

**BOARD OF NURSING
MEETING MINUTES
JUNE 9, 2016**

PRESENT: Paul Abegglen, Peter Kallio, Jodi Johnson, Maria Joseph, Sheryl Krause, Jeffrey Miller, Lillian Nolan, Luann Skarlupka (*via GoToMeeting*), 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 was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Remove Item: M 1. "Kaylee Kowalchuk – Conviction Review"*

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

APPROVAL OF MINUTES OF MAY 12, 2016

MOTION: Cheryl Streeter moved, seconded by Peter Kallio, to approve the minutes of May 12, 2016 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Request for Authorization to Admit Students to a Nursing School

Lakeshore Technical College

MOTION: Sheryl Krause moved, seconded by Maria Joseph, to approve the request of Lakeshore Technical College for authorization to admit students to a Nursing School. Motion carried unanimously.

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.

Analysis of NCLEX Pass Rates and Plan of Remediation

Bryant & Stratton College

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

MOTION: Jodi Johnson moved, seconded by Paul Abegglen, to acknowledge and thank Linda Krueger from Bryant & Stratton College for her appearance before the Board. Motion carried unanimously.

Herzing University - Madison

MOTION: Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge receipt of Herzing University - Madison's plan to meet the NCLEX first time taker pass rate standards. Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to acknowledge and thank Jennifer Kowalkowski and Bill Vincent from Herzing University - Madison for their appearance before the Board. Motion carried unanimously.

Marian University

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to acknowledge receipt of Marian University's plan to meet the NCLEX first time taker pass rate standards. Motion carried unanimously.

MOTION: Sheryl Krause moved, seconded by Maria Joseph, to acknowledge and thank Linda Matheson and Katie Hughes from Marian University for their appearance before the Board. Motion carried unanimously.

Rasmussen College - Wausau

MOTION: Cheryl Streeter moved, seconded by Paul Abegglen, to acknowledge receipt of Rasmussen College - Wausau's plan to meet the NCLEX first time taker pass rate standards. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to acknowledge and thank Kari Luoma from Rasmussen College - Wausau for her appearance before the Board. Motion carried unanimously.

Herzing University – Brookfield-Kenosha

MOTION: Sheryl Krause moved, seconded by Luann Skarlupka, to deny the acceptance of Herzing University – Brookfield-Kenosha's plan to meet the NCLEX first time taker pass rate standards. **Reason for Denial:** Failure to meet the requirements as stated in Wis. Admin. Code § N 1. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to authorize site visits to Herzing University – Brookfield-Kenosha prior to August 15, 2016. Motion carried unanimously.

MOTION: Cheryl Streeter moved, seconded by Sheryl Krause, to acknowledge and thank Debra Ziebarth and Michelle Metzger from Herzing University – Brookfield-Kenosha for their appearance before the Board. Motion carried unanimously.

2016 BOARD REVIEW OF WEBSITE POSITION STATEMENTS

MOTION: Peter Kallio moved, seconded by Jodi Johnson, to remove Board of Nursing Position Statement "Pain Management" from the DSPS website. Motion carried unanimously.

MOTION: Sheryl Krause moved, seconded by Jodi Johnson, to remove Board of Nursing Position Statement “Patient Abandonment” from the DSPS website. Motion carried unanimously.

MOTION: Cheryl Streeter moved, seconded by Sheryl Krause, to remove Board of Nursing Position Statement “Use of Social Media by Nurses” from the DSPS website. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to remove Board of Nursing Position Statement “Telephone Triage” from the DSPS website. Motion carried unanimously.

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

National Council of State Boards of Nursing (NCSBN) 2016 Annual Meeting – August 17-19, 2016 – Chicago, IL

MOTION: Cheryl Streeter moved, seconded by Maria Joseph, to designate Jeffrey Miller and Peter Kallio, as the Board’s delegates, and Dan Williams as alternate, to attend the National Council of State Boards of Nursing (NCSBN) 2016 Annual Meeting on August 17-19, 216 in Chicago, IL and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, 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 9:33 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 12:16 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

CREDENTIALING MATTERS

Bisola Salako - Education Review

MOTION: Lillian Nolan moved, seconded by Sheryl Krause, to find that the applicant, Bisola Salako, is not eligible for admission to take the NCLEX as the Board is unable to verify her graduation and was unable to substantiate her official transcripts per Wis. Stat. § 441.10 and Wis. Admin. Code §§ N 2.12 (2) and 2.12 (3)(b). Motion carried unanimously.

MOTION: Cheryl Streeter moved, seconded by Peter Kallio, to authorize the Chair to draft a letter to the Illinois Board of Nursing regarding Great Paragon Healthcare Inc. Motion carried unanimously.

APPEARANCE: ADMINISTRATIVE WARNING REVIEW

WARN00000484 - DLSC Case # 15 NUR 612 – D.R.

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to affirm the Administrative Warning in the matter of DLSC case number 15 NUR 612 (D.R.). Motion carried. Recused: Sheryl Krause

(Sheryl Krause recused herself and left the room for deliberation, and voting in the matter concerning WARN00000484 - DLSC Case # 15 NUR 612 – D.R.)

ORDER(S) FIXING COSTS

Stephanie Y. Gaines, L.P.N., Respondent (ORDER0004686)(DHA case # SPS-15-0086)(DLSC case # 14 NUR 497)

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Stephanie Y. Gaines, L.P.N., Respondent (ORDER0004686)(DHA case # SPS-15-0086)(DLSC case # 14 NUR 497). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Administrative Warnings

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

1. 16 NUR 053 (D.L.M.)
2. 16 NUR 105 (G.A.K.)
3. 16 NUR 129 (P.J.M.)
4. 16 NUR 210 (J.P.Q.)

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

- MOTION:** Cheryl Streeter moved, seconded by Jodi Johnson, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:
1. 15 NUR 183 (A.M.B.)
 2. 15 NUR 382 (M.C.G.)
 3. 15 NUR 458 (M.E.M.)
 4. 15 NUR 476 (C.R.B.)
 5. 15 NUR 590 (Q.R.K.)
 6. 16 NUR 076 (K.A.S.)
- Motion carried unanimously.

Proposed Stipulations, Final Decisions and Remedial Education Orders

16 NUR 105 – A.M.Q.

- MOTION:** Paul Abegglen moved, seconded by Peter Kallio, to adopt the Findings of Fact, Conclusions of Law and Remedial Education Order in the matter of disciplinary proceedings against Anna M. Quintana, R.N., DLSC case number 16 NUR 105. Motion carried unanimously.

DLSC Attorney Kim Kluck

Administrative Warnings

- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to issue an Administrative Warning in the following matters:
1. 16 NUR 133 (A.L.R.)
 2. 16 NUR 137 (V.I.K.)
- Motion carried unanimously.

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. 15 NUR 681 (D.J.G.)
 2. 16 NUR 065 (L.L.C.)
- Motion carried unanimously.

Case Closures

- MOTION:** Peter Kallio moved, seconded by Sheryl Krause, to close the DLSC cases for the reasons outlined below:
1. 16 NUR 135 – No Violation
 2. 15 NUR 271 – Prosecutorial Discretion (P2)
 3. 16 NUR 125 – Insufficient Evidence
 4. 16 NUR 207 – No Violation
 5. 16 NUR 126 – No Violation
 6. 16 NUR 163 – Prosecutorial Discretion (P2)
 7. 15 NUR 403 – Insufficient Evidence
 8. 16 NUR 145 - Prosecutorial Discretion (P2)

9. 16 NUR 044 - Prosecutorial Discretion (P7)
 10. 16 NUR 093 - Prosecutorial Discretion (P7)
 11. 15 NUR 667 - No Violation
 12. 16 NUR 067 - Prosecutorial Discretion (P3)
 13. 16 NUR 153 – No Violation
- Motion carried unanimously.

Monitoring

Kathy Berry, R.N. – Requesting Several Modifications

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to grant the request of Kathy Berry, R.N. for a reduction in drug and alcohol tests to 14 per year and one annual hair test and termination of AA/NA meeting attendance. The Board denies the request of Kathy Berry, R.N. for termination of direct supervision and the ability to work in home health. **Reason for Denial:** Respondent needs to practice nursing under the current conditions of the Board Order (09/04/2008) before the Board will consider amending other requirements. Motion carried unanimously.

Nichole Degroot, R.N. – Requesting Reduction in Drug Screens

MOTION: Cheryl Streeter moved, seconded by Jodi Johnson, to grant the request of Nichole Degroot, R.N. for a reduction in drug screens to 28 and one annual hair test. Motion carried unanimously.

Christine Hamilton, R.N. – Requesting Full Licensure

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

Stacey Medved, R.N. – Requesting Several Modifications

MOTION: Cheryl Streeter moved, seconded by Peter Kallio, to deny the request of Stacey Medved, R.N. for termination of treatment sessions, termination of AA/NA log, and a reduction in drug and alcohol tests. **Reason for Denial:** Respondent needs to provide a treater report and a recommendation from the current treatment provider dated after June 1, 2016 before the Board will consider amending requirements. Respondent needs to fully comply with the complete terms of the Board Order (02/12/2015). Motion carried unanimously.

Peter Meekma, L.P.N. – Requesting Reduction in Drug and Alcohol Screens

MOTION: Jodi Johnson moved, seconded by Cheryl Streeter, to grant the request of Peter Meekma, L.P.N. for a reduction in drug and alcohol screens to 36 per year. Motion carried unanimously.

Donna Wiegert, R.N. – Requesting Reduction in Drug Screens

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to grant the request of Donna Wiegert, R.N. for a reduction in drug screens to 25 per year and one annual hair test. Motion carried unanimously.

Laura Wood, R.N. – Requesting Full Licensure

MOTION: Cheryl Streeter moved, seconded by Jodi Johnson, to deny the request of Laura Wood, R.N. for full licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance under the terms of the Board Order (05/08/2014). Respondent may petition the Board after six months of full compliance with the Board Order. Motion carried unanimously.

PROPOSED FINAL DECISION(S) AND ORDER(S)

Amber S. Ochoa, R.N., Respondent (DHA case # SPS-16-0018)(DLSC case # 14 NUR 618) and Objections

MOTION: Peter Kallio 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 Amber S. Lichtwalt (f/k/a Ochoa), R.N., Respondent (DHA case # SPS-16-0018)(DLSC case # 14 NUR 618), with the following variances: 1) the Board finds that because the Respondent renewed her license during the pendency of this action, the appropriate discipline is to suspend the Respondent's license pending receipt of a Board-approved AODA assessment. Upon receipt of the assessment, the Board may determine whether to take action on the suspension, and may determine under what terms and conditions Respondent may practice professional nursing; and 2) the Board varies the authority relied upon for determining Costs. Respondent shall pay all recoverable costs in this matter in an amount to be established pursuant to Wis. Admin. Code § SPS 2.18. Motion carried. Recused: Jeffrey Miller

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to authorize Sheryl Krause to review and approve the Order with Variance in the matter of disciplinary proceedings against Amber S. Lichtwalt (f/k/a Ochoa), R.N., Respondent (DHA case # SPS-16-0018)(DLSC case # 14 NUR 618). Motion carried. Recused: Jeffrey Miller

(Jeffrey Miller recused himself and left the room for deliberation, and voting in the matter concerning Amber S. Ochoa, R.N., Respondent (DHA case # SPS-16-0018)(DLSC case # 14 NUR 618).)

ADJOURNMENT

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

The meeting adjourned at 12:32 p.m.