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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, April 12, 2017

Board Members Present
K. Gehly, CNP, Chair
B. Levin RN, Vice Chair
J. Killion, LPN
C. Simonian, PharmD, RPh
J. Fantes, MD
L. Keough, CNP
G. Dufault, LPN
D. Zucker, RN
L. Kelly, CNP

Board Members Not Present
D. Drew, Public Member
P. Noonan, RN
S. Abbott, Public Member
A. Peckham, RN
C. LaBelle, 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
K. Keenan, Licensing Coordinator
L. Talarico, CNP, Nursing Practice Coordinator
B. Oldmixon, Board Counsel
K. Fishman, Probation Monitor
L. Ferguson, Paralegal
A. Macdonald, RN, Nursing Education Coordinator

Staff Not Present

TOPIC:
Call to Order & Determination of Quorum

DISCUSSION:
A quorum of the Board was present. Board members and staff introduced themselves.

ACTION:
At 9:14 a.m., K. Gehly, Chairperson, called the April 12, 2017 Regularly Scheduled Board Meeting to order.

TOPIC:
Approval of Agenda

DISCUSSION:
K. Gehly stated that the presentation on Board Approved Nursing Programs and Approval Status Changes was being 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 March 8, 2017 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:
K. Ashe stated that the 244 CMR 6.05(3)(b) Continuation of Full Approval based on 2016 Annual Reports Annual Report Data Summary was deferred last month. A. MacDonald stated that she was present at the meeting.

ACTION:
Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the Minutes of the March 8, 2017, Regularly Scheduled Board Meeting as amended.

TOPIC:
Approval of Minutes for the March 15, 2017 Complaint Committee Meeting

DISCUSSION:
None

ACTION:
Motion by J. Killion, seconded by L. Keough, and unanimously passed to accept the Minutes of the March 15, 2017 Complaint Committee Meeting.

TOPIC:
Approval of Minutes for the March 29, 2017 Complaint Committee Meeting

DISCUSSION:
None

ACTION:
Motion by J. Killion, seconded by L. Keough, and unanimously passed to accept the Minutes of the March 29, 2017 Complaint Committee Meeting.

TOPIC:
Reports, Announcements and Administrative Matters
A. Executive Director's Report
B. Announcements

DISCUSSION:
A. Executive Director's Report: L. Silva asked members to sign up for meetings and informed them that she would bring a roster of attendance next month.
B. None

ACTION:
So noted.

TOPIC: SARP
SARP Activity Report

DISCUSSION:
D. DeVaux stated that the SARP meetings were being held in Boston now. K. Gehly asked if that was an issue and D. DeVaux stated that it had not been.

ACTION:
So noted.

TOPIC: Probation
Probation Staff Action Report

DISCUSSION:
L. Silva recommended that the report be deferred to next month.

ACTION:
Deferred.

TOPIC: Education

A. None
B. 244 CMR 6.04(1)(c)&(1)(f)Administrative Changes Update for Diman Regional Vocational Technical School Practical Nursing Program.
C. 244 CMR 6.08(1)(e) Review of Approval Status Diman Regional School of Practical Nursing On Site Survey
D. 244 CMR 6.05(3)(b) Continuation of Full Approval based on 2016 Annual Reports
   1. Student Numbers (admissions, graduates, and enrollments)
   2. Student Numbers 5-year variance
E. 244CMR 6.06(2) Site Survey Waiver Requests
   1. University of Massachusetts Lowell Baccalaureate RN Program
   2. Fitchburg State University Baccalaureate RN Program

DISCUSSION:
A. None
B. K. Ashe briefed the administrative change for Diman Regional School of Practical Nursing to the Board and recommended the Board accept the change.
C. K. Ashe briefed the Board on the report and the history of the approval status of Diman Regional School of Practical Nursing. K. Ashe stated that the program had not adequately informed the students of the change in approval status and needed to change its website to reflect the change in status. K. Ashe then went over the survey results that had been conducted by the Board. K. Ashe reported finding that indicated the program had not satisfactorily provided evidence of compliance with all regulations at 244 CMR6.04(1)-(5), The Program would need to meet the requirements or lose its approval. The program administrator briefed the Board on the plans to correct deficiencies, return to compliance with all

regulations and receive Full Approval status. The Program Administrator stated that Board approval status had been posted to their website.
D. K. Ashe briefed the report to the Board.
E. 1. Report deferred due to Board Members K. Gehly and B. Levin needing to recuse themselves.
E. 2. A. MacDonald briefed the report to the Board. A. MacDonald recommended the Board accept the report and grant the waiver.

ACTION:

B. Motion by B. Levin, seconded by J. Fantes, and unanimously passed to find compliance with regulations, 244 CMR 6.04(1) (c) and 6.04(1)(f) in the appointment of appointment of Donna Theodore, MSN, RN, as the Administrator, Diman Regional School of Practical Nursing.
C. Motion by B. Levin, seconded by D. Zucker, and unanimously passed to:
   1. Accept the surveyors' report, finding the Diman Regional School of Practical Nursing (Program) has not provided satisfactory evidence of compliance with the regulations at 244 CMR 6.04 (1)(b), (1)(c), (1)(d), (1)(e), (1)(g), (1)(h), (2)(a), (2)(b)2, (3)(a)2, (3)(a)3, (4)(b)3, (5)(a), (5)(b) and 6.08(2)(a) [1]. Failure to correct these regulatory deficiencies within the designated time period will result in the Board's withdrawal of the Program's approval status.
   2. Continue Approval with Warning status at this time.
   3. Direct the Program to provide to the Board the following in order to demonstrate correction of the regulatory deficiencies:
      A. Immediately submit evidence of the change in the Program's approval status in all official publications, including the Program's website.
      B. **Due June 14, 2017**
         1. a comparative table demonstrating clear congruence of College Vision and Mission, and Program Mission and Philosophy and Program Outcomes [ref 244 CMR 6.04 (1)(a)];
         2. develop and implement of a written formalized process (e.g. Program by-laws; publication in Nursing Student Handbook) for the recruitment of students to participate in Program governance [ref 244 CMR 6.04 (1)(b)].
         3. complete a comparative analysis of parent institution and program policies demonstrating internal consistency with those of the parent institution, or with differences justified by the goals of the program [ref 244 CMR 6.04 1(d)];
         4. SEP that indicates all school, faculty, student and graduate records will have an audit process to ensure continued compliance written policy for the maintenance and retirement of school, and faculty, student, and graduate records[ref 244 CMR 604 1(e)];
         5. a written policy for the maintenance and retirement of school, and faculty, records[ref 244 CMR 604 1(g)];
         6. full implementation of the faculty records retention policy ensuring full and part time faculty files include evidence of a current MA RN, official transcripts, and updated curriculum vitae [ref:244 CMR 6.04 (2)(b)];
         7. provide evidence of an audit demonstrating that admission criteria, established by faculty, is adhered to in the admission process, and student records are complete for admission requirements [ref: 244 CMR 6.04(3)(a)1];
         8. program meeting minutes that course, clinical, faculty evaluations by students are reported, shared, and used for program improvements [ref 244 CMR 6.04(3)(a)3]; and

[1] Immediately notfy applicants in writing, in accordance with established current Board guidelines, of the Program's Approval with Warning Status, the basis therefor, and the necessary corrective action(s)" as specified at 244 CMR 6.08(2).
The Program was directed to submit evidence of the change in its approval status in all official publications.

9. complete a comparative table of the Program curriculum with the 2017 NCLEX-PN Detailed Test Plan to demonstrate the curriculum is complete and reflects all NCLEX-PN content; the analysis is to distinguish between theory and clinical content. A supplemental comparative table of nursing course concepts and exemplars addressing the any curricular content gaps identified [ref: 244CMR6.04 4(b)3)].
10. faculty workloads demonstrating that the allocation of adequate full-time and part-time faculty resources are sufficient to meet the goals and outcomes specific to the Program [ref: 244 CMR 6.04(5)(a)];
11. a narrative summary describing how the student-faculty/ ratio in clinical practice is determined based on the complexity of the educational experience, the student level of knowledge and skill, and patient needs along with a table demonstrating actual students to faculty ratio in clinical not exceeding 10:1 (ref 244 CMR6.04(5)(b); and

C. Due by October 18, 2017

1. An updated SEP inclusive of, but not limited to:
    a. clearly stated evaluation criteria, operational definitions, expected levels of achievement specificity (achievable and measurable) across all criterion; inclusive of outcomes data, a calendar outlining the evaluation schedule [ref: 244 CMR 6.04 (1)(e)];
    b. the systematic evaluation of all components including, but not limited to, NCLEX performance; admission, retention and graduation rates; graduate satisfaction; and employment rates and patterns as required at 244 CMR 6.01 [ref:244 CMR 6.04(1)(e)];
2. meeting minutes demonstrating the results of the systematic evaluation of Program components are used for Program development, maintenance and revision [ref:244 CMR 6.04(1)(e)]; and

D. Due October 18, 2017

1. To enhance program effectiveness: revised course and clinical objectives to demonstrate internal consistency with the program's mission or philosophy and objectives or goal [ref: 244 CMR 6.04(1)(a) and (4)(a)]

D. Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the reports.

E. 1. Deferred.

E. 2. Motion by L. Keough, seconded by D. Zucker, and unanimously passed to:

1. Accept the staff compliance report regarding the 244 CMR 6.06(2) Site Survey Waiver request submitted by the Fitchburg State University Baccalaureate Degree Nursing Program (Program); and
2. Grant waiver of 244 CMR 6.06(1)(a) finding:
    a. written evidence of the program's full accreditation;
    b. the program's report evaluating its compliance with the accreditation standards of the Commission on Collegiate Nursing Education (CCNE);
    c. the written findings and recommendations of the Board-recognized accrediting agency in nursing based on its review of the program. The Board may request a progress report from the program in response to the recommendation(s) of the accrediting agency.

TOPIC:

Strategic Development, Planning and Evaluation

B. Request for Policy Revision

1. Administrative Policy 08-01

C. Request for Policy Approval

1. Bureau Policy on Referrals to the Office of Attorney General

D. Regulatory Review

1. Review of Comments Received and Recommendations on Proposed Further Revisions to 244 CMR 5.00, 8.00 & 9.00

E. Presentation/Report

1. Board Approved Nursing Programs and Approval Status Changes

F. Review of Proposed Legislation

1. H1188/S1162: Nurse Licensure Compact

G. Topics for Next Agenda

DISCUSSION:

B. L. Silva briefed the policy change to the Board and added an additional change to the policy. B. Levin stated that it is important that the Board would be informed on any decisions made under this policy.
C. V. Berg briefed the Board on a new Division policy on referrals to the Office of Attorney General. B. Levin asked about licensure obtained by fraud. V. Berg provided clarification on the procedure with fraudulent nursing applications.
D. V. Berg briefed the public comments received on the regulatory reviews for 244 CMR 5.00, 8.00 and 9.00 and gave the recommended regulation changes to the Board.
E. None.
F. K. Gehly informed Board members that a bill had been filed with the Massachusetts Legislature on the Nurse Licensure Compact and that historically the Board had supported the bill.
G. K Gehly stated that the Board members would need to vote for a new chair and vice chair and that K. Gehly stated she would be resigning her position.

ACTION:

B. Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the administrative policy change with the additional revisions.
C. Motion by C. Simonian, seconded by D. Zucker, and unanimously passed to adopt the Bureau Policy on Referrals to the Office of Attorney General.
D. Motion by C. Simonian, seconded by D. Zucker, and unanimously passed to make the recommended changes to CMR 5.00 and submit them for review.
D. Motion by L. Keough, seconded by B. Levin, and unanimously passed to make the recommended changes to CMR 8.00 and submit them for review.
D. Motion by J. Killion, seconded by B. Levin, and unanimously passed to make the recommended changes to CMR 9.00 and submit them for review.
E. Deferred.
F. Motion by L. Keough, seconded by D. Zucker, and unanimously passed to support H1188/S1162: Nurse Licensure Compact.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by L. Keough, and unanimously passed by roll call vote to go into Executive Session at 10:03 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:03 a.m. to 11:00 a.m.

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

DISCUSSION:
None

ACTION:
Motion by B. Levin, seconded by D. Zucker, and unanimously passed to go into G.L. c. 112, s. 65C Session at 11:10 a.m.

G.L. c. 112, s. 65C Session 11:00 a.m. to 11:05 a.m.

