

**MINUTES**

**UTAH BOARD OF NURSING  
MEETING**

**December 12, 2013**

**Room 474 – 4<sup>th</sup> Floor – 8:30 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 8:30 a.m.

**ADJOURNED:** 3:26 p.m.

**Bureau Manager:**  
**Board Secretary:**

Debra Hobbins, DNP, APRN  
Shirlene Kimball

**Conducting:**

Peggy Brown, MS, RN

**Board Members Present**

Peggy Brown, MS, RN  
Diana Parrish, BS, public member  
Calvin Kremin, MSN, CRNA  
Barbara Jeffries, BSN, RN  
Ralph Pittman, LPN  
Cescilee Rall, BSN, RN  
Alisa Bangerter, BS, RN  
Megan Christensen, BS, public member

**Board Members Excused:**

Jaime Clinton Lont, MSN, APRN

**Division Staff:**

Ray Walker, Division Enforcement Counsel  
Connie Call, Compliance Specialist  
Carol Inglesby, Administrative Assistant

**Guests:**

Anneli R. Smith, attorney for Sami Weese  
Kathy Briggs, Utah School Nurse Association  
Shirley Stevens, Utah School Nurse Association  
Jamie Ferdinand, Utah School Nurse Association  
Lisa Arbogast, Utah State Office of Education

**Review and Approve October 24, 2013  
Minutes:**

Mr. Pittman made a motion to approve the October 24, 2013 minutes with corrections. Ms. Rall seconded the motion. Ms. Christensen abstained, all other Board members voted in favor of the motion.

**Review and Approve November 14,  
2013 minutes:**

Mr. Pittman made a motion to approve the November 14, 2013 minutes. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

Ray Walker,  
UAPA presiding officer training:

Mr. Walker reviewed with Board members the Utah Administrative Procedures Act and provided presiding officer training. Mr. Walker indicated the Administrative Procedures Act governs all state agency actions that determines an individual's legal rights. These include actions to grant, deny, revoke or place a license on probation. Mr. Walker indicated that fines are non-disciplinary actions unless the individual contests the fine. The presiding officer is an agency head, individual or body of individuals (such as the Board).

Mr. Walker indicated that a adjudicative proceeding commences when an agency issues a Notice of Agency Action, or by an individual requesting agency action. A Notice of Agency Action incorporates the Petition and an individual is required to respond in writing within 30 days. An agency action has to be closed no later than 180 days after Notice of Agency Action.

The informal proceeding is held for the following reasons: criminal conviction, discipline in another state, or violation of probation. It is not a hearing but is an agenda item. The proceeding can be converted from informal to formal or formal to informal if requested and approved by the Division Director. However, to make the change, the Division Director must determine if the change is in the public's best interest and that the change does not unfairly prejudice the rights of any party.

Mr. Walker indicated the meeting could be closed for discussion and opened for the outcome or vote. Discovery is prohibited in an informal proceeding, but access to agency files is generally permitted.

Mr. Walker also provided a handout with the Division of Occupational and Professional Licensing Act Rule, R156-1-302, regarding consideration of good moral conduct. Board members requested that this section of Rule be provided at each Board meeting.

Environmental Scan:

Carol Inglesby, Administrative Assistant for the

Division, met with the Board to answer questions regarding the Division's process of entering disciplinary action on the website. Ms. Inglesby stated that the action does not appear until the Director signs the action.

Connie Call, Compliance Specialist:

Mr. Call reported the following individuals are out of compliance with the terms and conditions of their Order:

**-Brett Davis:** Mr. Davis will be meeting with the Board due to a positive urine screen for alcohol and a positive urine screen in August for Oxycodone.

**-Julie Hall:** Ms. Hall missed checking-in with Affinity in October and has not provided documentation from her master's program that the program is aware of her probation.

**-Karen Burton:** Ms. Burton missed checking-in with Affinity and submitted her employer report late. Ms. Burton will be scheduled to meet with the Board next month.

**-Stacia Frank Thorkelson:** Ms. Thorkelson was informed in October that she needed to remain in 100% compliance. She is out of compliance and will be scheduled to meet with the Board in January. The Board will also consider issuing a fine at that time.

**-Synthia Carter:** Ms. Carter was fined \$300.00 in October for missed check-ins with Affinity. Ms. Carter continues to miss check-ins, has not paid her fine, and has not submitted her employer or self-assessment report. She will be scheduled to meet with the Board in January.

**-Dale Hullinger:** Mr. Hullinger missed checking-in with Affinity and was late submitting his paperwork. Mr. Pittman made a motion to refer Mr. Hullinger for the appropriate legal action and Order to Show Cause Hearing to revoke his license. Ms. Rall seconded the motion. All Board members voted in favor of the motion.

