

**OFFICE OF PROFESSIONAL REGULATION  
89 MAIN STREET, 3<sup>RD</sup> FLOOR, MONTPELIER, VT  
APPROVED MINUTES  
September 9, 2013**

**1. Call to Order:**

The meeting was called to order at 9:00 AM by Jeanine Carr – Chair at 89 Main Street, Montpelier; Board members present: John Todd, Alan Weiss, Ellen Watson, Stephen Morse, Douglas Sutton, Virginia Hudson, Sheila Davis, Deborah Swartz; Board members absent: Luana Tredwell, William White; Staff members present: Linda Davidson - Executive Director, Nancy Morin - Administrative Assistant, Elizabeth Hansen - Nursing Program Manager, Ellen Leff - Nursing Case Manager, Larry Novins - Board Attorney, Gabriel Gilman, Lauren Hibbert - Prosecuting Attorneys; Others present: Deidre Arguin, Dennise Demers, Brooks McArthur, Esq., John Pacht, Esq., Mark Green, Nicole Stone, Carroll Ruhlman, Joan Fox

**2. Changes and Additions to the Agenda:**

- NCSBN Annual Meeting Report – E. Watson, S. Davis and N. Morin reported on the NCSBN Annual meeting that was held in Providence, RI in August.
- Position Statement Review: The Role of Emergency Medical Personnel in Acute Care Facilities Position Statement.

**3. Approval of Minutes:**

A. Weiss moved to approve the minutes of the August 12, 2013 meeting. Sheila Davis recused. **Pass**

**4. Disciplinary Proceedings:**

2012-119 Ernest Lapierre hearing was continued.

2012-388 Deidre Arguin was present and represented by John Pacht, Esq. Prosecuting Attorney Gabriel Gilman and John Pacht, Esq. requested that the hearing be continued until October. Request was granted.

2012-450 Gregory Sieverding hearing was continued.

2012-210 Julie Blackwell was not present. J. Carr moved to find Julie Blackwell in **DEFAULT.** **Pass**

J. Todd moved to **WARN AND CONDITION** the license of Licensed Practical Nurse **Julie Blackwell.** Sheila Davis recused. The Board will issue a written decision. **Pass**

2012-75 Jennifer McKenney hearing was continued.

2013-7 Robin Stell was not present. D. Swartz moved to find Robin Stell in **DEFAULT.** **Pass**  
J. Todd moved to **REPRIMAND** the license of Licensed Nursing Assistant **Robin Stell.** **Pass**

- 2013-108 Kathleen Spencer was not present. J. Todd moved to **NOT FIND IN DEFAULT** Kathleen Spencer and to set for a hearing in October. The Board will issue a written decision. **Pass**
- 2012-340 Marci White was not present. L. Hibbert, Prosecuting Attorney, requested to withdraw the Stipulation and Consent Order and set for a hearing. Request was granted.
- 2012-728 Vicki Smith was not present. E. Watson moved to approve the Stipulation and Consent Order and **WARN AND CONDITION** the license of Registered Nurse **Vicki Smith**. **Pass**
- 2012-153 Heather Moore was not present. J. Carr moved to approve the Stipulation and Consent Order and **WARN AND CONDITION** the license of Licensed Practical Nurse **Heather Moore**. **Pass**
- 2012-381 Sharon Laub was not present. E. Watson moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Advanced Practice Registered Nurse **Sharon Laub**. **Pass**
- M2013-33/2011-789 Dennise Demers was present and represented by Brooks McArthur, Esq. D. Sutton moved to accept the Stipulated Motion to Modify the Stipulation and Consent Order. The Board went into deliberative session at 9:35 a.m. The Board while in deliberative session voted to accept part of the modifications. The Board will issue a written decision.

#### **CLOSING REPORTS:**

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

- 2012-492 – J. Carr recused
- 2013-292 – E. Watson recused
- 2013-298 – E. Watson recused
- 2013-352 – E. Watson recused
- 2013-304 – E. Watson recused
- 2013-399 – D. Swartz recused
- 2013-253 – J. Todd recused
- 2013-137 – S. Davis recused
- 2013-110 – S. Davis recused
- 2012-762 – V. Hudson recused
- 2012-761 – V. Hudson recused
- 2013-109 – V. Hudson recused
- 2013-299 – V. Hudson recused

**Pass**

#### **OTHER DISCIPLINARY ITEMS:**

**A. Current Discipline Cases – August 30, 2013** – The Board received and reviewed the current discipline cases with E. Leff.

#### **5. Administration, Education, Practice, Licensure**

**Executive Director's Report:** The Board received the written Executive Director's Report and related documents provided in the Board meeting packet.

- **Draft Rules Revision:** Draft Rules revisions are moving along. Completed drafts of “Nursing Education Programs”, “APRN Nurse Education Programs”, and “Re-entry and Refresher Programs” have been reviewed by the appropriate committees. The full Board will be reviewing these “Parts” at today’s meeting as well as “Discipline.”
- **Nursing Program Manager:** Elizabeth Hansen, Nursing Program Manager for the Vermont Board of Nursing has announced her retirement. Her last day will be October 18, 2013. Advertisements for her position have been placed on the State job recruitment website, the NCSBN recruitment website, the VSNA job listings website, Seven Days, and the Burlington Free Press. L. Davidson will be covering this position in the interim.
- **Performance Evaluation training:** L. Davidson participated in the state’s “Performance Evaluation” training on August 26, 2013. New employees receive a six month probationary period evaluation and then a yearly evaluation.
- **NCSBN Compliance Webinar:** N. Morin and L. Davidson participated in an NCSBN webinar on September 4, 2013 titled “Compliance with Federal Reporting of State Licensure Actions.” Some of the topics to be presented are: Imposters, denial of licenses, criminal suspensions, board certified orders, and reporting deadlines.
- **NCSBN NCLEX Examination:** NCSBN’s NCLEX examination is “going green.” All candidates will be required to have an e-mail account. This initiative will take place in the first quarter of 2014.
- **LPN Renewal:** LPN licenses will expire on 01/31/2014. The Nursing staff continues to prepare for this renewal cycle. The LPN minimum data set will be incorporated into the renewal.
- **Discipline:** As of August 30, 2013 there are 152 open cases, 45 follow-up cases and 10 Alternative Program participants (7 Traditional participants and 3 Practice Remediation Program participants.)

