

**BOARD OF NURSING
MEETING MINUTES
March 8, 2018**

PRESENT: Jennifer Eklof (*arrived at 8:18 a.m.*), Sheryl Krause, Lillian Nolan, Luann Skarlupka, Elizabeth Smith-Houskamp (*arrived at 8:18 a.m.*), Cheryl Streeter (*via GoToMeeting*), Pamela White (*via GoToMeeting*)

EXCUSED: Peter Kallio, Paul Abegglen

STAFF: Dan Williams, Executive Director; Sharon Henes, Administrative Rules Coordinator; Laura Smith, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Sheryl Krause called the meeting to order at 8:00 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Amend Item N(2) to reflect that Attorney Amanda Florek will present cases 16 NUR 443 and 16 NUR 463, 16 NUR 609, 17 NUR 005, 17 NUR 072 and 17 NUR 098.*
- *Add under Education and Examination Matters that the school requesting authorization to admit is Herzing-Kenosha.*

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

APPROVAL OF MINUTES OF FEBRUARY 8, 2018

Amendments to the Minutes

- *On page 5 remove the duplicate notification about external communications.*

MOTION: Luann Skarlupka moved, seconded by Lillian Nolan, to approve the minutes of February 8, 2018 as amended. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Herzing Request for Authorization to Admit

MOTION: Luann Skarlupka moved, seconded by Lillian Nolan, to acknowledge and thank Michelle Metzger and Dr. Pat Edwards of Herzing-Kenosha for their appearance before the Board. Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Lillian Nolan, to grant the authorization to admit to the LPN program of Herzing-Kenosha. Motion carried unanimously.

Bryant & Stratton College Request for Final Approval of Licensed Practical Nursing Program

MOTION: Lillian Nolan moved, seconded by Jennifer Eklof, to acknowledge and thank Dr. Linda Krueger of Bryant & Stratton College for her appearance before the Board. Motion carried unanimously.

MOTION: Lillian Nolan moved, seconded by Jennifer Eklof, to schedule a site visit of the LPN program of Bryant & Stratton College as part of the final approval process. Motion carried unanimously.

2017 NCLEX Scores

MOTION: Luann Skarlupka moved, seconded by Elizabeth Smith-Houskamp, that UW-Milwaukee submit by April 27, 2018 an explanation or analysis of NCLEX pass rates and their plan to meet the NCLEX first time taker pass rate standard. Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Elizabeth Smith-Houskamp, that Marian University and Rasmussen-Green Bay submit by April 27, 2018 an explanation or analysis of NCLEX pass rates, including reasons the plan submitted to the Board last year for improvement was unsuccessful and their plan to meet the NCLEX first time taker pass rate standard. Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Elizabeth Smith-Houskamp, that Herzing College-Madison submit by April 27, 2018 an explanation or analysis of NCLEX pass rates, including reasons the plans submitted to the Board for 2015, 2016, and 2017 for improvement was unsuccessful and their plan to meet the NCLEX first time taker pass rate standard. This plan must be approved by the Board to retain authorization, and an appearance before the Board is requested at the May 10, 2018 meeting. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

N2 and N9 Relating to eNLC

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to authorize the Chair to approve the emergency rule draft revising N2 and N9 relating to eNLC for submission to the Governor's Office and for publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Jennifer Eklof 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.). The Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Jennifer Eklof-yes; Sheryl Krause-yes; Lillian Nolan-yes; Luann Skarlupka-yes; Elizabeth Smith-Houskamp-yes; Cheryl Streeter-yes; Pamela White-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 10:06 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jennifer Eklof moved, seconded by Luann Skarlupka, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:41 p.m.

(Elizabeth Smith-Houskamp left the meeting at 12:42 p.m. and re-joined at 12:45 p.m.)

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Administrative Warnings

17 NUR 164 – D.L.P.

MOTION: Elizabeth Smith-Houskamp moved, seconded by Jennifer Eklof, to issue an Administrative Warning in the matter of 17 NUR 164 (D.L.P.). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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

1. 16 NUR 284 (A.M.C.)
2. 17 NUR 434 (L.M.D.)
3. 16 NUR 443 and 16 NUR 463 (C.M.K.)
4. 16 NUR 609 (D.M.L.)
5. 17 NUR 005 (B.A.H.)
6. 17 NUR 072 (A.M.B.)
7. 17 NUR 098 (N.A.J.)

Motion carried unanimously.

DLSC Attorney Alicia Nall

Proposed Stipulation Final Decision and Order

17 NUR 413 – C.A.N.

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against C.A.N., DLSC case number 17 NUR 413. Motion carried unanimously.