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

DISCUSSION:
None

ACTION:
Motion by B. Levin, seconded by D. Zucker, and unanimously passed by roll call vote to go into Executive Session at 11:05 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 11:05 a.m. to 11:29 a.m.

TOPIC:
Adjudicatory Session

DISCUSSION:
None

ACTION:
Motion by L. Keough, seconded by B. Levin, and unanimously passed to go into Adjudicatory Session at 11:29 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 11:29 a.m. to 11:35 a.m.

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

DISCUSSION:
None

ACTION:
Motion by L. Keough, seconded by B. Levin, and unanimously passed to go into G.L. c. 112, s. 65C Session at 11:35 a.m.

G.L. c. 112, s. 65C Session 11:35 a.m. to 12:02 a.m.

TOPIC:
Adjournment

DISCUSSION:
None

ACTION:
Motion by C. Simonian, seconded by D. Zucker, and unanimously passed to adjourn the meeting at 12:02 p.m.

Minutes of the Board's April 12, 2017, Regularly Scheduled Meeting were approved by the Board on May 10, 2017.

Katherine Gehly, MSN, CNP
Chairperson
Board of Registration in Nursing

Agenda with exhibits list attached.

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

Notice of the Regularly Scheduled Meeting

Regular Session

239 Causeway Street
Room 417
Boston, Massachusetts 02114
Wednesday, April 12, 2017

PRELIMINARY AGENDA AS OF 3/24/17 at 2:15pm

Estimated Time	Item #	A. Item	Exhibit	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	**APPROVAL OF AGENDA**	Agenda	
	III.	**APPROVAL OF MINUTES** A. Draft Minutes for the March 8, 2017 Meeting of the *Board of Registration in Nursing, Regular Session* B. Draft Minutes for the March 15, 2017 Meeting of the *Complaint Committee, Regular Session* C. Draft Minutes for the March 29, 2017 Meeting of the *Complaint Committee, Regular Session*	Minutes	
	IV.	**REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS** A. Executive Director's Report B. Announcements	Oral/Memo	LS
	V.	**SARP** A. SARP Activity Report	Memo	DMD
	VI.	**PROBATION** A. Probation Staff Action Report	Memo	KF
	VII.	**PRACTICE** A. Practice Coordinator Staff Report	None	LT

	VIII.	**EDUCATION** A. Nursing Education Staff Report B. 244 CMR 6.04(1)(c)&(1)(f)Administrative Changes Update for Diman Regional Vocational Technical School Practical Nursing Program. C. 244 CMR 6.08(1)(e) Review of Approval Status Diman Regional Vocational Practical Nursing Program On Site Survey D. 244 CMR 6.05(3)(b) Continuation of Full Approval based on 2016 Annual Reports 1. Student Numbers (admissions, graduates, and enrollments) 2. Student Numbers 5-year variance E. 244CMR 6.06(2) Site Survey Waiver Requests 1. University of Massachusetts Lowell Baccalaureate RN Program 2. Fitchburg State University Baccalaureate RN Program	None Report Compliance Reports Report Compliance Reports	-- KA KA KA AM
	IX.	**REQUESTS FOR LICENSE REINSTATEMENT** A. None	None	
	X.	**STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION** A. Systematic Policy Evaluation 1. None B. Request for Policy Revision 1. Administrative Policy 08-01 C. Request for Policy Approval 1. Bureau Policy on Referrals to the Office of Attorney General D. Regulatory Review 1. Review of Comments Received and Recommendations on Proposed Further Revisions to 244 CMR 5.00, 8.00 & 9.00 E. Presentation/Report 1. Board Approved Nursing Programs and Approval Status Changes F. Review of Proposed Legislation 1. H1188/S1162: Nurse Licensure Compact G. Topics for Next Agenda	 None Policy Proposed Policy Memo and Drafts Presentation Oral	 -- LS VPB VPB KA/AM KG
<>		**LUNCH**		

	XI.	**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. 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. 3. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the March 8, 2017 meeting.	CLOSED SESSION
	XII.	**M.G.L. c. 112, § 65C SESSION**	CLOSED SESSION
	XIII.	**M.G.L. c. 30A, § 18 ADJUDICATORY SESSION**	CLOSED SESSION
5:00 p.m.	XIV.	**ADJOURNMENT**	