

**MINUTES**

**BOARD OF NURSING  
MEETING**

**June 11, 2015  
Room 474 – Fourth Floor – 8:30 p.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:32 a.m.**

**ADJOURNED: 4:35 p.m.**

**Bureau Manager:**

Suzette Farmer, PhD, RN

**Board Secretary:**

Shirlene Kimball

**Compliance Specialist:**

Connie Call

**Conducting:**

Cescilee Rall, BSN, RN

**Board Members Present:**

Peggy Brown, MS, RN

Alisa Bangerter, BS, RN

Cescilee Rall, BSN, RN

Megan Christensen, BS, public member

Steven Higginson, MSN, RN

Calvin Kremin, MSN, CRNA

Ralph Pittman, LPN

Diana Parrish, BS, public member

Sheryl Steadman, PhD, APRN

Debra Hobbins, DNP, APRN

**Guests:**

Jack Davison, Everest College

Justin Rine, Everest College

Kristy Kimball, Attorney for Camille McMillan

Rhondi Horrocks, Everest college

Tamera Siddoway, Everest college

Chris Magriplis

Frank Venditti

Tanya Przybyla

Julion Orions

Norma Weese

**ADMINISTRATIVE BUSINESS:**

**May 14, 2015 Minutes:**

Ms. Parrish made a motion to approve the May 14, 2015 minutes with corrections. Ms. Christensen seconded the motion. The vote in favor of the motion was unanimous.

**Compliance Report:**

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the

character, professional competence, or physical or mental health of an individual. Mr. Higginson seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 9:08 a.m. The meeting was opened at 9:35 a.m.

**Debbie Harry,  
Compliance Report:**

Ms. Harry reported the following individuals are out of compliance with the terms and conditions of their Orders:

- Alisa Hall
  - Did not submit an employer report due January 1, April 1, May 1 and June 1, 2015.
  - Submitted her employer reports late for September 1, October 1, and December 1, 2014.
  - Failed to submit her self-assessment report due January 1 and June 1, 2015.
  - Submitted self-assessment reports late for August 1, September 1, December 1, 2014, and April 1 and May 1, 2015.
- Karen Burton
  - Tested positive for Tramadol for which she had an outdated prescription.
  - Is withdrawing her request for access to controlled substances.
- Elet Neilson
  - Positive urine screen for alcohol.
  - Dilute urine screens.
- Jennifer London Menlove
  - Positive urine screen for cocaine.

**Camille Hyatt McMillan,  
Kristy Kimball, Attorney  
Shawn McMillan, husband**

Ms. Kimball, attorney for Ms. McMillan, stated:

- Ms. McMillian does not pose a threat to the public or herself.
- In 2011 – 2012 Ms. McMillian was suffering from depression.
- From 2011 – 2013 Ms. McMillian was suffering from PTSD.
- From 2011 – 2013 Ms. McMillian was

placed on pain medications due to surgeries.

- Ms. McMillian eventually ended up calling in prescriptions because of her pain.
- Ms. McMillian married in 2013 and her husband is very supportive.
- Ms. McMillian found a good psychiatrist and attends therapy regularly to make sure she is on the proper medications.
- Ms. McMillian's criminal probation has ended and she wants to move forward.
- Ms. McMillian is requesting termination of probation on her RN license. Ms Kimball indicated it is difficult for Ms. McMillian to call in each morning and appear for drug screens in her busy day.

Dr. Hobbins reviewed the Order and stated Ms. McMillian took a blank prescription pad from a physician at the hospital and forged 13 prescriptions. Ms. McMillian has only been on probation for one year and six months.

Mr. McMillian stated:

- He works in the same facility as his wife and she is one of the finest nurses in the facility.
- He indicated it is hard for her to have a license that reflects less than she is an excellent nurse.
- He indicated Ms. McMillian is well aware of what happened and has moved forward.

Ms. McMillian stated she is in a totally different place now and has moved forward from that period in her life.

Ms. Rall indicated the Board would consider her request and let her know the outcome.

**Mary Stewart,  
Attorney, James Watts  
Informal Adjudicative Proceeding:**

Mr. Jones explained the process for the Informal Adjudicative Procedure process.

Mr. Jones indicated:

- Ms. Stewart has been in an accident and has had to have her jaw wired shut. Ms. Stewart's attorney, James Watts, will present her case.
- There are criminal convictions in this case and Mr. Jones will explain the documents handed out.
- DOPL will make recommendations to the Board regarding Ms. Stewart's license.
- Ms. Stewart will have time to explain her side and make her own recommendations to the Board.

Mr. Jones:

- Read into the record the Notice of Informal Agency Action. The Notice of Informal Agency Action lists the allegations.

Mr. Jones reported:

- The Division will draw on prior charges and is allowed to base discipline on a plea in abeyance.
- DOPL feels that the criminal offenses that happen in March 2013 would affect Ms. Stewart's practice as a nurse.
  - Alcohol reckless driving,
  - Public intoxication
  - DUI
  - Hit and run (Leaving the scene of an accident).
- On Ms. Stewart's 2015 renewal application, she acknowledged some of the criminal charges, however she did not acknowledge the charges that happened during the 2011-2013 renewal period.
- 2011 Ms. Stewart pleaded guilty to the offense of intoxication and had a DUI charge.
- On the November 7, 2012 renewal, Ms. Stewart was untruthful on three of the four questions on the qualifying questionnaire. If she had answered truthfully she would have been on probation sooner.
- DOPL is asking for the same probation as

anyone else with the same offenses.

Mr. Watts stated:

- Ms. Stewart does not contest any of the allegations in the Original order.
- The offenses do not rise to the level that affects Ms. Stewart's duties as a nurse.
- She is employed at Huntsman Cancer Institute.
- The offenses are not related in time. The first offense happened in 2006 and it is now 2015. Mr. Watts questioned whether that reflects an inability to practice.
- There is a reasonable relationship that she can practice as a nurse, nothing in the last two years to indicate it has affected her ability to practice.
- Ms. Stewart is performing at sufficient levels.
- The burden of proof is on DOPL to prove that Ms. Stewart can not practice safely.
- Ms. Stewart has two Class C Misdemeanors, and two Class B Misdemeanors. She still has her driver's license. She was intoxicated in her home.
- Ms. Stewart has completed two treatment programs; one was court ordered through Valley Mental Health.

Board member questions:

- Mr. Higginson questioned why Ms. Stewart answered "no" on the qualifying questionnaire in response to the 2013 renewal when she had been arrested only two months prior.
  - Ms. Stewart stated she doesn't know why.
- Ms. Bangerter questioned whether Ms. Stewart has had any drug screens over the past years to show that she has been clean.
  - Ms. Stewart responded that she has not been required to do urine screens.
- Ms. Brown questioned where Ms. Stewart

was employed prior to beginning work at Huntsman Cancer Center in 2013.

- Ms. Stewart stated she retired from Primary Children's Hospital. Mr. Watts stated that Ms. Stewart had three legal issues immediately after leaving Primary Children's Hospital, but she was not terminated from employment.
- Ms. Parrish stated it sounds like Ms. Stewart tried to call for help for her neighbor, but because she appeared to be intoxicated and not cooperative, the police charged her with intoxication.
  - Ms. Stewart indicated the charge of intoxication was received while in her home.
- Mr. Pittman stated Mr. Watt's indicated Ms. Stewart completed two treatment programs; however, she was enrolled in one, and then switched over to the Court Ordered Valley Mental Health program. Since she did not complete the program at Cornerstone, she only completed one treatment program.
- Mr. Pittman questioned whether or not she considers herself an alcoholic.
  - Ms. Stewart stated no.

Mr. Jones stated:

- The allegations are the four convictions. The Notice of Agency Action does not include that Ms. Stewart lied on the renewal.
- The Division asserts that being intoxicated does bear a reasonable doubt that she can practice safely. It is also felt that Ms. Stewart needs to be monitored for a period of time.
- There is a gap where Ms. Stewart was sober and under control for six years, then out of control again. There is concern that she may continue in this pattern.
- The Division is asking for the standard

drug and alcohol Stipulation and Order  
with probation of five years.

Mr. Watt stated:

- The key from a legal standpoint is that there is preponderance of evidence. Is it more likely than not that the crime bears a reasonable relationship to the practice of nursing?
- The Board needs to weigh the evidence and not speculate that she may use alcohol inappropriately in the future.

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Higginson seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 10:52 a.m. The meeting was opened at 11:26 a.m.

Ms. Rall stated the Board found by unanimous vote and a preponderance of the evidence that:

- On or about September 12, 2006 Respondent pleaded guilty to one count of alcohol-related reckless driving, a Class B misdemeanor, in Salt Lake City Justice Court, Salt Lake County, Utah. The offense occurred March 9, 2006.
- On or about March 5, 2012 Respondent pleaded guilty to one count of public intoxication, a Class C misdemeanor, in Salt Lake City Justice Court, Salt Lake County, Utah. The plea was held in abeyance and later dismissed. The offense occurred on January 7, 2012.
- On or about October 10, 2013 Respondent pleaded guilty to one count of intoxication, an infraction, in Salt Lake City Justice Court, Salt Lake County, Utah. The offense occurred March 2, 2013.
- On or about November 8, 2013, Respondent pleaded guilty to one count of driving under the influence of alcohol

and/or drugs, a Class B misdemeanor, in Third District Court, Salt Lake County, Utah. The offense occurred September 8, 2012.

Ms. Parrish stated that the Board found:

- The offenses that are the basis of Ms. Stewart's convictions and plea in abeyance, when considered with the functions and duties of a registered nurse, bear a reasonable relationship to Ms. Stewart's ability to safely and or competently practice as a registered nurse.
- Good judgment is critical in the nursing profession where patients rely upon the good decisions of a nurse. Ms. Stewart repeatedly exhibited poor judgment by being publicly intoxicated, intoxicated in the home, being involved in two hit and run incidents, making untrue statements on her application for licensure in 2012, and mislabeling specimens and missing shifts as described in the employer report that Ms. Stewart provided to the Board.
- Ms. Stewart provided no proof that she is currently clean and sober or that she has completed regular drug and alcohol testing. Ms. Stewart is still early in her recovery period and needs to be under the Board's monitoring.
- Ms. Stewart has engaged in unprofessional conduct as defined in Utah Code Ann. § 58-1 501 (2)(c). 2. The offenses that are the basis of Ms. Stewart's convictions and plea in abeyance, when considered with the functions and duties of a registered nurse, bear a reasonable relationship to her ability to safely and/or competently practice as a registered nurse.
- After a careful consideration of this matter, it is the recommendation by the Board that Ms. Stewart's license to practice as a registered nurse in the State of Utah shall be revoked, the revocation immediately stayed, and Ms. Stewart's license be placed

on probation for a period of five years, subject to the terms and conditions of the proposed Stipulation and Order.

**Alecia Hall,  
Non-compliance:**

Ms. Hall indicated:

- She started employment with a new employer on Tuesday of this week.
- She did not contact Ms. Call because she was going to give notification to the Board at this meeting.
- She gave the employer the form to sign and a copy of her Stipulation and Order.
- The reason for the non-compliance is that she failed to submit an employer report or self assessment report.
  - Board members stressed the importance of submitting all paperwork in a timely manner.
- She has not started the cognitive course.
  - Board members indicated she has been reminded the past two meetings that she will be running out of time if she waits too long to begin the course.
- She is just trying to keep her head above water at this time.

Ms. Rall indicated that Ms. Hall has had several warnings to remain in compliance and if she is out of compliance again, she will receive a significant fine. Ms. Hall stated she understood.

**Elet Neilson,  
Non-compliance:**

Ms. Neilson indicated:

- She had a positive drug screen for alcohol.
- She was celebrating her wedding and ingested alcohol.
- She understands her Stipulation and Order does not allow her to ingest alcohol.
- She has a lot of dilute urine screens because she drinks a lot of water.
- She reported her sobriety day is March 3, 2015 and has not relapsed since then.
- She is not taking any medications not currently prescribed for her.

- She has not been looking for employment. Ms. Neilson indicated that at this point, it is more important for her to be a full time mother.
- Ms. Neilson was reminded that if she does not begin nursing employment one year from the date of her Order, her license will be suspended.
- She has good family support and deals with stress by exercising.

**Karen Burton:**

Ms. Burton:

- Withdrew her request to have access to controlled substances.
- Stated access to controlled substances is not required for her employment at this time.
- Tested positive for Tramadol without a current prescription. Ms. Burton indicated it was an old prescription and took one pill, then had her husband watch her destroy the rest by flushing them.
- She missed a check-in with Affinity. She stated she understands it is a problem with her compliance.
- She has been forgetting a lot of things lately. Ms. Brown questioned if there is a problem in other areas.
  - Ms. Burton stated she has to write things down at work and discussed her forgetfulness with her boss.
  - She stated she will be completing a neuropsychological evaluation in July.

Board members questioned whether or not she considers the use of the Tramadol without a current prescription a relapse.

- Ms. Burton stated yes.
- She indicated she was in pain and was not thinking clearly.

Board members indicated Ms. Burton was fined in January 2014 for non compliance and she was informed at that time she if she were to be out of compliance again, she would be referred for an

Informal Adjudicative Proceeding.

- Mr. Pittman stated it appears that Ms. Burton has been out of compliance since March 2013.
- Ms. Parrish stated it feels like Ms. Burton she is a person in crisis, not a person in recovery.
  - Dr. Steadman made a motion to refer Ms. Burton for an Informal Adjudicative Proceeding. Ms. Parrish seconded the motion. Discussion: Ms. Brown stated Ms. Burton was in diversion first and has a long history of substance abuse. Ms. Burton told the Board she has to write things down at work, yet she has not written anything the Board has said today. Ms. Brown abstained from the vote. All other Board members voted in favor of the motion.

**Toni Pettit:**

Ms. Pettit did not appear for her scheduled interview.

**Lacey Cobbley,  
New Order:**

Ms. Cobbley:

- Explained the circumstances that brought her before the Board.
- Stated she is currently employed.
- Stated she understands the terms and conditions of the Order and has no questions at this time.

**Mindy Venditti,  
New Order:**

Ms. Venditti:

- Explained the circumstances that brought her before the Board.
- Indicated she feels she is doing much better at this time and is attending 12-Step meeting and has a sponsor.
- Stated she understands she needs to complete the cognitive restructuring course.
- Stated she is not currently working, but had a job interview on Monday.
- Reported her sobriety date is January 3, 2015.
- Stated she has had some thoughts of relapse,

but has not relapsed.

- Stated she has a good support system in place.
  - Ms. Brown made a motion to accept the essay. Ms. Parrish seconded the motion. All Board members voted in favor of the motion.
- Ms. Venditti questioned whether she could work at the University of Utah Dialysis Center if every six weeks she would have to take call and possibly work graveyards. The rest of the time she would be working with other RN's. She stated she would not have access to narcotics.
  - Dr. Hobbins made a motion to allow her to take call as needed. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

**Daniel Przybyla,  
New Order:**

Mr. Przybyla:

- Explained the circumstances that brought him before the Board.
- Stated he understands the terms and conditions of the Stipulation and Order and doesn't have any questions at this time.
- Stated he has no thoughts of relapse and has not relapsed.
- Has a great support system.
- He has the normal stressors of starting a new job.
- He is a newly licensed nurse and there are several nurses at his place of employment that are very helpful and he feels comfortable going to them to ask questions.
- He stated he is not taking any medications not lawfully prescribed for him.

**Mary Orians,  
New Order:**

Ms. Orians:

- Explained the circumstances that brought her before the Board.
- Her first essay was rejected because she did not address boundary issues.
- Submitted a new essay.

- Is self employed and stated she does not feel what she did falls under a boundary issue.
- Stated she understands the Stipulation and Order.
- Her issue will be patients who use Tramadol on a daily basis because she is no longer allowed to do pain management.
- Stressors include being kicked off the PEHP insurance panel, having to find someone to review her charts.
  - Dr. Steadman made a motion to accept the essay. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

**Tiana Dowty,  
New Order:**

Ms. Dowty:

- Explained the circumstance that brought her before the Board.
- Started working May 2015 at IHC Avenue Specialty Clinic.
- Her sobriety date is January 2013.
- She has no thoughts of relapse and has not relapsed.
- She is not taking any medications not lawfully prescribed for her.
- Attends the gym to deal with stressors.
- Her therapist indicated she does not need to attend PIR meetings and she is requesting termination of the PIR attendance requirement.
  - Ms. Brown made a motion to remove the PIR attendance requirement. Ms. Parrish seconded the motion. The vote in favor of the motion was unanimous.
  - Dr. Hobbins made a motion to not require urine testing. Mr. Pittman seconded the motion. The vote in favor of the motion was unanimous.
  - Mr. Pittman made a motion to accept the essay. Mr. Higginson

seconded the motion. The vote in favor of the motion was unanimous.

**Sami Weese,  
Her request:**

Ms. Weese indicated:

- She is doing well.
- She has contacted the DEA to see about getting her DEA license returned. The DEA indicated she must have the Utah Controlled Substance license first.
- She is requesting that her access to controlled substances be returned and that her Controlled Substance License be reissued.
- She is in compliance with the terms and conditions of her Order.
  - Dr. Hobbins made a motion to return access to controlled substances and to reissue the Controlled Substance License. The motion was seconded. The vote in favor of the motion was unanimous.

**Jeff Alleman,  
His request:**

Mr. Pittman made a motion to close the meeting in accordance with 52-4-204(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Higginson seconded the motion. All Board members voted unanimously to close the meeting. The meeting was closed at 3:10 p.m. The meeting was opened at 3:15 a.m.

Mr. Kremin made a motion to follow the current therapist recommendation. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

**Jennifer London-Menlove,  
New Order:**

Ms. Menlove :

- Explained the circumstances that brought her before the Board.
- She was using alcohol to self medicate and received two DUI's in a three week period.
- She reported her sobriety date is two

weeks ago.

- She indicated she used cocaine two weeks ago. She stated it was a mistake, but does not consider it a relapse.
- She stated she lost her job because her urine screen at work came back positive for cocaine.
- She sees a counselor and is working on sobriety.
- She is not currently taking medications not lawfully prescribed for her.
- Her current stressors are meeting with the Board and dealing with the death of a friend.

Ms. Rall indicated Ms. Menlove is at great risk right now due to the circumstances and all the changes.

Ms. Menlove stated she understands she is at risk.

- She is taking her prescribed medications.
  - Exercises, and
  - Understands she needs to stay away from some of the people who have a bad influence on her.
  - Ms. Brown made a motion to add language in her Order to require no access to controlled substances. Mr. Pittman seconded the motion. The vote in favor of the motion was unanimous.

**Anne Willems,  
new LPN application**

Ms. Willems met with the Board as requested by the Division for a review of her LPN credentials.

The Division received the CGFNS evaluation.

- The statement in the evaluation indicated that Ms. Willems education is comparable to a PN program in the U.S., but she did not have psychology, or maternal child courses which would be consistent with U.S. standards.
- She has had the appropriate number of

clinical hours.

Ms. Willems stated:

- She was working as an LPN in Finland and was issued an LPN license there in 2009.
- She moved to the US three years and 6 months ago and has her own home health agency working as a CNA.
- She would like to return to school to get her RN license, but in order to enter the program, she needs the LPN license.

Dr. Farmer stated Ms. Willem has demonstrated she meets the requirements of 301d(1)(a) and (b) and would like to be approved to sit for the NCLEX examination.

