

**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 10, 2019

Board Members Present

B. Levin, RN, Chairperson
L. Keough, CNP, Vice Chairperson
A. Alley, RN
K. Barnes, JD, RPh
K. Crowley, DNP
G. Cutillo, LPN
D. Drew, MBA, Public Member
J. Fantes, MD (Arrived at 9:10 a.m.)
G. Gravlin, EdD
C. LaBelle, RN
D. Nikitas, RN
E. Pusey-Reid, DNP (Left at 12:51 p.m.)

Staff Present

L. Silva, RN, DNP, Executive Director
C. MacDonald, RN, DNP, Deputy Executive Director
O. Atueyi, JD, Board Counsel
B. Oldmixon, JD, Board Counsel
H. Cambra, RN, JD, Interim SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
M. Gilmore, RN, SARP Coordinator
S. Hall, SARP Monitoring Coordinator
F. Medaglia, RN/CNP, PhD, Assistant Director for
Policy and Research
S. Gaun, Office Support Specialist I
K. Jones, Probation Compliance Officer
L. Ferguson, Paralegal
A. Pettigrew, Compliance Officer
J. Scranton, Compliance Officer
L. Woodward, Compliance Officer
L. Harrison, Temporary Education Administrative
Assistant
G. Rivera, Temporary SARP Administrative Assistant

Board Members Not Present

L. Kelly, CNP
M. Keohane, RN
L. Wu, RN

Staff Not Present

M. Campbell, RN, JD, Nursing
Investigations Supervisor
A. MacDonald, RN, DNP, Nursing
Education Coordinator
L. Talarico, RN/CNP, Nursing Practice
Coordinator

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

B. Levin confirmed by roll call that a quorum of the Board members was present and announced that the meeting was being recorded.

ACTION:

At 9:04 a.m., B. Levin, Chairperson, called the April 10, 2019 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Revised Agenda

DISCUSSION:

None.

ACTION:

Motion by K. Crowley, seconded by A. Alley, and voted unanimously to approve the Revised Agenda as presented.

TOPIC:

Approval of Board Minutes for the March 13, 2019 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted, with K.A. Barnes and G. Gravlin in abstention, and all other members present in favor, to accept the Minutes of the March 13, 2019 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

A. Announcements

DISCUSSION:

A. None.

ACTION:

A. None.

TOPIC: SARP

Activity Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: SARP

Appointment of SAREC Member: J. Mungai, LPN

DISCUSSION:

H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. There was no discussion.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to accept the appointment of J. Mungai, LPN as a SAREC Member.

TOPIC: Probation

Staff Action Report

DISCUSSION:

K. Jones was available for questions.

ACTION:

So noted.

TOPIC: Probation

Termination of Probation/Stayed Probation

DISCUSSION:

None.

ACTION:

None.

TOPIC: Probation

Request for Notice of Violation and Further Discipline

DISCUSSION:

None.

ACTION:

None.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education
Nursing Education Staff Report

DISCUSSION:
None.

ACTION:
None.

TOPIC: Education
244 CMR 6.04(1)(c) Quinsigamond Community College Practical Nursing Program Administrator

DISCUSSION:

C. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. M. Yoder, program administrator, was present. B. Levin stated the 3/27/2019 Letter which the program provided is not specific. L. Silva stated the 3/27/2019 Letter does not clearly articulate that M. Yoder is the full-time program administrator. D. Drew stated the 3/27/19 Letter is vague.

M. Yoder stated there is a letter which is dated prior to the 3/27/2019 Letter that stated she is the full-time program administrator. C. MacDonald stated the previous letter stated M. Yoder was the program administrator and the documentation provided indicated that M. Yoder was also teaching as part of that full-time role and responsibility as the program administrator. M. Yoder stated that she is confused. M. Yoder stated at the 3/13/2019 Board Meeting, the Board requested her to provide a letter stating the program administrator was separate from the teaching position, which the Quinsigamond Community College President did state in the 3/27/2019 Letter. L. Silva stated the chronology of the events. O. Atueyi gave to M. Yoder a copy of the 3/27/2019 Letter. B. Levin stated the Board needs clarification in a letter stating that M. Yoder's administrative responsibilities are full-time. E. Pusey-Reid stated the letter needs to state that M. Yoder's workload as program administrator does not require any teaching responsibilities.

