

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

250 Washington Street, Room 3C
Boston, MA 02108

AND VIA ZOOM

Wednesday, July 12, 2023 9:00 am 12 hours | (UTC-04:00) Eastern Time (US & Canada)

Event address for attendees:

<https://us06web.zoom.us/j/82663357961>

Join by Phone:

+1-602-333-0032 US Toll

+1-888-270-9936 US Toll Free

Access code: 247716

Minutes of the Regularly Scheduled Board Meeting

Wednesday, July 12, 2023

Board Members Present In Room 3C

None

Board Members Not Present

K.A. Barnes, JD, RPh

V. Percy, MSN, RN

A. Sprague, BS, RN

L. Wu, MBA, RN

Board Members Present Via Audio Or Video

L. Kelly, DNP, RN, CNP, Chairperson

A. Alley, MSN, RN, Vice Chairperson

K. Crowley, DNP, RN

M. Harty, LPN

A. Joseph, MD

L. Keough, PhD, RN, CNP

M. McAuliffe, DNP, RN

J. Monagle, PhD, RN

D. Nikitas, BSN, RN

C. Norris, LPN

R. Reynolds, PhD, MSN, RN

Staff Present In Room 3C

P. Scott, Licensing Coordinator

S. Gann, Office Support Specialist I

Staff Not Present

L. Millson, PhD, MSN, RN, Assistant

Director for Policy and Research

Staff Present Via Audio Or Video

H. Cambra, JD, RN, Acting Executive Director

L. Worley, JD, Board Counsel

M. Jardonnet, JD, Board Counsel

S. Waite, DNP, RN, Nursing Education Coordinator

H. Caines Robson, MSN, RN, Nursing Education
Coordinator
P. McNamee, MS, RN, Nursing Practice Coordinator
C. DeSpirito, JD, BSN, RN, Complaint Resolution
Coordinator
A. Hallowell, BSN, RN, Complaint Resolution
Coordinator.
L. Almeida, BSN, RN, Nursing Investigations Supervisor
M. Waksmonski, MSN, RN, SARP Coordinator
G. Velez Rivera, MBA, SARP Monitoring Coordinator
E. Conlon, SARP Monitoring Coordinator
L. Ferguson, Paralegal
K. Jones, Probation Compliance Officer

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

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

ACTION:

At 9:03 a.m., motion by L. KeUy, DNP, RN, CNP, Chairperson, and seconded by A. Alley to call the July 12, 2023 Regularly Scheduled Board Meeting to order and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds in favor.
M. Harty not present.
Motion carries.

TOPIC:

Approval of Agenda

DISCUSSION:

No changes were made to the agenda.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, K. Crowley, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds all in favor to approve the agenda as presented.
M. Harty not present for roll call.
Motion carries.

TOPIC:

Approval of Board Minutes for the June 14, 2023 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, M. Harty, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, and C. Norris voted in favor to accept the Minutes of the June 14, 2023 Regularly Scheduled Board Meeting as presented.

K. Crowley, A. Joseph and R. Reynolds abstained.

Motion carries.

TOPIC: Reports, Announcements and Administrative Matters

Announcements

DISCUSSION:

H. Cambra reminded the Board Members that there are no Complaint Committee or Board meetings in August, 2023.

ACTION:

None.

TOPIC: SARP

Activity Report

DISCUSSION:

M. Waksmonski was available for questions.

ACTION:

None.

TOPIC: Probation

Staff Action Report

DISCUSSION:

K. Jones was available for questions.

ACTION:

None.

TOPIC: Probation

Request for Termination of Probation/Stayed Probation

DISCUSSION:

None.

ACTION:

None.

TOPIC: Practice

Practice Coordinator Staff Report

DISCUSSION:

P. McNamee was available for questions.

ACTION:

None.

TOPIC: Education

Nursing Education Staff Action Report

DISCUSSION:

S. Waite was available for questions.

ACTION:

None.

TOPIC: Education

B. 1. 244 CMR 6.08 (3)(a) Withdrawal of Approval

Laboure College ADN Program: Hearing in accordance with 244 CMR 6.08 (4) and Massachusetts General law Chapter 112 81.A

DISCUSSION:

L. Kelly asked for confirmation that Laboure College representation was present. K. Freytag, the attorney representing Laboure College was present as a panelist. S. Gaun remarked that there were individuals in the attendee link labeled as Laboure. L. Kelly directed P. Scott to contact Laboure, inform them that those who are representing the school must use the panelist link. B. 1. is deferred until Laboure College representation is using the appropriate link. The meeting proceeded to agenda item C.

ACTION:

None.