- Mr. Pittman made a motion that she meets the LPN requirements and to allow her to sit for the NCLEX-PN examination. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

**Recommendations:**

Camille Hiatt:

- Dr. Hobbins made a motion to deny the request to terminate probation and to return access to controlled substances. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

Dee Ann Taylor:

- Dr. Hobbins made a motion to approved her request to work at the home health care agency since she will not be going into patient homes nor doing any patient care. Ms. Parrish seconded the motion. The vote in favor of the motion was unanimous.

Hyeshin Koo:

- Ms. Parrish made a motion to approve Ms. Koo to work no more than 50 hours per week. Mr. Kremin seconded the motion. The vote in favor of the motion was unanimous.

Dale Hullinger:

- Mr. Hullinger is requesting he be allowed to work in home health.
- Mr. Pittman made a motion to table the request until he meets with the Board to discuss the request. Mr. Higginson seconded the motion. The vote in favor of the motion was unanimous.

Lisa Pledger:

- Dr. Steadman made a motion to accept Ms. Pledger's essay. Ms. Oswald seconded the motion. The vote in favor of the motion was unanimous.

Chris Singer:

- Mr. Singer's evaluation was reviewed. Dr. Steadman made a motion to bring Mr. Singer to meet with the Board to go over his evaluations and before making any recommendation. Mr. Kremin seconded the motion. The vote in favor of the motion was unanimous.

**Joanna Arbogast,  
New Order:**

Ms. Arbogast:

- Explained the circumstances that brought her before the Board.
- Her sobriety date is July 13, 2013.
- She is attending 12-Step meetings and is on Step two.
- She is requesting she be allowed to work nights and to allow her access to controlled substances.
- She started probation March 17, 2015 but stated she is 17 months sober.
  - Mr. Pittman made a motion to grant her request and allow access to controlled substances based on the 17 months of sobriety. Dr. Hobbins seconded the motion. The vote in favor of the motion was unanimous. Board members indicated they normally do not return access this soon into the probation.

- She indicated she is withdrawing the request to be allowed to work overnight.

**Rule:**

Dr. Farmer indicated the Rules have to be finalized by November. She indicated that the Education Committee drafted a Rule for limited time approval nursing education programs.

- Mr. Kremin made a motion to accept the Rule as submitted. Ms. Brown seconded the motion. The vote in favor of the motion was unanimous.

Dr. Farmer indicated the Education Committee will be addressing the psychiatric mental health nursing section next.

Dr. Farmer requested that if a Board member sees any other areas of Rule that need to be cleaned up, to let her know.

**Environmental Scan:**

Dr. Farmer indicated Ms. Call has retired. Sharon Bennett was welcomed as the new compliance officer.

Dr. Farmer indicated she received a call from Kathleen Kaufman, UNA, who was concerned about imposters. Ms. Kaufman had indicated that some states have pictures of the imposters on their web site. Dr. Farmer indicated there is nothing in the law or rule to address the issue, other than it is unlawful conduct to pose as a nurse. Dr. Farmer indicated Utah has charged two individuals for presenting themselves as a nurse. Dr. Farmer indicated that the nursing agency needs to be verifying the licensure status of employees.

Dr. Farmer indicated that the proposed Compact language were sent to nurse leaders, the Utah Nurses Association, and the Utah Action Coalition for Health for their information. The changes will need to go before the Legislature.

Dr. Donna Lister, member of the Education Committee, met with Senator Vickers regarding the Statute and only requiring graduation from an

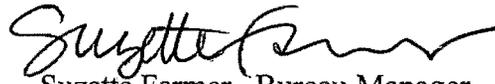
accredited program. This would do away with the limited time approval. However, Senator Vickers will not move forward if there is no support from the nursing community. The individual nurse needs to come forward and support the changes.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

7/19/15  
Date Approved

7/19/15  
Date Approved

  
Cescilee Rall, Chair Board of Nursing

  
Suzette Farmer, Bureau Manager,  
Division of Occupational & Professional Licensing