

**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 19, 2016**

Board Members Present

B. Levin RN, Vice Chair
J. Killion, LPN
C. LaBelle, RN
A. Peckham, RN
C. Simonian, PharmD, RPh
P. Gales, RN
J. Fantes, MD
L. Keough, CNP (Left at 1:28 PM)
G. Dufault, LN
D. Zucker, RN
D. Drew, Public Member

Board Members Not Present

K. Gehly, CNP, Chair
S. Abbott, Public Member

Staff Present

L. Silva, RN, DNP, Executive Director
C. MacDonald, RN, DNP, Deputy Executive Director
C. Silveira, MS, RN, Assistant 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
V. Iyawe, RN, SARP Coordinator
K. Keenan, Licensing Coordinator
C. Pascarella, JD, Probation Staff
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator
B. Oldmixon, Board Counsel
K. Fishman, Probation Monitor

Staff Not Present

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

10/19/2016 Regular Minutes
(to be Approved 11/09/2016)

At 9:01 a.m., B. Levin, Vice Chairperson, called the October 19, 2016 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

B. Levin stated that the Licensure Policy 10-01: License Renewal of Expired License with Report of Out of State Discipline and SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP would be deferred. K. Ashe stated that the 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report for Elms College, School of Nursing, Baccalaureate Degree RN Program would be deferred. D. Drew and C. Simonian stated they would have to recuse themselves from the 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report for MCPHS Baccalaureate Degree RN Program-(Boston). Board and staff introduced themselves. B. Levin stated that the meeting was being recorded.

ACTION:

Motion by J. Killion, seconded by D. Drew, and unanimously passed to approve the agenda as revised.

TOPIC:

Approval of Board Minutes for the September 14, 2016 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

G. Dufault stated that there was a correction on the Executive director report.

ACTION:

Motion by J. Killion, seconded by D. Drew, and unanimously passed to accept the revised minutes of the September 14, 2016, Regularly Scheduled Board Meeting.

TOPIC:

Reports, Announcements and Administrative Matters

A. Executive Director's Report

B. Announcements

DISCUSSION:

A. L. Silva stated that she had nothing to report.

ACTION:

So noted.

TOPIC: Probation

Request for Termination of Probation in the matter of Reilly, M, LN60414, NUR-2010-0013

DISCUSSION:

C. Pacarella briefed the case to the Board and K. Fishman completed the presentation and answered questions. The licensee had negative evaluations at one of her employers. The licensee stated that the

employer had treated her unfairly. C. Pascarella recommended to the Board to consider all the facts and stated the Board would have to decide if the licensee had completed a year of work. A. Fein asked about the licensee's performance improvement plan at her current employer. K. Fishman stated the licensee's issues at her current employer are related to time management. L. Silva asked if the licensee had an ongoing performance review and K. Fishman confirmed and stated the licensee had disagreements with the management over her workload. V. Berg asked about the licensee's issues dealing with CNAs and if that was indicative of an ongoing issue related to the original complaint. A. Peckham asked about the licensee's case load and the length of her probation. P. Gales made a motion to deny the request to terminate the probation and extend it for one year. P. Gales asked how long the licensee would be on her performance improvement plan. C. Pascarella stated the licensee had been on probation for seventeen months. A. Peckham asked if the licensee had any successful quarters. G. Dufault stated that she had two successful quarters. K. Fishman went over the licensee's employment history. P. Gales stated that the Board would like to see four quarterly reports.

The licensee spoke to the Board about her history in the medical field and requested that her probation be terminated. The licensee detailed the issues she had had with her former employer. B. Levin asked the licensee to speak about her current situation. The licensee explained her current work situation to the Board and discussed some of the issues she faced. B. Levin asked the licensee about her time management issues and passed along the Board's concerns regarding improvement. L. Silva asked the licensee what her manager would think of her current performance and the licensee stated it would be much improved. J. Killion informed the licensee about the Board's decision. G. Dufault asked the licensee about her previous employment and the staff conflicts. L. Keough explained to the licensee the Board's decision and how the licensee could have her probation terminated. D. Drew provided recommendations on working with management to successfully manage other staff members.

ACTION:

Motion by P. Gales, seconded by C. LaBelle, and unanimously passed to deny the request and extend the probation for one year.

TOPIC:

Practice

- A. Staff Report

DISCUSSION:

- A. Members reviewed Ms. Talarico's previously distributed memo without discussion.

ACTION:

- A. No action required

TOPIC:

Education

- A. Education Coordinator Staff Report
- B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Change: Diman Regional Practical Nursing Program (Program Administrator)
- C. 244 CMR 6.10 Name Change of Nursing Education Program: Regis College
- D. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report
 - 1. Elms College, School of Nursing, Baccalaureate Degree RN Program
 - 2. MCPHS Baccalaureate Degree RN Program-(Boston)
- E. 244 CMR (2) Site Survey Waiver Request Roxbury Community College Associate Degree RN Program

10/19/2016 Regular Minutes
(to be Approved 11/09/2016)

DISCUSSION:

- A. K. Ashe briefed her staff report to the Board. D. Drew asked if the accreditation program had reviewed any schools in MA and K. Ashe stated that it had.
- B. K. Ashe briefed the administrative change to the Board.
- C. K. Ashe briefed the name change for Regis College to the Board.
- D. RECUSAL: D. Drew and C. Simonian recused themselves from this matter and left the room during the deliberation and vote. K. Ashe briefed the NCLEX Evaluation report for MCPHS and introduced staff from MCPHS. K. Ashe went over the issues written in the report to the Board. K. Ashe recommended the Board deny the NCLEX report and conduct a survey. B. Levin asked if the numbers were representative of all their campuses. K. Ashe stated that they did not. P. Gales asked the dean if the school was prepared for a site visit within thirty days. The dean stated that many of the initiatives had just started and explained some of the issues that the school faced regarding curriculum.
- E. K. Ashe briefed the survey site waiver request from Roxbury College to the Board. K. Ashe asked the Board to defer the request until a site visit has been conducted.

ACTION:

Motion by P. Gales, seconded by D. Drew, and unanimously passed to accept the Administrative Change: Diman Regional Practical Nursing Program (Program Administrator).

Motion by D. Zucker, seconded by D. Drew, and unanimously passed to accept Name Change of Nursing Education Program: Regis College.

Motion by A. Peckham, seconded by G. Dufault, and unanimously passed to accept the recommendation.

Motion by P. Gales, seconded by D. Drew, and unanimously passed to accept the report.

TOPIC:

SARP

Monthly Activity

DISCUSSION:

V. Iwaye was available for questions. D. Drew asked why there was one licensee who was not accepted into the program. V. Iwaye briefed several reasons why a licensee would not be accepted into the program.

ACTION:

So noted.

TOPIC:

Strategic Development, Planning and Evaluation

A. Systematic Policy Evaluation:

1. Licensure Policy 10-01: License Renewal of Expired License with Report of Out of State Discipline

2. Licensure Policy 16-03: Reinstatement Eligibility Criteria for Nurses Undergoing Opioid Substitution Therapy

3. SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP

B. Conflict of Interest Law

C. Regulation Review: 244 CMR 5.00, 8.00 and 9.00

D. October 4, 2016, Public Hearing, Preliminary Update

E. Topics for Next Agenda

DISCUSSION:

A. 2. B. Oldmixon brought forward the policy from last month with the changes requested by the Board and stated there was one additional change to the probation section. C. Simonian stated that when medication is named generally it should be in the lower case. D. Drew asked if the medications listed would be used for anything other than substance use therapy. V. Berg and C. LaBelle made changes to the specific drug names.

B. V. Berg briefed the Board members on the Conflict of Interest Law, walked them through the presentation, and answered questions. V. Berg covered the Board member's employee status, gift policy, and when members must recuse themselves. V. Berg also informed the Board about the State Ethics Commission and how they could use those services and informed the Board about blanket disclosures.

C. V. Berg went over the regulation review for 244 CMR 5.00, 8.00 and 9.00 with the Board. D. Drew stated that the Board would need to add in gender identity and expression under the discrimination section. V. Berg went over the changes made to strength the licensure process in regards to verifying education and licensure. L. Silva stated that the policy shouldn't name a specific agency to verify education but rather have broader language in the policy. D. Drew asked how CGFNS was approved and C. Silveira stated that it was done before 1988. L. Silva stated that the majority of Nursing Boards used CGFNS. P. Gales asked if there were any other options for foreign nurses and C. Silveira stated that there was not currently for Massachusetts. D. Drew asked if the Board knew if other states had criteria on accepting certifying agencies and C. Silveira stated that was unknown at this time. V. Berg stated that what was being decided today was to accept the edits and to have the regulations being sent to public hearing and they were not final yet. P. Gales stated that there were eight states that do not require CGFNS evaluations. A. Fein asked about the regulation no longer requiring an address change in writing. V. Berg stated that the Board was moving towards online systems.

D. V. Berg updated the Board on the public hearing on October 4th and stated that a summary would be provided to the Board at the November Board meeting. V. Berg stated the majority comments were directed towards the delegation of medication administration to unlicensed personnel. L. Silva asked if a brief Board education on the changes would be something the Board would be interested in.

B. Levin stated that the licensee from probation had arrived and wished to speak to the Board. (Further comments will be under probation for this matter.)

ACTION:

Motion by J. Killion, seconded by D. Zucker, and unanimously passed to accept the report with the changes.

Motion by C. Simonian, seconded by J. Killion, and unanimously passed to accept the changes for CMR 5.00.

Motion by P. Gales, seconded by C. Simonian, and unanimously passed to accept the changes for CMR 8.00.

Motion by D. Drew, seconded by P. Gales, and unanimously passed to research appropriate verification procedures.

Motion by D. Drew, seconded by J. Killion, and unanimously passed to accept the changes for CMR 9.00.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by D. Drew, and unanimously passed by roll call vote to go into Executive Session at 11:30 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 11:30 a.m. to 12:42 p.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by L. Keough, seconded by A. Peckham, and unanimously passed by roll call vote to go into 65C Session at 12:42 p.m. to discuss decisions in pending 65C matters.

G.L. c. 112, s. 65C Session 12:42 p.m. to 1:55 p.m.

TOPIC:

Adjudicatory

DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by A. Peckham, and unanimously passed by roll call vote to go into Adjudicatory Session at 2:02 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 2:02 p.m. to 2:06 p.m.

TOPIC:

Adjournment

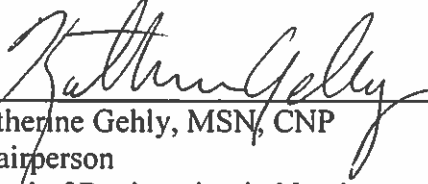
DISCUSSION:

None

ACTION:

Motion by D. Zucker, seconded by D. Drew, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 2:06 p.m.

Minutes of the Board's October 19, 2016, Regularly Scheduled Meeting were approved by the Board on November 9, 2016.



Katherine Gehly, MSN, CNP
Chairperson
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 NURSING**

October 19, 2016

239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

PRELIMINARY AGENDA AS OF 

Estimated Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the September 14, 2016 meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Executive Director's Report B. Announcements	Oral	LS
	V.	COMPLAINT RESOLUTION A. Complaint Resolution Coordinator Staff Report: None B. Resolution of Pending Board Complaints: None C. Resolution of Pending Board Staff Assignments: None		
	VI.	PROBATION A. Probation Staff Report B. Request for Termination of Probation 1. Reilly, M , LN60414, NUR-2010-0013	Report Memo	KF KF/CP
	VII.	PRACTICE A. Practice Coordinator Staff Report	Memo	LT

	VIII.	EDUCATION A. Education Coordinator Staff Report B. 244 CMR 6.04(1)(c)&(1)(f) Administrative Change: Diman Regional Practical Nursing Program (Program Administrator) C. 244 CMR 6.10 Name Change of Nursing Education Program. Regis College D. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report 1. Elms College, School of Nursing, Baccalaureate Degree RN Program 2. MCPHS Baccalaureate Degree RN Program-(Boston) E. 244 CMR (2) Site Survey Waiver Request Roxbury Community College Associate Degree RN Program	Memo Report Report Compliance Reports Compliance Report	KA KA KA KA KA
	IX.	SARP A. SARP Monthly Activity	Report	DMD/VI
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Systematic Policy Evaluation: 1. Licensure Policy 10-01: License Renewal of Expired License with Report of Out of State Discipline 2. Licensure Policy 16-03: Reinstatement Eligibility Criteria for Nurses Undergoing Opioid Substitution Therapy 3. SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP B. Conflict of Interest Law C. Regulation Review: 244 CMR 5.00, 8.00 and 9.00 D. October 4, 2016, Public Hearing, Preliminary Update E. Topics for Next Agenda	Memo Memo Memo Oral Memo Oral	BAO BAO VI VPB VPB VPB
<>		LUNCH		

	<p>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.</p> <ol style="list-style-type: none"> 1. 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. 2. Specifically, the Board will discuss and evaluate a request by a licensee for a waiver of licensure renewal requirements due to ongoing medical issues. 3. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. 4. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the September 14, 2016 meeting. 	CLOSED SESSION	
	XII. M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XIII. ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)	CLOSED SESSION	
5:00 p.m.	XIV. ADJOURNMENT		