**A. CRNA Opt-Out from the Federal Supervision Requirement:** The Board received documents relating to the CRNA Opt-Out in their Board packets. Mark Green, Nichole Stone, Carroll Ruhlman addressed the Board on why the CRNA Opt-Out was necessary and to request that the Board support the Opt-Out. J. Todd moved to recommend the Board support the CRNA Opt-out and send the Board’s recommendation to the Governor.

**Pass**

**B. Election of Board Officers:** A. Weiss moved to elect J. Carr as Chair  
V. Hudson moved to elect E. Watson as Vice-Chair.  
E. Watson moved to elect D. Swartz as Secretary.

**Pass**

**Pass**

**Pass**

**C. Presumptive Sanction for APRNs Working Without Practice Guidelines:** The Board reviewed the proposed sanctions for APRNs who work without approved practice guidelines on file with the Board Office. J. Todd moved to approve the proposed sanctions for APRNs who work without approved practice guidelines on file with the Board Office.

**Pass**

**D. Draft Administrative Rules for Nursing Education Program, Advanced Practice Registered Nurse Education Programs, Re-Entry and Refresher Programs and Discipline:** The Board received the proposed draft administrative rules in their packets. E. Watson moved to approve the proposed Administrative Rules with recommended revisions for Nursing Education Programs, Advanced Practice Registered Nurse Education Programs, Re-Entry and Refresher Programs and Discipline.

**Pass**

**E. Public Comments –** There were no public comments.

- F. Education Committee Report:** D. Swartz reported on the Education Committee meeting that was held on August 14, 2013. The following was discussed at the meeting:
- Norwich University Graduate Program Action Plan & Progress Report
  - Distance Education & Vermont Licensure
  - Nursing Program Faculty qualifications
  - Comparison of the Board's Annual Report Forms and NLNAC & CCNE Report Forms
  - Draft Rules changes for Nursing Education programs
- G. Nursing Education Committee Charter (Recommended change replaces “Board” with “Executive Director.”):** V. Hudson moved to approve the change to the Nursing Education Committee Charter. **Pass**
- H. Appointment to Education Committee:** Anne Smeglin and Ann Marchewka were appointed to the Education Committee.
- I. Nursing Assistant Education Programs:**
- A. Weiss moved to approve the following
- **American Red Cross** for the Biennium of 2013-2015.
  - **Centers for Living and Rehabilitation** for the Biennium of 2013-2015.
  - **Our Lady of Providence** for the Biennium of 2013-2015. **Pass**
- J. Long Distance Learning Programs – Licensing of Faculty:** J. Todd moved that faculty members of out-of-state based distance learning programs who coordinate preceptorships in Vermont from out-of-state do not need to be licensed in Vermont. Any clinical preceptors practicing in Vermont must be licensed in Vermont. **Pass**
- K. Nursing Assistant Education Program and Practice Committee:** The next Nursing Assistant Education & Practice Committee meeting will be held on October 11, 2013. Dianna Bassett was appointed to the Nursing Assistant Education Program and Practice Committee.
- L. Practice Committee:** D. Sutton reported that the Nursing Practice Committee met on September 4, 2013. The Committee continues to work on position statements and is requesting the Board consider the following position statements:
- **Revised Prescribing Buprenorphine (Suboxone or Subutex) –** The Board discussed the position statement. D. Swartz moved to table the request for approval. **Pass**
  - **The Role of the Adult and Family Nursing Practitioners Working in Acute Care Facilities – Retire -** S. Morse moved to retire the Role of the Adult and Family Nursing Practitioners Working in Acute Care Facilities Position Statement. **Pass**
  - **The Role of Emergency Medical Personnel in Acute Care Facilities Position Statement – Retire –** A. Weiss moved to retire the Role of Emergency Medical Personnel in Acute Care Facilities Position Statement. **Pass**
- M. Alternative Program Committee:** There was no report as the Committee has not met since the August Board meeting. The Committee will be meeting next month to review the Draft Administrative Rules for Alternative Practice.

**N. APRN Advisory Committee Report:** The APRN Advisory Committee met on August 28, 2013. The following was discussed at the meeting:

- Prescribing Buprenorphine (Suboxone or Subutex)
- Draft Administrative Rules for APRNs
- Act 75 and the need for prescribers to check the VPMS registry when prescribing narcotics
- The Committee will need another APRN member when J. Todd leaves the Board.

**6. Other Business:**

- There was no other Business.

**7. Adjournment:** D. Sutton moved to adjourn the meeting at 2:28 p.m.

**Pass**

Minutes recorded by: Nancy Morin, Administrative Assistant

Draft minutes reviewed by: Linda Davidson, Executive Director

Draft minutes approved by Vermont Board of Nursing: October 14, 2013