

MINUTES

UTAH BOARD OF NURSING

December 11, 2008

Room 474 – 4th Floor – 9:45 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:48 a.m.

ADJOURNED: 2:10 p.m.

Bureau Manager:
Secretary:
Division Director:

Laura Poe
Shirlene Kimball
F. David Stanley (10:15 a.m. – 11:00 a.m.)

Conducting:

Joel Allred

Board Members Present:

Peggy Brown
Diane Forster-Burke
Mary Williams
Pam Rice
Marie Partridge
Joel Allred
Susan Kirby
Barbara Jeffries
John Killpack
Laurie Simonson

Board members Excused:

Debra Schilleman

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

October 9, 2008 Board of Nursing minutes:

The minutes were approved with corrections. All Board members in favor.

November 13, 2008 Board of Nursing minutes:

The minutes were approved with corrections. All Board members in favor.

NEW BUSINESS:

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Order: Ann Rooney; Bambi Koeller; Donna Cook; Karen Carter; Karen Christiansen; Kaylyn Thompson; Rachel Lucia; Steven Booth; Teresa Williams; Troy

Thorum; Rhandi Robertson; Jennifer Eva; Erin Crockett; Desirae Larsen; Janet Wells; Michelle Jensen; Jason VanDaam; Kathleen King; Traci Johnson and Joleen Gibbs. Board members requested Ms. Gibbs meet with the Board next month.

Ms. Call reported she will provide the Board with a list of probationers and citations issued on a quarterly basis.

Divided into groups at 10:10 a.m.

Group One – Convened at 10:21 a.m.
Conducting: Marie Partridge.
Secretary: Shirlene Kimball

Members present: Mr. Allred, Ms. Forster-Burke, Ms. Partridge, Mr. Killpack and Dr. Williams.

Bambi Koeller,
Board request:

Mr. Killpack conducted the interview. Ms. Koeller stated she is a single mother of five, just bought a new home and is working 50 hours per week to make the payments on her home. Mr. Killpack indicated she misses calling into CVI on a regular basis and has missed several urine screens. Ms. Koeller admitted she forgets to call CVI. Mr. Killpack stated it appears she is not taking the probation seriously and the Board is concerned. Ms. Koeller stated she is trying to comply. Mr. Killpack informed Ms. Koeller her Stipulation limits the number of hours she can work per week and working 50 hours per week places her out of compliance. Ms. Koeller questioned why the Order would restrict the number of hours she can work per week? Mr. Killpack stated the Board needs to make sure she is safe to practice, and working additional hours puts additional stress when having to attend all the meetings required to meet the terms and conditions in the Stipulation. Ms. Koeller stated she is working her program and attends her meetings. Ms. Koeller stated she just started working more hours and had to beg the employer to give her more hours. Committee members indicated she needs to put being in compliance as a high priority and she needs to find a way to remain in compliance. Committee members also suggest she develop a routine for calling CVI everyday. Ms. Koeller stated she feels confident she will not relapse. Committee members indicated they sympathize with her, but the Board needs object measures such as calling CVI, submitting to random

urine screens and submitting paperwork on time to demonstrate compliance and working a recovery program. She has missed urine screens, has received letters of non-compliance and has been requested to meet with the Board, now has indicated she is working 50 hours per week when the Order only allows her to work 44 hours per week. Ms. Koeller stated she was not aware of the restriction on the number of hours she could work. Committee members suggested she read her Order. She had submitted a self evaluation in October in which she stated she was aware of the terms and conditions of the Order. Committee members indicated she can request a modification regarding the number of employment hours, however, the request may be denied because she is out of compliance with the Order. Committee members applauded Ms. Koeller for coming this far, but now she needs to take the next step and come into compliance and remain in compliance. She questioned whether or not she could continue to work the extra shift. Committee members indicated she can not work the extra shift unless her order is amended. The Committee will take this request to the full Board. Ms. Koeller stated her sobriety date is August 20, 2004. She indicated she has a good support system and feels she has a good life now. She has made changes. She is currently working at Avalon Care Center in Bountiful. She stated she is not taking any medications not lawfully prescribed for her. Mr. Killpack stated the Board would like to see her succeed. If she has any questions, she can call Ms. Call. She needs to remain diligent if she wants to keep her license. It is not an option to remain out of compliance and keep her license. **Ms. Koeller is out of compliance with the terms and conditions of her Order. She needs to call CVI everyday, submit to random urine screens when called, and she can not work more than 44 hours per week.**

Teresa Goates,
Annual Interview:

Ms. Forster-Burke conducted the interview. Ms. Goates reported her sobriety date is October 5, 2005. She reported work is going well. Ms. Goates has done well on probation and her scheduled termination date is November 2010. She reported she has a good support system at work and deals with her stressors by reading, exercising and cleaning. Committee

members indicated they would see her again in one year if she remains in compliance she could request early termination of probation. **Ms. Goates is current on all paperwork and appears to be in compliance with the terms and conditions of her Order.**

Rachel Lucia,
Annual Interview:

Ms. Partridge conducted the interview. Ms. Lucia stated she is doing very well and will graduate from drug court January 20, 2009. She stated she is not currently working in nursing and understands that the probation period does not count down until she begins employment in nursing. Ms. Lucia reported Drug Court has been overwhelming, but it has been good for her. She indicated that once she has completed Drug Court, her charges will be dismissed. She stated she has waited to apply for a nursing position until she has finished drug court. She is attending 12-Step and PIR meetings. She stated she has 18 months sobriety and her sobriety date is July 2, 2007. She stated she reminds herself she has an addiction problem and continues to take inventory of herself. She stated she is not taking any medications not lawfully prescribed for her. Ms. Lucia indicated she will be attending a wedding in Texas in March and stated she will let Ms. Call know the dates she will be gone. **Ms. Lucia is in compliance with the terms and conditions of her Order.**

Glenda Salas,
Annual Interview:

Dr. Williams conducted the interview. Ms. Salas reported things are going well. She continues to work at Utah Hematology and Oncology. She reported she has been sober for 6 years and 4 month and her sobriety date is August 2002. Ms. Salas stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She has requested early termination of probation. Committee members stated it appears she is doing well and will recommend to the Total Board to approve her request. Ms. Salas thanked the Board for their support. **Ms. Salas is in compliance with the terms and conditions of her Order.**

Group 2
Conducting: Barbara Jeffries
Minute Taker: Connie Call

Board members present: Ms. Simonsen, Ms. Kirby,
Ms. Jeffries, Ms. Brown and Ms. Rice.

Dorothy Evans,
Annual Interview:

Ms. Brown conducted the interview. Ms. Evans stated she is currently employed at an in-patient hospice in Indiana. **Ms. Evans is current on all reports and appears to be in compliance with the terms and conditions of her Order. Committee members will recommend termination of her probation.**

Kaylyn Thompson,
Annual Interview:

Ms. Jeffries conducted the interview. Ms. Thompson had a positive urine screen for alcohol. Ms. Thompson stated she was sorry and it will not happen again. Ms. Thompson discussed with Committee members the number of prescriptions she is receiving for Lortab. She indicated she has had oral surgery, has fibromyalgia and arthritis. Ms. Thompson stated she has not had a relapse. Her therapist report has not been received. She stated she is working with a sponsor and has completed all 12 steps. She stated the only step that she didn't really do well with was divulging everything that she has done (step 5). Ms. Thompson stated she has been working at the Utah State Hospital for three months. Ms. Thompson questioned at what point she could ask for access to narcotics? Ms. Jeffries indicated she just came off suspension and the Board would like to monitor her probation for a period of time before allowing access. **Ms. Thompson is out of compliance with the terms and conditions of her Order because she has not submitted a therapist report. She also missed calling into CIV and missed several urine screens.**

Karen Christiansen,
Interview:

Ms. Simonson conducted the interview and discussed Ms. Christiansen's non compliance over the past 6-9 months. Ms. Christiansen stated she has been having problems coping in all areas of her life. She stated she is not currently working because the employer could not provide RN supervision. She reported she last worked October 27, 2008. She reported she is working on Step 4, anger/resentment issues. She questioned if she need to attend both AA and PIR meetings. Ms. Poe indicated she will have to attend both unless her Order is amended. Ms. Poe indicated there is hope of discontinuing probation, but she has to come into compliance and remain in compliance with the Order. Ms. Christiansen stated she has been sober since February 7, 2005. She questioned whether or not she could have her Order amended to allow her to

work under general supervision instead of under direct supervision. Committee members indicated this topic would be discussed during the afternoon. **Ms. Christiansen is out of compliance with the terms and conditions of her Order because she has not submitted paperwork and has not been attending her meetings.**

Ann Rooney,
Annual Interview:

Ms. Kirby conducted the interview. Ms. Rooney stated she has been sober since December 15, 2004. She is an AA sponsor, has no thoughts of relapse and has not relapsed. She requested early termination of probation. **Ms. Rooney is in compliance with the terms and conditions of her Order.**

Lillian Howell,
Annual Interview:

Ms. Howell was excused and will meet with the Board next month. **Ms. Howell is in compliance with the terms and conditions of her Order.**

Probation Peer Review Reports:

Bambi Koeller: Ms. Koeller is working 50+ hours per week and her Order only allows her to work up to 44 hours per week. Committee members recommend Ms. Call check with the employer to see how many hours she is working. Committee members are concerned because Ms. Koeller has not been calling CVI and has missed several urine screens. The request will be tabled until the Division can determine the number of hours she is working per week. All Board members in favor of tabling the request.

Glenda Salas: Ms. Salas is doing well and has been sober over 6 years. Committee members recommend early termination of probation. Ms. Rice was not present for the vote. All other Board members in favor of terminating probation.

Dorothy Evans: Ms. Evans has completed the continuing education requirement and has moved to Indiana. Committee members recommend termination of probation. All Board members in favor.

