

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
SEPTEMBER 8, 2009**

APPROVED MINUTES

1. Call to Order:

The meeting was called to order at 9:06 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Jeanine Carr, Donarae Metcalf, Ken Bush, De-Ann Welch. Board members absent: John Todd.. Staff members present: Mary Botter – Executive Director, Elizabeth Hansen - Program Coordinator, Nancy Morin - Administrative Assistant, Ellen Hagman - RN Staff, Larry Novins - Board Attorney, Christopher Winters – Director, OPR, Ed Adrian - Prosecuting Attorney. Others present: Evelyn Lamphrey, Deborah Moore, Christina Kasprisin.

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 minutes of the August 10, 2009 meeting. D. Welch recused. **Pass**

4. Administration, Education, Practice, Licensure

- A. Executive Director's Report** – Attached. M, Botter thanked the Board for the opportunity to serve as Executive Director. M. Botter advised the Board that Kathy Apple, Executive Officer of the NCSB N has decided to postpone the visit to the Vermont of Board of Nursing due to the upcoming transition to a new Vermont Board Executive Director. The visit will most likely be scheduled for Spring 2010.
- B. Fall Board Retreat** – M. Botter explained to the Board that she thought the retreat, scheduled for October 16th should be postponed until December or January to allow for the involvement of the new Executive Director. The Board agreed and a tentative date of December 4th was chosen for the retreat. Board members will notify N. Morin if they can attend on December 4th.
- C. OPR Board Retreat** – The OPR fall retreat will be held on November 12, 2009 at the Snowflake Resort in Stowe. All Board members are invited to attend and new Board members are strongly encouraged to participate. Board Members should notify N. Morin if they can attend the retreat.

- D. SANE Board Meetings and Administrative Rules** – M. Botter reported that the SANE Board has developed a set of draft Administrative Rules. A copy has been sent to Ed Adrian and E. Leff for review.
- E. NCLEX Invitational** – D. Robinson attended the NCLEX Invitational on September 21, 2009. She reported that the meeting was informative and she gained additional knowledge regarding the NCLEX examination.
- F. Draft Administrative Rules** – A third working session to edit the draft of the proposed Administrative Rules was held in October. The edited draft will be reviewed at the November Board meeting. Once approved by the Board notice of the opportunity for public comment will be sent to interested parties.
- G. Fall Board Retreat Planning** – The Board will hold a retreat on October 16th, 2009 from 9:00 AM – 1:15 PM. The Board discussed items for the agenda.
- H. SANE Board Meetings:** M. Botter and E. Hansen have participated in the SANE Board meetings as designees of E. Leff. The SANE Board is developing Administrative Rules and the most recent draft was reviewed last week. The majority of input from the Board of Nursing representatives has been in relation to the complaint process. Clarification of the Nursing Board's role in regulation and avoidance of duplication of processes have been the focus of most of the Board of Nursing representative's recommendations.
- I. Executive Director Search** – C. Winters outlined the process for interviewing and selecting a new Executive Director. The Board was advised that two candidates would be appearing at today's Board meeting for the Board to interview. If the Board approves of one or both of the candidates then Deb Markowitz will interview the candidate or candidates and either approve or reject the candidate. \
- J. Notice to all Prescribers** – L. Novins updated the Board on new Pharmacy Board laws that will go into effect on January 1, 2010. As of January 1, 2010 all written Vermont prescriptions must be on tamper resistant prescription pads or printed on tamper resistant paper. Stamped signatures are not permitted. A notice will be sent to all prescribers advising them of the change in the law.
- K. Policy on Requirements for Re-Taking the Nursing Licensing Examination** – E. Leff moved to approve the "Policy on Requirements for Re-Taking the Nursing Licensing Examination" as amended by the Board. **Pass**
- L. Disciplinary Guidelines: Unlicensed Practice** – This agenda item will remain tabled
- M. Discipline Follow-up Report** – K. Bush moved to accept the September 2009 Discipline Follow-up Report. **Pass**
- N. Nursing Education Committee**
- **Recommendation: Changing Core Hourly Requirements for RN and LPN Educational Curriculum Approval** – A. Weiss moved to untable this agenda item. **Pass**

D. Welch moved to approve the Recommendation: Changing Core Hourly Requirements for RN and LPN Educational Curriculum Approval.

