

MINUTES

**UTAH
BOARD OF NURSING**

June 11, 2009

**Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 1:04 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Conducting:

Debra Schilleman

Board Members Present:

Peggy Brown
Mary Williams
Pam Rice
Joel Allred
Marie Partridge
John Killpack
Laurie Simonson
Sue Kirby (10:00 a.m.)

Board Members Excused:

Diane Forster-Burke
Barbara Jeffries

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

April 9, 2009 Board minutes:

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

May 14, 2009 Board minutes:

The May 14, 2009 minutes were approved as written. Ms. Partridge and Mr. Killpack abstained. All other Board members in favor.

NEW BUSINESS:

Rules Hearing:

Hearing was conducted by Judge Eklund.

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of probation: Anjanette Alleman, Karen Carter, Kaylynn Thompson, Lillian Howell, Rachael Lucia, Theresa Whitbread, Teresa Williams Yonk, Tyler Miller, Terri

Judd, Dee Ann Taylor, Amy Dansie, Michael Gearheart, Gaylynn Pope and Pamela Sinnett.

Ms. Call reported Donna Cook has missed urine screens, has not called CVI, has not submitted a therapist report or a copy of her prescriptions. Ms. Cook has met with Ms. Poe and Ms. Call twice. She commits to coming into compliance with her Order, but is chronically non-compliant. Ms. Rice made a Motion to refer Ms. Cook for an Order to Show Cause Hearing. Ms. Brown seconded the Motion. All Board members in favor.

Michelle Peterson reported a relapse by ingesting alcohol. Ms. Poe stated that if the relapse is reported by the individual, we will bring them in to discuss the relapse. If the Division finds out about the relapse from a source other than the probationer, we will issue a public reprimand. Ms. Simonson made a Motion to bring Ms. Peterson in to meet with the Board to discuss the relapse. Mr. Killpack seconded the Motion. All Board members in favor.

Stacy Powell is out of compliance. She was requested to meet with Ms. Poe and Ms. Call but has not met with them. Ms. Powell has not submitted any paperwork and has not signed up with CVI. She had indicated to the Board six months ago that she had signed up with CVI. Ms. Brown made a Motion to refer Ms. Powell for an Order to Show Cause Hearing. Ms. Rice seconded the Motion. All Board members in favor.

Bambi Koeller, request to be allowed to work in an employment agency or home health:

Ms. Koeller missed calling CVI multiple times. She is requesting she be allowed to work in a home health setting or with an employment agency. Mr. Killpack made a Motion to deny her request based on continued non-compliance to the terms and conditions of her Order. Ms. Simonson seconded the Motion. All Board members in favor.

Keith Moslak, request for termination of probation:

Mr. Moslak has completed three years of the five year probation and Ms. Call reported he has been in very compliant with his Order. Board members stated that the literature indicates the relapse rate is significantly high at the four year mark for those with a drug or

alcohol addiction. Ms. Rice made a Motion to deny the request based on the length of documented sobriety time and the length of time on probation. Ms. Simonson seconded the Motion. All Board members in favor. Mr. Allred made a Motion to allow Mr. Moslak to attend PIR meetings in lieu of 12-step meetings for a total of four meetings per month. The Motion was seconded. All Board members in favor.

Kaylyn Thompson, request to be allowed to contact any pharmacy or drug supplier for the purpose of filling a prescription Order:

Ms. Thompson is non complaint and has missed urine screens, not calling CVI and has been late on paperwork. Ms. Rice made a Motion to deny the request based on repeated non compliance to the terms and conditions of her Order. Ms. Brown seconded the Motion. All Board members in favor.

Report from Education Committee:

Dr. Williams reported Committee members reviewed the NCLEX reports for the provisionally approved programs; reviewed an FYI from Chamberlain College regarding their online RN to BSN program (does not lead to licensure and the Board does not need to approve); discussed an expansion request and to change the sequence of admitting students from Provo College. Committee members recommend approving the addition of 10 students and to allow for two admissions per year. All Board members in favor. The second request was for Provo College to be allowed to expand to the Salt Lake and Layton locations of Eagle Gate College, to allow for 20 students at each campus and to be able to increase up to 40 students at each campus admitting in January and August. The Committee recommends approval contingent on approval from NLNAC. All Board members in favor.

Divided into groups at 10:02 a.m.
Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

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

Veronica Banks,
New Order:

Dr. Williams conducted the interview. Ms. Banks explained the circumstance that brought her before the Board. She stated she understands the terms and conditions of the Order. She provided the Board with the name of the prescribing practitioner and the pharmacy. Ms. Banks reported she is currently in the Drug Court program and will submit those

evaluations. **Ms. Banks is in compliance with the terms and conditions of her Order.**

Troy Thorum,
Annual interview:

Ms. Partridge conducted the interview. Mr. Thorum has been on probation for three years and has documented four years of sobriety with urine screens through CVI. He reported he has been sober for 6 years. He has done very well on probation. He indicated he likes working in wound care and has grown professionally. He stated he has no thoughts of relapse and has not relapsed. He has requested termination of probation. Mr. Allred indicated the Committee would recommend to the full Board termination of probation. **Mr. Thorum is in compliance with the terms and conditions of his Order.**

Teresa Williams Yonk,
Annual interview:

Mr. Allred conducted the interview. Ms. Yonk missed calling CVI. She stated she was in the hospital and was given permission not to show up for urine screens if she was not working. She indicated she misunderstood when she talked with Ms. Call and did not think she had to call. She reported her sobriety date is January 2006. She stated she has no thoughts of relapse and has not relapsed. She stated she attends 12-step meetings and has a sponsor. She stated she is not taking any medications not lawfully prescribed for her. Her license was placed on probation in 2006; however, she just started working about nine months ago. She requested that her access to controlled substances be returned. Committee members stated her license was placed on probation in 2006; however, she has only been working for the last nine months and is currently out of compliance for not calling CVI everyday. Mr. Allred stated he would like to see a longer period of time working with good reports and compliance to the Order before approving her request. **Ms. Yonk is out of compliance with the terms and conditions of her Order.**

Tyler Miller
Annual Interview:

Dr. Williams conducted the interview. Mr. Miller indicated working with access to controlled substances has gone well. Dr. Williams indicated he missed a urine screen April 6, 2009 and missed calling CVI several times in May and June. Mr. Miller indicated he can not explained why he missed, he though he had been calling in every day. He reported his sobriety

date is February 14, 2007. He stated he has had thoughts of relapse, has had temptations, but has been able to control those thoughts and has not relapsed. He stated he attends a lot of NA meetings, but doesn't get a lot of benefit from them. He stated he would like to have the requirement to attend 12-step meetings waived or reduce the number of meetings he has to attend. Committee members suggested he wait to make this request until he is in compliance for a period of time. Committee members explained to him it is important to his recovery to work the 12-steps, attend meetings, have a sponsor and have a good support system in place. **Mr. Miller is out of compliance with the terms and conditions of his Order because he missed a urine screen and missed calling CVI.**

Karen Carter,
Interview:

Mr. Allred conducted the interview. Ms. Carter submitted copies of the prescriptions requested. Ms. Carter stated she does not feel it is her fault that she has been out of compliance due to paperwork issues. She stated she had been faxing in the paperwork and they were not being received or being misplaced; and for the misunderstanding regarding counseling. Mr. Allred stated in the past, it has appeared she has been under a lot of stress and anxiety. She stated those issues have been resolved. She stated she has no thoughts of relapse and has not relapsed. She stated she is attending all meetings, working on all steps but does not have a sponsor because she does not feel she needs one. She stated she receives support from friends. Ms. Carter was questioned why she has so many prescribing practitioners. She stated she is going to a diet center for a diet medication and different physicians prescribe that medication. She stated she is not taking any medications not lawfully prescribed for her. She requested her probation be terminated. She has been on probation since 2007 and does not feel she has violated the probation, only for the paperwork. Committee members indicated they will discuss her request with the full Board. **Ms. Carter is out of compliance with the terms and conditions of her Order.**

Michael Gearheart,
His request to meet with the Board:

Mr. Killpack conducted the interview. Mr. Gearheart explained his reasons for meeting with the Board. He has been on probation for 8 months and is in compliance with his Order. He would like to request

that his access to controlled substances be returned. He reported October 15, 2008 is his sobriety date. He stated he has not ingested alcohol for 19 years and that the DUI he received was for prescription medications. He indicated he understands the accountability is on him. He stated he has chronic back pain and a rotator cuff injury. He stated he is working with his physician to bring down the dose of prescription pain medications he is taking. He is currently unemployed because he stated he can not find a job without access. Committee members indicated they will present his request to the full Board. **Mr. Gearheart is out of compliance with the terms and conditions of his Order and needs to submit a therapist report and copy of prescriptions.**

Fyodor Emelyantsev,
New Order:

Mr. Killpack conducted the interview. Mr. Emelyantsev explained the circumstances that brought him before the Board. He stated he understands the terms and conditions of the probation, but questioned why he needed to do an evaluation and how would the evaluation determine nursing competency. He is currently unemployed and stated he does not feel he will be able to find employment with the terms and conditions of the probation. **Mr. Emelyantsev is in compliance with the terms and conditions of his Order.**

Group 2
Conducting: Peggy Brown
Minute taker: Connie Call

Members present: Peggy Brown, Pam Rice, Laurie Simonson, Debra Schilleman and Sue Kirby.

