

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, October 9, 2019

Board Members Present

L. Keough, CNP, Vice Chairperson
A. Alley, RN
K.A. Barnes, JD, RPh
K. Crowley, DNP
D. Drew, MBA, Public Member
G. Gravlin, EdD
J. Kaneb, MBA, Public Member
M. Keohane, RN
D. Nikitas, RN
E. Pusey-Reid, DNP
L. Wu, RN

Board Members Not Present

B. Levin, RN, Chairperson
G. Cutillo, LPN
L. Kelly, CNP
C. LaBelle, RN

Staff Present

L. Silva, RN, DNP, Executive Director
O. Atueyi, JD, Board Counsel
B. Oldmixon, JD, Board Counsel
H. Cambra, RN, JD, Interim SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
M. Gilmore, APRN, MSN, SARP Coordinator
A. MacDonald, RN, DNP, Nursing Education
Coordinator
L. Hillson, RN, MSN, PhD, Assistant Director for
Policy and Research
L. Nelson, BHPL Director of Policy and Regulatory
Affairs
M. Matthews, RN, Compliance Officer
S. Muise, RN, Compliance Officer
A. Pettigrew, RN, Compliance Officer
L. Woodward, RN, Compliance Officer
S. Gaun, Office Support Specialist I
K. Jones, Probation Compliance Officer
L. Ferguson, Paralegal
G. Rivera, Office Support Specialist I

Staff Not Present

C. MacDonald, RN, DNP, Deputy
Executive Director
L. Talarico, RN/CNP, Nursing Practice
Coordinator
M. Campbell, RN, JD, Nursing
Investigations Supervisor
H. Caines Robson, RN, MSN, Nursing
Education Coordinator
S. Hall, SARP Monitoring Coordinator
C. Andfield, Office Support Specialist I

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

L. Keough confirmed by roll call that a quorum of the Board members was present and announced that the meeting was being recorded.

ACTION:

At 9:01 a.m., L. Keough, CNP, Vice Chairperson, called the October 9, 2019 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda as of October 3, 2019

DISCUSSION:

L. Keough stated there will be a PowerPoint Presentation on ePrescribing that L. Nelson will make in the Regular Session and the presentation is Agenda Item X.A.1. Strategic Development, Planning and Evaluation, ePrescribing Regulations 105 CMR 721.000.

ACTION:

Motion by L. Keough, seconded by K. Crowley, and voted unanimously to approve the Agenda as of October 3, 2019 as presented.

TOPIC:

Approval of Board Minutes for the September 11, 2019 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by A. Alley, and voted, with D. Drew, L. Keough and L. Wu in abstention, and all other members present in favor, to accept the Minutes of the September 11, 2019 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

A. Announcements

1. Staff Updates

DISCUSSION:

A. 1. L. Silva stated there are no staff updates. L. Silva reminded the Board members about signing up for the Complaint Committee Meetings. A. Fein stated the Board staff will send the 2020 Complaint Committee Meeting dates to the Board members via e-mail and she asked the Board members to sign up for at least 2 meetings during each half of the year and to inform the Board staff as to what their schedule allows.

ACTION:

A. 1. So noted.

TOPIC: SARP

Activity Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Probation
Staff Action Report

DISCUSSION:

K. Jones was available for questions.

ACTION:

So noted.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education
Nursing Education Staff Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education
244 CMR 6.04 (1)(c) & (1)(f) Administrative Changes, Program Administrator, Massachusetts College of Pharmacy and Health Sciences (MCPHS) University

DISCUSSION:

RECUSAL: K.A. Barnes recused herself from the matter and left the room during the deliberation and vote. A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. A. Gauntlett, Campus Dean, School of Nursing, Boston Campus, was present. Several Board members discussed their concerns that A. Gauntlett worked as the Nursing Program Director at Intercoast Career Institute which had clinical sites in Massachusetts that were not approved by the Board.

A. Gauntlett stated the clinical sites in Massachusetts were set up before she started working at Intercoast Career Institute, she worked at the clinical sites, she was not aware that the clinical sites were not approved by the Board, and she worked as a Clinical Instructor.

ACTION:

Motion by L. Keough, seconded by G. Gravlin, and voted, with K. Crowley, D. Drew and E. Pusey-Reid in opposition, and all other members present in favor, to find that A. Gauntlett (Program Administrator) for Massachusetts College of Pharmacy and Health Sciences University Baccalaureate Nursing Program (Program), Boston Campus is compliant with regulations 244 CMR 6.04 (1)(c), (1)(f) and (2)(a)(3) finding that A. Gauntlett has a minimum of three (3) years full-time nursing education experience, or its equivalent, within the last eight (8) years.

TOPIC: Education

244 CMR 6.05 Intercoast Career Institute -- Out of State Approval of Clinical Rotations

DISCUSSION:

A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. K. Michaud, Vice President of Compliance and Academics, was present. A. MacDonald stated the Intercoast Career Institute is no longer a Board-approved program in Maine. A. MacDonald stated Intercoast Career Institute submitted documentation demonstrating that the Program has met all criteria as required and several clinical rotations were approved retroactively in Massachusetts, however, one of the submitted requests listed a faculty member without a current Massachusetts Registered Nurse license in good standing as required by 244 CMR 6.04(2)(b) during the time she taught the clinical in Massachusetts.

Several Board members and staff discussed the program that was closed in Maine and the three (3) Consent Agreements the program had in Maine. A. MacDonald stated she is requesting for the Board to approve the clinical rotation even though it does not meet all of the requirements so the students can take the NCLEX for Massachusetts, and without Board approval, they cannot do so. L. Silva stated for the record, the Board has no knowledge of the program in Maine.

K. Michaud stated the three (3) Consent Agreements were regarding a new regulation the Board of Nursing in Maine put in place for nursing programmatic accreditation, the students were approved as candidates, the school decided in December 2015 to teach-out the rest of the students, the Board of Nursing in Maine did not close the program, the school decided to exit the program because of the timeframe of the nursing programmatic accreditation due to a lot of changes at ACEN, the program ended in March 2016 voluntarily by the school. K. Michaud stated the current students are Massachusetts residents, so they would have to test in Massachusetts.

ACTION:

Motion by K.A. Barnes, seconded by A. Alley, and voted, with D. Drew in abstention, and all other members present in favor, to allow the students who were affected by this particular clinical to be approved for licensure in Massachusetts.

TOPIC: Education

2019 Q3 NCLEX Statistics

1. Explanation of NCLEX Data Reports
2. 2019 Q3 MA Graduates Regardless of State of Licensure

October 9, 2019 Regular Session Board Meeting Minutes
(to be Approved 11/13/2019)

3. 2019 Q3 MA Licensure Candidates Regardless of State of Education

DISCUSSION:

A. MacDonald distributed the exhibits to the Board members at the Board Meeting. A. MacDonald was available for questions. A. MacDonald explained what the special codes are. There was no discussion.

ACTION:

So noted.

TOPIC: Requests for License Reinstatement

Request for Clarification, S. Fonseca, NUR-2009-0212, RN177670

DISCUSSION:

B. Oldmixon summarized L. Ferguson's previously distributed memorandum and attached exhibits to the Board. The Licensee was not present. Several Board members and staff discussed the refresher courses that were available and virtual components of clinical practice. B. Oldmixon asked the Board members if they would like the Licensee to complete one (1) of the two (2) courses which L. Ferguson stated in her memorandum and which were previously approved by the Board members, or if the Board members had something less in mind, or if the Board members would allow the Licensee to be reinstated without taking any courses and allow the Licensee to practice. B. Oldmixon stated Board staff needs guidance from the Board in order to direct the Licensee.

ACTION:

Motion by L. Keough, seconded by L. Wu, and voted unanimously to allow the Licensee to take either of the two (2) refresher courses recommended by Board staff and give the Licensee nine (9) months to enter into the superceding POST-SUSPENSION CONSENT AGREEMENT FOR PROBATION for no less than one (1) year.

TOPIC: Strategic Development, Planning and Evaluation

A. Presentation/Report

1. ePrescribing Regulations 105 CMR 721.000
2. Massachusetts Coalition for the Prevention of Medical Errors:
 - a. July 11, 2019 Coalition Meeting Minutes
 - b. September 2019 Coalition Report

B. Topics for Next Agenda

DISCUSSION:

- A. 1. L. Nelson summarized the exhibits that were distributed to the Board members at the meeting and made the PowerPoint presentation. L. Nelson stated the following: (a) the 2018 CARE Act's ePrescribing mandate will become effective on January 1, 2020 with a one-year grace period, (b) the Controlled Substances Schedules I through VI, (c) as of January 1, 2021, all prescriptions for controlled substances and medical devices must be issued on Federally compliant ePrescribing systems, unless they meet certain exceptions which she explained, (d) the Schedule VI prescriptions do not have to be issued on the Federally compliant ePrescribing systems, and (e) a time-limited waiver may be issued to a health care facility or a prescriber of one or more of the requirements imposed through the regulation. Several Board members and staff discussed the EMR process, the no additional verification of exception or waiver, and the time-limited waiver.

- A. 2. a. and b. A. Fein was available for questions.

B. None.

ACTION:

- A. 1. So noted.
- A. 2. a. and b. None.
- B. So noted.

Break from 10:16 a.m. to 10:25 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by K. Crowley, and voted by roll call to convene the Executive Session at 10:25 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:25 a.m. to 1:40 p.m.

Break from 1:40 p.m. to 1:45 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by K.A. Barnes, and voted unanimously to convene the Adjudicatory Session at 1:45 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 1:45 p.m. to 2:00 p.m

TOPIC:

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

DISCUSSION:

None.

ACTION:

October 9, 2019 Regular Session Board Meeting Minutes
(to be Approved 11/13/2019)

Motion by L. Keough, seconded by K.A. Barnes, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 2:00 p.m.

G.L. c. 112, s. 65C Session 2:00 p.m. to 3:50 p.m.

TOPIC:

Adjournment

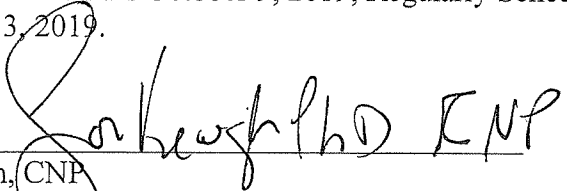
DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by K.A. Barnes, and voted unanimously to adjourn the meeting at 3:50 p.m.

Minutes of the Board's October 9, 2019, Regularly Scheduled Meeting were approved by the Board on November 13, 2019.



Lori Keough, CNP
Vice Chairperson
Board of Registration in Nursing

Agenda with exhibits list attached.

**COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing**

Notice of the Regularly Scheduled Meeting

Regular Session

239 Causeway Street
Room 417
Boston, Massachusetts 02114

Wednesday, October 9, 2019

PRELIMINARY AGENDA AS OF 10/3/19 10:15am

Estimated Time	Item #	Item	Exhibit	Presented by
9:00 a.m.	I.	CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF MINUTES A. Draft Minutes for the September 11, 2019 Meeting of the <i>Board of Registration in Nursing, Regular Session</i>	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Announcements 1. Staff Updates	Oral/Memo	LS
	V.	SARP A. SARP Activity Report – NONE	None	
	VI.	PROBATION A. Probation Staff Action Report	Report	KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report -- NONE	None	

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

VIII.	<p>EDUCATION</p> <p>A. Nursing Education Staff Report: NONE</p> <p>B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes Program Administrator, Massachusetts College of Pharmacy and Health Sciences (MCPHS) University</p> <p>C. 244 CMR 6.05</p> <p style="padding-left: 20px;">1. Intercoast Career Institute – Out of State Approval of Clinical Rotations</p> <p>D. 2019 Q3 NCLEX Statistics</p> <p style="padding-left: 20px;">1. Explanation of NCLEX Data Reports</p> <p style="padding-left: 20px;">2. 2019 Q3 MA Graduates Regardless of State of Licensure</p> <p style="padding-left: 20px;">3. 2019 Q3 MA Licensure Candidates Regardless of State of Education</p>	<p style="text-align: center;">None Memo</p> <p style="text-align: center;">Memo</p> <p style="text-align: center;">Memo Report</p> <p style="text-align: center;">Report</p>	<p style="text-align: center;">HCR</p> <p style="text-align: center;">AM</p> <p style="text-align: center;">AM AM</p> <p style="text-align: center;">AM</p>
IX.	<p>REQUESTS FOR LICENSE REINSTATEMENT</p> <p>A. Request for Clarification</p> <p style="padding-left: 20px;">1. S. Fonseca, NUR-2009-0212, RN177670</p>	<p style="text-align: center;">Memo</p>	<p style="text-align: center;">LF</p>
X.	<p>STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION</p> <p>A. Presentation/Report</p> <p style="padding-left: 20px;">1. ePrescribing Regulations 105 CMR 721.000</p> <p style="padding-left: 20px;">2. Massachusetts Coalition for the Prevention of Medical Errors:</p> <p style="padding-left: 40px;">a. July 11, 2019 Coalition Meeting Minutes</p> <p style="padding-left: 40px;">b. September 2019 Coalition Report</p> <p>B. Topics for Next Agenda</p>	<p style="text-align: center;">Presentation</p> <p style="text-align: center;">Minutes Report</p>	<p style="text-align: center;">LN</p> <p style="text-align: center;">ASF</p>

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

	XI.	<p>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.</p> <ol style="list-style-type: none"> 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 change. 3. Specifically, the Board will discuss and evaluate a request by a licensee for a waiver of licensure renewal requirements due to ongoing medical issues. 4. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. 5. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the September 11, 2019 meeting. 	CLOSED SESSION	
<>		LUNCH BREAK		
	XII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XIII.	M.G.L. c. 30A, § 18 ADJUDICATORY SESSION	CLOSED SESSION	
5:00 p.m.	XIV.	ADJOURNMENT		

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Yulanda Kiner, Phone: 617-624-5848 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.