

MINUTES

**UTAH
BOARD OF NURSING**

December 10, 2009

**Room 474 – 4th Floor – 8:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:08 a.m.

ADJOURNED: 12:32 p.m.

Bureau Manager:

Noel Taxin

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

Debra Schilleman

Board Members Present:

Peggy Brown

Mary Williams

Joel Allred

Laurie Simonson

Sue Kirby (9:40 a.m.)

Barbara Jeffries

Pam Rice

Marie Partridge

John Killpack

Diane Forster-Burke

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

November 12, 2009 Board minutes:

The minutes were approved as written. Ms. Forster-Burke and Ms. Partridge abstained. All other Board members voted in favor.

NEW BUSINESS:

Connie Call,

Compliance report:

Ms. Call reported the following individuals were out of compliance with their Order:

-Christine Bulloch has not submitted her paperwork.

-Donna Cook's OSC Hearing was re-scheduled for January.

-Gaylynn Pope missed calling CVI, missed a urine screen and has not submitted her required paperwork.

-Karen Carter submitted her paperwork late.

-Kim Baker reported a relapse for consuming alcohol on her self-assessment report.

- Lillian Howell missed calling CVI and only attended one PIR meeting in the last quarter.
- Rhandi Robertson missed calling CVI and missed two urine screens.
- Robert Adams was late submitting his paperwork,
- Steven Booth missed calling CVI and was late submitting his paperwork.
- Tyler Miller needs to submit two prescriptions. His employer also reported taking disciplinary action for unsafe practice and not supervising his patients. Board members indicated they would like to meet with Mr. Miller in January. Ms. Taxin stated if there is a concern with his practice, the Board could require an evaluation to determine fitness for practice. Board members will discuss whether or not to have him complete an evaluation or only bring him to meet with the Board to discuss these issues.
- Synthia Carter did not contact Ms. Call to review the Order prior to meeting with the Board.
- Dale Hullinger has a new Order. It is not clear whether or not he continued to practice after his license was suspended.
- Terri Judd is not seeing a therapist as required in her order.
- Stephanie Thomas missed calling CVI.
- Pam Sinnett has been totally out of compliance. Ms. Call indicated Ms. Poe requested the Board consider allowing Ms. Sinnett to attend AA meetings online. Ms. Taxin expressed concern with allowing Ms. Sinnett to attend online AA meetings and questioned whether or not this would be beneficial for Ms. Sinnett based on the discussion and documentation of her issues. Mr. Killpack stated he feels Ms. Sinnett should have her therapist address this issue and provide feedback to the Board before allowing the online AA meeting attendance.
- Ashlie Lindley missed calling CVI.
- Wendi Rees has been on probation for over two months and just recently signed up with CVI.
- Bryn Norman has not signed up with CVI.
- Monica Murdock met with Ms. Poe and Ms. Call to address her non-compliance.
- Jason VanDaam has not submitted his paperwork and is considering surrendering his license.
- Nicole Clark missed a urine screen and calling CVI.

Ms. Call reported Teresa Whitebread has requested termination of probation. She is in compliance with her Order and Ms. Poe recommended the Board approve her request for termination.

Kellie Roring.
Re-licensure application:

Mr. Allred conducted the interview. Ms. Roring reported she surrendered her license October 2004 due to substance abuse. She indicated she has been following the terms and conditions outlined in the surrender Order so that she could request reinstatement of her nursing license. Ms. Roring stated she completed one year of urine screening; however, stopped in May 2009 because she had done one year of urine screens. She indicated she was not aware the period of documented urine screens needed to be just prior to her re-licensure request. A review of the drug screens indicated she has had several out of range and several dilute urine screens. Ms. Call reported Ms. Poe suggested Ms. Roring continue with six more months of urine screens.

Ms. Roring stated she has been out of practice for just over five years. However, when she submitted her re-licensure application, it was just under the five years out of practice and she only needed to complete the 30 hours of approved continuing education. Ms. Roring stated she has been in therapy for 4 years. She indicated she is not sure if she would like to return to work as a nurse, but would like to get her license back. She stated she may have the opportunity to work with an APRN in her clinic, and is now working in real estate. Ms. Taxin explained that in order for Ms. Roring to be licensed, she would be issued a probationary license. Ms. Taxin also explained that in order for the probation time to count, Ms. Roring would need to be employed in nursing.

Ms. Roring stated her sobriety date is September 2004. Board members indicated she would be placed on probation if the Board decides to return her license. Ms. Roring stated she did not think she would have to be placed on probation because she voluntarily surrendered her license and questioned why the license would have to be placed on probation. Mr. Allred explained it would be for the protection of the public as well as for her protection. She questioned if she

would have to be placed on a five year probation and have to call CVI every day? Board members indicated the probation would be for five years and that calling CVI every day would be one of the requirements.

Board members discussed whether or not she should be required to complete an additional six months of urine screens prior to obtaining the license; or since the therapist has indicated she has been clean and sober, could the probationary process start now? Mr. Allred indicated he feels that the license could be issued at this time without the additional six months urine screen testing. Mr. Allred made a Motion to issue the license on a 5 year probation with the standard terms and conditions. Ms. Jeffries seconded the Motion. Ms. Simonson, Ms. Rice and Ms. Forster-Burke opposed the Motion. Mr. Allred, Mr. Killpack, Ms. Brown, Dr. Williams, Ms. Schilleman, Ms. Partridge and Ms. Jeffries in favor. The Motion passed.

Divided into Groups at 10:03 a.m.

Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Kim Baker,
Interview - Board request:

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

Mr. Killpack conducted the interview. Ms. Baker questioned why she can not drink alcohol. She stated she does not consume alcohol often, however, since she has been told she can not drink, she thinks about it continually. She stated she has a desire to remain drug free, but can not grasp why she can not drink alcohol. Mr. Killpack stated that if she wants to keep her license, she will need to remain in compliance with the terms and conditions of the Order. The Order does not allow her to consume alcohol. If she drinks alcohol, she will be out of compliance with the Order and may lose her license. She needs to determine what is important to her. Ms. Baker stated she wants the choice to drink socially. Mr. Killpack stated she may want to explore this issue with her therapist. Mr. Allred stated the decision is made for her if she wants to keep the license, but she will need to explore her perceptions, thoughts and desires with her therapist. Ms. Baker stated she really wants the license, but does

not understand why she is having such a hard time with this issue. Ms. Baker stated she would like to see a therapist one on one; however, this would add more meetings she would be attending and indicated she feels she already attends too many meetings. Mr. Allred suggested she look at it as she only has to attend meetings 4 hours per month, and if she were to see the therapist, it would only be 8 hours a month. She needs to ask herself if she is worth 8 hours a month. Mr. Allred stated the Board would not reduce the number of meetings she has to attend. Board members indicated they feel it would be beneficial for her to see a therapist. Ms. Baker questioned how long she would have to wait before she could request access to controlled substances. Mr. Killpack stated she can make a request at any time; however, the Board likes to see a pattern of complete compliance for a period of time before granting a request. Mr. Allred indicated the Board likes to see at least six months of complete compliance. Ms. Baker questioned why she could not re-request in two or three months, why does she need to wait six months? Mr. Killpack stated the longer period helps the Board determine whether or not she is on the right track and safe to practice. She stated if she now wanted to do drugs, she could get them. Ms. Baker stated she does have thoughts of relapse. Board members indicated some of those thoughts will be a stumbling block to recovery and she needs to become comfortable with who she is. **Ms. Baker is out of compliance with the terms and conditions of her Order.**

Pam Sinnett,
Probation Interview:

Dr. Williams conducted the interview. Ms. Sinnett is completely out of compliance with the terms and conditions of her Order. Ms. Sinnett stated things are not going well and she has not been able to forgive herself for what she has done. Dr. Williams stated a lot of people go through this process and have been successful and she can also be successful. Ms. Sinnett stated she has a difficult time leaving her home and only goes out when it is absolutely necessary. She reported she is very depressed and has not informed family members of her situation. She indicated she has no support system in place. She stated she is not attending PIR or 12-Step meetings. Dr. Williams indicated there is an option of online AA meetings, but

the Board is hesitant to offer this option and would like her to contact her therapist to discuss what would be the most beneficial for her. She was reminded she still needs to submit an employer report even though she is not working.

