

**OFFICE OF PROFESSIONAL REGULATION  
89 MAIN STREET, 3<sup>RD</sup> FLOOR, MONTPELIER, VT  
APPROVED MINUTES  
November 18, 2013**

**1. Call to Order:**

The meeting was called to order at 9:00 AM by Jeanine Carr – Chair at 89 Main Street, Montpelier; Board members present: John Todd, Alan Weiss, Ellen Watson, Stephen Morse, Douglas Sutton, Sheila Davis, Deborah Swartz, William White; Board member absent: Virginia Hudson, Luana Tredwell; Staff members present: Linda Davidson - Executive Director, Nancy Morin - Administrative Assistant, Michael Saint Joseph - Nursing Program Manager, Ellen Leff - Nursing Case Manager, Larry Novins - Board Attorney, Gabriel Gilman, Lauren Hibbert - Prosecuting Attorneys, Christopher Winters – Director of OPR; Others present: University of Vermont students, Dawn McBeigh, by telephone, Rachael Coax, John Pacht, Esq., Jason Sawyer, Esq., Alyssa Coon, Chivonne John, Diedre Arguin, Donna Ryder, by telephone, Rose Mary Mayhew and Susan Fortin

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

- J. Carr welcomed the University of Vermont Students. Stipulations for Gregory Sieverding, Paula Brown, Kirby Nichols-Cyr and Emily Legacy were added to the agenda.

**3. Approval of Minutes:**

J. Todd moved to approve the minutes of the October 14, 2013 meeting with corrections as noted. **Pass**

**4. Disciplinary Proceedings:**

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|----------|--|
| 2012-388 | Deidre Arguin was present and represented by John Pacht, Esq., The Board went into deliberative session at 12:21. The Board will issue a written decision.   |
| 2012-119 | Ernest Lapierre was not present. J. Carr moved to approve the Stipulation and Consent Order and <b>CONDITION</b> the license of Advanced Practice Registered Nurse <b>Ernest Lapierre</b> . A. Weiss recused. <span style="float: right;"><b>Pass</b></span> |
| 2012-217 | Ann Barton-Sullivan was not present. The Charges were <b>DISMISSED</b> by the Prosecutor.  |
| 2013-160 | Dawn Peckham was present. D. Sutton moved to approve the Stipulation and Consent Order and <b>WARN AND CONDITION</b> the license of Licensed Nursing Assistant <b>Dawn Peckham</b> . <span style="float: right;"><b>Pass</b></span>                          |
| 2012-700 | Dawn McBeigh was present by telephone. The Board went into deliberative session at 10:45 a.m. The meeting resumed at 10:55 a.m. The Board while in deliberative session voted to <b>DISMISS THE CHARGES</b> . The Board will issue a written decision.       |
| 2012-591 | Paula Brown was not present. S. Morse moved to approve the Stipulation and Consent Order and <b>WARN AND CONDITION</b> the license of Registered Nurse <b>Paula</b>  |

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|-------------------------------|--|-------------|
|                               | <b>Brown.</b> D. Swartz recused.   | <b>Pass</b> |
| 2013-2                        | Suzanne Sylvester was not present. The hearing was continued until December 9, 2013.   |             |
| 2013-227                      | Donna Ryder was present by telephone. Board went into deliberative session at 1:45 p.m. The meeting resumed at 1:53 p.m. The Board will issue a written decision.  |             |
| 2012-7                        | Wendy Daley was not present. The hearing was continued until December 9, 2013.   |             |
| 2012-720                      | Amy MacDonald was not present. The Charges were <b>DISMISSED</b> by the Prosecutor.  |             |
| 2012-450                      | Gregory Sieverding was not present but was represented by Jason Sawyer, Esq. J. Carr moved to <b>NOT APPROVE</b> the Stipulation and Consent Order.  | <b>Pass</b> |
| 2013-432                      | Alyssa Coon was present. The Board went into deliberative session at 11:20 a.m. The meeting resumed at 11:35 a.m. The Board will issue a written decision. D. Swartz recused.  |             |
| Applicant                     | Chivonne John was present. The Board will issue a written decision.  |             |
| M2013-78(2012-297 & 2012-194) | Rachel Coax was present and represented by Jason Sawyer, Esq. The Board went into deliberative session at 10:05 a.m. The meeting resumed at 10:12 a.m. The Board will issue a written decision. Stephen Morse recused. |             |
| 2013-303                      | Christy Richard was not present. D. Sutton moved to approve the Stipulation and Consent Order and <b>WARN AND CONDITION</b> the license of Licensed Nursing Assistant <b>Christy Richard</b> .                         | <b>Pass</b> |
| 2013-161                      | Lydia Hill was not present. E. Watson moved to approve the Stipulation and Consent Order and <b>REPRIMAND AND CONDITION</b> the license of Licensed Practical Nurse <b>Lydia Hill</b> .                                | <b>Pass</b> |
| 2012-75                       | Jennifer McKenney was not present. J. Todd moved to approve the Stipulation and Consent Order and <b>INDEFINITELY SUSPEND</b> the license of Registered Nurse <b>Jennifer McKenney</b> .                               | <b>Pass</b> |
| 2013-166                      | Jennifer McKenney was not present. The Charges were <b>DISMISSED</b> by the Prosecutor.  |             |
| M2010-73 (NU79-0109 & 2009-1) | Kirby Nichols-Cyr was not present. D. Sutton moved to approve the Stipulation and Consent Order and <b>REINSTATE AND CONDITION</b> the license of Licensed Practical Nurse <b>Kirby Nichols-Cyr</b> .                  | <b>Pass</b> |
| 2012-62                       | Emily Legacy was not present. J. Carr moved to approve the Stipulation and Consent Order and <b>INDEFINITELY SUSPEND</b> the license of Licensed Nursing Assistant <b>Emily Legacy</b> .                               | <b>Pass</b> |

#### **CLOSING REPORTS:**

S. Morse moved to recommend that the following complaints be concluded without charges.

- 2012-485 – J. Carr recused
- 2013-336 – J. Carr recused
- 2013-414 – D. Sutton recused
- 2013-445 – D. Sutton recused
- 2013-301 – V. Hudson recused
- 2013-411 – S. Davis recused

**Pass**

#### **OTHER DISCIPLINARY ITEMS:**

- A. Current Discipline Cases – October 31, 2013** – The Board received and reviewed the current discipline cases with E. Leff. E. Leff asked for volunteers to be an I-team member for Applications that needed an I-team so they could be process faster.

#### **5. Administration, Education, Practice, Licensure**

**Executive Director's Report:** The Board received the written Executive Director's Report and related documents provided in the Board meeting packet.

- **Nursing Program Manager:** Michael Saint Joseph, MSN, RN has accepted the position of Nursing Program Manager for the Board of Nursing. Mr. Saint Joseph has a Master of Science in Nursing with a concentration in Health Care Education. His experience includes psychiatric/substance abuse nursing, online instructor for the University of Phoenix, LNA Program Administrator/Instructor and test evaluator as well as experience as a school nurse. He will begin work on November 18, 2013.
- **Interim Nursing Program Manager:** L. Davidson assumed the responsibilities of the Nursing Program Manager since the retirement of E. Hansen on October 18, 2013. She is fortunate to have had such a conscientious and well organized employee. E. Hansen left the position in good shape. L. Davidson has been able to follow E. Hansen's systems to answer questions and any issues that arise. L. Davidson will be orienting Mr. Saint Joseph to his new role.
- **School Health Nurses:** E. Leff and L. Davidson met with Sharonlee Trefry, State School Nurse Consultant and Nathaniel Waite, Public Health Nurse on October 16, 2013. Discussed at this meeting was clarification of Board of Nursing roles, Department of Health roles and Board of Education roles in regards to school nurses. We explored ways in which we can work together to ensure the health, safety and well-being of school children in Vermont while understanding our individual mission and authority. We plan to have quarterly meetings.
- **American Association of Nurse Practitioners (AANP) Regional Invitational Leadership Meeting:** On October 26, 2013 L. Davidson participated in the AANP Regional Invitational Leadership meeting held in Stowe, Vermont. Among the participants were Nurse Practitioner leaders from Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island and Vermont. Topics discussed included the 2013 federal policy review, state policy trends, and regional updates of state action.
- **Website:** The Office of Professional Regulation will have a new website design. This change will update the website, making it more user friendly for our consumers as well as staff. The current website will remain in place while testing is done to assure the new web design is functioning correctly. A roll out date for the new website is not determined at this time.
- **Division of Practitioner Data Bank (DPDB) Compliance Audit:** On October 28, 2013, Liz Amaral (OPR Docket Clerk) and L. Davidson participated in the DPDB compliance audit webinar. Vermont has been one of the nursing boards chosen for the 2014 DPDB

compliance audit. This audit will check Vermont's Board of Nursing public website and verify that all disciplinary actions posted match up to the actions submitted to the Data Bank.

