

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
OCTOBER 11, 2010**

1. **Call to Order:**

The meeting was called to order at 9:03 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, William White, Deborah Swartz, 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, Elizabeth Hansen - Program Coordinator, Peter Comart, OPR Unit Administrator, Larry Novins, Board Attorney, Chris Winters, Director, OPR, Betsy Wrask - Prosecuting Attorney; Jamie Palmisano, OPR Investigator; Others present: Madeline Mongeon, James Lamonda, Esq., Eileen Tapper, Rosemary Mayhew, Dorene Valiquette, Amber Baye, Tracey Boraw, Rhonda Hutchins, Vicki Perry, David Williams, Esq., Michael Lyon, Alice Lannu, Marina Goldman, Richard Abete, by telephone.

2. **Welcome:** E. Leff welcomed Peter Comart, a new Unit Administrator for the OPR.

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

The revised agenda provided at the meeting today was accepted with the removal of the hearing for Sarah Bouchard from the agenda.

4. **Approval of Minutes:**

A. Weiss moved to approve the minutes of the September 13, 2010 meeting with corrections as noted. **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 started last week and ends November 30, 2010. The Office adjusted the estimate of the number of LNAs who will renew on-line from 75% to 50% based on the activity last week. Individuals may choose to send in a paper renewal application or walk in to the Office to renew instead of renewing on-line.
- B. Open Cases and Follow-up Cases:** M. Botter reported that there were 250 open cases and 74 Follow-up cases as of October 1, 2010. Next month a breakdown of all open cases by status (Investigation, Pending I-Team, Pending Charges, etc) will be provided to the Board. The Board voiced concern that the cases are taking too long to come before the Board. The Board would like more reports and data on what is causing the time lapse between when the complaint is received and when the Board either closes

the complaint or takes disciplinary action.

- C. **Best Practices Conference:** FirstLab, the vendor used by the Board of Nursing for licensees who are required to have random urine drug screening, is holding a *Best Practices Conference* in Boston, MA on Thursday November 18, 2010. W. White is planning to attend with E. Hansen. J. Todd expressed interest in attending but may be unable to do so due to his work schedule.
- D. **Investigation Update:** 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 the November meeting.
- E. **Nursing Workforce Data Collection: NCSBN Update:** A document from the NCSBN describing the importance of collecting nursing workforce data as well as the plan for a national database is included in the Board packet for the Board's information. Vermont nursing workforce data will be included in the national database starting with the data collected during the upcoming RN renewal cycle. The Board of Nursing agreement with AHEC requires submission of the data to the NCSBN database.
- F. **APRN Rules – Update:** A meeting of the ad hoc Board sub-committee is scheduled for October 13, 2010. At that meeting the sub-committee will review the entire draft document. The Rules have been re-numbered and formatted to include headings for ease of use by licensees, employers, Board staff, Board members and other interested parties. Editorial changes have been made to improve clarity. The substantive content changes are limited to the APRN section, with a few additional content changes in other sections. It is anticipated that review of the draft Administrative Rules will be on the November agenda.
- G. **Executive Director Transition:** Linda Davidson will begin her orientation on November 1, 2010. M. Botter will be on-site for 2 weeks in the month of November and again during the week of the Board meeting in December. The work of the Executive Director will be transferred gradually over that time period. It is anticipated that as of the December Board meeting L. Davidson will have assumed the responsibilities of the role with M. Botter available as a resource. During the remainder of December, M. Botter will orient and transfer case management responsibilities to E. Hagman.
- H. **IOM Report on the Future of Nursing:** The Board received the Recommendations on the Future of Nursing: Leading Change, Advancing Health. M. Botter noted that a number of the recommendations are relevant to the draft Administrative Rules.
- I. **BON 2010 Annual Goals - Progress Report:** M. Botter updated the Board on progress made toward accomplishing the 2010 Annual Goals. The Board recognized the significant amount of work completed by the Board and Board staff during 2010.
- J. **BON Retreat Follow-up:** The Board received a written report from Susan McCormack, the retreat facilitator. E. Leff discussed the retreat and follow-up plans. J. Carr reported on her work to incorporate the identified strategic initiatives into the annual goals. The initiatives that are operational in nature were integrated into the 2010 goals document. However, there were six

initiatives that are more strategic in nature. M. Botter recommended that the Board use the strategic initiatives to guide the work of the Board for the next three years. Board members will rank order the list of initiatives and give them to N. Morin to tally. M. Botter will then take the two highest rated strategic initiatives and use them to frame the 2011 goals. The goals document will reflect the strategic initiatives with the goals and action items including specifics about timelines, responsible persons, and required resources. The remaining four strategic initiatives would then be used to guide Board activities in 2012 and 2013.

- K. 2010 Budget Review and FY2011 Budget Planning:** C. Winters distributed a document explaining the methods used to develop the budget. He then discussed with the Board how each Board budget includes a report of four prior years along with the current year estimate for receipts, expenses and year end fund balance. Additionally, C. Winters explained how the determination is made regarding the need for a profession to raise renewal or application fees. C. Winters advised the Board that at this time the Board did not need to raise fees but if the Board's expenses continue to remain the same or rise it may be necessary to revisit the fee structure. He noted that in the past, LNA licensing fees have remained low at the request of the Board. A few questions were posed regarding budget planning. C. Winters verified that the current approach is "top-down" with selected input from the Director of OPR and the Executive Director. These individuals are not involved in the development of the line item budget. When asked about budgeting for increased resource needs, C. Winters reported that additional investigators will be hired to bring the total to seven OPR Investigators. He verified that based on identified need, the Nursing Board staff will continue to be augmented with temporary personnel and a contracted individual. A. Weiss requested that the newly elected Secretary of State be invited to attend a Nursing Board meeting early in 2012.
- L. OPR Fall Retreat:** Chris Winters invited the Board to attend the annual education session for Board members and advisors to be held on November 10, 2010 at Stowe 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.
- M. Authority for Board Counsel to Grant Continuances:** K. Bush moved to grant Board Counsel the authority to grant continuances. **Pass**
- N. Alternative Program Workgroup:** E. Leff and E. Hansen explained that licensees entering into the Alternative Program sign contracts similar to stipulations. The content of the contract was reviewed and updated by Board staff and the Alternative Program workgroup to reflect as much as possible the standard stipulations for nurses who are disciplined by the Board. The new contract has some minor differences because of the nature of the Alternative Program. J. Carr moved to approve the Alternative to Discipline Program for Nurses and Nursing Assistants in Recovery Application and Contract. **Pass**
- O. Quarterly Licensure and Case Report:** The Board accepted the report. M. Botter and E. Hagman discussed the plan to provide more detailed data and

indicated that they are still working with the existing reports provided by CAVU to obtain additional relevant data to present to the Board. They anticipate providing a report next month that provides a “snapshot” of the case data (from complaint to resolution). They noted that a number of reports have been requested from the vendor CAVU. W. White asked why it was not possible for reports to be created by the Board/OPR staff. It was explained that creation of reports requires SQL programming knowledge and that no-one on the Board/OPR staff has that expertise.

- P. NCLEX Invitational:** E. Hansen attended the NCLEX Invitational meeting sponsored by the NCSBN. She reported that the meeting was informative and provided an opportunity for networking though educators, not Board staff, were the target audience. E. Hansen recommended that Board members or Education Committee members who are educators attend the Invitational next year if at all possible.
- Q. Education Committee Report:** The Education Committee has not met since the last Board meeting. Their next meeting is this month. At that time the committee will be reviewing the nursing program Annual Reports.
- R. Department of Labor Rule Change:** E. Hansen was alerted last week about a Department of Labor Rule change that has implications for the education and practice of LNAs. The rule states that employed individuals under 18 years of age cannot use “hoists”. In addition employees under 18 are prohibited from operating or assisting in the operation of any lift equipment. The Board requested that the Office obtain clarification from the Department of Labor on the effect this rule would have on LNA students. The Education Committee will discuss the impact of the new Rule. The Board will consider implications for licensing nursing assistants younger than 18 years of age at a future date.
- S. Nursing Assistant Program Reports:**

 - **Quarterly Nursing Assistant Education Program Report: July – September, 2010** - The Board accepted the report.
- O. Practice Committee Report:** E. Hagman reported that the Practice Committee was still working on revising Advisory Opinions.

 - **Recommendations for Re-appointments to the Practice Committee** – J. Carr moved to reappoint A. Weiss and E. Leff to the Practice Committee. A. Weiss and E. Leff recused. **Pass**
 - **Position Statement Requests for Approval:** The following Position Statements requests for approval were tabled until the November meeting due to lack of time:

 1. Client Age Parameters for Adult Nurse Practitioners
 2. Clinical Specialist in Psychiatric and Mental Health Caring for Clients Across the Life Span
 3. LNA Scope of Practice
- P. APRN Advisory Committee:** M. Botter reported that the APRN Advisory Committee met in September and reviewed a template for practice guidelines that might be posted on the web to assist the APRNs. Revisions were made and the template will be reviewed again at the October meeting. An update was provided regarding the draft Administrative Rules. The APRN Advisory

Committee continues to recommend that the Administrative Rules be consistent with the recently published Model Rules.

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

7. **Disciplinary Proceedings:**

- 2010-416 Christina Moulton was not present. J. Todd moved to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Christina Moulton**. **Pass**
- 2009-228 Eileen Tapper was present and represented by James Lamonda, Esq. J. Todd moved to go into deliberative session at 1:15 p.m. Deborah Swartz recused. **Pass**
The meeting resumed at 1:45 p.m. The Board will issue a written decision.
- 2009-485 Traci Hull was not present. J. Carr moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Traci Hull**. **Pass**
- 2009-321 Ellen Hacker was not present. J. Todd moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Ellen Hacker**. E. Leff recused. **Pass**
- 2009-220 Rhonda Hutchins was present. A. Weiss moved to go into deliberative session at 2:28 p.m. **Pass**
The meeting resumed at 2:35 p.m. The Board while in deliberative session moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse **Rhonda Hutchins**. **Pass**
- 2010-272 Dana Gilman was not present. D. Swartz moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY OF \$200.00** on the license of Licensed Practical Nurse **Dana Gilman**. **Pass**
The Board requested that Staff send a letter to Ms. Gilman's employer, Union House Nursing Home, regarding the employment of staff without a current license.
- 2009-594 and 2010-5 Verna Hallock was not present. D. Welch moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Verna Hallock**. **Pass**
- 2009-349 Ricky Vierra was not present. K. Bush moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Practical Nurse **Ricky Vierra**. **Pass**
- 2009-503 Amy Parker was not present. A. Weiss moved to find Amy Parker in **DEFAULT**. **Pass**

J. Todd moved to **INDEFINITELY SUSPEND** the Temporary License of Registered Nurse **Amy Parker**. **Pass**

2009-213 Vicki Perry was present and represented by David Williams, Esq. D. Welch moved to go into deliberative session at 4:30 p.m. **Pass**
The meeting resumed at 4:35 p.m. The Board will issue a written decision.

M2009-203 Richard Abete was present by telephone. K. Bush moved to **DENY** Richard Abete's appeal of the preliminary denial of reinstatement. **Pass**

2009-565 Lori Kempf-Gardilcic was not present. K. Bush moved to accept the **VOLUNTARY SURRENDER** of the license of Licensed Practical Nurse **Lori Kempf-Giardilcic**. D. Swartz recused. **Pass**

M2009-23 Christina Lesperance was not present. J. Carr moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Christina Lesperance**. K. Bush recused. **Pass**

M2009-170 Patricia Bergeron was not present. J. Todd moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Patricia Bergeron**. J. Carr recused. **Pass**

Licensing:

APPLICANT Hearing for appeal of preliminary denial for endorsement in a second APRN role. Marina Goldman was present. D. Welch moved to go into deliberative session at 5:00 p.m. J. Todd and J. Carr recused. **Pass**
The meeting resumed at 5:15 p.m. The Board will issue a written decision.

Closing Reports:

K Bush moved to recommend that the following complaint be concluded without charges:

2009-481 **Pass**

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

9. **Adjournment:** A. Weiss moved to adjourn the meeting at 6:30 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: **November 8, 2010**