

MINUTES

**UTAH BOARD OF NURSING
MEETING**

March 27, 2014

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

CONVENED: 8:46 a.m.

ADJOURNED: 1:12 p.m.

Bureau Manager:

Debra Hobbins, DNP, APRN

Board Secretary:

Shirlene Kimball

Conducting:

Peggy Brown, MS, RN

Board Members Present:

Peggy Brown, MS, RN
Barbara Jeffries, BSN, RN
Megan Christensen, BS, public member
Alisa Bangerter, BS, RN
Ralph Pittman, LPN
Jaime Clinton Lont, MSN, APRN
Diana Parrish, BS, public member

Board Members Excused:

Calvin Kremin, MSN, CRNA
Cescilee Rall, BSN, RN

Division Staff:

Connie Call, Compliance Specialist

Guests:

Jeff Plitt
Eric Schmidt
Julie Madsen
Stephanie Burr
Elaine Gamvroulas
Dawna Wallace
Terrance Sellers, MD

ADMINISTRATIVE BUSINESS:

February 13, 2014 Minutes:

The February 13, 2014 minutes were approved with corrections.

March 13, 2014 Minutes:

The March 13, 2014 minutes were approved with corrections.

Board Policy Discussion:

Dr. Hobbins indicated that Division review of the proposed Rules resulted in recommended changes. Dr. Hobbins is in the process of making those

changes. Once the rules are finalized, they will be filed and a Rule Hearing scheduled.

Ms. Jeffries stated a number of probationers have raised concerns with the Professionals in Recovery (PIR) meetings. Probationers have indicated attendance at 12-step meetings is more helpful in their recovery. Ms. Jeffries suggested Board members ask each probationer whether they feel PIR meetings are helpful so that a determination can be made on whether or not to continue to require attendance at PIR meetings. Ms. Jeffries also indicated she would like to find out if other states require attendance at a professionals group.

Connie Call,
Compliance report:

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

-Synthia Carter. Ms. Carter has been out of compliance since 2011 and was last seen by the Board in January due to her non-compliance. Ms. Call reported that on February 10, 2014 Ms. Carter missed checking-in with Affinity and missed a urine screen.

-Traci Schroder. Ms. Schroder submitted her essay late. Mr. Pittman reviewed the essay and indicated it would not be accepted. Ms. Schroder needs to address the circumstances that put her license in jeopardy, how it has affected her life and career, what she has learned in the process and what she would do differently. Ms. Jeffries made a motion to issue Ms. Schroder a fine of \$100.00 for non-compliance by submitting her essay late. Ms. Parrish seconded the motion. All Board members voted in favor of the motion.

Dusti Hall,
Review request:

Ms. Hall is requesting she be allowed to work more hours than three consecutive eight-hour shifts per week as allowed in the amended Order. Board members indicated the amendment was made after reviewing and acting upon the recommendations of the evaluator. Dr. Hobbins stated that the Division requested the evaluator provide the Board with an explanation why the change was made and if Ms. Hall had provided him with additional information. The evaluator indicated that no new information

was considered. He indicated he had received a long message from Ms. Hall and that his prior recommendation regarding working hours was not a firm requirement. Mr. Pittman made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Christensen seconded the motion. All Board members voted in favor of closing the meeting. The meeting was closed at 9:25 a.m. A motion was made to open the meeting. The meeting was opened at 9:30 a.m. Ms. Parrish made a motion to deny Ms. Hall's request to amend the Stipulation and Order to allow her to work full time. Ms. Jeffries seconded the motion. All Board members voted in favor of the motion.

Divided into groups at 9:31 a.m.

Group 1
Secretary: Shirlene Kimball

Members present: Ms. Christensen, Ms. Brown, Mr. Pittman and Ms. Clinton-Lont.