Case Closures

MOTION: Elizabeth Smith-Houskamp moved, seconded by Luann Skarlupka, to close the DLSC cases for the reasons outlined below:

1. 16 NUR 657 – No Violation
2. 17 NUR 716 – No Violation
3. 17 NUR 649 – Prosecutorial Discretion (P2)
4. 17 NUR 119 – Prosecutorial Discretion (P7)
5. 16 NUR 638 – against S.M.C. and A.C.L. for No Violation
6. 16 NUR 470 – Insufficient Evidence
7. 17 NUR 327 – No Violation
8. 16 NUR 601 – against R.J.D. for Insufficient Evidence and against B.E.B. for No Violation
9. 17 NUR 301 – Insufficient Evidence
10. 17 NUR 266 – Prosecutorial Discretion (P2)
11. 17 NUR 515 – Insufficient Evidence
12. 17 NUR 554 – Insufficient Evidence
13. 17 NUR 248 – against K.U. for No Violation

Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Lillian Nolan, to close the DLSC case number 16 NUR 611, for Insufficient Evidence, and to refer the case to DHS to examine the agency's potential failure to maintain records. Motion carried unanimously.

Monitoring**Department Monitor Jesse Benisch*****Julie Lewis, R.N. – Requesting Reduction in Screens, Termination of AODA, Termination of Home Health and Assisted Living Settings, and Access to Controlled Substances***

MOTION: Cheryl Streeter moved, seconded by Luann Skarlupka, to grant the request of Julie Lewis for reduction in screens to 14 urine tests and 1 hair test per year while she is not working as a nurse; when she obtains employment as a nurse the screens will be increased to 36 urine tests per year and 0 hair tests. The Board defers to the treator to determine if AODA treatment is still required. The Board denies the request for the ability to work in home health and assisted living settings, and access to controlled substances. **Reason for Denial:** Insufficient time under the Board Order (10/19/16) to demonstrate adequate compliance. Motion carried unanimously.

Department Monitor Zoua Cha***Melissa Owens, R.N. – Requesting Reduction in Drug Screens to At Least One-Half and No More Than 1 Hair Test Annually, Reduction of Daily Check-Ins, Termination of C.21 and C.22 When Not Applying to Jobs Listed in C.23 and Hospital Setting***

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to grant the request of Melissa Owens for reduction in drug screens to 14 urine tests and 1 hair test annually; when she obtains employment under her license, the screens will increase to 36 urine tests and 0 hair tests per year. The Board denies the request for a reduction of daily check-ins and termination of C.21 and C.22 when not applying to jobs listed in C.23 and hospital setting. **Reason for Denial:** Insufficient time under the Board Order (10/8/2015) to demonstrate adequate compliance. Motion carried unanimously.

Department Monitor Erin Graf***Renee Bender, R.N. – Requesting Access to Controlled Substances***

MOTION: Lillian Nolan moved, seconded by Pamela White, to grant the request of Renee Bender for access to controlled substances. Motion carried unanimously.

Stephanie Green-Schlafer, R.N. – Review of AODA Assessment

MOTION: Lillian Nolan moved, seconded by Elizabeth Smith-Houskamp, to authorize Pamela White to work with the Department to impose additional limitations based on the results of the assessment and assessor's recommendations for Stephanie Green-Schlafer. Motion carried unanimously.

Annette Malcomson, R.N. – Requesting Full Licensure

MOTION: Pamela White moved, seconded by Elizabeth Smith-Houskamp, deny the request of Annette Malcomson for full licensure. Instead, the Board grants a reduction in screens to 14 urine tests and 1 hair test per year and termination of the requirement for direct supervision. **Reason for Denial:** Applicant needs to practice nursing under the current conditions of the modified Board Order (6/2/2011) before the Board will consider amending other requirements. Motion carried unanimously.

DELIBERATION ON ORDER FIXING COSTS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JENNIFER CIVITARESE, R.N., RESPONDENT, DHA CASE NO. SPS-17-0020/DLSC CASE NO. 16 NUR 265

MOTION: Luann Skarlupka moved, seconded by Elizabeth Smith-Houskamp, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Jennifer Civitarese, R.N., Respondent – DHA Case No. SPS-17-0020/DLSC Case No. 16 NUR 265. Motion carried unanimously.

DELIBERATION ON ORDER FIXING COSTS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JESSICA GOLLON, R.N., RESPONDENT, DHA CASE NO. SPS-17-0024/DLSC CASE NO. 16 NUR 590

MOTION: Luann Skarlupka moved, seconded by Jennifer Eklof, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Jessica Gollon, R.N., Respondent – DHA Case No. SPS-17-0024/DLSC Case No. 16 NUR 590. Motion carried unanimously.

ADJOURNMENT

MOTION: Jennifer Eklof moved, seconded by Luann Skarlupka, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:27 p.m.