K. Crowley stated the 3/27/2019 Letter stated the program administrator was separate from the teaching responsibilities. L. Silva stated that part of the challenge is the Board has received so many conflicting information, and at the 3/13/2019 Board Meeting, the Board wanted the delineation clearly stated.

A. Alley stated the 3/27/2019 Letter requires that M. Yoder is a full-time employee. A. Alley stated the Board wanted the letter to state that M. Yoder is the full-time program administrator, and that full-time role is separate from teaching. Several Board members stated M. Yoder does not need to come back to the Board if the Letter clarifies her role as full-time program administrator.

M. Yoder stated this is now the third time she has been in front of the Board and asked what exactly the Board wants from her. M. Yoder stated she is living up to everything the Board would like for her to do. O. Atueyi stated she understands M. Yoder's frustration. O. Atueyi explained to M. Yoder the requirements the Board has to adhere to in cases of a public request of documentation.

B. Levin stated the Board needs to be consistent. B. Levin apologized to M. Yoder that she feels frustrated. B. Levin stated the Board wants clarity because the documents will live on in the future. D. Nikitas read the Board's vote in the Minutes of the 3/13/2019 Board Meeting. A. Alley stated that the letter needed to state that M. Yoder is working full-time as the program administrator and the teaching is separate. A. Alley stated that he sympathized with M. Yoder and he apologized to her that she had to be at

the Board Meeting again. C. MacDonald stated she will work with M. Yoder on this. M. Yoder stated the last sentence is in the 3/27/2019 Letter to appease the requests of the Board.

ACTION:

Motion by A. Alley, seconded by L. Keough, and voted, with K. Crowley and G. Cutillo in opposition, K.A. Barnes in abstention, and all other members present in favor, that the Board does not accept the 3/27/2019 Letter the Board received from the program, the Board requires further clarification from the program to indicate that the role is separate as a full-time program administrator, and that there is no need for M. Yoder to return to the Board upon receipt of the letter within 30 days.

TOPIC: Education

Roxbury Community College Associate Degree RN Program and Roxbury Community College Practical Nursing Program

DISCUSSION:

C. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. D. Chase, program administrator was present. In response to B. Levin, D. Chase stated she can provide a current update. B. Levin stated that D. Chase has been doing a good job. D. Chase stated the program has received applicants for the assistant director of nursing position, twelve (12) people have applied for adjunct faculty positions, fourteen (14) people have applied for full-time faculty positions, and several applicants have applied for the administrative assistant positions. D. Chase stated the program has not had much luck regarding getting applicants for the lab assistant and simulation coordinator positions. In response to L. Silva, D. Chase stated about there are candidates for the assistant director of nursing and lab assistant positions. D. Drew stated that D. Chase has done amazing work and she would have liked to have seen Roxbury Community College President V. Roberson sign the cover letter. D. Chase stated that V. Roberson is present at the Board Meeting and she reviewed all of the documents.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to:

1. Accept the report from the Program Administrator as meeting the March 13, 2019 Board directive,
2. Direct the programs to submit a report monthly addressing progress in each of these areas with the first report due April 19, 2019.

TOPIC: Education

2019 Q1 NCLEX Statistics

1. Explanation of NCLEX Data Reports
2. 2019 Q1 MA Graduates Regardless of State of Licensure
3. 2019 Q1 MA Licensure Candidates Regardless of State of Education

DISCUSSION:

C. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. In response to D. Drew, C MacDonald stated the NCLEX are reported based on first-time test takers. C. MacDonald stated second-time test takers do appear on the reports, but they are not factored into the percentages. C. MacDonald stated hopefully those numbers are low, because the Board staff wants everyone to pass.

ACTION:

So noted.

TOPIC: Requests for License Reinstatement

Jennifer Carbonneau, NUR-2018-0169, LN94132

DISCUSSION:

L. Ferguson summarized her previously distributed memorandum and attached exhibits to the Board. The Licensee and G. Kealy, her attorney, were present. In response to O. Atueyi, L. Woodward stated she spoke to the Licensee's Director of Nursing when the incident took place and she asked the Director of Nursing if she worked somewhere else as the Director of Nursing, if the Licensee was an applicant, would she hire the Licensee. L. Woodward stated the Director of Nursing stated "Absolutely, what the Licensee did was wrong, the Licensee was targeted by the patient, she thought the Licensee was a very good nurse, and she would hire her again."

G. Kealy stated his client, the Licensee, became a victim of a crime, the patient sent videotapes of the Licensee in an extremely compromising position using his hidden cellphone in his room to the Licensee's fellow employees, the Director of Nursing, and the Licensee's spouse.

G. Kealy implored the Board that the Licensee does not need a form of probation, the Licensee is well aware of what she did, the Licensee suffered enough, and the Suspension has been close to 60 days.

In response to D. Drew, L. Ferguson stated the 2/5/2019 Letter from M. Ferrick is a supplemental letter and it does not replace the initial letter.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to reinstate the Licensee's license without probation.

TOPIC: Strategic Development, Planning and Evaluation

A. Presentation/Report

1. Massachusetts Coalition for the Prevention of Medical Errors:
 - a. January 31, 2019 Coalition Meeting Minutes
 - b. February 25, 2019 Coalition Meeting Minutes

B. Topics for Next Agenda

DISCUSSION:

- A. 1. a. and b. B. Levin stated the Board members have the reports.
B. None.

ACTION:

- A. 1. a. and b. So noted.
B. None.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to convene the Adjudicatory Session at 9:50 a.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 9:50 a.m. to 9:56 a.m.

TOPIC:

Reconvene the Regularly Scheduled Meeting

DISCUSSION:

None.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to reconvene the Regularly Scheduled Meeting at 9:56 a.m.

Break from 9:57 a.m. to 10:02 a.m.

TOPIC:

Continuation of Reports, Announcements and Administrative Matters
A. Announcements

DISCUSSION:

A. C. MacDonald stated that this is the last Board Meeting for F. Medaglia, who is retiring. The Board members applauded and thanked F. Medaglia for all of her hard work.

ACTION:

A. So noted.

TOPIC: Strategic Development, Planning and Evaluation

A. Presentation/Report
2. Pharmacist Administration of Medications for the Treatment of Medical Illness and Substance Use Disorder

DISCUSSION:

L. Nelson, Bureau of Health Professions Licensure (BHPL) Director of Policy and Regulatory Affairs, summarized her previously distributed memorandum and attached exhibits to the Board. L. Nelson stated this is a Massachusetts legislative initiative. In response to G. Cutillo, L. Nelson stated the pharmacist is not assessing the patient's symptoms. L. Nelson stated the symptoms are being assessed by the prescriber at the time of the prescription. In response to C. LaBelle, L. Nelson stated it is up to the prescriber to

determine what is best for the patient as to what their drug schedules are. In response to L. Keough, G. Cutillo stated what her concerns are.

In response to A. Alley, L. Silva stated the Board members concerns are valid, but this is legislation. L. Keough stated the Board members could draft a letter stating their concerns and send it to the DPH Commissioner if they think it is warranted. In response to L. Keough, L. Nelson stated BHPL does not have jurisdiction over every prescriber. L. Nelson stated what the BHPL has the authority to do in this instance is to notify the prescribers of this new system and to declare in the letter what the expectations are for routine assessment and competency. L. Nelson stated the BHPL did not draft the legislation. L. Nelson stated BHPL will implement it in the safest way possible. L. Keough thanked L. Nelson for explaining this to the Board members. J. Fantes stated the pharmacists have improved the vaccination rates and they have increased access for our patients. J. Fantes stated vaccines are very complicated, some are medical benefits and some are pharmacy benefits. J. Fantes stated that compliance is a huge issue.

ACTION:

So noted.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by A. Alley, seconded by C. LaBelle, and voted unanimously to convene the Executive Session at 10:20 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:20 a.m. to 2:00 p.m.

Break from 2:00 p.m. to 2:12 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by A. Alley, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 2:12 p.m.

G.L. c. 112, s. 65C Session 2:12 p.m. to 3:45 p.m.

TOPIC:

April 10, 2019 Regular Session Board Meeting Minutes
(to be Approved 05/08/2019)

Adjournment


DISCUSSION:

None.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to adjourn the meeting at 3:45 p.m.

Minutes of the Board's April 10, 2019, Regularly Scheduled Meeting were approved by the Board on May 8, 2019.



Barbara Levin, RN
Chairperson
Board of Registration in Nursing

Agenda with exhibits list attached.

**COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing**

REVISED Notice of the Regularly Scheduled Meeting

Regular Session

239 Causeway Street
Room 417
Boston, Massachusetts 02114

Wednesday, April 10, 2019

PRELIMINARY AGENDA AS OF 4/4/19 11:15am

KEY: Item materials distributed for 3/13/19 Board meeting, but were DEFERRED

| Estimated Time | Item # | Item | Exhibit | Presented by |
|----------------|--------|---|------------------------|--------------|
| 9:00 a.m. | I. | CALL TO ORDER & DETERMINATION OF QUORUM | None | |
| | II. | APPROVAL OF AGENDA | Agenda | |
| | III. | APPROVAL OF MINUTES A. Draft Minutes for the March 13, 2019 Meeting of the <i>Board of Registration in Nursing, Regular Session</i> | Minutes | |
| | IV. | REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Announcements | Oral/Memo | LS |
| | V. | SARP A. SARP Activity Report - NONE B. Appointment of SAREC Member: J. Mungai, LPN | None Memo | HC |
| | VI. | PROBATION A. Probation Staff Action Report B. Termination of Probation/Stayed Probation - NONE C. Request for Notice of Violation and Further Discipline - NONE | Report None None | KJ |
| | VII. | PRACTICE A. Practice Coordinator Staff Report -- NONE | None | |

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

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| | VIII. | EDUCATION A. Nursing Education Staff Report - NONE B. 244 CMR 6.04(1)(c) Quinsigamond Community College Practical Nursing Program Administrator C. 244 CMR 6.08 1. Roxbury Community College Associate Degree RN Program 2. Roxbury Community College Practical Nursing Program D. 2019 Q1 NCLEX Statistics 1. Explanation of NCLEX Data Reports 2. 2019 Q1 MA Graduates Regardless of State of Licensure 3. 2019 Q1 MA Licensure Candidates Regardless of State of Education | None Memo Memo Memo Reports | CM CM CM CM |
| | IX. | REQUESTS FOR LICENSE REINSTATEMENT A. Jennifer Carbonneau, NUR-2018-0169, LN94132 | Memo | LF |
| | X. | STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Presentation/Report 1. Massachusetts Coalition for the Prevention of Medical Errors: a. Jan 31, 2019 Coalition Meeting Minutes b. Feb 25, 2019 Coalition Meeting Minutes 2. Pharmacist Administration of Medications for the Treatment of Mental Illness and Substance Use Disorder B. Topics for Next Agenda | Minutes Minutes Presentation | ASF/FM LN |

**COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing**

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| | XI. | <p>EXECUTIVE SESSION</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"> 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. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. 4. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the March 13, 2019 meeting. | CLOSED SESSION | |
| <> | | LUNCH BREAK | | |
| | 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 | | |

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Beth Rabasco, Phone: 617-624-5291 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.