Linda Doan,
New Order:

Ms. Doan explained the circumstances that brought her before the Board. She is currently on probation with the Texas Board of Nursing. Ms. Doan indicated she understands her Utah Order. Ms. Doan indicated she is currently employed at Salt Lake Regional Medical Center. Committee members reviewed the Order with Ms. Doan and answered her questions regarding the Order. Ms. Doan stated she understands the terms and conditions of the Order. **Ms. Doan is in compliance with the terms and conditions of her Order.**

Starla McRae,
New Order:

Ms. McRae explained the circumstances that brought her before the Board. Ms. McRae questioned whether she could attend one PIR meeting and three 12-step meetings per month instead of two PIR and two 12-step meetings. Committee members reviewed the evaluation and Ms. Brown made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental

health of an individual. Ms. Christensen seconded the motion. All Committee members voted in favor of closing the meeting. The meeting was closed at 10:21 a.m. Ms. Brown made a motion to open the meeting. Ms. Christensen seconded the motion. The meeting was opened at 10:24 a.m. Committee members indicated Ms. McRae would not be required to attend therapy. Committee members indicated they would recommend allowing attendance at 12-step or PIR meetings. **Ms. McRae is in compliance with the terms and conditions of her Order.**

Sara Swearingen
New Order:

Ms. Swearingen explained the circumstances that brought her before the Board and indicated she had diverted medication from a home health employer. Ms. Swearingen requested she be allowed to work in home health. She brought with her proposed language to change the Order to allow her to work in home health. Jeff Plitt, a home health employer, appeared with Ms. Swearingen to support her in her request to work in home health. Committee members indicated she would not be allowed to work in home health since that is the employment situation where she diverted medications for her own use, this is her first meeting with the Board, and there is no history of compliance.

Ms. Swearingen stated she is not an addict. She stated she is not taking any medications that have not been lawfully prescribed for her. Ms. Swearingen stated she does not have the money to pay for court costs and for the urine screens required by the Order. Ms. Swearingen questioned if the Board would accept the urine screens from the courts. Committee members indicated that the Division's urine screens test for use of prescription drugs as well as the illegal drugs. The court only tests for the illegal drugs and therefore, the Division would not accept the court drug screens. Ms. Swearingen stated she was enrolled in a PN to RN bridge program online. Committee members indicated she would need to let the program know of her probationary status. Committee members indicated that once the evaluations are received, a determination would be made regarding whether to

require a thinking errors course. Ms. Swearingen questioned if she could count the hours she works taking care of her boyfriend's special needs daughter. Ms. Brown stated, "No, because you would be considered a family member or friend." Dr. Hobbins indicated she might want to consider a limited license until she can find a job. Ms. Swearingen stated she understands the terms and conditions of her Order and the dates that her reports are due. Ms. Swearingen stated she does not want the limited license. **Ms. Swearingen is in compliance with the terms and conditions of her Order.**

Marie Gygi,
New Order:

Ms. Gygi explained the circumstances that brought her before the board. She reported her sobriety date is June 4, 2011. Ms. Gygi indicated she has been sober for three years, has great family and employer support. Ms. Gygi stated she understands the Stipulation and Order. Ms. Gygi stated she is currently employed at New Roads Treatment Center as a lead mentor. Ms. Gygi questioned whether she could pass pre-packaged medications. Eric Schmidt, LCSW, explained how the clinic works and indicated that Ms. Gygi would not be alone in the clinic. There are a number of Licensed Clinical Social Workers, Psychologists and Substance Use Disorder Therapists in the clinic at all times. The clinic contracts with a pharmacy to fill the medications. Ms. Gygi is requesting access for Suboxone, Ativan and Librium only. Mr. Schmidt indicated there is also an emergency medical kit available, but the physician signs out the medications. She reported she works with the physician in the same office, however, there would be times he is not available. Mr. Schmidt stated they have checks and balances in place that include random urine screens for employees.

Ms. Gygi is also requesting that her supervision be changed from a physician or nurse to a licensed therapist. Ms. Brown questioned what the job description would be if she is hired as a nurse. Ms. Gygi stated administration of medications, faxing orders to the contract pharmacy, dressing changes if needed, working with the dietitian, triage and

assessment. She indicated she would provide the board with a job description.

Ms. Gygi also indicated she tried to find a PIR meeting in Utah Valley and could not find it. She requested she be allowed to attend four 12-step meetings in lieu of two PIR and two 12-step meeting.

Ms. Gygi has requested four changes to the Order: 1) change supervision requirement from physician or nurse to licensed therapist; 2) allow limited access to controlled substances; 3) allow faxing of prescription orders to the contract pharmacy; and 4) attend four 12-step meetings per month in lieu of PIR meetings.

