

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, September 14, 2016

Board Members Present

K. Gehly, CNP, Chair
B. Levin RN, Vice Chair
S. Abbott, Public Member
J. Killion, LPN
C. LaBelle, RN
C. Simonian, PharmD, RPh
C. Tebaldi, CNP (Arrived at 9:32a.m.)
P. Gales, RN
G. Dufault, LN
D. Drew, Public Member

Board Members Not Present

J. Fantes, MD
D. Zucker, RN
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

Guests

See attached list.

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:04 a.m., K. Gehly, Chairperson, called the September 14, 2016 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

Board members and staff introduced themselves. D. DeVaux stated that the SARP Staff Action policy was deferred.

ACTION:

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

TOPIC:

Approval of Board Minutes for the August 10, 2016 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

D. Drew stated D. Drew not D. Zucker asked the questions regarding education and asked the August 10 minutes be corrected.

ACTION:

Motion by D. Drew, seconded by C. Simonian, and unanimously passed to accept the Minutes of the August 10, 2016, Regularly Scheduled Board Meeting as amended.

TOPIC:

Reports, Announcements and Administrative Matters

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

DISCUSSION:

- A. Executive Director's Report: C. Pascarella briefed the Board on the status of the Probation program. He stated that the number of licensee's in the program had been lowered and the time spent in probation had also been lowered. The total number of nurses had gone down from 56 to 45 members. L. Silva stated that the report would be brought to the Board quarterly.
- B. Announcements: K. Gehly stated that the Commissioner recognized Board staff during the absence of the Executive and Deputy Executive Director from July 2015 through the end of December 2015, and added that she wanted to recognize C. Silveira and A. Fein for their leadership as Co-Interim Executive Directors during the period.

ACTION:

So noted.

TOPIC:

Reinstatement

- A. Reinstatement Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy (OST)

DISCUSSION:

September 14, 2016 Minutes
(Approved 10/19/2016)

T. Westgate briefed the Board on the policy to allow nurses to be reinstated while on Suboxone. The current consent agreements state that all urine screens must be negative. The new policy would allow nurses to be on Suboxone provided they meet requirements that are similar to what nurses on the SARP program have to meet. C. LaBelle questioned some of the language in the policy and stated that the policy should not state a specific brand and that physician should instead state provider. C. LaBelle asked if there was going to be some way to monitor the nurses long term. B. Oldmixon stated that if the Board monitored the nurses long term than they would have to be kept on probation. B. Oldmixon asked about changing the word addiction to substance use disorder. D. Drew clarified that if the licensee went off of probation they would no longer be monitored. K. Gehly went over the proposed changes and Board staff clarified what would be changed. C. LaBelle stated that if the disorder was specific to opioids than it should be described as an opioid dependence.

ACTION:

Motion by C. LaBelle, seconded by G. Dufault, and unanimously passed to accept the policy as amended. Motion by C. LaBelle, seconded by C. Simonian, and unanimously passed to accept the policy as amended.

TOPIC: Probation
Staff Report

DISCUSSION:

K. Fishman briefed her report to the Board of staff actions taken during the past month. L. Silva asked everyone to speak into their microphones. K. Fishman then repeated her briefing of the report so that all guests in the room could hear.

ACTION:
So noted.

TOPIC: Probation
Requests for Extension in the matters of J. Kariuki, LN85897, NUR-2014-0095

DISCUSSION:

C. Pascarella briefed the case to the Board. The licensee requested an extension.

ACTION:

Motion by J. Killion, seconded by P. Gales, and unanimously passed to extend the probation for three months.

TOPIC: Probation
Requests for Extension in the matters of J. Galatis, RN141714, NUR-2009-0034

DISCUSSION:

C. Pascarella briefed the case to the Board. The licensee had found employment and needed an extension to complete her probation.

ACTION:

Motion by B. Levin, seconded by D. Drew, and unanimously passed to extend the probation.

TOPIC:

Practice

- A. Staff Report
- B. Proposed Revision to Advisory Ruling 0901: Management of Pain

DISCUSSION:

- A. Members reviewed Ms. Talarico's previously distributed memo. Ms. Talarico referenced the online registration for the Massachusetts Prescription Awareness Tool (MassPAT) that went live on August 22, 2016 is going well.
- B. Members reviewed Ms. Talarico's previously distributed memo to:
 - 1. Update Advisory Ruling 0901: Management of Pain to include M.G.L. c. 94C, s. 18(e) additional educational requirements:
 - the risks of abuse and addiction associated with opioid medication;
 - appropriate prescription quantities for prescription medications that have an increased risk of abuse; and
 - opioid antagonists, overdose prevention treatments and instances in which a patient may be advised on both the use of and ways to access opioid antagonists and overdose prevention treatments.
 - 2. Retain the Board's standards for appropriate pain management programs to those:
 - a. that meet the Board's regulatory requirements at 244 CMR 5.00 without regard for a specific number of contact hours; and
 - b. to which APRNs with prescriptive authority attest to completing prior to each renewal period.

ACTION:

- A. Ms. Talarico was available for questions.
- B. Motion by C. Simonian, seconded by B. Levin, and unanimously passed to revise AR 0901: Management of Pain in accordance with the recommended revisions.

TOPIC:

Education

- A. Education Coordinator Staff Report
- B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Change: University of Massachusetts-Boston
- C. 244 CMR 6.10 Name Change of Nursing Education Program: Curry College
- D. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report
 - 1. Roxbury Community College, Associate Degree RN Program
 - 2. Laboure College, Associate Degree RN Program
- E. 2016 Quarter 2 NCLEX Performance Reports

DISCUSSION:

- A. K. Ashe briefed her report to the Board. K. Gehly asked K. Ashe if the report had been sent to school coordinators. K. Ashe stated she would send it out.
- B. K. Ashe briefed the administrative change to the Board.
- C. K. Ashe briefed that Board on the name change for Curry College.

D. K. Ashe introduced faculty from Roxbury Community College and briefed her report to the Board. L. Silva asked if the Board should hold a recommendation until the site survey has been completed. K. Ashe stated that the recommendation would be either or depending on the report.

K. Ashe introduced Laboure College's program chair, Dr. Manning, and briefed her report to the Board. K. Ashe recommended the Board reject the report and require Laboure College submit a follow up report with the missing items required. P. Gales asked when the report was due and K. Ashe stated September 30th. D. Drew asked for clarification on the items that were missing and what the follow up report would provide. L. Silva stated that the site survey should validate the report that the college would provide. D. Drew asked what was done last year and K. Ashe stated that a focused report was submitted by the college. K. Gehly stated that a final decision would be made once the Board would have all of the information. C. Silveira asked Dr. Manning about the retention rate for students and what was causing the retention rate to drop. Dr. Manning stated that she would look into that and have an answer at the site survey. K. Ashe asked if the school had been required to submit anything to ACEN regarding the changes. Dr. Manning stated that a report was submitted regarding the NCLEX pass rate. P. Gales stated that having the site visit shortly after the report would be good for the school. G. Dufault asked what would happen to the school if it lost full approval status.

E. K. Ashe briefed the reports to the Board.

ACTION:

Motion by P. Gales, seconded by C. LaBelle, and unanimously passed to accept the administrative change.

Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the name change.

Motion by P. Gales, seconded by G. Dufault, and unanimously passed to accept the report for Roxbury Community College and to require the college to complete a follow up report by December 2016.

Motion by P. Gales, seconded by D. Drew, and unanimously passed to reject the report submitted by Laboure College and require a follow up report.

TOPIC:

Substance Abuse Rehabilitation Program

A. Monthly Activity Report

B. Proposed SARP Staff Action Policy

DISCUSSION:

D. DeVaux stated that there were no SARP meetings in August.

ACTION:

So noted.

TOPIC:

Strategic Development, Planning and Evaluation

A. 2015-2016 Legislative Session Updates

B. Summary Report, BRN Representative to BRM Quality and Patient Safety Division: Diane Hanley, MSN, RN, Guest

C. Topics for Next Agenda

DISCUSSION:

September 14, 2016 Minutes
(Approved 10/19/2016)

- A. Referring to her previously distributed report which provided an update on 19 bills filed during the 2015-2016 Legislative Session and which the Board reviewed in 6/10/15, Ms. Silveira highlighted the status of HB1996: An Act to Remove Restrictions on the Licenses of Nurse Practitioners and Certified Registered Nurse Anesthetist. The report was based on a search conducted on 8/27/16 of the General Court's website at <https://malegisture.gov/Bills/Search>.
- B. Ms. Hanley reviewed her report to the Board which was distributed at the meeting, noting that she recommends that Nursing Board representation to the BRM Quality and Patient Safety Division also include an Advanced Practice Registered Nurse.
- C. K. Gehly reminded that the Board would have a public hearing on October 4th. L. Silva asked Board members to email her if they wanted to attend. L. Silva stated that she wanted to include Board education into Board meetings.

ACTION:

- A. Noted.
- B. Motion by B. Levin, seconded by S. Abbot, and unanimously passed to contact the Board of Registration in Medicine to pursue an additional BRM Quality and Patient Safety Division seat for a Nursing Board member who is an Advanced Practice Registered Nurse.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

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

G.L. c. 30A, § 21 Executive Session 10:10 a.m. to 11:33 a.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by C. Simonain, seconded by D. Drew, and unanimously passed to go into G.L. c. 112, s. 65C Session at 11:34 a.m.

G.L. c. 112, s. 65C Session 11:34 a.m. to 12:05 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

September 14, 2016 Minutes
(Approved 10/19/2016)

None

ACTION:

Motion by P. Gales, seconded by J. Killion, and unanimously passed to go into Adjudicatory Session at 12:12 p.m.

Adjudicatory Session 12:12 p.m. to 12:33 p.m.

TOPIC:

Adjournment

DISCUSSION:

C. Tebaldi stated that she had been elected and would be stepping down from her seat and thanked the Board. L. Silva stated she would be sending out a schedule for the Complaint Committee meeting and asked for members to sign up. O. Atueyi stated she would be out for a few months.

ACTION:

Motion by C. Tebaldi, seconded by C. Simonian, and unanimously passed to adjourn the meeting at 12:35 p.m.

Minutes of the Board's September 14, 2016, Regularly Scheduled Meeting were approved by the Board on October 19, 2016.

~~David J. Lewis~~
~~Katherine Gehly, MSN, CNP~~
Chairperson Vice-Chair
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**

September 14, 2016

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

PRELIMINARY AGENDA AS OF <8/25/16 9:23 am>

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 July 13, 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.	REINSTATEMENT A. Reinstatement Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy (OST)	Memo	TW
	VI.	PROBATION A. Probation Staff Report B. Requests for Extension in the matters of 1. J. Kariuki, LN85897, NUR-2014-0095 2. J. Galatis, RN141714, NUR-2009-0034	Memo Memo	KF KF
	VII.	PRACTICE A. Practice Coordinator Staff Report B. Proposed Revision to Advisory Ruling 0901: Management of Pain	Memo Memo	LT LT

	VIII.	EDUCATION F. Education Coordinator Staff Report G. 244 CMR 6.04(1)(c)&(1)(f) Administrative Change: University of Massachusetts-Boston H. 244 CMR 6.10 Name Change of Nursing Education Program: Curry College I. 244 CMR 6.08(1)(h) 2015 NCLEX Evaluation Report 1. Roxbury Community College, Associate Degree RN Program 2. Laboure College, Associate Degree RN Program J. 2016 Quarter 2 NCLEX Performance Reports	Report Report Report Compliance Reports Report	KA KA KA KA KA
	IX.	SUBSTANCE ABUSE REHABILITATION PROGRAM A. Monthly Activity Report B. Proposed SARP staff action policy	Report Report	DMD/VI DMD/VI
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. 2015-2016 Legislative Session Updates B. Summary Report, BRN Representative to BRM Quality and Patient Safety Division: Diane Hanley, MSN, RN, Guest C. Topics for Next Agenda	Memo Semi-annual Report	CS

	<p>XI. EXECUTIVE SESSION The Board will meet in Executive Session as authorized pursuant to:</p> <p>A. 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, approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the July 13, 2016 meeting. 2. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants. 3. 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. <p>B. M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.</p> <ol style="list-style-type: none"> 1. Specifically, the Board will discuss <i>Edna Tunis v. Board of Registration in Nursing</i>, Suffolk Superior Court, C.A. 1684CV02100 	CLOSED SESSION	
	XII. M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XIII. ADJUDICATORY SESSION (M.G.L. ch. 30A, § 18)	CLOSED SESSION	
1:00 p.m.	XIV. ADJOURNMENT		