

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
AUGUST 9, 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, Jeanine Carr; Sandra Norton; Donarae Metcalf, Deanne Welch, Kenneth Bush; Board members absent: John Todd; 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; Jamie Palmisano and Karl Packer, OPR Investigators; Others present: Mary Val Palumbo, Madeleine Mongan, Elizabeth Douville, Mary Ann Zavez, Esq., Amanda Mills-Brown, Kathleen Valle, Joy Schrum-McLain, Christina Page, Jocelyn Lawson

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the July 12, 2010 meeting. D. Metcalf, D. Welch and K. Bush recused. **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. The next newsletter is being finalized and will be sent in September 2010 and Board members should contact E. Hagman this week with any suggestions or information for the newsletter. M. Botter and A. Carlson met to discuss clinical practice investigations. M. Botter provided a document outlining suggested information sources for use by investigators during a clinical practice investigation. M. Botter and B. Wrask had a conference call with the OIG investigator from the Boston Office regarding the OIG exclusion list. M. Botter clarified for the Board that individuals whose licenses are revoked or suspended for greater than 6 months are placed on the OIG exclusion list. Individuals may petition for removal from the OIG exclusion list when they are reinstated with Conditions. M. Botter reported to the Board that there were 243 open cases and 79 follow-up cases as of August 1, 2010.

B. Board Retreat- September 8, 2010 – The Board was reminded that the fall Board Retreat that will be held for a full day on September 8, 2010. Board

members discussed who should attend the meeting and the role of the Board members. A. Weiss stated that he thought only Board members and the Executive Director should be present at the retreat. Other Board members expressed their opinions that staff should attend the retreat as planned. An external facilitator, Sue McCormak, will facilitate the meeting as requested by the Board.

- C. Altered Standards of Care Committee** – E. Hagman or M. Botter will continue to participate on the calls regarding possible alterations to scope and standards of practice during a state emergency. The committee decided to postpone requesting high level input from boards and other regulatory agencies regarding decision making about altering standards until a later date. M. Botter advocated for earlier rather than later involvement of regulatory agencies.
- D. 2010 NCSBN Annual Meeting** – E. Leff, D. Robinson, W. White and N. Morin will be attending the meeting in Portland Oregon from August 11-13, 2010.
- E. Nursing Workforce Data Collection** – L. Novins provided a legal opinion regarding the Board's role in facilitating collection of nursing workforce data during license renewal cycles (provided in Board meeting packet). J. Carr moved that the Board of Nursing assist AHEC with its survey by using its resources to support the acquisition of information provided by licensees at renewal time. A. Weiss voted no. **Pass**
J. Carr moved that all survey data must be shared by AHEC with the NCSBN and the Board shall be granted access to any of the survey information on demand to AHEC. **Pass**
M. Botter and L. Novins will draft an agreement for signature by AHEC and M. Botter on behalf of the Board.
- F. Criteria for Board approval for Independent Evaluators and Treating Professionals: Request for Approval** – J Carr moved to approve the Qualifications for Board Approved Independent Evaluators and Treating Professionals (Substance Use Disorders). **Pass**
- G. APRN Administrative Rules: Update** –M. Botter, K. Leahy, L. Novins and E. Hansen are meeting this week to review the Administrative Rules. They will incorporate the draft section regarding APRNs as well as make minor editorial changes to the remainder of the Rules. Once they have completed this draft, the ad hoc Board sub-committee will meet to review the entire document.
- H. Education Committee Report** – J. Carr reported that the committee:
- Will meet 5 times in person and 1 time by telephone per year.
 - Is still discussing what constitutes "clinical" and how much of that time simulation should be allowed. The recommendations will come to the Board in September.
 - Discussed nursing assistant programs and approved an algorithm to be used when a program's exam scores are low. The algorithm includes guidance for when recommendations should be made to the Board to place a program on conditional approval. The algorithm will come to the Board in September for approval.

- Is planning a preconference for educators to be held in conjunction with the VONL annual conference and meeting in April 2011.
 - Reviewed progress reports from Nursing Assistant programs and made recommendations that will be presented to the Board in September.
- I. Recommendations for Re-appointments to the Education Committee -**
A. Weiss moved to reappoint Sue Farrell and William White to the Education Committee. W. White recused. **Pass**
- J. NCLEX Re-take Application Review Course Score Requirement: Request for Approval –** E. Hagman requested the Board re-consider the current review course score requirement (proposal included in Board packet).
D. Robinson moved to eliminate the requirement that a retake applicant achieve a score of 80% on the NCLEX review course. **Pass**
- K. NCLEX Quarterly Examination Scores -** The Board received the NCLEX Quarterly Examination Scores. The Board requested that M. Botter or E. Hansen contact NCSBN regarding the report as the Board found some of the information on it confusing.
- L. Summary of Nursing Assistant Education Program Progress Reports –**
E, Hansen presented the report to the Board. The report included the following information for Nursing Assistant Education Programs:
- Progress reports received from programs
 - NAEP classes in 2010
 - Clinical testing pass rates
- M. Nursing Assistant Program Biennial Reviews: Request for Approval –**
- **Bennington Health and Rehabilitation Center –** S. Norton moved to Approve Bennington Health and Rehabilitation Center's program for the biennium 2010-2012. **Pass**
 - **Berlin Health and Rehabilitation Center –** J. Carr moved to Approve Berlin Health and Rehabilitation Center for the biennium 2010-2012. D. Metcalf recused. **Pass**
 - **The Manor –** J. Carr moved to Approve with recommendations The Manor for the biennium 2010-12. **Pass**
 - **Pine Heights –** A. Weiss moved to Approve Pine Heights for the biennium 2010-2012. **Pass**
 - **Starr Farm Nursing Center –** D., Metcalf moved to Approve with recommendations Pine Heights for the biennium 2010-2012. **Pass**
- N. Nursing Assistant Education Program (NAEP) Approval Status: Request for Approval –**
- **St. Albans Health & Rehabilitation Center (NAEP) – Initial Program Approval -** D. Robinson moved to Approve with recommendations St. Albans Health and Rehabilitation Center (NAEP). **Pass**
 - **Office of Nursing Workforce (NAEP) – Withdrawal of Program Approval -** D. Robinson moved to Approve the withdrawal of program approval for NAEP at Office of Nursing Workforce. **Pass**
- O. Practice Committee Report –** E. Hagman reported that the committee met last week and continues to have a busy agenda. A number of position statements will come to the Board for review and approval at the September meeting.

- P. APRN Advisory Committee** – The APRN Advisory Committee did not meet in July and will meet again in September. The committee members were provided the section of the draft Administrative Rules reviewed and approved by the Board at the July meeting. Four of the APRN committee members expressed disappointment that the Board had approved the requirement for a collaborative agreement with an APRN or MD for the first 5 years of APRN practice. The committee noted that this is not consistent with the NCSBN Model Rules.

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

6. **Disciplinary Proceedings:**

- 2010-427 Ann Marie Gallagher was not present. K. Bush moved to **SUMMARILY SUSPEND** the license of Registered Nurse **Ann Marie Gallagher**. W. White recused. **Pass**
- 2010-378 Robert Larrow was not present. D. Robinson moved to **SUMMARILY SUSPEND** the license of Registered Nurse Robert Larrow. **Pass**
- 2010-273 Jennifer Magistrale was not present. A. Weiss moved to find Jennifer Magistrale in **DEFAULT**. E. Leff recused. **Pass**
D. Robinson moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Jennifer Magistrale**. **Pass**
- 2009-342 Kim Real was not present. K. Bush moved to find Kim Real in **DEFAULT**. **Pass**
D. Metcalf moved to go into deliberative session at 11:20 a.m. E. Leff recused. **Pass**
The meeting resumed at 11:26. The Board while in deliberative session voted to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Kim Real**.
- 2009-544 Robert Hutton was not present. K. Bush moved to find Robert Hutton in **DEFAULT**. **Pass**
A. Weiss moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Robert Hutton**. **Pass**
- 2009-510 Amanda Gibbons was not present. S. Norton moved to find Amanda Gibbons in **DEFAULT**. **Pass**
A. Weiss moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Amanda Gibbons**. **Pass**
- 2009-431 Heather Weigel was not present. J Carr moved to find Heather Weigel in **DEFAULT**. **Pass**
A. Weiss moved to **REVOKE** the license of Licensed Nursing Assistant **Heather Weigel**. W. White voted no. **Pass**

NU84-0109/2009-22 Nancy Aucoin hearing was cancelled and a hearing will be re-scheduled for September.

2009-128 Helen Therrien was not present. E. Leff moved to approve the Stipulation and Consent Order and **CONDITION** the license of Licensed Nursing Assistant **Helen Therrien.** **Pass**

2009-265 Kate Barany was not present. K. Bush moved to approve the Stipulation and Consent Order and **IN-ACTIVE CONDITION** the license of Registered Nurse **Kate Barany.** **Pass**

NA63-0606/2006-122 Jeanne Rindell –Motion for Relief of Order. Jeanne Rindell was not present. K Bush moved to deny the motion for relief of order. **Pass**
D. Robinson moved to go into deliberative session at 2:02 p.m.
The meeting resumed at 2:10 p.m. The Board while in deliberative session voted to deny the motion for relief of order. The Board will issue a written decision.

2009-188 Elizabeth Douville was present and represented by Mary Ann Zavez, Esq. D. Robinson moved to go into deliberative session at 4:55 p.m. D. Welch, D. Metcalf and K. Bush recused. **Pass**
The meeting resumed at 5:10 p.m. The Board will issue a written decision.

2009-201 Heath Miller hearing was cancelled and will be rescheduled for September.
2009-175

Hearing Officer Recommendations:

2009-74 Benson Gitau was not present. J. Carr moved to approve the Hearing Officer's recommendation and **WITHDRAW** the license of Licensed Practical Nurse **Benson Gitau.** **Pass**

2010-73 Ruth Jeune Alexis was not present. D. Metcalf moved to approve the Hearing Officer's recommendation and **WITHDRAW** the license of Licensed Practical Nurse **Ruth Jeune Alexis.** **Pass**

2009-71 Rebecca Oduah was not present. S. Norton moved to approve the Hearing Officer's recommendation and **WITHDRAW** the license of Licensed Practical Nurse **Rebecca Oduah.** **Pass**

2009-70 Ajibola Ajoke Osidipe was not present. K. Bush moved to approve the Hearing Officer's recommendation and **WITHDRAW** the license of Licensed Practical Nurse **Ajibola Ajoke Osidipe.** W. White voted no. D. Metcalf recused. **Pass**

- 2009-72 Erline Pierre-Louis was not present. A Weiss moved to approve the hearing Officer's recommendation and **IN-ACTIVE CONDITION** the license of Licensed Practical Nurse **Erline Pierre-Louis**. **Pass**
- 2010-69 Edith Nikeonye Ozoh was not present. S. Norton moved to approve the Hearing Officer's recommendation and **WITHDRAW** the license of Licensed Practical Nurse **Edith Nkeonye Ozoh**. William White voted no. **Pass**
- 2009-69 Patricia Marshall was not present. K. Bush moved to approve the hearing Officer's recommendation and **IN-ACTIVE CONDITION** the license of Licensed Practical Nurse **Patricia Marshall**. **Pass**

Closing Reports:

D. Robinson moved to recommend that the following complaint be concluded without charges:

- 2010-70 J. Carr recused **Pass**

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

- 2009-598
- 2009-599
- 2010-162 **Pass**

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

8. **Adjournment:** D. Welch moved to adjourn the meeting at 5:13 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: **September 13, 2010**