

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES**

NOVEMBER 9, 2009

1. Call to Order:

The meeting was called to order at 9:00 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Jeanine Carr, Donarae Metcalf, Ken Bush, John Todd. Board members absent Deanne Welch. Staff members present: Mary Botter – Executive Director, Elizabeth Hansen - Program Coordinator, Nancy Morin - Administrative Assistant, Ellen Hagman - RN Staff, Larry Novins and Kevin Leahy - Board Attorneys, Christopher Winters – Director, OPR, Betsy Wrask - Prosecuting Attorney, Jamie Palmisano, OPR Investigator. Others present: Madeline Mongeon, Diane Updyke, Judy Barone, Esq., Nicole Fontaine, Daniel Eickenberg, by phone.

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted with one correction. A report regarding the Nursing Board Goals for 2009 is being presented for acceptance. The proposed Nursing Board Goals for 2010 will be presented in December.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the October 12, 2009 meeting. J. Todd recused.

Pass

4. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. M. Botter advised the Board of her schedule during the next few months until a new Executive Director is hired and oriented. The Office is conducting an audit of APRN files. As data from each file is being added to e-license the files are being audited to verify that each file is complete. If issues are identified, the APRN will be contacted with instructions to provide the essential documentation within a 30 day period. As each file is reviewed and data entered into e-license, a RN credential will be established for each APRN. Thus, as required by Rule, all APRNs will hold a RN license and an APRN endorsement.

B. Fall Nursing Board Retreat – The Fall Board Retreat will be held on Friday December 4, 2009. Recommendations arising from discussion at the retreat will be placed on the December Board meeting agenda for formal

consideration and action.

- C. **OPR Board Retreat** – The annual OPR fall retreat is being held on November 12, 2009 at the Snowflake Resort in Stowe. All Board members are invited to attend and new Board members are strongly encouraged to participate.
- D. **Board of Nursing Newsletter** – The next Board of Nursing newsletter is being prepared for publication. Board members should contact Ellen Hagman with suggestions for the newsletter.
- E. **2010 NCSBN Institute of Regulatory Excellence January 19-21 – Continued Competence 360** – This meeting will address various strategies that may be used to assure continued competence. Options to be discussed include mandatory routine examination, continuing education, and practice requirements. The Vermont Board of Nursing should be represented at this meeting regarding continued competence. Board members are asked to contact N. Morin if they are interested in attending the meeting.
- F. **Nursing Board Goals 2009: Request for acceptance of report** – J. Carr moved to approve the Nursing Board Goals 2009 progress report. **Pass**
- G. **H1N1 Altered Standards of Care** – M. Botter was asked to participate in a meeting about strategies to be considered if an outbreak of H1N1 occurs. Scope of practice changes may be requested by health care organizations. M. Botter will provide an overview of upcoming conference calls to the Board.
- H. **Alternative Program Workgroup: Update** – E. Leff reported that she and E. Hansen, J. Todd and W. White have been evaluating the processes currently in use for program management. The group is drafting an interview and screening check list for individuals who apply for the Alternative Program. They are also drafting a new Alternative Program Brochure for the Board to review at the December meeting. The Board will discuss a possible change in the description of the Alternative Program at the Board Retreat. The December agenda may include an agenda item regarding the proposed language to be included in the OPR bill at the Board Retreat.
- I. **Draft Administrative Rules: Next Steps**—A fourth working session to edit the draft of the proposed Administrative Rules was held in October. Participants were E. Leff, A. Weiss, K. Leahy, E. Hansen and M. Botter. The edited draft is in the Board packet today. A detailed review will be conducted at the Board Retreat. Revisions will be made prior to the December meeting. At that time the draft Administrative Rules will be on the agenda for review and approval. Once approved by the Board notice of the opportunity for public comment will be sent to interested parties. After comments are received, the Board may choose to further revise the draft Administrative Rules prior to submitting them for the formal rules making process.
- J. **Discipline Follow-up Report** – J. Carr moved to accept the October 2009 Discipline Follow-up Report.
- K. **End-of-Life Education for Health Care Professionals Study Committee** - J. Carr and A. Weiss are representing the Board of Nursing in a collaborative effort with the Medical Practice Board to provide a report to the House Health Committee on Human Services and the Senate Committee on Health and

Welfare by January 2010. The report must include recommendations for improving the knowledge and practice of health care professionals in Vermont with respect to palliative care and pain management. The Board expressed the opinion that a joint report would be most desirable. J. Carr reported that the study committee had yet to clarify if the Medical Practice Board and the Nursing Board are going to issue a joint report or separate reports.