**-Tracy Johnson:** Ms. Johnson has not paid her fine. Ms. Jeffries made a motion to refer Ms. Johnson for an Order to Show Cause Hearing to revoke Ms. Johnson's license. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

**-Tyler Miller:** Mr. Miller is currently under

investigation.

**-Sara Calderas:** Ms. Calderas has been late submitting paperwork every month. Board members recommend Ms. Calderas meet with the Board in January and a fine be issued.

Ms. Call indicated the following individuals made a modification request:

**- Robin Walker:** Ms. Walker is requesting termination of probation. However, she has never worked as a nurse. Ms. Jeffries made a motion to deny the request and that Ms. Walker must work while on probation for a period of time. Ms. Rall seconded the motion. All Board members voted in favor of the motion.

**- Brian Stokes:** Mr. Stokes submitted his essay for review. Mr. Pittman made a motion to accept the essay. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

**-Suzanne Menatti:** Mr. Pittman made a motion to terminate the therapy requirement based on the therapist recommendation. Ms. Bangerter seconded the motion. All Board members voted in favor of the motion.

**-Camille Hyatt:** Ms. Jeffries made a motion to allow two prescribers. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Brett Davis,  
Non-compliant:

Mr. Davis was interviewed by telephone. Board members indicated Mr. Davis is non-compliant due to positive urine screen for alcohol and a positive urine screen for Oxycodone. Mr. Davis did not submit a prescription for the Oxycodone. Board members questioned Mr. Davis what he considers as his sobriety date. Mr. Davis indicated that September 16, 2010 is his sobriety date. Board members questioned how that date could be his sobriety date when the urine screens have been positive for alcohol and drugs. Mr. Davis stated he has been thinking about that, he may have had a drink with alcohol in it, but he stated he does not know for sure. He also indicated he could not find how to enter the prescription into the system. Mr. Davis stated he has not relapsed and has had no thoughts of relapse. He stated he attends 12-Step

meetings but does not have a sponsor. He indicated his wife is his primary support. Mr. Davis stated he is on maintenance Steps 11 and 12. Ms. Jeffries questioned how he could be on maintenance if he does not have a sponsor. Ms. Jeffries indicated the purpose of a sponsor is to help you understand when you are not thinking clearly.

Ms. Brown stated she would recommend a \$250.00 fine for non-compliance. Mr. Davis stated he does not have the income to pay a fine. Mr. Pittman indicated that Mr. Davis signed the Stipulation and Order. If he cannot afford to be in compliance, then he could sign a limited license surrender. Mr. Davis stated he is actively seeking employment and would not sign the limited license form. Board members indicated the Order is not a guideline; he has to be in 100% compliance or further action can be taken. Ms. Brown made a motion to issue a \$250.00 fine. Mr. Davis needs to obtain a sponsor and actively work his recovery. Mr. Pittman seconded the motion. Mr. Davis questioned if the fine could be reduced. Board members indicated they would not reduce the fine due to the long history of noncompliance. All Board members voted in favor of the motion.

Lunch 11:25 a.m.  
Reconvened at 1:11 p.m.

Corinne Kinikini,  
New Order:

Ms. Kinikini explained the circumstances that brought her before the Board. Ms. Kinikini stated she understands the terms and conditions of her Order. She indicated her employer has read the Stipulation and Order and questioned the supervision section. Ms. Kinikini stated her supervisor is not on duty at night, but there is a charge nurse on duty. Board members indicated that would be appropriate. Ms. Kinikini stated she does not have a set work schedule at this time. She reported she may work more than 16 hours one week, and less the next week. Board members indicated that as long as it averages out to 16 hours per week, she is okay. Board members reviewed and accepted Ms. Kinikini's essay. **Ms. Kinikini is in compliance with the terms and conditions of**

**her Order.**

Sami Weese,  
New Order:

Ms. Weese and her attorney, Anneli Smith, met with the Board. Ms. Weese explained the circumstances that brought her before the Board. Ms. Weese had a number of questions regarding her Stipulation and Order. She stated she is currently being drug screened by the county court system and by her rehab treatment program. Ms. Weese questioned whether she could use these drugs screens for the Board. Dr. Hobbins indicated the Division's urine screens include testing for prescription medications in addition to street drugs; therefore, the court/rehab urine screens would not be accepted. Dr. Hobbins suggested contacting the courts and her rehab treatment center to see if they would accept the Divisions urine screens. Ms. Weese also requested she be allowed to have access to controlled substances once the suspension is lifted. Dr. Hobbins explained that the Board likes to monitor the individual on probation for at least six months before amending the Order to allow access. Ms. Weese also questioned how she would be able to practice if she cannot contact a pharmacy. Board members indicated electronic prescriptions are okay, but otherwise she cannot contact the pharmacy. Ms. Weese indicated she would complete the required evaluations on December 26, 2013. Ms. Weese reported her sobriety date is September 10, 2013. She reported she attends 12-Step meetings, has a sponsor and is on Step 7. Ms. Weese stated she was going to request she be allowed to work for an insurance company going into homes, but thinks that position is no longer available and withdrew the request. Board members indicated she would not be able to accept the position because she cannot work in a patient's home. Ms. Parrish made a motion to accept the essay. Mr. Pittman seconded the motion. All Board members voted in favor of the motion. **Ms. Weese is in compliance with the terms and conditions of her Order.**

Rules:

Dr. Hobbins briefly reviewed the proposed rules with Board members. She indicated there was a change to the Foreign Nurse section and added to

R156-31b-301d (3) “licensed in another state or territory of the United States.”

Mr. Kremin made a motion to approve the wording change from school nurse to registered nurse in R156-31b-701a. Mr. Pittman seconded the motion. All Board members voted in favor of the motion.

Mr. Pittman made a motion to accept the rules with the changes discussed. Mr. Kremin seconded the motion, all board members voted in favor of the motion.

Lisa Arbogast,  
Special Education, Office of Education:

Ms. Arbogast indicated she requested a meeting with the Board to discuss a concern that was brought to her attention last month. She reported it appeared that there were changes to the Nurse Practice Act Rule affecting school nurses and that the period had passed to voice any concerns. Dr. Hobbins indicated that the proposed rules have not been filed. She stated once the Rules are filed, there would be a public comment period. Ms. Arbogast requested she be informed of proposed rule changes that involve school nurses. She indicated her department should be aware of any impact a rule change makes that will effect education and the department’s ability to comply with federal regulations. Dr. Hobbins indicated that meetings and agendas are posted on the website and she will provide Ms. Arbogast with the web address where she can request notification. Dr. Hobbins indicated there were no substantive changes regarding school nurses. Ms. Briggs, Utah School Nurse Association, stated that they also discuss Rule changes at their association meetings.

Federation of State Medical Boards  
Model Policy:

Dr. Hobbins reported that the FSMB Model Policy has been posted on the Nursing page of the Division’s website. Dr. Hobbins reported those that prescribe controlled substances will need to know both the 2004 and 2013 documents.

Discussion regarding verbal versus  
written requests for Order  
modifications:

Dr. Hobbins stated we need to have the probationer request modifications to their Order verbally instead of written. If a request is submitted in writing, the Division is required to respond in

writing and outline the appeal process. Mr. Pittman made a motion to have the Division handle routine requests, such as two pharmacies, two prescribers due to different specialties etc., and if needed, contact the board chair for recommendations. Ms. Parrish seconded the motion. All Board members voted in favor of the motion.

**NCSBN Core measures:**

Mr. Pittman stated he reviewed the report and reported briefly on the results. Ms. Brown indicated she will also review the core measures and put together a synopsis of the report.

**NCSBN March meeting:**

Ms. Brown and Ms. Rall will attend the NCSBN Mid-year meeting in March. Mr. Kremin stated he is interested attending the APRN meeting in February. Dr. Hobbins also reported that the annual meeting will be held in Chicago August 12, 2014.

**Chair-Elect:**

Ms. Brown's term as chair will expire in January and Ms. Rall will become Board chair. Board members discussed the transition and whether it would be helpful to have Ms. Brown serve as coach for a few months. Ms. Rall indicated that would be helpful, and Ms. Brown and Ms. Rall will both be contacted by the Division regarding any questions the Division may have. Elections for a new chair-elect will be held at the next meeting.

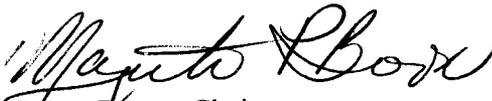
**APRN Compact Administrators meeting:**

Dr. Hobbins reported she recently hosted the APRN Compact Administrators. Dr. Hobbins stated the APRN Compact has only been implemented by three states. There have been major changes to the compact and this will result in Utah having to repeal the current Statute and start over. Dr. Hobbins expressed concern that the Utah Legislature may not pass the new compact language due to the fiscal impact and potential lack of participation by other states. Dr. Hobbins reported Utah is the only state that meets all compact model requirements for the APRN Consensus Model.

*features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

*7/8/2014*  
Date Approved

*1/9/14*  
Date Approved

  
Peggy Brown, Chair  
Board of Nursing

  
Debra Hobbins, Bureau Manager,  
Division of Occupational & Professional Licensing