

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

1. Call to Order:

The meeting was called to order at 9:04 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Donarae Metcalf, John Todd, Deanne Welch, Ken Bush; Board Members absent Jeanine Carr; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Larry Novins - Board Attorney, Chris Winters - Director of OPR, Paul Daley - Director of Administrative Services, Ed Adrian and Betsy Wrask - Prosecuting Attorneys, Jamie Palmisano - OPR Investigator; Others present: UVM Students, Kathryn Jarvis, Cindy Sue LaFrance, Laura Wilson, Lennylee Bennett, Cynthia Broadfoot, Esq., Lynn Robertson, Chidi Boston, Liza Warner, Esq., John Brennan, 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 one change. It was noted that the Approval of Minutes should be dated March 15, 2010.

3. Approval of Minutes:

D. Welch moved to approve the minutes of the March 15, 2010 meeting with corrections.

Pass

4. Administration, Education, Practice, Licensure

- A. Executive Director's Report** – Attached. M. Botter reviewed with the Board the 2010 Board goals and the progress that had been made in meeting the goals.
- B. SANE Administrative Rules** – The SANE Board will be meeting this week to review and approve the changes made to the SANE Administrative Rules. E. Hagman will attend the meeting as the designee of E. Leff.
- C. Altered Standards of Care Committee Update** – E. Hagman continues to participate in the conference calls regarding standards of care that might need to be altered in the case of a state emergency. This group has almost completed their work on initial grids identifying standards that might need to be altered for Home Health, EMS/911, Nursing Homes, Primary Care and Emergency departments, Hospitals and Alternative Care sites. After these grids are complete a call focused on regulatory issues related to altered standards of care will be held.

- D. Fining Employers for Permitting Practice with Lapsed License: Update** – M. Botter advised the Board that a meeting is scheduled with C. Winters, B. Wrask, and L. Novins for this month to discuss fining employers who permit individuals to practice with a lapsed license. A document should be ready for the Board's review at the May meeting.
- E. Draft Administrative Rules: Update** - The APRN Advisory Committee will be reviewing the input received during the public comment session and developing recommendations for consideration by the Board. The APRN Committee is reviewing statutes and rules related to APRN regulation in neighboring states and are revisiting the NCSBN model rules.
- F. Budget Update** – C. Winters and P. Daley provided the Board with a memo titled "Auditor's Recommendations, Secretary of State Responses" that addressed the six issues raised in the Auditors report. The Board also received a copy of a Memorandum that was sent to Jeffrey Kellar, CPA; Audit Supervisor from Paul Daley that addressed the issues raised in the 2009 Board of Nursing Letter. C. Winters provided an overview of the content of both memos. A. Weiss moved that the memo entitled "Auditor's Recommendations, Secretary of State Responses" be attached to the minutes. **Pass**
- G. Executive Director Search: Update** – C. Winters informed the Board that there was one applicant that had been interviewed by the hiring committee but the committee wanted to ask the applicant additional questions prior to making a recommendation to the Board. If the committee does not recommend that this applicant be hired then further advertising will be done.
- H. Alternative Program Workgroup: Update** – The new brochure has gone to the printers and is ready for distribution. John Todd and William White will be attending the NCSBN Substance Abuse Conference in Chicago in late April. Both participate as members of the Vermont Board of Nursing Alternative Program ad hoc committee.
- I. Updated Quarterly Licensure and Case Report:** Additional data is now available and is included in the 1st quarter report for 2010. Graphs depicting trends over time will be presented in future reports.
- J. Licensure for Pro-Bono Work** - M. Botter advised the Board that there was discussion at legislature regarding health care professionals that provide pro-bono services and the time it takes for these applicants to become licensed in Vermont. The Nursing Board was not identified as one of the licensing agencies that takes a prolonged period of time to license these applicants.
- K. Application Decision Grid: Update** – M. Botter reviewed with the Board a draft grid of who on the Nursing Board staff could approve licenses for individuals who have had disciplinary action in another state or prior to applying for initial licensure. M. Botter received Board input and will revise the grid for review at the May Board meeting.
- L. Board Retreat Planning** – E. Leff discussed with the Board when they would like to hold a retreat. The Board agreed that they would like to hold a one day retreat in the spring and in the fall. M. Botter will explore dates and locations that may be available and report back to the Board at the May meeting.

M. Nursing Program Site Surveys: Request for Approval

- **Southern Vermont College – Associate Degree Program - J.**
Todd moved to approve Southern Vermont College Associate Degree Program for 2 years with recommendations. **Pass**
- **Southern Vermont College – Baccalaureate Degree Program - J.**
Todd moved to approve Southern Vermont College Baccalaureate Degree Program for 2 years with recommendations. **Pass**

N. Nursing Assistant Program Educators Newsletter – The Board received the Nursing Assistant Program Educator's Newsletter.