TOPIC: Education

C.1. Middlesex Community College Practical Nurse Program represented by C. Walsh
244 CMR 6.05 (1)(a) Pre-requisite Approval Status

DISCUSSION:

S. Waite summarized her previously distributed report. There was no discussion.

ACTION:

Motioned by L. Kelly and seconded by K. Crowley to accept the previously distributed report and find ' that Middlesex Community College complies with the regulations for pre-requisite approval status, and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor to accept the pre-requisite approval status.

Motion carries.

TOPIC: Education

DISCUSSION:

S. Waite summarized her previously distributed report which updated the Board on Bay State College's compliance with regulations pertaining to the closure of the program effective August 31, 2023.

K. Crowley asked for an update on affiliation agreements. Two (2) students are not placed; all others are placed. K. Crowley asked for an update on record storage. J. Verstreken stated that 13 institutions have been contacted and all declined to store the records.

ACTION:

Motioned by L. Kelly and seconded by K. Crowley to accept Baystate College's notification about the program closure and to continue to submit written monthly updates due on July 17, 2023 and August 17, 2023 with failure to comply with due dates to result in the Board's evaluation and reevaluation of the program's current status and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor. Motion carries.

TOPIC: Education

B. I. 244 CMR 6.08 (3)(a) Withdrawal of Approval

Laboure College ADN Program: Hearing in accordance with 244 CMR 6.08 (4) and Massachusetts General law Chapter 112 section SIA. Represented by legal counsel K. Freytag, P. Santana, M. Altobello, L. Hsu and W. Pierson

DISCUSSION:

L. Kelly asked for identification of two (2) individuals who were not listed as panelists. Both identified themselves as students at Laboure who did not plan to participate; observe only. Both were moved to the attendee link.

S. Waite summarized her previously reported findings resulting in the Board to vote on June 14, 2023 to withdraw approval. On January 12, 2022, the Board staff reviewed the calendar year (CY) 2021 Laboure College RN NCLEX scores for first time writers with a 76% pass rate reported. The Board also noted this was the second consecutive year that the NCLEX pass rates were below 80%. CY 2020 was 78%. The National Council of State Boards of Nursing's standard is 80% pass rate or greater. On April 13, 2022, the program's corrective action plan was submitted for review. The Board conducted a site survey on May 24 and 25, 2022. On September 14, 2022, the Board accepted the Board staff's compliance report finding non-compliance with 244 CMR 6.04 (1)(d), (1)(e), (4)(b)(2), (4)(b)(4), (4)(b)(4), (4)(b)(5) and (5)(a) and voted to place Laboure College on approval with warning status and to hold the admissions to the previously approved numbers. On November 16, 2022, based on information that the Board of Nursing received from an anonymous complainant, an investigation was conducted. Laboure College was not adhering to its progression policy, was waitlisting students for classes, and not providing clinical placement information resulting in delays for progression and graduation, not posting the approval with warning status on their website and plans for correction on their website. On November 21, 2022, the Board requested a response from Laboure College about these allegations. On December 6, 2022, Laboure responded to the allegations. On January 11, 2023, the Board accepted the program's response to the complainants, finding non-compliance with 6.08 (1)(t) and continued Laboure College's approval with warning status. On June 14, 2023, the Board heard the matters related to 244 CMR 6.05 (3)(b), reviewed Laboure College's annual report, learning that during Spring 2022 and Summer 2022, Laboure

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(To be Approved 09/13/2023)

College did not offer clinical placement for certain courses, therefore did not meet NCSBN standards, that NCLEX Scores for quarter four (Q4) 2022, calendar year 2022 and quarter one (Q1) 2023 remained below 80% and that Laboure College did not provide evidence of compliance with policies. The Board voted to withdraw approval from Laboure College's associate degree program. Upon receiving written notification from the Board that approval was withdrawn, Laboure asked for a hearing. The Hearing was scheduled for the regular session of the July 12, 2023 Board Meeting. On July 10, 2023, Laboure College provided additional, clarifying documentation, which S. Waite summarized, stating due to the limited time frame to review the documents, there are areas needing further review and clarification. The document included number of enrolled students, expected dates of graduations, numbers of admitted students for Fall 2023 and Spring 2024, evidence of admission process for Spring 2023, Summer 2023 and Fall 2023 including the rubric used for student evaluation, 11 required Board policies, the revised testing policy, the testing policy, clinical course placement for Spring 2023, Summer 2023 and Fall 2023 including the numbers of students enrolled in the clinical courses, student information with redacted student identifiers, clinical instructor information, clinical agency information and planned clinical hours, the 2022 and 2023 systematic evaluation plans, current clinical evaluation tools, Spring 2023 and Summer 2023 course schedules and breakdown of clinical hours per course including the number of hours spent in direct patient care. Due to the limited time frame to review these documents there are areas that need further clarification. Laboure College implemented new admission criteria for the Fall 2023, cohort: 28 new admissions, two (2) meet the new admission policy criteria, 126 are waiting to start and 28 are being readmitted after remediation, totaling 156 students. 134 students are enrolled in nursing courses (four (4) sections). S. Waite asked for clarification of the pediatrics clinical component during the Summer, 2023. She asked for clarification of withdrawal versus failure. She asked for clarification of approval to take NCLEX. In the second quarter (Q2) of 2023, there were 44 first time NCLEX takers with 39 passing and an 88.6% pass rate, Year to date (YTD July 10, 2023) in CY 2023, there were 156 first time NCLEX writers with 117 passing and a 75% pass rate. S. Waite concluded her report.

