

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING, MONTPELIER, VT
BOARD OF NURSING
APPROVED MINUTES
MAY 10, 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, Donarae Metcalf, John Todd, Deanne Welch, Ken Bush, Jeanine Carr; Staff members present: Mary Botter – Executive Director, Nancy Morin - Administrative Assistant, Trina Daley, Clerical Staff, Ellen Hagman - RN Staff, Larry Novins and Kevin Leahy-Board Attorneys, Chris Winters - Director of OPR, Betsy Wrask - Prosecuting Attorney; Others present: Stafford Technical LNA Students and Instructors, Mary Val Palumbo, Jennifer Magistrale, Barbara Wells, Norman Blais, Esq., Bonnie Griffiths, Charles Martin, Esq.

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

Ellen Leff welcomed the Stafford Technical LNA students.
The revised agenda provided at the meeting today was accepted..

3. **Approval of Minutes:**

A, Weiss moved to approve the minutes of the April 12, 2010 meeting. Jeannine Carr recused. **Pass**

4. **Administration, Education, Practice, Licensure**

- A. **Executive Director's Report** – Attached. M. Botter advised the Board that on-line renewal preparations are underway for the LNA renewal cycle. LNAs will have the opportunity to renew on-line or by mail. M. Botter updated the Board that there were 204 open cases as of May 1, 2010 and 94 follow-up cases. M. Botter gave an overview of the written Executive Director report and related documents that were in the Board meeting packet.
- B. **Altered Standards of Care Committee** – E. Hagman continues to participate in the conference calls regarding standards of care that might need to be altered in the case of a state emergency. Draft grids identifying standards that might need to be altered for Home Health, EMS/911, Nursing Homes, Primary Care and Emergency departments, Hospitals and Alternative Care sites have been completed. E. Hagman and M. Botter will participate in a call later this month focused on regulatory issues related to the proposed altered standards of care identified in the grids.
- C. **NCSBN Grant Request** - M. Botter advised the Board that a proposal developed by E. Hagman and N. Morin had been submitted to the NCSBN for funding to support a data integrity project. The proposal was approved

last week and the Board will receive up to \$78,000 to pay for staff support to complete the data integrity project. The grant will be used to pay temporary staff to update licensing information on our e-license data base and correct existing data in the NURSYS data base.

- D. **Scheduling of Disciplinary Proceedings** – L. Novins suggested that the schedule for disciplinary proceedings be altered to allow more flexibility for the Board. E. Leff and M. Botter agreed to try a 3 month pilot during which all Default Hearings will be scheduled for the same time block and all Stipulations will be scheduled for another time block.
- E. **Vermont Nurse Connection (VNC) Article** – E. Hansen has submitted the last of the Board member biographies to the Vermont Nurse Connection. Kenneth Bush, Sandra Norton and John Todd were featured in the VNC article included the Board packet.
- F. **Follow-up Cases: Overview** – M. Botter provided the Board with an overview of the process used for follow-up cases. She explained to the Board that follow-up cases are opened for 2 reasons: when an individual with a suspended or revoked license requests reinstatement; and, when an individual's license is conditioned. The majority of follow-up cases are those related to conditioned licensees. Once a Board order is entered, the licensee receives a packet of information, the conditioned license, a copy of the Order, and a letter providing the licensee with information and resources related to their conditions. The letter emphasizes the licensee's responsibility to comply with all conditions and encourages licensees to contact M. Botter if they have any questions. M. Botter provided an overview of the common conditions related to substance use and practice issues and described monthly monitoring for compliance. She noted that compliance related to random drug screening is monitored with greater frequency (daily and weekly). Individuals who are found to be out of compliance receive a letter every month. M. Botter explained what constitutes non-compliance with an order or stipulation. When individuals have a pattern of being out-of-compliance an I-Team reviews the follow-up case to determine whether a case should be opened with a recommendation for further disciplinary action. M. Botter remarked that it is important that nurses with conditioned licenses understand their responsibility to comply with an order or stipulation. The letter accompanying the conditioned license and all out-of-compliance letters thus emphasize the responsibility of the nurse to follow all conditions and encourages them to contact M. Botter if they have questions.
- G. **Fining Employers for Permitting Practice with Lapsed License: Update** – The Board reviewed a letter that was drafted by L. Novins that would be sent to nursing employers outlining the statutes regarding their responsibility to ensure that nurses they employ maintain active licenses. The Board also reviewed a letter that would be sent to employers who had an employee disciplined by the Board or evidence at a hearing had indicated that an employer had nurses who were unlicensed. S. Norton moved to approve the two letters regarding fining employers for permitting a nurse to practice with a lapsed license. A. Weiss voted No. **Pass**

- H. Application Decision Guidelines Grid: Request for Approval** – M. Botter reviewed with the Board a Decision Guideline Grid for applicants applying to be licensed. The grid is a guide for the Staff on whether a license can be issued to the applicant or given to M. Botter for scheduling an I-Team or possible pre-denial. D. Metcalf moved to approve the application decision guideline grid. **Pass**
- I. Board Member Do's and Don'ts: Annual Reminder** – E. Leff reviewed with the Board a list of Do's and Don'ts for Board members. E. Leff asked the Board how they felt about Board members using electronic devices as well as cell phones during the meeting. The Board agreed it was not appropriate for Board members to use any type of electronic device during the meeting.
- J. Alternative Program Workgroup: Update** – E. Leff reported that the Alternative Program Committee met last week and will meet again in June. The Committee is reviewing the standard contract used for Alternative Program participants. An update will be provided at the next meeting. E. Hansen reported that the initial mailing of the new brochure will be going out to health care providers and health care facilities in a couple of weeks. E. Leff advised that an intern was working on an article and power point presentation that could be used to promote the Alternative Program. J. Todd and W. White reported on the NCSBN Substance Abuse meeting they attended. J. Todd reported that national data showed that nurses who participated in an Alternative Program had fewer relapses than nurses who were disciplined. J. Todd reported that the terminology to describe nurses who are addicted (actively or in recovery) to alcohol or controlled substances is changing from “chemically dependent” and “impaired” to having an issue with “substance use”. This term is consistent with current diagnostic language.
- K. Board Retreat Planning; Update and Proposed Dates** – The Board discussed possible dates and agreed on September 8th, 2010 as the date the Fall Board Retreat would be held. The Retreat will be scheduled from 9:00 AM – 4:00 PM. The agenda will be determined at a later date.
- L. Executive Director Search: Update** – C. Winters will be at the June Board meeting to discuss the Executive Director search.
- M. Draft Administrative Rules: Update** – The M. Botter explained that the APRN Committee had reviewed the input received during the public comment session and had developed the recommendations that were in the Board packet for the Board's consideration. The Board reviewed the APRN Committee's suggested draft rules changes. A. Weiss moved to remand to the subcommittee of the Board the drafting of the rules to include the APRN recommendations **Pass**
- N. Office of Nursing Workforce (ONW)** – Mary Val Palumbo appeared before the Board to request approval for the continuation of the Board's role in providing licensees with a nursing workforce survey during the renewal cycle. The funding for ONW will end on July 1, 2010. M. Palumbo stated that other funding opportunities are being seriously pursued at this time. She is currently hired by the UVM Department of Nursing as a tenure track associate professor.

- M. Palumbo requested the Board approve the following proposal:
1. Continued permission for the Office of Nursing Workforce (ONW) Director to collaborate with the Vermont Board of Nursing on the collection of nursing workforce supply data (change to an electronic survey);
 2. A consultation visit from the NCSBN Director of Research with a designated staff member from the VT BON, and the ONW Director for the purpose of exploring options for using the Minimum Data Set for Nurse Supply and contributing to a national data set; and
 3. Approval of the ONW Director's management and responsibility of this project despite the loss of state funding for the ONW on July 1, 2010.

K. Bush moved to support #1 and #2 of M. Palumbo's proposal.

Pass

L. Novins will review #3 of the request and provide the Board with his written opinion by the next Board meeting.

- O. UVM Request for Date of Next On-Site Visit** – A Board site visit for Spring 2010 was previously requested by UVM in an effort to coordinate the visit with the scheduled visit by the national accrediting organization. The Board was not able to complete the site visit as scheduled. UVM requested that the site visit be re-scheduled for Spring 2012. This date is consistent with their 8 year BON approval cycle. J. Todd moved to approve UVM's request for the Board of Nursing to make its next on-site visit to the University of Vermont's nursing program in the Spring of 2012.

Pass

- P. Norwich Site Visit Report and Recommendation: Request for Approval** – M. Botter reported on the Norwich Site Visit. The Board reviewed the Site Survey report completed by M. Botter and J. Carr who conducted the site visit. J. Todd moved to recommend a continuation of Conditional Approval of the Norwich Baccalaureate Degree program for a maximum of 1 year. If after completion of a self study by November 1, 2010 and a site visit in December 2010 the required criteria for full Approval are not met, there will be a recommendation to close the program to admissions until the program meets requirements for Approval or a determination is made to Withdraw Approval. No interim progress report or submission of an Annual Report in the fall of 2010 is due. Instead; it is recommended that the focus of the department chair, faculty and administration be on addressing the standards and preparing the self-study (no greater than 30 pages including appendices).

Pass

- Q. NCLEX Quarterly Exam Reports** – This agenda item was not taken up and will be put on the June agenda.
- R. Nursing Assistant Program Quarterly Report** – This agenda item was not taken up and will be put on the June agenda.
- S. Nursing Assistant Program Quarterly Report** – This agenda item was not taken up and will be put on the June agenda.
- T. Nursing Assistant Program Approvals** – This agenda item was not taken up and will be put on the June agenda.

- Green Mountain Technology & Career Center – Change of Approval Status

U. Nursing Assistant Program Annual Reports - Request for Acceptance –

This agenda item was not taken up and will be put on the June Agenda.

- Addison County
- American Red Cross
- Cedar Hill Continuing Care Center
- Centers for Living & Rehabilitation
- Cold Hollow Career Center (Adult Program)
- Cold Hollow Career Center (Day Program)
- Grace Cottage Hospital
- Greensboro Nursing Home
- Green Mountain Technology & Career Center
- Helen Porter Healthcare & Rehabilitation Center
- Lyndon Institute (Day Program)
- Lyndon Institute (Adult Program)
- The Manor
- Maple Lane Nursing Home
- Mountain View Center
- Mt. Ascutney Hospital & Health Center
- North Country Career Center (Day Program)
- North Country Career Center (Adult Program)
- Northlands Job Corps
- Office of Nursing Workforce
- Pines Rehabilitation & Health Center
- Randolph Technical Career Center (Evening Program)
- Randolph Technical Career Center (Day Program)
- River Bend Career and Technical Center
- River Valley Technical Center (Adult Program)
- River Valley Technical Center (Day Program)
- Stafford Technical Center (Day Program)
- Starr Farm Nursing Home
- Visiting Nurse Association of Chittenden & Gran Isle Counties

V. Education Committee Report – This agenda item was not taken up and will be put on the June agenda.

W. Revised Education Committee Charter: Request for Approval – This agenda item was not taken up and will be put on the June Agenda.

X. Nursing Practice Committee – This agenda item was not taken up and will be put on the June Agenda.

Y. APRN Advisory Committee –The APRN Committee met last month and is scheduled to meet again next week. The Committee worked on the APRN draft rules comments.

5. Licensing:

A. Mary Alice Giannoni – Request for waiver – The Board reviewed a letter from Mary Alice Giannoni requesting a waiver from the requirement to hold a current Family Nurse Practitioner or Pediatric Nurse Practitioner certification

to provide care for pediatric patients. The Board in March 2010 had granted her a waiver as long as she was in her current position at Fletcher Allen Health Care. She holds certification as an Adult Nurse Practitioner. J. Todd moved to approve **Mary Alice Giannoni's** request for a **waiver to treat pediatric patients** provided that Ms. Giannoni continues to hold certification as an Adult Nurse Practitioner and completes the CE requirements that would be necessary for a Pediatric Nurse Practitioner Certification. A. Weiss and E. Leff abstained. **Pass**

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

7. **Disciplinary Proceedings:**

- M2009-141 Jennifer Magistrale was present. D. Welch moved to go into deliberative session at 11:43 a.m. E. Leff recused. **Pass**
The meeting resumed at 11:50 a.m. The Board will issue a written decision.
- 2009-135 Barbara Wells was present and represented by Norman Blais, Esq. D. Welch moved to go into deliberative session at 2:18 p.m. **Pass**
The meeting resumed at 2:45 p.m. The Board will issue a written decision.
- 2009-166 Boadu Kwapong was not present. K. Bush moved to find Boadu Kwapong in **DEFAULT.** **Pass**
K. Bush moved to **REPRIMAND** the license of Licensed Nursing Assistant **Boadu Kwapong.** **Pass**
- NA30-1108/2008-451 Crystal Brazee was not present D. Robinson moved to find Crystal Brazee in **DEFAULT.** **Pass**
D. Metcalf moved to **REVOKE** the license of Licensed Nursing Assistant **Crystal Brazee.** **Pass**
- 2009-485 Traci Hull was not present. E. Leff moved to **SUMMARILY SUSPEND** the license of Registered Nurse **Traci Hull.** **Pass**
- 2010-21 Jessica Larson was not present. A. Weiss moved to **SUMMARILY SUSPEND** the license of Registered Nurse **Jessica Larson.** **Pass**
- NU99-0109/2009-77 Chris Tyler was not present. 2009-476 E. Leff moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Chris Tyler.** K. Bush voted No. **Pass**
- 2009-610 Sheilah Rahfield was not present. D. Robinson moved to approve the Stipulation and Consent Order and impose an **ADMINISTRATIVE PENALTY OF \$350.00** on the license of Licensed Practical Nurse **Sheilah Rahfield.** **Pass**

The Board requested that a letter to the employer be sent by M. Botter regarding their obligation to assure that nursing and nursing assistant employees hold current licenses.

- NA53-0109/2009-56 Bernadette Hudson was not present. D. Metcalf moved to approve the Stipulation and Consent Order and place on **INACTIVE CONDITIONED** status the license of Licensed Nursing Assistant **Bernadette Hudson**. D. Robinson recused. **Pass**
- 2010-82 Denise Carr was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Denise Carr**. D. Robinson recused. **Pass**
- M2010-16 Scott Broderick was not present. S. Norton moved to approve the Stipulation and Consent Order and **REINSTATE AND CONDITION** the license of Registered Nurse **Scott Broderick**. **Pass**
- 2009-214 Evelyn Alexander was not present. D. Metcalf moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Practical Nurse **Evelyn Alexander**. **Pass**
- 2009-589 Patricia Charland was not present. J. Todd moved to approve the Stipulation and Consent Order and **VOLUNTARILY INACTIVATE** the license of Registered Nurse **Patricia Charland** with the provision that Ms. Charland **NEVER SEEK REACTIVATION OR ATTEMPT TO RENEW** the license. D. Robinson recused. **Pass**
- 2010-140 Applicant Laura Marzelli was not present. E. Leff moved to approve the Stipulation and Consent Order and **GRANT THE LICENSE AND CONDITION INDEFINITELY** the license of Registered Nurse **Laura Marzelli**. **Pass**
- 2009-355 Donna Bizon was not present. D. Welch moved to approve the Stipulation and Consent Order and **WARN** the license of Registered Nurse **Donna Bizon**. **Pass**
- NU35-1008/2008-390 Adolph Bohlmeijer was not present. K. Bush moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Adolph Bohlmeijer**. **Pass**
- 2009-212 Angela Croto was not present.. J. Todd moved to approve the Stipulation and Consent Order and **CONDITION** the licenses of Licensed Practical Nurse and Registered Nurse **Angela Croto**. **Pass**
- 2009-433 Danielle Strange was not present but represented by Charles Martin, Esq. . D. Welch moved to approve the Stipulation and Consent Order and

INDEFINITELY SUSPEND the license of Licensed Nursing Assistant **Danielle Strange**. D. Metcalf recused. **Pass**

NU69-0208/2008-74 Sarah Linton was not present. K. Bush moved to approve the Stipulation and Consent Order and **CONDITION** the license of Registered Nurse of **Sarah Linton** contingent on receiving the attorney's signature on the stipulation. **Pass**

M2009-200 Gabriell Tiffany was not present. S. Norton moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Gabriell Tiffany**. **Pass**

M2009-5 Katherine Amerio-St. Louis was not present. J. Todd moved to **REINSTATE WITHOUT CONDITIONS** the license of Registered Nurse **Katherine Amerio-St. Louis**. **Pass**

Closing Reports:

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

- 2009-297
 - 2009-293
 - 2009-545
 - 2009-531
- Pass**

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

- 2009-528 J. Todd recused **Pass**

D. Welch moved to recommend that the following complaint be concluded without charges:

- 2009-204
- 2009-607
- 2009-591
- 2010-49
- 2009-417
- 2009-442
- 2009-370 D. Robinson recused **Pass**

D. Welch moved to recommend that the following complaint be concluded without charges:

- 2009-418
- 2009-522
- 2010-77
- 2009-420
- 2009-535
- 2010-83 K. Bush recused **Pass**

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

- 2008-77 E. Leff recused **Pass**

9. **Nursing Law's Regan Report:** The Board received the April 2010 report

9. **Adjournment:** J. Todd 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: June 14, 2010