Ms. Sinnett had a positive urine screen for alcohol and she stated she has no idea how that happened. She stated she is not consuming alcohol and has not used any products that contain alcohol. She stated she understands that if she remains out of compliance the Board will take further action against her license. Board members indicated she may want to sign an indefinite suspension so she can work on her recovery. She stated she understands she has complicated the process and panics when she thinks she will lose her earning ability. She stated she feels like she is making progress with her therapist. She stated her sobriety date is July 7, 2008. She stated she has no thoughts of relapse for opiates, no thoughts of relapse for “those kind of things”. Committee members questioned what she means by “those kind of things”? She indicated no thoughts of using drugs.

Ms. Sinnett stated she has no medication changes. Committee members questioned whether or not the medication is working for her, since it does not appear so. She stated she does not take them regularly because her insurance changed and she has not seen a physician since August. Committee members strongly suggest she see her therapist as soon as possible, schedule an appointment with her physician and attend all support group meetings. Committee members expressed concern that she is very vulnerable at this time. There is also concerned with her lack of any support system. **Ms. Sinnett is out of compliance with the terms and conditions of her Order.**

Teresa Whitebread,
Annual probation interview:

Ms. Forster-Burke conducted the interview. Ms. Whitebread is current on all reports and is in compliance with the terms and conditions of her Order. She reported her sobriety date is October 5, 2005. She stated she does not have thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. Ms. Whitebread is requesting early termination of

probation. Committee members indicated her request for termination will be presented to the Full Board.
Ms. Whitebread is in compliance with the terms and conditions of her Order.

Stephanie Thomas,
Quarterly probation interview:

Mr. Allred conducted the interview. Ms. Thomas reported things are going. She stated she has been sober since May 7, 2008. She stated she has had no thoughts of relapse and has not relapsed. Ms. Thomas reported she is attending her support group meetings; however, she did not obtain a sponsor as discussed at the last meeting. She stated there is nothing holding her back from finding a sponsor; she just has not taken the time to look for one. Mr. Allred reminded her it is a condition of her probation. Mr. Allred indicated she has missed calling CVI six times. Ms. Thomas stated she has been calling everyday and will check her telephone records. **Ms. Thomas is out of compliance with the terms and conditions of her Order for not calling CVI and for not finding a sponsor.**

Lori Laird,
New Order:

Ms. Forster-Burke conducted the interview. Ms. Laird explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of her Order. She indicated she has enrolled with CVI. She reported her sobriety date is August 21, 2007. She reported she has had no thoughts of relapse and has not relapsed. Ms. Laird stated she is not taking any medications not lawfully prescribed for her. She stated she is not using any street drugs. Ms. Laird reported she has a good support system. **Ms. Laird is in compliance with the terms and conditions of her Order.**

Michael Scott Green,
His request to meet with the Board:

Mr. Green stated his criminal charges have been resolved and he is requesting termination of suspension as outlined in the Stipulation and Order. In reviewing the file, Committee members expressed concern that the psychological evaluation completed in March indicated Mr. Green had not demonstrated sufficient stability to function as a registered nurse. Committee members indicated they would be uncomfortable terminating the suspension unless there was documentation indicating he is safe to return to practice. Mr. Green stated he feels that the evaluator mixed him up with someone else because several of

the statements in the evaluation did not apply to him. Committee members questioned Mr. Green on whether or not he feels he is ready to return to nursing. Mr. Green stated he has completed the criminal sentencing and is ready to return to nursing. Committee members indicated they would discuss his request with the Full Board and let him know the outcome. **Mr. Green is in compliance with the Suspension Order.**

Group 2
Conducting: Barbara Jeffries
Minute taker: Connie Call
DOPL Staff: Noel Taxin

Members present: Barbara Jeffries, Peggy Brown, Laurie Simonson, Debra Schilleman and Sue Kirby.

Jason VanDaam,
Probation interview:

Ms. Simonson conducted the telephone interview. Ms. Simonson explained that the Board is concerned with his complete lack of compliance and questioned whether or not he would like to surrender his license. Mr. VanDaam stated he does not have the finances available to complete the required terms and conditions of the Order. Ms. Simonson stated the lack of funds is not an acceptable excuse. She indicated he will be scheduled to meet with the Board next month to discuss this issue further. He stated he has been sober for 19 months. **Mr. VanDaam is out of compliance with the terms and conditions of his probation.**

Kaylyn Thompson,
Probation Interview:

Ms. Rice conducted the interview. Ms. Thompson reported she is having a really bad time. She stated she can not find employment, can't find a drug testing site close to her and has too much personal stress in her life. Ms. Rice suggested she consider signing an Indefinite Suspension. Ms. Taxin explained the process for an Indefinite Suspension. Ms. Thompson stated she would consider signing an Indefinite Suspension. **Ms. Thompson is out of compliance with the terms and conditions of her Order.**

Suzanne Irish,
Quarterly Probation Interview:

Ms. Kirby conducted the interview. Ms. Irish reported she is doing well. She stated she has 8 months of sobriety. She is completing aftercare through the ARC treatment program. She stated the holidays are a current stressor and to help relieve the stress she has donated her time helping at the Food Bank. **Ms. Irish**

is in compliance with the terms and conditions of her Order.

Rebecca Davis,
Quarterly Probation Interview:

Ms. Jefferies conducted the interview. Ms. Davis reported things are going great. She continues to work at Ogden Clinic. She is attending her support group meetings and she was instructed to find a sponsor. She stated she deals with stress by walking, reading and playing with her children. Ms. Davis will be moved to annual meetings with the Board. **Ms. Davis is in compliance with the terms and conditions of her Order.**

Taylor Simmons,
New Order:

Ms. Schilleman conducted the interview. Ms. Simmons explained the circumstances that brought her before the Board. Ms. Simmons indicated she is working at Liberty Dialysis and has an RN manager that supervises her. She stated she understands the terms and conditions of her Order and reported her sobriety date is October 29, 2009. Ms. Simmons stated she understands her evaluation indicated she needed intensive outpatient therapy and psychotherapy; however, Ms. Simmons stated she does not feel psychotherapy is necessary. Ms. Simmons stated she has been in aftercare for 1 ½ years and didn't feel it was beneficial for her. She stated she had three relapses during that program. Committee members expressed concern with her status and indicated that since she failed Diversion, it would be helpful to her to go to psychotherapy.

Ms. Simmons reported she attends PIR once a week and an occasional AA meeting. She stated she is working on step six and has a sponsor who she contacts once a week. She requested she be allowed to begin the outpatient treatment in January after the holidays and Committee members agreed. Ms. Simmons will be scheduled to meet with the Board in January. Committee members recommend visiting with her in January and assess her status at that time and possibly suspend her license at that time. Committee members noted the evaluation indicates she is a high risk for substance abuse and at a higher risk of causing public harm. **Ms. Simmons is out of compliance with the terms and conditions of her Order.**

Synthia Carter,
New Order:

Ms. Carter has changed addresses and did not receive her notification until two days ago. She will be scheduled to meet with Ms. Call next week and with the Board next month. **Ms. Carter is out of compliance with the terms and conditions of her Order.**

Dale Hullinger,
New Order:

Ms. Brown conducted the interview. Mr. Hullinger was issued a new Order for missing more than 36 days calling into CVI. Mr. Hullinger stated he is now keeping track of when he calls CVI. He reported he has a good support system and has not worked since November 23, 2009. He stated he understands his license is suspended. He reported Crosslands Care Center is holding his position until he gets his license back. He stated he is going to treat the probation as a job in order to remain in compliance. He claims that CVI is not registering his calls and Ms. Call will follow up with CVI. Mr. Hullinger reported his sobriety date is July 25, 2007. He reported he does not have thoughts of relapse and has not relapsed. Mr. Hullinger reported he has a sponsor and calls daily. **Mr. Hullinger is in compliance with the terms and conditions of his Order.**

Reconvened to Full Board at 12:00 p.m.
Report from Probation Peer Committee:

Kim Baker: Committee members stressed the importance of abiding by the Order and reiterating that she can not consume alcohol.

