

MINUTES

**UTAH
BOARD OF NURSING
MEETING**

August 11, 2011

**Room 474 – 4th Floor – 8:45 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:07 a.m.

ADJOURNED: 1:09 p.m.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Rich Oborn
Shirlene Kimball
Connie Call

Conducting:

John Killpack, Board chair

Board Members Present:

Peggy Brown
Debra Schilleman
Mary Williams
Joel Allred
John Killpack
Marie Partridge
Barbara Jefferies
Diana Parrish

Board Members Excused:

Pam Rice
Alisa Bangerter
Sue Kirby

Division Staff:

Irene Woodford, Investigator

Guests:

Roger L'Estrange
Elizabeth Bowman
Jonah Nance

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS
July 14, 2011 MINUTES:**

The July 14, 2011 minutes were approved with corrections. All Board members in favor.

Compliance Report:

Ms. Call reported the following probationers were out of compliance with the terms and conditions of their

Orders: Amy Dansi, Betty Long, Beverly Steward, Jaimee Anderson, Jason Van Daam, Karen Chlarson, Kaylyn Thompson and Jennifer Fredrickson.

Ms. Call indicated Julie Versteeg was given approval to complete her AA meetings online. Ms. Versteeg's therapist submitted a recommendation to have Ms. Versteeg attend face-to-face AA meetings to provide additional support. Ms. Jeffries made a Motion to require Ms. Versteeg attend face to face 12-step meetings as the therapist recommends. Ms. Schilleman seconded the Motion. All Board members in favor.

Karen Chlarson missed three urine screens and tested positive for ATG on one urine screen. Mr. Killpack requested Ms. Chlarson be scheduled to meet with the Board next month to discuss the missed and positive urine screens. At her last meeting with the Board, she assured Board members she would not have any missed or positive urine screens.

Tyler Miller is requesting he be allowed to use a mail order pharmacy for routine medications and his current pharmacy for all other prescriptions. Mr. Allred made a Motion to allow Mr. Miller to fill prescriptions at two pharmacies. However, controlled substance prescriptions must be filled at only one pharmacy. Ms. Partridge seconded the Motion. All Board members in favor.

Lacy Turley Tanner signed her Order March 2011 and did not sign up with the drug testing company for five months. She has not signed up with AffinityeHealth, the new drug testing company. Ms. Parrish made a Motion to refer Ms. Tanner for an Order to Show Cause (OSC) Hearing due to 5 months of non-compliance. Ms. Schilleman seconded the Motion. Discussion: Mr. Allred stated Ms. Tanner is a new Order and has not met with the Board. He indicated he would like to meet with her to find out what she has been doing for five months. Opposed to the Motion: Mr. Killpack, Dr. Williams, Ms. Brown, Ms. Jeffries, Mr. Allred and Ms. Partridge. Motion failed. Mr. Allred made a new Motion to bring her in next month to discuss her situation before proceeding to an OSC. Ms. Jeffries seconded the Motion. Ms. Parrish and

Karen Shelton
Probation Interview:

Ms. Schilleman opposed. All other Board members in favor.

Ms. Shelton stated she would like to apply for a staffing agency or home health agency position. She stated she understands the concern that she would be in a client's home without supervision. Mr. Allred stated Ms. Shelton needs to convince the Board she is not a risk to the public. She stated she understands she should not have picked up and then ingested her boyfriend's medication even if she did have a prescription for the same medication. She stated she understands it was wrong and she has completed everything required of her by the court. Board members stated they understand it is difficult to find a nursing position; however the Board's role is to protect the public. Mr. Killpack stated the concern is being unsupervised in a client's home. Ms. Brown suggested Ms. Shelton look for case management jobs. Mr. Allred made a Motion to deny her request to work in home health or for a staffing agency. Ms. Jeffries seconded the Motion. All Board Members in favor. **Ms. Shelton is in compliance with the terms and conditions of her probation.**

Tina L'Estrange,
Probation Interview:

The Division received a letter from Ms. L'Estrange's physician indicating Ms. L'Estrange had a relapse. Ms. L'Estrange stated that after her last meeting with the Board and the Board denial to lift her suspension, she ingested alcohol. She reported she continued to drink and was hospitalized July 22, 2011. She stated she hit rock bottom, but is feeling better now and her depression has finally lifted. She stated she last ingested alcohol two and ½ weeks ago. Ms. L'Estrange's husband stated he feels she has completely turned around and he sees a big difference in her outlook. Mr. Allred stated she needs to learn techniques to help her handle her stressors and how to cope with life. Ms. L'Estrange needs a letter from the therapist indicating she is safe to practice and is actively working her recovery. **Ms. L'Estrange is out of compliance with the terms and conditions of her Order.** She will be seen in November 2011.

Emily Wilson,
New Order:

Ms. Wilson explained the circumstances that brought her before the Board. Ms. Wilson explained she had been arrested for having prescription medications not

prescribed for her in her purse. She stated she never attempted to use drugs, but she collects things and had her husbands and her sister's medications in her purse. Ms. Wilson stated she never took medications from patients. She indicated she has completed court probation, has completed the psychological evaluation and has been attending 12-Step and PIR meetings. Ms. Wilson requested that the suspension be terminated. Ms. Wilson needs to complete an essay, and include what she has learned, and what changes she has made. Ms. Partridge made a Motion to terminate the suspension and place the license on probation once her essay is completed and received by the Division. Ms. Jeffries seconded the Motion. All Board members in favor. **Ms. Wilson is in compliance with the terms and conditions of her Order.**

Cesar Garcia,
Probation Interview:

Mr. Garcia stated his court charges have been expunged and he has been employed at Utah Valley Hospital for more than two years. Mr. Garcia has been in complete compliance with the terms and conditions of his Order. He stated he has boundaries in place and understands his triggers. He stated his family is very supportive and he has spiritual support. The evaluation indicates he is a low risk for re-occurrence. Dr. Williams made a Motion to terminate the probation. Ms. Jeffries seconded the Motion. All Board members in favor. **Mr. Garcia is in compliance with the terms and conditions of his Order.**

Vaiola Panter,
New Order:

Ms. Panter stated she had a relapse and explained the circumstances that brought her back before the Board. She indicated she has now completed an outpatient program and has learned how to cope with her addiction. She reported her sobriety date is May 18, 2011. She indicated she attends aftercare, AA and 12-Step meetings. She stated she has a sponsor and is working the steps. Ms. Panter stated she understands the terms and conditions of the Order. Ms. Panter's license is currently suspended and she needs to complete a chemical dependency evaluation prior to the suspension being lifted. **Ms. Panter is in compliance with the terms and conditions of her Order.** She will be seen again next month.

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Tricia Schmidt,
Probation Interview:

Ms. Schmidt met with the Board and requested that her suspension be lifted. Ms. Schmidt's AA sponsor was present and supports Ms. Schmidt's request. Ms. Schmidt stated she has completed all required evaluations and she has been attending 12-Step meetings. She indicated her sobriety date is January 1, 2011. She indicated she has had some thoughts of relapse, but no recent relapse. She stated she is not taking any medications not lawfully prescribed for her. Mr. Allred made a Motion to lift the suspension and place the license on probation. Ms. Partridge seconded the Motion. All Board members in favor. **Ms. Schmidt is in compliance with the terms and conditions of her Order** and will be seen again in November.

Ms. Brown questioned if the employer is notified when an individual's license is suspended or revoked. Ms. Parrish suggested a letter be sent to the employer informing them of the suspension or revocation. Mr. Oborn stated the Division does not send letters to the employers and he suggested the Board communicate their request to Mr. Taylor.

Heather Holmes,
New Order:

Ms. Holmes and her attorney, Elizabeth Bowman met with the Board. Ms. Holmes explained the circumstances that brought her before the Board. Ms. Holmes stated she understands the terms and conditions of the Order. Ms. Holmes submitted the name of her prescribing practitioner and primary pharmacy. Ms. Holmes stated she is working at Salt Lake Regional and her supervisor has seen the Order. In addition to her position in the OR, she stated she travels out of state to teach clients how to use a product for Aspen Medical. She indicated she does not need a nursing license for this work; however, it may put her over the 48 hours per week 5 to 8 times a year. Board members stated if this position doesn't require nursing knowledge or interventions she would not be practicing as a nurse and the 48 hours per week would not apply. Board members suggested she address this issue on her self assessment form and she will need to let the Division know when she is leaving town. Ms. Holmes stated her sobriety date for last using prescribed medications was April 24, 2011. She stated that she attends AA and aftercare meetings and has not had a relapse. She indicated she currently

has two sponsors; however, she is looking for the right sponsor. Ms. Holmes requested she be allowed to have two pharmacies because she receives one medication that has to be compounded. Ms. Jeffries made a Motion to allow Ms. Holmes to fill prescriptions at two pharmacies; however, all controlled substance medications must be filled at one pharmacy. Dr. Williams seconded the Motion. All Board members in favor. **Ms. Holmes is in compliance with the terms and conditions of her Order.** She will be seen again November 10, 2011.

Heather Deering,
Probation Interview:

Ms. Deering requested she be allowed to work in home health. Mr. Killpack explained that working in home health or with a nursing staffing agency does not allow for consistent supervised practice. Ms. Deering indicated she sought licensure in Hawaii; however, they will not issue a license because her Utah license is on probation. She reported that her sobriety date is January 23, 2008. She stated she has thoughts of relapse but has not relapsed. Ms. Deering stated she attends PIR meetings, LDS 12-Step meetings, has a sponsor and has family and support systems. Ms. Deering stated she is not taking any medications that have not been lawfully prescribed for her. Ms. Brown made a Motion to deny her request to work in home health based on no supervision available. Ms. Parrish seconded the Motion. All Board members in favor. **Ms. Deering is in compliance with the terms and conditions of her Order.** She will be seen again August 2012.

Beverly Stewart Miller,
Probation Interview:

Ms. Miller reported she has remarried. Steve Miller, her husband was present for the interview. Ms. Miller stated she is not using any medications not lawfully prescribed for her. Ms. Stewart stated she doesn't know if she can ever work again and is on disability. Board members indicated if she is not going to return to nursing, she may want to surrender her license. **Ms. Miller is in compliance with the terms and conditions of her Order**

Katherine Roach,
New Order:

Ms. Roach explained the circumstances that brought her before the Board. She stated she diverted Dilaudid from her place of employment and was impaired while working. Her license is currently suspended for at least six months. Ms. Roach stated she is attending

12-Step meetings, but does not have a sponsor. The evaluator was approved and she will complete the psychological and chemical evaluations. Ms. Roach stated she understands the terms and conditions of her probation. **Ms. Roach is in compliance with the terms and conditions of her Order.** She will be seen again November 2011.

Traci Lujan,
Request for re-licensure:

Mr. Oborn provided the Board with a summary of Ms. Lujan's background. Ms. Lujan stated she diverted controlled substances and was placed on probation in 2003. She did not comply with the terms and conditions of the Order and failed to appear for an Order to Show Cause Hearing. Her license was revoked July 2004. Ms. Lujan indicated she met with the Board in 2006 requesting reinstatement; however, her requested was tabled. Ms. Lujan stated she thought she was ready to move forward but by mutual agreement she was not quite ready. Ms. Lujan reported her sobriety date is December 2006 and she indicated she is ready to deal with her issues and move forward. Board members indicated that since she has been out of nursing for seven years, she will either need to complete the refresher program or retake the NCLEX exam. Ms. Lujan needs to submit the chemical evaluation and submit a log from the pharmacy regarding prescriptions written for her.

Debra Kilgrow, written request to work in
home health:

Ms. Kilgrow requested she be allowed to work in home health. Ms. Jeffries made a Motion to deny the request based on the lack of supervision when working in a client's home. Ms. Partridge seconded the Motion. All Board members in favor.

Teresa Williams,
Probation Interview:

Ms. Williams stated she has not been working due to medical issues and indicated she feels it is unfair that her probation does not start until she is working in nursing. Ms. Williams indicated she is attending her meetings and has a sponsor. She reported her sobriety date is January 2006. She stated she has not had a relapse and is not taking any medications that are not legally prescribed for her. She stated she does not want to surrender her license, but would like to have the probation terminated. Board members indicated the probation would not be terminated. **Ms. Williams is in compliance with the terms and conditions of her Order.** She will be seen again in one year.

Report on the NCSBN Annual meeting:

Ms. Brown reported items that were discussed at the NCSBN Annual meeting included approval of nursing education programs, background checks regarding sex offenses, and model or uniform licensure requirements. Ms. Brown suggested the Board look at these items and place on the agenda for future discussion. Ms. Brown also reported there is a program for reporting practice errors; however, the western states are not reporting to this program.

Change in meeting times:

Mr. Oborn indicated the State is moving to new hours of operation and Division offices will be open five days a week from 8:00 a.m. until 5:00 p.m. The Division has recommended that Board meetings start no earlier than 8:30 a.m. Mr. Oborn stated that the Education Committee meeting would be from 8:30 a.m. and Full Board could begin at 10:00 a.m. Ms. Jeffries indicated if the meeting start time was changed any later, she would have to resign. Ms. Jeffries also indicated it would be helpful if probationers were split into two groups for interviews to save additional time.

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.

September 8, 2011
Date Approved

(ss) John Killpack
John Killpack Chairperson, Utah Board of Nursing

September 8, 2011
Date Approved

(ss) Rich Oborn
Rich Oborn, Bureau Manager, Division of Occupational & Professional Licensing