

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

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, November 9, 2016**

Board Members Present

K. Gehly, CNP, Chair
B. Levin RN, Vice Chair
J. Killion, LPN
C. LaBelle, RN
C. Simonian, PharmD, RPh
P. Gales, RN
J. Fantes, MD
D. Zucker, RN
D. Drew, Public Member

Board Members Not Present

G. Dufault, LPN
S. Abbott, Public Member
L. Keough, CNP
A. Peckham, RN

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

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:01 a.m., K. Gehly, Chairperson, called the November 9, 2016 Regularly Scheduled Board Meeting to order.

TOPIC:

III A 9 Nov 16 Regular Minutes
(to be Approved 12/14/2016)

Approval of Agenda

DISCUSSION:

K. Gehly stated that SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP and Presentation, Proposed Regulation Changes were deferred and the item Recommendations re: standard terms for monitored practice would be heard before the Probation section.

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to approve the agenda as presented/as revised.

TOPIC:

Approval of Board Minutes for the October 19, 2016 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

V. Berg stated that the word edits should be used instead of comments on page 5.

ACTION:

Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the Minutes of the October 19, 2016, Regularly Scheduled Board Meeting as amended.

TOPIC:

Reports, Announcements and Administrative Matters

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

DISCUSSION:

A. L. Silva briefed the Board on the Complaint Committee schedule, introduced the new Education Coordinator, Angela Macdonald, and stated a presentation would be done next month.

ACTION:

So noted.

TOPIC:

SARP

- A. SARP Activity Report
- B. Appointment to Tewksbury SAREC: Kenneth Amato
- C. SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP

DISCUSSION:

V. Iyawe stated that she was available for questions on the activity report and asked members to approve the new SAREC appointment.

ACTION:

- A. Motion by J. Killion, seconded by C. LaBelle, and unanimously passed to approve the committee member.

TOPIC:

Recommendations re: standard terms for monitored practice

DISCUSSION:

V. Berg briefed the recommendations to the Board. The policy would allow the staff to process cases without bringing them to the Board and alleviate the burden of nurses on probation finding employment. The current policy did not allow the supervisor to have discipline with the Board and that requirement only affected a small number of cases. The case before the Board in probation was one of those cases. Nurses who have reprimands have a one-time discipline and then the relicense is considered clear. K. Gehly asked about the wording in the recommendations regarding criminal complaints. D. Drew asked if it meant that it meant convicted or had a charge brought against them.

V. Berg briefed the Board on the second recommended change. The terms read now that LPNs and RNs can supervise APRNs which may not meet what the Board thinks is appropriate. APRNs have to have APRNs supervise them which can bring undue hardship. A proposed change could be to have a physician supervise APRNs on probation. L. Silva stated that there were operational issues with only allowing APRNs to supervise APRNs. J. Fantes stated that there were differences between administrative and clinical supervision. D. Drew asked about what direct supervision entailed. V. Berg explained what supervision meant to the Board. V. Berg asked the Board for input on the proposed changes regarding supervision language. B. Levin and K. Gehly stated that the proposed changes made sense. K. Gehly stated that the supervisor should be an APRN or physician. L. Talarico cautioned the Board to reference 4.0 and ensure that this supervision is different than drug delegation.

ACTION:

Motion by D. Drew, seconded by B. Levin, and unanimously passed to accept the recommended change with amendments.

Motion by B. Levin, seconded by P. Gales, and unanimously passed to adopt the proposed updates as written.

TOPIC: Probation

Probation Staff Action Report

DISCUSSION:

K. Fishman briefed the report to the Board. V. Berg explained the changes that would be implemented for future agreements and licensees who have agreements currently would have to petition the Board.

ACTION:

Motion by D. Drew, seconded by C. LaBelle, and unanimously passed to accept the report and changes.

TOPIC: Probation

Request for Modification in the matter of A. Aberdale, RN204135, NUR-2014-0069

DISCUSSION:

The case no longer need to be heard due to the new policy implemented by the Board.

ACTION:

So noted.

TOPIC: Probation

Request for Extension in the matter of J. Yawe, RN275325, 20080812-RN-025

DISCUSSION:

K. Fishman briefed the Case to the Board and recommended a six-month extension. K. Fishman introduced the licensee to the Board. K. Gehly asked if he had any comments and the licensee made a statement regarding his employment search. K. Fishman read to the Board about the attempts the licensee had made trying to find employment.

ACTION:

Motion by B. Levin, seconded by D. Zucker, and unanimously passed to grant the six-month extension.

TOPIC:

Practice

- A. Staff Report

DISCUSSION:

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

ACTION:

- A. No action required
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TOPIC:

Education

- A. Education Coordinator Staff Report
- B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes:
 - 1. Holyoke Community College (CEO)
 - 2. Bunker Hill Community College ADN-RN Program (Program Administrator)
 - 3. Holyoke Community College Practical Nursing Program (Program Administrator).
- C. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report Berkshire Community College Practical Nurse Program
- D. 244 CMR 6.08 (1)(h): NCLEX pass rate less than 80% for first time writers On Site Survey Laboure College Associate Degree RN Program
- E. 2016 Quarter 3 NCLEX Performance Reports

DISCUSSION:

A & B. V. Berg asked if anyone needed to recuse themselves. K. Ashe briefed the staff report and administrative changes to the Board.

C. K. Ashe briefed the NCLEX Evaluation report for Berkshire Community College to the Board and highlighted key issues that were determined and the improvements that had been made.

D. K. Ashe introduced the administrator for Laboure College, Dr. Manning, and briefed the report to the Board. K. Ashe briefed the key issues that were found on the site visit including faculty staffing and policy issues. K. Ashe recommended the Board accept the staff report and that the Laboure receive an approval with warning status. The program would be directed to collect and demonstrate data collection and provide feedback to the Board. D. Drew asked if the school could still admit

students and K. Ashe stated yes. L. Silva asked Dr. Manning about the admissions process and students not feeling prepared. Dr. Manning stated that the school lacked data to make changes. Dr. Manning stated that man changes have already been implemented and are working on additional changes. D. Drew asked if they were recruiting new faculty and Dr. Manning stated yes and in addition moving faculty to different areas to improve learning. D. Drew asked if the faulty was being brought into to correct the issues found in the site visit. K. Ashe stated that one of the changes was also that there needed to be updated CVs for faculty. Dr. Manning briefed the Board on some of the potential incoming faculty.

E. K. Ashe briefed the NCLEX report to the Board.

ACTION:

- A. So noted.
- B. Motion by P. Gales, seconded by D. Zucker, and unanimously passed to approve changes.
- C. Motion by J. Killion, seconded by C. Simonian, and unanimously passed to accept the staff report except for one.
- D. Motion by C. Simonian, seconded by B. Levin, and unanimously passed to accept the recommendations.
- E. So noted.

TOPIC:

Strategic Development, Planning and Evaluation

- A. Presentation, Substance Use Disorder and Addiction: Colleen LaBelle
- B. Presentation, Proposed Regulation Changes
- C. Systematic Policy Evaluation: None
- D. Recommendations re: standard terms for monitored practice
- E. Topics for Next Agenda

DISCUSSION:

- A. C. LaBelle presented on Substance Use Disorder and Addiction to the Board. D. Zucker and L. Silva provided personal experiences in their employment histories.
- B. Deferred
- C. None
- D. Moved to Probation section.
- E. K. Gehly asked if there were any topics for the next agenda and L. Silva stated that she would be presenting on the compact next month.

ACTION:

So noted.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

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

G.L. c. 30A, § 21 Executive Session 11:00 a.m. to 11:14 a.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by P. Gales, seconded by C. Simonian, and unanimously passed to go into G.L. c. 112, s. 65C Session at 11:15 a.m.

G.L. c. 112, s. 65C Session 11:15 a.m. to 11:51 a.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously passed to go into Adjudicatory Session at ◊ p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 12:34 p.m. to 1:02 p.m.

TOPIC:

Adjournment

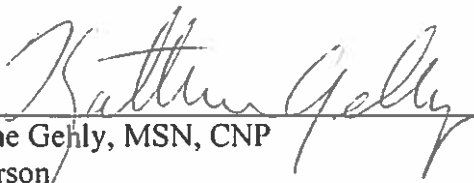
DISCUSSION:

None

ACTION:

Motion by C. Simonian, seconded by B. Levin, and unanimously passed to adjourn the meeting at 1:02 p.m.

Minutes of the Board's November 9, 2016, Regularly Scheduled Meeting were approved by the Board on December 14, 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**

November 9, 2016

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

AGENDA AS OF 10/31/16, 12:00 pm

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 October 19, 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.	SARP A. SARP Activity Report B. Appointment to Tewksbury SAREC: Kenneth Amato C. SARP Policy 16-01: Board Delegation of Authority to Activate the Licensee's Suspension Provisions of a SARP Participant's CASP	Report Memo Memo	VI/DMD VI
	VI.	PROBATION A. Probation Staff Action Report B. Request for Modification in the matter of A. Aberdale , RN204135, NUR-2014-0069 C. Request for Extension in the matter of J. Yawe , RN275325, 20080812-RN-025	Report Memo Memo	KF KF KF
	VII.	PRACTICE C. Practice Coordinator Staff Report	Memo	LT

	VIII. EDUCATION A. Education Coordinator Staff Report B. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes: 1. Holyoke Community College (CEO) 2. Bunker Hill Community College ADN-RN Program (Program Administrator) 3. Holyoke Community College Practical Nursing Program (Program Administrator). C. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report Berkshire Community College Practical Nurse Program D. 244 CMR 6.08 (1)(h): NCLEX pass rate less than 80% for first time writers On Site Survey Laboure College Associate Degree RN Program E. 2016 Quarter 3 NCLEX Performance Reports	Report Compliance Report Compliance Report Report	KA KA KA KA
	IX. REQUESTS FOR TERMINATION OF AGREEMENT NOT TO PRACTICE		
	X. STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Presentation, Substance Use Disorder and Addiction: Colleen LaBelle B. Presentation, Proposed Regulation Changes C. Systematic Policy Evaluation: None D. Recommendations re: standard terms for monitored practice E. Topics for Next Agenda	Memo and form	CL LT VB
<>	LUNCH		
	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 change. 3. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the October 19, 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		
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