

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
SEPTEMBER 13, 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; John Todd; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Ellen Hagman - RN Staff, Larry Novins, Board Attorney, Chris Winters, Director, OPR, Betsy Wrask - Prosecuting Attorney; Jocelyn Stohl and Jamie Palmisano, OPR Investigators; Others present: Linda Davidson, Ruth Eaton, Lyle Jepson, Kristen Jarvi, Elizabeth Hadden, Tara Spaulding, Deborah Sheridan, Evelyn Lamprey, by telephone

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted with a few changes in the order of agenda items.

3. Executive Director Interview: Linda Davidson appeared before the Board to be interviewed for the Executive Director position. D. Welch moved to go into Executive Session with C. Winters to discuss the recommendation of the Board.

Pass

The meeting resumed at 9:50 p.m.

4. Approval of Minutes:

A. Weiss moved to approve the minutes of the August 9, 2010 meeting. J. Todd recused.

Pass

5. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. M. Botter gave an overview of the written Executive Director Report and related documents provided in the Board meeting packet. M. Botter reported that on-line renewal for LNAs starts October 5, 2010 and ends November 30, 2010. It is anticipated that approximately 75% of the LNAs will renew on-line. Individuals still have the option to send in a paper renewal application or walk-in to the office to renew. E. Hansen is attending the NCLEX invitational in Atlanta, Georgia today. E. Hansen held a professional development day for nursing assistant education program faculty in August. The meeting was held at the North Country Career Center and a panel of peer experts talked about strategies for achieving an 80% first time pass rate on the nursing assistant

examination. A. Carlson will be presenting an overview of the work that has been done with other state agencies in regard to collaboration and joint investigations at a future Board meeting. FirstLab, the vendor used by the Board of Nursing for licensees who are required to have random urine drug screening is planning to hold a Best Practices Conference in Boston, MA on November 18, 2010. Board members should let E. Hansen know if they are interested in attending. M. Botter reported to the Board that there were 230 open cases and 76 follow-up cases as of September 1, 2010.

- B. OPR Board and Advisory Training on November 10, 2010-** The annual educational session for Board members will be held on November 10, 2010 at StoweLake Inn. Both new as well as experienced Board members have found these meetings useful. Please let N. Morin know if you will be able to attend
- C. AHEC Nursing Workforce Data Collection: Update -** A signed agreement was received from AHEC and the planning is underway for data collection during the RN renewal cycle.
- D. Board Election of Officers –** J. Carr moved to elect E. Leff as Chair. E. Leff recused. **Pass**
W White moved to close the nominations. E. Leff recused. **Pass**
D. Robinson moved to elect J. Carr as Vice-Chair. J. Carr recused. **Pass**
J. Todd moved to close the nominations. J. Carr recused. **Pass**
D. Robinson moved to elect D. Welch as secretary. D. Welch recused. **Pass**
- E. 3 V.S.A. §129 Authority for Chair to Grant or Deny Stays: Recommendation for Board Approval –** D. Robinson moved that the Board of Nursing pursuant to 3 V.S.A. §129 authorize the Chair or Acting Chair the authority to grant or deny stays pending appeal **Pass**
- F. Authority for Board Counsel to Grant Continuances:** L. Novins requested action authorizing legal counsel for the Board of Nursing to grant continuances of scheduled hearings. This item was not on the Board agenda and will be considered at the October meeting.
- G. Ad Hoc Board Member Appointments:** L. Novins and M. Botter explained the role of Ad Hoc members appointed to the Board when there is an anticipated lack of a Board quorum. An Ad Hoc member can be asked to attend the entire Board meeting but may only participate on matters where there is not a Board quorum.
- H. Board Retreat: Next Steps –** The Board Retreat was held on Wednesday September 8, 2010 at the Capital Plaza. Sue McCormack facilitated the discussion. J. Carr volunteered to develop a document that incorporates the strategic initiatives identified by the Board during the retreat with the current annual goals. The Board discussed next steps. The Board decided to discuss the possibility of scheduling a 2-3 hour meeting focused on the strategic initiatives after J. Carr has developed the document.
- I. Alternative Program Workgroup Update –** The Alternative Program Workgroup has not met since the last Board meeting. The Committee continues to work on the Alternative Program Contract and will submit it for review and approval at a future Board meeting.

