

**OFFICE OF PROFESSIONAL REGULATION  
NATIONAL LIFE BUILDING, MONTPELIER, VT  
BOARD OF NURSING  
UNAPPROVED MINUTES  
FEBRUARY 8, 2010**

**1. Call to Order:**

The meeting was called to order at 9:00 AM by Jeanine Carr Vice-Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Jeanine Carr, Donarae Metcalf, Ken Bush, John Todd, Deanne Welch; Board Members absent: Ellen Leff; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Christopher Winters - Director of OPR, Elizabeth Hansen - Program Coordinator, Larry Novins and Kevin Leahy - Board Attorneys, Ed Adrian- Prosecuting Attorney; Jeff Jones – Investigator for OPR; Others present: Castleton State Students and faculty, Franklin Pierce Students, Judith Rex, Karen Tronsgard-Scott, Judy Dickson, Patricia Wilson, Michael Harris, Esq., Kelly Higgins by telephone, Lynn Guilmette by telephone

**2. Changes and Additions to the Agenda:**

Jeanine Carr welcomed the Castleton State College nursing students and the Franklin Pierce College nursing students.

The revised agenda provided at the meeting today was accepted with changes to the hearing times and cancellation of hearings.

**3. Approval of Minutes:**

A. Weiss moved to approve the minutes of the January 11, 2010 meeting. **Pass**

**4. Administration, Education, Practice, Licensure**

**A. Executive Director's Report** – Attached. The Office of Nursing Workforce has requested the Board of Nursing's support for continuation of data collection regarding the Vermont nursing workforce during license renewal cycles. Additionally, they are requesting a formal collaboration to request NCSBN funding to support data collection and analysis. The proposal will be in the March Board meeting packet. M. Botter reported that she will only be in the Office on the week of the Board meeting but is available via phone or e-mail.

**B. H1N1 Altered Standards of Care Committee Update** - The 4<sup>th</sup> call regarding standards of care that might be altered in case of a state health emergency was held last week. The group is currently reviewing standards in various care settings (such as long term care, home health, inpatient hospital units, emergency departments, emergency medical, etc.) that might be considered for alteration in a state emergency. Four additional calls are

scheduled between now and the end of March. E. Hagman will be participating in calls when M. Botter is not available.

- C. **March Board Meeting: 3/15/10** – The March Board meeting date was rescheduled from 3/8/10 to 3/15/10 and will be held at the Capitol Plaza in Montpelier
- D. **NCSBN Mid-Year Meeting Reminder** – The NCSBN Mid-Year meeting will be held in Chicago during the week of March 8<sup>th</sup>, 2010. E. Leff, J. Todd and M. Botter are attending.
- E. **Quarterly Licensure and Case Report: Currently Available Data (distributed at meeting)** - M. Botter provided the Board with a template for quarterly reports. She noted that enforcement data is not yet able to be easily obtained from e-license. The Board reviewed the proposed report and available licensing data. They accepted the report template and until enforcement data is available would like to continue receiving licensing data. M. Botter, E. Hagman and C. Winters will be meeting to review data requirements for reporting and management. A request for report development will then be made to the e-license vendor
- F. ***Just What Does Culture Have to Do With Patient Safety – Article from Medscape Nurses*** – E. Leff requested this article be distributed to the Board. In her absence, J. Carr discussed the article with the Board and how the principles may be used by the Board when considering disciplinary cases.
- G. **Revised “Unlicensed Practice-Guidelines for Administrative Fines and Disciplinary Action”** – D. Welch moved to approve the “Unlicensed Practice-Guidelines for Administrative Fines and Disciplinary Action”. A. Weiss voted No. **Pass**  
A. Weiss requested that a discussion on how to fine employers who allow unlicensed practice. This item will be put on a future agenda.
- H. **Alternative Program Workgroup: Update and review of Draft Alternative Program Brochure** – E. Hansen reported that a new Alternative Program contract is being developed. E. Hansen reported that an individual in a Master’s program would like to work with the Alternative Program Committee. The Board reviewed the Alternative Program Brochure and if they have suggestions for the brochure they will contact E. Hansen.
- I. **Executive Director Search Update** – C. Winters updated the Board on the February 22, 2010 interviews that are scheduled for Executive Director Applicants.
- J. **Draft Board of Nursing Administrative Rules** – M. Botter updated the Board on the Public comment session to be held on Friday, February 12<sup>th</sup> at 9:00 a.m. M. Botter and K. Leahy reminded the Board of their roles in this process. J. Todd, A. Weiss, W. White, E. Leff, M. Botter, L. Novins and K. Leahy would be attending the Public comment session.  
C. Winters updated the Board on the process of the OPR Bill in Legislature. The Medical Society presented a proposal to a legislative committee that would make changes to the Nursing statutes regarding APRNs. A Bill has not been presented to legislature but that does not mean a bill will not be