Dr. Sellers also appeared in support of Ms Gygi. Dr. Sellers indicated Ms. Gygi is a valuable employee and they have checks and balances in place to protect Ms. Gygi and the public. Dr. Hobbins indicated that this is the first meeting with Ms. Gygi and the Board likes to have a positive track record in place prior to making any amendments to an Order. Ms. Brown indicated the requests would be presented to the full Board.

Tyler Bauer,
New Order:

Ms. Jeffries, Ms. Parrish and Ms. Bangerter joined group one.

Mr. Bauer explained the circumstances that brought him before the Board. Mr. Bauer has been invited to meet with the Board on two previous occasions, but he failed to meet with the Board. Mr. Bauer indicated he moved and did not provide the Division with a forwarding address. He stated he was going through old email messages when he found that he had missed a meeting. Committee members questioned why he did not contact Ms. Call immediately after signing the Order. Mr. Bauer stated he thought he had 60 days to contact Ms. Call.

Board members questioned if he has read his Stipulation and Order and if he understands the Order. Mr. Bauer stated he has read the Order, but

did not fully understand the Order. He indicated he met with Ms. Call and feels more comfortable with the Order. He stated he now feels he understands most of the Order. Board members indicated that he has very little time to complete the evaluations and have them submitted by the due date. He signed the Order in January and it is now the end of March. Board members also voiced concern that when he finally contacted Ms. Call, he admitted to ingesting alcohol the day prior to meeting with her. Mr. Bauer stated he did not consider drinking a beer a relapse. He stated he now understands he cannot ingest alcohol. Mr. Bauer reported his sobriety date is March 21, 2014. Mr. Pittman questioned if he has switched one drug for another. Mr. Bauer stated he did not understand he could not drink a beer for five years. Ms. Jeffries indicated that if he had been to 12-step meetings, he would understand that a drug is a drug is a drug, he is an addict and if he wants to keep his license, he must begin the recovery process. Ms. Jeffries made a motion to refer Mr. Bauer for an Informal Adjudicative Proceeding for revocation of his license. Ms. Clinton-Lont seconded the motion. Discussion: Ms. Parrish stated that the evaluations are not due until the end of April. Ms. Clinton Lont stated he has not made an effort to complete anything associated with the Order and is in violation of the Stipulation and Order. Ms. Brown stated he was to abstain from alcohol, it was part of his Order and he received the Order in January. It does not appear he is trying to get well or keep his license. Ms. Parrish stated she feels the Board should consider a fine. Ms. Jeffries indicated she does not feel a fine would be effective at this time. Ms. Clinton Lont indicated we could issue the fine and then wait until April 23, 2014 to see if he can complete the evaluations and have them submitted for review. Call for the vote: Ms. Brown, Ms. Jeffries and Ms. Clinton Lont voted in favor of the motion. Opposed were Ms. Parrish, Ms. Bangerter, Ms. Christensen and Mr. Pittman. Mr. Pittman made a motion that due to a lack of compliance, the seriousness of not responding, and the relapse on alcohol, Mr. Bauer be issued an \$800.00 fine. Ms. Parrish seconded the motion. Further discussion.

Ms. Jeffries indicated that if he does not provide all documentation by the required date, the Board should move forward with the Informal Adjudicative Proceeding. Mr. Pittman indicated he would accept the friendly amendment to his motion to include issuance of an \$800.00 fine for non-compliance and if the evaluations and all requested documents are not received by April 23, 2014, proceed with the Informal Administrative Proceeding. Mr. Pittman also requested a urine drug screen today. Ms. Clinton Lont seconded the motion. All Board members voted in favor of the motion.

Group 2
Minute Taker: Connie Call

Board members present: Ms. Parrish, Ms. Bangerter, and Ms. Jeffries

Sherrie Sutch,
New Order:

Ms. Sutch explained the circumstances that brought her before the Board. She reported her sobriety date is January 14, 2014. She stated she has no thoughts of relapse and has not relapsed. She indicated she has great family support, attends therapy, talks to friends, and has returned to work. **Ms. Sutch is in compliance with the terms and conditions of her Order.**

Kristina Withers,
New Order:

Ms. Withers explained the circumstances that brought her before the Board. She stated all criminal issues have been resolved and she is in the process of having the charges expunged. Ms. Withers reported her sobriety date is May 2010. Committee members recommended she be allowed to have two prescribing practitioners. Ms. Withers stated she understands the terms and conditions of her Order. **Ms. Withers is in compliance with the terms and conditions of her Order.**

Diane Judkins,
New Order:

Ms. Judkins explained the circumstances that brought her before the Board. Ms. Judkins complete a five-day inpatient day at Dayspring January 2014, then in an outpatient program for one month, and is currently attending aftercare. She reported her sobriety date is January 2014. She stated she has no thoughts of relapse and has not relapsed.

