

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

DECEMBER 14, 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, Deanne Welch. Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Ellen Hagman - RN Staff, Larry Novins and Kevin Leahy - Board Attorneys, Christopher Winters – Director, OPR, Betsy Wrask - Prosecuting Attorney. Others present: Paul Harrington, Irene Bomin, Jennifer Magistrale, Norman Blais, Esq. Celine LeClair, Bonnie Griffiths, Marlene Brown, Emily Ray, Leslie Kirbey, Marian Haas, Betsy Hadin, Tony Staysings, Sue Magill

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted with one correction. E. Leff requested that the Board consider a request for approval of a candidate to be appointed to the Practice committee be included on the agenda.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the November 9, 2009 meeting. D. Welch recused. **Pass**

4. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. M. Botter thanked the Board for their participation in the Board retreat held earlier this month. She noted that the retreat was productive and informative thanks to the Board's participation. The LPN renewal notices have been sent and renewals are now being processed. This will be the last renewal cycle without an on-line renewal option. M. Botter and E. Leff noted that the NCSBN Midyear meeting is scheduled for the same day as the regularly scheduled March Board meeting. The Board agreed to change the Board meeting date to March 15th, 2010. Individuals interested in attending the mid-year meeting need to let M. Botter know as soon as possible.

B. Presentation - At the request of the Vermont Primary Workforce Committee (convened by Vermont Recruitment Center) M. Botter presented information about the Board of Nursing Administrative Rules related to APRN

endorsement. The Committee requested the presentation to better understand the criteria and process for endorsement and to discuss any perceived barriers to recruitment and licensure of APRNs.

- C. **Awards** – A. Weiss on behalf of the Board congratulated M. Botter on being honored by the Vermont State Nurses for her nursing leadership in the State. She was also selected to receive an award from the National Association of Nurse Practitioners for supporting the advancement of Nurse Practitioner practice in the State of Vermont.
- D. **Board of Nursing Newsletter** – The next Board of Nursing newsletter will be sent for publication this month.
- E. **Laser Use Study Committee** – A report and recommendations from this Committee have been completed. The Board of Nursing position statement regarding the role of nurses in administering cosmetic injectable is noted in the report and is on the agenda for formal consideration and action.
- F. **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. D. Robinson will see if she can attend. If she is not able to arrange for time away then W. White will attend the meeting.
- G. **Nursing Board Goals 2009: Request for acceptance of report** – A. Weiss moved to approve the Nursing Board Goals 2010. **Pass**
- H. **H1N1 Altered Standards of Care** – M. Botter reported she had participated in 2 conference calls regarding emergency measures in case of a public health emergency. A 3rd call is scheduled for next week. A portion of the call will be devoted toward the review of specific requests by health care organizations for alterations in licensees' scope of practice.
- I. **SANE Board meeting** – E. Hagman represented E. Leff at the meeting held in December and will continue to serve as her representative. The SANE Administrative Rules will soon undergo the formal legislative committee review and approval process.
- J. **Reappointment of Board Members:** E. Leff advised the Board that A. Weiss and K. Bush had been reappointed to the Board. Both individuals were thanked for their continued commitment to the work of the Board.
- K. **Alternative Program Workgroup: Update** – E. Leff reported that the workgroup had not met since the last Board meeting but work on the new brochures is ongoing. There will be a report at the January Board meeting.
- L. **Draft Administrative Rules: Next Steps**– J. Carr moved to approve the draft administrative rules with revisions as noted. **Pass**
K. Leahy and M. Botter outlined the next steps in the process. A session for public comments will be held in the January or February to take input on the proposed rules. Notice of the opportunity to comment on the draft rules will be sent to interested parties and the draft will be posted on the Board of Nursing website. 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.

- M. 2011 NCLEX-PN Test Plan** – The Board received the 2011 NCLEX-PN Test Plan. The Board is encouraged to review the draft plan and send comments to E. Hansen. She will compile and submit the comments on the Boards' behalf.
- N. Executive Director Search** – C. Winters reported on the search for a new Executive Director. A qualified applicant who had completed the first interviews expressed a desire for off-site work arrangements on a routine basis. On-site availability is important to the Staff and Board, thus, the applicant withdrew. After the first of the year the position will be advertised in newspapers, national organizations and the VSNA newsletter. M. Botter noted that it is not uncommon for leadership positions such as this one to take 6-12 months to fill.
- O. Case Report (Active, Follow-up and Alternative Program) Plan for Quarterly Reporting (Jan, March, June, Sept)** – M. Botter requested approval from the Board to present quarterly reports regarding active cases, follow-up cases, alternative program participants and licensing. The Board approved the plan for quarterly reports.
- P. Unlicensed Practice – Guidelines for Administrative Fines: Request for Approval** – The Board requested that the guidelines for administrative fines be rewritten with the Boards suggestions and placed on the January agenda for the Board's approval.
- Q. End-of-Life Education for Health Care Professionals Study Committee** – J. Carr and A. Weiss are representing the Board of Nursing in meetings with the Medical Practice Board regarding end of life care. A report to the House Health Committee on Human Services and the Senate Committee on Health and Welfare must be made 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. 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. The Board of Nursing continued to express preference for a collaboratively developed, joint report. J. Carr will contact Bill Wargo, Executive Director of the Board of Medical Practice to obtain an update on the Medical Board's plan. A document will be presented at the January meeting for the Board's approval.
- R. Nursing Education Committee** – The Committee reviewed the nursing program Annual Reports at their last regularly scheduled meeting.
- J. Carr moved to accept Castleton State College's annual report with recommendations. W. White voted no. **Pass**
- The annual reports for the other nursing programs will be presented at the January Board meeting.
- S. Lynda Volz, RN Request for appointment to Education Committee** – A. Weiss moved to appoint Lynda Volz, RN to the Education Committee. **Pass**

