

**BOARD OF NURSING
MEETING MINUTES
JANUARY 14, 2016**

PRESENT: Paul Abegglen, Jodi Johnson, Maria Joseph, Peter Kallio, Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka, 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 8:00 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Under Item C.1) "Follow-up Discussion and Possible Revision to the December 10, 2015 Draft Text Which Amended N 8, Relating to Advanced Practice Nurse Prescribers": the correct date of the draft text is November 12, 2015*
- *Under Item J.2)b.4. "15 NUR 142 (A.C.S.)": the correct case number is 15 NUR 279 (A.C.S.)*

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to adopt the agenda as amended. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE 15-099 RELATING TO RENEWAL,
REINSTATEMENT AND STANDARDS OF PRACTICE**

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to reject Clearinghouse comment number(s) 2(b, d), 5(d, e) and accept all remaining Clearinghouse comments for Clearinghouse Rule 15-099 relating to Renewal, Reinstatement, and Standards of Practice. Motion carried unanimously.

MOTION: Sheryl Krause moved, seconded by Luann Skarlupka, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 15-099 relating to Renewal, Reinstatement, and Standards of Practice. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Follow-up Discussion and Possible Revision to the November 12, 2015 Draft Text Which Amended N 8, Relating to Advanced Practice Nurse Prescribers

MOTION: Luann Skarlupka moved, seconded by Sheryl Krause, to authorize the Chair to approve the preliminary rule draft of N 8 relating to Advanced Practice Nurse Prescribers for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Silver Lake College Request for Authorization to Admit Students to a Nursing School

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to acknowledge and thank Brianna Neuser from Silver Lake College for her appearance before the Board. Motion carried unanimously.

MOTION: Sheryl Krause moved, seconded by Maria Joseph, to approve the request of Silver Lake College for authorization to admit students to a nursing school. Motion carried unanimously.

NCLEX Board Review Registration

MOTION: Lillian Nolan moved, seconded by Maria Joseph, to designate Sheryl Krause and Paul Abegglen to attend the NCLEX Board Review between April 4-22, 2016 and to authorize travel. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 10, 2015

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to approve the minutes of December 10, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Board Chair

NOMINATION: Luann Skarlupka nominated Jeffrey Miller for the Office of Board Chair.

Dan Williams called for nominations three (3) times.

Jeffrey Miller was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Peter Kallio nominated Sheryl Krause for the Office of Vice Chair.

Dan Williams called for nominations three (3) times.

Sheryl Krause was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Cheryl Streeter nominated Lillian Nolan for the Office of Secretary.

Dan Williams called for nominations three (3) times.

Lillian Nolan was elected as Secretary by unanimous consent.

2016 ELECTION RESULTS	
Board Chair	Jeffrey Miller
Vice Chair	Sheryl Krause
Secretary	Lillian Nolan

Appointment of Liaisons

2016 LIAISON APPOINTMENTS	
Board Practice Liaison(s)	Paul Abegglen <i>Alternate: Sheryl Krause</i>
Board Education Liaison(s)	Sheryl Krause <i>Alternate: Peter Kallio</i>
Professional Assistance Procedure (PAP) Liaison	Jeffrey Miller <i>Alternate: Cheryl Streeter</i>
Monitoring Liaison	Jodi Johnson <i>Alternate: Paul Abegglen</i>
Credentialing Liaison	Paul Abegglen <i>Alternate: Peter Kallio</i>
Legislative Liaison	Jeffrey Miller
Newsletter Liaison	Lillian Nolan
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)	Jeffrey Miller

Department Appointment as per Wis. Stats. §441.50(8)(a)	
Administrator of the Nurse Licensure Compact	Dan Williams

2016 SCREENING PANEL APPOINTMENTS	
February-June 2016	Cheryl Streeter, Luann Skarlupka Paul Abegglen
July 2016- January 2017	Jodi Johnson, Lillian Nolan, Peter Kallio

2016 COMMITTEE MEMBER APPOINTMENTS	
Nursing Legislation and Rules Committee	Peter Kallio, Luann Skarlupka, Jeffrey Miller

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to affirm the Chair’s appointment of liaisons for 2016. Motion carried unanimously.

