

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
MARCH 15, 2010**

1. Call to Order:

The meeting was called to order at 9:00 AM by Ellen Leff, Chair. Board Members present: Jeanine Carr, Alan Weiss, Sandra Norton, William White, Deborah Robinson, Donarae Metcalf, John Todd, Deanne Welch; Board Members absent: Ken Bush; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Program Coordinator, Larry Novins and Kevin Leahy - Board Attorneys, Ed Adrian - Prosecuting Attorney; Others present: UVM Students, Emily Blisten, Esq., Karen Tronsgard – Scott, Thom Namaya, Peter Langrock, Esq., Laura McAllister, Suzie Kopp, Helen Therrien, Duncan Kilpatrick, Esq., Donna Powell, Diane Limlaw, Nichole Bessette, Mike Rowley, Esq., Madeline Mongan, Lynn Guilmette, by telephone.

2. Changes and Additions to the Agenda:

Ellen Leff welcomed the University of Vermont nursing students..

The revised agenda provided at the meeting today was accepted with no changes.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the February 8, 2010 meeting. **Pass**

4. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. E. Hansen submitted the final article in a series of short biographies of the members of the Vermont Board of Nursing to the Vermont Nursing Connection. The article features Kenneth Bush, Sandra Norton, and John Todd. The first on-line renewals are underway for 2 non-nursing professions. Preparations are underway for the LNA renewal cycle. LNAs will have the opportunity to renew on-line or by mail.

B. Altered Standards of Care Committee Update – E. Hagman has participated in the most recent conference calls. This group has completed initial grids identifying standards that might need to be altered in a state emergency for Home Health, EMS/911, Nursing Homes, Primary Care and Emergency departments. Hospitals and Alternative Care sites will be discussed in the coming weeks. After these grids are complete a call focused on regulatory issues and concerns related to altered standards of care will be held. .

C. Updated Quarterly Licensure and Case Report: Additional data is now

available and has been added to the last quarterly report. The updated report has been provided to the Board. Next month the Board will receive a report for the 1st quarter of 2010. In the future, the Board will also be provided with graphs depicting trends over time.

- D. **Application Decision Grid: Updates** – M. Botter told the Board that the grid on decision making regarding applications should be ready by the April Board meeting.
- E. **Fining Employers for Permitting Practice with Lapsed License: Update** M. Botter advised the Board that a meeting is scheduled with C. Winters, B. Wrask, L. Novins for next month to discuss the issue of fining employers who permit individuals to practice with a lapsed license.
- F. **Budget Report** – The most recent budget report was included in the Board packet. Revenue projections were decreased due to changes made in the application process for internationally educated nurses. A. Weiss requested that C. Winters and P. Daley attend the April meeting to discuss four OPR obligations that were identified in the Auditor's Report that OPR has not yet addressed.
- G. **Office of Nursing Workforce: Data Collection Request** – The Office of Nursing Workforce has requested Board of Nursing support for continuation of data collection regarding the Vermont nursing workforce during license renewal cycles. Additionally, they are requesting a formal collaboration to request NCSBN funding to support data collection and analysis.
J. Todd moved to explore the cost of combining the survey with the e-license on-line renewal survey and to contact NCSBN to see if there are grants available prior to the Board making a decision. **Pass**
The Board requested a formal proposal be presented for their review.
- H. **2010 NCSBN Institute of Regulatory Excellence – Continued Competence 360 Report** – W. White reported that the issue of competency is complex and that there is not a consensus on what constitutes continued competency. It was felt that a Legislative mandate that nurses take continuing education was not the way to proceed with the issue of continued competency as there is no evidence supporting this action.
- I. **NCSBN Mid-Year Meeting** – E. Leff and J. Todd attended the NCSBN Mid-Year meeting. E. Leff reported that she was impressed with the progress that NCSBN had made on the transition to practice modules that are almost ready for pilot testing. E. Leff also advised the Board that she would like to discuss the topic of criminal back ground checks and consider the implications of them being a requirement for Vermont licensees. J. Todd reported that continued competency was a hot topic but he felt the topic would better be addressed in the regional meetings. E. Leff also noted that Boards are being scrutinized regarding their effectiveness in protecting the public. She suggested that the Vermont Board needs to evaluate the existing disciplinary program.
- J. **Executive Director Search Update** – M. Botter updated the Board on the Executive Director search. There may be 2 applicants for the Board to consider at their April meeting.

- K. Alternative Program Workgroup: Update** – E. Leff reported that the Committee was reviewing the Alternative Program contract that individuals sign and may be making modifications. The Brochure is being reviewed by the Secretary of State and should be ready for distribution in April. The Committee is also looking at marketing strategies for letting nurses, substance abuse counselors, providers and the public know about the Alternative Program.
- L. Revisions to SANE Administrative Rules** – The SANE Board considered comments from the Board of Nursing. Changes made to the SANE Rules as were provided to the Board of Nursing members in the Board packet. Emily Blisten, Esq. and Karen Tronsgard-Scott discussed the changes that had been made as a result of the input provided by the Nursing Board and requested that the Board rescind their request for a public rules hearing. A. Weiss moved to rescind a previous motion to request that SANE hold a public rules meeting on the SANE Administrative Rules. **Pass**
- M. Draft Board of Nursing Administrative Rules – Public Comments**
E. Leff updated the Board on the Public comment session. E. Leff, A. Weiss, W. White and J. Todd attended the session for public comment. The meeting was recorded and a CD with public comments as well as copies of the written comments received prior to or at the time of the meeting were sent to Board members for their review. The majority of the comments were related to 4 sections: educational preparation, transition to practice, grandfathering, and formal collaborative agreement. E. Leff thanked M. Botter and K. Leahy for all their hard work.
The Board discussed “next steps” and decided that the APRN Committee would review the CD’s and comments. Their recommendations will be shared with the ad hoc Board committee that has previously worked on the draft Administrative Rules. The ad hoc committee (E. Leff, A. Weiss, E. Hansen, M. Botter, K. Leahy) will review these recommendations in light of the public comments. A final set of recommendations from the ad hoc Board committee will be presented to the Board at the May meeting.
- N. Nursing Assistant Program Annual Reports: Request for Acceptance**
- **Birchwood Terrace** – J. Todd moved to Accept Birchwood Terrace Annual Report. **Pass**
 - **Burlington Health & Rehabilitation** – S. Norton moved to Accept Burlington Health & Rehabilitation with a progress report due by July 1, 2010. **Pass**
- O. Biennial Nursing Assistant Program Reviews: Request for approval –**
- **Stafford Technical Center (day program)** – A. Weiss moved to grant Conditional Approval with recommendations for the Stafford Technical Center (day Program). **Pass**
- P. One Year Post Approval Review – Request for approval –**
- **Office of Nursing Workforce** – D. Metcalf moved to Approve Office of Nursing Workforce for the biennium 2010-2012 with recommendations. **Pass**
The Board also requested E. Hansen to clarify the “home organization”

for this program if the Office of Nursing Workforce is, or will, no longer be a recognized entity.

- Q. Education Committee Report** – J.. Carr reported that the Committee had not met since last month but at the last meeting they had discussed the issue of nursing students having 12 hour clinical experiences. The Committee recommends that each program should determine the appropriate length of time for clinical experiences necessary to achieve program goals and comply with the criteria outlined in the Administrative Rules. There was agreement by the Board. At the next meeting the committee will be discussing the criteria and process used to review re-entry programs. E. Hansen reported that last month she and Lorri Welch conducted a site visit at Southern Vermont College in conjunction with the National League for Nursing Accrediting Commission. A report with recommendations will be in the April Board packet for consideration by the Board. The University of Vermont is scheduled for a review in April. E. Hansen and Anita Ristau will be the visitors. If possible a 3rd visitor with graduate education expertise will also participate. Norwich University is scheduled for an interim visit in April due to the current Conditional Approval status. M. Botter and J. Carr will be the site visitors.
- R. Nursing Practice Committee** – M. Botter reported for E. Hagman, who is on vacation, and provided the following update. Revised anesthesia-related position statements were distributed to CNO's on February 12, 2010. A great deal of feedback has been received, primarily from Emergency department nurses and physicians. A multidisciplinary Ad Hoc Committee is currently reviewing the feedback. Because the committee received invitations to attend a number of professional meetings and it is not realistic to attend them, the Ad Hoc Committee is planning a public forum in early May to hear opinions in person. This process identified the need to do a better job of communicating the existence, content and purpose of Board of Nursing position statements. Potential avenues are newsletter, e-mails and website. If the Board would like drafts of any of the opinions under review they should contact E. Hagman.
- S. APRN Advisory Committee** – M. Botter reported that the APRN Advisory Committee members were interested in receiving copies of the CD's and comments regarding the Administrative Rules. In the last meeting the participants expressed willingness to be of assistance should the Board wish their input as the Administrative Rules are further edited.

5. Licensing:

- A. Mary Alice Giannoni, APRN: Request for Waiver** – M. Botter provided the Board with the context for the request by M. Giannoni. Ms. Giannoni holds graduate nursing degrees preparing her to be a clinical specialist in pediatric nursing and an adult nurse practitioner. She holds certification as an Adult Nurse Practitioner. Her practice for over 10 years has been with adults and children. J. Todd moved to approve **Mary Alice Giannoni's** request for a **waiver to treat pediatric patients** for the duration of the time she holds her current position and provided that Ms. Giannoni continues to hold certification as an Adult Nurse Practitioner and completes the CE requirements that would

be necessary for a Pediatric Nurse Practitioner Certification. D. Welch abstained. **Pass**

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

7. **Disciplinary Proceedings:**

NU64-1208/2008-469 Thom Namaya was present and represented by Peter Langrock, Esq. J. Todd moved to go into deliberative session at 11:50 a.m. **Pass**
The meeting resumed at 12:40 p.m. The Board will issue a written decision.

NU42-1008/2008-397 Laurie Colman was not present. J. Todd moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Laurie Coleman**. **Pass**

NA49-04062006-109 Helen Therrien was present. J. Carr moved to go into deliberative session at 3:40 p.m. **Pass**
The meeting resumed at 3:55 p.m. The Board will issue a written decision.

NU88-0109/2009-64 Lennylee Bennett hearing was postponed due to time constraints.

Applicant Lynn Guilmette was present by telephone. D. Welch moved to reverse the preliminary denial and to **GRANT** a Licensed Nursing Assistant license to **Lynn Guilmette**. **Pass**

2009-180 Nichole Bessette was present. E. Leff moved to go into deliberative session at 4:12 p.m. **Pass**
The meeting resumed at 4:25 p.m. The Board will issue a written decision.

NA63-0109/2009-82 Mary Ann Washburn was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Nursing Assistant **Mary Ann Washburn**. **Pass**

NA63-0606 Jeanne Rindell hearing was cancelled at her request.

M2009-197 Penny Birch was not present. J. Todd moved to **MODIFY THE CONDITIONS** of the Stipulation and Consent Order to read that **Penny Birch** can practice as a nursing assistant under the supervision of a licensed registered nurse **or a licensed practical nurse** who is in good standing with the Board. The Board will issue a written decision. **Pass**

Closing reports:

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

- 2009-471
 - 2009-462
- D. Robinson recused **Pass**

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

- 2009-415
- 2009-515
- 2009-345
- 2009-8/NA48-0109
- 2009-541
- 2008-340
- 2009-310
- 2008-479/NU70-1208
- 2009-306
- 2009-449

J. Carr recused

Pass

8. **Nursing Law's Regan Report:** The Board received the February 2010 report.

9. **Adjournment:** D. Metcalf moved to adjourn the meeting at 5:10 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: _____