

MINUTES

**UTAH
BOARD OF NURSING
June 27, 2008**

**Room 474 – 4th Floor – 10:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 10:05 a.m.

ADJOURNED: 5:00 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Conducting:

Joel Allred

Board Members Present:

Barbara Jeffries
Debra Schilleman
Marie Partridge
Joel Allred
Laurie Simonson
Pam Rice
Peggy Brown
Mary Williams
John Killpack (2:00 p.m.)

Board Members Excused:

Diane Forster-Burke
Susan Kirby

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

May 23, 2008 Board of Nursing minutes:

The minutes were approved as written. All Board members in favor.

NEW BUSINESS:

Susan Higgs,
Compliance report:

Ms. Higgs provided a written compliance report for the Board's review. Ms. Poe indicated Joleen Gubler had met with her and Ms. Call and continues to be out of compliance. Ms. Jeffries made a Motion to schedule Ms. Gubler to meet with the Board next month. Ms. Schilleman seconded the Motion. All Board members in favor.

Ms. Higgs reported Karen Baker is not calling CVI and has not been compliant. Ms. Schilleman made a

Motion to schedule Ms. Baker to meet with the Board next month. Dr. Williams seconded the Motion. All Board members in favor.

Review pilot probation form:

Ms. Poe reported the Compliance Unit has developed a new standardized probation interview form to be used by all Boards. Board members reviewed the form and suggested that instead of checking a box, that addition space be added so that comments can be written. Board members would also like to have the recovery questions section be moved to the first section on the form and to make the Board recommendation section smaller.

Environmental Scan:

Ms. Poe indicated NCSBN is looking for individuals to serve on the LPN practice analysis panel.

Ms. Poe reported NCSBN will e-mail Board members notification regarding online e-learnings that are available.

Ms. Poe reported Governor Huntsman has announced a pilot program beginning August 4, 2008 in which the State will move to a four day work week. The Heber Wells Building will be closed on Fridays and all Board meetings scheduled for Friday will have to be moved.

Rules:

Ms. Poe reported the proposed rules for the Standards and Process for Approval of Nursing Education Programs and MA-C curriculum and practice protocols have been filed. The Rules will be published July 15, 2008 and are available on the Division's web site. A Rule Hearing will be scheduled for July 18, 2008.

Divided into groups at 10:25 a.m.

Group 1
Marie Partridge conducting
Shirlene Kimball, Secretary:

Board members present: Mr. Allred, Ms. Partridge and Dr. Williams.

Linda Krava,
New Order:

Mr. Allred conducted the interview. Ms. Krava explained the circumstance that brought her before the Board. She indicated she has completed the substance abuse, psychological and physical evaluations. Ms. Krava indicated she suffers pains constantly and indicated she is considering entering a pain treatment

program. She stated she understands the terms and conditions of the Order and understands the probation will not begin until she is employed in nursing. She stated her support system is her mom and family. Her license is currently suspended and she is working construction. She stated her clean date is December 18, 2007. She stated she has not relapsed since the December 18, 2007 date. **Ms. Krava is in compliance with the terms and conditions of her Order.**

Michele Peterson,
New Order:

Dr. Williams conducted the interview. Ms. Peterson explained the circumstances that brought her before the Board. Ms. Peterson stated she is in AA, has a sponsor and is in counseling. She stated she has an alcohol problem, but does not use drugs. She stated she has not taken any medications that have not been lawfully prescribed for her. She indicated she is in the Blue Sky treatment program. She submitted the names of her prescribing practitioner and pharmacy. She indicated she works at a job corp center as an administrator. She indicated once her license is taken off suspension, her employer will make a change in the job description and require the nursing degree to do the job. She stated her job is administrative and she does not do any clinical work. Her supervisor will be a physician. She stated her group sessions and AA meetings are her support systems. She reported her clean date is April 11, 2008. She stated she is struggling with thoughts with relapse, but stated she has not relapsed. She stated she understands the terms and conditions of her Order. **Ms. Peterson is in compliance with the terms and conditions of her Order.**

Ann Deering,
New Order:

Ms. Deering did not appear for her scheduled interview. **Ms. Deering is out of compliance with the terms and conditions of her Order and will be rescheduled to meet with the Board next month.**

Kate Alleman,
Annual probation interview:

Ms. Alleman did not appear for her scheduled interview. **Ms. Alleman was excused and remains in compliance with the terms and conditions of her Order.**

Group 2
Barbara Jeffries conducting

Members present: Ms. Schilleman, Ms. Jeffries, Mr. Rice, Ms. Brown and Ms. Simonson.

Laura Poe, minute taker

Erin Crockett,
New Order:

Ms. Crockett failed to appear for her scheduled interview. **Ms. Crockett is out of compliance with the terms and conditions of her Order and will be scheduled to meet with the Board next month.**

Michael Jorgensen,
New Order:

Mr. Jorgensen met with the Committee and was interviewed by Ms. Jeffries. Mr. Jorgensen indicated he was still living in Arizona and is on criminal probation there for two DUI's. He is attempting to transfer his criminal probation to Utah. At the time he signed the stipulation Mr. Jorgensen indicated his residency is/would be in Utah. He claims to have been clean and sober since October 11, 2007 and attends AA meetings 3-4 times a week. He has not signed up with CVI and he was told to sign up within one week. He was also told to get his evaluations scheduled within one week and contact the Division with those dates. Mr. Jorgensen stated he understands the terms and conditions of his Order. He was also informed that he must provide documentation of his Utah residency within 30 days. **Mr. Jorgensen is out of compliance with the terms and conditions of his Order. He needs to sign up with CVI, schedule his evaluations and contact the Division with the appointment dates.**

Tyler Miller,
New Order:

Mr. Miller met with the Committee and was interviewed by Ms. Rice. He reviewed the circumstances that led to his surrender of license and application for re-licensure. He is currently working at the State Hospital. He claims to have been clean and sober since January 2006. Mr. Miller indicated his schedule at work interferes with him attending PIR so he is attending at least four NA meetings per month. **Mr. Miller appears to be in compliance with the terms and conditions of his Order.**

Gayle Audenried,
Annual Interview:

Ms. Audenried met with the Committee and was interviewed by Ms. Brown. Ms. Audenried indicated her life is going well and she works at Allen Memorial Hospital. She claims to have been clean and sober since May 20, 2003. **Ms. Audenried is in compliance with the terms and conditions of her Order.**

Cesar Garcia,
New Order:

Mr. Garcia met with the Committee and was interviewed by Ms. Simonsen. Mr. Garcia has passed the NCLEX-RN and was licensed as an RN under an MOU. He is employed by Utah Valley Regional Medical Center. **Mr. Garcia is in compliance with the terms and conditions of his Order.**

Break at 11:50 a.m.
Reconvened at 11:54 a.m.:

Kaylynn Thompson,
Request for termination of suspension:

Mr. Allred conducted the interview. Ms. Thompson stated she has completed the psychological evaluation and completed outpatient treatment on 11/20/07. She had requested the suspension on her license be lifted last month, but her request was denied based on missed urine screens and for not submitting copies of her prescriptions. She indicated she had submitted the prescriptions and admitted to missing several urine screens. She indicated she is here to request the Board reconsider the denial to lift her suspension. Ms. Thompson stated she has been in compliance and has completed all requirements earlier than requested. Ms. Poe reported the therapist submitted reports indicating Ms. Thompson is working on a substance abuse addiction and that Ms. Thompson is not safe to practice. This is noted in the reports from January, February, March, April, May and June reports. Ms. Thompson stated she has not used any prescription medications inappropriately. She stated she finished her court related treatment six weeks ago. She stated she is a good nurse, continues in her recovery, will stay in recovery and has done everything required.

Ms. Jeffries asked her to explain her relationship with the therapist. Ms. Thompson stated she attends group meetings and individual therapy. She stated she has had a personality conflict with the LCSW and is looking for a different counseling group. Ms. Jeffries questioned if the therapist indicated why she does not feel Ms. Thompson is unsafe to practice. Ms. Thompson stated the therapist has never indicated she is unsafe to practice and she is surprised by the report. Mr. Allred stated he is concerned and the Board can not lift the suspension when there is a therapist who is saying she is not safe to practice. Ms. Thompson has not been in compliance once since she began the terms

of suspension. Board members stated they need a letter from the therapist indicating why she feels Ms. Thompson is not safe to practice, and if she feels Ms. Thompson is safe, the therapist needs to indicate why she feels she is safe now. Ms. Thompson needs to come into compliance and document a period of time with no missed urine screens and good therapist reports. Ms. Partridge made a Motion to deny the request for termination of suspension due to non compliance to the terms and conditions of her Order and because the therapist reported Ms. Thompson is not safe to practice. Ms. Jeffries seconded the Motion. All Board members in favor. Ms. Poe indicated that in review of the report from CVI, Ms. Thompson had 20 scheduled urine screens, she has missed 9; had 6 excused and 5 results were out of range.

Break 12:35 p.m.

Reconvened at 12:40 p.m. for working lunch:

Report from Probation Peer Groups:

Ann Deering: Did not appear. If she does not contact the Division/Board, the process for an Order to Show Cause hearing will be started.

Kate Alleman: Ms. Alleman will be scheduled to meet with the Board next month.

Erin Crockett: Ms. Crockett did not appear for her interview. She will be scheduled to meet with the Board next month.

Britney Harvey,
Request for re-licensure:

Ms. Harvey submitted an application for re-licensure. She originally submitted her application and met with the Board 6 months ago. The Board requested she demonstrate 6 months of clean urine screens and attend 12-step and PIR meetings. Ms. Harvey tested positive for alcohol on March 4, 28, April 17, 30, and May 12. She stated she did not realize she could not have alcohol or she would have abstained. She indicated she has been clean from drug use for 4 years. She stated she drinks alcohol 3 to 4 times a week socially with dinner and does not drink to get drunk. She stated her last drink of alcohol was June 4th or 5th, 2008. She has not ingested any alcohol since she received the letter from Ms. Call indicating she should not be drinking alcohol. She stated she had no problem eliminating the alcohol. She indicated she

currently works as a secretary at a home health facility (she indicated they created the position for her so she could continue to work at the facility after she lost her license). She stated if she is granted a license, she would like to continue the desk job at home health, but as a nurse. If the Board does not allow her to work there, she indicated she would find a different position. Ms. Harvey indicated she feels safe at her current job, there is no access to narcotics and there are multiple RN's working there. She stated she attends PIR meetings and is in treatment at Recovery, Inc. She does not attend 12 step meetings. She stated she has not had a recent substance abuse evaluation. Ms. Jeffries made a Motion for Ms. Harvey to obtain a current chemical dependency evaluation from an approved evaluator and upon receipt of the evaluation, have her meet with the Board to discuss the evaluation. Ms. Brown seconded the Motion. All Board members in favor.

Blaine Campbell,
Request for early termination of probation:

Mr. Campbell began probation November 2006. His probation is scheduled to terminate November 2011. He has only been on probation for just over a year and nothing has changed since his last request. Ms. Rice made a Motion to deny the request for early termination of probation based on the length of time on probation and the need to continue to monitor his practice. Ms. Jeffries seconded the Motion. All Board members in favor.

Tyson Dawson,
Request for termination of the requirement to attend therapy:

Mr. Dawson's therapist submitted a form indicating Mr. Dawson does not need to continue with therapy. Dr. Williams made a Motion to terminate the requirement for therapy based on the recommendation from the therapist. Ms. Rice seconded the Motion. All Board members in favor.

Jeff Swyers,
Request for early termination of probation:

Mr. Swyers requested early termination of probation. He is currently employed in a position where he has no patient contact or access to controlled substances and the Board has not monitored him with access to controlled substances. Board members indicated they would like to monitor him with access to controlled substances before terminating probation. Dr. Williams made a Motion to deny the request to terminate probation based on the fact that research finds the fifth year of monitoring is the time where a lot of relapses

occur. Board members would like to monitor him with access to controlled substances prior to termination of probation. It is recommended his Order be amended to allow access to controlled substances. Ms. Brown seconded the Motion. Ms. Jeffries was out of the room for the vote. All other Board members in favor of the Motion.

Dustin Jasmer,
Request to be allowed to phone in prescriptions:

Ms. Jeffries indicated that hospital nurses usually do not phone in prescriptions and requested further clarification regarding his request. Once this clarification is received, the Board will review the request.

Lillian Howell,
Request to be allowed direct patient care:

Ms. Brown made a Motion to allow Ms. Howell to seek employment at the State Hospital, and if employed, allow her direct patient care limited to the State hospital. Ms. Jeffries seconded the Motion. All Board members in favor.

Board meetings:

Ms. Simonsen made a Motion to move the Board meetings to the 2nd Thursday of the month starting in August. Ms. Jeffries seconded the Motion. All Board members in favor. The August meeting will be held Thursday, August 14, 2008.

Adjourned at 1:56 p.m. to meet with Steve Eklund, Administrative Law Judge to continue deliberations on the Carolyn Roper Hearing:

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 14, 2008
Date Approved

(ss) Joel Allred
Joel Allred, Chair, Board of Nursing

August 14, 2008
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing