

**BOARD OF NURSING
MEETING MINUTES
SEPTEMBER 3, 2009**

PRESENT: June Bahr, Marilyn Kaufmann, Gretchen Lowe, Julia Nelson, Kathleen Sullivan, Lou Ann Weix, Margaret Wood

EXCUSED: Evelyn Merriett

STAFF: Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff

GUESTS: Gina Dennik-Champion, Wisconsin Nurses Association (WNA); Angie Brindowski, Carroll University; Judy Warmuth, Wisconsin Hospital Association (WHA); Rebekah Carey, WACSN/Wisconsin Lutheran College; Zita Allen, Alverno College; Linda Taylor, College of Menominee

CALL TO ORDER

Marilyn Kaufmann, Chair, called the meeting to order at 9:45 a.m. A quorum of seven (7) members was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- After Item “Q” (closed session) Addition – “Deliberation of Monitoring Received After Mailing of Agenda:
 - Jennell Debyle, RN – Requesting Full Licensure
 - Sandra Olson, RN – Requesting Full Licensure

MOTION: June Bahr moved, seconded by Julia Nelson, to approve the September 3, 2009 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 23, 2009

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to approve the minutes of July 23, 2009 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jeff Scanlan indicated that Board elections and appointments would be added to the October agenda so that the Department can identify the attendees for the Board Chair training, which will be held on December 4, 2009. The officers identified as a result of elections will not assume their respective roles until January 1, 2010.

It was noted that the Division of Enforcement will be providing its next Case Advisor Training on September 9, 2009.

Secretary Celia M. Jackson to Address the Board of Nursing re: DRL Impaired Professional Procedures (IPP) Task Force Findings; Discussion

Secretary Celia Jackson appeared before the Board to share a power point presentation with the Board, which outlined the recommendations made by the Impaired Professional Procedure (IPP) Taskforce. Secretary Jackson informed the Board that the Department is collecting feedback from the top health boards (Pharmacy, Medical, Nursing and Dentistry) in order to receive opinions on the recommendations made. The Board provided feedback to Secretary Jackson with respect to each of the recommendations. Comments were provided by Judy Warmuth, WHA.

DRL Report to Board RE: Practice Questions

Rebecca McAtee appeared to present the practice question project to the Board. A project was completed by three Division of Board Services interns Ben Hanes, Megan Hummel and Rebecca McAtee, in an attempt to approach the large influx of questions received via e-mail and telephone at the Department. As part of the project, a webpage was developed that helped to properly direct practice questions and a feedback form was developed for tracking purposes. Another feature of this project is the intent to link to practice questions addressed in minutes. Another objective of the project is to improve knowledge and utilization of statute and codes of license holders.

20 STEPS TO FOOLPROOF DRUG TESTING, DISCUSSION

Sharon Henes came before the Board to discuss monitoring issues including drug testing methodology and frequency. The Board reviewed a document, which Sharon Henes received at the National Organization of Alternative Programs Conference, which she attended earlier in the year titled "20 Steps to Foolproof Drug Testing". Also reviewed was a document outlining the recommended testing frequency for the first through fifth years of a board order.

Discussion turned to the frequent receipt of petitions from monitored licensees. The Board discussed arranging annual reviews to reduce the number of petitions received by the Department.

- MOTION:** Lou Ann Weix moved, seconded by June Bahr, to endorse changes in the frequency of urine screens in the 1st year to forty-eight (48) times per year plus one (1) annual hair test, and in the 2nd, 3rd, and 4th years to twenty-eight (28) per year plus one (1) annual hair test. The Board reserves the discretion to modify the frequency as needed. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Lou Ann Weix, to endorse changes for the frequency of urine screens for the detection of Fentanyl, in the 1st year to eighteen (18) times per year plus four (4) annual hair tests, and in the 2nd, 3rd and 4th years, to ten (10) per year plus four (4) annual hair tests. The Board reserves the discretion to modify the frequency as needed. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Margaret Wood, to require participants to call in six (6) days a week excluding Sundays. Motion carried unanimously.