T. Nursing Assistant Program Approvals –

- **Centers for Living and Rehabilitation Biennial Review** – J. Carr moved to Approve the Centers for Living and Rehabilitation Program with recommendations and a progress report due in 90 days. **Pass**
- **Cold Hollow Career Center (Day & Evening Biennial Review** – D. Welch moved to Approve Cold Hollow Career Center (Day & Evening) program with recommendations and a progress report due in 90 days. **Pass**
- **Randolph Technical Career Center – Day Program Biennial Review**– K. Bush moved to Approve Randolph Technical Career Center – Day program with recommendations and a progress report due in 90 days. **Pass**
- **Northwest Technical Center Biennial Review** – K. Bush moved to Approve Northwest Technical Center program with recommendations and a progress report in 90 days. **Pass**

U. Nursing Practice Committee – The Committee met in early December and continues to move forward with their work on existing and new position statements.

- **Position Statement: Nurses Role in the Administration of Cosmetic Injectables** – J. Carr moved to approve the Nurses Role in the Administration of Cosmetic Injectables position statement. **Pass**

V. Rachel Pinard, LPN and Elaine Fregard LNA– Request for appointment to Practice Committee – D. Welch moved to approve the appointment of Rachel Pinard, LPN and Elaine Fregard, LNA to the Practice Committee. **Pass**

W. Northland Job Corp LNA Program – Withdrawal of approval -

Representatives from the Northland Job Corps presented information to the Board regarding the LNA program. They acknowledged the need for improvements and discussed current and future actions. J. Todd moved to continue Northland Job Corp's **Conditional** status if the following was received by the Board Office before the start of the January LNA class:

- Copy of a signed contract from a skilled facility where the students will be taught in a clinical setting
- Verification that faculty will be supervising the students on-site during clinical experiences and identification of those individuals
- Current LNA exam pass rate data

Pass

X. Castleton BS Program Proposal Request for Provisional approval – J. Carr moved to grant provisional approval for Castleton State College BS Program contingent on the following being received by the Board within 30 days:

- A revised organizational chart identifying the relationships of the Dean of the School of Nursing and the Chair of the program to the nursing faculty as well as the Castleton State College faculty and administration.

- A contingency plan to be implemented if the Dean search is unsuccessful.
- A contingency plan to be implemented if there are not sufficient MSN prepared faculty employed to teach the BSN courses.

The motion was seconded. After discussion J. Carr withdrew the motion. A decision was made to inform Castleton that the Board would review the documents noted above in their January meeting and would then take a vote regarding provisional approval. M. Botter will be in contact with Castleton to inform them of the plan.

Y. APRN Advisory Committee - Update: M. Botter reported that the APRN Advisory Committee met in November to review the draft Administrative Rules received by the Board in the November meeting. Their input was considered during the Board Retreat earlier this month.

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

6. **Disciplinary Proceedings:**

2009-399 Darlene Pfeiffer was not present. K. Bush moved to find Darlene Pfeiffer in

DEFAULT.

Pass

J. Carr moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Darlene Pfeiffer**

Pass

2009-198 Elias Cronin was not present. D. Welch moved to find Elias Cronin in

DEFAULT. S. Norton recused.

Pass

D. Robinson moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Elias Cronin.**

Pass

NA02-0708/2008-246 Leanne Dick was not present. D. Welch moved to find Leanne Dick in

DEFAULT.

Pass

K. Bush moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Leanne Dick.**

Pass

2009-193 Joshua Hathaway was not present. E. Leff moved to find Joshua Hathaway in

DEFAULT.

Pass

E. Leff. moved to **REVOKE** the license of Licensed Nursing Assistant **Joshua Hathaway.**

Pass

NU64-1208/2008-469 Thom Namaya hearing was cancelled.

NU53-1108/2008-427 Misty Gomez was not present. E. Leff moved to approve the

Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Misty Gomez.**

Pass

M2009-186 Andrea Natal was not present. S. Norton moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY** and also

REINSTATE AND CONDITION the license of Licensed Practical Nurse
Andrea Natal. **Pass**

NU85-0408/2008-158 Paula Burrell was not present. K. Bush moved to approve the
Stipulation and Consent Order and **WARN** the license of Registered Nurse
Paula Burrell. **Pass**

NU62-1108/M2009-141 Jennifer Magistrale was present. D. Welch moved to go into
deliberative session at 1:37 p.m. **Pass**
The meeting resumed at 1:50 p.m. The Board will issue a written decision.

NU19-0807/2007-271 Celine LeClair was present and represented by Norman Blais, Esq.
D. Welch moved to go into deliberative session at 3:35 p.m. **Pass**
The meeting resumed at 3:45 p.m. The Board will issue a written decision.

2009-392 Emily Ray was present. S. Norton moved to go into deliberative session at
5:07 p.m. **Pass**
The meeting resumed at 5:18 p.m. The Board will issue a written decision.

NU41-1008/2008-396 Mansoor Jeeachee was not present. D. Robinson moved to approve
the Stipulation and Consent Order and **WARN** the license of Registered
Nurse **Mansoor Jeeachee.** **Pass**

NU30-1106/M2009-161 Jamie Lockwood was not present. J. Carr moved to **REINSTATE**
WITHOUT CONDITIONS the license of Registered Nurse **JAMIE**
LOCKWOOD. **Pass**

M2009-125 Sybil Smith was not present. J. Todd moved to approve the Stipulation and
Consent Order and place on **IN-ACTIVE CONDITIONED** status the license of
Registered Nurse **Sybil Smith.** **Pass**

NA45-0109/2009-5 Ann Howes Hearing was cancelled.

Closing reports:

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

- 2009-211
- 2009-478
- 2009-315 K. Bush recused. **Pass**

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

- 2009-57/NU86-0109
- NA59-0109/2009-66
- NU32-1008/2008-386

- 2009-348
- 2009-203 J. Carr recused **Pass**

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

- 2009-266
- 2009-267
- 2009-163
- 2009-301 D. Robinson recused. **Pass**

7. Hearing Officer Appeal's Recommendations

- **James Amado** – J. Todd moved to accept that the recommendation to reverse the pre-denial and approve the application of James Amado to take the NCLEX examination be **GRANTED**. **Pass**
- **Abiola Byron** - J. Carr moved to accept the recommendation that the application of Abiola Byron be **DENIED**. **Pass**
- **Bhagyaltha Selvaraj Sampurna** – K. Bush moved to accept the recommendation that the application of Bhagyaltha Selvaraj Sampurna be **DENIED**. **Pass**
- **Bipana Gautam** – J. Todd moved to accept the recommendation that the application of Bipana Gautam **REMAIN OPEN UNTIL JUNE 28, 2010** to allow the Applicant to provide documentation of completion of a Microbiology nursing course that meets the Board's educational requirements. **Pass**
- **Cheng Hun Fong** – J. Carr moved to accept the recommendation that the application of Cheng Hun Fong be **DENIED**. **Pass**
- **Dalme Legitimas** – S. Norton moved to accept the recommendation that the application of Dalme Legitimas **REMAIN OPEN FOR AN ADDITIONAL 90 DAYS** to allow the Applicant to provide additional evidence in writing as set forth concerning the Microbiology requirement and her past work experience as a Registered Nurse. **Pass**
- **Fraulein Tabuzo** D. Welch moved to accept the recommendation to reverse the pre-denial and approve the application of Fraulein Tabuzo be **GRANTED**. The applicant may retake the NCLEX-RN examination so long as the examination is completed within 8 months of the date of the order. **Pass**
- **Deborah Mayers** – J. Todd moved to accept the recommendation that the application of Deborah Mayers be **DENIED**. **Pass**
- **Hemavathi Mohan Shirlal** – D. Robinson moved to accept the recommendation that the application of Hemavathi Mohan Shirlal be **DENIED**. **Pass**
- **Julie Ann Branganza** – J. Todd moved to accept the recommendation to reverse the pre-denial and approve the application of Julie Ann Branganza to take the NCLEX examination be **GRANTED**. **Pass**
- **Madonna Anyanwu** – D. Robinson moved to accept the recommendation that the application of Madonna Anyanwu be **DENIED**. **Pass**
- **Paulette Simmonds** – S. Norton moved to accept the recommendation that the application of Paulette Simmonds be **DENIED**. **Pass**

- **Marcela Querubin** – D. Welch moved to accept the recommendation that the application of Marcela Querubin be **DENIED**. **Pass**
- **Rachael Sini George** – D. Robinson moved to accept the recommendation that the application of Rachael Sini George be **DENIED**. **Pass**
- **Dorotea Sicatin** – J. Todd moved to accept the recommendation to reverse the pre-denial and approve the application of Dorotea Sicatin be **GRANTED**. The applicant may retake the NCLEX-RN examination so long as the examination is completed within 9 months of the date of the order. **Pass**

8. Nursing Law's Regan Report: The Board received the November 2009 report.

9. Adjournment: J. Todd moved to adjourn the meeting at 6:25 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: January 11, 2010