introduced in the future. C. Winters advised the Board that he would be representing the Board at legislature. He cautioned individual members of the Board about making comments about the rules changes that could be construed as coming from the Board.

- K. Fraudulent Nursing Program Cases: Hearings** – After licensure, a few licensees were discovered to have attended or provided documents from fraudulent nursing programs. After review and discussion with E. Adrian and C. Winters, it was decided that the preferred approach in these cases would be to provide the licensees with the opportunity for a hearing. At the hearing they would have the opportunity to provide evidence that the educational program attended met Vermont standards. Judge George Belcher has agreed to conduct these hearings. D. Metcalf moved to have Judge Belcher conduct the hearings and make recommendations to the Board for approval.

**Pass**

- L. Revised SANE Administrative Rules** – L. Novins and M. Botter participated in a conference call regarding the SANE Rules after the last Nursing Board meeting. Input was provided and the SANE Rules have been revised. Judy Dickson, Karen Tronsgard and Judith Rex appeared before the Board to discuss the revised proposed SANE rules and to request that the Board of Nursing reverse their request for a hearing. After a discussion it was agreed that another draft of the SANE rules would be prepared and brought back to the Board's March meeting for review.

- M. End-of-Life Education for Health Care Professionals Study Committee** – The Board received in their packet the final letter that was sent to the legislative committees.

- N. Nursing Education Committee** – J. Carr updated the Board about a book entitled *Educating Nurses* by Patricia Benner that she thought the Board might find enlightening and informative.

M. Botter reported that three site visits are scheduled for this spring. Southern Vermont College is undergoing a regularly scheduled visit corresponding to the visit from their national accrediting organization. The AD and BS programs will be reviewed for re-approval. E. Hansen and L. Welch will be the site evaluators. The University of Vermont is also undergoing a regularly scheduled visit corresponding to the visit from their national accrediting organization. The BS and MS programs will be reviewed for re-approval. E. Hansen and A. Ristau will be the site visitors. Norwich University is scheduled for an interim visit due to their Conditional Approval Status. M. Botter and J. Carr will be the site visitors.

- 1. Request for Reappointment of Members** - A. Weiss moved to approve J. Carr and D. Robinson for a 3 year reappointment to the Nursing Education Committee.

**Pass**

- 2. Request for changes to the Charter** – A. Weiss moved to approve the request for a charter change from “Board members include 2 RNs, 1 LPN and 1 Public member” to this position may be filled by “an LPN (licensee or Board Member or an individual with expertise in practical nurse education”

and to modify the following sentence, "The committee is staffed by the Nursing Board Executive Director" to include "or designee." **Pass**

**3. Recommendations following VTC Extended Campus focus visit – J.** Todd moved to accept the recommendations for the VTC Extended Campus following a focus visit. D. Robinson recused. **Pass**

**O. Biennial Nursing Assistant Program Reviews: Request for approval –**

- **River Valley Technical (day program)** – D. Metcalf moved to grant Conditional Approval with recommendations for the River Valley Technical (day Program) **Pass**
- **Northland Job Corps.** – D. Metcalf moved to grant Conditional Approval with recommendations for the Northland Job Corps. **Pass**

**P. Nursing Assistant Program Annual Reports: Request for Acceptance**

- **Bennington Health & Rehabilitation** – J. Todd moved to Accept Bennington Health & Rehabilitation Annual Report with a progress report due by July 1, 2010. **Pass**
- **Berlin Health & Rehabilitation** – D. Robinson moved to Accept Berlin Health & Rehabilitation Annual Report with a progress report due by July 1, 2010. D. Metcalf recused. **Pass**
- **Franklin County Rehabilitation** – J. Todd moved to Accept Franklin County Rehabilitation Annual Report with a progress report due by July 1, 2010. **Pass**
- **Patricia Hannaford Career Center** – S. Norton moved to Accept Patricia Hannaford Career Center Annual Report with a progress report due by July 1, 2010. **Pass**
- **Northwest Technical Center (Day Program)** – S. Norton moved to Accept Northwest Technical Center (Day Program) Annual Report with a progress report due immediately following the next class taking the state competency exam. **Pass**
- **Northwest Technical Center (Adult Program)** – D. Robinson moved to Accept Northwest Technical Center (Adult Program) Annual Report with a progress report due by July 1, 2010.. **Pass**
- **Vermont Veterans' Home** – D. Robinson moved to Accept Vermont Veterans' Home Annual Report. **Pass**

**Q. Nursing Program Annual Reports: Request for Acceptance**

- **Southern Vermont College** – D. Robinson moved to Accept Southern Vermont College Associate Degree Program Annual Report with a progress report due in 90 days. **Pass**
- **Southern Vermont College** – J. Todd moved to Accept Southern Vermont College Baccalaureate Degree Program Annual Report with a progress report due in 90 days. **Pass**
- **Norwich University** – S. Norton moved to Accept Norwich University Baccalaureate Program Annual Report with a progress report due in 90 days. **Pass**
- **Vermont Technical College Re-Entry Nursing Program** – D. Welch moved to Accept the Annual Report from Vermont Technical College's

Re- Entry Nursing Program for RNs and LPNs. D. Robinson recused.  
**Pass**

**R. Nursing Program Review: Request for Approval –**

- **Vermont Technical College RN and LPN Re-Entry Program –** J. Todd moved to grant continued Approval to the VTC Re-Entry Program for a five year cycle (through January 2015). D. Robinson recused.  
**Pass**

**S. Nursing Practice Committee –** E. Hagman reported that the Practice Committee was working on Anesthesia related position statements and the position statements should be ready for the Board's review at the April meeting.

**T. APRN Advisory Committee –** M. Botter reported that as requested by the Board the APRN Advisory committee members are developing recommendations for implementation of the Administrative Rules.

5. **Public Comment:** There were no public comments.

6. **Disciplinary Proceedings:**

NA45-0109/2009-5 Ann Margaret Howes was not present. D. Robinson moved to **REVOKE** the license of Licensed Nursing Assistant **Ann Margaret Howes**.  
**Pass**

NA23-1008/2008-401 Michelle Rayta was not present. D. Welch moved to find Michelle Rayta in **DEFAULT**.  
**Pass**  
J. Carr moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Michelle Rayta**.  
**Pass**

2009-202 Patricia Wilson was present. D. Welch moved to **CONTINUE** for 2 weeks to allow Licensed Practical Nurse **Patricia Wilson** time to file an answer to the charges and to provide the Office with a current phone number and address.  
**Pass**

2009-416 Krystal Curran was not present. K. Bush moved to find Krystal Curran in **DEFAULT**.  
**Pass**  
A. Weiss moved to **REVOKE** the license of Licensed Nursing Assistant **Krystal Curran**.  
**Pass**

2009-174 Marja Lawrence was not present. D. Welch moved to find Marja Lawrence in **DEFAULT**.  
**Pass**  
D. Metcalf moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Marja Lawrence**.  
**Pass**

2009-428 Alberta Longe was not present. D. Welch moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Alberta Longe**.  
**Pass**

- 2009-240 Sherri Mitchell was not present. S. Norton moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse **Sherri Mitchell**. **Pass**
- 2009-326 Marta Reichenbecher was not present. S. Norton moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Marta Reichenbecher**. **Pass**
- NU77-1208/2008-504 Bernadette Martino was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Bernadette Martino**. **Pass**
- NU24-0908/2008-344 Kelly Higgins was present by phone and represented by Michael Harris, Esq. J. Carr moved to go into deliberative session at 2:50 p.m. **Pass**
- The meeting resumed at 3:05 p.m. D. Welch moved to go back into deliberative session 3:27 p.m. **Pass**
- The meeting resumed at 3:38 p.m. L. Novins announced for the Board that while in deliberative session the Board voted to not set aside the default order. The Board will issue a written decision.
- APP Lynn Guilmette was present by telephone. J. Todd moved to **CONTINUE** The denial of licensing application hearing to allow Ms Guilmette to obtain additional documentation. **Pass**
- 2009-268 Caroline Libbey was not present. K. Bush moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Practical Nurse **Caroline Libbey**. **Pass**
- 2009-121 Candace Pratt was not present. K. Bush moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY OF \$100.00** on the license of Registered Nurse **Candace Pratt**. **Pass**

## 7. Hearing Officer Appeal's Recommendations

- **Shalu Mathews Punnoose** – K. Bush moved to accept the recommendation to reverse the pre-denial and approve the application of Shalu Mathews Punnoose be **GRANTED**. **Pass**
- **Sheela Mamen** – D. Metcalf moved to accept the recommendation that the application of Sheela Mamen be **DENIED**. **Pass**
- **Tarsem Kaur** . – D. Metcalf moved to accept the recommendation that the application of Tarsem Kaur . be **DENIED**. **Pass**
- **Deep Shikha** . – J. Todd moved to accept the recommendation that the application of Deep Shikha . be **DENIED**. **Pass**

- **Maujdi Abdulsalam** – J. Todd moved to accept the recommendation that the application of Maujdi Abdulsalam be continued until July 15, 2010 in order to determine whether he has satisfied the psychology requirement. **If a Verification of Education form showing that he has met the psychology requirement is not received by July 15, 2010 then the application will be Denied.** **Pass**
- **Arnel Mathew Garcia** – D. Robinson moved to accept the recommendation that the application of Arnel Garcia be continued until June 15, 2010 in order to determine whether he has satisfied the psychology requirement. **If a Verification of Education form showing that he has met the psychology requirement is not received by June 15, 2010 then the application will be Denied.** **Pass**
- **Armee Saldua** – D. Metcalf moved to accept the recommendation that the application of Armee Saldua be continued until June 26, 2010 in order to determine whether he has satisfied the psychology requirement. **If a Verification of Education form showing that he has met the psychology requirement is not received by June 26, 2010 then the application will be Denied.** **Pass**
- **Harsharn Kaur .** – S. Norton moved to accept the recommendation that the application of Harsharn Kaur . be **DENIED.** **Pass**
- **Ernesto Reyes** – J. Todd moved to accept the recommendation that the application of Ernesto Reyes be continued until June 26, 2010 in order to determine whether he has satisfied the psychology requirement. **If a Verification of Education form showing that he has met the psychology requirement is not received by June 26, 2010 then the application will be Denied.** **Pass**
- **Wilma Labor** – D. Robinson moved to accept the recommendation that the application of Wilma Labor be **DENIED.** **Pass**
- **Amanpreet Kaur .** – D. Metcalf moved to accept the recommendation that the application of Amanpreet Kaur . be **DENIED.** **Pass**
- **Solly Mathew Sunny** – J. Todd moved to accept the recommendation that the application of Solly Sunny be continued until June 17, 2010 in order to determine whether he has satisfied the psychology requirement. **If a Verification of Education form showing that he has met the psychology requirement is not received by June 17, 2010 then the application will be Denied.** **Pass**

#### **Closing reports:**

A. Weiss moved to recommend that the following complaint be concluded without charges:

- 2009-245 K. Bush recused. **Pass**

J. Todd moved to recommend that the following complaint be concluded without charges:

- 2009-244 K. Bush recused **Pass**

**8. Nursing Law's Regan Report:** The Board received the January 2010 report.

9. **Adjournment:** J. Todd moved to adjourn the meeting at 4:05 p.m.

**Pass**

Minutes recorded by: Nancy Morin, Administrative Assistant

Draft minutes reviewed by: Mary L. Botter, Executive Director

Date minutes approved by Vermont Board of Nursing: \_\_\_\_\_