

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
UNAPPROVED MINUTES
DECEMBER 13, 2010**

1. **Call to Order:**

The meeting was called to order at 9:02 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, William White, Deborah Swartz, Jeanine Carr; John Todd, Sandra Norton; Donarae Metcalf; Board members absent: De-Ann Welch, Kenneth Bush; Staff members present: Linda Davidson – Executive Director, Mary Botter – Outgoing Executive Director by phone, Nancy Morin - Administrative Assistant, Christopher Winters, Director – OPR, Ellen Hagman - RN Staff, Elizabeth Hansen – RN Nursing Program Manager, Larry Novins, Board Attorney, Betsy Wrask - Prosecuting Attorney; Others present: Madeleine Mongeon, Jennifer Muchler, Bonnie Breer, Dori Ward, Timothy Copeland, Esq.

2. E. Leff welcomed L. Davidson as the new Executive Director and M. Botter by phone.

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

The revised agenda provided at the meeting today was accepted.

4. **Approval of Minutes:**

A. Weiss moved to approve the minutes of the November 8, 2010 meeting. S. Norton recused. **Pass**

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

- A. Executive Director's Report:** Attached. L. Davidson gave an overview of the written Executive Director Report and related documents provided in the Board meeting packet.
- B. Board Staff Transitions:** L. Davidson reported that the interview process is underway for an Administrative Assistant to replace Aprille Morrison as she moves to her new role in OPR. Candidates have been selected and interviews will commence on December 20, 2010. Betsy Wrask, Prosecuting Attorney will be leaving her position on December 17, 2010 for another position within the state government. Interviews for a replacement for her position are underway.
- C. Executive Director Transitions:** L. Davidson reported that she has been in orientation for 5 weeks. Thus far, she has met with personnel from other departments that are strategic to the operations of OPR including Paul Daley, Jaylene Lomberti, Linda Hall, Nick Thayer. She had orientation meetings with Betsy Wrask, Ed Adrian and Larry Novins. In addition, she had a meeting with Peter Comart and Terri Gray, the unit administrators in the office to understand their role within OPR. She participated in the APRN Advisory

Committee meeting as well as the Practice Committee meeting and will be assuming responsibility as the chair at their next scheduled meeting. She had a meeting with Fran Keeler and Suzanne Leavitt from Licensing and Protection and has established a collaborative relationship. She participated in a site evaluation at Norwich University with J. Carr and E. Hansen and met with Dr. Richard Schnieder (President), Dr. Joseph Byrne (Vice President for Academic Affairs, Dr. Valerie McCarthy (Nursing Department Chair), students, faculty and staff. She attended international application hearings with Judge Belcher. She has assumed responsibility for the NURSYS Data Integrity Project, e-license, processing for domestic and foreign applications, education and practice calls. E. Hansen has oriented her to the Alternative Program. L. Davidson is now responsible for all staff activities at the office. Dr. Botter will continue to work with E. Hagman on the transfer of the case management role. L. Davidson will be fully responsible for all activities by the end of December.

- D. Data Integrity Project:** L. Davidson reported that the project continues to move ahead on schedule. Amy Boulanger, the project manager will be presenting an overview of the project and a progress report to the Board at the January meeting.
- E. LNA Renewal:** L Davidson reported that on-line renewal for LNAs ended November 30, 2010. There were 5,589 potential renewals. As of November 30, 2010 there was a total of 3,843 renewals of which 2,373 (62%) renewed online. An audit of LNA practice hours is underway with 5-10% of licensees to be randomly selected. The process had been explained at the last Board meeting. An audit of application accuracy within the office is scheduled for December 21, 2010. Office staff will be checking that the criteria for licensing had been met, that decisions related to deficiencies were accurate and data entry was accurate for both on-line and paper renewal applications..
- F. Investigative Team Meetings:** C. Winters addressed the Board regarding the change in I-Team meetings that were scheduled for December. C. Winters stated that he had made a decision to cancel the I-teams because B. Wrask would be leaving OPR on December 17, 2010. C. Winters advised the Board that he would rather have the I-teams after a new prosecuting attorney was hired so that he/she could be oriented at the January I-Team meetings. Due to these changes M. Botter is not on-site this week and will return to facilitate the January I-Team meetings. .
- G. NCSBN Mid-Year Meeting:** The NCSBN Mid-Year meeting will be held in Chicago from March 14-16, 2011. Linda Davidson will be attending. Please let her know if any Board members are interested in attending. The meeting will be on a Board meeting day. The Board may wish to consider changing the date of the March Board meeting. The Board agreed to change the meeting date to March 7th. E. Leff and J. Todd would like to attend the meeting.
- H. BON 100th Anniversary Update:** An Ad Hoc Committee is being formed and thus far participants include A. Weiss, L. Davidson, N. Morin and E. Hagman. A community representative is desired. A meeting will be planned for January 2011. L. Davidson reported she has spoken to an artist (who is also a nurse) who volunteered to design a logo that can be used as a designator for all

activities related to Board of Nursing Anniversary events. The artist will be working with a graphic designer to have the logo translated onto computer technology. The designs will be reviewed by C. Winters and J. Condos and be ready for review at the January Board meeting.

