NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING
Wednesday February 12, 2014
9 a.m. to 12 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114
Preliminary Agenda
2/6/2014 12:09 PM

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	**Call to Order**		
	II.	**Approval of Agenda**	Agenda	
	III.	**Executive Session**	Closed Session	
	IV.	**Violation of Probation Agreement Hearing** A. M. Chase, RN211503, NUR-2011-0286	Memo	VB
	V.	**Adjudicatory Session**	Closed Session	
	VI.	**G.L. c. 112, § 65C Session**	Closed Session	
10:30 a.m.	VII.	**Approval of Minutes** A. January 8, 2014 Regularly Scheduled Meeting	Minutes	
	VIII.	**Reports** A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	 none report report report report report none report	 RH CR CS LT CS/SV AF/HC VI/DM

	Item #	Item	Exhibits	Staff Contact
	IX.	**Consensus Agenda** A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update C. 2013 NCLEX performance statistical reports a. Licensure by examination b. Pass rate trends for MA first time writers c. BRN-approved program performance (first-time writers)	Memo December 16, 2013 meeting minutes and January 2014 report table of contents Memo Table Table Table	LT LT CS
	X.	**Requests for Appointment to SAREC Committees** A. Plymouth B. Tewksbury	Request memo	DM/VI
11:00 a.m.	XI.	**A. Resolution of Pending Board Complaints** 1. A. Horrigan, RN/NP100141, NUR-2012-0197 **C. Resolution of Pending Board Staff Assignments** 1. L. Moriarty, RN/NP2262902, SA-INV-2969 2. M. Stelly-Gendron, RN/NP205899, LN51770, SA-INV-2937 3. C. Saball-Tobin, RN/PC159992, SA-INV-3707 4. S. Abraham, RN130200, SA-INV-3731 5. J. Burke, RN/NP149281, SA-INV-3732	Investigative Report (IR) IR IR IR IR IR	ES/HC CL/HC MFS/ASF MFS/HC MFS/HC MFS/HC
	XII.	**Board of Registration in Nursing Annual Report: CY 2013 Major Accomplishments**	Report	RH

	Item #	Item	Exhibits	Staff Contact
	XIII.	**Education** A. 244 CMR 6.04 (1) (c) & (f) a. Northeastern University B. 244 CMR 6.05(3)(b): Continuation of Full Approval based on 2013 Annual Reports 1. Staff report	Compliance Memo Report	SV SV
	XIV.	**Announcements/Other**		
12:00 noon	XV.	**Adjournment**		

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, February 12, 2014

Board Members Present
S. Kelly, RN/NP, Chair
K. Gehly, RN/NP, Vice Chair
M. Beal, RN/NM
J. Killion, LPN
A. Peckham, RN
E. Richard Rothmund, Public Member
J. Roy, RN
C. Simonian, PharmD, RPh
C. Tebaldi, RN/NP

Board Members Not Present
P. Gales, RN
B. Levin, RN

Board Staff Present
R. Harb, RN, Executive Director
O. Atueyi, JD, Board Counsel
V. Berg, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
D. Mclellan, RN, SARP Coordinator
C. Robertson, RN, Deputy Executive Director
C. Silveira, RN, Assistant Director for Policy and Research
M. Strachan, JD, Board Counsel
L.Talarico, RN/NP, Nursing Practice
S. Varghese, RN, Nursing Education

Board Staff Not Present
T. Westgate, Paralegal

Guests
See attached list.

TOPIC:
Call to Order

DISCUSSION:
A quorum of the Board was present. Two new Board staff members were introduced Olajumoke Atueyi, Board counsel and Eloise Telisnor, temporary administrative assistant

ACTION:
At 9:05 a.m., S. Kelly, Chairperson, called the February 12, 2014, Regularly Scheduled Board Meeting to order.

TOPIC:
Approval of the Agenda

DISCUSSION:
H. Cambra, CRC requested that the following pending Staff Assignment cases that Agenda items XI.C.1, **L. Moriarty**, RN/NP2262902, SA-INV-2969, IX. C. 2. **M. Stelly-Gendron**, RN/NP205899, LN51770 (exp), SA-INV-2937, IX. C. 3. **C. Saball-Tobin**, RN/PC159992, Sa-INV-3707, IX. C. 4. **S. Abraham**, RN130200, SA-INV-3731, and IX. C. 5. **J. Burke**, RN/NP149281, SA-INV-3732 be moved to this month's M.G.L. c. 112, § 65C Session Agenda.

ACTION:
Motion by K. Gehly, seconded by M. Beal, and unanimously passed to approve the agenda as revised.

TOPIC:
G.L. c.30A, §21 Executive Session

DISCUSSION:
None

ACTION:
Motion by E. R. Rothmund, seconded by M. Beal, and unanimously passed by roll call vote to go into Executive Session at 9:10 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1) with the Open Session to reconvene upon conclusion of the Executive Session.

G.L. c. 30A, § 21 Executive Session 9:10 a.m. – 9:15 a.m.

TOPIC:
Violation of Probation Agreement Hearing: **M. Chase**, RN211503, NUR-2011-0286

The Respondent, Mark Chase, was present for the hearing and was not represented by counsel. V. Berg summarized the procedural history and the evidence that the Respondent violated the terms of his probation as set forth in paragraphs 4d, 4e and 4g of the Consent Agreement for Probation. The Respondent was alleged to have failed to review his Agreement with each of his nursing supervisors and arrange for the supervisors to submit appropriate documentation to the Board. He was also alleged to have failed to submit certificates of completion of continuing education courses as specified in the Agreement. He was also alleged to have accepted home care assignments which the Agreement prohibits. M. Chase addressed the Board in his own defense. He agreed that he accepted home care assignments following the effective date of the Agreement while waiting to commence a different position with the same employer that would not require home care and while other nurses employed at the agency were on scheduled vacations. He noted that he submitted proof of completing 52 hours of continuing education. He informed the Board that his employment was terminated when his employer learned of the Agreement and imminent license suspension and that he did not want to commence employment with the status of his license uncertain.

DISCUSSION:
Since they would be issuing a final decision and order with regard to probation compliance, Board members deferred deliberation until the adjudicatory session.

ACTION:
None

TOPIC:
Adjudicatory Session

DISCUSSION:
None

ACTION:
Motion by E. R. Rothmund, seconded by M. Beal, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:32 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:32 a.m. to 10:05 a.m.

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

DISCUSSION:
None

ACTION:
Motion by J. Roy, seconded by J. Killion, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 10:05 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 10:05 a.m. to 12:00 p.m.

Recess 11:15 p.m. – 11:30 p.m.

TOPIC:
Approval of the Minutes of the January 8, 2014, Regularly Scheduled Board Meeting

DISCUSSION:
None

ACTION:
Motion by E.R. Rothmund, seconded by J. Killion, and unanimously passed to accept the Minutes of the January 8, 2014, Regularly Scheduled Board Meeting.

TOPIC:
Reports
A. Chairperson and Board Members' Reports
B. Executive Director's Report
C. Staff Reports
   1. Deputy Executive Director
   2. Associate Director for Policy and Research
   3. Practice
   4. Education
   5. Complaint Resolution
   6. SARP
   7. Probation Monitor

DISCUSSION:
A. Chairperson and Board Members Reports: None
B. Executive Director's Report: Board members reviewed R. Harb's previously distributed report
C. Staff Reports:
   1. Board members reviewed C. Robertson's previously distributed report
   2. Board members reviewed C. Silveira's previously distributed report. Ms. Silveira paralleled the statutory goals of the Prevention and Wellness Trust Fund with the bases for the recommendations found in the IOM's Future of Nursing report, noting nurses in a reformed health care environment are likely to have a greater role in chronic disease management, health promotion and disease prevention. Ms. Silveira also noted that the Act of 1910 had a singular focus on the nurse as a provider of care to the "sick" while the current MGL c. 112, s. 80B, refers to the nurse as a health counselor, responsible for optimizing health and functioning as well as participating in research to expand nursing knowledge.
   3. Board members reviewed L. Talarico's previously distributed report. Ms. Talarico noted she included in the Board packet a copy of the Federal trade Commission (FTC) opinion that Kay Khan of the Massachusetts House of Representatives invited FTC comment on the likely competitive impact of House Bill 2009 (the Bill). The Bill would remove certain supervision requirements now imposed on nurse practitioners ("NPs") and nurse anesthetists ("NAs") under Massachusetts law. In particular, the Bill would permit NPs and NAs to order tests and therapeutics, and issue written prescriptions, without establishing a formal supervisory agreement with a particular Massachusetts physician. It would also permit properly licensed and registered NAs and NPs to administer and dispense certain controlled substances without these types of formal supervisory agreements. E. R. Rothmund inquired about the Board's role in supporting pending legislation. Ms. Talarico deferred to M. Strachan, Board Counsel who explained to E.R. Rothmund that MA law does not allow agency staff or Board members to lobby the Legislature. The usual process is that some individual or group drafts a bill, find a member of the house and/or senate to sponsor the bill and after the fact, DPH and/or the Board may be asked for comments on the bill. In other words, the Board and DPH do not have any influence over the bill; if a bill passes that effects the Board, we then have to implement it either through regulation, advisory ruling or other means.
   4. Board members reviewed S. Varghese' previously distributed report
   5. None
   6. Board members reviewed V. Iyawe's and D. Mclellan's previously distributed report

ACTION:
A. So noted.

B. So noted.
C. So noted.

TOPIC:
Consensus Agenda
A. NCSBN Update
B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:
A. NCSBN Update: Ms. Talarico identified for members that the newly released members-only NCSBN 2013 Environmental Scan was included in the Board packet. The NCSBN Environmental Scan is produced annually on the cusp of the New Year to assist boards of nursing with their future planning. The information is also used for setting legislative agendas, strategic planning and anticipating emerging issues. A variety of sources are used to develop this report, including research and scholarly articles, news articles, websites, databases, peer reviewed journals, direct communication/presentations, annual BON reports and Web surveys. Ms. Talarico notified members that the number of MA licensed RNs cited on page two of the update does not include the 10,586 RNs who have been Board authorized to practice as Advance Practice Registered Nurses.
B. Coalition for the Prevention of Medical Errors Update: Ms. Talarico noted that the Coalition Report for January 2014 was not complete. The full report will be submitted to Board members at the March 2014 meeting.

C. 2013 NCLEX performance statistical reports
    1. Licensure by examination
    2. Pass rate trends for MA first time writers
    3. BRN-approved program performance for first time writers

ACTION:
A. Accepted by consensus
B. Accepted by consensus
C. Accepted by consensus. Ms. Silveira distributed Talking Points Pertaining to the 2013 NCLEX-RN® Passing Standard published by the National Council of State Boards of Nursing. She noted that the 2013 NCLEX-RN pass rate among graduates of Board-approved Registered Nurse education programs was comparable to that of the United States while the 2013 NCLEX-PN performance among graduates of Board-approved Practical Nurse programs was five percentage points higher than the national pass rate.

TOPIC:
Request to Appoint to Substance Abuse Rehabilitation Evaluation Committees (SAREC)

DISCUSSION:
A & B: SARP Coordinators recommended that the Board approve Jean Pauline Weller, LCSW and Stanley Gawlinski's applications for the SAREC Membership in Plymouth and Tewksbury respectively.

ACTION:
A & B: Motion by K. Gehly, seconded by J. Killion, and unanimously voted to appoint Jean Pauline Weller, LCSW to the Plymouth SAREC and Stanley Gawlinski to the Tewksbury SAREC

TOPIC: Resolution of Pending Board Complaints
1. Board review and action on pending complaint **A. Horrigan, RN/NP100141, NUR-2012-0197**

DISCUSSION: The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. At the start of the Compliance Officer's presentation, Board Member J. Roy left the room, the presentation was stopped at that point and resumed when J. Roy re-entered the room and took her seat. M. Strachan inquired into the Licensee's current prescribing history and was told that there was no evidence to support the writing of prescriptions. K. Gehly asked for clarification on the rationale of authorizing the offer of a three (3) year surrender of the Licensee's RN and APRN; H. Cambra responded that the timeframe reflects the length of time the Licensee practiced without current certification requisite for valid Board Advanced Practice Authorization. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

ACTION: Motion by J. Killion and seconded by A. Peckham and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN and Advanced Practice Authorization right to renew her nursing license/authorization for at least three (3) years with reinstatement requirements that also include documentation that substantiates her successful re-certification by the ANCC in good standing, documentation of her successful completion of six (6) contact hours on the Role and Responsibilities of an Advanced Practice Nurse, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a signed affidavit that the Licensee has reviewed and understands 244 CMR 9.04 and 244 CMR 4.00.

TOPIC: Resolution of Pending Staff Assignments

1. Board review and action on pending Staff Assignment, **L. Moriarty, RN/NP2262902, SA-INV-2969**
2. Board review and action on pending Staff Assignment, **M. Stelly-Gendron, RN/NP205899, LN51770 (expired), SA-INV-2937**
3. Board review and action on pending Staff Assignment, **C. Saball-Tobin, RN/PC159992, SA-INV-3707**
4. Board review and action on pending Staff Assignment, **S. Abraham, RN130200, SA-INV-3731**
5. Board review and action on pending Staff Assignment, **J. Burke, RN/NP149281, SA-INV-3732**

DISCUSSION:
None

ACTION:
Moved to G.L. c. 112, § 65C session agenda of the February 12, 2014 meeting

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TOPIC:
Board of Registration in Nursing Annual Report: CY 2013 Major Accomplishments

DISCUSSION:
Board members reviewed R. Harb's previously distributed report with one correction on page 16 identifying Mr. J. Lavery as the newly appointed DHPL Director since April of 2013. Ms. Harb highlighted the Board's major accomplishments in Calendar Year 2013 and thanked Board Members and staff for their hard work, invaluable contributions to the Board's mission and their exceptional commitment to public safety and the welfare of the citizens of the Commonwealth of Massachusetts.

ACTION:
So noted

TOPIC:
Education
A.244 CMR 6.04(1)(c) &(f); Northeastern University School of Nursing

B. 244 CMR 6.05(3)(b);Continuation of Full Approval based on 2013 Annual Reports

DISCUSSION:
A. The Board members reviewed S.Varghese's previously distributed memo.

B. The Board members reviewed S. Varghese's previously distributed report, noting that the Full Approval status for 70 Nursing education programs in Massachusetts has been continued in accordance with Board Policy 99-03. Ms Varghese also noted that Salter College holds Pre-requisite Approval and the following being granted Initial Approval: Bay State, Bunker Hill PNP, Mildred-Elley and Westfield State University.

ACTION:
A. Motion by J. Killion, seconded by C. Simonian, and unanimously passed to Find compliance with regulation 244 CMR 6.04(1)(c) & (f) in the notification of the appointment of Terry T. Fulmer PhD, RN, FAAN, Interim Dean of the School of Nursing.

B. Noted.

TOPIC:
Announcements

DISCUSSION:
Ms. A. Fein reminded members about the Board Member Training Webinar Series presented by the Council on Licensure, Enforcement & Regulation (CLEAR).
The February 13, 2014, 1:00 - 2:00 p.m. Eastern session will be on the Foundations of Occupational and Professional Regulation. The content will include: the importance of regulatory boards; rationale for licensure; typical pro and con arguments; and an overview of trends in licensure. If members are unable to attend due to inclement weather please contact Ms. Fein

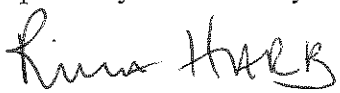
ACTION:
So noted

TOPIC:
Adjournment

DISCUSSION:
None

ACTION:
Motion by E.R. Rothmund, seconded by J. Killion, and passed unanimously 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