

MINUTES

**UTAH
BOARD OF NURSING**

February 10, 2011

**Room 474 – 4th Floor – 9:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:31 a.m.

ADJOURNED:

Bureau Manager:

Noel Taxin

Secretary:

Shirlene Kimball

Compliance Specialist:

Connie Call

Conducting:

John Killpack

Board Members Present:

Peggy Brown
Debra Schilleman
Mary Williams
Diana Parrish
Alisa Bangerter
Joel Allred
Barbara Jeffries
John Killpack
Sue Kirby
Marie Partridge

Board Members Excused:

Pam Rice

Guests:

Karen Manning

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

January 13, 2011 Minutes:

A Motion was made to approve the January 13, 2011 minutes as written. The Motion was seconded. Ms. Kirby and Ms. Partridge abstained. All other Board members were 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 Orders:
-Betty Long did not submit an employer report.
-Beverly Stewart did not submit a therapist report.

-Dee Ann Taylor is in compliance with her Order; however, she has had a number of urine screens that have been out of range.

-Jason VanDaam did not submit the employer evaluation. He is out of compliance with the policy of missing more than three calls to CVI.

-Kellie Roring had an out of range urine screen.

-Lori Wright did not submit an employer report or self assessment report. Her license also has expired. The Compliance unit recommends she be referred for an Order to Show Cause Hearing.

-Tricia Schmidt reported a relapse and has been issued a new Order. She will be seen next month.

-Nichole Clark submitted her paperwork late. She also missed calling CVI more than three times. Since she missed calling CVI three times, she is out of compliance with the Board's policy that not calling CVI more than three times is non-compliance with her Order.

-Benjamin Brown was given until January 20, 2011 to arrange for self-catheterization for urine screens. He was scheduled to give a urine screen on January 27, 2011. Ms. Call stated she does not have the results of that scheduled urine screen. Board members indicated if he did not appear, he will need to be referred for an Order to Show Cause Hearing.

-Kelly Wright missed calling CVI more than three times. Since she missed calling CVI three times, she is out of compliance with the Board's policy that not calling CVI more than three times is non-compliance with her Order.

-Victor Venegas is out of compliance with the terms and conditions of his Order and he will be scheduled to meet with the Board next month.

-Kaylyn Thompson is out of compliance for missing a urine screen on January 3, 2011, failing to submit three prescriptions and has missed calling CVI eight times in January 2011.

Ms. Call reported the following individuals are in compliance:

-Theresa Brewer is in compliance with the terms and conditions of her Order and is requesting termination of probation.

-John Paulsen was rescheduled because he is due in court today. He will be rescheduled for next month.

-Sam Bellacomo is in compliance with the terms and conditions of his Order. Ms. Call reported he will be requesting that his suspension be lifted.

- Julie White is requesting to be allowed to attend four 12-step meetings in lieu of two PIR and two 12-step meetings per month.

Divided into Groups to conduct probation interviews at 9:50 a.m.:

Group 1: Conducting: Debbie Schilleman
Secretary: Shirlene Kimball

Members present: Ms. Schilleman, Ms. Partridge, Ms. Kirby and Mr. Allred.

Amy Dansie
Annual probation interview:

Ms. Dansie reported she is doing well. Mr. Allred expressed concern that the employer reports are dropping from excellent to average. Ms. Dansie stated there could be several reasons for this, first she is working in a new area and has been in a learning curve and second, she became a little defensive in her response to criticism. **Ms. Dansie remains in compliance with the terms and conditions of her Order and she will be seen in February 2012.**

Dee Ann Taylor,
Annual probation interview:

Ms. Taylor reported things are going well. She reported she has been sober three years. She stated she has occasional thoughts of relapse and has occasional dreams. However, she stated she has had no relapse. Board members indicated she has had a number of out of range urine screens. She stated she drinks a lot of water and takes a diuretic. She indicated she received a promotion at work and is now Director of Clinical Services. The new position requires the director to go into homes with the nurse to provide supervisory evaluations. She stated she understands under her Order does not allow her to go into patient homes and would like to request an amendment to the Order to allow her to go into the home approximately five times per year to provide the supervisory evaluations for the nursing employees. Board members indicated her request would be presented to the Full Board for consideration. **Ms. Taylor is in compliance with the terms and conditions of her Order and she will be seen in February 2012.**

Jaimee Anderson,
Quarterly probation interview:

Ms. Anderson reported she is doing well and has graduated from aftercare. She stated her co-workers

are aware that she is in recovery and they are all very supportive. She reported her sobriety date is December 12, 2006. She stated she does not feel PIR meetings are helpful and attends Odyssey House graduate meetings. She stated she speaks with her sponsor about once a month. She stated she has no thoughts of relapse and has not relapsed. **Ms. Anderson is doing well and is in compliance with the terms and conditions of her Order.** She will be seen again May 12, 2011.

John Paulsen
Quarterly probation interview.

Mr. Paulsen had to appear in court today and his meeting with the Board has been rescheduled for next month.

Kellie Roring,
Quarterly probation interview:

Ms. Roring reported she is doing well. Board members questioned her about the dilute urine screens. She stated she drinks a lot of water but does not know if that is the reason the urines are dilute. Ms. Roring was upset with the Division's web site that reported her license as surrendered when it is active on probation. Ms. Roring stated she will be going on vacation February 21, 2011 through February 29, 2011. She indicated she will call and let Ms. Call know she will be gone. Ms. Roring stated her sobriety date is not important to her so she does not know the date. She stated she has no thoughts of relapse and has not relapsed. She will be seen May 12, 2011. **Ms. Roring is in compliance with the terms and conditions of her probation.**

Sandra Piatt,
Quarterly probation interview:

Ms. Piatt reported she is doing well. She began nursing employment December 6, 2010. She reported her sobriety date was December 12, 2004. She stated she is not taking any medications not lawfully prescribed for her. She stated her work is going well. Board members indicated if she remains in compliance, she will be moved to annual meetings with the Board. Ms. Piatt will be seen May 12, 2011. **She is in compliance with the terms and conditions of her Order.**

Lisa Kendall,
New Order:

Ms. Kendall explained the circumstances that brought her before the Board. Ms. Kendall signed her Order December 6, 2010 and had 90 days to obtain the required evaluations. She was not scheduled to meet

with the Board in December, and did not receive the letter for the January Board meeting. She questioned whether or not the 90 days could begin now. Board members indicated since she signed the Order in December and she was aware that the evaluations needed to be completed, they must be completed by March 6, 2011. Ms. Schilleman stated Ms. Kendall does not appear to be taking the probation seriously. Ms. Kendall stated she is taking it seriously; she has been attending AA meetings and sees her therapist every two week as ordered by the Court. She stated she is not pleased with the AA group because they are street drug users and she does not feel she fits in. She stated she was placed on probation for using Marijuana on a number of occasions. She stated she did not take any medications from work. She states she is currently being drug tested through the courts. She was reminded she needs to sign up with CVI and start random urine screens with CVI. She stated she is actively seeking employment as a case manager. She reported her sobriety date is July 14, 2010. She stated she does not have thoughts of relapse and has not relapsed. She reported her support system is her family. She stated she is not taking any medications not lawfully prescribed for her. Her next meeting with the Board will be scheduled for May 12, 2011. **She is in compliance with the terms and conditions of the Order.**

Julie Versteeg,
Quarterly probation interview:

Ms. Versteeg reported she is doing well. She indicated she is working night shifts full time. She reported her sobriety date is December 29, 2003. She stated she has no thoughts of relapse and has not relapsed. She stated she is attending AA meetings and working the steps. She stated she keeps returning to Step two. She has a sponsor and contacts the sponsor once a week. She stated she is not taking any medications not lawfully prescribed for her. Ms. Versteeg questioned if her probation could be terminated early. Mr. Allred stated that after three years on probation, if she remains in compliance with the Order, she may request termination at that time. She will be seen May 12, 2011. **Ms. Versteeg is in compliance with the terms and conditions of her Order.**

Group 2 Conducting: Peggy Brown
Minute taker: Connie Call

Members present: Peggy Brown, Mary Williams,
Diana Parrish, Alisa Bangerter and John Killpack.

Beverly Stewart,
Quarterly telephone probation interview:

Ms. Stewart stated she is not currently employed. She indicated she met with her therapist and reminded him to submit her therapist report. She reported she deals with her stress by singing in the choir and playing the piano. **Ms. Stewart is out of compliance with the terms and conditions of her Order because the therapist report was not received.**

Dietrich Quiring,
Quarterly probation interview:

Mr. Quiring stated he is not currently employed and explained the circumstances of his termination of his last job. **Mr. Quiring is in compliance with the terms and conditions of his Order.**

Kaylyn Thompson,
Quarterly probation interview:

Ms. Thompson reported her sobriety date is December 12, 2009. She stated she has had no thoughts of relapse and has not relapsed. She reported the patient she was given permission to provide care for at Milford Elementary passed away. She questioned if she could continue to work at Milford Elementary as the school nurse. The Board gave her permission to continue to work at Milford Elementary as outlined in the Amended Order. Board members questioned why Ms. Thompson informed Ms. Call that she had provided her therapist with a urine sample to be drug screened. Ms. Call reported she had not received urine screen results and contacted the therapist. The therapist informed Ms. Call that Ms. Thompson had not provided the urine sample. Ms. Thompson stated she has been clean and sober for one year and did not feel it was necessary to provide the therapist with the urine sample. It was explained to her that the Board cannot verify that she is clean and sober because she keeps missing drug screens. Committee members indicated if she is not in total compliance by the next meeting, she may be referred for an Order to Show Cause Hearing. She requested a telephonic interview but the Board indicated since she has been non-compliant she must meet with the Board in person. **Ms. Thompson is out of compliance with the terms and conditions of the Order.**

Lori Wright,
Quarterly probation interview:

Ms. Wright failed to submit self assessment reports for September, October, November and December 2010

and January and February 2011. She failed to submit her employer reports stating she did not work during those months. Ms. Wright was reminded she must submit all of her paperwork to include employer reports, self assessments and continuing education by February 28, 2011 or she may be referred for an Order to Show Cause Hearing. **Ms. Wright is out of compliance with the terms and conditions of her Order.**

Michael Gearheart,
Annual probation interview:

Mr. Gearheart reported his sobriety date is October 15, 2008. He stated he is attending 12 Step/PIR meetings and has a sponsor. He reported he continues to work at Salt Lake Regional Medical Center. Mr. Gearheart explained he has chronic back and neck pain from being assaulted by a patient. He indicated he is prescribed Lortab for the pain. Board members stated they understand he has a valid prescription for the Lortab, but cautioned Mr. Gearheart regarding the use of his drug of choice. **Mr. Gearheart is in compliance with the terms and conditions of his Order.**

Terri Judd,
Quarterly probation interview:

Ms. Judd signed a surrender document and did not meet with the Board.

Theresa Brewer,
Annual probation interview:

Ms. Brewer reported her sobriety date is August 14, 2006. She stated she is currently working on Step 4 in AA and speaks with her sponsor one to three times per week. She reported she has good family and spiritual support. Ms. Brewer will submit documentation of completion of her criminal probation as soon as it is finished. Committee members stated they may consider early termination of probation upon receipt of the termination of court probation. **Ms. Brewer is in compliance with the terms and conditions of her Order.**

Adjourned for lunch at 12:20 p.m.
Reconvened at 12:42 p.m.

Ms. Taxin reviewed with Board members the renewal application for Karen Strickland and the new application for Jeness Morgan.

Ms. Taxin stated Ms. Morgan just completed her nursing program and submitted an application for licensure. Ms. Taxin reviewed Ms. Morgan's history and indicated substance use as her main issue. Ms.

Taxin presented Ms. Morgan with a Stipulation and Order; however, Ms. Morgan has several questions she would like to discuss with the Board prior to signing the Order.

Ms. Taxin indicated Ms. Strickland submitted a renewal indicating she had been charged with a DUI in Nevada. Ms. Taxin requested the Board review the situation because Ms. Strickland had completed probation in 2008.

Karen Strickland
Renewal:

Ms. Strickland met with the Board and explained the circumstances regarding the DUI. She indicated she had been previously on probation due to action in Alabama and completed the probation in 2008. She indicated the Alabama action occurred because of a pre-employment drug test that was positive for cocaine. She stated she did not use or divert drugs from work. She stated after her probation was terminated, she worked a lot of overtime hours on the heart team at the hospital and went to Mesquite Nevada for a break. She stated she thought she was being responsible by having only two drinks. She stated she received the DUI driving just one block from the casino to the hotel. Mr. Killpack expressed concern with her poor choice of drinking then driving. Mr. Killpack stated he feels she needs to complete a substance abuse evaluation and provide a letter of support from her employer. Mr. Allred stated he agrees, the substance abuse evaluation would indicate whether or not she is at risk for substance abuse. Ms. Strickland stated she has no problems with obtaining a substance abuse evaluation and having her employer provide a letter. Ms. Taxin informed the Board that Ms. Strickland's license could be conditionally renewed for a period of time in order for her to obtain the substance evaluation and the employer letter. If there are no problems that need to be addressed, she could then be issued a full license. Ms. Parish made a Motion to issue a conditional renewal and have Ms. Strickland complete a voluntarily substance evaluation and submit a letter of recommendation from her employer. If the evaluation indicates there is no risk for substance abuse, a full license would be issued. Ms. Kirby seconded the Motion. All Board members were in favor of the Motion.

Jeness Morgan,
New application, yes answer on qualifying
questionnaire:

Ms. Morgan met with the Board to discuss her application and the yes answers on the qualifying questionnaire. Ms. Taxin indicated Ms. Morgan's file was reviewed by the Division and Ms. Morgan was offered a license on probation with the model terms and conditions upon passing the NCLEX-PN examination. Ms. Morgan reported she received the Memorandum of Understanding, however, had several requests for modification. Ms. Morgan explained her circumstance and reported her last charge was a reckless driving charge in 2006. She stated she entered an intensive drug treatment program in 2002 and had a relapse in 2004. She stated she has had not used drugs since 2004. She stated she attended counseling in 2006 because of the DUI and has made major changes in her life. She stated she no longer attends AA meetings because she feels she has grown past having to attend those meetings. Ms. Morgan stated she is currently working as a med tech at an assisted living facility and there is only one other individual there with her. She indicated she is currently responsible for the medications at the facility and currently has no restrictions. She stated she feels she should not be restricted from passing narcotics if licensed as an LPN. She submitted a letter of support from her current employer. Ms. Morgan stated she will be willing to have the urine screens.

Mr. Killpack stated the Board wants to make sure she is safe to practice, would like outside assurance that she is in recovery. Ms. Brown stated supervision would also be a problem if she wants to continue to work in home health care. Ms. Morgan stated she would continue to work as a CNA until she completes the RN program if she can not continue to work in the home health care or if she does not have access as an LPN. Board members discussed allowing her to have access since she has been providing urine screens, has been clean has had access as a CNA. However, she can not count hours worked as a CNA as nursing practice.

The Board feels the evaluations are important and we would require the evaluations with the exception of the physical examination and follow whatever

recommendations are made by the evaluators. She would have to attend four 12-Step/NA meetings per month and provide urine screens through CVI. She will need supervision and will not be allowed to work in home health. It was suggested she be allowed to have access to narcotics; however, if any problems come up, the access would be restricted. Ms. Kirby made the Motion to accept the Stipulation with the following changes: eliminate the requirement for the physical evaluation, allow access to narcotics unless there are problems however, if any problems come up, the access would be restricted. Ms. Jeffries seconded the Motion. All Board members were in favor of the Motion.

Report from Probation Peer Review
Committee:

Dee Ann Taylor is in compliance with the terms and conditions of her Order. Ms. Taylor works at a home health agency in the office. She is requesting she be allowed to go into the patient's home along with the nurse she is supervising in order to complete the nursing employee's evaluation. Committee member recommend she be allowed to go into the home to with another nurse specifically for supervision/evaluation of the employee. She can not provide direct patient care. Mr. Killpack opposed the amendment. All other Board members were in favor.

Julie White requested she be allowed to attend four 12-step meetings in lieu of attending two PIR and two 12-step meetings. Ms. Schilleman made a Motion approve the request and amend the Order. Ms. Kirby seconded the Motion. All Board members were in favor.

Ben Brown did not test on January 27, 2011 and Board members recommend he be referred for an Order to Show Cause Hearing. All Board members were in favor.

Bryn Norman
Order to Show Cause Hearing:

The Hearing was held.

Adjourned at 4:45 to Discuss findings from the
OSC Hearing:

5:15 p.m.

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 10, 2011
Date Approved

(ss) John Killpack
John Killpack, chair, Board of Nursing

March 10, 2011
Date Approved

(ss) Noel Taxin
Noel Taxin, Bureau Manager, Division of Occupational &
Professional Licensing