- J. Administrative Rules: Update** – M. Botter, K. Leahy, L. Novins and E. Hansen have been working on the next version of the draft to incorporate the section regarding APRNs, make minor editorial changes to other sections of the Rules, and renumber the entire document. The draft should be finalized later this week and a meeting will be scheduled for the Ad Hoc Board Sub-Committee to review the entire document. It is anticipated that the draft Rules will be on the October Board agenda for review.
- K. SANE Board Meeting: Update** – The SANE rules were enacted and the rules reflect the Board of Nursing recommendations.
- L. Highlights from the NCSBN 2010 Annual Meeting** – E. Leff, D. Robinson, W. White and N. Morin attended the meeting in Portland Oregon from August 11-13, 2010. E. Leff reported that the meeting was very informative. The NCSBN has approved Model Rules for Sexual Misconduct, including professional boundaries. NCSBN will be discussing Excelsior College and their educational program. N Morin reported that there were a lot of exhibitors with information that was very helpful. The meeting was a great place to network and meet members of other State Board's of Nursing. D. Robinson advised the Board that she found the meeting interesting and very informational. W. White stated the meeting was a good place to network and discuss common issues with other Board Members
- M. Education Committee Report** – The Education Committee has not met since the last meeting but at the August meeting the Committee prepared the following:
- **Recommendation of the Description of “Clinical” for the Board’s Approval** – Carr moved to approve the following with changes as noted:
“The clinical component of nursing programs (RN and LPN) is defined as participation in direct nursing interaction with clients. Participation in medium and high-fidelity simulation is considered a component of clinical experience. No more than 25% of clinical time may be devoted to simulation.”

Pass
 - **Guidelines for Action on Low First Time Pass Rates at Nursing Assistant Education Programs** – The Board discussed the Guidelines. K. Bush moved to send the document back to the Education Committee for further discussion regarding the 80% pass rate requirement.

Pass
- N. Nursing Assistant Education Programs – Program Change of Status: Request for Approval** –
- **Green Mountain Technology & Career Center** – Ruth Eaton, Nursing Assistant Program Administrator for Green Mountain Technology & Career Center appeared before the Board to discuss the proposed withdrawal of approval for the LNA program at Green Mountain Technology & Career Center. A. Weiss moved to Approve the recommendation for Withdrawal of LNA Program Approval for Green Mountain Technology & Career Center. J. Todd and J. Carr voted No.

Pass
 - **Northlands Job Corps** – Elizabeth Hadden and Tara Spaulding appeared before the Board to discuss the proposed withdrawal of approval for the

LNA program at Northlands Job Corps. A. Weiss moved to Approve the recommendation for Withdrawal of LNA Program Approval for Northlands Job Corps. **Pass**

- **Stafford Technical Center** – Kristen Jarvi and Lyle Jepson appeared before the Board to discuss the proposed withdrawal of approval for the LNA program at Stafford Technical Center. J. Carr moved to Not Approve the recommendation for withdrawal of program approval for Stafford Technical Center but to continue Conditional Approval for the LNA program at Stafford Technical Center because the program will not have been on conditional approval for a year until March 15, 2011. A. Weiss voted No.

Pass

Other Reports –

- **Quarterly Nursing Assistant Education Program Report, April – June 2010** - The Board accepted the Quarterly Nursing Assistant Education Program Report.
- **Nursing Assistant Education Programs: Progress Report Summary-Update** - The Board accepted the Nursing Assistant Education Progress Report Summary Update.

O. Practice Committee Report – E. Hagman reported that the committee met last week and continues to have a busy agenda. E. Hagman presented the following Position Statements for approval:

- **Abandonment Position Statement** – D. Welch moved to approve the Abandonment Position Statement. **Pass**
- **Continuing Education for Nurses Position Statement** – J. Todd moved to retire the Continuing Education for Nurses Position Statement as it is redundant to the Board's Rules. **Pass**
- A. Weiss moved to send the following position statements back to the Practice Committee for consolidation into one position statement.
 - Scope of Practice for the Registered Nurse (non-CRNA) in the Administration and Monitoring of Moderate Sedation for Procedures Position Statement;
 - Registered Nurses Role in the Administration of Propofol (Diprivan) for Moderate Sedation/Analgesia for Procedures in a Non-Intubated Patient; and
 - Nurses Role in the Administration of Propofol(Diprivan) in Critical Care Setting with an Intubated, Mechanically Ventilated Patient. **Pass**

The Board expressed appreciation for the hard work of the Committee and Ad Hoc Committee. Guidance to the Committee will include the Board's intent to have position statements include principles (rather than details such as specific mediations) and decision trees.