Pass

O. End –of-Life Education for Health Care Professionals Study

Committee - J. Carr and A. Weiss are representing the Board of Nursing in a collaborative effort with the Medical Practice Board to provide a report to the House Health 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. J. Carr provided the Board with a draft position for the Board to review and provide guidance before the next Committee meeting. The Board agreed that they did not support mandatory CEU's but does support education on palliative care.

P. Quarterly Nursing Assistant Education Program Report – J. Carr moved to accept the Quarterly Nursing Assistant Education Program Report.

Pass

Q. Nursing Assistant Program Approvals

R. Laser Committee – C. Winters reported to the Board that four meetings have been held. The Committee is requesting that the Board provide a position statement by the 1st of December regarding the role of the nurse and cosmetic injectables. The Committee must submit the recommendations to the Legislature by December 1st.

S. Position Statement: Nurses Role and Cosmetic Injectables - Due to the rapid time frame the Practice Committee was not able to consider the draft developed by the staff. Thus the draft is being presented to the Board for consideration today.

A. Weiss moved to table and remand back to the Practice Committee. Motion was defeated with at 7 No and 2 Yes. The Board will review and consider the position statement at the November meeting. The Practice Committee will be requested to review and respond by the November meeting.

T. End –of-Life Education for Health Care Professionals Study

Committee J. Carr and A. Weiss are representing the Board of Nursing in a collaborative effort with the Medical Practice Board to provide a report to the House Health Committee on Human Services and the Senate Committee on Health and Welfare by January 2010. The report will include recommendations for improving the knowledge and practice of health care professionals in Vermont with respect to palliative care and pain management. The first phone conference call is scheduled for this month.

U. Discipline Follow-up Report – K. Bush moved to untable this agenda item.

Pass

J. Carr moved to accept the July and August discipline follow-up reports.

Pass

V. Alternative Program Review and Planning: Participant request – E.

Leff advised the Board that a Board member was needed to participate in reviewing the Alternative Program and planning for any future changes. J. Todd and W. White volunteered to participate.

W. Presentation: Proposed Castleton State College Baccalaureate

Program - Kim Ratelle, a Castleton State College faculty member and Coordinator of Baccalaureate Program Development, gave a presentation and overview of the proposed Baccalaureate program. Castleton is seeking approval to move ahead with planning for implementation in 2010. J. Carr moved that Castleton State College had successfully completed Sept I and could proceed to Step II for Provisional Approval. **Pass**

X. Nursing Education Committee:

- **Recommendation: Changing core Hourly Requirements for Educational Curriculum Approval** – This agenda item will stay tabled until the October meeting. 20 minutes will be scheduled for discussion on this topic.

Y. Nursing Assistant Program Approvals –

- **Cedar Hill Continuing Care Community Biennial Review** – D., Robinson moved to approve Cedar Hill Continuing Care Community Biennial Review with recommendations. **Pass**
- **Genesis ElderCare Mountain View Biennial Review** – J. Carr moved to approve Genesis ElderCare Mountain View Biennial Review with recommendations,. **Pass**
- **Gill Odd Fellows Home Annual Report** – A. Weiss moved to send a letter indicating the Board's decision to withdraw approval for Gill Odd Fellows Home's Licensed Nursing Assistant program. A hearing may be requested within 30 days. **Pass**

Z. Practice Committee Update

- **Position Statement Template – Tabled from August meeting.** K. Bush moved to untable this agenda item. **Pass**
D. Robinson moved to approve the Position Statement Template with revisions. **Pass**
- **Position Statement Review and Development Guidelines for Ad Hoc Committees** – The Board reviewed and accepted the Position Statement Review and Development Guidelines. Ad Hoc committees formed to review or develop position statements will use these guidelines.
- **Request for Position Statement Development form:** This form was reviewed by the Board and will be posted on the Board of Nursing website.
- **Position Statement regarding the Pronouncement of Death by RNs:** J. Todd noted that the content of the revised position statement did not address the initial question. The position statement will be returned to the Practice Committee for further revision.
- **Recommendation for appointment of Douglas Sutton, RN to the Nursing Practice Committee for a 3 year term** – K. Bush moved to appoint Douglas Sutton RN to the Nursing Practice Committee for a 3

- year term. **Pass.**
- AA. APRN Advisory Committee - Update:** The APRN Advisory Committee did not meet last month. They will meet once the edited draft of the Administrative Rules has been completed.
- BB. Licensure Report – J. Carr** moved to accept the licensure report. **Pass**

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

6. **Disciplinary Proceedings:**

NU90-0408/2008-170 Tiffany Gabrielle was present and represented by Richard Goldsborough Esq. The Board requested a deliberative session. The Board will issue a written decision.

NU73-1208/2008-482 Joyce Paquette was not present. D. Robinson moved to **REJECT** the Stipulation and Consent Order. **Pass**

2009-85 Christopher Andrews was present. The Board requested deliberative session. The hearing officer announced when the Board came out of deliberative session that **Christopher Andrews** would be issued a Registered Nurse license **WITHOUT CONDITIONS**. The Board will also issue a written decision.

NA52-0109/2009-54 Richard Longhi was present. The Board requested a deliberative session. When the Board came out of deliberative session the hearing officer announced that the Board, while in deliberative session voted to **REJECT** the Stipulation and Consent Order.

NA19-1008/389 Penny Birch was present. The Board requested deliberative session. The hearing officer announced when the Board came out of deliberative session that the Board had voted to approve the Stipulation and Consent Order and **CONDITION** the license of Licensed Nursing Assistant **Penny Birch with the provision that Penny Birch not work more than 50 hours per week or more than 12 hours a day.**

NA23-1207/M2009-151 Darlene Pfeiffer was not present. A. Weiss moved to approve Darlene Pfeiffer's request for consideration of a change in licensure status. The motion died for lack of a second.

NU43-0107/M2009-137 William Butterfield was not present. J. Carr moved to approve William Butterfield's request to change his **CONDITIONED LICENSE** status to **IN-ACTIVE CONDITIONED**. **Pass**

NU81-0109/2009-14 Jane Goddard was not present. A. Weiss moved to approve the Stipulation and Consent Order and **WARN** the license of Advanced Practice Registered Nurse **Jane Goddard**. **Pass**

NU87-0606/M2009-12 Lynn Dell'Amico was not present. K. Bush moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Lynn Dell'Amico.** **Pass**

NA43-0198/M2009-150 Jeffrey Vartuli was not present. D. Metcalf moved to approve Jeffrey Vartuli's request to change his licensure status from **REVOKED** to **INACTIVE-CONDITIONED.** **Pass**

NU57-0203 Gerald Casavant was not present. K. Bush moved to deny Gerald Casavant's request for a new hearing. **Pass**

NU51-0207/M2009-11 Tara Cross was not present. K. Bush moved to **REINSTATE WITHOUT CONDITIONS** the license of Licensed Practical Nurse **Tara Cross.** **Pass**

NA58-0109/2009-63 Diane Lees was not present. E. Leff moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Diane Lees.** **Pass**

NU53-0307 Patricia Knight was not present. J. Todd moved to table the remand of Patricia Knights appeal decision. **Pass**

Closing reports:

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

- 2009-221 – J. Carr recused
- NU76-1208/2008-488- J. Carr recused **Pass**

S. Norton moved to recommend that the following complaints be concluded without charges:

- 2009-125 – D. Robinson recused
- NU90-0109/2009-67- D. Robinson recused
- 2009-162 – D. Robinson recused
- APPNA45-0507/2007-180 – D., Robinson recused **Pass**

7. The Board received the Nursing Law's Regan Report for July 2009.

8. K. Bush moved to adjourn the meeting at 5:20 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: _____