

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
February 13, 2012**

1. Call to Order:

The meeting was called to order at 9:05 AM by Jeanine Carr, Chair; Board Members present: Alan Weiss, John Todd, Deborah Swartz, Sandra Norton, William White, Donarae Metcalf, Douglas Sutton, Ellen Watson; Staff members present: Linda Davidson – Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Nursing Program Manager, Larry Novins, Board Attorney, Lauren Hibbert - Prosecuting Attorney; Others present: Nancy Aucoin, Richard Aucoin, Thomas Middleton, Esq., Judy Cohen, Jim Bessett, Byron Kennedy, Karen Farrell, Andrew Robison, Whitman Smith, Esq., Beth Danon, Esq., Heather Maples, UVM Nursing Students, John McGinness, by telephone, Lori Welch, Mark Greene, Megan Taylor

2. Changes and Additions to the Agenda:

- J.Carr welcomed the University of Vermont nursing students. Agenda Items added were: Under Nursing Education Programs, Lori Welch will present the UVM Proposal for Doctorate Program.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the January 9, 2012 with corrections as noted. **Pass**

4. Disciplinary Proceedings:

- 2009-156 Jodi Laclaire was not present. A. Weiss moved to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Jodi Laclaire.** **Pass**
- M2011-56 Nancy Aucoin was present .A. Weiss moved to go into deliberative session at 9:28 a.m. Douglas Sutton recused. **Pass**
The meeting resumed at 9:34 a.m. The Board will issue a written decision.
- 2010-704 Thomas Middleton was present and represented by Whitman Smith, Esq. A. Weiss moved to go into deliberative session at 2:00 p.m. J. Carr and E. Watson recused. **Pass**
The meeting resumed at 2:20 p.m. The Board will issue a written decision.
- 2011-240 Heather Maples was present and represented by Beth Danon, Esq. The Board went into deliberative session. The Board will issue a written decision.
- 2011-4 Sandra Carvell was not present. D. Swartz moved to approve the Stipulation

- and Consent Order and **WARN** the license of Licensed Practical Nurse
Sandra Carvell. **Pass**
- 2011-236 Jennifer Austin was not present. J. Todd moved to approve the Stipulation and Consent Order and **CONDITION** the license of Licensed Practical Nurse
Jennifer Austin. **Pass**
- M2011-161 Jesse Boillat was not present. J. Todd moved to approve the Stipulation and Consent Order and **INACTIVE CONDITION** the license of Licensed Nursing Assistant
Jesse Boillat. **Pass**
- M2011-79 Anne Klein was not present. A. Weiss moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Anne Klein.** E. Watson recused. D. Swartz recused. **Pass**
- M2009-6 Charles Harroun was not present. D. Metcalf moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Charles Harroun.** **Pass**
- M2011-7 Donna Maynard was not present. S. Norton moved to **REINSTATE WITHOUT CONDITIONS** the license of Licensed Practical Nurse **Donna Maynard.** J. Carr abstained. **Pass**

Closing Reports:

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

- 2011-308 – D. Swartz recused
- 2011-763 – D. Swartz recused
- 2010-675 – J. Carr recused
- 2011-479 – J. Carr recused
- 2011-642 – J. Carr recused
- 2011-475 – J. Carr recused
- 2010-248 – J. Todd recused

Hearing Officer Recommendations:

- **Bernadeth Warnakulasuriya** – S. Norton moved to accept the recommendation of the Hearing Officer that the preliminary denial is reversed and Bernadeth Warnakulasuriya authorized to take the examination for LNA **ONCE** more. **Pass**
- **Alice Kempe** – S. Norton moved to accept the recommendation of the Hearing Officer that the application of Alice Kempe be **DENIED.** **Pass**
- **Sharon Mcguire** – S. Norton moved to accept the recommendation of the Hearing Officer that the preliminary denial is reversed and renewal application of Sharon Mcguire be **APPROVED.** 7 yes 2 no. **Pass**

- **Solange Nsang** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Solange Nsang be **DENIED.** **Pass**
- **Ivy Dela Cruz** – J. Todd moved to accept the recommendation of the Hearing Officer that the application of Ivy Del a Cruz be **DENIED.** **Pass**
- **Sandra Turner** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Sandra Turner be **DENIED.** **Pass**
- **Irene Sin** – D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Irene Sin be **DENIED.** **Pass**
- **Laurence Espiritu** – J.Todd moved to accept the recommendation of the Hearing Officer that the application of Laurence Espiritu be continued for up to sixty days from January 13, 2012 for Laurence Espiritu to supplement his application as set forth and if no acceptable supplement is filed, the preliminary denial will become final. **Pass**
- **Mato Kormoh** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Mato Kormoh be **DENIED.** **Pass**
- **Sushma Macwan** – D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Sushma Macwan be **DENIED.** **Pass**
- **Tina Welch** – J. Todd moved to accept the recommendation of the Hearing Officer that the application of Tina Welch be **DENIED.** **Pass**
- **Ravneet Kaur** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Ravneet Kaur be **DENIED.** **Pass**
- **Dino Fuentes** – S. Norton moved to accept the recommendation of the Hearing Officer that the application of Dino Fuentes be **DENIED.** 7 yes 2 no **Pass**
- **Leslie Chelippallil Abraham** – A. Weiss moved to accept the recommendation of the Hearing Officer that the preliminary denial is **reversed** and Leslie Chelippallil Abraham application to take the NCLEX examination be processed free from the previous denial **Pass**
- **Xenia Joaquin** – D. Swartz moved to accept the recommendation of the Hearing Officer that the application of Xenia Joaquin be **DENIED.** 7 yes 2 no **Pass**
- **Emma Druce** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Emma Druce be **DENIED.** **Pass**
- **Franklin Rigor** – A. Weiss moved to accept the recommendation of the Hearing Officer that the application of Franklin Rigor be continued for up to sixty days from January 13, 2012 for Franklin Rigor to supplement his application as set forth and if no acceptable supplement is filed, the preliminary denial will become final. **Pass**
- **Sumana Silwal** – D. Sutton moved to accept the recommendation of the Hearing Officer that the application of Sumana Silwal be **DENIED.** **Pass**
- **Eustacia McLaurean** – D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Eustacia McLaurean 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:

- **New Board Appointment** - The Governor's office has appointed Ms. Virginia Hudson, RN to fill Ms. Ellen Leff's vacancy. Her appointment will run to

December 31, 2013. Ms. Sheila Davis, LPN has been appointed to fill Ms De-Ann Welch's vacancy. Her appointment will run until December 31, 2015. The new members will be at the March 5, 2012 Board meeting.

- **Board Staff Transition** - The Board office has interviewed qualified candidates for the Licensing Board Specialist vacancy. Colette Groleau has been hired for the position. Ms Groleau has many years of experience with Central Vermont Medical Center as the provider enrollment coordinator (including credentialing of providers) and hospital billing manager. Ms Groleau starts with the Board of Nursing on February 13, 2012.
 - **OPR Board Retreat** - The Office of Professional Regulation had a staff retreat on January 18, 2012. The retreat was facilitated by Susan McCormick. The program was designed to aid OPR staff to work more effectively as a team.
 - **OPR Board Training-** There will be an OPR Board Training on February 17, 2012 at the OPR Board Office. This training is for the new Board and advisory members at OPR. The two new Nursing Board Members will be attending.
 - **Data Integrity Project-** The Data Integrity Project continues to be on schedule. The focus continues to be cleanup of inactive LPNs & RNs.
 - **Licensure** - The LPN renewal cycle began on December 19, 2011. There were 2,341 LPNs who potentially were able to renew. As of January 31, 2012 1,281 LPNs renewed on-line and 299 LPNs renewed by paper application for a total of 1680 LPN renewals
 - **Discipline:** As of January 31, 2011 there are 198 open cases, 68 follow-up cases and 7 Alternative Program participants.
- A. 2012 Strategic Initiatives and Annual Goals** - The Board was given a copy of the final 2012 Strategic Initiatives and Annual Goals.
- B. Institute of Medicine (IOM) Report** - This agenda item will be taken up at the March meeting due to time restraints.
- C. S. 236 Bill as Introduced** - On February 3, 2012 L. Davidson testified at the Health and Welfare Committee on S.236 (Global Signature Bill). This bill was introduced by Senator Kittell. The purpose of the bill proposes to allow the signature of an Advanced Practice Registered Nurse (APRN) certified as a Nurse Practitioner to be used whenever the signature of a physician is required
- D. Report from the Legislature on the LNA Medication Assistants – C.** Winters will come to the March 5, 2012 Board meeting to give an update. J. Carr provided the Board with a copy of her Legislative testimony.
- E. Education Committee Report:** J. Carr reported that the Education committee met on January 10, 2012. D. Swartz is the new Chair of the Committee. J. Carr will continue to serve on the Committee. Annual Report recommendations made by the Education Committee to the Board with required actions have been approved. The Education Committee is working on dedicated educational units and re-entry program checklists.

The Department of Disabilities, Aging, & Independent Living (DAIL, Division of Licensing & Protection) has begun the Request for Proposals (RFP)

process for awarding a contract to a LNA competency exam vendor when the current contract, held by D&S Diversified Technologies, expires at the end August. The bidding process is expected to be competitive with at least 3 or 4 exam vendors submitting proposals. Elizabeth attended a meeting at Licensing & Protection at the end of January to participate in a discussion about the exam process, ways to strengthen the contract, learn about the timeline established for this spring, and expectations of Board staff and committee members for contributing to the process (including the proposal review panel).

Nursing Assistant Education

- **Recommendation from the Education Committee to the Board of Nursing re: Future of the Ad Hoc Nursing Assistant Education Committee** – J. Todd moved to approve the recommendation for continuation of the Ad Hoc Nursing Assistant Education Committee for 2 more years. It will now be a standing committee called the Nursing Assistant Education and Practice Committee. A new charter will reflect these changes. **Pass**

Nursing Education Programs

- **UVM Proposal for Doctorate Program** – D. Swartz moved to approve the University of Vermont's proposal to transition the Master's in Science in Advanced Nursing Practice to the Doctor of Nursing Practice. J. Carr recused.
- **Southern Vermont College Request for Change in Date of Survey Visit** – D. Swartz moved to approve Southern Vermont College's request for a change in the date of the survey visit to coincide with the NLNAC site visit. **Pass**
- **Norwich University's MSN Program Request for Change in Date of Survey Visit** – D. Swartz moved to approve Norwich University's MSN Program Request for Change in Date of Survey Visit to coincide with the CCNE's site visit. **Pass**

Other Reports:

- **RN and LPN Examination Results 10/01-12/31/11** - The Board received the RN and LPN examination results.
- **Quarterly Nursing Assistant Education Program Report (NAEP) October – December 2011** – The Board requested that the report be sent to the Education Committee and that the Committee summarize and submit a report to the Board on a yearly basis.

F. Nursing Practice Committee: D. Sutton reported that the Nursing Practice Committee met on February 1, 2012. The Board received the Schedule on Position Statements. The Practice Committee had a request to review the current position statement "Role of the Nurse in Delegation of Medications to LNA/Dialysis Technicians". The Practice Committee continues to work on reusing the position statement "Role of the LPN in IV Therapy"; creating a new position statement on

“The Nurses Role in Initiating and Withholding of CPR in Vermont; and reviewing the position statement request for “LPNs/RNs reviewing and signing documents.”

G. APRN Sub-committee- L. Davidson reported that at the January 11, 2012 APRN Sub-committee meeting, the APRN Subcommittee discussed the use of Suboxone. In Vermont APRNs do not have prescriptive authority for this drug. However, APRNs in some other states do have authority to prescribe this and need guidance as to Vermont’s laws when they move to Vermont for work. The APRN Subcommittee is crafting a position statement on Suboxone and will send it to the Practice Committee when completed. The APRN Sub-committee continues to evaluate the assurance quality criteria for practice guidelines. The APRN Subcommittee reviewed the Refresher Program proposal for Sarah Dietchesi and agreed it met the criteria needed for fulfill the content required in a refresher program for her certification and role.

- **CRNA Requirements in Administrative Rules re: Assessment Courses -**
The Board discussed the Administrative Rules requirements regarding the Assessment course requirement as it pertained to CRNAs. J Todd moved to send the issue to the APRN sub-committee for discussion and for a recommendation to be brought to the Board. **Pass**
- **Opt-out for CRNS** – Mark Greene, CRNA and Megan Taylor, CRNA appeared before the Board to discuss “What does opt-out for CRNA’s mean?” Opt-out does not change the scope-of-practice for CRNAs. Opt-out allows the Governor to exempt Vermont CRNAs from physician supervision required by CMS Conditions of Participation for Hospitals, Ambulatory Surgical Centers and CAH’s Part A reimbursement.

6. Public Comments – There were no public comments.

7. Other Business- There was no other business.

8. Adjournment: A. Weiss moved to adjourn the meeting at 5:10 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: