

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

**Minutes of the Regularly Scheduled Board Meeting  
Wednesday, June 1, 2016**

**Board Members Present**

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

**Board Members Not Present**

C. Urena, LPN  
P. Gales, RN, Vice Chair  
B. Levin 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  
L. Talarico, CNP, Nursing Practice Coordinator  
B. Oldmixon, Board Counsel

**Staff Not Present**

K. Fishman, Probation Monitor  
T. Westgate, Program Coordinator  
C. Pascarella, JD, Probation Staff

**Guests**

See attached list.

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**TOPIC:**

Call to Order & Determination of Quorum

**DISCUSSION:**

A quorum of the Board was present.

**ACTION:**

At 1:03 p.m., K. Gehly, Chairperson, called the June 1, 2016 Board Meeting to order.

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**TOPIC:**

Approval of Agenda

**DISCUSSION:**

None.

**ACTION:**

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

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**TOPIC:**

Announcement of new Board member Jackie Fantes and FY17 Board Meeting calendar.

**DISCUSSION:**

L. Silva stated that the October 2016 meeting was on a different date due to a holiday.

**ACTION:**

None.

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**TOPIC:**

E. Tunis, RN2300218, NUR 2015-0126.

**DISCUSSION:**

B. Oldmixon recused herself from this matter and left the room during the deliberation and vote. O. Atueyi briefed Board members on a history of the case against the licensee. The licensee admitted to the allegations and signed a consent agreement. The licensee after had obtained a new attorney who submitted an affidavit that the licensee had been scammed online and had never submitted an application. O. Atueyi stated that the Board can either deny or grant the motion if the Board wants to reopen the case. C. Simonian asked if reopening the case would set precedent which O. Atueyi stated that it would.

**ACTION:**

Motion by C. Simonian, seconded by J. Killion, and unanimously passed to deny the motion.

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**TOPIC:**

- A. 244 R 6.04(1)(c) & (1)(f) Administrative Change Medical Professional Institute Practical Nursing Program (Program Administrator)
- B. 244 CMR 6.08(1)(e) and (1)(h): Medical Professional Institute Practical Nursing Program Deficiency Correction Report

**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, also noting reports previously distributed. K, Tracy Program Administrator for MPI-PNP was present. Board members were reminded that Dr. Tracy did not author the MPI -PNP reports being reviewed by the Board. K. Ashe provided a brief history of the Program's ongoing non - compliance with specific regulations. An onsite visit conducted on April 20-21 to verify the reports and was conducted by C. Silveira and K. Ashe. K. Ashe stated that she wanted to make a correction on page seven of her report 59 students instead of 55. K. Ashe reported that the school had not implemented changes that they said they would from previously submitted reports to the

Board. Student interviewed during the site visit reported students felt overwhelmed and unprepared to enter the program. K. Ashe recommended accepting the staff report, finding that MPI failed to provide the necessary changes and that the Board withdrawal approval in accordance with 244 CMR 6.08(3)(a)(3)(b)(3)(c). Dr. Tracy stated that the faculty have a commitment to improve the areas that need to be addressed. J. Killion stated that the school has gone backwards and questioned if the institution be allowed to continue. J. Killion recommended withdrawal program approval as of the Board meeting date. Dr. Tracy asked if they would allow Dr. Pourshadi to speak. C. Silveira stated that there would be an opportunity for a hearing. J. Fantes asked Dr. Tracy if MPI had ever replaced the Program Administrator before. Dr. Tracy stated she couldn't speak to that. K. Gehly stated that MPI had replaced Program Administrators before. L. Silva asked if the Board is accepting all four recommendations. K. Gehly stated yes to all four.

**ACTION:**

A. Motion by M. Beal, seconded by A. Peckham, and unanimously passed to find compliance with regulation 244 CMR 6.04(1)(c) & (1)(f) in the notification of the appointments of Kathleen Tracy DNP, MPH, RNC, Dean of Nursing, (*Program Administrator*), Practical Nursing Program, Medical Professional Institute, Malden, MA.

B. Motion by M. Beal, seconded by C. Simonian, and unanimously voted to accept the staff compliance report; find that the Medical Professional Institute Practical Nurse Program has failed to correct the following regulations within the designated time period and therefore warrants withdrawal of its approval: 244 CMR 6.04(1)(b), (1)(e), (1)(g), (2)(b)5, (3)(a)2, (4)(a), (4)(b)3, 4 and 5, and (5)(a); withdraw the approval of the Medical Professional Institute Practical Nurse Program in accordance with at 244 CMR 6.08(3)<sup>1</sup> effective date to be the September graduation date plus one day for the current Level III students, adding the program cannot admit any students effective the date the program receives the Board notification of this action. Medical Professional Institute may request reinstatement of approval by following the procedure for Pre-requisite Approval Status as set forth in 244 CMR 6.05. The application for Prerequisite Approval Status must be submitted to the Board a minimum of 12 months before the proposed date for student admissions to the proposed program.

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<sup>1</sup> 244 CMR 6.08(3): Withdrawal of Approval.

- (a) The Board shall withdraw its approval of a program after notifying the program in writing of its failure to comply with 244 CMR 6.04 and providing an opportunity to correct such deficiencies. Action by the Board to withdraw approval granted a program shall be taken in accordance with M.G.L. c. 112, § 81A. The provisions in M.G.L. c. 112, § 81A specify that:
  - 1. no approval granted by the Board shall be withdrawn unless the Board has conducted an on-site survey visit;
  - 2. the parent institution aggrieved by the withdrawal of approval has an opportunity to petition the Board in writing for a hearing before the Board.
- (b) The Board shall notify all enrolled students and program applicants upon its withdrawal of a program s approval that they shall not be eligible as graduates of the program to write the NCLEX.
- (c) The program administrator shall make all reasonable efforts to assist enrolled students in transferring to a Board-approved program.

**TOPIC:**

G.L. c.30A, §21 Executive Session

**DISCUSSION:**

O. Atueyi explained to the attorney of E. Tunis who arrived that that the Board had ruled on his client's case already.

**ACTION:**

Motion by S. Abbot, seconded by C. Tebaldi, and unanimously passed by roll call vote to go into Executive Session at 1:39 p.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

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**G.L. c. 30A, § 21 Executive Session 1:39 p.m. to 2:38 p.m.**

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**TOPIC:**

Adjudicatory Session

**DISCUSSION:**

None

**ACTION:**

Motion by C. Simonian, seconded by J. Killion, and unanimously passed by roll call vote to go into Adjudicatory Session at 2:57 p.m. to discuss decisions in pending adjudicatory matters.

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**Adjudicatory Session 2:57 p.m. to 3:24 p.m.**

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**TOPIC:**

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

**DISCUSSION:**

None

**ACTION:**

Motion by A. Peckham, seconded by S. Abbott, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 3:24 p.m.

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**G.L. c. 112, s. 65C Session 3:24 p.m. to 3:40 p.m.**

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**TOPIC:**

Adjournment

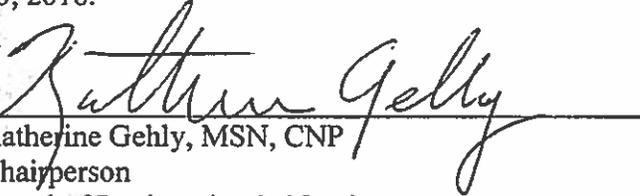
**DISCUSSION:**

C. Tebaldi asked if there was any movement on blanket disclosure. K. Gehly stated that it could be deferred to the June 8 meeting. C. Simonian asked to not be sent paper copies. M. Beal and J. Killion stated that they wanted to paper copies. M. Beal clarified which cases will go in the next 65C agenda.

**ACTION:**

- Motion by C. Simonian, seconded by M. Beal, and unanimously passed to adjourn the meeting at 3:45 p.m.

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- Minutes of the Board's June 1, 2016, Regularly Scheduled Meeting were approved by the Board on July 13, 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**

June 1, 2016

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

**PRELIMINARY AGENDA AS OF <5/19/16 12:24 pm>**

Estimated Time	#	A. Item	Exhibits	Presented by
1:00 p.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF BOARD MINUTES: None		
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS: Announcements only	Oral	LS
	V.	COMPLAINT RESOLUTION (4/13/16 agenda) A. Request to Reopen Closed Complaints 1. E. Tunis, RN2300218, NUR 2015-0126	Memo	OA
	VI.	PROBATION: None		
	VII.	PRACTICE: None		
	VIII.	EDUCATION (5/11/16 agenda) A. 244 CMR 6.04(1)(c) & (1)(f) Administrative Change 1. Medical Professional Institute Practical Nursing Program (Program Administrator) B. 244 CMR 6.08(1)(e) and (1)(h): Medical Professional Institute Practical Nursing Program Deficiency Correction Report	Memo  Compliance Report	
	IX.	REQUESTS FOR LICENSE REINSTATEMENT: None		
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION: None.		

	<b>XI.</b>	<b>EXECUTIVE SESSION</b> 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.	<b>CLOSED SESSION</b>	
	<b>XII</b>	<b>ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)</b>	<b>CLOSED SESSION</b>	
	<b>XIII</b>	<b>M.G.L. c. 112, § 65C SESSION</b>	<b>CLOSED SESSION</b>	
5:00 p.m.	<b>XIV</b>	<b>ADJOURNMENT</b>		