

MINUTES

**UTAH
BOARD OF NURSING
MEETING**

May 10, 2012

**Room 474 – 4th Floor – 8:30 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:30 a.m.

ADJOURNED: 4:10 p.m.

Bureau Manager:
Board Secretary:
Division Staff:

Debra Hobbins
Shirlene Kimball
Connie Call, Compliance Specialist
Mark Steinagel, Division Director

Conducting:

Diana Parrish, Chair

Board Members Present:

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

Board Members Excused:

Tonya Bailey

Guests:

Heidi Clark
Geoff Murdock
Eloise Keel
Susie Deahl
Stephanie Slater, Broadview University
Delos Jones, Broadview University

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS

March 8, 2012 Minutes:

Ms. Bangerter made a motion to approve the March 8, 2012 minutes as written. Ms. Kirby seconded the motion. Ms. Partridge and Ms. Schilleman abstained. All other Board members voted in favor of the motion.

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 or PIR attendance records.

-**Kellie Roring** has not submitted her required paperwork and has numerous dilute urine screens.

-**Tina Godby** has not submitted a physical evaluation.

-**Toni Steinger** did not contact the Division for her meeting with Ms. Call and her notification letter was returned.

-**Stacia Frank's** Order does not allow her access to controlled substances; however, she has had access to controlled substance medications.

Ms. Call reported Taylor Simmons is now licensed in Texas and Texas will follow her probation. Michael Bodamer decided to remain in Illinois and if he moves to Utah, we will monitor his probation.

Board members separated into groups at 9:05 a.m.

Group 1
Conducting Marie Partridge
Secretary: Shirlene Kimball

Board members present: Susan Kirby, Debbie Schilleman, Joel Allred and Marie Partridge.

Karen Sharp
New Order:

Ms. Sharp explained the circumstances that brought her before the Board. Ms. Sharp stated she is not practicing as a nurse. She reported she stays with an elderly patient from 6:00 p.m. until early morning. She indicated she also takes her to her doctor appointments when necessary. Ms. Sharp indicated she currently sees a therapist and denies any self harm. She indicated she is keeping her weight up and it is currently under control. Ms. Sharp still needs to submit a physical evaluation indicating she can return to work. Ms. Sharp submitted a substance abuse evaluation and Committee members reported the evaluation would be accepted. Ms. Sharp will not be required to submit to urine screens and does not need to attend 12-Step or PIR meetings. Ms. Sharp indicated she is currently receiving medications from two pharmacies and is trying to move them all to one pharmacy. She is requesting additional time to move these prescriptions to one pharmacy. **Ms. Sharp is in**

compliance with the terms and conditions of her Order.

Susan Cluff,
New Order:

Ms. Cluff explained the circumstances that brought her before the Board. Ms. Cluff indicated she was hospitalized due to an overdose of Ambien. Ms. Cluff indicated she is currently in counseling and has completed the neuropsychiatric evaluation. She still needs to complete the substance abuse evaluation. Ms. Cluff indicated she is not currently working as a nurse. She reported her sobriety date is January 12, 2012. She stated she has thoughts of relapse, but has not relapsed. Ms. Cluff stated she understands the terms and conditions of the Order. **Ms. Cluff is in compliance with the terms and conditions of her Order.**

Lauren Moger,
New Order:

Ms. Moger explained the circumstances that brought her before the Board. She indicated she relapsed while in Diversion and was referred to probation. Ms. Moger stated she has no cravings and she is attending therapy. Ms. Moger indicated she started working at a dialysis center January 2012 and feels it is a comfortable environment to work in. Ms. Moger reported her personal life is going better and her family relationships are going well. Ms. Moger submitted her essay for review. Ms. Moger reported her sobriety date is February 2012. She indicated she has had thoughts of relapse, but has not relapsed. Ms. Moger stated she is not taking any medications that are not lawfully prescribed for her. The essay submitted by Ms. Moger was approved by the Committee. **Ms. Moger is in compliance with the terms and conditions of her Order and she will be seen in July.**

Stacia Frank,
Board Request:

