

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

PRESENT: Paul Abegglen, Peter Kallio, Jodi Johnson (*via GoToMeeting, joined the meeting at 8:02 a.m. and was excused from the meeting at 8:50 a.m.*), Maria Joseph, 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 eight (8) members was confirmed.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES OF MARCH 10, 2016

MOTION: Peter Kallio moved, seconded by Maria Joseph, to approve the minutes of March 10, 2016 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Jodi Johnson joined the meeting at 8:02 A.M.

Globe University, Madison East – Request for Authorization to Plan a School of Nursing

MOTION: Sheryl Krause moved, seconded by Maria Joseph, to approve the request of Globe University – Madison East for authorization to plan a School of Nursing. Motion carried unanimously.

Lakeshore Technical College

Explanation for NCLEX Pass Rate 80% and Self-improvement Plan for 2016

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to acknowledge and thank Kathi Calabresa from Lakeshore Technical College for her appearance before the Board. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to acknowledge receipt of Lakeshore Technical College's plan to meet the NCLEX first time taker pass rate standards. Motion carried unanimously.

Request for Authorization to Admit Students to a Nursing School

MOTION: Sheryl Krause moved, seconded by Luann Skarlupka, to deny the request of Lakeshore Technical College for authorization to admit students to a Nursing School. **Reason for Denial:** Failure to meet faculty standards for the application process. Motion carried unanimously.

2016 BOARD REVIEW OF WEBSITE POSITION STATEMENTS

- MOTION:** Luann Skarlupka moved, seconded by Jodi Johnson, to remove Board of Nursing Position Statement “I am Travelling With a Patient Through Wisconsin; Do I Need to Obtain a Wisconsin License in Order to do This” from the DSPS website. Motion carried unanimously.
- MOTION:** Luann Skarlupka moved, seconded by Jodi Johnson, to remove Board of Nursing Position Statement “If I am Given a Physician’s Order to Administer a Medication to a Patient and I Have Knowledge That the Medication Could Cause an Adverse Reaction and an Event Occurs, who is Responsible, the Physician or the Nurse?” from the DSPS website. Motion carried unanimously.
- MOTION:** Luann Skarlupka moved, seconded by Jodi Johnson, to remove Board of Nursing Position Statement “Use of Nurse Technicians” from the DSPS website. Motion carried unanimously.

Jodi Johnson was excused from the meeting at 8:50 a.m.

WISCONSIN DIVISION OF QUALITY ASSURANCE (DQA) INQUIRY

- MOTION:** Luann Skarlupka moved, seconded Sheryl Krause, to acknowledge and thank Doug Englebert from the Wisconsin Division of Quality Assurance for his appearance before the Board. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**Scope Amending N 1 Relating to Schools of Nursing**

- MOTION:** Sheryl Krause moved, seconded by Peter Kallio, to table approval of the Scope Statement on N1 relating to Schools of Nursing for a future meeting. Motion carried unanimously.

Scope Amending N 2 Relating to Licensure

- MOTION:** Paul Abegglen moved, seconded by Maria Joseph, to approve the Scope Statement on N2 relating to Licensure for submission to the Governor’s Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Act 269 Relating to Controlled Substances Guidelines

- MOTION:** Luann Skarlupka moved, seconded by Sheryl Krause, to authorize the Chair to make contact with the Medical Examining Board in regards to collaborating on the development of guidelines for prescribing controlled substances pursuant to 2015 Act 269. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)**Report from Pearson Vue NCLEX Test Question Review – April 7, 2016**

MOTION: Peter Kallio moved, seconded by Maria Joseph, to acknowledge the attendance of Sheryl Krause and Paul Abegglen at the Pearson Vue NCLEX Test Question Review on April 7, 2016. Motion carried unanimously.

Report from National Council of State Boards of Nursing (NCSBN) Midyear Meeting – March 14-16, 2016

MOTION: Cheryl Streeter moved, seconded by Peter Kallio, to acknowledge the attendance of Luann Skarlupka and Jodi Johnson at the National Council of State Boards of Nursing (NCSBN) Midyear Meeting on March 14-16, 2016. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ITEMS RECEIVED AFTER PREPARATION OF THE AGENDA**Education and Examination Matters**

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to request DSPS Staff to send notification to Commission on Collegiate Nursing Education, the accrediting body for Herzing Brookfield-Kenosha regarding a warning letter relating to their NCLEX pass rates. Motion carried unanimously.

Speaking Engagement(S), Travel, or Public Relations Request(S)

MOTION: Cheryl Streeter moved, seconded by Luann Skarlupka, to designate Sheryl Krause, Peter Kallio, and Paul Abegglen to attend the National Council of State Boards of Nursing (NCSBN) Discipline Case Management Conference on June 6-8, 2016 in Norfolk, VA and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Paul Abegglen 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; 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 10:20 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 1:53 p.m. a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Proposed Stipulations, Final Decisions and Orders

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

1. 15 NUR 564 (C.M.P.)
2. 15 NUR 583 (E.M.K.)
3. 15 NUR 585 (C.A.J.)
4. 16 NUR 003 (D.A.S.)
5. 16 NUR 075 (W.L.H.)

Motion carried unanimously.

DLSC Attorney Kim Kluck

Administrative Warnings

15 NUR 412 – D.J.J.

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to issue an Administrative Warning in the matter of 15 NUR 412 (D.J.J.). Motion carried unanimously.

16 NUR 139 – K.J.M.

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to issue an Administrative Warning in the matter of 16 NUR 139 (K.J.M.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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

1. 14 NUR 611 (J.F.K.)
2. 15 NUR 391 (J.L.A.)
3. 15 NUR 480 (R.L.G.)
4. 15 NUR 571 (F.A.K.)

Motion carried unanimously.

DLSC Attorney Jim Polewski*Proposed Stipulations, Final Decisions and Orders**15 NUR 449 – M.C.D.*

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Monica C. Dixon, L.P.N., DLSC case number 15 NUR 449. Motion carried unanimously.

Case Closures

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

1. 15 NUR 327 (M.T.) – Insufficient Evidence
2. 15 NUR 457 – Prosecutorial Discretion (P5-Flag)
3. 16 NUR 026 - Insufficient Evidence
4. 15 NUR 620 - Prosecutorial Discretion (P5-Flag)
5. 15 NUR 253 (N.B.) – Prosecutorial Discretion (P2)
6. 15 NUR 309 - Prosecutorial Discretion (P2)
7. 15 NUR 491 – No Violation
8. 15 NUR 431 - Prosecutorial Discretion (P7)
9. 16 NUR 042 – No Violation
10. 15 NUR 632 - Prosecutorial Discretion (P1)
11. 15 NUR 693 - Insufficient Evidence
12. 16 NUR 085 - Prosecutorial Discretion (P5-Flag)
13. 15 NUR 347 - Insufficient Evidence
14. 15 NUR 448 - Insufficient Evidence
15. 16 NUR 031 - Prosecutorial Discretion (P5-Flag)
16. 15 NUR 586 - Insufficient Evidence
17. 14 NUR 478 - Prosecutorial Discretion (P2)
18. 16 NUR 034 - Prosecutorial Discretion (P5-Flag)
19. 16 NUR 004 – Prosecutorial Discretion (P1)

Motion carried unanimously.

Monitoring*Andrea Connelly, L.P.N. – Review of Fitness-for-Duty Evaluation*

MOTION: Sheryl Krause moved, seconded by Cheryl Streeter, to **table** the 03/09/2016 Fitness-for-Duty Evaluation of Andrea Connelly, L.P.N. pending receipt of additional information. Motion carried unanimously.

Kelly Edlebeck, R.N. – Requesting Modifications

MOTION: Sheryl Krause moved, seconded by Paul Abegglen, to grant the request of Kelly Edlebeck, R.N. for a reduction in drug and alcohol screens to 36. The Board denies the request of Kelly Edlebeck, R.N. for access to controlled substances and a reduction in AA/NA meetings. **Reason for Denial:** Respondent needs to demonstrate more time under the Order (02/12/2015). Motion carried unanimously.

Tammy Finley, R.N. – Requesting Full Licensure

MOTION: Luann Skarlupka moved, seconded by Cheryl Streeter, to deny the request of Tammy Finley, R.N. for full licensure. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (02/12/2015) Motion carried unanimously.

Jamie Meints, R.N. – Requesting Full Licensure

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

Sarah Travis, R.N. – Requesting Full Licensure

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to grant the request of Sarah Travis, R.N. for full licensure. Motion carried unanimously.

Lisa Winiarski, R.N. – Requesting Reduction in Drug Screens

MOTION: Cheryl Streeter moved, seconded by Sheryl Krause, to grant the request of Lisa Winiarski, R.N. for a reduction in drug screens to 28 and one annual hair test. Motion carried unanimously.

CREDENTIALING MATTERS**Stacy Rutsch – Conviction Review**

MOTION: Lillian Nolan moved, seconded by Paul Abegglen, to offer Stacy Rutsch a Limited License, once all requirements are met. Should the applicant decline the offer, then the application is denied. **Reason for Denial:** Denial of full licensure per Wis. Stat. § 441.07(1g)(c) and Wis. Admin. Code § N 2.10(1)(b). Motion carried unanimously.

Bisola Salako – Education Review

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to **table** the request of Bisola Salako to take the NCLEX exam for more information. Motion carried unanimously.

Timothy Weber – Conviction Review

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to **table** the Advanced Practice Nurse Prescriber application of Timothy Weber and delegate denial authority to the credentialing liaison. Motion carried unanimously.

Stephanie Westlake – Conviction Review

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to offer Stephanie Westlake a Limited License, once all requirements are met. Should the applicant decline the offer, then the application is denied. **Reason for Denial:** Denial of full licensure per Wis. Stat. §§ 441.06(1)(b) and Wis. Admin. Code §§ N 2.10(1)(b) and N 2.11 (5) and N 7.03(6)(f). Motion carried unanimously.

DELIBERATION ON FINAL DECISION(S) AND ORDER(S)

Stephanie Y. Gaines, L.P.N., Respondent (DHA Case # SPS-15-0086)(DLSC Case # 14 NUR 497) and Objections

MOTION: Paul Abegglen moved, seconded by Sheryl Krause, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Stephanie Y. Gaines, L.P.N., Respondent (DHA Case # SPS-15-0086)(DLSC Case # 14 NUR 497), with a variance to the authority relied on for determining Costs. Motion carried. Recused: Cheryl Streeter

MOTION: Paul Abegglen moved, seconded by Sheryl Krause, to designate the Chair to review and approve the Order with Variance in the matter of disciplinary proceedings against Stephanie Y. Gaines, L.P.N., Respondent (DHA Case # SPS-15-0086)(DLSC Case # 14 NUR 497). Motion carried. Recused: Cheryl Streeter

(Cheryl Streeter recused herself and left the room for deliberation, and voting in the matter concerning Stephanie Y. Gaines, L.P.N., Respondent (DHA Case # SPS-15-0086)(DLSC Case # 14 NUR 497).)

ADJOURNMENT

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

The meeting adjourned at 2:01 p.m.