Via Panter,
Re-scheduled from last month:

Ms. Schilleman conducted the interview. Ms. Panter reported her sobriety date is April 2005. She stated she recently had surgery and has doubled up her 12-step and PIR meeting attendance. She reported she also has a sponsor she contacts several times a week. Ms. Poe recommended she dispose of her pain medication if she no longer needs it. **Ms. Panter is in compliance with the terms and conditions of her Order.**

Steven Larsen,
Annual Interview:

Ms. Kirby conducted the interview. Mr. Larsen reported he has been sober for 3 ½ years. He stated he speaks with his sponsor 3-4 times a week. He questioned how to begin the process of getting his DEA license back. Committee members informed him

he needs to apply for his Controlled Substance License so we can monitor him with access to controlled substances. **Mr. Larsen is in compliance with the terms and conditions of his Order.**

Karen Chlarson,
Interview:

Ms. Schilleman conducted the interview. Ms. Chlarson stated she has been sober since November 2, 2004 and is doing well. **Ms. Chlarson is in compliance with the terms and conditions of her Order.**

Anjanette Alleman,
Annual Interview:

Ms. Kirby conducted the interview. Ms. Alleman reported she is currently working at Central Utah Surgical Center in the recovery room. Committee members requested Ms. Call find out if Ms. Alleman has paid the \$12,200.00 restitution. **Ms. Alleman appears to be in compliance with the terms and conditions of her Order.**

Kate Alleman,
Annual Interview:

Ms. Alleman was rescheduled for July.

Cesar Garcia,
Annual Interview:

Ms. Simonsen conducted the interview. Mr. Garcia reported he works at Utah Valley Regional Medical Center in the surgical area. He stated his self esteem has improved and he has not been on the internet chat rooms since he was placed on probation. He stated he plans on returning to school when his probation has ended. **Mr. Garcia is doing well and is in compliance with the terms and conditions of his probation.**

Janet Wells,
Annual Interview:

Ms. Brown conducted the interview. Ms. Wells is current on all reports. Ms. Wells requested early termination of probation. Committee members questioned what has changed. She stated she doesn't have to be in charge and that has reduced her stress and her headaches are gone. She submitted a letter from the therapist indicating therapy is not necessary. **Ms. Wells is in compliance with the terms and conditions of her Order.**

Gaylynn Pope,
Annual Interview:

Ms. Rice conducted the interview. Ms. Pope provided an updated list of medications she is taking. Ms. Pope reported her sobriety date is September 7, 2008. She stated she attends 12-step meetings, has a sponsor and is working on step four of the program. Ms. Pope

requested she be allowed to call in prescriptions while working. Committee members will recommend to the full Board that her request be granted. **Ms. Pope is in compliance with the terms and conditions of her Order.**

Reconvened to full Board 12:20 p.m.:

Report from Probation Peer Committee:

Troy Thorum: Mr. Thorum requested termination of probation. Committee members recommended the request be granted. All Board members in favor.

Teresa Williams Yonk: Ms. Yonk requested that her access to controlled substances be returned. Committee members recommend denial of the request based on past record of non compliance. Committee members would like to see her in compliance for a period of time. She could make the request again in four to six months and the Board would reconsider if she is in compliance with the terms and conditions of her Order. All Board members in favor.

Karen Carter: Ms. Carter requested termination of probation. Committee members recommend denial of the request based on noncompliance to the terms and conditions of her Order, she has only been on probation for two years and Board members would like to continue to monitor her practice. All Board members in favor.

Michael Gearheart: Mr. Gearheart requested access to controlled substances. He is not currently employed. Ms. Simonson stated he has only been on probation for eight months and is not working. Ms. Simonson made a Motion to deny the request due to the length of time on probation and the Board would like to see him working for a period of time before granting the request. The Motion was seconded. All Board members in favor.

Gaylynn Pope: Ms. Pope requested she be allowed to call in prescriptions. Committee members recommend her request be approved. All Board members in favor.

Janet Wells: Ms. Wells requested termination of probation. Ms. Wells would like to return to work at the VA GI lab and can not work there on probation.

She has paid her fine and the counselor report indicates no anger issues. Her evaluations are fine. Ms. Partridge made a Motion to terminate probation. Dr. Williams seconded the Motion. Ms. Simonson opposed. All other Board members in favor.

Environmental Scan:

Ms. Poe reported that there are several providences in Canada who would like to become members of the NCSBN. These are Ontario, Alberta and Manitoba.

Recommendations from the NCSBN Board of Directors to be voted on during the 2009 NCSBN Delegate Assembly:

Dr. Williams reported Education Committee members reviewed the document and recommend that the Board endorse education model rules to allow education programs to look at innovative ways to enhance nursing education programs and to endorse the recommended changes to the NCLEX-RN test plan. All Board members in favor.

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.

July 9, 2009
Date Approved

(ss) Debra Schilleman
Debra Schilleman, Chair, Board of Nursing

July 9, 2009
Date Approved

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