

**BOARD OF NURSING  
MEETING MINUTES  
NOVEMBER 5, 2009**

**PRESENT:** June Bahr, Maria Joseph (arrived at 9:27 a.m.), Gretchen Lowe, Evelyn Merriett, Julia Nelson, Kathleen Sullivan, Lou Ann Weix, Margaret Wood

**EXCUSED:** Marilyn Kaufmann

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

**GUESTS:** Gina Dennick-Champion, Wisconsin Nurses Association (WNA); Chris Rasch, Wisconsin Medical Society; Laura Manriquez, LPN

**CALL TO ORDER**

Kathleen Sullivan, Vice Chair, called the meeting to order at 9:01 a.m. A quorum of seven (7) members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda:**

- After Item “L” (closed session) Addition – “Deliberation of Monitoring Received After Mailing of Agenda:
  - Diane Hollick, RN – Requesting Modification
  - Tracy Riel, RN – Requesting Modification
  - Judith Mueller, RN – Requesting Modification

**MOTION:** June Bahr moved, seconded by Julia Nelson, to approve the November 5, 2009 agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 1, 2009**

**MOTION:** Lou Ann Weix moved, seconded by Evelyn Merriett, to approve the minutes of October 1, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Jeff Scanlan advised the Board that the Division of Board Services is currently being renovated to accommodate increased numbers resulting from its recent reorganization. The Board was informed of retirements occurring within the Division of Board Services for the following individuals:

- Ruby Jefferson-Moore, Legal Counsel
- Peggy Wichmann, Legal Counsel
- Joel Garb, Paralegal

The above listed retirements leave Colleen Baird as the only individual with the position of legal counsel in the Division of Board Services. Michael Berndt, General Counsel, will be assuming the role of legal counsel for the Medical Examining Board and its Affiliated Credentialing Boards, Committees and Councils. In the future, once hiring authority has been granted, an advanced paralegal will be hired to assist General Counsel in functions relating to the Medical Board Bureau.

Jeff Scanlan informed the Board that a CORE Report summary, prepared by NCSBN for the Wisconsin Board of Nursing, has been received and has been sent on to Marilyn Kaufmann. The Board was provided with a brief report regarding this summary.

The Board welcomed new appointee Maria Joseph, LPN member. Introductions were shared.

### **Approval of 2010 Board of Nursing Meeting Dates**

The Board reviewed its proposed 2010 meeting dates. A question regarding the status of the 2010 screening dates was posed.

**MOTION:** Margaret Wood moved, seconded by Julia Nelson, to approve the proposed 2010 meeting dates. Motion carried unanimously.

### **PRACTICE QUESTION PRESENTATION REBECCA MCATEE, DRL BOARD SERVICES INTERN**

Rebecca McAtee, Board Services Intern, appeared before the Board and provided a presentation of a mock practice question page.

Features to be highlighted on the new scope of practice question page, other than frequently asked questions, include question submission with auto-response outlining reply expectations, resources for finding answers independently and instructions for direction of users to the appropriate area of the Department. Suggestions for content on the new web page were provided by the Board.

### **DRAFT SURVEY REQUIRED FOR RENEWAL OF LICENSURE OF REGISTERED NURSES IN 2010**

Hector Colon, Executive Assistant and Cathy Pond, Administrator – Division of Professional Credentialing, appeared before the Board to discuss the registered nurse survey which will be required for renewal of registered nurse licensees. Wis. Stat. § 441.01 (7) was distributed and reviewed by the Board. This statute creates the requirement for registered nurses with Wisconsin licenses to pay an additional fee of \$4.00 and to complete a survey as a condition for renewal. Mr. Colon and Ms. Pond explained that the additional fee that will be added to the cost of renewal will be utilized by the Wisconsin Center for Nursing for the purpose of processing the results of the survey.

The Board posed a question regarding the use of a call center as was done with a previous workforce survey. The Department responded that the analysis of the expense associated with a call center was significantly costly and as such was out of reach for the purposes of this survey. Cathy Pond advised the Board that the electronic submission of this survey is strongly encouraged as the completion is far easier and less time consuming when conducted online and that the results are less costly to process.

The Board discussed efforts to involve employers in the completion of this survey by allowing registered nurses to complete this survey while on duty. The Wisconsin Nurses Association (WNA) is assisting in this effort. Comments were provided by Gina Dennick-Champion, WNA.