REVIEW OF THE STANDARD IMPAIRMENT ORDER, DISCUSSION

This item was deferred to a future meeting.

DISCUSSION RE: NCSBN NCLEX SEMINAR AND NCSBN PROVISION OF A FREE SPEAKER ON EXAMS AND TESTING – MARILYN KAUFMANN

The Board had addressed the topic of the NCSBN NCLEX seminar at its July meeting. The Board was advised that the seminar will take place at MATC – Madison, but dates have not yet been identified. Representatives from Wisconsin Schools, which produce pre-licensure graduates, would be invited to attend this seminar.

- MOTION:** Gretchen Lowe moved, seconded by Julia Nelson, to support the NCSBN NCLEX seminar on examinations and testing and to authorize Marilyn Kaufmann to facilitate this seminar on behalf of the Board. Motion carried unanimously.

BOARD OF NURSING RESPONSE TO AFFINITY PRESENTATION BEFORE THE BOARD ON JULY 23, 2009

The Board considered whether to recommend utilization of Affinity to the Department and took the following action:

- MOTION:** Kathleen Sullivan moved, seconded by Julia Nelson, to endorse the option to offer Affinity as a drug testing provider. Motion carried unanimously.

**REPORT OF NATIONAL COUNCIL OF STATE BOARD BOARDS OF NURSING
(NCSBN) ANNUAL MEETING IN PHILADELPHIA, PA, AUG. 11-14, 2009**

Marilyn Kaufmann and Jeff Scanlan provided a report on the NCSBN Annual meeting in Philadelphia, PA. A review of the items of interest, which occurred at the Annual meeting, was delivered. Issues pertaining to data integrity and articles authored and researched by Charles Ornstein were highlighted.

Jeff Scanlan also discussed a new data collection instrument created by NCSBN titled Taxonomy of Error, Root Cause Analysis and Practice-responsibility (TERCAP). This data collection tool was designed to identify the root cause of nursing practice breakdown. Information is provided by and is available to NCSBN member boards. The TERCAP 2008 practice breakdown categories are safe medication administration, documentation, attentiveness/surveillance, clinical reasoning, prevention, intervention, interpretation of authorized provider's orders and professional responsibility/patient advocacy. It was indicated that the result of this research and data collection is patient protection and eradication of errors, which could result in discipline. The topic of TERCAP will be placed on a future agenda for review and discussion by the Board.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Marilyn Kaufmann reviewed the actions taken by the September 3, 2009 Education and Licensure meeting.

Review of Alverno College's NCLEX-RN Pass Rate Improvement Plan

COMMITTEE MOTION: Gretchen Lowe moved, seconded by Lou Ann Weix, to recommend approval of the NCLEX-RN pass rate improvement plan submitted by Alverno College, requesting an updated report after receipt of Quarter four (4), 2009 data. Motion carried unanimously.

BOARD MOTION: Lou Ann Weix moved, seconded by Julia Nelson, to accept the recommendation for approval of the NCLEX-RN pass rate improvement plan submitted by Alverno College, requesting an updated report after receipt of Quarter four (4), 2009 data. Motion carried unanimously.

Review of Carroll University's Request for Approval of Program Change to NRS 418

COMMITTEE MOTION: Gretchen Lowe moved, seconded by Margaret Wood, to recommend approval of Carroll University's request for program change to NRS 418. Motion carried unanimously.

BOARD MOTION: Kathleen Sullivan moved, seconded by Margaret Wood, to accept the recommendation for approval of Carroll University's request for program change to NRS 418. Motion carried unanimously.

Review of Maranatha Baptist College Curriculum Changes

COMMITTEE MOTION: Margaret Wood moved, seconded by Gretchen Lowe, to recommend approval of Maranatha Baptist College's curriculum changes to NURS 222 and NURS 223. Motion carried unanimously.

BOARD MOTION: June Bahr moved, seconded by Julia Nelson, to accept the recommendation for approval of Maranatha Baptist College's curriculum changes to NURS 222 and NURS 223. Motion carried unanimously.

