

**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 13, 2016

Board Members Present

K. Gehly, CNP, Chair
P. Gales, RN, Vice Chair (out at 3:45 p.m.)
S. Abbott, Public Member
A. Alley, RN
M. Beal, CNM
J. Killion, LPN
C. LaBelle, RN
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, CNP (out at 3:45 p.m.)
C. Urena, LPN

Board Members Not Present

E. Richard Rothmund, Public Member
A. Peckham, RN

Staff Present

L. Silva, RN, DNP, Executive Director
C. Mac Donald, RN, DNP, Deputy Executive Director
K. Ashe, RN, Nursing Education Coordinator
O. Atueyi, JD, Board Counsel
V. Berg, JD, Chief 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
C. Silveira, MS, RN, Assistant Director
L. Talarico, CNP, Nursing Practice Coordinator
T. Westgate, Program Coordinator

Staff Not Present

None.

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

Ms. Gehly confirmed by roll call that a quorum of the Board members were present and announced the meeting was being recorded.

ACTION:

At 9:00 a.m., K. Gehly, Chairperson, called the January 13, 2016, regularly scheduled Board meeting to order. She then called roll. A quorum of the Board members was determined to be present.

TOPIC:

Approval of Agenda

DISCUSSION:

Ms. Berg requested that agenda item, X.C.3 regarding the draft proposed staff action policy related to referrals to the Office of the Attorney General be deferred to a later meeting. Members also noted approval of the minutes of the December 9, 2015 regularly scheduled meeting would be deferred to the February Board meeting.

ACTION:

Motion by P. Gales, seconded by C. Simonian, and unanimously passed to approve the agenda as revised.

TOPIC:

Reports, Announcements and Administrative Matters

- A. MGL c. 13, s. 14(b) and MGL c. 13, s. 14(A): Appointments of the Executive Director and Deputy Executive Director
- B. Staff Report
 - 1. Deputy Executive Director
 - 2. Policy and Research
 - 3. Practice
 - 4. Education
 - 5. Complaint Resolution
 - 6. SARP
 - 7. Probation Monitor
- C. Announcements
- D. Update on Fraudulent Application Related Matters

DISCUSSION:

- A. Ms. Silveira introduced Drs. Lorena Silva and Claire MacDonald, noting that her previously distributed memo outlined their academic and experiential credentials for appointment as the Board's Executive Director and Deputy Executive Director respectively.
- B. Staff Reports:
 - 1. None.
 - 2. None.
 - 3. Members reviewed Ms. Talarico's previously distributed memo. Ms. Talarico noted that she had filed her MassHealth "non-billing provider" application as now required for APRN authorization renewal per MGL C.112 s.80B. The process was not difficult and should not pose issues for APRN. The November, 2015 minutes and December, 2015 report from the Coalition for the Prevention of Medical Errors were made available to members in the Board packet.
 - 4. Members reviewed Ms. Ashe's previously distributed memo. Ms. Ashe highlighted that the National Council of State Boards of Nursing voted on 12/9/15 to uphold the current passing standard for the NCLEX-RN. The passing standard will remain at the current level of 0.00 logit that was instituted 4/1/13, and it will remain in effect through 3/31/19.

5. None.
 6. Members reviewed Ms. DeVaux' previously distributed memo. There was no discussion.
 7. Members reviewed Ms. Fishman's previously distributed memo.
- C. A. Fein informed the Board that E. Richard Rothmund has notified her that he regrets for personal reasons that he cannot continue to serve on the Board upon the expiration of his term on February 25, 2016. Mr. Rothmund holds one of the Board's Public Member seats. In addition, Ms. Campbell introduced new Investigator, Lauren Woodward, and student nurse intern, Kaitlyn Delaney. She also announced that it was Investigator, Carey Lambert's, last meeting as he was transferring to the Department of Mental Health.

ACTION:

- A. Motion by J. Killion, seconded by M. Beal, and unanimously passed to appoint Lorena Silva, MSN-L, MBA, DNP, RN, as the Board's Executive Director in compliance with M.G.L. c. 13, s. 14(b) and Claire MacDonald, DNP, RN, as Deputy Executive Director. Following the Board's vote, Division Director, James, Lavery then welcomed Drs. Silva and MacDonald and recognized Board staff, including Ms. Fein and Ms. Silveira, for their work and support during this transition period.
- B. Motion by C. Urena, seconded by M. Beal, and unanimously passed to accept the staff reports.
- C. So noted.

TOPIC:

Probation: Termination of Probation In the Matter of **M. Macchiarella**, RN/CRNA2259612, NUR-2013-0236. This case came before the Board as a request to TERMINATE the probation status on his nursing license(s), pursuant to the Consent Agreement he entered into with the Board, effective August 4, 2014. Licensee was issued his RN/NA license in April 23, 2009, and has no previous complaints against his license(s). Licensee was initially placed on probation by the Michigan Board of Nursing. Subsequently, Licensee's nursing license was placed on probation by four (4) other states, including Massachusetts. To date, Licensee has successfully completed his probation in three (3) states: Michigan, Texas, and Florida. Licensee is compliant with the terms of his only remaining active probations in both Massachusetts and Georgia.

Licensee holds a nursing license in seventeen (17) states. Due to Licensee's conduct, five (5) states placed Licensee nursing license on probation; one (1) state – Missouri, issued a censure; one (1) state – New Mexico, issued a reprimand; and ten (10) states took no disciplinary action against Licensee.

C. Pascarella/Karen Fishman recommended terminating the probation.

DISCUSSION:

None.

ACTION:

Motion by P. Gales, seconded by C. Simonian, and voted in favor by all members present except J. Killion opposed, to accept the recommendation to terminate the probation.

TOPIC:

Probation: Termination of Stayed Probation In the Matter of **R. Murray**, LN59972, LN-04-201. This case came before the Board as a request to TERMINATE the minimum one (1) year stayed probationary status on the Licensee's nursing license(s), pursuant to the Consent Agreement she entered into with the Board on August 14, 2012. Licensee was issued her LN license in September 1998 and has no previous complaints against her license(s), and she has completed the terms and conditions of the Post-Suspension

Probation. The Licensee has been subject to the Consent Agreement for a period of just more than three (3) years due to the fact that she had substantial difficulty in completing a LPN refresher course commensurate with the Consent Agreement. The licensee has submitted reports of successful nursing practice throughout the Probationary Period. On August 31, 2015, Licensee submitted a certificate of completion of an LPN Refresher Course that required multiple textbooks, and completion of multiple hand-written and online assignments. Most recently, on October 28, 2015, Licensee was terminated from her nursing position at Health Bridge Management. The facts surrounding the termination are in dispute but seem to be based more on human resource issues than nursing practice issues. Licensee is currently unemployed and seeking another nursing position.

K. Fishman recommended termination of the stayed probation.

DISCUSSION:

None.

ACTION:

Motion by M. Beal, seconded by J. Killion, and voted unanimously to accept the Probation Monitor's recommendation.

TOPIC:

Probation: Termination of Probation In the Matter of **S. Pimental**, LN65830, NUR-2013-0125. This case comes before the Board as a request to TERMINATE the probation status on her nursing license(s), pursuant to the Consent Agreement she entered into with the Board on May 6, 2014. Specifically, this nurse, who was issued her LN license in July 2005 and has no previous complaints against her license(s), has completed the terms and conditions of Probation. The Licensee has been subject to the Consent Agreement for more than the minimum six (6) months due to her inconsistent ability to provide timely notifications and documentation as required in her Consent Agreement. However, Licensee successfully worked as a nurse for approximately 16 months during the probationary period.

K. Fishman recommended termination of the probation.

DISCUSSION:

None.

ACTION:

Motion by S. Taylor, seconded by A. Alley, and voted unanimously to accept the Probation Monitor's recommendation.

TOPIC:

Request for Board Delegated Authority For:

- A. Advanced Practice Registered Nurse Primary Source Verification
- B. Advanced Practice Registered Nurse Certification Verification Status Update

DISCUSSION:

A. Board members reviewed Ms. Talarico's previously distributed memo which she presented during the meeting regarding provision of the Board's primary source verification process information to requesting entities.

- B. Board members reviewed Ms. Talarico's previously distributed memo which she presented during the meeting regarding placing the ability to renew APRN authorization online on "hold" for those individuals Board staff have identified that:
- a. are "current" in the Board's data base
 - b. have failed to respond to requests for current certification information or that requests have been delivered to addresses that are no longer current. Should the licensee contact the Board to renew the APRN authorization, Board staff will require updated contact information and certification information that will be verified with the certifying organization prior to removing "hold" status. The licensee will have option of voluntarily requesting APRN authorization to practice placed in an "expired" status or details of the event will be sent to the Office of Public Protection for investigation. Should licensee fail to contact Board prior to expiration date (2016) APRN authorization will become "expired" in Board's data base with a notation that licensee failed to provide certification and/or maintain an updated address

ACTION:

- A. Motion by P. Gales, seconded by C. Urena and voted unanimously to authorize the Board's Nursing Practice Coordinator to continue to issue confirmation of the Board's primary source verification process to requesting entities.
- B. Motion by J. Killion, seconded by A. Alley and voted unanimously to authorize the Board's Nursing Practice Coordinator to place the ability to renew APRN authorization online on "hold" for those individuals Board staff have identified that are "current" in the Board's data base and who have failed to respond to requests for current certification information or that requests have been delivered to addresses that are no longer current. Members requested that staff send a letter to those APRNs impacted by this decision.

TOPIC:

Education

- A. **RECUSAL:** A. Alley recused himself from this matter and left the room during deliberation and vote. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes
1. Berkshire Community College RN & PN Programs
 2. Bay State College
- B. 244 CMR 6.08(1)(h) 2014 NCLEX-PN Evaluation Report: Roxbury Community College PN Program

DISCUSSION:

- A. Members reviewed Ms. Ashe's previously distributed memo which she presented during the meeting.
- B. Members reviewed Ms. Ashe's previously distributed compliance report which she presented during the meeting.

ACTION:

- A. Motion by P. Gales, seconded by M. Beal, and unanimously passed to:
1. Find compliance with regulation 244 CMR 6.04(1)(c) & (1)(f) in the notification of the appointments of:
 - Topchi Ubani, DNP, MSN, RN, Director of Nursing, Berkshire Community College RN & PN Programs (*Program Administrator*)
 - Cheryl McInerney, MSN, RNC-MNN, IBCLC, Nursing Program Administrator, Bay State College (*Program Administrator*); and
 2. Find compliance with regulation 244 CMR 6.04(1)(c) & (1)(f) in the notification of the appointment Mary Ellen Morrissey, DNS, RN, Director of Nursing, Medical Professional Institute,

(Program Administrator), noting that Dr. Morrissey's appointment is the eighth administrator appointment since 2007 when the program was granted Initial Approval. As a result, find that the program has demonstrated ongoing difficulty retaining qualified administrators which further serves as grounds for the Board's review of the Program's approval status[ref 244CMR 6.08 (1)(e)], noting the recent change in the Program's approval status from Full Approval to Approval with Warning based on the Board's action on November 18, 2015, and directing Medical Professional Institute to submit a report no later March 1, 2016 addressing: parent and program factors contributing to difficulties retaining program administrators; a review and revision of the Program Administrator's job description as requested on November 18, 2015; an organizational chart; and based on the findings of your review, provide a detailed plan for the retention of the Program Administrator with sustainable administrative authority and responsibility for the nursing education program.

- B. Motion by S. Taylor, seconded by P. Gales, and unanimously voted to accept the 2014 NCLEX-PN Performance Report submitted by the Roxbury Community College, Practical Nursing Program (Program), finding the Program has provided satisfactory evidence of compliance with regulations 244 CMR 6.04 (1)-(5) and directing it to:
1. Submit to the Board evidence of a faculty developed admission policy with admission criteria based on results of trended and aggregate by April 1, 2016; and
 2. Provide evidence of:
 - a. evaluation results based on the revised and redeveloped systematic evaluation plan with implementation of the new evaluation tools and methods piloted 2015-2016;
 - b. data collected, aggregated and trended relating to NCLEX outcomes include correlation of admission scores, science course grades, TEAS results,, increased student support services, NCLEX exam review attendance;
 - c. aggregate individual student data relating to retention graduation and NCLEX pass fail status;
 - d. updated NCLEX-PN detailed test plan comparison table based on revisions to the curriculum by the Curriculum Committee no later than June 16, 2016.

TOPIC: Requests for License Reinstatement - None

TOPIC: Strategic Development, Planning and Evaluation

- A. Systematic Policy Evaluation: None
- B. Status Update, License Application Processing Projects
- C. Proposed Staff Action Policies:
 1. Board Licensure Policy 16-01: Resolution of Licensing Error
 2. Division Policy 16-01: Routine correspondence, requests, orders and subpoenas
- D. Complaint Review Process Development Update
- E. Topics for Next Agenda

DISCUSSION:

- A. There were no Board policies scheduled for review at this time.
- B. There were no status updates at this time.
- C. Ms. Berg presented her previously distributed draft Board Licensure Policy 16-01: Resolution of Licensing Errors. In response to Ms. Taylor's question regarding the cause of instances in which licenses may be incorrectly issued, Ms. Berg noted that such instances are infrequent and are the result of human error. Ms. Berg also presented her previously distributed draft Division Policy: Routine Correspondence, Requests, Orders and Subpoenas.

- D. In response to the Board's December discussion regarding the complaint review process development, Dr. Silva reported she will work with Ms. Berg and update the Board at its February meeting.
- E. No additional agenda topics were identified for inclusion on the February 10, 2016 Board meeting agenda.

ACTION:

- A. None.
- B. None.
- C. 1. Motion by M. Beal, seconded by C. Simonian, and unanimously passed to adopt Board Licensure Policy 16-01: Resolution of Licensing as proposed.
2. Motion by J. Killion, seconded by M. Beal, and unanimously passed to adopt Division Policy: 16-01: Routine Correspondence, Requests, Orders and Subpoenas as proposed.
- D. None.
- E. None.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

Audience member, Attorney Gilbert, stood and asked the Board where on today's agenda his client's case would be heard. Board Counsel Atueyi stated she had previously advised Attorney Gilbert that his client's case was not scheduled to be heard by the Board today. There was no further statement by Attorney Gilbert.

ACTION:

Motion by A. Alley, seconded by C. Tebaldi, and unanimously passed by roll call vote to go into Executive Session at 10:00 a.m. as per Purposes One and Two of G.L. c.30A, §21 (a)(1).

Recess 10:00 a.m. to 10:10 a.m.

G.L. c. 30A, § 21 Executive Session 10:10 a.m. to 12:15 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by A. Alley, seconded by P. Gales, and unanimously passed by roll call vote to go into Adjudicatory Session at 12:15 p.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 12:15 p.m. to 12:35 p.m.

Lunch Recess 12:35 p.m. to 1:14 p.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by P. Gales, seconded by S. Abbott, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 1:14 p.m.

G.L. c. 112, s. 65C Session 1:14 p.m. to 4:05 p.m.

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by A. Alley, seconded by C. Simonian, and unanimously passed to adjourn the meeting at 4:05 p.m.

Minutes of the Board's January 13, 2016, Regularly Scheduled Meeting were approved by the Board on February 10, 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**

JANUARY 13, 2016

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

DRAFT AGENDA AS OF 1/6/16 1:11 pm

Estimated Time	#	1. Item	Exhibits	Presented by
9:00 a.m.	I.	2. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES A. Draft Minutes for the December 9, 2015 Meeting of the Board of Registration in Nursing, Regular Session - <i>defer to February BRN meeting</i>	None	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. M.G.L. c. 13, s. 14(b): Appointment of Executive Director, Lorena Silva, DNP, RN, and M.G.L. c. 13, s. 14A: Approval of Appointment of Deputy Executive Director, Claire MacDonald, DNP, RN B. Staff Report 1. Deputy Executive Director 2. Assistant Director 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Probation Monitor C. Announcements	Memo None None Report Report None Report Quarterly Report Oral	CS/JL -- -- LT KA AF/HC VI/DM KF ASF
	V.	COMPLAINT RESOLUTION A. Resolution of Pending Board Complaints: None B. Resolution of Pending Board Staff Assignments: None		

	VI. PROBATION A. Termination of Probation/Stayed Probation 1. M. Macchiarella , RN/CRNA2259612, NUR-2013-0236 2. R. Murray , LN59972, LN-04-201 3. S. Pimental , LN65830, NUR-2013-0125	Memo Memo Memo	CP KF KF
	VII. PRACTICE REQUEST FOR BOARD DELEGATED AUTHORITY FOR: A. APRN Primary Source Verification B. APRN Certification Verification Status Updates	Memo Memo	LT LT
	VIII. EDUCATION A. 244 CMR 6.04(1)(c)&(1)(f) Administrative Changes 1. Berkshire Community College ADN RN and PN Program 2. Bay State College ADN-RN 3. Medical Professional Institute Practical Nursing Program B. 244 CMR 6.08(1)(h) 2014 NCLEX Evaluation Report Roxbury Community College Practical Nursing Program	Report Compliance Report	KA KA
	IX. REQUESTS FOR LICENSE REINSTATEMENT: None		
	X. STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Systematic Policy Evaluation: None B. Status Update, License Application Processing Projects: None C. Proposed Staff Action Policies 1. Resolution of Licensing Error 2. Division policy: Routine correspondence, requests, orders and subpoenas 3. Division policy: Referrals to the Office of the Attorney General D. Complaint Review Process Development Update E. Topics for Next Agenda	Memos Oral Oral	VB LS
10:30 a.m.	BREAK		

	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. 	CLOSED SESSION	
	XII.	ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)	CLOSED SESSION	
12:30		LUNCH		
	XIII.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
3:35 p.m.	XIV.	ADJOURNMENT		