The Board inquired regarding the timeframe for notification to be sent to licensed registered nurses of the requirement to complete this survey and was informed that renewal reminders complete with information about the requirement for completion of the survey are estimated to be mailed the week of January 4-7, 2010. However the Department anticipates the potential for delay in the distribution of this information due to timeframes noted by the Department of Administration. The Board requested that the information about the survey be sent to employers in addition to licensees and requested information regarding the ability to save portions of the survey and return to the survey as time allows. This answer will be provided to the Board once it has been obtained.

A request was made by the Board for a representative of either the Department of Workforce Development or the Wisconsin Center for Nursing to attend the next meeting to field additional questions relating to the survey.

Secretary Jackson was present for discussion of this issue and suggested that survey completion sites be arranged around the state. The Board discussed appropriate locations to serve as a completion site. The Board also discussed methods of communicating the mandated survey to registered nurses beyond the mailing of the renewal notification. The Department will explore the facilitation of survey completion sites and alternative methods of communication and will report back to the Board with updates. The Registered Nursing Survey Taskforce will be meeting November 16, 2009.

*(Maria Joseph joined the meeting at 9:27 a.m.)*

### **PRACTICE QUESTIONS REGARDING ORDERING OF DIAGNOSTIC TESTS BY ADVANCED PRACTICE NURSE PRESCRIBERS**

Colleen Baird received a question from Shelley Hart, Quarles and Brady – Milwaukee. The practice question requested an interpretation of the extent of APNP in the area of diagnostic testing. Deliberation of this question was deferred until interested parties can be contacted and scheduled to appear before the Board.

### **REPORT OF EDUCATION AND LICENSURE COMMITTEE**

Evelyn Merriett reported to the Board regarding the actions taken at the November 5, 2009 Education and Licensure Committee meeting.

#### **Quarter 3 2009 NCLEX Pass Rate Data**

***COMMITTEE MOTION:*** Gretchen Lowe moved, seconded by Lou Ann Weix, to recommend that UW-Milwaukee be placed on monitoring and to request that an improvement plan be submitted after receipt of Quarter 4 2009 data. Motion carried unanimously.

**BOARD MOTION:** Julia Nelson moved, seconded by June Bahr, to accept the recommendation that UW-Milwaukee be placed on monitoring and to request that an improvement plan be submitted after receipt of Quarter 4 2009 data. Motion carried unanimously.

## REPORT OF PRACTICE COMMITTEE

Kathleen Sullivan reported to the Board regarding actions, which occurred at the November 5, 2009 Practice Committee meeting.

### **Decision Tree: “When Does an \*Institution Report to Board of Nursing if a Nurse has Substance Abuse Issues**

Kathleen Sullivan reported that the creation of a decision tree for institutional reporting was discussed at the Practice Committee meeting. The Committee reviewed a document that Kathleen Sullivan had drafted. The Committee indicated that the format of the draft presented was appropriate. This topic will be revisited at a future Committee meeting.

*(\*Note: Institutional Locations Include: Hospitals; Nursing Homes; Schools; Assisted Living Facilities; Home Health Agencies, and; Hospice)*

## INFORMATIONAL ITEMS

The Board noted that North and South Dakota has implemented a requirement which only allows its nurses to renew online.

## PUBLIC COMMENTS

Laura Manriquez, LPN, provided comments to the Board regarding her ideas for improvement of the nursing profession. Ms. Manriquez also informed the Board that they will be considering her stipulation in closed session at today’s meeting and advised the Board that she does not agree with the stipulation she signed and requested that the Board consider her stipulation as “withdrawn”.

## CLOSED SESSION

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, 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; Maria Joseph-yes; Gretchen Lowe-yes; Evelyn Merriett-yes; Julia Nelson-yes; Kathleen Sullivan-yes; Lou Ann Weix-yes; Margaret Wood-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:03 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Margaret Wood moved, seconded by June Bahr, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:55 p.m.

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

**MOTION:** Julia Nelson moved, seconded by Lou Ann Weix, 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**

None.

**REVIEW OF APPLICATIONS RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**MONITORING**

**KRISTIN WAITE-LABOTT, RN  
REQUESTING FULL LICENSURE**

**MOTION:** Margaret Wood moved, seconded by June Bahr, to deny Kristin Waite-LaBott, RN's, request for full licensure. Reason for Denial: Insufficient time under Board Order. Motion carried unanimously.

**KATHRYN BERRY, RN  
REQUESTING FULL LICENSURE**

**MOTION:** Gretchen Lowe moved, seconded by Lou Ann Weix, to deny Kathryn Berry, RN's, request for full licensure. Reason for Denial: Insufficient time under Board Order. Motion carried unanimously.

**CHRISTINE BOHL, LPN  
REQUESTING MODIFICATION**

**MOTION:** June Bahr moved, seconded by Julia Nelson, to deny Christine Bohl, LPN's, request to work in an agency or home health setting and to grant a reduction in the frequency of urine screens to twenty-eight (28) per year with one (1) annual hair test. Reason for Denial: Inadequate supervision available and an increased probability for relapse in those settings. Motion carried unanimously.

**JAYNE BUSHMAN, LPN  
REQUESTING MODIFICATION**

**MOTION:** Julia Nelson moved, seconded by June Bahr, to grant Jayne Bushman RN's request for reduction in the frequency of urine screens to (9) per year with four (4) annual hair tests and required that urine screens must be observed. Motion carried unanimously.

**LAURA HUGHES, RN  
REQUESTING MODIFICATION**

**MOTION:** June Bahr moved, seconded by Julia Nelson, to grant Laura Hughes, RN's, request for modifications in the form of a reduction in the frequency of urine screens to fourteen (14) per year with one (1) annual hair test, until employment as a nurse has been obtained, at which time urine screens will be increased to twenty-eight (28) per year with one (1) annual hair test. Motion carried unanimously.

**JAMES LARSON, RN  
REQUESTING MODIFICATION**

**MOTION:** June Bahr moved, seconded by Gretchen Lowe, to deny James Larson, RN's, request for termination of treatment and to grant a reduction in urine screens to twenty-eight (28) per year with one (1) annual hair test. Reason for Denial: Lack of letter of support for termination from treatment provider. Motion carried unanimously.

**LAURA RUSH, RN  
REQUESTING MODIFICATION**

**MOTION:** Julia Nelson moved, seconded by Lou Ann Weix, to grant Laura Rush, RN's, request for reduction in urine screens to twenty-eight (28) per year with one annual hair test and access was granted. Motion carried unanimously.

**PAULA SALKIN, RN  
REQUESTING MODIFICATION**

**MOTION:** Gretchen Lowe moved, seconded by Evelyn Merriett, to remove Paula Slakin, RN's, stay of suspension. Reason for Denial: Positive urine screen. Motion carried unanimously.

**DELIBERATION OF MONITORING  
RECEIVED AFTER MAILING OF AGENDA**

**DIANE HOLLICK, RN  
REQUESTING MODIFICATION**

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, to grant Diane Hollick, RN's, request for access and for a reduction in urine screens to twenty-eight (28) per year plus one (1) annual hair test. Motion carried unanimously.

**TRACY RIEL, RN  
REQUESTING MODIFICATION**

**MOTION:** Gretchen Lowe moved, seconded by Lou Ann Weix, to grant Tracy Riel, RN's, request for a reduction in urine screens to twenty-eight (28) per year with one (1) annual hair test. Motion carried unanimously.

**JUDITH MUELLER, RN  
REQUESTING MODIFICATION**

**MOTION:** Margaret Wood moved, seconded by Evelyn Merriett, to grant Judith Mueller, RN's, request for modifications in the form of a reduction in the frequency of urine screens to fourteen (14) per year with one (1) annual hair test, until employment as a nurse has been obtained, at which time urine screens will be increased to forty-eight (48) per year with one (1) annual hair test and access was granted. Motion carried unanimously.

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

**JESSE J. BARRY, RN  
(09 NUR 113)**

**MOTION:** Gretchen Lowe 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 Jesse J. Barry, RN (09 NUR 113). Motion carried unanimously.

**TAMMY J. BAUER, RN  
(08 NUR 350)**

**MOTION:** Evelyn Merriett moved, seconded by Julia Nelson, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Tammy J. Bauer, RN (08 NUR 350). Motion carried unanimously.

**MONICA S. CLEVELAND, RN  
(09 NUR 152)**

**MOTION:** Evelyn Merriett 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 Monica S. Cleveland, RN (09 NUR 152). Motion carried unanimously.

**JARMAINE L. ELLIS, LPN  
(07 NUR 076)**

**MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jarmaine L. Ellis, LPN (07 NUR 076). Motion carried unanimously.

**DAWN FRIEDRICHS, LPN  
(06 NUR 076)**

**MOTION:** June moved, seconded by Julia, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Dawn Friedrichs, LPN (06 NUR 076). Motion carried unanimously.

**PATRICK M. LAVOIE, RN  
(05 NUR 149)**

**MOTION:** Evelyn Merriett moved, seconded by Margaret Wood, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Patrick M. Lavoie, RN (05 NUR 149). Motion carried unanimously.

**LAURA L. MANRIQUEZ, LPN  
(08 NUR 071)**

This item was withdrawn.

**WENDI J. MUELLER, RN  
(06 NUR 018)**

**MOTION:** June Bahr moved, seconded by Julia Nelson, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Wendi J Mueller, RN (06 NUR 018). Motion carried unanimously.

**SARA SCHEEL, RN  
(07 NUR 125)**

**MOTION:** Evelyn Merriett moved, seconded by Gretchen Lowe, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Sara Scheel, RN (07 NUR 125). Motion carried unanimously.

**KAY E. WEBB, RN  
(06 NUR 367 & 08 NUR 413)**

**MOTION:** Lou Ann Weix moved, seconded by Gretchen Lowe, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Kay E. Webb, RN (06 NUR 367 & 08 NUR 413). Motion carried unanimously.

**JAMIE L. ZWICKY, RN  
(09 NUR 277)**

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jamie L. Zwicky, RN (09 NUR 277). Motion carried unanimously.

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

None.

**DELIBERATION OF ISSUANCE OF ADMINISTRATIVE WARNING**

**06 NUR 320**

**MOTION:** Julia Nelson moved, seconded by Lou Ann Weix, to issue an administrative warning in the matter of case number 06 NUR 320. Motion carried unanimously.

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

None.

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

None.

**DELIBERATION OF PROPOSED FINAL DECISION AND ORDER**

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

**MOTION:** Lou Ann Weix moved, seconded by June Bahr, to accept the Findings of Fact, Conclusions of Law, and Final Decision and Order with variance in the matter of disciplinary proceedings against Lou Ann Newby, RN (LS0808181NUR). Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS RECEIVED AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PETITIONS FOR RE-HEARINGS  
SIGNED AFTER MAILING OF AGENDA**

None.

**DIVISION OF ENFORCEMENT**

**CASE STATUS REPORT & CASE CLOSINGS**

**08 NUR 002**

**MOTION:** June Bahr moved, seconded by Julia Nelson, to close case 08 NUR 002 against K.F. for prosecutorial discretion (P3) and to close case 08 NUR 002 against L.D. for no violation. Motion carried unanimously.

**08 NUR 159**

**MOTION:** Lou Ann Weix moved, seconded by Julia Nelson, to close case 08 NUR 159 for insufficient evidence. Motion carried unanimously.

**09 NUR 324**

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to close case 09 NUR 324 for prosecutorial discretion (P5). Motion carried unanimously.

**07 NUR 394**

**MOTION:** Lou Ann Weix moved, seconded by Evelyn Merriett, to close case 07 NUR 394 for prosecutorial discretion (P7). Motion carried unanimously.

**07 NUR 003**

**MOTION:** Lou Ann Weix moved, seconded by Julia Nelson, to close case 07 NUR 003 for no violation. Motion carried unanimously.

**03 NUR 089**

**MOTION:** Julia Nelson moved, seconded by Evelyn Merriett, to close case 03 NUR 089 for prosecutorial discretion (P6). Motion carried unanimously.

**09 NUR 136**

**MOTION:** Gretchen Lowe moved, seconded by Julia Nelson, to close case 09 NUR 136 for no violation. Motion carried unanimously.

**07 NUR 058**

**MOTION:** June Bahr moved, seconded by Lou Ann Weix, to close case 07 NUR 058 for no jurisdiction. Motion carried unanimously.

**09 NUR 249**

**MOTION:** June Bahr moved, seconded by Gretchen Lowe, to close case 09 NUR 249 for no violation. Motion carried unanimously.

**09 NUR 188**

**MOTION:** Evelyn Merriett moved, seconded by Julia Nelson, to close case 09 NUR 188 for no violation. Motion carried unanimously.

**06 NUR 093**

**MOTION:** Gretchen Lowe moved, seconded by Julia Nelson, to close case 06 NUR 093 for no violation. Motion carried unanimously.

**06 NUR 241**

**MOTION:** Evelyn Merriett moved, seconded by June Bahr, to close case 06 NUR 241 for prosecutorial discretion (P1). Motion carried unanimously.

**09 NUR 129**

**MOTION:** Julia Nelson moved, seconded by Gretchen Lowe, to close case 07 NUR 394 for no violation. Motion carried unanimously.

## **OTHER BOARD BUSINESS**

Arthur Thexton appeared before the Board to request a volunteer from the member of the Board to participate in a settlement conference at a subsequent meeting. Settlement conferences include the respondent, a representative from the Division of Enforcement, the case advisor and a member of the Board.

## **ADJOURNMENT**

**MOTION:** Lou Ann Weix moved, seconded by Evelyn Merriett, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 1:56 p.m.