

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
JULY 12, 2010**

1. Call to Order:

The meeting was called to order at 9:00 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, William White, Deborah Robinson, John Todd, Jeanine Carr; Anne Moore-Cox, Ad Hoc Member; Sandra Norton; Board members absent: Donarae Metcalf, Deanne Welch, Kenneth Bush; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Program Coordinator; Ellen Hagman - RN Staff, Larry Novins and Kevin Leahy, Board Attorneys, Betsy Wrask - Prosecuting Attorney; Others present: Mary Val Palumbo, Paul Harrington, Hollie Shaner-McRae, Darcie Nash, Elaine Luther, Janice Oliver, Lori Ellis, Nichole Thornton, Sherry Perry by telephone

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted.

3. Approval of Minutes:

J. Todd moved to approve the minutes of the June 14, 2010 meeting with corrections as noted. **Pass**

4. Administration, Education, Practice, Licensure

- A. Executive Director's Report** – Attached. M. Botter gave an overview of the written Executive Director Report and related documents that were provided in the Board meeting packet. She also provided a brief progress report regarding the 2010 Goals. The next newsletter is being prepared by E. Hagman and if the Board has suggestions for content please let her know. This newsletter will provide a link to the website for a listing of disciplinary actions and reinstatement decisions made by the Board instead of including the list in the newsletter. This change was made due to feedback from licensees. Further feedback will be solicited to determine which approach is preferred. M. Botter updated the Board that there were 218 open cases and 81 follow-up cases
- B. Altered Standards of Care Committee** – A call is scheduled for today. E. Hagman will participate. Next month it is anticipated that the Board will receive a letter from the committee requesting high level input regarding decision making about scope and standards of practice during a state emergency.
- C. Data Integrity Project** - M. Botter advised the Board that A. Boulanger, a member of the OPR staff, has been designated Project Manager for the Data

Integrity Project. M. Botter is Project Director. A. Boulanger is working with N. Morin and E. Hagman. A project plan has been developed with a planned completion date of June 30, 2011.

- D. 2010 NCSBN Annual Meeting** – M. Botter is not able to attend the Annual Meeting in August. The meeting will be held in Portland, Oregon on August 11 – 13th. It would be beneficial if 2-3 Board members could attend. E. Leff, D. Robinson, and W. White expressed interest in attending.
- E. Nursing Board Retreat – September 8, 2010** - The Board discussed possible agenda items for the fall and spring retreat. It was decided that the fall retreat would focus on Board effectiveness, Board meeting effectiveness and strategic priorities. An external facilitator was requested and will be identified. M. Botter and E. Leff will draft a final retreat agenda for the Board's review at the August Board meeting
- F. Legislative Update** – The Board received, in their Board packet, the OPR Legislative changes that went into effect on July 1, 2010.
- G. NCSBN conference on Unlicensed Assistive Personnel Report** – E. Hansen reported on the NCSBN Unlicensed Assistive Personnel conference. E. Hansen advised the Board that 24 states were now using the NCSBN national nursing assistant test administered by Pearson Vue reflecting a move toward having a national exam for nursing assistants. The examination includes both written and clinical components. When the D&S contract term expires Pearson Vue will be notified of the bid process.
- H. Alternative Program Workgroup: Update** – E. Leff reported that the Alternative Program Committee continues to refine the standard contract used for Alternative Program participants. The Committee is also reviewing the requirements for mandatory drug testing and exploring what other states require. The Workgroup is interested in determining if there are acceptable options for drug testing that Vermont may use to make it less expensive for Vermont nurses who are in the Alternative Program or have conditions on their licenses.
- I. Board Authorization to Change from Active-to Inactive- Conditioned License Status** – M. Botter advised the Board that the procedure for changing a license status from active to inactive at the request of the licensee is different at the time of renewal than during the two years in between renewals. M. Botter reviewed the current processes and recommended changes with C. Winters, L. Novins, and B., Wrask. The Board reviewed the proposal included in the Board packet. J. Todd moved that the Board adopt the following: When licensees with “active licenses” or “active conditioned licenses” request that their status be changed to “inactive” or “inactive-conditioned,” the changes have been made automatically at the time of renewal with no discretion being used before making the change. The Board hereby authorizes the Executive Director or designee, on request of a licensee with an active license or active-conditioned license, to change that license status to “inactive” or “inactive-conditioned” at any time.” W. White voted No. **Pass**
- J. Nursing Workforce Data Collection Request; Response to Questions** – The Board received in their Board packet M. Palumbo's response to the

questions raised by the Board. Mary Val Palumbo appeared before the Board to answer any questions the Board had concerning the role of Nursing Workforce in collecting and disseminating nursing renewal data. J. Todd moved and the Board approved "Continuation of the facilitation of nursing workforce data collection during the renewal cycle pending legal review".

Pass

- K. Licensees Not in Compliance with Conditions; Development of Guidelines for Disciplinary Action** – The Board discussed the utility of having guidelines for disciplinary action for licensees not in compliance with conditions. The Board agreed that guidelines would provide consistency in the disciplinary process and requested that guidelines be developed for the Board's review and approval.
- L. Quarterly Licensure and Case Report** – The Board received the Quarterly Licensure and Case Report.
- M. APRN Administrative Rules: Review** – The ad hoc Board sub-committee met June 30, 2010 to revise the draft rules. The Board received the recommended rules changes and a grid that showed the May 10, 2010 draft rules changes and the sub-committee's recommended changes and the rationale for the changes. M. Botter reviewed with the Board the recommended changes. A. Weiss moved to accept the changes as outlined in the grid.
- Pass**
- The ad hoc Board sub-committee will edit the draft Administrative Rules prior to returning the document to the Board for review and approval.
- N. Education Committee Report** – J. Carr reported that the Committee is still discussing what constitutes "clinical" for the purpose of providing guidance to and evaluating nursing programs. The Committee has provided E. Hansen with recommendations for a nursing conference for nurse educators and asked her to move forward with planning the conference. An update will be provided at the August or September meeting.
- O. Nursing Assistant Program Biennial Reviews: Request for Approval-** This agenda item was not taken up and will be put on the August agenda.
- Bennington Health and Rehabilitation Center
 - Berlin Health and Rehabilitation Center
 - The Manor
 - Pine Heights (formerly Eden Park)
- P. Practice Committee Report** - This agenda item was not taken up and will be put on the August agenda.
- Q. APRN Advisory Committee** – This agenda item was not taken up and will be put on the August agenda.