Delegation of Authority

Delegated Authority for Urgent Matters

MOTION: Jodi Johnson moved, seconded by Luann Skarlupka, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel, and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Peter Kallio moved, seconded by Maria Joseph, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Cheryl Streeter moved, seconded by Luann Skarlupka, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Screening Panel

MOTION: Peter Kallio moved, seconded by Lillian Nolan, to delegate to the attorney assigned to each screening panel the discretion to close cases that clearly do not allege a provable violation of law and therefore do not merit review by the full screening panel. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Luann Skarlupka moved, seconded by Jodi Johnson, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to delegate credentialing decisions to DSPS Staff involving an applicant who was granted an unrestricted nursing license by the Wisconsin Board of Nursing, is seeking a new credential, and has had no new issues since the previous license was granted. Motion carried unanimously.

MOTION: Maria Joseph moved, seconded by Luann Skarlupka, to delegate decision making authority to DSPS staff for licensure purposes relating to:

- 1) A single OWI conviction, but not more than two prior to entering into Nursing School
- 2) Under Age Drinking
- 3) Ordinance or municipal violations prior to entering Nursing School
- 4) Retail theft prior to entering Nursing School
- 5) The granting of a limited license for a Nurse Refresher Course (as long as all other requirements are met) unless there are convictions, prior Board discipline, or impairment issues. Staff can then move forward with the granting of full licensure after verification of successful completion has been received

Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

MOTION: Maria Joseph moved, seconded by Peter Kallio, to delegate to the Monitoring Liaison the authority to provide written authorization pursuant to Wis. Admin. Code § N 9.03(1). Motion carried unanimously.

Education Delegations

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to delegate authority to the Board Education Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

Legislative Delegation

MOTION: Luann Skarlupka moved, seconded by Maria Joseph, to delegate authority to the Legislative Liaison(s) to address issues related to legislative matters with approval by the Chair, or Vice Chair. Motion carried unanimously.

Rules Committee

MOTION: Peter Kallio moved, seconded by Maria Joseph, to grant the Nursing Legislation and Rules Committee the ability to discuss legislative matters and to review and propose rule making language to the full Board. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)

2016 National Council of State Boards of Nursing (NCSBN) Midyear Meeting –Discussion and Consideration

MOTION: Maria Joseph moved, seconded by Cheryl Streeter, to designate Luann Skarlupka and Jodi Johnson to attend the National Council of State Boards of Nursing Midyear Meeting on March 14-16, 2016 in Baltimore, MD and to authorize travel. Motion carried unanimously.

Wisconsin Nurses Association (WNA) Request for a Board Member to Present – Discussion and Consideration

MOTION: Maria Joseph moved, seconded by Paul Abegglen, to designate Jeffrey Miller and Sheryl Krause to speak on the Board’s behalf at the WNA’s Annual Nurse’s Day at the Capitol on March 8, 2016 in Madison, WI regarding the Board of Nursing’s role, responsibility, and latest activities. Motion carried unanimously.

CLOSED SESSION

MOTION: Maria Joseph moved, seconded by Peter Kallio, 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; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:53 a.m.

RECONVENE TO OPEN SESSION

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:16 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Administrative Warnings

15 NUR 589 – K.M.W.

MOTION: Peter Kallio moved, seconded by Lillian Nolan, to issue an Administrative Warning in the matter of 15 NUR 589 (K.M.W.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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:

1. 15 NUR 256 (K.A.S.)
2. 15 NUR 315 (A.A.T.)
3. 15 NUR 426 (M.J.S.)
4. 15 NUR 434 (D.L.H.)
5. 15 NUR 437 (C.C.W.)
6. 15 NUR 444 (K.A.H.)
7. 15 NUR 461 (M.L.L.)

Motion carried unanimously.

15 NUR 273 – J.L.Z.

MOTION: Lillian Nolan moved, seconded by Paul Abegglen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jamie L. Zwicky, R.N., DLSC case number 15 NUR 273. Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning Jamie L. Zwicky, R.N., DLSC case number 15 NUR 273.)

DLSC Attorney Kim Kluck

Administrative Warnings

15 NUR 187 – D.M.J.

MOTION: Luann Skarlupka moved, seconded by Paul Abegglen, to table the Administrative Warning in the matter of 15 NUR 187 (D.M.J.). Motion carried unanimously.

15 NUR 363 – K.L.C.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to issue an Administrative Warning in the matter of 15 NUR 363 (K.L.C.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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

1. 13 NUR 714 (G.G.)
2. 14 NUR 572 (S.K.E.)
3. 15 NUR 142 (R.M.F.)
4. 15 NUR 279 (A.C.S.)
5. 15 NUR 528 (P.A.M.)

Motion carried unanimously.

Case Closures

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

1. 15 NUR 398 – Prosecutorial Discretion (P7)
2. 15 NUR 637 – Insufficient Evidence
3. 14 NUR 435 - Insufficient Evidence
4. 15 NUR 516 - Insufficient Evidence
5. 15 NUR 470 - Prosecutorial Discretion (P7)
6. 15 NUR 660 – Prosecutorial Discretion (P3)
7. 15 NUR 335 – No Violation
8. 14 NUR 590 – Insufficient Evidence
9. 15 NUR 577 (S.A.K.) – Prosecutorial Discretion (P2)
10. 15 NUR 440 – Prosecutorial Discretion (P3)
11. 15 NUR 370 – Prosecutorial Discretion (P6)

Motion carried unanimously.

Monitoring***Christine Bohl, R.N. – Requesting Full Licensure or Modifications***

MOTION: Cheryl Streeter moved, seconded by Peter Kallio, to deny the request of Christine Bohl, R.N. for full licensure, a reduction in drug screens, a reduction in AA/NA meetings, termination of her AA/NA attendance log, termination of direct supervision, the ability to work in a pool or agency setting, the ability to work in a home health or hospice setting, and termination of preapproval of work settings. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply with the complete terms and conditions of the Limited License Order (11/17/2014). Motion carried unanimously.

Laura Feichtner, R.N. – Requesting Full Licensure

MOTION: Lillian Nolan moved, seconded by Maria Joseph, to grant the request of Laura Feichtner, R.N. for full licensure. Motion carried unanimously.

Jill Gustafson, R.N. – Requesting Full Licensure

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

Julie Harley, L.P.N. – Requesting Reduction in Drug and Alcohol Screens

MOTION: Luann Skarlupka moved, seconded by Jodi Johnson, to deny the request of Julie Harley, L.P.N. for a reduction in drug and alcohol screens. **Reason for Denial:** Failure to demonstrate continuous and successful compliance (missed tests and check-ins). Respondent needs to fully comply with the complete terms and conditions of the original Board Order (12/19/2013). Motion carried unanimously.

Brenda Pittman, R.N. – Requesting Reduction in Drug Screens and Termination of Direct Supervision

MOTION: Sheryl Krause moved, seconded by Peter Kallio, to grant the request of Brenda Pittman, R.N. for a reduction in drug screens to 36 per year. The Board denies the request of Brenda Pittman, R.N. for termination of direct supervision. **Reason for Denial:** The Board requires further successful compliance with the terms of the Board Order (09/11/2014) before the Board will consider termination of direct supervision. Motion carried unanimously.

Joan Swope, R.N. – Requesting Reduction in Drug Screens, Treatment Sessions, and AA/NA Meetings

MOTION: Peter Kallio moved, seconded by Jodi Johnson, to grant the request of Joan Swope, R.N., R.N. for a reduction in drug screens to 36 per year. The Board denies the request of Joan Swope, R.N. for a reduction in AA/NA meetings. **Reason for Denial:** Respondent needs to further practice nursing under the current conditions of the Board Order (06/13/2013) before the Board will consider amending other requirements. Motion carried unanimously.

CREENTIALING MATTERS

Shannon Johns – Conviction Review

MOTION: Peter Kallio moved, seconded by Sheryl Krause, to approve the Registered Nurse application of Shannon Johns, once all requirements are met. Motion carried unanimously.

ORDER(S) FIXING COSTS

Tracy Watson, L.P.N., Respondent (ORDER00003221)(DHA case # SPS-14-0003)(DLSC case # 12 NUR 174)

MOTION: Luann Skarlupka moved, seconded by Paul Abegglen, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Tracy Watson, L.P.N., Respondent (ORDER00003221)(DHA case # SPS-14-0003)(DLSC case # 12 NUR 174). Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:32 p.m.