Ms. Jeffries made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Ms. Parrish seconded the motion. All Committee members voted in favor of closing the meeting. The meeting was closed at 10:59 a.m. Ms. Jeffries made a motion to open the meeting. Ms. Bangerter seconded the motion. The meeting was opened at 11:04 a.m. **Ms. Judkins is in compliance with the terms and conditions of her Order.**

Synthia Carter,
Non-compliance:

Ms. Carter did not appear for her scheduled interview. Committee members recommend an Informal Adjudicative Proceeding to revoke her license.

Report from committees:

-Marie Gygi: Committee members recommend that Ms. Gygi be allowed to attend four 12-step meetings per month in lieu of PIR meeting. All Board members voted in favor of the recommendation. Committee members recommended approval to change supervision from physician or nurse to allow supervision by any approved licensed health care professional. All Board members voted in favor of the recommendation. Committee members recommended approval to allow Ms. Gygi to fax provider prescriptions to an outside contract pharmacy. All Board members voted in favor of the recommendation. Committee members recommend approval of Ms Gygi being allowed to have limited access to the controlled substances Librium, Suboxone, and Ativan. Discussion: Board members indicated that this is a new Order and feel that it may be too much too soon and a motion was made to deny the request for access to Librium, Suboxone, and Ativan. All Board members voted in favor of the motion. Board members reviewed Ms. Gygi's essay. Ms. Gygi needs to address why she made the choices she made, and whether or not she feels she is an addict.

-Tyler Bauer: Mr. Bauer's essay was not accepted.

He needs to address his drug addiction, how it affects him and what he intends to do to accept the addiction and move into recovery.

-Kristina Withers: Ms. Withers missed one check-in and one drug screen. She is requesting two prescribers. Ms. Withers also requested clarification regarding whether she can relay a prescription from the floor to the physician. Ms. Withers also expressed concern with the number of hours she can work. Board members indicated they have approved two prescribers; however, they will not address the other requests until she has found nursing employment.

-Synthia Carter: Board members recommend Ms. Carter be referred for an Informal Adjudicative Proceeding for non-compliance and recommend revocation. She has been out of compliance since 2011. All Board members voted in favor of the recommendation.

Renewal application review:

Ms. Jeffries made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Mr. Pittman seconded the motion. All Board members voted in favor of closing the meeting. The meeting was closed at 12:57 p.m. A motion was made to open the meeting. The motion was seconded. All Board members in favor. The meeting was opened at 1:06 p.m. A motion was made to approve the renewal application.

University of Utah Drug and Alcohol School:

Mr. Pittman and Ms. Christensen would like to attend the University of Utah Drug and Alcohol School June 15, 2014. Dr. Hobbins indicated she would request approval for Board members to attend this meeting.

Ms. Parrish and Ms. Brown would like to attend the NCSBN Disciplinary Summit to be held in Park City in June. Dr. Hobbins indicated she is also seeking approval for Board members to attend this meeting.

Environmental Scan:

Dr. Hobbins reported that H.B. 143, Psychiatric

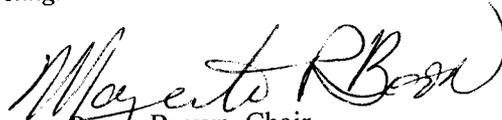
Nurse Amendments passed the Legislature. However, H.B. 139, Nurse Practitioner Amendments, that would have eliminated the consultation and referral plan, did not pass.

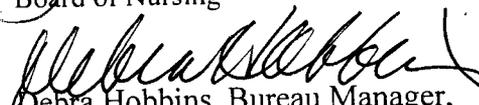
Dr. Hobbins provided Board members with a copy of the Division's Mission Statement and Strategic Plan.

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.

3/10/2014
Date Approved

4/10/2014
Date Approved


Peggy Brown, Chair
Board of Nursing


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