

May 11, 2009
APPROVED MINUTES

1. Call to Order:

The meeting was held at the National Life Building in Montpelier, VT. The meeting was called to order at 9:00 AM by Ellen Leff, Chair. Board Members present: Alan Weiss, Sandra Norton, William White, Deborah Robinson, Donarae Metcalf, Ken Bush, Deann Welch, Susan Dumas. Board Members absent: Donarae Metcalf. Staff members present: Mary Botter - Executive Director, Nancy Morin – Administrative Assistant, Elizabeth Hansen - LNA Program Coordinator, Larry Novins - Board Attorney, Betsy Wrask - Prosecuting Attorneys. Others present: Stafford Technical LNA Students, Sybil Smith, Elizabeth Elliott, Clare O'Shaughnessy, Esq., John Pacht, Esq., Anne-Marie Noel, Marie Kenyon, Jennifer Magistrale.

2. Changes and Additions to the Agenda:

E. Leff welcomed the Stafford Technical LNA Students

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 April 13, 2009 meeting. D. Welch recused. **Pass**

A. Weiss moved to approve the corrected minutes of the April 29, 2009 meeting. D. Welch, S. Dumas, K. Bush, D. Robinson and D. Metcalf recused. **Pass**

4. Administration, Education, Practice, Licensure

A. Executive Director's Report – Attached. M. Botter provided a brief overview of the attached report. The e-license licensing and enforcement modules are working well and continue to need only minor "tweaks". The Office is working with CAVU to develop reports for Boards and office staff.

B. Registered Nursing Staff – Ellen Hagman, a registered nurse with extensive experience in practice, administration and clinical information systems has been retained to work with the international licensing staff for the next six months. Additionally she will assist the Nursing Practice Committee and work with Elizabeth Hansen on follow-up cases.

C. Sexual Assault Nurse Examiners Board – This Board was created last

legislative session and the statute specifies that the Chair of the Board of Nursing is a member. The first meeting was held last week and M. Botter attended as E. Leff's representative.

- D. November 9, 2009 – date for NCSBN Visit** – Two representatives from the National Council of State Boards of Nursing will visit the Vermont Board on November 9, 2009
- E. NCSBN Annual Meeting – Philadelphia, PA – August 12-14, 2009** – The NCSBN Annual meeting is scheduled for August 12-14, 2009 in Philadelphia. The Board is requested to send at least 2 and up to 4 participants. E. Leff, D. Robinson and A. Weiss would like to attend. The Board is requested to notify M. Botter or E. Leff if they are interested in attending. All expenses are paid by the NCSBN.
- F. 2009 NCLEX invitational- September 21, 2009** – The NCSBN hosts an annual conference regarding the NCLEX. D. Robinson is interested in attending.
- G. Board Retreat** – The Board retreat will be held on June 22, 2009 from 5-8:30 p.m. The APRN Advisory Committee members will be asked to participate in the presentations.
- H. Board Member “Do’s and Don’ts”** – The Board received and reviewed the list of Board Member Do’s and Don’ts. The importance of attending Board meetings was emphasized. The Board Chair will contact members regarding attendance if more than 3 absences occur in a year. Board members are encouraged to attend the annual OPR board member orientation/review.
- I. Articles – AJN and VT Nursing Connection** - The Board received the articles.
- J. Legislative Update** – An update was provided on the OPR bill. The language recommended by the Board in response to the request regarding Christian Science Nursing was accepted.
- K. Review of Draft Administrative Rules** – M. Botter updated the Board on the suggested changes from the APRN Committee. The Board reviewed the current draft of the Administrative Rules and made proposed revisions and recommendations. A revised draft will be prepared for review at the June Board meeting.
- L. Discipline Follow-Up Report** – The Board accepted the Discipline Follow-Up Report.
- M. Licensure Report** – The Board accepted the Licensure Report.
- N. Nursing Education Committee** – J. Carr reported that the Committee met in May and reviewed the recommendations from the Summer Study Group regarding Nurses and Military Service. The Committee does not recommend changes in the Administrative Rules that would allow individuals who have served in the military to receive a waiver of the nursing education requirement. The Committee supports the current Administrative Rules that require graduation from a practical nursing or nursing assistant program prior to receiving approval to sit for the NCLEX-PN or LNA exam.

The Committee also reviewed nursing program responses to the annual report recommendations by the Board. At their June meeting, the Committee will review the criteria used by practical nursing programs. A recommendation to the Board will be presented in July.

O. Nursing Assistant Annual Reports –

- Addison County Home Health & Hospice – D. Robinson moved to accept the annual report from Addison County Home Health & Hospice with recommendations. **Pass**
- Birchwood Terrace Healthcare – J. Carr moved to accept the annual report from Birchwood Terrace Healthcare with recommendations. **Pass**
- Burlington Health & Rehabilitation Center – D. Robinson moved to accept the annual report from Burlington Health & Rehabilitation Center with recommendations. **Pass**
- Centers for Living and Rehabilitation Center - K. Bush moved to accept the annual report from Burlington Health & Rehabilitation Center with recommendations. **Pass**
- Cold Hollow Career Center – A. Weiss moved to accept the annual report from Cold Hollow Career Center with recommendations. **Pass**
- Fletcher Allen Health Care – K. Bush moved to accept the annual report from Fletcher Allen Health Care with recommendations. **Pass**
- Helen Porter Healthcare & Rehabilitation Center– K. Bush moved to accept the annual report from the Helen Porter Healthcare & Rehabilitation Center with recommendations. **Pass**
- Mt. Ascutney Hospital & Health Center– s. Norton moved to accept the annual report from Mt. Ascutney Hospital & Health Center with recommendations. **Pass**
- North Country Career Center (Adult Program) – J. Carr moved to accept the North Country Career Center (Adult Program) annual report with recommendations. **Pass**
- Otis Health Care Center– K. Bush moved to accept the annual report from Otis Health Care Center with recommendations. **Pass**
- Starr Farm Nursing Program– J. Carr moved to accept the annual report from Starr Farm Nursing Program with recommendations. **Pass**

P. Nursing Assistant Program Approvals.

- A. Weiss moved to accept the biennial approval survey report from North Country Career Center (Day Program) with recommendations. **Pass**

Q. Nursing Practice Committee Update – E. Leff reported that the Committee met in May and will continue to meet every other month. The Committee is finalizing the position statement development and review processes. Additionally, the Committee is revising the position statements regarding delegation and pronouncement of death and is also working on a scope of practice position statement. The next group of position statements that will

be reviewed are those related to analgesia and anesthesia.

R. APRN Advisory Committee: Update – The APRN Advisory Committee met in April and reviewed the April 13, 2009 draft of the Administrative Rules. Their recommendations were discussed by the Board.

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

6. **Disciplinary Proceedings:**

NU25-0807 Christy Russell was not present. A. Weiss moved to find Christy Russell in **DEFAULT.** **Pass**

D. Welch moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Christy Russell.** **Pass**

NU33-1008 Stephanie Runnels was not present. A. Weiss moved to find Stephanie Runnels in **DEFAULT.** **Pass**

K. Bush moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Stephanie Runnels.** **Pass**

NU57-1108 Candy Ballou was not present. S. Norton moved to find Candy Ballou in **DEFAULT.** **Pass**

K. Bush moved to **INDEFINITELY SUSPEND** the license of Licensed Practical Nurse **Candy Ballou.** **Pass**

NU29-1008 Louise Hearn was not present. E. Leff moved to find Louise Hearn in **DEFAULT.** **Pass**

D. Welch moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Louise Hearn.** **Pass**

NU23-0908 David Goodwin was not present. E. Leff moved to find David Goodwin in **DEFAULT.** **Pass**

S. Norton moved to **REVOKE** the license of Registered Nurse **David Goodwin.** **Pass**

NU44-1008 Fiona Shanks was not present. K. Bush moved to find Fiona Shanks in **DEFAULT.** **Pass**

D. Welch moved to **INDEFINITELY SUSPEND** the license of Registered Nurse **Fiona Shanks.** **Pass**

NA28-1108 Lyn Morehouse was not present. A. Weiss moved to find Lyn Morehouse in **DEFAULT**. **Pass**

K. Bush moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing assistant **Lyn Morehouse**. **Pass**

NA36-1208 Yolanda Slothower was not present. A. Weiss moved to find Yolanda Slothower in **DEFAULT**. **Pass**

S. Norton moved to **REVOKE** the license of Licensed Nursing Assistant **Yolanda Slothower**. **Pass**

NA22-1008 Mary Martin was not present. D. Welch moved to find Mary Martin in **DEFAULT**. **Pass**

D. Robinson moved to **INDEFINITELY SUSPEND** the license of Licensed Nursing Assistant **Mary Martin**. **Pass**

NA03-0806 Stacey Crawford was not present. E. Leff moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Nursing Assistant Stacey Crawford. **Pass**

NU05-0708 Sybil Smith was present. E. Leff moved to approve the request to reinstate **WITH CONDITIONS** the license of Registered Nurse **Sybil Smith**. **Pass**

NA31-1108 Tina Hyatt was not present. Board requested deliberative session at 11:00 a.m.
The Board was back in session at 11:06 a.m. The Board moved, while in deliberate session, to approve the Stipulation and Consent order and **WARN** the license of Licensed Nursing Assistant **Tina Hyatt**. **Pass**

NA66-0606 Amy Curtis was not present. K. Bush moved to **REINSTATE WITHOUT CONDITIONS** the license of Licensed Nursing Assistant **Amy Curtis**. **Pass**

APPLICANT Elizabeth Elliott was present and represented by Clare O'Shaughnessy, Esq. J. Carr moved to go into deliberative session at 1:43 p.m. **Pass**

The Board was back in session at 1:50 p.m. The Board will issue a written decision.

NA10-0908 Jeannette Burgess was not present. K. Bush moved to approve the

Stipulation and Consent Order and **INDEFINITELY SUSPEND AND IMPOSE A \$240.00 ADMINISTRATIVE PENALTY** on the license of Licensed Nursing Assistant **Jeannette Burgess**. W. White and E. Leff voted No. **Pass**

NA18-1008 Amy Prosser was not present. E. Leff moved to approve the Stipulation and Consent Order and **WARN** the license of Licensed Nursing Assistant **Amy Prosser**. **Pass**

NU54-1207 Theresa McAvinney was not present. J. Carr moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Registered Nurse **Theresa McAvinney**. **Pass**

NU97-0608 Anne-Marie Noel was present and represented by John Pacht, Esq. The Board requested deliberative session at 2:35 p.m. The meeting resumed at 2:55 p.m. The Board voted in deliberative session to approve the Stipulation and Consent Order with standard conditions and **INDEFINITELY SUSPEND** license of Registered Nurse **Anne-Marie Noel**. **Pass**

NA43-0109 Diane Daniels was not present. A. Weiss moved to approve the Stipulation and Consent Order and **REPRIMAND and IMPOSE A \$50.00 ADMINISTRATIVE PENALTY** on the license of Licensed Nursing Assistant **Diane Daniels**. W. White and E. Leff voted No. **Pass**

NA42-0109 Marie Kenyon was present. The Board requested deliberative session at 3:18 p.m. The meeting resumed at 3:24 p.m. The Board will issue a written decision.

NU62-1108 Jennifer Magistrale was present. The Board requested deliberative session at 3:40 p.m. E. Leff recused. The meeting resumed at 3:48 p.m. The Board voted in deliberative session to approve the Stipulation and Consent Oder with standard conditions and **CONDITION** the license of Registered Nurse **Jennifer Magistrale**. **Pass**

NA34-0208 Jane Page was not present. E. Leff moved to approve the Stipulation and Consent Order and **REPRIMAND** the license of Licensed Nursing Assistant **Jane Page**. **Pass**

NA44-0109 Bradford Rockwell was not present. J. Carr moved to approve the Stipulation and Consent Order and **REPRIMAND and IMPOSE A \$50.00 ADMINISTRATIVE PENALTY** on the license of Licensed Nursing Assistant **Bradford Rockwell**. E. Leff and W. White voted no. **Pass**

NA50-0109 Bonnie Bassett was not present. D. Robinson moved to approve the Stipulation and Consent Order and **REPRIMAND and IMPOSE A \$50.00 ADMINISTRATIVE PENALTY** on the license of Licensed Nursing Assistant **Bonnie Bassett**. E. Leff and W. White voted no. **Pass**

NA47-0109 Albert Dube was not present. A. Weiss moved to reject the Stipulation and Consent Order. Motion failed. Stipulation and Consent Order was approved to **REPRIMAND and IMPOSE A \$50.00 ADMINISTRATIVE PENALTY** on the license of Licensed Nursing Assistant **Albert Dube**. E. Leff and W. White voted no. **Pass**

D. Robinson moved to table the following closing reports.

- NU88-0408
- APPNA41-0308
- NU83-0109
- NU68-1208
- NA27-1108

Pass

7. Denial Appeals

Karen Britton – D. Robinson moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Karen Britton**. **Pass**

Peaché Azcuna – J. Carr moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Peaché Azcuna**. **Pass**

Parsisben Macwan – J. Carr moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Parsisben Macwan**. **Pass**

Cheryl Juban – D. Robinson moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Cheryl Juban**. **Pass**

Elizabeth Riby – D. Robinson moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Elizabeth Riby**. **Pass**

Joslane Damas – S. Norton moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Joslane Damas**. **Pass**

Thankamani Chacko – J. Carr moved to uphold the pre-denial decision and **DENY** the request for licensure by examination for Applicant **Thankamani Chacko**. **Pass**

8. A. Weiss moved to adjourn the meeting at 4:42 p.m.

Pass