- I. **Article from Family Practice “It’s time to collaborate not compete with NPs”:** The Board received the article
- J. **Review of draft Administrative Rules Section 15** – All sections of the draft Administrative Rules were reviewed at the last Board meeting with the exception of the APRN section. The APRN section was reviewed during the Board meeting today along with a review of Part 2 Definitions 2.8 Delegation. The Board considered the Model APRN Rules, the recent IOM report, and recommendations from the APRN Advisory Committee during review of the draft Rules.
The Board agreed to put back in 2.8 under Delegation the sentence “The nurse retains accountability for the total nursing care of the individual.”
J. Carr moved to revise Draft Rule 14 to say 24 months rather than 36 months. **Pass**
J. Todd moved to delete Sections 15.16, 15.17, 15.18, 15.19, 15.20 and 15.21 which outlined the procedure to obtain a temporary pre-licensure permit for APRN graduates. Temporary pre-licensure permits will no longer be issued to APRN graduates in the revised Rules. **Pass**
J. Carr moved to have L. Davidson, M. Botter and L. Novins rewrite section 15.47 and bring the revised wording back to the January Board meeting for review and approval. The entire edited Administrative Rules document will be on the January or February Board agenda for review and approval. **Pass**
- K. **Strategic Initiatives and 2011 Goals:** L. Davidson presented an updated draft of the Strategic Initiatives and 2011 Goals. The draft has been edited to incorporate the strategic initiatives and includes objectives with evaluation dates and responsible persons. A few examples of required resources have been provided. L. Davidson will present the final draft at the January meeting for Board approval.
- L. **Discipline Case Report:** E. Hagman presented a newly developed report regarding active cases for the Board’s review. The Board would like to have the following information included in the report: The length of time from receipt of a complaint in the Board office until the case is considered by the Board. The Board would like to receive the discipline case report quarterly.
- M. **Education Committee Report:** J. Carr, E. Hansen and L. Davidson conducted a site visit and evaluation at Norwich University. The report and recommendation for approval status will be presented at the January Board meeting. The Board reviewed sample letters to be sent to students and faculty in preparation for attending a Board meeting and suggested minor changes to the letters.
- N. **AHEC Nursing Workforce – LPN survey results** – The Board received the LPN survey results.
- O. **Nursing Assistant Education Programs**
New Programs:

- Essex Junction Technical Center – A. Weiss moved to **approve** Essex Junction Technical Center. **Pass**

Program re-approval:

- Barre Technical Center (Day) – J. Carr moved to **approve** Barre Technical Center (Day) for the biennial period of 2010-2012. **Pass**
- North Country Career Center (Adult) – J. Carr moved to **approve** North Country Career Center (Adult) for the biennium of 2010-2012. **Pass**

P. Nursing Education Programs

New Program:

- South Dakota State University RN & LPN re-entry program – D. Swartz moved to **approve** South Dakota State University RN & LPN re-entry program for five years (through December 2015) with Annual Reports due by April 1st of each year. **Pass**

Q. Nursing Practice Committee: E. Hagman reported that the last Practice Committee meeting was cancelled due to a scheduling conflict with the Norwich University site visit. The next meeting will be held January 5, 2011. The Board received the list of position statements and the progress on the updating of all the statements.

R. Position statement for Board approval:

- **APRN Prescribing to Immediate Family Member** - A. Weiss moved to **approve** the APRN Prescribing to Immediate Family Member position statement. **Pass**

Review of the following position statements was postponed until the January Board meeting:

- Palliative Sedation at the End of Life
- LNA Scope of Practice

S. Ad Hoc Nursing Practice Sub-Committee focusing on Anesthesia

Position Statements: The Sub-Committee continues to think the nursing practice issues related to the different types of anesthesia should have separate position statements. The Ad hoc Sub-Committee members would like to have further discussion and guidance from the Board prior to completing its task.

T. APRN Advisory Committee Report: L. Davidson reported that the APRN Advisory Committee met on November 15, 2010. The Committee reviewed the draft Administrative Rules and suggested minor editing corrections. This Committee continues to recommend that the Vermont Board of Nursing Administrative Rules be consistent with the recently published national Model Rules for APRN's.

6. Public Comment: Madeleine Mongan stated she appreciates the process the Board has used to make revisions to the draft rules. She expressed that it is important for APRNs and Physicians to continue collaborating on issues such as position statements in the future.

7. Disciplinary Proceedings:

M2009-138 Jennifer Muchler was present. J. Todd moved to go into deliberative session

- at 11:51 p.m. **Pass**
The meeting resumed at 11:54 p.m. The Board will issue a written decision.
- 2010-563 Venise Lindo was not present. A. Weiss moved to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Venise Lindo.** **Pass**
- 2010-671 Shavon Baker was not present. E. Leff moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Shavon Baker.** **Pass**
- 2010-519 Kali Lacaillade was not present. D. Metcalf moved to **SUMMARILY SUSPEND** the license of Licensed Nursing Assistant **Kali Lacaillade.** **Pass**
- 2010-603 Vicki Garza was not present. J. Carr moved to **SUMMARILY SUSPEND** the license of Registered Nurse Vicki Garza. **Pass**
- 2010-104 Holly Plantier hearing was postponed and will be rescheduled for January.
- 2010-416 Christina Moulton was not present. E. Leff moved to find Christina Moulton in **DEFAULT.** **Pass**
J. Todd moved to **REVOKE** the license of Licensed Nursing Assistant **Christina Moulton.** **Pass**
- 2010-426 Bryan Jarquin was not present. D. Metcalf moved to find Bryan Jarquin in **DEFAULT.** **Pass**
D. Metcalf moved to **REVOKE** the license of Licensed Nursing Assistant **Bryan Jarquin.** **Pass**
- 2009-191 Jodi Jones was not present. The complainant's Dori Ward and Timothy Copeland, Esq., who is representing the hospital, addressed the Board concerning the Stipulation and why they felt it did not address the severity of Ms. Jones actions.
J. Todd moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse **Jodi Jones.**
J. Todd moved to go into deliberative session at 1:26 p.m. **Pass**
The meeting resumed at 1:40 p.m. While in deliberative session the Board voted to approve the motion.
- 2010-371 Nicole Lafaso was not present. D. Swartz moved to approve the Stipulation and Consent Order and **GRANT and CONDITION** the license of Licensed Nursing Assistant **Nicole Lafaso.** **Pass**
- 2009-270 Gillian Herdegen was not present. J. Carr moved to approve the Stipulation and Consent Order and **REPRIMAND AND CONDITION** the license of Licensed Practical Nurse **Gillian Herdegen.** **Pass**

- 2009-351 Dawna Goodwin was not present. S. Norton moved to approve the Stipulation and Consent Order and **CONDITION** the license of Licensed Nursing Assistant **Dawna Goodwin.** **Pass**
- 2009-441 Josie Rogers was not present. J. Todd moved to approve the Stipulation and Consent order and **WARN** the license of Licensed Nursing Assistant Josie Rogers. **Pass**
- 2010-98 Susan Fuhlbrigge was not present. A. Weiss moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Nursing Assistant **Susan Fuhlbrigge.** **Pass**
- 2010-101 Jessica Touchette was not present. S. Norton moved to approve the Stipulation and Consent order and **CONDITION** the license of Licensed Nursing Assistant **Jessica Touchette.** D. Metcalf recused. **Pass**
- 2009-436 Cristina Williams was not present. D. Metcalf moved to approve the Stipulation and Consent Order and accept the **VOLUNTARY SURRENDER** of the license of Registered Nurse **Cristina Williams.** **Pass**
- 2010-120 Peggy Jo McComas was not present. S. Norton moved to approve the Stipulation and Consent order and **REPRIMAND** and impose an **ADMINISTRATIVE PENALTY OF \$100.00** on the license of Licensed Practical Nurse **Peggy Jo McComas.** **Pass**
- 2009-534 Andrea Lampron was not present. E. Leff moved to approve the Stipulation and Consent order and **INDEFINITELY SUSPEND** the license of Registered Nurse **Andrea Lampron.** D. Swartz recused. **Pass**
- 2010-347 Darlene Donoghue-Anekwe was not present. D. Swartz moved to approve the Stipulation and Consent order and accept the **VOLUNTARY SURRENDER** of the license of Registered Nurse **Darlene Donoghue-Anekwe.** **Pass**
- 2009-393 Rachel Stebbins was not present. The hearing was postponed until the January meeting.
- 2010-57 Bonnie-Lyn Breer was present. J. Carr moved to approve the Stipulation and Consent order and **REPRIMAND** and impose an **ADMINISTRATIVE PENALTY OF \$150.00** on the license of **Bonnie-Lyn Breer.** S. Norton recused. **Pass**
- NU74-0402 Irina Assur was not present. M. Botter explained to the Board why the charges on Irina Assur's Registered Nurse license had been dismissed.