5. Public Comment: There were no public comments.

6. Disciplinary Proceedings:

NA63-0606/2006-122 Jeanne Rindell was not present. The Board considered the request for Motion for Relief of Order. The Board went into deliberative session at 11:20 a.m. The meeting resumed 11:30 a.m. The Board while in deliberative

session voted to table the decision on the Motion for Relief of Order until the August Board meeting.

- 2010-151 Darcie Nash was present. E. Leff moved to go into deliberative session at 2:12 p.m. **Pass**
The Board will issue a written decision.
- 2009-503 Amy Parker's default hearing was cancelled as she has submitted a response to the charges.
- 2010-53 Evelyn Lamprey's default hearing was cancelled and a hearing will be re-scheduled for September.
- 2010-53 Eileen Tapper's default hearing was cancelled as she has submitted a response to the charges.
- 2009-421 Margaret Flynn was not present. J. Carr moved to find Margaret Flynn in **DEFAULT.** **Pass**
J. Todd moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Margaret Flynn.** **Pass**
- NU39-1008/2008-394 Earle Dionne was not present. A. Weiss moved to find Dionne Earle in **DEFAULT.** **Pass**
A. Weiss moved to **REVOKE** the license of Licensed Practical Nurse **Earle Dionne.** **Pass**
- 2009-320 Christine Mailhiot was not present. J. Todd moved to find Christine Mailhiot in **DEFAULT.** **Pass**
D. Robinson moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant Christine Mailhiot. **Pass**
- 2009-343 Salina Kessop was not present. J. Carr moved to find Salina Kessop in **DEFAULT.** **Pass**
J. Todd moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Salina Kessop.** **Pass**
- NA46-0607/2007-181 Rosemary Harmon was not present. J. Todd voted to approve the **modification of the Stipulation and Consent Order** and allow Licensed Nursing Assistant **Ms. Harmon** to pay **\$150.00 to Franklin County United Way.** A. Weiss voted No. **Pass**
- 2009-413 Cynthia Downs was not present. J. Carr moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Nursing Assistant **Cynthia Downs.** **Pass**
- 2009-175 Susan Ackley was not present. D. Robinson moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of

- Registered Nurse **Susan Ackley.** **Pass**
- 2009-205 Amy Koenig was not present. J. Todd moved to approve the Stipulation and Consent Order and **WARN** and impose an **ADMINISTRATIVE PENALTY OF \$250.00** on the license of Registered Nurse **Amy Koenig.** **Pass**
- 2009-443 Michelle Dunne was not present. J. Carr moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse **Michelle Dunne.** **Pass**
- 2010-232 Michelle Kuusela was not present. D. Robinson moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Michelle Kuusela.** **Pass**
- 2009-476 Lori Ellis was present. Board went into deliberative session at 3:15 p.m. The meeting resumed at 3:45 p.m. The Board will issue a written decision.
- 2009-316 Nicole Thornton was present. The Board went into deliberative session at 4:30 p.m. The meeting resumed at 4:47 p.m. The Board will issue a written decision.
- M2009-99 Mark Friedl – Request for change of status from Conditioned to Inactive-Conditioned. Mark Friedl was not present. Based on a previous Board decision no action is necessary by the Board as the Executive Director can change the status of a license from conditioned to inactive-conditioned without Board action.
- M2010-10 Nancy Freeh - Request for change of status from Suspended to Inactive-Conditioned. Nancy Freeh was not present. J. Carr moved to grant the request to change Nancy Freeh's status from **Suspended to Inactive-Conditioned.** **Pass**
- M2009-133 Anne Marie Newton – Request for change of status from Conditioned to Inactive-Conditioned. Anne Marie Newton was not present. Based on a previous Board decision no action is necessary by the Board as the Executive Director can change the status of a license from conditioned to inactive-conditioned without Board action.
- M2009-208 Tammy Corey was not present. A. Weiss moved to **REINSTATE WITHOUT CONDITIONS** the license of Licensed Practical Nurse **Tammy Corey.** **Pass**
- M2009-124 Clifford Peebles was not present. J. Carr moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Clifford Peebles.** **Pass**
- M2009-182 Glen Cooney was not present. D. Robinson moved to approve the Stipulation and Consent Order and **grant a Temporary Permit** for the purpose of permitting limited practice in a clinical setting for the clinical component of the

Re-Entry Program for 90 days **WITH SPECIAL CONDITIONS** for Licensed
Practical Nurse **Glen Cooney.** **Pass**

Closing Reports:

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

- 2009-527
- 2009-357
- 2009-199 D Robinson recused. **Pass**

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

- 2009-529
- 2009-604
- 2009-530 **Pass**

S. Norton moved to recommend that the following complaint be concluded without charges.

- 2009-537 J. Carr recused **Pass**

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

- 2009-588 E. Leff recused **Pass**

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

- 2010-171 J. Todd recused **Pass**

7. **Nursing Law's Regan Report:** The Board received the June 2010 report

8. **Adjournment:** J. Carr moved to adjourn the meeting at 6:00 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: