

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
JULY 13, 2009**

APPROVED MINUTES

1. Call to Order:

The meeting was called to order at 9:00 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Jeanine Carr, Donarae Metcalf, Margaret Luce (Ad Hoc) and Linda Rice (Ad-Hoc). Board members absent: Ken Bush, De-Ann Welch. Staff members present: Mary Botter - Executive Director, Nancy Morin – Administrative Assistant, Elizabeth Hansen - LNA Program Coordinator, Larry Novins and Kevin Leahy - Board Attorney's, Betsy Wrask - Prosecuting Attorney. Others present: Madeline Mongeon, Medical Society, Jane Dorrian, Ndidi Dimgba, Yvette Tsounis, Stacey Crawford, Crystal Berenberg and Alexis Gabree by telephone

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted without changes or additions.

3. Approval of Minutes:

A. Weiss moved to approve the corrected minutes of the June 8, 2009 meeting.
L. Rice and M. Luce recused. **Pass**

4. Administration, Education, Practice, Licensure

- A. Executive Director's Report** – Attached. M. Botter provided a brief overview of the attached report. The Hearing Officer conducted 19 licensure pre-denial appeal hearings in June 2009. The outcomes of these hearings are included in the Board packet for review and approval.
- B. International Nursing Applications** – Effective July 1, 2009 all internationally educated applicants are required to obtain a Vermont CES (Credential Evaluation Service) Report from CGFNS or IERF. The purpose of the credential evaluation is to verify that applicants have completed secondary education, graduated from an approved nursing program, and successfully completed educational requirements for Vermont licensure.
- C. APRN Board Member Vacancy** – Susan Dumas has resigned from the Board for health reasons. Linda Rice has agreed to serve as an Ad-hoc member at each meeting until another APRN is appointed to the Board by

the Governor's Office.

- D. Palliative Care Bill – Board of Nursing and Medical Practice Board report requested** – The Board of Nursing will collaborate with the Medical Practice Board to provide a report to the House Committee on Human Services and the Senate Committee on Health and Welfare by January 2010. The report must include recommendations for improving the knowledge and practice of health care professionals in Vermont with respect to palliative care and pain management. A. Weiss and J. Carr volunteered to participate in this work.
- E. NCSBN Annual Meeting – August 12-14, 2009** – D. Robinson and E. Leff are the Board of Nursing Delegates for the Annual meeting in Philadelphia, PA. W. White is also attending the meeting and is the designated Alternate.
- F. Laser Use Study Committee** – The Board of Nursing has been asked to have a representative participate on a committee studying the use of laser light and radio frequency devices. The Vermont Legislature asked the Board of Barbers and Cosmetologists to convene a committee to study this issue. If any Board members are willing to participate in this work please contact M. Botter. In the interim, M. Botter will participate on the committee.
- G. Legislative Update** – M. Botter provided an update on the OPR bill and other bills that affected the Nursing profession that were passed by the legislature. The law changes can be viewed on the OPR website at www.vtprofessionals.org. The Board expressed interest in learning more about the change regarding educational preparation of faculty. C. Winter will attend the next Board meeting to provide further information.
- H. Review of Draft Administrative Rules** – The draft of the proposed Administrative Rules to be reviewed today incorporates changes discussed at previous Board meetings. When the content review is complete the draft will be edited. A. Weiss and E. Leff will work on editing the document with OPR staff. The draft will then be reviewed again by the Board. Once the draft is approved by the Board a notice of opportunity for public comment will be sent to interested parties.
- I. Status of the Auditors Recommendations** - As previously requested by the Board, a retreat will be planned for this fall during which the Nursing Board budget and State Auditor recommendations will be discussed.
- J. Disciplinary Guidelines: Unlicensed Practice** – A. Weiss moved to table this agenda item. **Pass**
- K. Discipline Follow-Up Report** – D. Robinson moved to accept the Discipline Follow-Up Report. **Pass**
- L. Licensure Report** –D. Robinson moved to accept the Licensure Report. **Pass**
- M. Castleton State College Request to Start New Program** – Castleton State College will be attending the September meeting to discuss the BSN program they are anticipating starting in 2010. They are seeking Provisional Approval.

- N. Nursing Education Committee:** J. Carr reported to the Board that the Committee met in June. The criteria used to evaluate and approve nursing programs preparing practical nurses were revised. The criteria used to evaluate and approve nursing programs preparing registered nurses were revisited and revised. Recommendations to the Board will be presented in August. The Committee also discussed educational preparation of faculty and the format for annual program reports. The next Committee meeting will be held in the fall.
- O. Quarterly Nursing Assistant Program Report** – J. Carr moved to accept the Quarterly Nursing Assistant Program Report. **Pass**
- P. Summary of 2009 Annual Nursing Assistant Education Program Report** – L. Rice moved to table this agenda item. **Pass**
- Q. Nursing Assistant Program Biennial Reports –**
- VNA of Chittenden & Grand Isle Counties Biennial Report – D. Robinson moved to accept the VNA of Chittenden & Grand Isle Counties Biennial Report with recommendations. **Pass**
 - Burlington Health & Rehabilitation Biennial Report – J. Carr moved to accept Burlington Health & Rehabilitation Biennial Report with recommendations. **Pass**
 - Grace Cottage Hospital 1 year Post-Approval Report – A. Weiss moved to accept Grace Cottage Hospital 1 year Post-Approval Report with recommendations. **Pass**
 - River Valley Technical Center (adult/evening) Program Biennial Report – J. Carr moved to accept River Valley Technical Center (adult/evening) Program Biennial Report with recommendations. **Pass**
 - Greensboro Nursing Home Biennial Report – D. Metcalf moved to accept Greensboro Nursing Home Biennial Report. **Pass**
- R. Nursing Assistant Annual Reports –**
- Gill Odd Fellows Home – J. Carr moved to withdraw approval of the Gill Odd Fellows Home's LNA program if an annual report is not received from the Gill Odd Fellows Home within 30 days of date of notification. **Pass**
 - River Valley Technical Center (adult/evening) Program – J. Carr moved to accept the annual report from River Valley Technical Center (adult/evening) Program with recommendations.
 - Green Mountain Technical & Career Center – L. Rice moved to withdraw approval of the Green Mountain Technical & Career Center's LNA program if Conditional recommendations have not been met within 30 days of date of notification. **Pass**
 - Lyndon Institute – J. Carr moved to accept the annual report from Lyndon Institute with recommendations. **Pass**
 - Patricia Hannaford Career Center – L. Rice moved to accept the annual report from the Patricia Hannaford Career Center with recommendations. **Pass**

- Randolph Technical Career Center – D. Metcalf moved to accept the annual report from Randolph Technical Career Center with recommendations. **Pass**
- Union House Nursing Home – D. Metcalf moved to accept the annual report from the Union House Nursing Home. **Pass**
- Vernon Green Nursing Home – L. Rice moved to accept the annual report from Vernon Green Nursing Home. **Pass**

S. APRN Advisory Committee: Update – The APRN Advisory Committee members attended and participated in the Board educational retreat held in June.

T. Nursing Practice Committee: Update - A. Weiss moved to table this agenda item. **Pass**

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

6. **Disciplinary Proceedings:**

NU38-1008/2008-393 Deborah Reyore was not present. A. Weiss moved to find Deborah Reyore in **DEFAULT**. **Pass**

J. Carr moved to **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Deborah Reyore**. **Pass**

NU24-0908/2008-344 Kelly Higgins was not present. A. Weiss moved to find Kelly Higgins in **DEFAULT**. **Pass**

D. Metcalf moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Kelly Higgins**. **Pass**

2009-119 Mark Ward was not present. A. Weiss moved to find Mark Ward in **DEFAULT**. **Pass**

J. Carr moved to **REVOKE** the license of Registered Nurse **Mark Ward**. **Pass**

NA34-1208/2008-470 Thomas Sawyer was not present. A. Weiss moved to find Thomas Sawyer in **DEFAULT**. **Pass**

E. Leff moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Thomas Sawyer**. L. Rice recused. **Pass**

NA21-1008/2008-399 W. Joan Sintz was not present. A. Weiss moved to find W. Joan Sintz in **DEFAULT**. **Pass**

D. Metcalf moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **W. Joan Sintz**. **Pass**

NU15-0708/2008-274 Dixie Hubbard was not present. J. Carr moved to approve the Stipulation and Consent Order and **WARN** the license of Registered Nurse **Dixie Hubbard**. **Pass**

NU37-1008/2008-392 Audra Lamothe was not present. Board requested deliberative session at 11:32 a.m. The meeting resumed at 11:35 a.m. J. Carr moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Audra Lamothe** pending submission of the Stipulation and Consent Order next month. A. Weiss moved to revise the motion to take out next month from the motion. **Pass**

NA64-0204/2009-83 Alexis Gabree participated by telephone. The Board requested deliberative session at 12:04 p.m. The meeting resumed at 12:25 p.m. E. Leff recused. The Board will issue a written decision.

NU86-0408/2008-159 Andrea Natal was not present. A. Weiss moved to continue the hearing until next month unless a Stipulation and Consent Order is presented. The motion died because of a lack of a majority vote. Board requested a deliberative session at 1:50 p.m. The meeting resumed at 2:06 p.m. The Board will issue a written decision.

NA13-0908/2008-342 Cheryl-Ann Fleming was not present. L. Rice moved to approve the Stipulation and Consent Order and **CONDITION** the license of Licensed Nursing Assistant **Cheryl-Ann Fleming**. **Pass**

2009-78 and 2009-129 Constance Prendergast was not present. E. Leff moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse Constance Prendergast. **Pass**

NU06-0707/2007-199 Jane Dorrian was present. L. Rice moved to approve the Stipulation and Consent Order and **CONDITION AND REINSTATE** the license of Registered Nurse **Jane Dorrian**. **Pass**

2009-80 Ndidi Dimgba was present. The Board requested deliberative session at 3:45 p.m. The meeting resumed at 4:05 p.m. The Board will issue a written decision.

NA14-0908/2008-346 Marion Watkins was not present. S. Norton moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Marion Watkins**. **Pass**

NA32-1208/2008-454 Crystal Berenberg was present. Board requested deliberative session at 4:27 p.m. The meeting resumed at 4:33 p.m. The Board voted in deliberative session to approve the Stipulation and Consent Order and

impose the **STANDARD CONDITIONS** on the license of Licensed Nursing Assistant **Crystal Berenberg**. **Pass**

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

- NU71-1208 – J. Carr recused
- NA45-0408 - J. Carr recused **Pass**

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

- NU74-1208
- NU25-0908
- NA54-0109
- NU87-0109
- NU12-0708
- NU85-0109
- NA05-0708
- NU89-0109
- APPNU55-1108
- NA38-1208 **Pass**

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

- NU12-0707 – E. Leff recused. **Pass**

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

- NA43-0408 – L. Rice recused.
- NU56-0108 – L. Rice recused **Pass**

7. Hearing Officer Appeal's Recommendations

- **Christine Onsay** – J. Carr moved to accept the recommendation that the application of Christine Onsay be held open for a period of four months from the date of this order to allow the applicant to obtain a CES report and if a CES report is not received within four months then there will be a denial of the appeal. **Pass**
- **Joy Ofielu** – D. Robinson moved to accept the recommendation that the application of Joy Ofielu be **DENIED**. **Pass**
- **Soni Lawrance** – S. Norton moved to accept the recommendation that the application of Soni Lawrance be **DENIED**. **Pass**
- **Loise Kamau** – D. Robinson moved to accept the recommendation that the application of Loise Kamau be **DENIED**. **Pass**
- **Joel Ndegwa** – L. Rice moved to accept the recommendation that the appeal be **DISMISSED** per the request of Joel Ndegwa. **Pass**

- **Chander Mohn .** – S. Norton moved to accept the recommendation that the application of Chander Mohn . be **DENIED.** **Pass**
- **Annrose Gitonga** – D. Robinson moved to accept the recommendation that the application of Annrose Gitonga be **DENIED.** **Pass**
- **Esther Gichobi** – D. Metcalf moved to accept the recommendation that the application of Esther Gichobi be **DENIED.** **Pass**
- **Mildred Adhola** – L. Rice moved to accept the recommendation that the application of Mildred Adhola be **DENIED.** **Pass**
- **Sumita William** – d. Metcalf moved to accept the recommendation that the application of Sumita William be **DENIED.** W. White voted No. **Pass**
- **Margot Rylah** – L. Rice moved to accept the recommendation that the application of Margot Rylah be **DENIED.** W. White voted No. **Pass**
- **Mariamamma Varghese** – S. Norton moved to accept the recommendation that the application of Mariamma Varghese be **DENIED.** **Pass**
- **Arlene Nadurata** – D. Metcalf moved to accept the recommendation that the application of Arlene Nadurata be **DENIED.** **Pass**
- **Karen Stephen** – L. Rice moved to accept the recommendation that the appeal application of Karen Stephen be held open for 30 days in order to receive evidence from the Applicant's employer, verifying the hours of employment and dates of employment as a registered nurse. If the evidence is not received the appeal will be denied. **Pass**
- **Marlene Baptiste** – S. Norton moved to accept the recommendation that the application of Marlene Baptiste be **DENIED.** **Pass**
- **Pio Lawrence Piccio** - D. Metcalf moved to accept the recommendation that the appeal application of Pio Lawrence Piccio be held open for 30 days in order to receive evidence from the Applicant's employer, verifying the hours of employment and dates of employment as a registered nurse. If the evidence is not received the appeal will be denied. **Pass**
- **Shanty Philip** – D. Robinson moved to accept the recommendation that the appeal application of Shanty Philip be held open for 30 days in order to receive evidence from the Applicant's employer, verifying the hours of employment and dates of employment as a registered nurse. If the evidence is not received the appeal will be denied. **Pass**
- **Rhandy Paredes** - S. Norton moved to accept the recommendation that the application of Rhandy Paredes by **DENIED.** **Pass**
- **Nancy Otwoma** – D. Metcalf moved to accept the recommendation that the application of Nancy Otwoma be **DENIED.** **Pass**

8. The Board received the Nursing Law's Regan Report for May 2009.

9. E. Leff 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: August 10, 2009