

MINUTES

**UTAH
BOARD OF NURSING**

February 11, 2010

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

CONVENED: 10:12 a.m.

ADJOURNED: 3:28 p.m.

Bureau Manager:

Laura Poe

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

Susan Kirby

Board Members Present:

Peggy Brown

Mary Williams

Joel Allred

Sue Kirby

Barbara Jeffries

Pam Rice

Marie Partridge

Diane Forster-Burke

Board Members Excused:

Laurie Simonson

John Killpack

Guests:

Tasha Hardy, Provo College Student

Ashleigh Pray, Provo College Student

Jennifer Self, Westminster College

Amy Sampson, Westminster College

Beth Cramer, Westminster College

Kelsey Johnson, Provo College

Michael Sparks, Midtown Manor

Gordon Harmston, MD

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

January 14, 2010 Board minutes:

A Motion was made to approve the minutes with corrections. All Board members voted in favor of the Motion.

NEW BUSINESS:

Connie Call,
Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Order:

- Karen Christiansen and Erin Crockett have signed an indefinite suspension.
- Betty Long needs to submit 12-Step, PIR attendance cards and a copy of her prescription.
- Dee Ann Taylor needs to have Dr. Brunson submit the psychiatric evaluation. Her urine screens have been out of range and Board members will need to discuss this issue with her.
- Karen Chlarson missed calling CVI four times in January and needs to submit a copy of her prescription.
- Michael Gearheart did not submit 12-Step or PIR attendance cards and also needs to submit a copy of a prescription.
- Sandy Piatt missed calling CVI four times in January.
- Terri Judd needs to submit a self assessment report.
- Jason Van Damm needs to see a therapist that is approved by the Division.
- Kimberly Baker needs to submit a copy of a prescription.
- Monica Murdock needs an employer report.
- Nicole Clark did not submit any paperwork or a copy of her prescription.
- Ashlie Lindley missed calling CVI six times. It was reported she missed calling in 35 times, however, she called in, but she called in using her cell phone and the testing agency had problems with those individuals using cell phones who scrolled through the menu too fast.
- Bryn Norman missed calling CVI three times and had two dilute urine screens. She also needs to submit a therapist report.
- Karen Shelton has not signed up with CVI.
- Lori Laird missed a urine screen on January 9, 2010.
- Susanne Irish is only attending one PIR meeting per month.
- Benjamin Brown missed calling CVI, and has not attended PIR or 12-step meetings. He will be invited to meet with the Board next month.
- Carrie Frampton missed a urine screen on January 4, 2010 and missed calling CVI six times in January.
- Beverly Stewart needs to submit a physical evaluation.

Divided into Groups at 10:35 a.m.

Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Amy Dansie,
Probation Interview:

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

Ms. Forster-Burke conducted the interview. Ms. Dansie reported work is going well and she continues to be employed at Avalon Care Center. Committee members indicated she is out of compliance because she did not submit reports for January. Ms. Dansie stated has been sending in monthly reports and received a letter from Ms. Call indicating her reports were now due quarterly, therefore she did not submit the reports. Committee members indicated she has been compliant and recommend she be moved to submitting quarterly reports. **Ms. Dansie is in compliance with the terms and conditions of her Order.**

Dee Ann Taylor,
Probation Interview:

Ms. Forster-Burke conducted the interview. Ms. Taylor works for a home health agency and Committee members questioned what her responsibilities were at her place of employment. Ms. Taylor stated she works in the office and does not go into client's homes. She indicated she assists the director of nursing and oversees clinical paperwork to Medicare and Medicaid. She stated she has completed her psychiatric evaluation, however, Dr. Brunson still has not submitted it to the division. She stated she has been in contact with him to get the evaluation submitted. Ms. Forster-Burke stated her urine screens have been out of range and questioned what she is doing to make the urine screens dilute or out of range. However, the specific gravity is normal. Ms. Taylor stated she drinks a lot of diet soda and takes a diuretic and that may be why they are out of range. Committee members suggested she modify the behavior, drink water before and not take the diuretic until after she has give the urine screen. Committee members also indicated they were concerned with a positive urine screen for ETG. Ms. Taylor denied ingesting alcohol, but stated she had taken some Nyquil for a cold. **Ms. Taylor is in compliance with the terms and conditions of her Order.**

Susan Barrus,
Probation interview:

