

**MINUTES**

**UTAH  
BOARD OF NURSING**

**July 8, 2010**

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

**CONVENED:** 9:44 a.m.

**ADJOURNED:** 4:05 p.m.

**Bureau Manager:**

Laura Poe

**Secretary:**

Shirlene Kimball

**Compliance Specialist:**

Connie Call

**Conducting:**

Sue Kirby

**Board Members Present:**

Peggy Brown

Mary Williams

Joel Allred

Diane Forster-Burke

Laurie Simonson

Marie Partridge

Debra Schilleman

Sue Kirby

John Killpack

**Board Members Excused:**

Pam Rice

**Guests:**

Barbara Jeffries

Irene Woodford, Investigations

Derrick Olson, Division Intern

W. Mark Farrar

Elaine C Farrar

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

June 10, 2010 minutes:

The minutes were approved with corrections. Mr. Killpack abstained. All other Board members in favor.

**NEW BUSINESS:**

Connie Call,

Compliance report:

Ms. Call reported the following individuals were out of compliance with the terms and conditions of their Orders: Karen Christiansen, Kim Johnson, Angie Mangelson, Michelle Peterson, Marsha Taylor, Jason

Van Damm, Taylor Simmons, Ashlie Lindley, Wendy Rees, Benjamin Brown, Brittini Petry, Stacy Roberts, Catherine Odom, Karen Shelton, Shelia Larkin, Kelly Wright, John Paulson, Rhandi Robertson and Suzanne Irish.

Ms. Poe discussed with Board members Kim Baker's Order amendment requests. Previously, Board members denied Ms. Baker's request for access to controlled substances and to be allowed to float between units at the hospital where she is employed. Board members had denied the request and stated she would need to be in full compliance for six months before requesting access again. Ms. Poe stated Ms. Baker has been in compliance for four months. She works at a hospital that has reorganized the unit and had moved her to a floating position and when that request was denied, she was moved to an orthopedic unit. Since she does not have access to controlled substances, she is limited where she can work. Ms. Poe indicated a review of her file indicated she had been non-compliant because of late paperwork. Ms. Poe stated Ms. Baker is in a unique situation and we may be setting her up to fail if she can not float between units, or work in a unit that requires her to have access to controlled substances. She may need to take a leave of absence for two months in order to remain in compliance. Ms. Poe stated Ms. Baker has had more than 6 months compliance in totality. Ms. Poe stated she would recommend giving Ms. Baker access to controlled substance. Mr. Killpack made a Motion to return Ms. Baker's access to controlled substance. Ms. Partridge seconded the Motion. Ms. Brown abstained. All other Board members in favor.

Group 1  
Conducting: Marie Partridge  
Secretary: Shirlene Kimball

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

Tamara Jones,  
Quarterly Probation interview:

Ms Jones is incarcerated and is excused.

Kate Alleman,  
Annual Probation interview:

Ms. Alleman completed the required continuing education. She reported she is not currently employed as a nurse but is looking for employment. Ms. Alleman stated she understands she needs to be

working in nursing in order for the time to count toward probation. She will be seen again June 2011. **Ms. Alleman is in compliance with the terms and conditions of her Order.**

Karen Shelton,  
Quarterly Probation interview:

Ms. Shelton was excused due to illness and will be rescheduled next month. **Ms. Shelton is out of compliance with the terms and conditions of her Order for missing a urine screen on May 15, 2010 and missed calling CVI three times in May.**

Keith Moslak,  
Annual Interview:

Mr. Moslak reported things are going well. He stated he has no thoughts of relapse and has not relapsed. He continues to attend his support group meetings and has a sponsor. He stated he is not taking any medications not currently prescribed for him. Mr. Moslak requested early termination of probation. Committee members indicated they would present his request to the full Board. **Mr. Moslak is in compliance with the terms and conditions of his Order.**

Suzanne Irish,  
Quarterly Probation interview:

Ms. Irish reported she has been struggling in her recovery, but feels she is now back on track. She stated she has thoughts of relapse, but has not relapsed. She reported her sobriety date is April 17, 2009. She indicated she attends meetings and has an excellent support system. She stated she is not taking any medications not lawfully prescribed for her. She recommitted to coming into compliance and remaining in compliance. **Ms. Irish is out of compliance for not calling CVI and not submitting a copy of her prescription. She will be seen again September 2010.**

Benjamin Brown  
Quarterly Probation Interview:

Mr. Brown reported he has been attending 12-step and PIR meetings. He indicated his sponsor left the group and he is now looking for a new sponsor. Committee members discussed the problem with providing a urine sample. Mr. Brown reported he gave one urine screen and was okay giving the sample. He stated he then had to provide another urine screen and he stated he could not give an observed sample. Committee members also indicated a June 19, 2010 urine screen came back positive. Mr. Brown questioned whether or not he could go back to providing a hair sample. Committee members

indicated that the hair sample does not show alcohol and he will need to continue to give an observed urine screen. Mr. Brown stated he has not used drugs since December 2009 and his sobriety date for alcohol is March 2, 2010. Mr. Brown stated he does not know why the urine sample would have been positive. He stated he took Sudafed, but it was only for a short period of time. He stated he can not think of anything that would have caused a positive urine screen. Mr. Killpack stated Committee members will discuss this with the full board. Mr. Brown stated he always has thoughts of relapse, but has not relapsed. He stated he is beginning to recognize his triggers and is talking to others and not keeping his feelings bottled in. He stated he is not taking any medications not lawfully prescribed for him. Mr. Brown still needs to submit a physical examination. Mr. Brown stated he has had the physical completed and will follow up to have it submitted by June 14, 2010. **Mr. Brown is out of compliance for a positive urine screen June 19, 2010 and for submitting late reports.**