- L. Nursing Education Committee** – The Committee will be meeting in November to review the annual reports submitted by all Vermont nursing programs. Recommendations will be made to the Board at the December meeting. E. Hansen has assumed responsibility for being the RN staff supporting the Committee.
- M. Laser Use Study Committee** – M. Botter is representing the Board of Nursing on the interdisciplinary committee studying the use of laser light and radio frequency devices. The work of the committee expanded to include cosmetic injectables. A position statement recommended by the Nursing Practice Committee is being presented to the Board for consideration today.
- N. NCSBN RN and LPN Examination results for 7/1/09-9/30/09** – M. Botter reported to the Board on the scores for Vermont schools. The Board asked for clarification regarding the reports: Do the reports reflect NCLEX scores for all Vermont nursing program graduates or only those who applied for licensure through Vermont? E. Hansen will follow-up and report back to the Board.
- O. Nursing Assistant Program Approvals –**
 - **American Red Cross-Green Mountain Chapter 1 Year Post Approval** – J. Carr moved to approve the American Red Cross-Green Mountain Chapter 1 Year Post Approval with recommendations. **Pass**
 - **Franklin County Rehabilitation Biennial Review** – D. Robinson moved to Approve Franklin County Rehabilitation program with recommendations. **Pass**
 - **Rowan Court Health and Rehabilitation Center Biennial Review** – J. Todd moved to Approve Rowan Court Health and Rehabilitation Center program with recommendations. S. Norton recused. **Pass**
 - **Stafford Technical Center (Adult/Evening Program) Biennial Review** – D. Robinson moved for Conditional Approval of the Stafford Technical Center (Adult/Evening Program) Biennial Review with recommendations. **Pass**
 - **Northlands Job Corps: Status** – A. Weiss moved for Conditional Approval of the Northland Job Corps. **Pass**
 - **Springfield Health & Rehabilitation Center – Follow-Up Letter** - The Board received a letter from Springfield Health and Rehabilitation Center
 - **Gill Odd Fellows Home – Letter withdrawing approval** – The Board received a copy of the letter that was sent to Gill Odd Fellows Home as a result of the decision in October to Withdraw Approval of their

Nursing Assistant Program.

P. Nursing Practice Committee – E. Hagman has assumed responsibility as Interim Chair of the Practice Committee. She reported that the Committee met by phone in late October. Position Statements recommended by the Committee for adoption by the Board are on the agenda today.

- **Position Statement: Nurses Role in the Administration of Cosmetic Injectables** – K. Bush moved to table until the December meeting. **Pass**
- **Role of the Registered Nurse in the Pronouncement of Death** – J. Carr moved to approve the Nurses Role in the Pronouncement of Death Position Statement as revised. **Pass**
- **The Role of the Nurse in the Delegating Nursing Interventions Position Statement** – J. Carr moved to approve the Role of the Nurse in the Delegating Nursing Interventions Position Statement as revised. **Pass**
- **Determining Scope of Practice Position Statement and Decision Tree** – J. Carr moved to approve the Determining Scope of Practice Position Statement and Decision Tree. **Pass**

Q. APRN Advisory Committee - Update: M. Botter reported that the APRN Advisory Committee met in October to review the edited draft of the Administrative Rules. The Committee provided additional input to the ad hoc committee editing the draft Rules. The Committee will review the draft document received by the Board today. Their input will be shared with the Board at the retreat.

R. Executive Director Search – C. Winters explained to the Board that Secretary Markowitz had not approved the Executive Director applicant that the Board had sent forward. The search for the Executive Director has been re-opened.

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

6. **Disciplinary Proceedings:**

NU34-1008/2008-388 Elizabeth Norton was not present but was represented by George McNaughton, Esq. E. Leff moved to go into deliberative session at 10:30 a.m.

Pass

The meeting resumed at 10:39 a.m. The Board will issue a written order.

NU21-1006/M2009-162 Amy Goodell was not present. J. Todd moved to table in order to obtain licensing information. **Pass**

A. Weiss moved to take this agenda item off the table. **Pass**

D. Robinson moved to approve the Stipulation and Consent Order and **REINSTATE AND CONDITION** the license of Registered Nurse **Amy Goodell**. **Pass**

- M2009-48 David Bristol was not present. K. Bush moved to approve the Stipulation and Consent Order and place on **IN-ACTIVE CONDITIONED** status the license of Licensed Practical Nurse **David Bristol**. **Pass**
- NU08-0708/2008-254 Donna Pace hearing was postponed.
- 2009-416 Krystal Curran was not present. D. Metcalf moved to go into deliberative session at 1:05 p.m. **Pass**
The meeting resumed at 1:20 p.m. The Board voted in deliberative session to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Krystal Curran**.
- NA57-0109/2009-62 Rose-Marie Wildfeuer was not present. J. Todd moved to go into deliberative session at 1:45 p.m. **Pass**
The meeting resumed at 1:52 p.m. The Board will issue a written decision.
- 2009-122 Jessica Lennon was not present. J. Carr moved to approve the Stipulation and Consent Order and place on **IN-ACTIVE CONDITIONED** status the license of Licensed Practical Nurse **Jessica Lennon**. **Pass**
- NU87-0408/2008-167 Diane Updyke was present and represented by Judy Barone, Esq. W. White moved to go into deliberative session at 2:33 p.m. **Pass**
The meeting resumed at 2:50 p.m. The Board agreed that the hearing would be postponed until a later date.
- NU45-1008/2008-403 Jeanne Duckett hearing was postponed.
- NU46-1008/2008-404 Stephen Davis was not present. J. Carr moved to approve the Stipulation and Consent order and **CONDITION** the license of Licensed Practical Nurse **Stephen Davis**. **Pass**
- NU75-1208/ 2008-485 Patricia Brennan was not present. S. Norton moved to approve the Stipulation and Consent Order and **WARN** the license of Registered Nurse **Patricia Brennan**. J. Todd recused. **Pass**
- 2009-375 Nicole Fontaine was present. The State withdrew their request for a Summary Suspension.
- 2009-226 Mary Cicirello was not present. E. Leff moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY OF \$1,000.00** on the license of Registered Nurse **Mary Cicirello**. **Pass**
Additionally, the Board requested Executive Director, M. Botter, to send a letter to the employing agency regarding the employment of an unlicensed nurse.

Closing reports:

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

- NA56-0109/2009-61
- 2009-192
- 2009-200
- NA60-0109/2009-79 Deb Robinson recused. **Pass**

J. Carr moved to recommend that the following complaints be concluded without charges:

- 2009-243
- NA33-1208/2008-468
- 2009-160
- NA17-1008 & NA35-1208
- 2009-187 K. Bush recused **Pass**

K. Bush moved to recommend that the following complaints be concluded without charges:

- 2009-179
- 2009-147
- NU65-0108/2008-43
- NU78-0607/2007-183 J. Carr recused **Pass**

7. Hearing Officer Appeal's Recommendations

- **Mathew Moncy** – J. Todd moved to accept the recommendation to reverse the pre-denial and approve the application of Mathew Moncy be **GRANTED**.
Pass
- **Tisamma Thekkumkattunirappel** - J. Carr moved to accept the recommendation that the application of Tisamma Thekkumkattunirappel be **DENIED**.
Pass
- **Jodelyn Gragasin** – D. Metcalf moved to accept the recommendation to reverse the pre-denial and approve the application of Jodelyn Gragasin be **GRANTED**.
Pass
- **Jaspreet Sandhu** – J. Todd moved to accept the recommendation that the application of Jaspreet Sandhu be **DENIED**.
Pass
- **Alison Marucchi-Chierro** – J. Carr moved to accept the recommendation that the application of Alison Marucchi-Chierro be **DENIED**.
Pass
- **Concepcion Yamas** – J. Todd moved to accept the recommendation that the application of Concepcion Yamas be **DENIED**.
Pass
- **Melanie Kirkbride** – S. Norton moved to accept the recommendation that the application of Melanie Kirkbride be **DENIED**.
Pass
- **Joan Cheruiyot** – D. Metcalf moved to accept the recommendation that the application of Joan Cheruiyot be **DENIED**.
Pass
- **Emily Abraham** – D. Robinson moved to accept the recommendation that the application of Emily Abraham be **DENIED**.
Pass
- **Dinah Anyidoho** – J. Todd moved to accept the recommendation that the application of Dinah Anyidoho be **DENIED**.
Pass
- **Rebecca Tinga** – J. Carr moved to accept the recommendation that the

- application of Rebecca Tinga be **DENIED.** **Pass**
- **Rashmika V. Parekh** – D. Metcalf moved to accept the recommendation that the application of Rashmika Parekh be **DENIED.** **Pass**

8. Nursing Law's Regan Report: The Board received the September and October 2009 report.

9. Adjournment: A. Weiss moved to adjourn the meeting at 4:10 PM. **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: _____