

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

JANUARY 11, 2010

1. Call to Order:

The meeting was called to order at 9:02 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Jeanine Carr, Donarae Metcalf, Ken Bush, John Todd, Deanne Welch. Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Program Coordinator, Larry Novins and Kevin Leahy - Board Attorneys, Betsy Wrask and Ed Adrian- Prosecuting Attorneys. Others present: Madeline Mongan, Jeanne Duckett, Drew Palczik, Esq., Susan Fortin, Dawn Ash, R. Peter Dercato, Esq., Diane Updyke and Judy Barone, Esq., by telephone

2. Changes and Additions to the Agenda:

The revised agenda provided at the meeting today was accepted with one addition. A. Weiss requested that the Board discuss the advertisements for Executive Director that were placed in various publications.

3. Approval of Minutes:

A. Weiss moved to approve the minutes of the December 14, 2009 meeting with corrections as noted. **Pass**

4. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. The LPN renewals are now being processed. This will be the last renewal cycle without an on-line option. M. Botter noted that the tool based on Just Culture principles is being used by a number of I-Team members to facilitate review of cases. All I-Team participants will be using the tool over the next few months so the tool may be evaluated and modified as necessary.

B. H1N1 Altered Standards of Care Committee Update– M. Botter reported she had participated in 3 conference calls regarding emergency measures in case of a public health emergency. A 4th call is scheduled in February. Specific requests by health care organizations for alterations in licensees' scope of practice have not yet been received or discussed.

C. 2011 NCLEX-PN Test Plan – The Board received the 2011 NCLEX-PN Test Plan. The Board is encouraged to review the draft plan and send comments to E. Hansen. She will compile and submit the comments on the Boards'

- behalf.
- D. **NCSBN Mid-Year Meeting Reminder** – The meeting will be held in Chicago during the week of March 8th, 2010. Board members who are interested should contact M. Botter.
 - E. **March Board Meeting: 3/15/10** – The March Board meeting date was rescheduled from 3/8/10 to 3/15/10 and will be held at the Capitol Plaza in Montpelier.
 - F. **Advertisements for Executive Director** – A. Weiss discussed with the Board his concerns regarding the advertisement that was placed in the newspaper. He did not think the ad should have included the salary or that a PhD with 10 years of experience was desired. A. Weiss stated the requirement for the job was an applicant have a Masters in Nursing not a PhD. E. Leff will convey the comments to Christopher Winters, Director, OPR. M. Botter noted that the salary information had been removed from currently placed ads.
 - G. **SANE Board meeting** – The Board received and reviewed the proposed SANE Administrative Rules. The Board had concerns regarding the complaint process and the role outlined for the Board of Nursing. A. Weiss moved to have L. Novins request that the SANE Board hold a public hearing so that the Boards concerns could be put on the formal record for the Legislative Rules Committee to review. **Pass**
 - H. **Alternative Program: Recommendation for 2010 OPR Bill** – The Board reviewed the proposed language to be added to the OPR Bill regarding the Alternative Program. D. Robinson moved to approve the following “A program to serve as an alternative to the disciplinary process for nurses and nursing assistants with chemical dependencies or other professional practice issues as designated by the Board. **Pass**
E. Leff noted that a new brochure has been developed. The draft will be available for review by the Board at the meeting in February.
E. Hansen presented the Board with an Alternative Program Summary 2009 report.
 - I. **Follow-up Cases** – M. Botter noted that information for licensees who hold conditioned licenses will be posted on the website. There are numerous forms and links to sites such as First Lab that will be made available. This should decrease the number of calls and mailings that require office staff time.
 - J. **Draft Administrative Rules: Next Steps**– K. Leahy reviewed the changes that the Board had requested at the December meeting. J. Carr moved to approve the draft administrative rules being posted on the web and to send out notices to interested participants regarding a public comment meeting to be held on February 12th, 2010. **Pass**
 - K. **Licensure and Case Report (Active, Follow-up and Alternative Program) Quarterly Reporting** – M. Botter noted that the report was not complete. While all necessary data is being captured by the e-license system a request to the vendor may have to be made so we can retrieve the data. A template for the report will be available for review at the February Board meeting.

Available data will be included in the report for review at that time.

- L. End-of-Life Education for Health Care Professionals Study Committee –** J. Carr and A. Weiss represented the Board of Nursing in meetings with the Medical Practice Board regarding end of life and palliative care. The Medical Practice Board had not responded to the Board's request to participate in drafting a joint letter regarding palliative and end-of-life care educational requirements for health care professionals. The Board reviewed the draft letter that will be sent to the Legislature next week. J. Carr moved to approve the letter with corrections as noted and submit it to the legislature.

Pass

- M. Nursing Education Committee –** J. Carr reported that the Committee had completed the review of 2009 Nursing Program Annual Reports and were planning for 3 site visits this spring. The Committee is starting to work on the 2010 goal regarding nursing assistant program review. The Committee is also reviewing the evaluation forms and the process for evaluating annual reports.