Sam Bellacomo,  
New Order:

Mr. Bellacomo explained the circumstance that brought him before the Board. Mr. Killpack reviewed the Order with Mr. Bellacomo and Mr. Bellacomo stated he is trying to find an inpatient treatment program. He stated he will contact Ms. Call and let her know as soon as he enters a program. He was instructed to set up testing with CVI and keep in close contact with Ms. Call. Committee members stressed the importance of remaining in compliance and submitting the reports on time. Mr. Bellacomo reported his sobriety date was nine days ago. He stated he has thoughts of relapse and has some cravings. Mr. Bellacomo indicated the probation is overwhelming but he understands the terms and conditions of the Order. **Mr. Bellacomo is in compliance with the terms and conditions of the Order. He will be seen in October 2010.**

Michelle Peterson,  
Probation interview:

Ms. Peterson has never been in compliance with the terms and conditions of her Order. She reported she is struggling with personnel issues. She indicated her family drinks alcohol and it is hard for her to attend family functions and not drink. Committee members questioned whether or not her family knows of her

restrictions? Ms. Peterson stated yes and no. She stated they are aware of the drug court issues, but not the probation on the license and that she can not drink alcohol. Committee members indicated she needs to make a decision on whether or not she wants to keep her license. Her Order does not allow her to drink alcohol and drinking alcohol with her family seems to be a big problem for her. Ms. Peterson stated she understands, but feels if she doesn't drink, she will be judged by her family. Committee members indicated she needs to make a choice and suggested she speak with a therapist regarding her issues. She stated she has relapsed and her sobriety date is June 18, 2010. She stated she does not drink to get intoxicated, but enjoys wine with dinner. Mr. Allred indicated she needs to change her thought process and plan in advance what she will do in certain situations. She indicated she had a problem with the facilitator at the Ogden PIR meeting and has not been attending. She indicated she will look for a new meeting. **Ms. Peterson is out of compliance with the terms and conditions of her Order and Committee members requested she meet with them again next month.**

Brittni Petry,  
Probation Interview:

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

Group 2  
Conducting: Peggy Brown  
DOPL Staff: Laura Poe and Connie Call

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

Carrie Frampton,  
Quarterly Probation Interview:

Ms. Frampton agreed to attend aftercare through Dayspring. She reported her sobriety date is December 22, 2008. She reported she contacts her sponsor daily and has a good support system. She indicated she is currently unemployed and her stressors are financial. She is requesting she be allowed to work under general supervision rather than under direct on-site supervision. Committee members will recommends approval of her request. **Ms. Frampton is in compliance with the terms and conditions of her Order.**

Michael Jorgensen,  
Annual Probation Interview:

Mr. Jorgensen has been excused and will be scheduled to meet with the Board next month. **Mr. Jorgensen is**

**in compliance with the terms and conditions of his Order.**

Brent Pace,  
Annual Probation Interview:

Mr. Pace reported his sobriety date is June 11, 2008. He stated he has a sponsor that he talks to every couple of months. He is requesting he be allowed to work under general supervision. Committee members will recommend approval for general supervision. **Mr. Pace is in compliance with the terms and conditions of his Order.**

Susan Merryweather,  
Annual Probation Interview:

Ms. Merryweather reported her sobriety date is around eight years. She reported she has not worked for about six years. Ms. Merryweather requested she be allowed to work under general supervision. **Ms. Merryweather is in compliance with the terms and conditions of her Order and she will be seen January 12, 2011.**

Rhandi Robertson,  
Probation Interview:

Ms. Robertson stated she has not been able to find employment. Committee members discussed the situation with the Girl Scouts of Utah. Originally she denied having employment and when asked directly if she was working as a nurse for the Girl Scouts, she said she quit working. When asked whether her employment was terminated or she quit she then admitted she was terminated because of being on probation. She also said they terminated her because they wanted an RN. Ms. Poe asked Ms. Robertson what she was going to do to make changes. She said she is going to look for work in fast food or as a waitress. She will notify Ms. Call when she finds employment. She reported her sobriety date is May 18, 2008. She stated she has had no thoughts of relapse and has not relapsed. **Ms. Robertson is out of compliance with the terms and conditions of her Order. She will be seen September 9, 2010 and if non-compliant at that time the Committee will recommend she be referred for an Order to Show Cause Hearing.**

Nancy Whittemore,  
New Order:

Ms. Whittemore called indicating she had been in a car accident. She will be rescheduled for next month. **Ms. Whittemore is in compliance with the terms and conditions of her Order.**

Catherine Odom,  
Quarterly Probation Interview:

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

Taylor Simmons,  
Telephone Probation Interview:

Ms. Simmons reported she is working on her expungement and will be seeking a Texas license. She reported she has called CVI and has found testing sites in Texas. She reported her sobriety date is October 26, 2009. She stated she has had thoughts of relapse, but has not relapsed. She will send a copy of the expungement papers if granted. **Ms. Simmons is in compliance with the terms and conditions of her Order.**

Break for lunch at 1:00 p.m.  
Reconvened at 1:30 p.m.