Closing Reports:

J. Todd moved to recommend that the following complaints be concluded without charges:

2010-560	J. Carr recused	
2009-247	J. Carr recused	
2008-478/NU69-1208	J. Carr recused	
2009-520	J. Carr recused	
2010-294	J. Carr recused	
2010-103	E. Leff recused	
2010-271	J. Todd recused	
2010-78	J. Todd recused	
2010-188	D. Swartz recused	
2010-265	K. Bush recused	
2010-346	K. Bush recused	Pass

HEARING OFFICER RECOMMENDATIONS:

- **Rizza Delos Reyes** - J. Todd move to accept the recommendation of the Hearing Officer that the application of Rizza Delos Reyes be **DENIED.** **Pass**
- **Katrina Tan** - D. Swartz moved to accept the recommendation of the Hearing Officer that the application of Katrina Tan be **DENIED.** **Pass**
- **Barbara Lesley O'Donnell** – J. Todd moved to accept the recommendation of the Hearing Officer that Barbara Lesley O'Donnell's application remain open until December 31, 2010 in order that an amended, supplemental or alternate CES report may be filed which is satisfactory to the Board. If no CES report or acceptable amendment is filed on or before December 31, 2010, then the appeal will be deemed dismissed without further order of the Board. Evaluation of any submission pursuant to this order may be considered administratively by the staff of the Board. **Pass**
- **Dale Jhon Fillarca** – A. Weiss moved to accept the recommendation of the Hearing Officer that the application of Dale Jhon Fillarca be **DENIED.** **Pass**
- **Norie Osano** - J. Todd moved to accept the recommendation of the Hearing Officer that the application of Norie Osano be **DENIED.** **Pass**
- **Shirley Tabac** - J. Todd moved to accept the recommendation of the Hearing Officer that the application of Shirley Tabac be **DENIED.** **Pass**
- **Suja Saji** - D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Suja Saji be **DENIED.** **Pass**
- **Neha Sureshkumar Patel** – J. Todd moved to accept the recommendation of the Hearing Officer that Neha Sureshkumar Patel's application remain open until February 15, 2011 in order that an amended, supplemental or alternate CES report may be filed which is satisfactory to the Board. If no CES report or acceptable amendment is filed on or before February 15, 2011, then the appeal will be deemed dismissed without further order of the Board. Evaluation of any submission pursuant to this order may be considered administratively by the staff of the Board. **Pass**
- **Maria Engracia** - D. Metcalf moved to accept the recommendation of the Hearing Officer that the application of Maria Engracia be **DENIED.** **Pass**
- **Reghu Nadayappilly Ayyappan** - J. Todd moved to accept the recommendation of the Hearing Officer that Reghu Nadayappilly Ayyappan 's application remain

open until February 15, 2011 in order that an amended, supplemental or alternate CES report may be filed which is satisfactory to the Board. If no CES report or acceptable amendment is filed on or before February 15, 2011, then the appeal will be deemed dismissed without further order of the Board. Evaluation of any submission pursuant to this order may be considered administratively by the staff of the Board. **Pass**

- **Clifford Jay Magalong** - J. Todd moved to accept the recommendation of the Hearing Officer that the application of Clifford Jay Magalong be **DENIED**. **Pass**
- **Jan Paolo Abad** – D. Metcalf moved to accept the recommendation of the Hearing Officer that Jan Paolo Abad’s application remain open until February 15, 2011 in order that an amended, supplemental or alternate CES report may be filed which is satisfactory to the Board. If no CES report or acceptable amendment is filed on or before February 15, 2011, then the appeal will be deemed dismissed without further order of the Board. Evaluation of any submission pursuant to this order may be considered administratively by the staff of the Board. **Pass**
- **Sandeep Kaur** . - J. Todd moved to accept the recommendation of the Hearing Officer that the application of Sandeep Kaur. be **DENIED**. **Pass**

8. **Nursing Law’s Regan Report:** The Board received the November 2010 report.

9. **Adjournment:** D. Swartz moved to adjourn the meeting at 3:20 p.m. **Pass**

Minutes recorded by: Nancy Morin, Administrative Assistant
Draft minutes reviewed by: Linda Davidson, Executive Director
Date minutes approved by Vermont Board of Nursing: