

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
April 9, 2012**

1. Call to Order:

The meeting was called to order at 9:02 AM by Jeanine Carr, Chair; Board Members present: Alan Weiss, John Todd, Deborah Swartz, Sandra Norton, William White, Donarae Metcalf, Ellen Watson, Virginia Hudson, Sheila Davis, Douglas Sutton; Staff members present: Linda Davidson – Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Nursing Program Manager, Larry Novins - Board Attorney, Lauren Hibbert - Prosecuting Attorney, Christopher Winters, Director of OPR; Others present: University of Vermont and Norwich College nursing students

2. Changes and Additions to the Agenda:

- J. Carr welcomed the UVM and Norwich nursing students. J. Carr gave a brief overview of the meeting agenda and how the agenda items are handled by the Board so that the students would better understand how the Board operated.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the March 5, 2012. D. Sutton recused.
Pass

4. Disciplinary Proceedings:

2011-106 Judith Ressler was not present. E. Watson moved to approve the Stipulation and Consent order and **INACTIVE-CONDITION** the license of Registered Nurse **Judith Ressler**. **Pass**

2011-738 Katherine Harris was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **IMPOSE A CIVIL PENALTY** on the license of Registered Nurse **Katherine Harris**. D. Swartz recused. **Pass**

2012-155 Rebecca Chase was not present. J. Todd moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse **Rebecca Chase**. **Pass**

M2009-133 Anne-Marie Newton was not present. D. Metcalf moved to Modify the Conditions on Registered Nurse **Anne-Marie Newton's** license and **ALLOW SUPERVISION BY ONE OF THE THREE PHYSICIANS ON DAYS WHEN SUPERVISING NURSE IS ABSENT**. E. Watson recused. **Pass**

- M2009-163 Margaret Terrien was not present. D. Sutton moved to Modify the Conditions on Registered Nurse **Margaret Terrien's** license and **ALLOW HER TO WORK AS A RELIEF CHARGE NURSE FOR THE VERMONT STATE HOSPITAL.** **Pass**
- M2011-76 Judy McCarthy was not present. J. Todd moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Judy McCarthy.** **Pass**
- M2010-94 Erline Pierre-Louis was not present. J. Todd moved to **REINSTATE WITHOUT CONDITIONS** the license of Licensed Practical Nurse **Erline Pierre-Louis.** **Pass**
- 2011-709 Deanna Malec was not present. A. Weiss moved to find Deanna Malec in **DEFAULT.** **Pass**
A. Weiss moved to **REVOKE** the license of Registered Nurse **Deanna Malec.** **Pass**
- 2010-440 Marissa Derose was not present. E. Watson. E. Watson moved to find Marissa Derose in **DEFAULT.** **Pass**
D. Swartz moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Marissa Derose.** **Pass**

Closing Reports:

E. Watson moved to recommend that the following complaints be concluded without charges:

- 2011-523 – E. Watson recused
- 2011-761 – J. Todd recused
- 2011-771 – J. Carr recused
- 2010-260 – J. Carr recused
- 2010-278 – J. Carr recused
- 2010-653 - D. Swartz recused
- 2011-315 – D. Swartz recused
- 2011-24 – D. Swartz recused
- 2011-309 – D. Swartz recused
- 2010-699 – D. Swartz recused

Pass

J. Todd moved to close 2011-417. Board voted not to close but to send back to the I-Team for further review and consideration.

Hearing Officer Recommendations:

- **Gitau, Benson** – W. White moved to accept the recommendation of the Hearing Officer that the Board's decision to administratively withdraw the Licensed Practical Nurse license be **OVERTURNED** and Benson Gi[tau be allowed to renew his Licensed Practical Nursing license. 6 Yes, 5 No. **Pass**

- **Rocaberte, Harris** – D. Swartz moved to accept the recommendation of the Hearing Officer that the request for the Board to review NCSBN's decision on the NCLEX examination results be **DENIED.** **Pass**
- **Vicente, Marichu** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Marichu Vicente be **DENIED.** **Pass**
- **Visaya, Lestino** – J. Todd moved to accept the recommendation of the Hearing Officer and approve Lestino Visaya for an extension for 90 days from March 29, 2012 so that a supplemental CES report might be filed. If no acceptable supplemental CES report is filed, the preliminary denial will become final. **Pass**
- **Sam, Sara** – E. Watson moved to accept the recommendation of the Hearing Officer that the application of Sara Sam be **DENIED.** **Pass**
- **Jacob, Ancy** – W. White moved to accept the recommendation of the Hearing Officer that the application of Ancy Jacob be **DENIED.** **Pass**
- **Alsayed Ahmad, Hesham Mahmoud** – S. Davis moved to accept the recommendation of the Hearing Officer and approve Hesham Mahmoud Alsayed Ahmad for an extension until June 5, 2012 so that a supplemental CES report might be filed. If no acceptable supplemental CES report is filed, the preliminary denial will become final. **Pass**
- **Batac, Jessica** - J. Todd moved to accept the recommendation of the Hearing Officer and approve Jessica Batac for an extension for 90 days from March 29, 2012 so that a supplemental CES report might be filed. If no acceptable supplemental CES report is filed, the preliminary denial will become final. **Pass**
- **Christian, Hemiksha** – D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Hemiksha Christian be **DENIED.** **Pass**
- **Feraren, Maica** – S. Norton moved to accept the recommendation of the Hearing Officer that the application of Maica Feraren be **DENIED.** **Pass**

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

Executive Director's Report: L. Davidson gave an overview of the written Executive Director's Report and related documents provided in the Board meeting packet. L. Davidson reported:

- **Board Office Staff Transition:** The International Nursing Program has a new Kelly temp. employee. Her name is Carolyn Demasi. Carolyn has over 20 years experience in banking regulation and compliance.
- **Board of Nursing 100th Anniversary:** Although we have had the 100th Board of Nursing Anniversary, the Anniversary Committee continues to work with Peregrine Productions on a DVD depicting the role of the Board of Nursing in public protection. The Anniversary Committee met on April 2, 2012 with Peregrine Productions and reviewed draft material for this DVD
- **Blue Ribbon Commission:** The Blue Ribbon Commission on Nursing met on March 21, 2012 in Castleton, Vermont. The topic was "Educational Programs in Vermont". The various nursing educational facilities around the state presented on their nursing programs and future plans for nursing programs.
- **Vermont Nurse Practitioner Association Annual Meeting:** L. Davidson attended the Vermont Nurse Practitioner Association Annual Meeting on Thursday evening, March 29, 2012. . The President of the American

Academy of Nurse Practitioners spoke about current Nurse Practitioner reform and legislation. The meeting continued on Friday, March 30th. L. Davidson presented "What does Independent APRN Practice in Vermont Look Like?" L. Davidson reviewed the changes in the Administrative Rules and Statute, crafting acceptable practice guidelines, and quality assurance.

- **Safe and Effective Opioid Prescribing for Chronic Pain Conference:** On March 31, 2012, L. Davidson attended a conference on "Safe and Effective Opioid Prescribing for Chronic Pain." This conference was sponsored by the Vermont Board of Medical Practice. They invited Vermont Nurse Practitioners to participate. The Board of Nursing supported this effort by placing a link to the conference on the Board of Nursing website. The conference was well attended by Nurse Practitioners, Physician Assistants and Physicians. The conference discussed efficacy and safety of opioids, the Vermont Prescription Monitoring System, assessment and monitoring tools, communication with patients about chronic opioid use and exit strategies from outpatient opioid therapy. This is one such area in which the Vermont Board of Medical Practice and the Vermont Board of Nursing can collaborate in our mutual mission of public protection. L. Davidson would like to formally thank the Vermont Board of Medical Practice for extending this opportunity to Vermont Nurse Practitioners.
- **Norwich University Lecture** – On April 5, 2012 L. Davidson spoke at Ann Machewka's nursing class at Norwich University. The topic was "the Board of Nursing and Public Protection."
- **Data Integrity Project-** The Data Integrity Project is now focusing on sending discipline cases to NURSUS.
- **Licensure** – There are no nursing renewal cycles currently in process.
- **Discipline** - As of March 31, 2012 there are 219 open cases, 65 follow-up cases and 7 Alternative Program participants.
- A. **NCSBN Mid-Year Meeting:** The NCSBN Mid-year meeting was held on March 12 – 14, 2012. E. Watson, J. Todd, D. Swartz and L. Davidson attended.
- **Licensing Models** – L. Davidson reported on the different state licensing models. **Compact Model** - nurses can have one license and practice in multiple states with one license as long as the state is part of the compact. **Single License** – nurses have to obtain a license in that state before they can practice. **National Federal License** is not in affect yet but if in effect a nurse would have one license and all nursing education would be the same in every state or territory. There would be one license and one renewal cycle.
- **Mid-Year Experience from a New Board Member** – E. Watson reported on her experience as a first time attendee at the NCSBN Mid-year meeting. E. Watson stated attending the meeting was amazingly worthwhile as she was able to interact with other Board members and staff and learned how much diversity there was in how state Board's function E. Watson stated she learned about RN and LPN issues that she was not aware of because as an APRN they may not have affected her practice or license. E. Watson stated she was impressed with NCSBN and the way the meeting was conducted.

- **“I Know you are Lying”** – J. Todd reported on the “I Know you are Lying” presentation given by a US Marshall who trains individuals on how to ask questions and recognize if someone is lying. The US Marshall stated that if an individual is asked a question a certain way the individual may betray themselves. Everyone who attended received his book. The presentation was very interesting
 - **LPN Update** – D. Swartz reported on LPN updates from the meeting. D. Swartz stated all states seemed to be dealing with Scope of Practice issues. There was discussion about the IOM report being silent on LPN practice except as it related to Long Term Care. D. Swartz reported that all states are struggling with LPN educators not being able to find clinical sites for students. There was discussion concerning Military Medics wanting to be able to use their experience and education to become licensed as LPNs.
- B. NCSBN Request for Nursing Related Stories** – The Board received a letter from Doreen Begley who is an Institute of Regulatory Excellence Fellow requesting that individuals who may have nursing practice, stories, educational experiences or regulatory stories submit them to her for a book she is writing.
- C. NCSBN Model Rules and Model Nursing Practice Act** – L. Davidson advised that Board that the NCSBN Annual meeting will be held August 8-10, 2012 in Dallas, Texas. At that meeting, the delegate will be voting on NSCBN Model Nursing Practice Act and NCSBN Model Nursing Administrative Rules. The Board received a copy of these documents. The Board will need to vote on whether the delegate will vote “nay” or “yea” at the NCSBN Annual meeting. The Board will discuss this vote at the May Board meeting.
- D. International Nursing Proposal** – C. Winters discussed with the Board the proposal for International Applicants who do not have a valid US Social Security Number. A. Weiss moved to accept the proposal that applicants applying after May 15, 2012 must have a valid US Social Security Number. All licensees must have a valid US Social Security Number to renew their license after March 31, 2015. **Pass**
- E. Public Comments** – There were no public comments.
- F. Education Committee Report:** J. Carr reported that the Education Committee has not met since the last Board meeting. D. Swartz will be taking over as Chair of the Committee when they meet in April.
- The Nursing Assistant Education Program Annual Reports for 2011 were due on Monday, April 2nd. The Nursing Assistant Education & Practice Committee will meet on May 4th to review them and make recommendations regarding follow-up. The revised Annual Report form has expanded the information collected to include 2nd and 3rd time pass rates as well as the number of ESL/ELL students enrolled.
 - The UVM site survey for graduate and undergraduate programs in the Department of Nursing was conducted on March 20 and 21st by Elizabeth Hansen and Susan Boyer who is a member of the Education Committee.

The draft report will be submitted on 4/16 to the Education Committee and their recommendations will be forwarded to the Board's meeting in May.

- **LNA Program Re-approval: Request for Approval**
 - **River Bend Career & Technical Center Day Program** – A. Weiss moved to approve River Bend Career & Technical Center Day Program with recommendations for the Biennium 2012-2014. **Pass**

G. Nursing Practice Committee: D. Sutton reported that the Nursing Practice Committee met on Wednesday, April 4, 2012. The Committee is working on position statements for the “Role of the LPN in IV Therapy” and “The Nurses Role in Initiating and Withholding of CPR

- The Role of the Nurse in the Delegation of Administration of Medications to LNA/Dialysis Technicians Position Statement – Request to Retire. – A. Weiss moved to table until August 2012. J. Todd abstained. **Pass**

H. APRN Sub-committee: L. Davidson reported that the Committee will be meeting on May 23, 2012.

7. Other Business:

- **Imposing Monetary Civil Penalties for Employing Unlicensed Nurses** – The Board reviewed the draft letter to be sent to all employers of LNAs, LPNs, RNs and APRNs. The Board approved the letter with the addition of the July 1, 2012 date when the enforcement would go into effect.

8. Adjournment: D. Sutton moved to adjourn the meeting at 1:26 p.m. **Pass**

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