Ms. Partridge indicated she knows Ms. Frank and questioned whether or not Ms. Frank would like her be recused. Ms. Frank indicated she was okay with Ms. Partridge remaining in the room. Ms. Frank explained the circumstances that brought her before the Board. Ms. Frank indicated she failed Diversion due to a relapse. Ms. Frank indicated she is currently working at an assisted living center providing RN assessments. She indicated the patient's family drops off the medications for the patient. If there are controlled substances, two individuals from the facility sign for

the controlled substances which are pre-packaged in a bubble pack. Board members indicated Ms. Frank does not have access to controlled substances. Ms. Frank stated she does not see this as having access because the medications are in a bubble pack and not in her possession. Committee members expressed concern that she has been working five months with access to controlled substances. Ms. Frank needs to provide the Board with her psychological and substance abuse evaluations. Once the Board has reviewed the evaluations, a determination will be made whether or not to require therapy. Ms. Frank stated she is not taking any medications not lawfully prescribed for her. She indicated she is attending 12-Step meetings and working on step four. She reported her family is very supportive and she is getting married June 30, 2012. Ms. Frank reported her sobriety date is December 27, 2011. The essay submitted by Ms. Frank was approved by the Committee. **Ms. Frank is out of compliance with the terms and conditions of her Order because she has had access to controlled substances.**

Jill Smith,
New Order:

Ms. Smith explained the circumstances that brought her before the Board. She stated she called in prescriptions for weight loss for her own use. She indicated she understands calling in prescriptions not authorized by the physician is serious; however, she stated she does not have a substance abuse problem. She indicated she met with a psychologist who did not feel she has a substance abuse issue. The psychologist submitted a letter but did not submit the evaluation. Ms. Smith needs to submit the psychological and physical examinations; needs to complete an ethics course, and submit an essay. She will not be required to submit the neuropsychological evaluation. She stated she is not taking any medications not lawfully prescribed for her. She stated she understands all terms and conditions of the Order. Ms. Partridge made a motion to close the meeting in accordance with 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Kirby seconded the motion. All Committee members voted in favor of the Motion. The meeting was closed at 11:35 a.m. A motion was made to open the meeting. The motion was seconded. All Board members voted in favor of opening the

meeting. The meeting was opened at 11:50 a.m. **Ms. Smith is in compliance with the terms and conditions of her Order.** She will be seen in July 2012.

Betty Long,
Annual Probation Interview:

Ms. Long attended three PIR meetings in February 2012; however, she attended extra meetings to make up for the missed meeting. Ms. Long requested her Order be amended to allow her to attend four AA or PIR meetings per month. Ms. Long stated she is not taking any medications not prescribed for her. **Ms. Long is in compliance with the terms and conditions of her Order** and will be seen May 2013.

Kay Tate Dellinger,
Probation Interview:

Ms. Dellinger reported she is doing very well. Ms. Dellinger is requesting termination of supervision. Committee members indicated they would consider general supervision, but would not completely eliminate supervision. She is also requesting she be allowed to attend either 12-Step or PIR meetings. Committee members indicated they would present her requests to the full Board. **Ms. Dellinger is in compliance with the terms and condition of her Order.** She will be seen May 2013.

Sherry Mack,
Request for suspension to be lifted:

Ms. Mack met with the Board to request her suspension be lifted. She has been documenting clean urine screens through Affinity and has a letter from the physician stating she is physically ready to return to work. Committee members indicated they would present her request to the full Board.

Group 2
Minute taker: Connie Call:

Board members present: Barbara Jeffries, Peggy Brown, Diana Parrish and Alisa Bangerter.

William Schwarz II,
Quarterly Probation Interview:

Mr. Schwarz explained the circumstances that brought him before the Board. Mr. Schwarz indicated he is not currently working in nursing. He stated he understands the terms and conditions of his Order. **Mr. Schwarz is in compliance with the terms and conditions of his Order.**

Diane Crossley,
Quarterly Probation Interview:

Ms. Crossley explained the circumstances that brought her before the Board. She submitted a substance abuse evaluation. This evaluation is not acceptable and she will need to provide another evaluation. However, Ms. Crossley does not need to submit a

neuropsychological evaluation. Ms. Crossley requested she be allowed to work in home health care or hospice. **Ms. Crossley is in compliance with the terms and conditions of her probation.**

Jason VanDaam,
Monthly Probation Interview:

Mr. VanDaam stated he last worked as a nurse on January 22, 2012. He stated he is thinking about doing some volunteer work. Mr. VanDaam stated he has been sober for almost four years. He indicated he has a sponsor and speaks with him daily. Mr. VanDaam is late on submitting paperwork and indicated he will be better about submitting it on time. **Mr. VanDaam is out of compliance with the terms and conditions of his Order.**

Steven Booth,
Quarterly Probation Interview:

Mr. Booth is currently employed at Superior Home Health Care. He reported his surgery has been canceled and he no longer takes the pain medication prescribed because it makes him feel like he is relapsing. He indicated he has a contract with the surgeon to have the surgeon prescribe the medications for only a two week period if he is able to have the surgery in the future. **Mr. Booth is in compliance with the terms and conditions of his Order.**

Joanne Somers,
Probation Interview:

Ms. Somers reported she is doing very well. She indicated she feels she is ready to return to nursing and her physician indicated he would help her do what is needed to get her suspension lifted. **Ms. Somers is in compliance with the terms and conditions of her Order.**

Rod Cromar,
New Order:

Mr. Cromar explained the circumstances that brought him before the Board. Mr. Cromar reported he has been sober for 15 years. He indicated he has thoughts of using, but not on a daily basis. Mr. Cromar requested he be allowed to have a psychological evaluation instead of a neuropsychological evaluation. He also requested he be allowed to fill prescriptions at two pharmacies and be allowed to work under general supervision. Mr. Cromar missed a urine screen May 9, 2012 and he indicated he can not give a urine specimen observed. Mr. Cromar stated he understands the terms and conditions of the Order. Mr. Cromar does not have direct supervision and he is a supervisor. He indicated he does work with an LCSW when going into a client's home.

Ms. Brown made a motion to close the meeting in accordance with 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Parrish seconded the motion. All Committee members voted in favor of the Motion. The meeting was closed at 12:23 p.m. A motion was made to open the meeting. The motion was seconded. All Board members voted in favor of opening the meeting. The meeting was opened at 12:31 p.m. Mr. Cromar missed a urine screen yesterday. Committee members requested Mr. Cromar provide a urine screen and an investigator was called. If the urine screen comes back positive, he will be referred for an Order to Show Cause. **Mr. Cromar is out of compliance with the terms and conditions of his Order for missing a urine screen.**

Adjourned to lunch at 12:40 p.m.
Reconvened at 12:55 p.m.:

Susan Deahl,
Request to begin refresher program:

Ms. Deahl signed an MOU requiring her to pass the NCLEX within six months of signing the Order. Ms. Deahl did not pass the examination and would like to complete the refresher program at Weber State. Mr. Holt, director of the Weber State refresher program, requested Ms. Deahl receive permission from the Board to begin the program. Ms. Brown made a motion to allow Ms. Deahl to enter the refresher program and support whatever requirements are required by the refresher program. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

Report from Probation Peer Review
Committee:

Karen Sharp: Committee members recommended approval of Ms. Sharp's request for two prescribing practitioners; two pharmacies; and in accordance with the evaluations, not require drug testing or attendance at PIR or 12-Step meetings. All Board members voted in favor of the recommendations.

Susan Cluff: Committee members recommended denial of Ms. Cluff's request to attend four 12-Step meetings in lieu of PIR meeting. All Board members voted in favor of the recommendation.

Jill Smith: Committee members recommended she

continue with urine screens and therapy. She will not be required to attend 12-Step meetings. All Board members voted in favor of the recommendations.

Kay Tate Dellinger: Committee members recommend general supervision of a licensed nurse and to attend four 12-Step meetings per month in lieu of PIR meetings. All Board members voted in favor of the recommendations.

Diane Crossley: Committee members recommended she be allowed to attend either PIR or 12-Step meetings and amend her Order to allow for a psychological evaluation instead of a neuropsychological evaluation. Committee members recommended denial of her request to work in home health care or hospice. All Board members in favor of the recommendations.

Rod Lee Cromar: A Motion was made to deny his request for a psychological evaluation and he will be required to complete the neuropsychological evaluation. Mr. Cromar will also be required to attend 12-step and PIR meetings until the evaluation is received and a determination made whether or not to impose additional conditions. Board members approved his request for two pharmacies. The motion was seconded. All Board members voted in favor of the motion. Mr. Cromar will need to meet with the Board next month to provide a plan for supervision

Sherry Mack: Ms. Schilleman made a motion to lift the indefinite suspension and to place the license on probation. The motion was seconded. All Board members voted in favor of the motion.

Report from the Education Committee:

Ms. Brown reported the Education Committee made a recommendation to allow Broadview University to continue to teach out current students on a quarter by quarter basis until 2013. The program can not accept any new students. They have until June 7, 2012 to have an articulation agreement in place with another program willing to accept the students if the program closes. All Board members voted in favor of the recommendation. Ms. Brown also reported that the Division will work with nursing education programs to download electronic transcripts.

Ms. Murdock's RN license was surrendered May 2010. When she signed her surrender document, she agreed not to re-apply for five years. Ms. Murdock is now requesting reinstatement of her RN license. Ms. Murdock indicated she met with Ms. Poe and Division staff who indicated she could re-apply after a two-year period if she documented one year of sobriety by signing up with the Division's urine screen program. Ms. Murdock presented documentation from Division staff that indicated she would not need to wait the five years. Ms. Call reported Ms. Murdock's urine screens have been negative. Ms. Murdock reported she has been attending a grief support group and has completed the LDS Church addiction program. Ms. Jeffries questioned whether or not she is a drug addict? Ms. Murdock indicated she is an addict, addicted to prescription medications. Ms. Parrish questioned whether or not she feels she is safe to practice. Ms. Murdock stated she feels she is safe. She reported that in the past she did not have the support system in place that she has now. Mr. Killpack made a motion to have Ms. Murdock provide a psychological and physical evaluation indicating she is safe to practice and a substance abuse evaluation. If everything is in order, issue the license on probation with the standard terms and conditions and any requirements specified in the evaluations. Ms. Partridge seconded the motion. Ms. Brown and Ms. Schilleman opposed the motion. All other Board members voted in favor of the motion.

Probationer requests:

Kellie Roring requested termination of therapy. Ms. Brown made a motion to terminate the therapy requirement based on the therapist's recommendation. Ms. Schilleman seconded the motion. All Board members voted in favor of the motion.

Debbie Kilgrow requested she be allowed to work as an admission RN at Heartwood Home Health. Mr. Killpack made a motion to approve her request to expand her job position to admissions RN at Heartwood Home Health as long as she remains in compliance with the terms and conditions of her Order. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

Michelle Peterson is requesting early termination of probation. Mr. Killpack made a motion to deny the

request. She has only documented two years of sobriety. Ms. Schilleman seconded the motion. All Board members voted in favor of the motion.

Lacy Tanner requested termination of therapy. Ms. Tanner would also like to work 16 hours per week at the 5-Minute Clinic. Ms. Brown made a motion to terminate the therapy requirement in accordance with the recommendation of the therapist and to allow her to work 16 hours per week at the 5-Minute Clinic as long as the job description requires an RN license. Mr. Killpack seconded the motion. All Board members in favor.

Michael Ross requested termination of therapy and to be allowed to work a minimum of six hours per week. Ms. Schilleman made a motion to approve termination of therapy based on the therapist recommendation; however, deny the request to work a minimum of six hours per week. Ms. Kirby seconded the motion. All Board members voted in favor of the motion.

Katie Roach is requesting termination of therapy and would like to have access to controlled substances returned. Ms. Roach has been on probation since February 2012 and has been sober for one year. Mr. Allred indicated the individual who signed the therapist report indicating Ms. Roach has met the terms of therapy does not have the appropriate credentials or license. Mr. Killpack made a motion to table the request until the Board receives an evaluation from a qualified individual that therapy is no longer necessary. Her request for access to controlled substances is also denied because she has not documented a long enough period of time on probation for Board members to monitor her practice. Mr. Allred seconded the motion. All Board members voted in favor of the motion.

Sarah Cormier requested early termination of probation. Ms. Jeffries made a motion to approve the request to terminate probation early. Mr. Allred seconded the motion. All Board members voted in favor of the motion.

Kaylyn Thompson requested general supervision; access to controlled substances and to be allowed to

call in prescriptions to the pharmacy. Ms. Schilleman made a motion to allow access to controlled substances and general supervision; however deny the request to call in prescriptions to the pharmacy. Mr. Killpack seconded the motion. Ms. Partridge opposed the motion. All other Board members voted in favor of the motion.

Stephanie Thomas is requesting to be allowed to have two prescribing practitioners. The request was tabled until clarification is received regarding who the prescribing practitioners will be.

Rules:

Board members reviewed the proposed changes to the rule. According to the NCLEX 5% below the national average NCLEX rule, there are currently three schools at risk, Broadview University, Nightingale College and CEU. Board members agree with the rule. A motion was made to keep the no more than 5% below the national average pass rate on the NCLEX examination for first time test takers in Rule. The motion was seconded. All Board members in favor.

Ms. Brown made a motion to move the proposed changes forward for the Rule making process. Mr. Killpack seconded the motion. All Board members voted in favor of the motion.

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.

July 12, 2012
Date Approved

(ss) Diana Parrish
Diana Parrish, Chair, Utah Board of Nursing

July 12, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager, Division of Occupational
& Professional Licensing