O. Education Committee Report – The Nursing Education Program Evaluation Visit to UVM was canceled due to an emergent family issue that prevented E. Hansen from conducting the site visit as scheduled. The other visitor scheduled to participate declined to conduct the visit without E. Hansen. The UVM programs are approved through 2013 and had requested an early visit to correspond with the visit by their national accrediting organization. UVM will be asked when they would prefer the rescheduled visit by the Board of Nursing. The Norwich University interim site visit will be conducted in April 2010 due to the University being on Conditional Approval. M. Botter and J. Carr will be the site visitors.

P. Nursing Practice Committee – E. Hagman reported that the Practice Committee recently established process for reviewing and updating existing position statements is being used effectively and is engaging interested parties in an iterative process. An ad hoc committee is working on five anesthesia related position statements and a meeting is being held on May 10th to allow for interested parties to give input on the proposed position statements. After considering the input received, the ad hoc committee will revise the draft position statement and submit it to the Practice Committee for review. If Board members are interested in reviewing the draft or the input please contact E. Hagman.

Q. APRN Advisory Committee – The APRN Committee met last week and will meet again next week regarding the draft Administrative Rules.

5. Licensing:

A. Office of Nursing Workforce – E. Hagman has been designated as the Board staff contact for the Office of Nursing Workforce as a proposal for data collection, analysis and dissemination is developed. M. Palumbo plans to include in the formal, detailed proposal agreement a plan to request NCSBN funding to support data collection and analysis in collaboration with the entity that will replace or house the Office of Nursing Workforce once the existing funding ceases. The proposal will be presented to the Board for consideration at the May Board meeting.

B. On-line Renewal – Preparations are underway for the LNA renewal cycle. LNAs will have the opportunity to renew on-line or by mail.

6. Public Comment: There were no public comments.

7. Disciplinary Proceedings:

- 2009-128 Helen Therrien was not present. D. Welch moved to go into deliberative session at 10:45 a.m. to discuss a motion to dismiss. **Pass**
The meeting resumed at 11:08 a.m. The Board will issue a written decision.
- 2010-44 JeanMarie Reid was not present. K. Bush moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **JeanMarie Reid**. **Pass**
- 2009-603 Julie Fridlington was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Julie Fridlington**. **Pass**
- 2010-135 Caitlin Ferland was not present. D. Robinson moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Caitlin Ferland**. **Pass**
- 2009-216 Michael Lucia was not present. A. Weiss moved to go into deliberative session at 11:50 p.m. **Pass**
The meeting resumed at 12:00 p.m. The Board will issue a written decision
- 2009-219 Jennifer Gould was not present. D. Welch moved to find Jennifer Gould in **DEFAULT**. **Pass**
A. Weiss moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Jennifer Gould**. **Pass**
- 2009-476 Lori Ellis was not present. J. Todd moved to **NOT FIND LORI ELLIS in DEFAULT** but to allow the charges to follow the standard process. **Pass**
- 2009-194 John Brennan was present by telephone. D. Robinson moved to go into deliberative session at 1:24 p.m. **Pass**
The meeting resumed at 1:35. The Board will issue a written decision
- 2009-450 Jessica Jovanovic was not present. E. Leff moved to approve the Stipulation and Consent Order and impose a **REPRIMAND** and **ADMINISTRATIVE PENALTY OF \$1,000.00** on the license of Registered Nurse **Jessica Jovanovic**. **Pass**
- 2009-375 Nicole Fontaine was not present. D. Welch moved to approve the Stipulation and Consent Order and **SUSPEND** the license of Licensed Practical Nurse **Nicole Fontaine**. D. Robinson and D. Metcalf recused. **Pass**
- NU09-0708/2008-258 Ann Grandchamp was not preset. D. Metcalf moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Ann Grandchamp**. **Pass**

- NU88-0109/2009-64 Lennylee Bennett was present and represented by Cynthia Broadfoot. J. Todd moved to go into deliberative session at 4:42 p.m. **Pass**
The meeting resumed at 4:50 p.m. The Board will issue a written decision.
- M2009-164 Judith Green was not present. J. Todd moved to approve the Re-instatement Stipulation and Consent Order and continue **SUSPENDED** status then **RE-INSTATE and CONDITION** the license of Registered Nurse **Judith Green.** **Pass**
- 2009-165 Becky Jo Vessa was not present. K. Bush moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Nursing Assistant **Becky Jo Vessa.** **Pass**
- 2009-218 Jeffrey Racine was not present. J. Todd moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Nursing Assistant **Jeffrey Racine.** **Pass**
- 2009-202 Patricia Wilson was not present. D. Robinson moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Practical Nurse **Patricia Wilson.** **Pass**
- NU95-0109/2009-73 Oxy Fania was not present. E. Leff moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Licensed Practical Nurse **Oxy Fania.** **Pass**
- M2009-96 Chidi Boston was present and represented by Liza Warner, Esq. D. Metcalf moved to go into deliberative session at 5:45 p.m. **Pass**
The meeting resumed at 6:00 p.m. The Board will issue a written decision.
- NU97-0109/2009-75 Simone Milien was not present. K. Bush moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Licensed Practical Nurse **Simone Milien.** **Pass**
- 2009-479 Priscilla Adsit was not present. A. Weiss moved to approve the Stipulation and Consent Order and **EXTEND FOR ONE YEAR THE CONDITIONS** on the license of Registered Nurse **Priscilla Adsit.** **Pass**
- NU80-0109/2009-13 Ejike Egwuekwe was not present. K. Bush moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Registered Nurse **Ejike Egwuekwe.** **Pass**
- M2010-17 Heather Baril was not present. A. Weiss moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** the license of Licensed Nursing Assistant **Heather Baril.** **Pass**

9. **Adjournment:** A. Weiss moved to adjourn the meeting at 6:15 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: **May 10, 2010**

April 12, 2010

MEMORANDUM

TO: Board of Nursing
FROM: Christopher D. Winters, Director of OPR
RE: Auditor's Recommendations, Secretary of State Responses

In 2008, in response to some concerns raised by the Nursing Board, I requested that the Auditor of Accounts review the Nursing Board's finances. The Auditor's office engaged in a thorough review of the Board's budget and the Office of Professional Regulation's accounting practices and found that the Board's funds were properly protected and accounted for.

However, in his closing letter of January 29, 2009 the Deputy Auditor also made a series of six recommendations to the Board and Office of Professional Regulation beyond the scope of what was initially requested. The Secretary of State's Office and the Auditor's office traded correspondence over several months on these recommendations. While we disagreed with many of the recommendations, some generated a productive internal discussion that has led to positive changes I will discuss with you today. Each of the recommendations and responses are summarized below and are addressed in much more detail by Paul Daley's March 5, 2010 memorandum, also attached.

The most important change to come out of this exercise is our recognition that the Boards should all have a more meaningful opportunity to consult with the OPR Director on their budgets, as 3 V.S.A. §123(b) requires ("The Director shall consult with each board and prepare a consolidated budget for the office..."). Beginning this Fall, OPR will institute the annual procedure of having the OPR Director attend the October meeting of every Board. The Director will present each Board with the previous fiscal year end of year budget and the proposed budget for the next fiscal year. At the same time, the Director will review any recommendations for fee changes to reflect the actual cost of regulating the professions.

The recommendations and responses follow:

Recommendation 1: The board should review whether it is appropriate under statute for the Secretary of State's Office to assess the (Nursing Board) Fund for a significant amount of administrative costs.

Response: Secretary of State office-wide indirect expenses are assessed at the program level, on the basis of total direct spending. We have used this method after concluding that it provides for the most equitable distribution of indirect costs.

Recommendation 2: The board and OPR may benefit from a periodic review of the Fund's indirect cost allocation methods to determine if they are most appropriate to capture the true costs incurred by the Nursing Board or other licensed groups.

Response: The Nursing Board indirects consist of four cost pools: licensing administration, inspection, investigation and prosecution which are allocated through formulas subject to several reviews each fiscal year., including as a regular topic of discussion at OPR board member retreats and at meetings of regulatory boards.

Recommendation 3: The OPR should consider adopting a policy for establishing and reviewing cost allocation methods.

Response: We concur it would be the best practice to reduce the process to a formal annual procedure with review at the financial, programmatic, and board levels. Until now, resources have been focused elsewhere on more problematic budget areas of more risk and receiving less review.

Recommendation 4: The Executive Director should ensure that the individual Nursing Board members receive the indirect cost allocation tables with the financial reporting packages as needed.

Response: The cost allocation estimates are included in the annual board budget, and the final allocation table is included in the year end budget report. The OPR director will assure that all boards are provided with this information.

Recommendation 5: The Interboard Advisory Committee should be re-established or the OPR should work to review or eliminate the requirement from State law.

Response: The annual board member and advisor retreat fulfills the intent of this statutory requirement and is an effective replacement for the interboard advisory committee, which will be repealed by the current OPR Bill now in the Legislature.

Recommendation 6: The financial reports distributed to the board should agree to the general and subordinate ledgers.

Response: The general ledger balance included administrative penalties that, by statute, do not belong to a specific board, as well as other unallocable balances.

In light of the satisfactory review of the Nursing Board's fund balances and the extensive internal discussions and improvements that have now been put in place, I consider this matter closed and respectfully submit it to the Board for your approval.