

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 10, 2016

**Board Members Present**

K. Gehly, CNP, Chair  
S. Abbott, Public Member  
A. Alley, RN  
M. Beal, CNM  
J. Killion, LPN  
C. LaBelle, RN  
A. Peckham, RN  
C. Simonian, PharmD, RPh  
S. Taylor, RN  
C. Tebaldi, CNP  
C. Urena, LPN

**Board Members Not Present**

E. Richard Rothmund, Public Member  
P. Gales, RN, Vice Chair

**Staff Present**

L. Silva, RN, Executive Director  
C. Mac Donald, RN, 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, RN, Assistant Director  
L. Talarico, CNP, Nursing Practice Coordinator  
T. Westgate, Program Coordinator

**Staff Not Present**

**Guests**

See attached list.

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**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 February 10, 2016 Regularly Scheduled Board Meeting to order.

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**TOPIC:**

Approval of Agenda

**DISCUSSION:**

Ms. Fein stated that there would be no Complaint Resolution report.

**ACTION:**

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

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**TOPIC:**

Approval of Board Minutes for the December 9, 2015 Meeting of the Regularly Scheduled Board Meeting.

**DISCUSSION:**

None.

**ACTION:**

Motion by S. Taylor, seconded by C. Urena, and unanimously passed to accept the Minutes of the December 9, 2015, Regularly Scheduled Board Meeting.

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**TOPIC:**

Approval of Board Minutes for the January 13, 2016 Meeting of the Regularly Scheduled Board Meeting.

**DISCUSSION:**

None.

**ACTION:**

Motion by A. Peckham, seconded by A. Alley, and unanimously passed to accept the Minutes of the January 13, 2015, Regularly Scheduled Board Meeting.

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**TOPIC:**

Reports, Announcements and Administrative Matters

A. Executive Director's Report

B. Staff Report

1. Deputy Executive Director
2. Policy and Research
3. Practice
4. Education
5. Complaint Resolution
6. SARP

C. Announcements

### DISCUSSION:

A. Executive Director's Report: Dr. Silva requested that Board members whose terms expire soon submit their letters of interest and current resume by the end of the week of February 15, 2016.

#### B. Staff Reports:

1. None.
2. Ms. Silveira noted the BRN-At-A-Glance document which was distributed prior to the meeting was designed as a quick reference resource for Board members and staff.
3. Members reviewed Ms. Talarico's previously distributed memo. Ms. Talarico noted that the 2015 Gallup annual poll ranked nursing as the most highly rated, honest and ethical career. S. Taylor referenced the Survey section of the report and commented that nurses cannot delegate medication administration to nursing students employed in unlicensed roles. M. Beal added that nursing students must differentiate between student and employed roles, especially when employed in the same organization in which they are assigned student clinical duties. C. Simonian noted that pharmacy students were not allowed to be employed in the same organization in which they are assigned student clinical duties. Ms. Talarico agreed to work with the Nursing Education Coordinator, K. Ashe, to develop a plan and report back to the Board.
4. Members reviewed Ms. Ashe's previously distributed memo. Ms. Ashe highlighted that the National Council of State Boards of Nursing The 2016 NCLEX-RN® Examination Detailed Test Plan for Educators version and the 2016 NCLEX-RN Examination Detailed Test Plan for Candidates Version. The pre-licensure programs were notified by Ms. Ashe of the NCEX resources and links to information available on the NCSBN website were
5. Ms. Fein noted she and Ms. Cambra did not have a report at this time.
6. Ms. Iyawe noted she and Ms. DeVaux were available to respond to Board member questions. There were none.

C. There were no announcements.

### ACTION:

Motion by J. Killion, seconded by C. Urena, and unanimously passed to accept the staff reports.

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### TOPIC: Probation

Update in the matter of **S. Pimental**, LN65830, NUR-2013-0125. This matter came before the Board as a notification and follow up regarding the Licensee's violation of Probation. Specifically, this matter was brought before the Board at its January 13, 2016 meeting for the termination of probation and the Board voted unanimously to terminate the Probationary status on this nurse's license to practice as a Licensed Practical Nurse. However, subsequent to the meeting and during the administrative processing of the license status change, it was discovered that this nurse's licensee had expired on November 4, 2015. The Licensee was immediately contacted and advised to renew her license and send an explanation as to why she had not renewed as required. A Notice of Probation Violation was issued on January 22, 2016. The licensee was not working as a nurse during the period of time that her license was expired.

The Licensee renewed her license on January 15, 2016 and sent a brief letter of explanation dated January 19, 2016 stating that she has not worked since September 16, 2015 and she was "waiting to receive notice on her probation period being over."

K. Fishman recommended terminating the probation.

**DISCUSSION:**

None.

**ACTION:**

Motion by S. Taylor, seconded by C. Urena, and unanimously passed to accept the recommendation of K. Fishman.

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**TOPIC: Probation**

Licensee's Request for Extension and consideration of violations in the matter of **T. Tang**, RN2275345, NUR-2012-0237. **RECUSAL:** K. Gehly recused herself for this matter and left the room during the deliberation and vote. This case came before the Board as a request from Licensee to extend the time allowed for her to complete the "active practice" terms of the Consent Agreement for Stayed Probation she entered into with the Board on November 7, 2013. Licensee was issued her license in September 2011, and has no previous complaints against her license. Licensee submitted a written request, dated 08/26/2015, to extend the probationary period beyond the Board's the Board's Discipline Policy 07-01 to complete the "active practice" terms of her Probation. However, K. Fishman updated the Board regarding her change in recommendation based upon Licensee's written request to surrender her nursing license.

Background: The Licensee has worked at two different jobs while on probation: Quality Care, Inc. f/k/a Alpha Home Care ("QC"), and Lowell Elder Care ("LEC"). Licensee has worked at QC since January 24, 2012, and held both a nursing and non-nursing position while working there. Licensee provided the necessary Form 1 and Form 2 for her nursing position. Licensee worked as a nurse at QC until May 20, 2014, when she transitioned to her current non-nursing position as a social worker, because her nursing supervisor found habitual problems with her nursing practice. Licensee also worked at Lowell Elder Care from approximately November 2013 until May 27, 2014. However, Licensee did not inform LEC of her probation prior to starting her nursing position, and never submitted a Form 1 or Form 2. On August 13, 2015, K. Fishman sent Licensee a Request for Documentation for monthly work status letters while not employed as a nurse. Licensee responded on August 31, 2015, that she was currently working as a social worker at QC, and actively seeking a nursing position. Licensee has not sent any additional work status letters since August 2015, but spoke with K. Fishman on February 1, 2016, to confirm that she is still working as a social worker at QC, and continuing to look for a nursing position.

K. Fishman recommended Suspension or to offer Licensee a Voluntary Surrender Agreement.

**DISCUSSION:**

V. Berg counseled the Board regarding possible terms for reinstatement to be included in the Voluntary Surrender Agreement.

**ACTION:**

Motion by M. Beal, seconded by J. Killion, and unanimously passed to offer a Voluntary Surrender Agreement to Licensee.

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**TOPIC: Probation**

In the matter of **M. Kashmanian**, RN232150, NUR-2012-0184. At its May 2015 meeting, the Board allowed a 6 month extension of probation due to Licensee's request and her inability to find an appropriate nursing job. The Board requested that Probation Monitor (PM) bring this matter back after

the extension period, if Licensee was not able to gain nursing employment commensurate with the Agreement. Licensee's attempts to comply with the terms and conditions of the Consent Agreement for Probation, effective March 7, 2013 were reviewed.

Licensee was initially granted a (9) month extension authorized on December 20, 2013 by staff action authority to allow her to find a nursing position. At its May 2015 meeting, the Board granted Licensee another extension of six (6) months to find a nursing job, and once the job is in place, to allow an additional extension of six (6) months to complete the active practice requirement of the Agreement. During the initial period of extension, the licensee must engage on a weekly basis in a search for nursing employment and submit on a monthly basis a detailed description of her employment search activities. If the Licensee does not find an appropriate nursing job within the six (6) month period, this matter shall come back before the Board to determine next steps. Licensee did not provide the required monthly updates. On January 19, 2016, PM received Licensee's detailed descriptions of her employment search activities for the "past month" in a letter dated January 11, 2016. Licensee was issued her license in August 1998 and has no other complaints against her license.

K. Fishman deferred to the Board for decision on further extension.

**DISCUSSION:**

C. Urena inquired whether there has been any recent contact since the receipt of Licensee's letter in January. K. Fishman responded that she has not been able to contact Licensee, but has left her voicemails. A. Fein inquired whether a violation notice should have been sent out, because Licensee did not submit the requested monthly updates. V. Berg responded by counseling the Board regarding general types of offending conduct and the procedure for sending out violations.

**ACTION:**

Motion by C. Simonian, seconded by C. Tebaldi, and unanimously passed to extend the probationary period for six (6) months, and require the Licensee to submit monthly work status reports.

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**TOPIC: Probation**

Request for Extension of Probation in the matter of **B. Eastham**, RN2261116, NUR-2012-0223. This case came before the Board as a request to extend the time allowed for her to complete the "active practice" terms of the Consent Agreement for Probation she entered into with the Board on March 26, 2014. This nurse was issued her license in July 16, 2009, and has no previous complaints against her license. Licensee requests an extension of time beyond the Board's the Board's Discipline Policy 07-01 to complete the "active practice" terms of her Probation due to the fact that, despite his continued efforts, she has been unable to obtain an appropriate nursing position. Probation Monitor previously granted Licensee a six (6) months extension on May 1, 2015; this prior extension was also granted to allow Licensee to find a nursing position in order for her complete the "active practice" terms of her probation.

C. Pascarella/K. Fishman recommended to extend the Probationary Period for six (6) months.

**DISCUSSION:**

J. Killion commented that she would like Licensee to submit monthly work status reports.

**ACTION:**

Motion by J. Killion, seconded by S. Abbott, and unanimously passed to extend the probationary period for six (6) months, and require the Licensee to submit monthly job search reports.

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**TOPIC: Probation**

Request for Extension of Probation in the matter of **B. Hume**, RN151792, NUR-2012-0183. This case came before the Board as a request from Licensee to extend the time allowed for her to complete the "active practice" terms of the Consent Agreement for Probation she entered into with the Board effective, February 26, 2014. Specifically, this nurse, who was issued her license in October 1980 and has no previous complaints against her license requests that she be allowed additional time beyond the Board's Discipline Policy 07-01 to complete the "active practice" terms of her Probation. The request was made due to the fact that, despite her continued efforts, she has been unable to obtain an appropriate nursing position. Licensee contends that the combination of her age, the probationary status and her advanced nursing practice experience is hindering her from gaining employment commensurate with the Consent Agreement for Probation.

C. Pascarella/K. Fishman recommended extending the Probationary Period for six (6) months to allow Licensee to find a nursing position, extend the Probationary Period for an additional one (1) year to complete her "active practice" requirements, and require Licensee to submit monthly job search reports.

**DISCUSSION:**

None.

**ACTION:**

Motion by C. Simonian, seconded by M. Beal, and unanimously passed to adopt the recommendation of C. Pascarella/K. Fishman.

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**TOPIC:**

Practice

**DISCUSSION:**

No practice related business was presented at today's meeting.

**ACTION:**

None.

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**TOPIC:**

Education

- A. 2015 NCLEX Performance Statistical Reports
  - 1. Explanation of NCLEX Data Reports
  - 2. Total MA Licensure Candidates Regardless of State of Education
  - 3. Total MA Graduates Regardless of State of Licensure
  - 4. NCLEX Performance by BRN-approved programs
  - 5. 244 CMR 6.08 (1)(h) 2015 NCLEX performance evaluation recommendations
- B. 244 CMR 6.08(1)(h) 2014 NCLEX Evaluation Report University of Massachusetts Boston Baccalaureate Degree RN Program
- C. 244 CMR 6.06(1) Site Survey Tri-County Regional Vocational Technical High School Practical Nursing Program
- D. 244 CMR 6.05(3)(b):Continuation of Full Approval based on 2015 Annual Reports
  - 1. Annual Report Data Summary

2. Student Numbers (admissions, graduates, and enrollments)
3. Student Numbers 5-year variance
4. 244 CMR 6.06 Survey Schedule

#### **DISCUSSION:**

- A. Ms. Ashe presented her previously distributed 2015 NCLEX Performance Statistical Reports. Members reviewed the student admission numbers for Medical Professional Institute Practical Nursing Program and Roxbury Community College Practical Nursing Program, noting that in 2011, Medical Professional Institute admitted 101 students and the NCLEX pass rate first time takers was 87%. Ms. Ashe reported that Roxbury Community College PN program currently admits under 30 students and is implementing a revised faculty developed admission policy as of April 2016, as directed by the Board in January 2016. Ms. Taylor expressed her concern regarding the NCLEX pass rate for graduates of Associate Degree-RN programs. She also recommended that a site visit be conducted to the Medical Professional Institute Practical Nurse Program which is currently on Warning status. Ms. Silveira noted that the National Council of State Boards of Nursing increased the NCLEX passing standard in 2013 three times higher than what the pass standard increase has been historically, contributing to the decline in NCLEX pass rates among Associate and Baccalaureate Degree-RN programs since 2013. She also noted that the NCLEX performance of Massachusetts Associate and Baccalaureate Degree-RN programs has been comparable to the national pass rate since that time.
- B. Ms. Ashe presented her previously distributed compliance report relative to the University of Massachusetts/Boston Baccalaureate Degree 2014 NCLEX-RN Performance Evaluation report inclusive of its corrective action plan implemented in June 2015. Ms. Taylor, noting that there are 14 full-time faculty and 108 part-time faculty according to the Program report, commented that a significant effort would be required to mentor such a large number of part-time faculty.
- C. Ms. Ashe presented her previously distributed compliance report relative to the site survey of the Tri-County Regional Vocation Technical High School Practical Nurse Program (Program) conducted in compliance with 244 CMR 6.06(1). The program administrator was present to respond to Board member questions.
- D. Ms. Ashe presented her previously distributed reports based on her review of the 2015 Annual Reports to the Board submitted by approved Registered Nurse and Practical Nurse programs in compliance with 244 CMR 6.05(3)(b). Ms. Ashe noted that Full Approval status has been continued for all eligible programs in accordance with the Board's 99-03: Determination of Nursing Education Program Compliance with Provisions of 244 CMR 6.00 by the Board's Nursing Education Coordinator while the Mildred Elley Practical Nurse Program holds Initial Approval and the Salter College Practical Nurse Program holds Prerequisite Approval.

#### **ACTION:**

- A. Motion by A. Peckham, seconded by S. Taylor, and unanimously passed to direct the following programs to submit a written report to the Board by no later than June 26, 2016, addressing the program's evaluation of its 2015 NCLEX performance to identify possible contributing factors and its plan for corrective action:
  1. 244 CMR 6.8(1)(h) Follow up and Expanded Reports
    - a. Laboure College ADN -RN nursing faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5), including a detailed report of accomplishments based on Board recommendations, with updated action plans, persons responsible, completion percentage of identified items in the action plan based on the nursing program's 244 CMR 6.08 (1)(h) focused report submitted to the Board on December 9, 2015;

- b. MCPHS University Accelerated BSN -RN nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5), including a detailed report of accomplishments based on Board recommendations, with updated action plans, persons responsible, completion percentage of identified in action plan based on the nursing program's 244 CMR 6.08 (1)(h) focused report submitted to the Board on July 8, 2015;
- c. Medical Professional Institute- PNP nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5), including a detailed report of accomplishments based on Board recommendations, with updated action plans, persons responsible, completion percentage of identified in action plan based on the nursing program's expanded report submitted to the Board November 18, 2016, and the supplemental report due March 25, 2016. Board members directed Medical Professional Institute to limit student admissions to the 2011 reported student admission numbers until such time as the Program can demonstrate full compliance with regulations at 244 CMR 6.04(1)-(5);
- d. Northern Essex Community College nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5);
- e. Our Lady of the Elms College BSN-RN RN nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5);
- f. Roxbury Community College-PN nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5) including a detailed report of accomplishments based on Board recommendations, with updated action plans, persons responsible, completion percentage of identified in action plan based on the nursing program's expanded report submitted to the Board January 13, 2016.
- g. University of Mass Boston BSN -RN nursing program faculty to evaluate the Program's compliance with all Board regulations at 244 CMR 6.04(1)-(5), including a detailed report of accomplishments based on Board recommendations, with updated action plans, persons responsible, completion percentage of identified items in the action plan based on the nursing program's 244 CMR 6.08 (1)(h) focused report submitted to the Board on February 16, 2016.

2. 244 CMR 6.08 (1)(h) Focus Evaluation of 244 CMR 6.04(3)(a)2, (4)(a) and (b), and (5) to be submitted by the following programs:

- a. American International College BSN-RN
- b. Berkshire Community College-PN
- c. Quincy College-PN
- d. Roxbury Community College ADN-RN
- e. University of Mass Lowell BSN-RN

B. Motion by J. Killion, seconded by S. Taylor, and unanimously passed to accept the 2014 NCLEX-RN Performance Evaluation Report submitted by the University of Massachusetts/Boston Baccalaureate Degree Program (Program), finding the Program has provided satisfactory evidence of compliance with regulations 244 CMR 6.04(3)(a) 2, (4)(a) and (b), and (5) and directing the Program to submit to the Board by no later than September 24, 2016 the following information relative to the Program's corrective action plan implementation:

- 1. prioritization and implementation of the specific recommendations made to the Program by its Consultant and as outlined in the Consultant's report;
- 2. aggregate data on traditional, and accelerated pre-licensure students including admission GPA, science course grades, admission TEAS scores, predictive of success on NCLEX -RN as a first time candidates;

3. status update on the Faculty Test Construction and Analysis Task Group action plan implementation including:
  - a. identification of the level at which test questions are written and status of item analysis; and
  - b. Nursing Course Exam Blue Prints, methods for performing item analysis,
4. evidence of the implementation of the Testing policy and procedures begun in Fall 2014;
5. a comparative table for the Programs curriculum, all program options and the 2016 NCLEX-RN Detailed Test Plan;
6. conduct a detailed comparative analysis using confidential individual and aggregate student data for passed and failed first time licensure candidates to determine student preparation by full-time, part-time (adjunct), and waived faculty in the didactic, skills lab, and clinical portions of the curriculum;
7. evidence of implementation of the student “My Plan for NCLEX Success” action item; and
8. description of the Program’s orientation and mentoring of part-time faculty.

C. Motion by M. Beal, seconded by S. Taylor, and unanimously passed to find continued full or partial compliance with all regulations at 244 CMR 6.04(1) through (5) by the Tri-County Regional Vocational Technical High School Practical Nurse Program PNP except 244 CMR 6.04(1)(e), directing the Program to:

1. Take the following actions to demonstrate full regulatory compliance:
  - a. Develop a systematic evaluation plan that is comprehensive and implemented as published and is used for the development, maintenance and revision of the program components (i.e. a consolidated tool that reflects evaluation of all program components and includes a variety of evaluation methodologies [literature reviews, external stakeholder surveys], responsible individual(s), time frames (month/year), and outcomes (i.e. NCLEX performance, admission, enrollment and graduation rates, graduate satisfaction, employment rates and patterns); meeting minutes demonstrate faculty participation in the evaluation of all program components as published in the SEP;
  - b. Ensure faculty are knowledgeable and can describe the value of the SEP in maintain program quality. [Ref: 244 CMR 6.04(1)(e)];
  - c. Revise instructor job description and Faculty Bylaws to include all faculty responsibilities established at 244 CMR 6.04 [Ref: 244 CMR 6.04(1)(d) and (1)(e)];
  - d. Identify and implement strategies to facilitate: 1) regular student participation in program and institutional governance; and 2) regular faculty participation in institutional governance. Also, include student and Advisory Committee in program organization chart [Ref: 244 CMR 6.04(1)(b)];
  - e. Publish written policy for the maintenance and retirement of school records [Ref: 244 CMR 6.04(1)(g)];
  - f. Revise all published documents (hard copy and web-based) related to admission to include evidence of high school graduation or GED and compliance with MA DPH immunization requirements. [Ref: 244 CMR 6.04(3)(a)1];
  - g. Publish the non-discriminatory criteria for course exemption [Ref: 244 CMR 6.04(3)(a)2].
  - h. Revise the attendance and graduation policies to reflect the program’s nondiscriminatory criteria, removing 1080 hours of student attendance [Ref: 244 CMR 6.04(3)(a)2];
  - i. Revise Term 3 Maternity Nursing and Family Centered Nursing course objectives to align with stated program objectives [Ref: 244 CMR 6.04(4)(b)2]; and
  - j. Ensure the Practice Lab accurately reflects a patient care unit by including privacy screens or other form of patient unit dividers [Ref: 244 CMR 6.04(5)].
2. Take following actions to enhance the integrity of the Program:

- a. Implement the policy on faculty records as published, ensuring the inclusion of current resumes; also eliminate the practice of photocopying instructor RN licenses to prevent future fraudulent use [Ref: 244 CMR 6.04(2)(b)];
  - b. Implement the policy on student, withdrawal and graduate records as published ensuring the inclusion of evidence of high school graduation or a GED [Ref: 244 CMR 6.04(1)(g)];
  - c. Complete implementation of faculty plan to relate course content with the NCLEX-PN Detailed 2014 Test Plan [Ref: 244 CMR 6.04(4)(b)3];
  - d. Provide students with written documentation of formative evaluations that are now provided orally [Ref: 244 CMR 6.04(4)(b)5];
  - e. Explore strategies for the upgrade technology equipment to reduce/eliminate need for faculty to manually input data for test construction; test analysis for all courses; and enhanced software integration [Ref: 244 CMR 6.04(5)(d)]; and
  - f. Revise clinical affiliation agreement template to accurately reflect the purpose of the program in the preparation of graduates for safe, competent nursing care [Ref: 244 CMR 6.04(5)(f)].
3. Submit a written report documenting the program's compliance with 244 CMR 6.04 (1)(e) and (1)(b)(1)(d),(1)(g), (2)(b) (3)(a)1, (3)(a)2, (4)(b)2, (4)(b)3, (5)(d) and (5)(f) including an action plan, time line of implementation with completion dates to comply with 244 CMR 6.05(3) is due June 1, 2016.

D. Motion by S. Abbott, seconded by C. Urena, and unanimously passed to accept the Annual Report Data Summary; Student Numbers (admissions, graduates, and enrollments); Student Numbers 5-year variance; and the 244 CMR 6.06 Survey Schedule.

**TOPIC:**

Request for License Reinstatement in the matter of Anthony Njoki, LN67707; LN-07-092. T. Westgate presented her previously distributed memorandum outlining the Respondent's conduct that gave rise to the Complaint and resulted in the suspension of his nursing license. Specifically, the Board found by Final Decision and Order that the Respondent obtained his license to practice by falsifying and misleading representations on his applications for licensure in New Hampshire (NH) and Massachusetts (MA). Specifically, the Respondent knowingly made false representations to the NH and MA Boards by representing in his applications for LN licensure that he had graduated from nursing school when he in fact had not. He has since complied with all of the requirements set forth in the Agreement and is eligible for reinstatement. T. Westgate recommended that the Board grant the request for reinstatement.

**DISCUSSION:**

J. Killion inquired about his current employment and whether or not he was practicing in NH. I explained that he is currently employed in MA at Arbor Homecare Services, not working as a nurse. M. Beal questioned the language in paragraph 5 regarding the NURSUS check and his current status in MA. I explained that his license is suspended. K. Gehly explained that although his license is suspended he holds a license number in MA. I told the Board I would re-word the language to make it less confusing in the future.

**ACTION:**

Motion by C. Simonian, seconded by J. Killion, and unanimously voted to reinstate.

**TOPIC:**

Strategic Development, Planning and Evaluation

A. Systematic Policy Evaluation: None

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(Approved 03/09/2016)

- B. Topics for Next Agenda: None
- C. Complaint Review Process Development Update

**DISCUSSION:**

Dr. Silva presented an overview of the proposed Discipline Policy 16-01: Complaint Committee, noting the new policy is designed, using a streamlined process, to facilitate timely review of and action on allegations of licensee misconduct. She also clarified that the proposed Complaint Committee would replace the current WIN meetings and that the Board would no longer review Pilot cases. Ms. Berg explained that the Complaint Committee will consist, at a minimum, of the Board Chair, the Executive Director, and the Supervisor of Investigators, and that the Complaint Committee will submit written minutes of its meetings with recommendations for action to the full Board prior to its next scheduled meeting. She further explained that a quorum of the specified Complaint Committee members must be present at each Complaint Committee meeting in order to conduct business and that other Board members may participate in the Complaint Committee remotely. Ms. Taylor said that while she supported the Complaint Committee in concept she was concerned that Board member receipt of the Complaint Committee meeting minutes and recommendations only may not provide information that would sufficiently explain the facts of a case in order to facilitate Board member decision making. In response, Dr. Silva's indicated the Investigative Reports reviewed by the Complaint Committee members could also be provided to the full Board in addition to the Complaint Committee minutes and recommendations; Board members expressed their support for this plan. Board member, M. Beal, noted that such a plan would assure consistency in the decision making process.

**ACTION:**

Motion by A. Peckham, seconded by M. Beal, and unanimously passed to adopt the proposed Disciplinary Policy 16-01: Complaint Committee, amending Section 8 of the policy to reflect that the Complaint Committee will provide written minutes of its meetings that will include its recommendations for Board action on allegations of misconduct and the Investigative Reports it reviewed to the full Board prior to the next scheduled Board meeting following the Complaint Committee meeting.

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**TOPIC:**

G.L. c.30A, §21 Executive Session

**DISCUSSION:**

None.

**ACTION:**

Motion by J. Killion, seconded by C. Tebaldi, and unanimously passed by roll call vote to go into Executive Session at 10:57 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

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**G.L. c. 30A, § 21 Executive Session 10:57 a.m. to 11:45 a.m.**

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**TOPIC:**

Adjudicatory Session

**DISCUSSION:**

None.

**ACTION:**

Motion by J. Killion, seconded by C. Simonian, and unanimously passed by roll call vote to go into Adjudicatory Session at 11:45 a.m. to discuss decisions in pending adjudicatory matters.

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**Adjudicatory Session 11:45 a.m. to 11:52 a.m.**

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**TOPIC:**

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

**DISCUSSION:**

None.

**ACTION:**

Motion by C. Simonian, seconded by A. Peckham, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 11:53 a.m.

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**G.L. c. 112, s. 65C Session 11:53 a.m. to 4:08 p.m.**

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**TOPIC:**

Adjournment

**DISCUSSION:**

None.

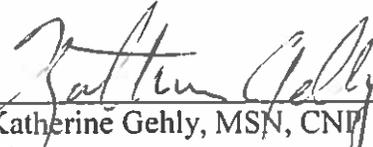
**ACTION:**

Motion by A. Peckham, seconded by S. Abbott, and unanimously passed to adjourn the meeting at 4:08 p.m.

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Minutes of the Board's February 10, 2016, Regularly Scheduled Meeting were approved by the Board on March 9, 2016.

  
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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**

February 10, 2016

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

PRELIMINARY AGENDA AS OF 2/2/16 4:00 pm

Estimated Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	<b>APPROVAL OF AGENDA</b>	Agenda	
	III.	<b>APPROVAL OF BOARD MINUTES</b> A. Draft Minutes of the December 9, 2015, Meeting of the Board of Registration in Nursing, Regular Session B. Draft Minutes for the January 13, 2016, Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	<b>REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS</b> A. Executive Director's Report B. Staff Report 1. Deputy Executive Director 2. Assistant Director 3. Practice 4. Education 5. Complaint Resolution 6. SARP C. Announcements	Oral  None Report Report Report Report Report	LS  -- CS LT KA AF/HC VI/DM
	V.	<b>COMPLAINT RESOLUTION</b> A. Resolution of Pending Board Complaints: None B. Resolution of Pending Board Staff Assignments: None		

	<b>VI.</b>	<b>PROBATION</b> A. Termination of Probation – Update/Clarification 1. <b>S. Pimental</b> , LN65830, NUR-2013-0125 B. Request for Extension and Consideration of Notice of Violation and Further Discipline in the matter of <b>T. Tang</b> , RN2275345, NUR-2012-0237 C. Reconsideration of Request for Extension in the matter of <b>M. Kashmanian</b> , RN232150, NUR-2012-0184 D. Request for Extension of Probation in the matter of <b>B. Eastham</b> , RN2261116, NUR-2012-0223 E. Request for Extension of Probation in the matter of <b>B. Hume</b> , RN151792, NUR-2012-0183	Memo Memo Memo Memo Memo	KF/CP KF/CP KF/CP KF/CP KF/CP
	<b>VII.</b>	<b>PRACTICE: NONE</b>		
	<b>VIII.</b>	<b>EDUCATION</b> B. 2015 NCLEX Performance Statistical Reports 6. Explanation of NCLEX Data Reports 7. Total MA Licensure Candidates Regardless of State of Education 8. Total MA Graduates Regardless of State of Licensure 9. NCLEX Performance by BRN-approved programs 10. 244 CMR 6.08 (1)(h) 2015 NCLEX performance evaluation recommendations B. 244 CMR 6.08(1)(h) 2014 NCLEX Evaluation Report University of Massachusetts Boston Baccalaureate Degree RN Program C. 244 CMR 6.06(1) Site Survey Tri-County Regional Vocational Technical High School Practical Nursing Program D. 244 CMR 6.05(3)(b):Continuation of Full Approval based on 2015 Annual Reports 5. Annual Report Data Summary 6. Student Numbers (admissions, graduates, and enrollments) 7. Student Numbers 5-year variance 8. 244 CMR 6.06 Survey Schedule	Memo/ Reports  Memo Compliance Report Compliance Report Memo/ Reports	KA  KA KA KA KA
	<b>IX.</b>	<b>REQUESTS FOR LICENSE REINSTATEMENT</b> A. Njoki, Anthony, LN67707; LN-07-092	Memo	TW
	<b>X.</b>	<b>STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION</b> A. Systematic Policy Evaluation: None B. Topics for Next Agenda C. Complaint Review Process Development Update D. Request for Revision to Licensing Policy 16-01, Resolution of Licensing Error	Oral Memo	LS VB

	<b>XI.</b>	<p><b>EXECUTIVE SESSION</b></p> <p>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"> <li>1. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants.</li> <li>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.</li> <li>3. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the December 9, 2015 and January 13, 2016 meeting.</li> </ol>	CLOSED SESSION	
	<b>XII.</b>	<b>ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)</b>	CLOSED SESSION	
12:15 p.m.		<b>LUNCH</b>		
	<b>XIII.</b>	<b>M.G.L. c. 112, § 65C SESSION</b>	CLOSED SESSION	
5:00 p.m.	<b>XIV.</b>	<b>ADJOURNMENT</b>		

