked to speak to the Board by Ms. Koski to address the status of the Wyoming Professional Assistance Program. The WPAP Board is working on obtaining additional funding for the program from sources such as the Wyoming Hospital Association (WHA), grant money, and the promised funding from the State Board of Medicine. The State Board of Medicine promised \$20.00 per license but is currently paying \$10.00 per license.

Currently, the staff in Dr. Toews' office is handling the administrative work of WPAP and it is beginning to place a strain on his office staff. At present, a lot of time is being donated as WPAP works to become more financially independent.

It costs approximately \$1200.00 per year, per participant to have someone in the program. Currently, an estimated 20% of physicians and 10% of nurses are believed to be working while impaired.

Distance is an issue for attendance at Caduceus meetings in Wyoming; e.g., the Caduceus meetings are certainly more accessible to the Casper and Cheyenne people than for individuals located elsewhere throughout the state. Also, more needs to be done in the way of notifying individuals that WPAP is available to individuals who voluntarily request assistance. The WPAP Board and staff has immunity from civil liability suits and this needs to be disseminated to the public.

**4.7.2. Quarterly Report March 1, 2000 - May 31, 2000**

Mr. Waters discussed the quarterly report of March 1 - May 31, 2000 with the board.

**4.7.3. Quarterly Report March 1, 2000 - May 31, 2000 With Update Through July 14, 2000**

Mr. Waters covered the quarterly report update with the Board.

**4.7.4. WPAP Financial Report Dated July 28, 2000**

Mr. Waters covered the financial report with the Board. If additional funding is not located, WPAP will be in a deficit within two months at the current rate of spending.

**4.7.5. Minutes WPAP Board Meeting, January 15, 2000**

The Board reviewed the minutes from the WPAP Board Meeting.

**4.7.6. WPAP Contact List, Dated July 31, 2000**

The Board reviewed the WPAP contact list.

**4.7.7. WPAP Summary of Current Contracts, Dated August 9, 2000**

The Board reviewed WPAP's summary of current contracts with the Wyoming Board of Medicine, Board of Dental Examiners, Board of Nursing, and Board of Pharmacy.

**4.7.8. Letter from Carole Shotwell Regarding WPAP Funding and Board Appointment**

The Board reviewed the 8/22/00 letter from Ms. Shotwell regarding funding and BOM's appointment to WPAP.

**4.7.9. WPAP Program**

The Board reviewed the WPAP Program's financial plan and noted the proposal "that each licensing board contribute 10% of each licensee's renewal fee to WPAP."

**4.8. Budget**

Ms. Hawkins discussed the budget. The Board was informed of a new travel bill that will make all expenses actual rather than per diem. The Auditor's Office wants only receipts of \$15.00 or more. Reimbursement for mileage will be \$.22 per mile, unless a state car is not available, otherwise \$.29. Four-wheel vehicles will be reimbursed at \$.32 per mile, providing they were required for travel due to weather. Mileage can be actual or map mileage.

**4.8.1. Budget as of July 31, 2000**

The Board reviewed the budget as of July 31, 2000.

**4.8.2. Budget as of August 31, 2000**

The Board reviewed the budget as of August 31, 2000.

**4.8.3. Supplemental Budget**

All Boards were asked to provide a supplemental budget to the Governor. President Taylor commented on what a nice job Ms. Koski did on preparing the BON supplemental budget.

#### **4.8.4. Pro-Rating of Examination and Endorsement Fees**

The board examined the budget implications of pro-rating endorsement and examination fees. The Board decided not to consider pro-rating fees.

#### **4.9. Personnel/Board Issues**

A motion was made and seconded to give Cheryl Koski a 2.2717% raise effective September 1, 2000.

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

A motion was made and seconded to raise Paula Shepherd's pay by 2.2717% effective September 1, 2000.

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

#### **4.9.1. Star Program - Performance Appraisal System**

The Board reviewed a suggestion submitted by staff to the Star Program (Employee Suggestion Award Program) regarding performance evaluations. The office developed criteria for rating evaluations and Dr. Calkins prepared the form for submission to the state.

#### **4.9.2. Workers Compensation for Board Members - FYI**

The Board reviewed the memorandum from Workers' Compensation regarding coverage for Board or Commission members. Ms. Hawkins checked and Board members who don't get paid will not receive worker's comp. Ms. Hawkins will list all Board Members on the form and indicate a \$0 pay rate.

#### **4.9.3. Executive Session**

The Board entered into Executive Session at 8:10 a.m. and concluded this session at 10:20 a.m., September 27, 2000. During the session a market pay summary update, staff wage increases, the Executive Director's evaluation, and a summary of the Attorney General's Office evaluation was discussed.

#### **4.9.3.1. Market pay Summary Update and Wage Increases**

Discussed during Executive Session.

#### **4.9.3.2. Executive Director Evaluation**

Discussed during Executive Session.

#### **4.9.3.3. Summary of Assistant Attorney General's Office Evaluation**

The Attorney General's Evaluation, submitted August 22, 2000 was discussed. The Board requested Executive Director Koski write a letter to the AG's office specifically addressing Ms. Dougherty's performance as opposed to the 8/22/00 evaluation that represents a compilation of three (3) different attorneys' performances.

### **SCOPE OF PRACTICE ISSUES**

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

##### **5.1. Letter from Judith Cole Regarding Rapid Sequence Intubation**

Dr. Scott Polley, ER physician, and Ms. Cole discussed a request to allow nurses to assist with Rapid Sequence Intubation. This procedure would be performed with physician guidance and would deliver medications via IV push. Competencies could be done to maintain proficiency. Any nurse who does not feel comfortable doing this procedure would not be asked to perform it. Physicians would teach the procedure. The Board will look at all the information presented and put out an advisory position statement regarding this issue. President Taylor thanked Dr. Polley and Ms. Cole for their presentation.

##### **5.2. Chest Tube Removal**

Deferred for BON research and discussion at next Board meeting.

### **DISCIPLINARY ISSUES**

#### **6. DISCIPLINARY ISSUES**

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

###### **6.1.1. LPN APPLICANT, Case No. 00-005**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to grant conditional licensure with a stipulated agreement listing conditions recommended by the Disciplinary Committee to Case No. 00-005, licensed practical nurse applicant.

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

###### **6.1.2. CNA APPLICANT, Case No. 00-020**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to deny certification to Case No. 00-020, certified nurse aide applicant. Individual may re-apply following successful completion of after-care

treatment.

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

**6.1.3. RN APPLICANT, Case No. 00-030**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation and grant conditional licensure for a period of two (2) years to Case No. 00-030, registered nurse applicant.

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

**6.1.4. CNA APPLICANT, Case No. 00-055**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue certification with letter of awareness to Case No. 00-055, certified nurse aide applicant.

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

**6.1.5. LPN APPLICANT, Case No. 00-061**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue licensure with letter of awareness to Case No. 00-061, licensed practical nurse applicant.

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

**6.1.6. CNA APPLICANT, Case No. 00-063**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue certification with letter of awareness to Case No. 00-063, certified nurse aide applicant.

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

**6.1.7. LPN APPLICANT, Case No. 00-069**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue conditional licensure with stipulated agreement to coincide with Texas Board Order to Case No. 00-069, licensed practical nurse applicant.

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



**6.1.8. RN APPLICANT, Case No. 00-078**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to grant conditional licensure with stipulated agreement until receipt of successful completion of Colorado's Board of Nursing's stipulations to Case No. 00-078, registered nurse applicant.

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

**6.1.9. CNA APPLICANT, Case No. 00-081**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue certification with letter of awareness to Case No. 00-081, certified nurse aide applicant.

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

**6.1.10. CNA APPLICANT, Case No. 00-097**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to deny certification to Case No. 00-097, certified nurse aide applicant.

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

**6.1.11. RN APPLICANT, Case No. 00-104**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to issue licensure with letter of reprimand to Case No. 00-104, registered nurse applicant.

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

**6.1.12. LPN APPLICANT, Case No. 00-107**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to grant conditional licensure with stipulated agreement that the conditional licensure is to coincide with Nevada Board Order to Case No. 00-055, licensed practical nurse applicant.

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

**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. 99-242, LPN  
Case No. 00-012, CNA  
Case No. 00-013, LPN  
Case No. 00-027, RN  
Case No. 00-035, RN  
Case No. 00-044, RN  
Case No. 00-065, CNA  
Case No. 00-067, CNA

The vote on the above decision was 5-0-2-0. 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. 00-060, CNA  
Case No. 00-096, RN  
Case No. 00-096, CNA

The vote on the above decision was 5-0-2-0. 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. 00-028, RN  
Case No. 00-053, CNA  
Case No. 00-066, CNA  
Case No. 00-070, CNA  
Case No. 00-071, RN  
Case No. 00-073, CNA  
Case No. 00-084, NA  
Case No. 00-085, NA  
Case No. 00-114, RN

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

#### **6.2.5. Proceed with Discipline**

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

Case No. 99-244, LPN  
Case No. 99-245, RN  
Case No. 00-011, CNA  
Case No. 00-034, CNA  
Case No. 00-036, CNA  
Case No. 00-052, CNA  
Case No. 00-059, RN

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

#### **6.2.6. Recertifications (None)**

None to consider.

### **6.3. Hearings**

#### **6.3.1. Docket No. 99-233 – Mary Harris, CNA Applicant, September 25, 2000, 3:00 p.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 certify Mary Harris as a certified nursing aide.

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

#### **6.3.2. Docket No. 00-089 - Deb E. Nickerson, CNA 6394, September 25, 2000, 4:00 p.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 revoke the certified nursing aide certificate of Deb. E. Nickerson for non-sufficient funds check.

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

**6.4. Board Reconsiderations**

None to consider.

**6.5. Off Conditional License**

**6.5.1. Case No: 97-092, Catherine Butler, CNA**

Upon review of the application and after discussion, the Board voted to concur with the board reviewer's recommendation to remove conditions on certification to Case No. 97-027, Catherine Butler, certified nurse aide.

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

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

**6.6.1. Letters of Reprimand**

None to consider.

**6.6.2. Stipulated Agreements/Conditional Licensure**

6.6.2.1. Docket No. 99-199 – Toni Martinez, RN

**6.6.3. Voluntary Surrender**

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

Case No. 95-06, Judith Widdop, LPN  
Case No. 99-218, Juanita Martinez, RN  
Case No. 00-075, Bessie Dickerson, CNA

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

**6.7. Withdrawal of Application**

None to consider.

**6.8. Disciplinary Statistics - FYI**

**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.

