

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**
239 Causeway Street, Room 417A
Boston, MA 02114

Minutes of the Regularly Scheduled Board Meeting
Wednesday, January 14, 2015

Board Members Present

S. Kelly, CNP, Chair
K. Gehly, CNP, Vice Chair
A. Alley, RN
M. Beal, CNM
P. Gales, RN
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, CNP

Board Members Not Present

E. Richard Rothmund, Public Member
C. Urena, LPN

Board Staff Present

R. Harb, RN, Executive Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
D. M. DeVaux, RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
K. Fishman, Probation Monitor
K. Keenan, Licensing Coordinator
V. Iyawe, RN, SARP Coordinator
S. Sherman, RN, MPRS & Probation Coordinator
C. Silveira, RN, Assistant Director
M. Strachan, JD, Board Counsel
L. Talarico, CNP, Nursing Practice Coordinator

Board Staff Not Present

T. Westgate, Program Coordinator

Guests

See attached list.

TOPIC:

Call to Order, Introductions & Determination of Quorum

DISCUSSION:

R. Harb welcomed the newest compliance officer Ms. S. Muise who unfortunately was unable to attend the January 2015 Board meeting.
A quorum of the Board was present.

ACTION:

At 9:00 a.m., S. Kelly, Chairperson, called the January 14, 2015 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by M. Beal, and unanimously passed to approve the agenda as presented.

TOPIC:

2013 Licensed Practical Nurse Workforce Survey Findings
Guest speaker: Angela Nannini, PhD, CNP

DISCUSSION:

Ms. Silveira distributed to Board members the 2013 Licensed Practical Nurse (LPN) Data Series Report published by the Department's Health Care Workforce Center and Dr. Nannini's slide presentation. Noting their support for the workforce survey initiative, she also introduced the following guests in the audience who were present for Dr. Nannini's presentation: Carolyn Blanks, MA Senior Care Foundation; Dale Earl, Department of Higher Education; Julia Dyke and Ta-wei Lin, DPH Health Care Workforce Center; and Pat Correia, Diana Dernoga and Georges Desmarais, DHPL Information Technology. Following the presentation, Members commented on the findings, particularly as they related to the diversity, education and employment characteristics of the LPN workforce.

ACTION:

Noted.

TOPIC:

Approval of Board Minutes for the December 10, 2014 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously passed to accept the Minutes of the December 10, 2014, Regularly Scheduled Board Meeting.

TOPIC:

Reports

- A. Executive Director's Report
- B. Staff Report

- 1. Deputy Executive Director
- 2. Policy and Research
- 3. Practice
- 4. Education

5. Complaint Resolution
6. SARP
7. Probation Monitor

DISCUSSION:

A. Executive Director's Report: Members reviewed R. Harb previously distributed report.

B. Staff Reports:

1. None.
2. Members reviewed Ms. Silveira's previously distributed report. Ms. Silveira noted that she had received e-mail notification on 1/13/15 informing her that the approval request to post the second Nursing Education Coordinator position vacancy was denied due to the Governor's hiring freeze which went into effective on 1/9/15; she is awaiting further information from the Human Resources Liaison. Ms. Silveira also highlighted the status of the administrative review of the Board's proposed amendments to 244 CMR 6.00 as well as the outcome of the Transition to Practice Study conducted by the National Council of State Boards of Nursing.
3. Members reviewed L. Talarico's previously distributed memo. Ms. Talarico noted that nurses top the Gallup Poll Social Series latest rating of the honesty and ethics of various professions. Nurses have topped this designation. Nurses have topped the list each year since they were first included in 1999, with the exception of 2001 when firefighters were included in response to their work during and after the 9/11 attacks. Since 2005, at least 80% of Americans have said nurses have high ethics and honesty. Also, based upon the work of one of the MA Action Coalition subgroups, it has issued the white paper *Employer Practices Survey Results*. The paper cites studies that demonstrate that higher proportions of baccalaureate-prepared nurses (BSN) are associated with lower rates of medication errors and mortality. In addition, Massachusetts Senior Care Association was awarded Healthcare Workforce Transformation Fund Grant to continue its *Care Transitions Education Project* work. Ms. Talarico also noted that The MA Department of Public Health (DPH) issued a circular letter regarding amendments to 105 CMR 130.000: *Hospital Licensure*, 105 CMR 140.000: *Licensure of Clinics* and 105 CMR 150.000: *Licensing of Long-Term Care Facilities* implementing the provisions of Section 103 of Chapter 224 of the Acts of 2012, which added M.G.L. c. 111, §227 related to end-of-life care. Ms. Talarico also reported that amendments to 105 CMR 700.000: *Implementation of M.G.L. c. 94C¹*, related to the use of the Prescription Monitoring Program (PMP), and 105 CMR 721.000: *Standards for Approved Prescription Forms in Massachusetts* were approved by the Public Health Council on November 12, 2014; one amendment includes a process to automatically enroll prescribing Advanced Practice Registered Nurses beginning in January, 2015.
4. Members reviewed K. Ashe's previously distributed memo. Members were provided an update on the NCSBN Education Consultant Call discussion and available resources on the NCSBN web site regarding substance abuse disorder in nursing, a reminder of an upcoming Board Staff conference call for nursing program and GMC, and a few highlights from the *MACC Report Explores the Complex Challenges of Nursing Faculty Capacity*.
5. None
6. None
7. Members reviewed K. Fishman's previously distributed Quarterly Report, which contains statistical information regarding Probation matters.

ACTION:

¹ <http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr700.pdf>

- A. Motion by C. Simonian, seconded by A. Peckham, and unanimously passed to accept the reports.
- B. So noted.

TOPIC:

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:

- A. Members reviewed L. Talarico's previously distributed memo. Ms. Talarico noted that NCSBN Annual APRN Certification Examination Report Data is included in the Board packet. The report demonstrates that APRN certification exams have changed to better align with The Consensus Model. Ms Talarico noted that of interest in this annual review, ANCC has pushed back the dates for retiring several exams. New test retirement dates are: 12/31/2016 for ANP, ACNP, Adult PMHNP, and GNP. The Adult CNS, Adult PMH CNS, Child/Adolescent PMH CNS, and Pediatric CNS will retire 10/31/2017. The Board's website and other materials have been updated to reflect these changes. There is no indication at this time that CNS educational programs will not meet The Consensus Model recommendation to ensure that CNS programs include the three discrete courses of advanced assessment, advanced pathophysiology and pharmacotherapeutics by the end of 2015. Should this trend continue, the Board would not have to consider extending its grandfathering clause for CNS authorization in 244 CMR 4.00. In addition, Ms. Talarico provided the Board with updated Ebola information. Ms. Talarico added that the CDC has found that the flu is in epidemic proportions nationally.
- B. Board members received minutes from the November, 2014 meeting and the December, 2014 report from the Coalition for the Prevention of Medical Errors in their Board packets.

ACTION:

- A. Accepted by consensus
- B. Accepted by consensus

TOPIC:

Pending Staff Assignment: **In the Matter of B. Mockler aka Thamm**, RN238608, SA-INV-6758. A. Fein, CRC presented her previously distributed Report of her evaluation of the Licensee's License Renewal Eligibility Request with CRC recommendations outlining the Licensee's out of state and Massachusetts nursing licensure discipline history and status, the Licensee's letter of explanation and remedial activities, her relevant employment and corresponding performance histories and statuses and information regarding any other adverse action taken against her in connection with the basis for which she was subject to out of state nursing license discipline, any corresponding mitigating and aggravating circumstances, and any remedial activities completed. Specifically, the CRC recommended that reliable information and documentation obtained in connection with the evaluation of the Licensee's license renewal eligibility substantiates that: (1) as of 2/25/14 the NH Board of Nursing reinstated the Licensee's NH RN license to active status with multi-state privileges without restrictions upon concluding that the Licensee had satisfactorily completed all requirements imposed by the NH Board Probation Order, which included the pivotal conditions that the MA Board would require in its standard probation agreements and orders to address such practice breakdown as was established by the NH Order; (2) the Licensee has been licensed an RN since 1987, has had no other nursing license discipline, no prior complaint history filed with the MA Board, and has not been subject to federal exclusion by OIG; (3) the Medicaid investigation of the Licensee determined that no billing fraud was committed by the Licensee based on her conduct that was the basis for the NH Probation Order; (4) The Licensee's NH RN license is current to 3/27/15 and her

current CORI is negative; (5) the Licensee acknowledges responsibility for her actions and demonstrates that she reliably understands the purposes for, and her obligations to complete, documentation of patient services in accordance with standards of nursing practice; (6) the Licensee has completed applicable remedial activities and reliably understands the scope of her practice breakdown and the corresponding risks to patient safety and health; and (7) since at least her NH license probation to current, she has consistently met accepted standards of nursing practice.

DISCUSSION:

A. Fein, CRC informed the Board that on 1/13/15, she had received reliable documentation from the NH Medicaid Fraud Control Unit (MFCU), Office of the Attorney General verifying that had the N.H. MFCU Investigation of the Licensee had been closed based on the determination that she had not engaged in any criminal or civil fraud against the Medicaid program.

ACTION:

Motion by P. Gales, seconded by B. Levin and voted unanimously to adopt the CRC's recommendations to APPROVE the Licensee's eligibility to apply for renewal of her Massachusetts RN license, change her Massachusetts license status to "expired" and CLOSE the staff assignment without further action.

TOPIC:

Education

- A. 244 CMR 6.06(2) Site Survey Waiver Request, Northeastern University Baccalaureate and Direct-Entry Masters Programs
- B. MassBay Community College AD-RN Program Fall 2014 Semester Update: Faculty Status

DISCUSSION:

- A. Members reviewed Ms. Ashe's previously distributed Compliance and Accreditation-related Report. Dr. Pamela Burke, Interim Dean and Associate Professor, (Program Administrator), Northeastern University, was present and available to respond to Board member questions. A correction to the report(p.2) should read, The Program's Administrator has provided a response that outlines corrective actions addressing the CCNE's identified compliance concern by reporting a college plan to increase full time faculty from 41- 45 (not 51 as previously distributed) effective Fall 2014.
- B. Ms. Silveira presented her previously distributed memo, noting that the Program administrator, Dr. Patti-Ann Collins, was present to respond to Board member questions. Ms. Silveira explained that on follow-up, Dr. Collins indicated that the weekly meetings she had instituted for full and adjunct didactic faculty would include review of evaluation tools to ensure consistency in grading. In response to Ms. Taylor's question, Dr. Collins stated that there is institutional support for the appointment of part-time faculty.

ACTION:

- A. Motion by P. Gales, seconded by K.Gehly, and unanimously voted to grant waiver of 244 CMR 6.06(1) (a) to the Baccalaureate Degree Nursing and Direct Entry Master's (Programs), Northeastern University, based on the findings and recommendations of the Commission on Collegiate Nursing Education and the Program's Annual Reports to the Board.
- B. Motion by K. Gehly, seconded by M. Beale, and unanimously passed to accept the MassBay Community College AD-RN Program faculty status update for the fall 2014 semester.

TOPIC:
Probation

TOPIC:

- A. Kelly L. Longo, LN65871, NUR-2013-0009: S. Sherman reviewed his previously distributed memo in which he discussed the Licensee's request that her "Non-Disciplinary Agreement" license status be terminated and returned to "Current" status. The Licensee had no new complaints against her license, following her computer based error in administration of drugs which contributed to the death of a patient. While employed at Beth Israel Deaconess Medical Center (BIDMC) the Licensee's Supervision Reports reflected beyond satisfactory work while working in the Affiliated Physician's Group, and then transferred into the OB/GYN unit, where she earned scores suggesting she could improve in her field. Following the Licensee's work at BIDMC she changed jobs to Life Care Center of Merrimack Valley (LCCMV), which was done by mutual agreement of the Licensee and BIDMC due to preferential scheduling. In her final quarterly evaluation seen by the board the Licensee was rated as exceeding in all categories of measurement. It was recommended that the Licensee's Stayed Probation be terminated because of her meeting of the requirements set by the board. M. Strachan chose to clarify her voluntary leaving of BIDMC prior to the vote of the Board.
- B. Maria Parena, RN 181787, NUR-2012-0042: K. Fishman reviewed her previously distributed memo in which she discussed the Licensee's request to the Board to consider the Licensee's non-compliance with the terms and conditions of the Non-Disciplinary Consent Agreement for Stayed Probation (Agreement) she entered into with the Board. The basis for the underlying complaint was that the Licensee did not receive clarification on two ambiguous morphine infusion orders and administered the dosage in great excess, while also failing to document the time and amount administered. Since entering into the Agreement the Licensee made a medication error when she cut an unscored tablet in half and administered this to a patient, failing to follow her supervisor's directive regarding the medication administration. Her first Quarterly Supervision Report from the employer at the hospital where the second incident occurred (Lexington Health Care Center) was very positive, but following the second medication error the Licensee was terminated. There was no patient harm as a result of her error and the Licensee has otherwise complied with the terms and conditions set by the Board. After termination from Lexington Health Care, the Licensee began work at the offices of Dr. Mario Batillo and has since voluntarily left. She is now employed at Sancta Maria Nursing Facility. Feedback from Sancta Maria is that the Licensee is working at a high skill level and that this is allowing her to work in several departments throughout the facility. K. Fishman recommended a six (6) month extension of the stayed probation for the error made at Lexington Health Care. She additionally recommended that should the Licensee have any further medication errors, then the Stay should be Lifted and the License status would go onto Probation.

DISCUSSION:

- A. None.
- B. A. Fein brought up that the Licensee seemed to disregard her supervisor's instruction regarding the medication errors, and added that excluding the Licensee's time with Lexington Health Care, she had only been practicing for six months while subject to Stayed Probation. R. Harb explained that the Licensee may work where she likes when the idea of restricting the Licensee to stay at one practice was proposed. P. Gales added that she would like to see some application of medication administration documented. M. Beal addressed her concern about allowing the Licensee the ability to practice nursing, after she seemingly tried to cover up her medication administration errors with documenting false information. M. Strachan agreed with her concerns. The motion was revisited and it was determined that the Board would like to see the Licensee continue working with medication administration for an additional six (6) months (two more quarterly reports).

ACTION:

A. Motion by B. Levin, seconded by M. Beal and unanimously voted to terminate the Stayed Probation and return the license to current status.

B. Motion by S. Taylor, seconded by B. Levin, opposed by M. Beal, for a six (6) month extension of the stayed probation period with a requirement that the licensee's supervision include the administration of medications . If Licensee has any further medication errors, then the Stay will be Lifted and the license status would go to Probation.

TOPIC:

Flex Session

A. Announcements

B. Topics for Next Agenda

DISCUSSION:

A. None,

B. None.

ACTION:

None.

Recess 10:15 a.m. – 10:30 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by M. Beal, seconded by J. Killion, and unanimously passed by roll call vote to go into Executive Session at 10:30 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:30 a.m. to 11:25 a.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by S. Taylor, and unanimously passed by roll call vote to go into Adjudicatory Session at 11:25 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 11:25 a.m. to 11:29 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by P. Gales, seconded by J. Killion, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 11:29 p.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 11:29 a.m. to 12:40 p.m.

TOPIC:

Adjournment

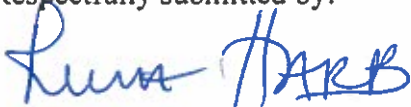
DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by K. Gehly, and unanimously passed to adjourn the meeting at 12:40 p.m.

Respectfully submitted by:



Rula Harb, MS, RN, Executive Director
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSINGJanuary 14, 2015239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

PRELIMINARY AGENDA AS OF 1/8/2015 11:30 AM

Estimated Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER, INTRODUCTIONS & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the December 10, 2014 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS A. Executive Director's Report B. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Probation Monitor	Report None Report Report Report None Report Quarterly Report	RH -- CS LT KA - VI/DM KF
	V.	CONSENSUS AGENDA A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update	Memo Nov minutes and Dec Report	LT LT
	VI.	COMPLAINT RESOLUTION A. Resolution of Pending Board Staff Assignments 1. B. Mockler aka Thamm, RN238608, SA-INV-6758	Investigation Report	ASF
	VII.	2013 LPN WORKFORCE SURVEY FINDINGS Guest speaker: Angela Naninni, PhD, CNP	Survey Instrument	CS
9:30 a.m.	VIII.	EDUCATION A. 244CMR 6.06(2) Site Survey Weaver Requests Northeastern University Baccalaureate and Direct- Entry Masters Programs B. MassBay Community College AD-RN Program Fall 2014 Semester Update: Faculty Status	Compliance Report Memo	KA CS

Estimated Time	#	C. Item	Exhibits	Presented by
	IX.	PROBATION A. K. Longo, LN 65871, NUR-2013-0009 B. M. Parena, RN181787, NUR-2012-0042	Compliance Report Memo	SS KF
	X.	FLEX SESSION A. Announcements B. Topics for Next Agenda		
10:00 a.m.	XI.	EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. 1. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. 2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status and probation status changes. 3. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the December 10, 2014 meeting.	CLOSED SESSION	
12:00 p.m.		LUNCH		
	XII.	ADJUDICATORY SESSION (M.G.L. c. 30A, § 18)	CLOSED SESSION	
	XIII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
2:00 p.m.	XIV.	ADJOURNMENT		