Karen Christiansen: Ms. Christiansen requested general supervision instead of direct supervision. She was terminated from Cottonwood Treatment Center because they could not provide direct supervision. Board members discussed the request for general

supervision. Board members felt that Ms. Christiansen needs direct on-site supervision and needs to be monitored closely at this time. Board members recommend that her request for general supervision be denied. All Board members in favor. Committee members recommend amending her Order to allow her to attend four PIR meetings per month in lieu of 12 step meetings. All Board members in favor of amending the Order to allow attendance at 4 PIR meetings per month

Ann Rooney: Ms. Rooney requested that her probation be terminated early. She has been on probation for 4 years and has been in compliance with her Order. She had a relapse after one year, but is doing well now. Board members did express concern that the four year mark is the year most individuals relapse. Ms. Call indicated Ms. Rooney has been very proactive and Ms. Rooney indicated she will continue attending support groups. It appears she has a solid understanding of addiction and recovery. Committee members recommend termination of probation. All Board members in favor.

Tyler Miller,
Requesting access to controlled substances:

Ms. Rice made a Motion to approve the request and return access to controlled substances. Dr. Williams seconded the Motion. All Board members in favor.

Jennifer Budge,
Requesting re-licensure.

Ms. Budge met with the Board to discuss her request for re-licensure. Ms. Budge indicated she surrendered her license 3 ½ years ago. She indicated she has received treatment, seen a psychiatrist and psychologist. She stated at one point she had problems with her vision, had a detached retina and cataract surgery. She indicated she has been on disability for three years and now has her ophthalmologist and psychiatrist approval to return to work. Board members requested both the ophthalmologist and psychiatrist submit a letter regarding her return to work. Dr. Williams stated it appears Ms. Budge missed calling into CVI a number of times. Ms. Budge stated she does not feel that is accurate and will submit a copy of her telephone records. She did indicate she does have a problem with alcohol, but has maintained sobriety. Ms. Budge stated she feels she is ready to return to nursing, feels she can handle the stress and looks forward to a

challenge. She stated she feels she would be able to comply with the Order now because she has a diagnosis and is taking medications. Before, she had no support and was undiagnosed. She indicated she has a therapist and attends group meetings. Board members indicated they would like to see a letter from the ophthalmologist and psychiatrist indicating that she is ready to return to nursing. Also, she needs to submit a print out of her phone records to verify that she had been calling CVI. The Board will review the information next month. Ms. Jeffries made a Motion to table the discussion until she has submitted the phone records, and the letters are received from the ophthalmologist and psychiatrist. Ms. Forster-Burked seconded the Motion. All Board members in favor.

Troy Cady,
New Application:

Mr. Cady submitted an application as a registered nurse. Mr. Cady answered yes on the qualifying questionnaire regarding action in Arizona. He indicated his Arizona license was suspended for drug addiction. The license was suspended for one year, but he has moved to Utah and has declared Utah as his primary state of residence. He stated he has been clean for 1 ½ years. He stated he has completed a treatment program, attends 12 step meetings, and is calling everyday to Arizona for urine screens. He stated he relapsed in June 2007 and has been in aftercare since that time. He indicated after he moved to Utah he entered Positive Adjustments Treatment Center. He stated he is taking licensure issues and probation more seriously now. He indicated Arizona would place his license on probation once the suspension is lifted. Arizona Board of Nursing is aware that he has moved to Utah and indicated he can work his program here. He stated he received a psychiatric evaluation that was sent to Arizona and he will have the Board forward the evaluation to the Division. He stated he is doing well in recovery. Ms. Forster-Burke made a Motion that after Arizona lifts suspension, offer him a 5 year probation with the standard terms and conditions. He will not need to have an evaluation if the psychiatric evaluation is provided by the Board, and will not need to complete a treatment program or aftercare if the psychiatrist indicates it is not necessary. Ms. Brown seconded the Motion. All Board members in favor.

Environmental Scan:

Ms. Poe reported the California Supreme Court reviewed the case regarding the California Nurses Association and the California Board of Education. The California Supreme Court determined the Board of Nursing not the Board of Education determines the scope of nursing practice and the California Supreme Court order indicates unlicensed individuals must stop doing tasks that the California Board of Nursing considers to be within the nurses' scope of practice such as medication administration.

Ms. Poe reported the Rules have been filed and a Rules Hearing will be scheduled for the January 8, 2009 Board meeting.

Ms. Rice discussed the reentry program. She reported a study indicates that those individuals who have been out 10-15 years do just as well in the refresher program as those who have been out 10 years or less. Ms. Poe indicated the Division will allow anyone who was enrolled in the refresher/reentry program prior to the Rule changes in August 2008 to complete the program and apply for licensure. Ms. Poe questioned whether or not the Board would like to rethink this rule and make changes? Ms. Poe indicated there is a big difference between the refresher program that Weber provides and the online refresher programs and that a distinction could be made to require a longer practicum time.

Report from Education Committee:

Ms. Forster-Burke indicated Ameritech College has received the signed Memorandum of Understanding placing the program on probationary approval status. Lona Broadhead will become acting director.

Governors Ethics Policy

Reviewed.

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.

January 8, 2009
Date Approved

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

January 8, 2009
Date Approved

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