P. APRN Advisory Committee – The APRN Advisory Committee did not meet in August and is scheduled to meet in September.

6. Public Comment: There were no public comments.

7. Disciplinary Proceedings:

- 2010-423 Deborah Sheridan was present. D. Welch moved to go into deliberative session at 12:05 p.m. D Metcalf and D. Robinson recused. **Pass**
The Board meeting resumed at 12:15. The Board while in deliberative session moved to **SUMMARILY SUSPEND** the license of Registered Nurse **Deborah Sheridan**. The Board will issue a written decision.
- 2009-201 Heath Miller was not present. A. Weiss moved to **SUSPEND** the license of Registered Nurse **Heath Miller**. **Pass**
- 2010-347 Darlene Donoghue-Anekwe was not present. J. Todd moved to **SUMMARILY SUSPEND** the license of Registered Nurse Darlene Donoghue-Anekwe. **Pass**
- NU10-0708/2008-261 Holly Williams was not present. J. Carr moved approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Holly Williams**. **Pass**
- 2009-318 Rosie Emmons was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **CONDITION AND REPRIMAND** the license of Licensed Nursing Assistant **Rosie Emmons**. **Pass**
- 2009-427 Marion Mohri was not present. D. Robinson moved to approve the Stipulation and Consent Order and **WARN** the license of Registered Nurse **Marion Mohri**. **Pass**
- NU84-0109/2009-22 Nancy Aucoin was not present. D. Metcalf moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITION** status the license of Registered Nurse **Nancy Aucoin**. **Pass**
- 2010-466 Sean O'Connell was not present. E. Leff moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Sean O'Connell**. **Pass**
- 2009-476 Lori Ellis was not present. J. Carr moved to approve the Stipulation and Consent Order to **CONDITION** the license of Practical Nurse Lori Ellis. **Pass**
- 2010-426 Bryan Jarquin was not present. J Carr moved to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Bryan Jarquin**. **Pass**
- 2010-381 Amy Crowley was not present. J. Todd moved to **SUMMARILY SUSPEND** the license of Registered Nurse **Amy Crowley**. **Pass**
- 2010-53 Evelyn Lamprey was present by telephone. A. Weiss moved to **REPRIMAND** the license of Registered Nurse **Evelyn Lamprey**. The Board will issue a

written order.

Pass

M2009-179 Daniel Drish was not present. J. Todd moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Daniel Drish.** **Pass**

Closing Reports:

D. Metcalf moved to recommend that the following complaints be concluded without charges:

- 2010-51 J. Carr recused
- 2010-100 J. Carr recused
- 2009-517 J. Todd recused
- 2010-226 J. Todd recused
- 2010-76 D. Robinson recused
- 2009-596 D. Robinson recused
- 2010-22 D. Robinson recused
- 2009-566 D. Robinson recused
- 2010-189 Ken Bush recused
- 2010-106
- 2008-72

Pass

Hearing Officer Recommendations:

- **Leslie Chelippallil** - A. Weiss moved to accept the recommendation that the application of Leslie Chelippallil be **DENIED.** **Pass**
- **Miriam Tremedal** – J. Carr moved to accept the recommendation that the application of Miriam Tremedal be **DENIED.** W. White voted No. **Pass**
- **Ricardo Patacsil** – J. Carr moved to accept the recommendation that the application of Ricardo Patacsil be **DENIED.** **Pass**
- **Maylynn Kay-An** – J. Todd moved to approve the recommendation that the appeal of the denial of Kay-An Maylynn's application be **CONTINUED FOR 30 DAYS.** **Pass**
- **Vernary Bachelor-Edwards** – D. Robinson moved to approve the recommendation that the application of Vernary Bachelor-Edwards be **DENIED.** **Pass**
- **Katrina Tan** – A. Weiss moved to approve the recommendation that the appeal of the denial of Katrina Tan's application be **CONTINUED FOR 45 DAYS.** **Pass**
- **Louis Taylor** – D. Robinson moved to approve the recommendation that the application of Louis Taylor be **DENIED.** **Pass**
- **Christine Losin** – S. Norton moved to approve the recommendation that the

application of Christine Losin be **DENIED.**

Pass

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

9. **Adjournment:** K. Bush moved to adjourn the meeting at 4:40 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: October 11, 2010