

**BOARD OF NURSING
MEETING MINUTES
October 8, 2015**

PRESENT: Paul Abegglen, Jodi Johnson, Maria Joseph, Peter Kallio, Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka

EXCUSED: Cheryl Streeter

STAFF: Dan Williams, Executive Director; Nilajah Hardin, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Jeffrey Miller called the meeting to order at 8:02 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Under O. 6): Remove item: "Diane L. Hiller (ORDER0003278)(DHA case # SPS-13-0011)(DLSC case # 12 NUR 019")*

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

APPROVAL OF MINUTES OF AUGUST 13, 2015

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to approve the minutes of August 13, 2015 as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 15-067 RELATING TO GROUNDS FOR DENYING A CREDENTIAL

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to reject Clearinghouse comment number 4 to provide clarification, and to accept all remaining Clearinghouse comments for Clearinghouse Rule 15-067 relating to Grounds for Denying a Credential. Motion carried unanimously.

MOTION: Maria Joseph moved, seconded by Luann Skarlupka, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 15-067 relating to Grounds for Denying a Credential for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

N 5,6 Relating to Renewal and Standards of Practice

MOTION: Peter Kallio moved, seconded by Jodi Johnson, to authorize the Chair to approve the preliminary rule draft of N 5, 6 relating to Renewal and Standards of Practice for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Peter Kallio moved, seconded by Maria Joseph, 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; Jodi Johnson-yes; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Jeffrey Miller-yes; Lillian Nolan-yes; and Luann Skarlupka-yes. Motion carried unanimously.

At this time, all external communication contacts will be terminated for purposes of going into Closed Session.

The Board convened into Closed Session at 10:09 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 2:39 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Jodi Johnson moved, seconded by Lillian Nolan, to affirm all motions made in closed session. Motion carried unanimously.

CREDENTIALING MATTERS

APPEARANCE: Amy Edwards – Discipline Review

MOTION: Jodi Johnson moved, seconded by Sheryl Krause, to **table** consideration of the application of Amy Edwards for licensure pending receipt of an AODA Assessment by a Board-approved Assessor, conducted since October 8, 2015. Motion carried unanimously.

Sherry LaTourneau – Conviction Review

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to deny the Licensed Practical Nurse application of Sherry LaTourneau. **Reason for Denial:** Denial of full licensure per Wis. Stat. § 441.07(1g) and Wis. Admin. Code § N 7.03(2). Motion carried unanimously.

Loida Lumbiyon – Education Equivalent Review

MOTION: Paul Abegglen moved, seconded by Sheryl Krause, to grant the Licensed Practical Nurse application of Loida Lumbiyon, once all requirements are met. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Monitoring

Melissa S. Anderson, R.N. – Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to grant the request of Melissa S. Anderson, R.N. for full licensure. Motion carried unanimously.

Chester Borowski, R.N. – Requesting Termination of Suspension

MOTION: Peter Kallio moved, seconded by Maria Joseph, to grant the request of Chester Borowski, R.N. for termination of the suspension and reinstatement of his Registered Nurse License with the following limitations: quarterly work reports for a period of at least one year while working as a nurse as directed by the Department Monitor. Motion carried unanimously.

Nikkolee Grabow, R.N. – Requesting Reduction in Screens

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to **deny** the request of Nikkolee Grabow, R.N. for a reduction in Drug Screens. **Reason for Denial:** Applicant needs to practice nursing under the current conditions of the Board Order (12/06/2012). The Board **grants** a temporary reduction in drug and alcohol testing to 14 per year and one annual hair while the respondent is not working as a nurse. The Board reserves the right to increase drug, alcohol, and hair testing once the respondent obtains employment as a nurse. Motion carried. Recused: Jodi Johnson

(Jodi Johnson recused herself and left the room for deliberation, and voting in the matter concerning Nikkolee Grabow, R.N.)

Heidi Hargis, R.N. – Requesting Reduction in Screens

MOTION: Lillian Nolan moved, seconded by Jodi Johnson, to deny the request of Heidi Hargis, R.N. for a reduction in Drug Screens. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply with the complete terms and conditions of the original Board Order (07/11/2013). Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning Heidi Hargis, R.N.)

Kristine Kennedy, R.N. – Requesting Access to Controlled Substances, Termination of Direct Supervision, and Reduction in Screens

MOTION: Lillian Nolan moved, seconded by Peter Kallio, to **grant** the request of Kristine Kennedy, R.N. for a reduction in drug screens to 36 per year and one annual hair. The Board **denies** the request of Kristine Kennedy, R.N. for termination of direct supervision and access to controlled substances. **Reason for Denial:** Insufficient time under the Board Order (01/10/2013) to demonstrate adequate compliance. Motion carried.

Jennifer Kofler, R.N. – Requesting Reduction in Screens

MOTION: Lillian Nolan moved, seconded by Maria Joseph, to grant the request of Jennifer Kofler, R.N. for a reduction in drug screens to 28 and one annual hair. Motion carried.

Mark Kongshaug, R.N. – Requesting Termination of Direct Supervision

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to deny the request of Mark Kongshaug, R.N. for termination of direct supervision. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (03/01/2007). Motion carried unanimously.

Timothy Murphy, R.N. – Requesting Full Licensure or Alternatives

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to deny the request of Timothy Murphy, R.N. for full licensure termination of direct supervision and a reduction of drug screens. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply with the complete terms and conditions of the original Board Order (05/14/2010). Motion carried unanimously.

David Ortiz, R.N. – Requesting Reduction in Screens, Reduction in AA/NA Meetings, and Access to Controlled Substances, and Termination of AODA Treatment

MOTION: Maria Joseph moved, seconded by Sheryl Krause, to **grant** the request of David Ortiz, R.N. for a reduction in drug screens to 36 per year and one annual hair, a reduction in AA/NA meetings to once per week, and termination of AODA treatment. The Board **denies** the request of David Ortiz, R.N. for access to controlled substances. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (10/10/2013). Motion carried unanimously.

Christy Pullara, R.N. – Requesting Termination of Suspension

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to deny the request of Christy Pullara, R.N. for termination of the suspension and reinstatement of her Registered Nurse License. **Reason for Denial:** Failure to demonstrate continuous and successful compliance under the terms of the Board Order (04/11/2013). Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to delegate the authority to Paul Abegglen to work with DSPS Staff to draft a Board Order regarding Christy Pullara, R.N. Motion carried unanimously.

Angelica Rowin-Fox, R.N. – Requesting Full Licensure

MOTION: Jodi Johnson moved, seconded by Luann Skarlupka, to deny the request of Angelica Rowin-Fox, R.N. for full licensure. **Reason for Denial:** Insufficient time to demonstrate continuous and successful compliance under the terms of the Order (04/10/2014). Motion carried unanimously.

Jamie Soteropoulos, R.N. – Requesting Reduction in Screens

MOTION: Peter Kallio moved, seconded by Jodi Johnson, to grant the request of Jamie Soteropoulos, R.N. for a reduction in Drug Screens to 28 and one annual hair. Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning Jamie Soteropoulos, R.N.)

Ann Stanton, R.N. – Requesting Full Licensure or Alternatives

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to grant the request of Ann Stanton, R.N. for full licensure. Motion carried.

Regina Young, R.N. – Requesting Access to Controlled Substances

MOTION: Jodi Johnson moved, seconded by Peter Kallio, to deny the request of Regina Young, R.N. for access to controlled substances. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply for at least six months with the complete terms and conditions of the original Board Order (08/08/2003), which includes working as a nurse, before the Board will consider amending any requirements. Motion carried unanimously.

Case Closures

MOTION: Maria Joseph moved, seconded by Paul Abegglen, to close the DLSC cases for the reasons outlined below:

1. 14 NUR 227 – Prosecutorial Discretion (P3)
2. 14 NUR 319 – Insufficient Evidence (IE)
3. 14 NUR 507 – Prosecutorial Discretion (P5 – Flag)
4. 15 NUR 421 – Prosecutorial Discretion (P7)
5. 14 NUR 218 – Insufficient Evidence (IE)
6. 14 NUR 194 – Prosecutorial Discretion (P6)
7. 15 NUR 161 – Prosecutorial Discretion (P7)
8. 15 NUR 246 – Prosecutorial Discretion (P5 – Flag)
9. 15 NUR 348 – Insufficient Evidence (IE)
10. 15 NUR 200 – Prosecutorial Discretion (P7)
11. 14 NUR 719 – Insufficient Evidence (IE)
12. 15 NUR 257 – Insufficient Evidence (IE)
13. 15 NUR 460 – No Violation (NV)
14. 15 NUR 044 – Insufficient Evidence (IE)
15. 15 NUR 390 – No Violation (NV)
16. 15 NUR 261 – Insufficient Evidence (IE)
17. 14 NUR 436 – Prosecutorial Discretion (P3)

Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to **table** DLSC case number 14 NUR 478, pending receipt of additional information. Motion carried unanimously.

DLSC Attorney Amanda Florek***Administrative Warnings******15 NUR 221 – L.M.L.E.***

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to issue an Administrative Warning in the matter of 15 NUR 221 (L.M.L.E.). Motion carried unanimously.

15 NUR 299 – K.M.D.

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to issue an Administrative Warning in the matter of 15 NUR 299 (K.M.D.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 14 NUR 210 (M.J.K.)
2. 14 NUR 640 (R.E.R.)
3. 15 NUR 080 (M.M.D.)
4. 15 NUR 093 (R.L.H.)
5. 15 NUR 168 (A.C.B.)
6. 15 NUR 215 (G.D.N.)
7. 15 NUR 294 (W.J.B.)
8. 15 NUR 317 (S.A.M.)

Motion carried unanimously.

DLSC Attorney Kim Kluck (Appearance by Attorney Amanda Florek on Behalf of Attorney Kim Kluck)

Administrative Warnings

MOTION: Paul Abegglen moved, seconded by Luann Skarlupka, to issue an Administrative Warning in the following matters:

1. 15 NUR 142 (S.D.P.)
2. 15 NUR 366 (T.M.L.)
3. 15 NUR 394 (C.L.S.)
4. 15 NUR 402 (G.L.D.)
5. 15 NUR 418 (J.J.R.)

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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

1. 14 NUR 050 (J.M.S.)
2. 14 NUR 276 (M.L.B.)
3. 14 NUR 675 and 15 NUR 188 (D.M.G.)
4. 15 NUR 068 (A.O.G.)
5. 15 NUR 164 (K.D.S.)
6. 15 NUR 173 (K.A.V.)
7. 15 NUR 242 (C.R.S.)
8. 15 NUR 275 (M.R.O.)
9. 15 NUR 372 (C.A.N.)

Motion carried unanimously.

15 NUR 245 – E.A.R.

MOTION: Jodi Johnson moved, seconded by Maria Joseph, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Elizabeth A. Richards, R.N., DLSC case number 15 NUR 245. Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning Elizabeth A. Richards, R.N., DLSC case number 15 NUR245.)

Petition to Rescind Interim Order

15 NUR 148 – Tamera R. Packhard, R.N.

MOTION: Maria Joseph moved, seconded by Peter Kallio, to rescind the Interim Order in the matter of Tamara R. Packhard, R.N., respondent DLSC case number 15 NUR 148. Motion carried unanimously.

MOTION: Maria Joseph moved, seconded by Peter Kallio, to close DLSC case number 15 NUR 148 against Tamara R. Packhard, R.N. for Prosecutorial Discretion (P2). Motion carried unanimously.

APPEARANCE: DLSC Staff: Administrative Warning Review (WARN00000352)(DLSC case # 13 NUR 714 – G.G.)

MOTION: Luann Skarlupka moved, seconded by Jodi Johnson, to rescind the Administrative Warning in the matter of DLSC case number 13 NUR 714(G.G.) and reopen the case for further investigation. Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning DLSC case 13 NUR 714 – G.G.)

ORDER(S) FIXING COSTS

Nickea C. Connolly, R.N., Respondent (ORDER0004219)(DHA case # SPS-15-0021)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Nickea C. Connolly, R.N., Respondent (ORDER0004219)(DHA case # SPS-15-0021)(DLSC case # 14 NUR 196). Motion carried unanimously.

Frederick B. Gilhams (ORDER0004191)(DHA case # SPS-15-0046)(DLSC case # 13 NUR 128)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Frederick B. Gilhams (ORDER0004191)(DHA case # SPS-15-0046)(DLSC case # 13 NUR 128). Motion carried unanimously.

Sandra Graham (ORDER0003596)(DHA case # SPS-14-0067)(DLSC case # 13 NUR 470)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Sandra Graham (ORDER0003596)(DHA case # SPS-14-0067)(DLSC case # 13 NUR 470). Motion carried unanimously.

Coretta Harris (ORDER0003226)(DHA case # SPS-13-0045)(DLSC case # 13 NUR 002)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Coretta Harris (ORDER0003226)(DHA case # SPS-13-0045)(DLSC case # 13 NUR 002). Motion carried unanimously.

Vicki L. Harris (ORDER0003227)(DHA case # SPS-13-0044)(DLSC case # 12 NUR 300)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Vicki L. Harris (ORDER0003227)(DHA case # SPS-13-0044)(DLSC case # 12 NUR 300). Motion carried unanimously.

Kathleen Turner (ORDER0003277)(DHA case # SPS-13-0033)(DLSC case # 13 NUR 022)

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Kathleen Turner (ORDER0003277)(DHA case # SPS-13-0033)(DLSC case # 13 NUR 022). Motion carried unanimously.

PROPOSED FINAL DECISION(S) AND ORDER(S)

Nicole A. Hunt, R.N., Respondent (DHA case # SPS-15-0064)(DLSC case # 15 NUR 276)

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Nicole A. Hunt, R.N., Respondent (DHA case # SPS-15-0064)(DLSC case # 15 NUR 276). Motion carried. Recused: Jeffrey Miller

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Nicole A. Hunt, R.N., Respondent (DHA case # SPS-15-0064)(DLSC case # 15 NUR 276).)

Kim M. Lippold, L.P.N., Respondent (DHA case # SPS-15-0031)(DLSC case # 14 NUR 524)

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Kim M. Lippold, L.P.N., Respondent (DHA case # SPS-15-0031)(DLSC case # 14 NUR 524). Motion carried. Recused: Jeffrey Miller

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Kim M. Lippold, L.P.N., Respondent (DHA case # SPS-15-0031)(DLSC case # 14 NUR 524).)

ADJOURNMENT

MOTION: Peter Kallio moved, seconded by Maria Joseph, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 2:50 p.m.