Dr. Williams conducted the interview. Ms. Barrus stated she is working a Pioneer Valley Hospital. This is her last meeting with the Board and her probation will be terminated. Committee members questioned what she had learned in the process. She stated she learned she should understand the law and even if the employer wants you to do something that is outside the scope of practice, you should not do it. She is current on all reports and Committee members recommend termination of probation. **Ms. Barrus is in compliance with the terms and conditions of her Order.**

Sandra Piatt,
Probation Interview:

Ms. Piatt did not appear for the interview. **She is out of compliance with the terms and conditions of her Order.**

Jaimee Anderson,
Probation Interview:

Mr. Allred conducted the interview. Ms. Anderson stated she is employed at Mt. Olympus Care Center as a staff development coordinator and works the floor one day a week. The employer report was very positive. Ms. Anderson stated she her sobriety date is December 12, 2006 and she has no thoughts of relapse and has not relapsed. She stated she feels she is in a very good place at this time and still lives at Odyssey House. She stated she attends 12-Step meetings and is currently on Step 1 because they do not do the steps at Odyssey House. She indicated she has a sponsor and will start attending PIR meetings on Thursdays. She indicated her goal is to return to school and to have her son live with her full time. She stated she understands it is a slow process, but she is working toward her goals. She reported her stressors are returning to nursing after being out four years. She reported she is finding a balance, not just working and is aware of the triggers and has a plan in place. She stated she talks to her peers, attends individual therapy, works out at the gym and attends church on Saturday nights. **Ms. Anderson is in compliance with the terms and conditions of her Order.**

Terri Judd,
Probation Interview:

Ms. Judd did not appear for her scheduled interview. **She is out of compliance with the terms and conditions of her Order.**

Julie Versteeg,

Mr. Allred conducted the interview. Ms. Versteeg

Probation Interview:

submitted copies of the drug screens done for the court. She currently has two prescribing practitioners, Dermatology Physician Assistant and an APRN – psychiatric nurse practitioner. She stated the APRN does not want to prescribe the medication prescribed by the PA. Ms. Versteeg requested she be allowed to have two prescribing practitioners. Committee members stated the request will need to be reviewed by the full Board, and if it is approved, it will be very specific that the dermatology PA can only prescribe the certain dermatology medication. She indicated Costco will be her pharmacy. She indicated she has signed up with CVI. Mr. Allred stated the board is concerned that the hair testing done by the courts only tests for specific drugs, and does not test for prescription medications. Committee members stated she will need to request that the court hair follicle test cover all medications and drugs. Ms. Versteeg is not currently working; however, she stated she has a job interview today. She indicated she has completed the substance abuse evaluation, however, it is not in the file and she indicated she will follow up with Ms. Call to make sure she has the evaluation. Ms. Versteeg reported her sobriety date is December 29, 2003. She stated she has no thoughts of relapse and has not relapsed. Ms. Versteeg needs to submit copies of her prescriptions and submit the substance abuse evaluation. Ms. Versteeg is out of compliance with the terms and conditions of the probation.

Kellie Roring,
New Order:

Ms. Partridge conducted the interview. Ms. Roring explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of the Order. Ms. Roring stated she has signed up with CVI and has paid her fine. She stated her sobriety date was 5 ½ years ago, but she has no idea of the date because she does not keep track. She stated she has no thoughts of relapse and has not relapsed. Ms. Roring stated she would like to request an additional 30 days on the 60 day period not working in nursing before the clock stops counting toward probation. **Ms. Roring is in compliance with the terms and conditions of her Order.**

Brittni Petry,
New Order:

Ms. Partridge conducted the interview. Ms. Petry explained the circumstance that brought her before the

Board. She indicated there was a medication discrepancy at Davis Hospital. She stated her license is suspended and she is not currently working anywhere. Ms. Petry stated she understands the terms and conditions of the Order. She stated she has contacted CVI and has completed the substance abuse evaluation. She submitted the name of her prescribing practitioner and pharmacy. However, it is noted that she submitted the names of two prescribing practitioners and she indicated she would only receive prescriptions from Dr. Richard Stevens. She stated she has a great support system, attends 12-Step meetings. She stated her current stressor is her divorce. **Ms. Petry is in compliance with the terms and conditions of her Order.**

Group 2
Conducting: Barbara Jeffries
Minute taker: Connie Call
DOPL Staff: Laura Poe

Members present: Ms. Jeffries, Ms. Brown, Ms. Simonson, Ms. Schilleman and Ms. Kirby.

Lori Wright,
Probation Interview:

Ms. Jeffries conducted the interview. Ms. Wright reported she is working on her master's degree in nursing administration at Steven's Henager College and works as a nurse 10 to 20 hours per week. Ms. Wright stated she is working on her 240 hours of community service associated with her criminal charges. Ms. Wright questioned whether or not she could use the ethics course hours obtained in her bachelors or masters program. The Board will review the courses and determine whether or not they will be acceptable. She was also instructed to check NCSBN web site for continuing education courses. **Ms. Wright is in compliance with the terms and conditions of her probation.**

Michael Jorgensen,
Probation Interview:

Ms. Schilleman conducted the interview. Mr. Jorgensen stated he has signed up with CVI and has requested that his evaluations from Arizona be forwarded to the Board. He is currently working at Avalon Care Center as a floor nurse. Mr. Jorgensen reported his sobriety date is January 9, 2008. He has been attending 12-step and PIR meetings and he reported he has great family support. **Mr. Jorgensen is in compliance with the terms and conditions of his Order.**

Ashlie Lindley,
Probation Interview:

Ms. Rice conducted the interview. Ms. Lindley stated she has been calling CVI even though they show she has missed calling. Ms. Call indicated there have been problems with the automated phone system at CVI that does not register calls made if the caller is using a cell phone and forwards through the instructions. She reported her sobriety date is October 2, 2008. Ms. Lindley stated she attends 12-step meetings, is working on Steps 6 and 7 and has a sponsor. **Ms. Lindley is out of compliance with the terms and conditions of her Order due to the missed calls.**

Dietrich Quiring,
Probation Interview:

Ms. Jeffries conducted the interview. Mr. Quiring reported things are going great. He reported he has taken care of the Health Department issue and is currently working. **Mr. Quiring is in compliance with the terms and conditions of his probation.**

Beverly Stewart,
Probation Interview:

Ms. Kirby conducted the interview. Ms. Stewart reported she has not been able to find employment. She stated she can not work a floor job because of her knees. She needs to have the physical evaluation and she stated she will have her physician submit the report. **Ms. Stewart is out of compliance with the terms and conditions of her probation.**

Michael Gearheart,
Probation Interview:

Ms. Kirby conducted the interview. Mr. Gearheart reported he has gone back to school and will be studying finance. He stated his sobriety date is October 15, 2008. He reported he is working on step 2 and has a sponsor. Mr. Gearheart questioned whether or not the Board would consider monitoring him for a shorter period of time without access to narcotics. Ms. Poe explained that he needs to be monitored for one year with all negative urine screens before the Board would consider lifting the restriction to controlled substances. However, Committee members indicated they would make a recommendation to allow access to controlled substances if he obtains a position in a cath lab. **Mr. Gearheart is out of compliance with the terms and conditions of his probation.**

Bryn Norman,
Probation Interview:

Ms. Schilleman conducted the interview. Ms. Norman has not submitted a therapist report and she indicated she had followed up with the therapist who indicated

she would fax the report. Ms. Norman was questioned regarding her dilute urine screens. She indicated she is testing at two places and sometimes she has to drink a lot to be able to test. She reported her sobriety date is June 2009 and she has not used Lortab since 2001. She reported Cornerstone has been very supportive while she is dealing with family medical issues. She indicated she has no thoughts of relapse and has not relapsed. **Ms. Norman is out of compliance with the terms and conditions of her Order.**

Monica Murdock,
Probation Interview:

Ms. Jefferies conducted the interview. Ms. Murdock stated she has a part-time job and stated she is doing well. She indicated she feels therapy is helping, even though it is stressful. She stated she is not taking any medications not lawfully prescribed for her. Committee members will recommend that her access to controlled substances be returned. **Ms. Murdock is out of compliance with the terms and conditions of her Order because she missed calling CVI six times.**

Steven Booth,
Probation Interview:

Ms. Brown conducted the interview. Mr. Booth reported he has been clean and sober three years on June 18, 2010. He stated life at home is very challenging. He reported he continues to work at Life Care. He is requesting he be allowed to have access to controlled substances. Committee members will recommend to full Board to return access to controlled substances. **Mr. Booth is in compliance with the terms and conditions of his Order.**

Adjourned to lunch at 1:10 p.m.
Reconvened at 1:30 p.m.

Karen Shelton:

Ms. Shelton indicated she can not find a nursing position because of the restrictions on her license. She stated she has applied for 256 jobs and has not had any luck finding a position. She stated she has completed community service associated with the criminal case. The substance abuse evaluation indicated she does not have a substance abuse problem. Ms. Shelton requested that the restrictions on her license be lifted. She would like to have the urine screens terminated because Clinical Consultants is also doing random urine screens for opiates and she also has random

urine screens through the court. Ms. Poe indicated that she was told the Division could reduce the number of urine screens if she were to provide the Division with a copy of the urine screens being done through the other agencies. She plead guilty in criminal court to a 2nd degree felony. She stated she has been on criminal probation since September 2008. The urine screens are dip stick tests and all have been negative. She also stated she feels it is a burden to the employer to fill out employer reports. She would also like to be allowed to work in a home health agency. Ms. Shelton stated she is asking to eliminate the random urine screens and to be allowed to work in home health. Ms. Call indicated Ms. Shelton has been on probation with the Board since October 2009 and has not submitted any paperwork at all. She has not submitted her self assessment report, no therapist report, and no attendance at 12-step or PIR meetings. Mr. Allred questioned if it is the probation preventing her from obtaining a job, or is it the criminal actions. Ms. Shelton stated she understands it is because of the criminal actions. Mr. Allred explained that the objective way the board can monitor a probationer is through paperwork and urine screening. The Board would not be able to have an objective way to determine if she is in compliance. She has two Class A misdemeanors and the Board would be uncomfortable eliminating the monitoring. Ms. Shelton stated doing the things required by the Board is not on her list of things to do. Mr. Allred questioned if she hears what she is saying. She is saying that the license is not important. Mr. Allred stated she must come into compliance immediately. Ms. Kirby stated it costs nothing for the paperwork and she suggested Ms. Shelton read her Order and become familiar with it. Ms. Shelton stated it was not her intention to ignore the Board. Ms. Kirby stated she needs to understand she must come into compliance before the board would consider her requests. Non compliance to the terms and conditions of the probation ties the Board's hands. Ms. Shelton stated she thought she was doing everything she should. Ms. Poe proposed that she have the evaluation sent into us, submit the urine screen results to us, submit self assessment, employer, and therapist reports, contact CVI and set up an

account and call on a daily basis. The Division would contact CVI and to see if they would be willing to set up an account so that she could call in, but not have the funds available. Then, after two months, she would be required to start urine testing. This would give her time before she started testing.

Ms. Forster-Burke stated she is concerned that Ms. Shelton does not take this seriously. Ms. Schilleman made a Motion to deny Ms. Shelton's requests; however, will accept the urine screens from Consultants and criminal probation, and if she signs up with CVI and calls in everyday, she will be given two months before having to give urine screens. She will be seen on a quarterly basis. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Jenny McKay,
Application review:

Ms. McKay submitted an RN application. She indicated in the application she had a criminal history of domestic violence in 2002 and a drug addiction in 2003. Ms. McKay met with the Board to explain the circumstances and indicated she has completed treatment. She indicated her most recent urine screen was February 2, 2010 for a job and then again when she completed the substance abuse evaluation and she indicated she has been offered a position Primary Children's Hospital. She stated she has taken responsibility for her life and has made changes. Board members indicated it appears she has done very well in her recovery and with her life changes. She has requested she be allowed to sit for the NCLEX examination. Ms. Forster-Burke stated she would be comfortable allowing Ms. McKay sit for the examination, but upon passing the examination would like to monitor her for a period of time on probation. Dr. Williams made a motion to allow Ms. McKay to sit for the NCLEX examination and upon passing the exam issue a full license without restrictions. Mr. Allred seconded the Motion. Ms. Forster-Burke opposed the Motion. All other Board members in favor.

Robert Adams:

Mr. Adams met with the Board to clarify his duties regarding working as a nurse versus working as a health facility administrator. Ms. Poe indicated he meets the qualification for licensure as health facility

administrator but that Board is waiting to see what the nursing board will do. Mr. Adams outlined his nursing duties versus the HFA duties. He indicated he will be the director of nursing, on call every other week-end, oversee the nursing schedule and involved with nursing procedures. Mr. Mike Sparks will provide the employer evaluations and he met with the Board. Mr. Sparks stated he has been the financial officer at Midtown Manor for 20 years and he is also a licensed health facility administrator. Mr. Sparks indicated he is in the facility 5 days a week and works very closely with Mr. Adams. He stated they communicate on a daily basis and he feels he could provide an honest evaluation. Mr. Adams has been on probation since November 2007 and has been in compliance most of that time. The Boards concerns were the employer report and supervision and who would take that responsibility. He has to work 16 hours per week as a nurse and it appears that he will be working at least 8 hours a week and then additional nursing responsibilities and would meet the 16 hour per week requirement. Ms. Forster-Burke made a Motion to allow Mr. Sparks to complete the employer reports as the financial officer at the facility. Dr. Williams seconded the Motion. Ms. Poe indicated the Order would be amended to allow general supervision of the financial officer. All Board members in favor. Mr. Allred indicated that the employer report should reflect the number of hours worked as a nurse per week. **Mr. Adams is in compliance with the terms and conditions of his Order.**

Carolyn Newman,
Gordon Harmston, MD

Ms. Newman and Dr. Harmston, Mountain West Gastroenterology, met with the Board to discuss RNs using Propofol in the GI lab. Ms. Newman presented position statements and studies completed from a number of associations indicating that any non-anesthesia personnel should have additional training, testing and hands on experience to be able to administer propofol. She stated that the propofol used by a nurse would not be for every patient, and not for all staff, only those staff members and patients that meet the criteria to administer and receive propofol in this type of setting. Dr. Harmston stated his facility has not allowed the RN to give the Propofol because the Board did not sign off on it. However, he

indicated he is on staff at IMC, where they allow nurse administered propofol and that this has become the community standard. He stated propofol is safer than Versed and an improvement for patient comfort. Dr. Harmston indicated they are requesting a statement from the Board that in an endoscopy lab, propofol administered by an RN is acceptable. Ms. Poe stated that three or four years ago the profession requested this, stepped up and provided the education and training necessary. In the study of over 600 thousand patient encounters, only 4 deaths occurred. Ms. Poe indicated she felt it would be appropriate to record in the minutes the Board guidance regarding this issue.

Ms. Newman and Dr. Harmston requested the Board support the following statement: the use of endoscopist-directed nurse administered propofol sedation as the community standard. Based on the available literature, studies and position statement published by the leading national professional societies which do overwhelmingly support the safe and effective use of nurse administered propofol by appropriately trained and qualified nurses under the direct supervision of appropriately trained and qualified physicians. The RN administering the Propofol will have no other roles except to monitor the patient. There must be a second technician/assistant in the room to assist the doctor.

Ms. Brown made a Motion that the Board of Nursing recognizes endoscopist-directed nurse-administered propofol sedation with training in accordance with national guidelines, and appropriate documentation, to be within the acceptable community standards. Ms. Rice seconded the Motion. Ms. Forster-Burke opposed. All other Board members in favor.

Report from Probation Peer Committee:

Susan Barrus, committee recommends termination of probation All Board members in favor.
Jennifer Eva. Ms. Eva has been in compliance and Dr. Williams made a Motion to terminate probation. The Motion was seconded. All Board members in favor.
Sandy Piatt did not appear for her scheduled interview and will be scheduled to meet with the Board next month.
Terri Judd did not appear for her scheduled interview

and will be scheduled to meet with the Board next month.

Julie Versteeg requested she be allowed to have two prescribing practitioners, the APRN and her dermatologist. Committee members recommend approving the request to allow the dermatologist to prescribe specific dermatology medication and the APRN to prescribe her other medications. All Board members in favor.

Kellie Roring requested she be granted an additional 30 days to get a job before the time not working does not count toward probation. All Board members in favor.

Michael Gearheart requested access to controlled substances. Committee members recommend approving the request. All Board members in favor.

Monica Murdock requested that access to controlled substances be returned. Committee members recommend approving the request. All Board members in favor.

Steve Booth requested that access to controlled substances be returned. Committee members recommend approving the request. All Board members in favor.

Report from Education Committee:

Ms. Forster-Burke reported that Mr. Hanberg and Ms. Baraki met with Committee members to present a research project regarding innovations in nursing education. They have requested a letter of support from the Board to be sent to the National Council State Boards of Nursing in order to receive a grant offered by that organization.

Traci Hardell, Steven's Henager College submitted a plan of action to increase the NCLEX pass rates of graduates of their program. A warning letter will be sent and if the March graduating class NCLEX pass rates remain below the 5% below the national average, they will have to stop accepting students.

Environmental Scan:

Ms. Poe reported the bills in the Legislature that would be of interest to the Board. She indicated HB 101, Anesthesia Assurances is currently in government operations and may not make its way out. The clean up bill for the Division's Practice Act has passed the Senate and is currently in the House.

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.

March 11, 2010
Date Approved

(ss) Susan Kirby
Susan Kirby, Chair, Board of Nursing

March 11, 2010
Date Approved

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