Pam Sinnett: Ms. Sinnett was positive for alcohol and strongly denies consuming alcohol. Committee members expressed concern with her mental state and are concerned that she does not have a support system in place.

Teresa Whitebread is requesting early termination of probation. Committee members recommend that her request be granted. All Board members in favor.

Michael Scott Green: The psychiatric evaluation completed in March 2009 indicated he had not demonstrated sufficient stability to function as a registered nurse. Committee members indicated they would be uncomfortable terminating the suspension

unless there was documentation indicating he is safe to return to practice. Ms. Partridge made a Motion to require a new evaluation to determine his fitness to practice before the suspension is lifted. Ms. Rice seconded the Motion. All Board members in favor.

Kaylynn Thompson reported she is overwhelmed at this time and the Committee discussed the option of an indefinite suspension order. Ms. Thompson had stated she is aware that she would need to demonstrate at least six months sobriety prior to having the indefinite suspension lifted. She also stated she understands she will need to continue calling CVI and comply with her current Order until the indefinite suspension has been signed. Ms. Thompson stated she would discuss her options with Ms. Poe when Ms. Poe returns to the office.

Rebecca Davis is doing well and she will be moved to annual meetings with the Board.

Taylor Simmons missed a urine screen and has had several positive urine screens. She needs to complete an intensive outpatient program and obtain psychotherapy. Committee members recommend that if Ms. Simmons is not doing well in January, a request for suspension of the license be made due to concern mentioned in the psychological evaluation regarding unsafe practice.

Synthia Carter will be scheduled next month.

Tyler Miller:

Ms. Forster-Burke made a Motion to request that Mr. Miller submit to a psychological evaluation in accordance with R156-31b-401(2) due to concerns regarding his fitness to practice. Dr. Williams seconded the Motion. Discussion: Mr. Allred stated he would like to meet with Mr. Miller next month to determine whether or not the evaluation is necessary. Mr. Allred opposed the motion. All other Board members in favor.

Kim Johnson,
Request to be allowed to fill her Suboxone at a second pharmacy:

Ms. Jeffries made a Motion to allow Ms. Johnson to have her Suboxone prescription filled at Walgreens and all other prescriptions filled at the University of Utah Pharmacy. Ms. Rice seconded the Motion. All

Heather Ann Dearing,
Request that access to controlled substances be returned and request for general supervision instead of direct supervision:

Board members in favor.

Ms. Forster-Burke made a Motion to deny the request that access to controlled substances be returned and deny the request for general supervision based on non-compliance to the terms and conditions of her Order and the positive urine screens for alcohol. She will need to document six months of complete compliance before the request will be reconsidered. The Motion was seconded. All Board members in favor of the denial.

Sandy Piatt,
Request to be allowed to discontinue urine screens while unemployed in nursing:

Ms. Jeffries made a Motion to deny the request because continued monitoring of urine screens is necessary to document sobriety. Ms. Kirby seconded the Motion. All Board members in favor.

Environmental Scan:

Tabled.

Report from Education Committee:

Ms. Forster-Burke indicated a site visit will be conducted to Everest College. Ms. Rice, Ms. Forster-Burke and Ms. Brown will be the site visitors. Ms. Partridge made a Motion that if the site visit to Everest College is favorable, Everest College be given provisional approval to begin accepting students January 2010. The Motion was seconded. All Board members in favor.

Ms. Forster-Burke reported Kimball Johnson, Nursing program director from the College of Eastern Utah met with the Committee to address the low NCLEX-RN pass rates. He reported they have had an increase in the number of students and have added a campus in Uintah Basin. He stated he understands the program needs to bring up the pass rates. He also indicated he understands they will not be able to admit students if they have one more year of low pass rates.

Ms. Forster-Burke indicated the provisional program written reports and monthly NCLEX pass rates were reviewed.

Rules Discussion:

A short discussion and some amendments were discussed. Ms. Forster-Burke reported that Committee members will re-review the proposed Rule draft for model language innovations and be prepared to discuss at the next meeting.

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 14, 2010
Date Approved

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

January 14, 2010
Date Approved

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