Torri Nilsson,  
Re-licensure application:

Ms. Nilsson will be rescheduled for next month.

Jason Van Damm, request for termination of therapy:

Mr. Van Damm's therapist indicates therapy is no longer necessary. Mr. Killpack made a Motion to terminate the therapy requirement based on the therapist report. Mr. Allred seconded the Motion. All Board members in favor.

Report from Probation Peer Review Committee:

Keith Moslak is in compliance with the terms and conditions of his Order. Committee members recommend termination of probation. All Board members in favor.

Ben Brown had a positive urine screen for Hydrocodone and he indicated he does not know why. He stated he is having trouble with observed urine screens. Committee members informed Mr. Brown that he can not have unobserved urine screens. He stated he is willing to be self catherized or give blood. He indicated he finished his RN degree in 2007, however, he is not licensed and questioned what he would need to do. He was told he had three years from the date of graduation to pass the exam. He had also indicated he has a job opportunity out of state and is asking for approval to count these hours toward his probation. Board members indicated he will need to

submit a job description to see if the hours would count toward nursing. Ms. Poe stated she is concerned that he is making these requests, but has not explained why he is out of compliance. Mr. Killpack stated Mr. Brown appears to be making life changes and appears to be making the right steps. Ms. Call will check with CVI to see if they will allow him to straight catheterize himself and if this would also have to be observed, or if it is even an option. Committee members recommend giving him another chance and not refer for an Order to Show Cause Hearing for the time being.

Carrie Frampton is in compliance and doing well. Committee members recommend she be allowed to work under the general supervision of a licensed individual. All Board members in favor.

Brent Pace is in compliance with the terms and conditions of his Order and is doing well. Committee members recommend he be allowed to work under general supervision. All Board members in favor.

Susan Merryweather is not employed and has not worked for six years. Ms. Poe stated she feels comfortable with allowing Ms. Merryweather to work under general supervisions. Mr. Killpack stated he disagrees and does not feel comfortable with general supervision because she has not been employed in nursing. Committee members recommend the Order be amended to allow her to work under general supervision. Ms. Brown and Ms. Kirby in favor. All other Board members opposed. The Motion failed.

Rhandi Robertson has never been in compliance with the terms and conditions of her Order. Ms. Schilleman made a Motion to refer Ms. Robertson for an Order to Show Cause Hearing because she is consistently non compliance. If Ms. Robertson comes into full compliance by September, withdraw the Order to Show Cause Hearing referral. The Motion was seconded. All Board members in favor.

Catherine Odom failed to appear for her scheduled interview. She requested that her suspension be lifted. Ms. Schilleman made a Motion to deny the request

and Ms. Odom will need to document six months of clean urine screens. Ms. Partridge seconded the Motion. All Board members in favor.

Report from the Education Committee:

Ms. Brown reported Eagle Gate College responded to the Committee's concerns after conducting a site visit. They provided adequate responses to the Committees concerns. Ms. Brown made a Motion to grant provisional approval and conduct a site visit in September. Dr. Williams seconded the Motion. Mr. Killpack was out of the room during the vote. All other Board members in favor.

Environmental Scan:

Ms. Poe reported on SB 28, which requires all individuals with a controlled substance license register with the Controlled Substance Database or they will not be able to renew their license. At renewal, there will be an online exam. Ms. Poe reported most APRNs registered online the first day. Ms. Poe indicated that the CRNAs will not be required to register.

Schedule discussion regarding Propofol:

Ms. Poe requested that the discussion regarding Propofol be scheduled for September or October 2010. Board members indicated this would be acceptable.

Review Motions and Resolutions for the August 11-13, 2010 NCSBN Delegate Assembly:

Ms. Poe reported that NCSBN Board of Directors will pay for two Board members to attend the NCSBN Annual meeting. The Division will not approve a staff member to attend. Ms. Kirby and Mr. Killpack stated they would like to go.

Ms. Poe reviewed with Board members the motions and resolutions to be voted on at the meeting. Ms. Brown made a Motion to appoint Sue Kirby and John Killpack as the voting delegates for Utah and Debra Schilleman as the alternate. Dr. Williams seconded the Motion. All Board members in favor.

Follow up to Proposed Rule:

Ms. Poe reported there were no public comments received regarding the innovations in nursing rule. They will become effective today. Mr. Killpack made a Motion to put these rules into effect. Mr. Allred seconded the Motion. All Board members in favor.

*business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

September 9, 2010  
Date Approved

(ss) Sue Kirby  
Sue Kirby, chair, Board of Nursing

September 9, 2010  
Date Approved

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