N. Biennial Nursing Assistant Program Reviews: Request for approval –

- **Stafford Technical Center (Adult/Evening Program) –** D. Robinson moved to grant full Approval for the Stafford Technical Center (Adult/Evening Program) as the program had been on Conditional Approval. **Pass**
- **Northland Job Corps. –** E. Hansen noted that the program had submitted the following documents requested by the Board at the December meeting.
 - Copy of a signed contract from a skilled facility where the students will be taught in a clinical setting
 - Verification that faculty will be supervising the students on-site during clinical experiences and identification of those individuals
 - Current LNA exam pass rate data

O. Nursing Program Annual Reports: Request for Acceptance

- **Norwich University's Masters Program –** D. Welch moved to Accept Norwich University's Masters Program Annual Report with a progress report due in 90 days. K. Bush recused. **Pass**
- **Vermont Technical College Practical Nursing Program -** J. Todd moved to Accept Vermont Technical College's Practical Nursing Program Annual Report with a progress report due in 90 days. D. Robinson recused. **Pass**
- **University of Vermont Master's in Science Nursing Program –** K. Bush moved to Accept University of Vermont Master's in Science Nursing Program Annual Report with a progress report due in 90 days. E. Leff and J. Carr recused. **Pass**
- **Vermont Technical College Associate in Science Nursing Program –** J. Todd moved to Accept Vermont Technical College Associate in Science Nursing Program Annual Report with a progress report due in 90 days. D. Robinson recused. **Pass**
- **University of Vermont Baccalaureate Nursing Program –** D.

Robinson moved to Accept the University of Vermont Baccalaureate Nursing Program with a progress report due in 90 days. J. Carr and E. Leff recused. **Pass**

- P. Quarterly Nursing Assistant Education Program Report for October-December 2009** – J. Carr moved to accept the Quarterly Nursing Assistant Education Program Report for October – December 2009. **Pass**
- Q. Castleton Baccalaureate Nursing Program Proposal Request for Provisional approval** – The additional information requested by the Board was reviewed. A. Weiss moved to grant provisional approval for Castleton State College Baccalaureate Nursing Program. **Pass**
- R. Nursing Practice Committee** – The Committee did not meet this month and has a meeting scheduled for February.
- S. APRN Advisory Committee** – The APRN Advisory Committee members have been asked to provide recommendations for individuals who could serve as expert consultants for the Board Office staff regarding various APRN practice matters.

5. **Public Comment:** Madeline Mongan, Vice President for Policy for the Medical Society requested that the Board not let the lack of response from the Medical Board to the request from the Board of Nursing to collaboratively develop a single report to the legislature regarding End of Life and Palliative Care hinder the Board from working in collaboration with the Medical Board in the future.

6. **Disciplinary Proceedings:**

NU08-0708/2008-254 Donna Pace was not present. D. Metcalf moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Registered Nurse **Donna Pace**. **Pass**

M2009-163 Margaret Terrien was not present. D. Welch moved to approve the Stipulation and Consent Order and **REINSTATE AND CONDITION ONLY THE REGISTERED NURSE LICENSE WITHOUT THE ADVANCED PRACTICE REGISTERED NURSE ENDORSEMENT** of Registered Nurse **Margaret Terrien**. **Pass**

NU45-1008/2008-403 Jeanne Duckett was present and represented by Drew Palczik, Esq. D. Welch moved to go into deliberative session at 12:18 p.m. **Pass**
The meeting resumed at 12:55 p.m. The Board will issue a written decision.

M2009-198 Patricia Grace was not present. J. Carr moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Licensed Practical Nurse **Patricia Grace**. **Pass**

NU47-1107/2007-380 Dawn Ash was present and represented by R. Peter Decato, Esq. D. Welch moved to go into deliberative session at 4:00 p.m. **Pass**
The meeting resumed at 4:08 p.m. The Board while in deliberative session

voted to approve the Stipulation and Consent Order and **CONTINUE THE SUSPENSION WITH REINSTATEMENT CONDITIONS** the license of Licensed Practical Nurse **Dawn Ash.** **Pass**

M2009-214 Audra Lamothe was not present. D. Robinson moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Audra Lamothe.** **Pass**

2009-526 Betty Oliver was not present. D. Robinson moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY OF \$250.00** on the license of Registered Nurse **Betty Oliver.** **Pass**

NU87-0408/2008-167 Diane Updyke was present by telephone and represented by Judy Barone, Esq. by telephone. E. Leff moved to approve the Stipulation and Consent Order as written with the exclusion of Paragraph 2 and **CONDITION** the license of Registered Nurse **Diane Updyke.** **Pass**
E. Leff moved to include in the Stipulation and Consent Order that the Respondent shall not work more than 96 hours in 2 weeks and not more than 12 hours per day. **Pass**

NU36-1008/2008-391 Michelle Warmen was not present. A. Weiss moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Registered Nurse **Micelle Warmen.** D. Robinson recused. **Pass**

M2009-29 Karen Raymond was not present. S. Norton moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Karen Raymond.** **Pass**

Harriet Piche was not present. K. Bush moved to approve Harriet Piche's request and place on **INACTIVE STATUS** the license of Licensed Nursing Assistant **Harriet Piche.** **Pass**

7. Nursing Law's Regan Report: The Board received the December 2009 report.

9. Adjournment: K. Bush moved to adjourn the meeting at 4:30 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: _____