

**BOARD OF NURSING
MEETING MINUTES
February 12, 2015**

PRESENT: Paul Abegglen, Julie Ellis, Maria Joseph, Peter Kallio, Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka, Cheryl Streeter (*Excused at 1:01 p.m.*)

STAFF: Dan Williams, Executive Director; Kimberly Wood, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Jeffrey Miller, called the meeting to order at 8:01 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF THE AGENDA

Amendments:

- ***Under Item K.5.-Monitoring (Closed Session) ADD: “Andrea Weber, R.N. – Requesting Modifications”***

MOTION: Sheryl Krause moved, seconded by Luann Skarlupka, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 8, 2015

MOTION: Luann Skarlupka moved, seconded by Julie Ellis, to approve the minutes of January 8, 2015 as published. Motion carried unanimously.

DELEGATION OF AUTHORITY

Monitoring Liaison

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to adopt the revised “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document as outlined in the February 12, 2015 agenda materials. Motion carried unanimously.

APPEARANCE – BRIAN SCHERTZ, RN, BSN, CEN: NURSING WITHIN THE WISCONSIN CORRECTIONAL SYSTEM – DISCUSSION AND CONSIDERATION

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to acknowledge and thank Brian Schertz for his presentation to the Board of Nursing. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

2014 NCLEX Pass Rate Report

MOTION: Maria Joseph moved, seconded by Peter Kallio, that Bryant & Stratton College, Herzing University-Brookfield/Kenosha, Herzing University-Madison, Lakeshore Technical College, Milwaukee School of Engineering, Rasmussen-Wausau, University of Wisconsin Milwaukee, and Wisconsin Indianhead Technical College submit an explanation or analysis of NCLEX pass rates and their plan to meet the NCLEX 1st time taker pass rate standard by no later than May 15, 2015. Motion carried unanimously.

MOTION: Julie Ellis moved, seconded by Cheryl Streeter, that Rasmussen-Green Bay receive a warning letter for not meeting the NCLEX pass rate standard. The school shall identify factors potentially affecting the low NCLEX pass rates and an institutional plan for assessment and improvement of NCLEX results including outcomes and timeframes, which shall be Board approved by no later than July 1, 2015. The plan shall address administration, faculty, students, curriculum, resources and policies. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S) DISCUSSION AND CONSIDERATION

Status Report from BON Presentation Workgroup

MOTION: Luann Skarlupka moved, seconded by Julie Ellis, to authorize Jeffrey Miller and Peter Kallio to represent the Board at Drug Reduction Task Force meetings. Motion carried unanimously.

CLOSED SESSION

MOTION: Maria Joseph moved, seconded by Luann Skarlupka, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Jeffrey Miller, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Abegglen-yes; Julie Ellis-yes; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Lillian Nolan-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:11 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:54 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to affirm all motions made in closed session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Final Decision and Order

Robin J. Staver, RN, Respondent (DHA case SPS-14-0039)(DLSC case 13 NUR 307)

MOTION: Julie Ellis moved, seconded by Paul Abegglen, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Robin J. Staver, RN, Respondent (DHA case SPS-14-0039)(DLSC case 13 NUR 307). Motion carried. Recused: Jeffrey Miller

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Robin J. Staver, RN, Respondent (DHA case SPS-14-0039)(DLSC case 13 NUR 307). Sheryl Krause, Vice Chair, assumed the role of Chair during this topic.)

DLSC Attorney Amanda Florek

Proposed Stipulations, Final Decisions and Orders

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 NUR 254 (R.I.P.)
2. 14 NUR 095 (K.M.H.)
3. 14 NUR 250 (P.M.S.)
4. 14 NUR 464 (C.A.S.)
5. 14 NUR 474 (T.R.F.)
6. 14 NUR 485 (K.E.S.)
7. 14 NUR 569 (C.A.M.)
8. 14 NUR 588 (S.M.B.)
9. 14 NUR 595 (D.J.N.)
10. 14 NUR 610 (K.J.L.)
11. 14 NUR 632 (A.K.H.)
12. 15 NUR 009 (R.J.H.)

Motion carried unanimously.

Administrative Warnings

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to issue an Administrative Warning in the matter of 14 NUR 287 (A.L.C). Motion carried unanimously.

DLSC Attorney Kim Kluck

Proposed Stipulations, Final Decisions and Orders

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 NUR 220 (T.M.B.)
2. 13 NUR 258 (A.G.J.)
3. 13 NUR 303 (S.L.M.)
4. 13 NUR 365 and 14 NUR 098 (L.N.M.)
5. 13 NUR 373 and 13 NUR 397 (K.J.E.)
6. 13 NUR 536 (C.L.B.)
7. 14 NUR 077 (M.L.C.)
8. 14 NUR 127 (M.R.T.)
9. 14 NUR 138 and 14 NUR 380 (L.A.C.)
10. 14 NUR 268 (K.G.B.)
11. 14 NUR 273 (E.J.M.)
12. 14 NUR 534 (A.M.S.)
13. 14 NUR 540 (H.L.A.B.)
14. 14 NUR 565 (M.L.F.)
15. 14 NUR 604 (D.R.P.)
16. 14 NUR 663 (L.A.W.)

Motion carried unanimously.

Administrative Warnings

MOTION: Luann Skarlupka moved, seconded by Paul Abegglen, to issue Administrative Warnings in the matter of the following cases:

1. 14 NUR 511 (G.M.D.)
2. 14 NUR 601 (S.A.P.)
3. 14 NUR 616 (D.M.S.)
4. 14 NUR 661 (R.M.H.)

Motion carried unanimously.

Case Closures

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to close the DLSC cases for the reasons outlined below:

1. 14 NUR 396 – Prosecutorial Discretion (P2)
2. 14 NUR 671 – No Violation
3. 13 NUR 323 – Insufficient Evidence
4. 13 NUR 510 – Insufficient Evidence
5. 14 NUR 689 – No Violation
6. 14 NUR 212 – Insufficient Evidence
7. 13 NUR 495 – Insufficient Evidence
8. 13 NUR 630 – No Violation
9. 14 NUR 613 – Prosecutorial Discretion (P3)
10. 14 NUR 552 – No Violation
11. 14 NUR 716 – No Violation
12. 14 NUR 700 – No Violation
13. 14 NUR 327 – Insufficient Evidence
14. 14 NUR 135 (D.H.) – Prosecutorial Discretion (P7)
15. 14 NUR 135 (Unknown) – Insufficient Evidence
16. 14 NUR 560 – Insufficient Evidence
17. 14 NUR 123 – Prosecutorial Discretion (P2)
18. 14 NUR 730 – No Violation
19. 13 NUR 184 – Prosecutorial Discretion (P7)
20. 14 NUR 223 – Insufficient Evidence

Motion carried unanimously.

Professional Assistance Procedure

Review of Adverse Determination (B.M.)

MOTION: Julie Ellis moved, seconded by Luann Skarlupka, to affirm the denial of the PAP application of B.M. Motion carried unanimously.

Monitoring

Kristin Bleichwehl, R.N. – Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Maria Joseph, to grant the request of Kristin Bleichwehl, R.N. for full licensure. Motion carried unanimously.

Samantha Connaughty, R.N. – Requesting Modifications

MOTION: Lillian Nolan moved, seconded by Sheryl Krause, to deny the request of Samantha Connaughty, R.N. for ability to work in agency setting. **Reason for Denial:** Respondent needs to work under the complete terms and conditions of the original Board Order (06/07/12) and the Board will not consider modification requests until she has demonstrated full compliance. Motion carried unanimously.

Andrea Kempinski, R.N. – Requesting Modifications

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to grant the request of Andrea Kempinski, R.N. for reduction in the frequency of drug screens to 14 per year plus one annual hair test. Motion carried unanimously.

Joseph Scallon, R.N. – Requesting Modifications

MOTION: Lillian Nolan moved, seconded by Cheryl Streeter, to deny the request of Joseph Scallon, R.N. for termination of AODA treatment requirements.
Reason for Denial: Failure to comply with Board Order. Respondent needs to work under the complete terms and conditions of the original Board Order (05/09/13) and the Board will not consider modification requests until he has demonstrated full compliance. Motion carried unanimously.

Andrea Weber, R.N. – Requesting Modifications

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to deny the request of Andrea Weber, R.N. for access to controlled substances (ADHD medications).
Reason for Denial: Failure to comply with Board Order. Respondent needs to work under the complete terms and conditions of the original Board Order (01/27/11) and the Board will not consider modification requests until she has demonstrated full compliance. Motion carried unanimously.

DELIBERATION OF CREDENTIALING MATTERS

John Vitrano, LPN Applicant – Conviction Review

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to issue an intent to deny the LPN application of John Vitrano for licensure. **Reason for Intent to Deny:** Denial of full licensure per Wis. Stat. 441.07(1g). Motion carried unanimously.

(Cheryl Streeter left the meeting at 1:01 p.m.)

ADJOURNMENT

MOTION: Paul Abegglen moved, seconded by Luann Skarlupka, to adjourn the meeting. Motion carried.

The meeting adjourned at 1:02 p.m.