- **Citizen Advocacy Center (CAC) 2013 Annual Conference:** On October 29-30, 2013 L. Davidson participated in a number of segments via webinar from the CAC. Topics included "How Unjustifiable Scope of Practice Restrictions Limit Access to Care", "Improving Access in Underserved Communities", "Where Do Your Licensees Work and What Services Do They Provide?", "Who Gains From Degree Creep – the Public or the Profession?", "Business Restrictions, Anti-Trust and Access to Care", and "When is the Public Better Protected by Regulation and When is it Not?"
  - **Licensure:** There are no renewal cycles in progress at this time.
  - **Discipline:** As of October 30, 2013 there are 141 open cases, 48 follow-up cases and 10 Alternative Program participants (7 Traditional participants and 3 Practice Remediation Program participants.)
- A. **OPR/Nursing Budget:** C. Winters, Director of OPR appeared before the Board to discuss the Nursing Board Budget. C. Winters was requesting that the Board increase the Renewal fees for APRN's, RN's, LPN's and LNA's so the Board would not be in a budget deficit. J. Todd moved to propose a 50% increase for renewal fees. **Pass**
- B. **Licensing: Lapse vs. Reinstate:** This agenda item was tabled until the December Board meeting.
- C. **2014 Strategic Initiatives and Goals:** The Board received the 2014 Strategic Initiatives and Goals with the revised changes.
- D. **Board Retreat Agenda:** The Board set the Board Retreat for April 7, 2014. Board members will e-mail L. Davidson with suggested agenda items.
- E. **Multi-State Licensure (NCSBN Question):** The Board discussed and agreed that more information was needed before the Board could respond to NCSBN regarding Multi-State Licensure.
- F. **LNA Medication Administration Delegation Program:** The Board received and discussed the recommendations from the Stakeholder Workgroup, the Nursing Assistant Education and Practice Committee, and the Education Committee. S. Fortin and R. Mayhew appeared before the Board to request that the recommendation include that MNA's could administer controlled substances. S. Morse moved to accept the recommendations from the Education Committee which would not allow MNA's to administer controlled substances. **Pass**
- G. **NCLEX RN and PN 3<sup>rd</sup> Quarter Reports:** The Board received and reviewed the reports. J. Carr requested that Staff discuss with NCSBN to find a way to run the list to include a more comprehensive report.
- H. **Public Comments** – There were no public comments.
- I. **Education Committee Report:** The Education Committee has not met since the last Board meeting. The Committee is requesting that the Board accept the following Nursing Education Program Annual Reports. A. Weiss moved to accept the following Nursing Education Program Annual Reports:
- Vermont Technical College Associate of Science in Nursing
  - Vermont Technical College Practical Nursing Program

- Vermont Technical College LPN & RN Re-Entry Programs
- Vermont Technical College Bachelor of Science in Nursing (RN to BSN)
- University of Vermont Baccalaureate Nursing Program
- University of Vermont Doctoral Nursing Program
- University of Vermont Master of Science Program
- Southern Vermont College Pre-licensure (generic) Bachelor of Science in Nursing
- Southern Vermont College Bachelor of Science in Nursing (RN to BSN)
- Southern Vermont Associate Degree in Nursing Annual Report
- Norwich University Master of Science in Nursing
- Norwich university Bachelor of Science in Nursing
- Castleton State College Bachelor of Science in Nursing
- Castleton State College Associate of Science in Nursing

**Pass**

- J. Practice Committee:** D. Sutton reported that the Nursing Practice met on November 6, 2013. The Committee continues to work on position statements and is requesting the Board consider the following position statements:

- **Role of the Nurse in the Delegation of Insulin Pumps in School Settings – Retire:** S. Morse moved to retire the Role of the Nurse in the Delegation of Insulin Pumps in School Settings Position Statement and the **Administration of Medication on School Field Trips Position Statement.**
- **Role of the Licensed Practical Nurse in Patient Assessment and Triage – Retain without Revision:** E. Watson moved to retain without revision the Role of the Licensed Practical Nurse in Patient Assessment and Triage Position Statement.

**Pass**

**Pass**

- K. Alternative Program Committee:** The Committee has not met since the last Board meeting

- L. Nursing Assistant Education & Practice Committee:** The Nursing Assistant Education & Practice Committee has not met since the last Board meeting. The Committee will meet on January 10, 2014.

- M. APRN Advisory Committee Report:** The APRN Advisory Committee has not met since the October Board meeting. The next Committee meeting is scheduled for November 20, 2013.

- 6. Other Business:** There was no other business

- 7. Adjournment:** D. Sutton moved to adjourn the meeting at 4:47 p.m.

**Pass**

Minutes recorded by: Nancy Morin, Administrative Assistant  
 Draft minutes reviewed by: Linda Davidson, Executive Director  
 Draft minutes approved by Vermont Board of Nursing: December 9, 2013.