Review of NCLEX-PN Examination Codes for Licensed Practical Nursing Stand-Alone Programs

COMMITTEE MOTION: Gretchen Lowe moved, seconded by Margaret Wood, to recommend the submission of a request to NCSBN for the addition of a separate NCLEX program code for PN stand-alone programs. Motion carried unanimously.

BOARD MOTION: Kathleen Sullivan moved, seconded by Lou Ann Weix, to accept the recommendation for submission of a request to NCSBN for the addition of a separate NCLEX program code for PN stand-alone programs. Motion carried unanimously.

Other Committee Business

Based on the pass rates reviewed the Committee took the following action:

COMMITTEE MOTION: Gretchen Lowe moved, seconded by Lou Ann Weix, to recommend that a congratulatory letter be sent to Gateway Technical College indicating that pass rates are no longer significantly below the national average and that the monitoring of their program has been discontinued. Motion carried unanimously.

BOARD MOTION: Julia Nelson moved, seconded by Margaret Wood, to accept the recommendation for a congratulatory letter be sent to Gateway Technical College indicating that pass rates are no longer significantly below the national average and that the monitoring of their program has been discontinued. Motion carried unanimously.

COMMITTEE MOTION: Margaret Wood moved, seconded by Lou Ann Weix, to recommend that a congratulatory letter be sent to MATC – Madison, RN program, indicating that pass rates are no longer significantly below the national average and that the monitoring of their program has been discontinued. Motion carried unanimously.

BOARD MOTION: Kathleen Sullivan moved, seconded by Margaret Wood, to accept the recommendation for a congratulatory letter be sent to MATC – Madison, RN program, indicating that pass rates are no longer significantly below the national average and that the monitoring of their program has been discontinued. Motion carried unanimously.

REPORT OF PRACTICE COMMITTEE

Kathleen Sullivan reported to the Board regarding discussion held at today's Practice Committee meeting.

COMMITTEE MOTION: Lou Ann Weix moved, seconded by Julia Nelson, to recommend that a statement be sent to Representative Dan Meyer indicating the sentiment that this bill will not solve the issue surrounding black-box warnings. Motion carried unanimously.

BOARD MOTION: Margaret Wood moved, seconded by June Bahr, to accept the recommendation that a statement be sent to Representative Dan Meyer indicating the sentiment that this bill will not solve the issue surrounding black-box warnings. Motion carried unanimously.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Kathleen Sullivan moved, seconded by Margaret Wood, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: June Bahr-yes, Margaret Wood-yes; Marilyn Kaufmann-yes; Gretchen Lowe-yes; Julia Nelson-yes; Kathleen Sullivan-yes; Lou Ann Weix-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:57 a.m.

RECONVENE TO OPEN SESSION

MOTION: June Bahr moved, seconded by Gretchen Lowe, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:49 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Julia Nelson moved, seconded by Kathleen Sullivan, to reaffirm all motions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP) RECEIVED AFTER THE MAILING OF THE AGENDA

None.

REVIEW OF APPLICATIONS

Review of Application for RN Licensure Submitted by Sue Walter

MOTION: Margaret Wood moved, seconded by Julia Nelson, to grant a limited license to Sue Walter with a continuation of the Board Order as indicated for her LPN license. Motion carried unanimously.

REVIEW OF APPLICATIONS RECEIVED AFTER THE MAILING OF THE AGENDA

None.

MONITORING

TONYA CROUCH, RN REQUESTING MODIFICATION

Tonya Crouch, RN appeared before the Board to answer questions pertaining to her request for modification.

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to deny the request submitted by Tonya Crouch, RN, for a reduction in the number of AA/NA meetings and to grant access and a reduction in the frequency of urine screens to twenty-eight (28) per year with one (1) annual hair test. Reason for Denial: Access was granted. Motion carried unanimously.

ELIZABETH WADE-OTTOSON, RN REQUESTING MODIFICATION

Elizabeth Wade-Ottoson, RN appeared before the Board to answer questions pertaining to her request for modification.

MOTION: June Bahr moved, seconded by Gretchen Lowe, to grant a continuous stay of suspension and the request submitted by Elizabeth Wade-Ottoson, RN for a reduction in the frequency of urine screens to forty-eight (48) per year with one (1) annual hair test. Motion carried unanimously.

RICHARD WASCHBISCH, RN REQUESTING FULL LICENSURE OR STAY

Richard Waschbisch, RN appeared before the Board to answer questions pertaining to his request for modification.

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to deny the request submitted by Richard Waschbisch, RN, for full licensure but to grant a stay of suspension indicating that Celebrate Recovery (church program) may be substituted for AA meetings and modifying the frequency of urine screens to forty-eight (48) per year with one (1) annual hair test. Reason for Denial: Failure to complete five (5) year Board Order. Motion carried unanimously.

**DAVID CROSS, RN
REQUESTING MODIFICATION**

David Cross, RN appeared before the Board to answer questions pertaining to his request for modification.

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to deny the request submitted by David Cross, RN, for full licensure but to grant access, to decrease frequency of drug screens to fourteen (14) per year with one (1) annual hair test until employment begins and to note that the Board will consider granting worksite approval to an agency position with one (1) site placement. Reason for Denial: Failure to complete five (5) year Board Order. Motion carried unanimously.

**GWEN OLIVOTTI, LPN
REQUESTING FULL LICENSURE**

MOTION: Julia Nelson moved, seconded by Kathleen Sullivan, to grant the request submitted by Gwen Olivotti, LPN, for full licensure. Motion carried unanimously.

**SCOTT FIRE, LPN
REQUESTING FULL LICENSURE**

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to deny the request submitted by Scott Fire, LPN, for full licensure and requested that he may not re-petition the Board until he has completed two (2) full years under Board Order with submission of the required work reports. Reason for Denial: Failure to submit work reports. Motion carried unanimously.

**CYNTHIA MEYER, RN
REQUESTING REINSTATEMENT**

MOTION: Gretchen Lowe moved, seconded by Lou Ann Weix, to deny the request submitted by Cynthia Meyer, RN, for reinstatement of licensure. Reason for Denial: Per Board Order. Motion carried unanimously.

**VICTORIA BEYER, RN
REQUESTING REINSTATEMENT**

MOTION: Julia Nelson moved, seconded by Kathleen Sullivan, to deny the request submitted by Victoria Beyer, RN, for reinstatement of licensure. Reason for Denial: Lack of evidence of rehabilitation. Motion carried unanimously.

**SHELLEY HOMES, RN
REQUESTING REINSTATEMENT OR STAY**

MOTION: Julia Nelson moved, seconded by Lou Ann Weix, to defer deliberation and extend a request for appearance at a future meeting. Motion carried unanimously.

**THERESA HINELINE, RN
REQUESTING MODIFICATION**

MOTION: Julia Nelson moved, seconded by Lou Ann Weix, to grant the request submitted by Theresa Himeline, RN, for a reduction in the frequency of urine screens to forty-eight (48) per year with one (1) annual hair test and to deny the request for access to alcoholic beverages. Reason for Denial: Disallowed under Board order. Motion carried unanimously.

**KAITLYN SCOTT, RN
REQUESTING MODIFICATION**

MOTION: Julia Nelson moved, seconded by Margaret Wood, to deny the request submitted by Kaitlyn Scott, RN, for modification with a request for explanation of frequent missed call-ins and drug screen. Reason for Denial: Missed call-ins and drug screen results. Motion carried unanimously.

**THERESA LUBICH, LPN
REQUESTING MODIFICATION**

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to grant the request submitted by Theresa Lubich, LPN, for an additional ninety (90) days to complete Board Ordered continuing education requirements. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

**JENELLE DEBYLE, RN
REQUESTING FULL LICENSURE**

MOTION: June Bahr moved, seconded by Gretchen Lowe, to grant the request submitted by Jenelle Debyle, RN for full licensure. Motion carried unanimously.

**SANDRA OLSON, RN
REQUESTING FULL LICENSURE**

MOTION: Kathleen Sullivan moved, seconded by Lou Ann Weix, to grant the request submitted by Sandra Olson, RN for full licensure. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS AND
FINAL DECISIONS AND ORDERS**

**CYNTHIA L. BERNDT, LPN
(06 NUR 153)**

MOTION: Kathleen Sullivan moved, seconded by June Bahr, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Cynthia L. Berndt, LPN (06 NUR 153). Motion carried unanimously.

**BETH A. DOLGIREFF, LPN
(09 NUR 082)**

MOTION: Gretchen Lowe moved, seconded by June Bahr, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Beth A. Dolgireff, LPN (09 NUR 082). Motion carried unanimously.

**CAROL J. ERNER, RN
(08 NUR 202)**

MOTION: Margaret Wood moved, seconded by Lou Ann Weix, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Carol J. Erner, RN (08 NUR 202). Motion carried unanimously.

**LINDA L. HUFF, RN
(06 NUR 134)**

MOTION: Gretchen Lowe moved, seconded by Kathleen Sullivan, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Linda L. Huff, RN (06 NUR 134). Motion carried unanimously.

**DELORES M. MOYER, RN
(04 NUR 122; 06 NUR 215, 350, 417 & 478; 07 NUR 026 & 394; 08 NUR 401)**

MOTION: Julia Nelson moved, seconded by Margaret Wood, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Delores M. Moyer, RN (04 NUR 122; 06 NUR 215, 350, 417 & 478; 07 NUR 026 & 394; 08 NUR 401). Motion carried unanimously.

**JESSIE M. RAYNE, RN
(09 NUR 099)**

MOTION: Julia Nelson moved, seconded by Margaret Wood, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jessie M. Rayne, RN (DOE Case # 09 NUR 099). Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS RECEIVED
AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING
OF AGENDA**

None.

**DELIBERATION OF ORDERS FIXING COSTS RECEIVED AFTER MAILING OF
AGENDA**

None.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

**LOU ANN NEWBY, RN
(LS0808181NUR)**

MOTION: Julia Nelson moved, seconded by June Bahr, to reject the Proposed Decision, Findings of Fact, Conclusions of Law and Order in the matter concerning Lou Ann Newby, RN (LS0808181NUR) and to request that legal counsel prepare a draft variance for Board review. Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS IN THE
MATTER OF DISCIPLINARY PROCEEDINGS RECEIVED AFTER MAILING OF
AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS
SIGNED AFTER MAILING OF AGENDA**

None.

DIVISION OF ENFORCEMENT CASE STATUS REPORT & CASE CLOSINGS

09 NUR 220

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to close case 09 NUR 220 for no violation. Motion carried unanimously.

06 NUR 213

MOTION: Julia Nelson moved, seconded by Kathleen Sullivan, to close case 06 NUR 213 for no violation. Motion carried unanimously.

09 NUR 077

MOTION: Lou Ann Weix moved, seconded by Julia Nelson, to close case 09 NUR 077 for prosecutorial discretion (P5). Motion carried unanimously.

06 NUR 353

MOTION: June Bahr moved, seconded by Margaret Wood, to close case 06 NUR 353 for prosecutorial discretion (P2). Motion carried unanimously.

09 NUR 036

MOTION: Margaret Wood moved, seconded by Lou Ann Weix, to close case 09 NUR 036 for no violation. Motion carried unanimously.

09 NUR 164

MOTION: June Bahr moved, seconded by Julia Nelson, to close case 09 NUR 164 for prosecutorial discretion (P1). Motion carried unanimously.

06 NUR 262

MOTION: Lou Ann Weix moved, seconded by Kathleen Sullivan, to close case 06 NUR 262 for prosecutorial discretion (P1). Motion carried unanimously.

09 NUR 116

MOTION: Kathleen Sullivan moved, seconded by Julia Nelson, to close case 09 NUR 116 for no violation. Motion carried unanimously.

09 NUR 117

MOTION: June Bahr moved, seconded by Gretchen Lowe, to close case 09 NUR 117 for no violation. Motion carried unanimously.

09 NUR 187

MOTION: Julia Nelson moved, seconded by June Bahr, to close case 09 NUR 187 for no violation. Motion carried unanimously.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: June Bahr moved, seconded by Julia Nelson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:51 p.m.