L. Kelly commented she received Laboure College's documents on July 10, 2023 and would need clarification on multiple items. H. Cambra clarified that Laboure College may conduct screen sharing via Zoom video. L. Kelly asked Laboure College if they would like to add anything.

K. Freytag, Laboure College's legal counsel summarizes the timeline since June 14, 2023. On June 20, 2023, Laboure College received written notice of the withdrawal of approval status and on June 21, 2023 requested and were granted a hearing. Beginning on June 21, 2023, Laboure counsel and the Board's general counsel began working together to determine documents required for the hearing. On June 30, 2023, Laboure and DPH met via videoconferencing to discuss outstanding issues and concerns that DPH, and the Board had with Laboure and provided a list of 12 directives. In the report submitted by Laboure is documentation that the 12 directives have been completed. The lateness in the Board receiving the report was due to its size and once rectified, was sent again. Laboure College is requesting that the Board reconsider its vote to withdraw approval status. The president, L. Hsu, the vice president of academic affairs, M. Altobello and the program director P. Santana spoke. They believe the increase in second quarter (Q2) NCLEX scores to 88% is in direct response to the action Laboure took in response to the Board's intervention when NCLEX pass rates fell below 80%. Laboure instituted a longitudinal study to determine the factors impacting the NCLEX pass rate which was completed in August 2022. Laboure focused on the Admission Policies, Academic Policies, the Testing Committee, the Remediation post failure of a course and an Early Alert System. Laboure revamped their actions related to NCLEX-RN preparations including revamping the Mentorship Program, including graduates who had not yet taken NCLEX and creating a culture of preparing for the exam. They are on a schedule to be fully compliant

with all the regulations found in 244 CMR 6.04 by October 2023 and are fully committed to NCLEX-RN scores about the 80% benchmark.

L. Kelly asked Board members if there were questions. L. Kelly asked for clarification about the admission numbers. 126 were admitted during the Summer 2023 against the old admission criteria and the Fall 2023 admissions. 134 are enrolled in Fundamentals during Fall 2023.

L. Kelly commented the document received on July 10, 2023 was large. The Board cannot make an informed motion about the Laboure Status until they have an opportunity to review the document.

L. Kelly made a motion that the Board stay this matter and revisit the matter in September or October's Board Meeting, have S. Waite review the document and conduct a site visit, report back to the Board, cap admissions to 28, and continue to the approval status with warning. She asked Board members for discussion and asked if there were questions.

K. Crowley asked for clarification of NCLEX-RN pass rates and if the YTD pass rate was under 80%? This was clarified. She asked for clarification of clinical instruction sites for Summer 2023 and noted that 12 sites are determined as TBD. Many are pediatric locations, and the summer term is already under way. She requested detailed information about clinical sites, noting it is concerning that the sites have not been identified in the report. She commented on the diverse background of the students but noted that only a small number from the entire student population enroll for nursing courses and their high failure rates for the courses. What are the support and resources for the population of students attending Laboure? She wants a summary.

R. Reynolds noted one single data point, the second quarter (Q2) 2023, had a pass rate above 80%. She asked what the student population was during that quarter, were they cherry picked, or do they represent the entire student population? She stated one data point is not a trend.

A. Joseph asked what they would have done differently? President Hsu mentioned the Board's direction provided in September 2022 as providing them with how to improve. She said there were many things but understanding the use of data to identify issues and make changes is most prominent.

ACTION:

L. Kelly made a motion to stay the matter, take time to review the documents, have S. Waite conduct a site visit prior to having Laboure back to the Board, stay this until October 2023 which will allow time for the site visit and Laboure time to respond, and to continue approval with warning status. The admissions are to be capped at 28. Laboure is to address the specific concerns stated by K. Crowley and R. Reynolds. Seconded by

J. Monagle and voted in favor by roll call A. Alley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds.

K. Crowley opposed.

Motion carries.

TOPIC: Requests for License Reinstatement

DISCUSSION:

None.

ACTION:

None.

TOPIC: Strategic Development, Planning and Evaluation
Presentation / Report

DISCUSSION:

None.

ACTION:

None.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor to convene the G.L. c. 112, s. 65C Session at 10:54 a.m.

G.L. c. 112, s. 65C Session 10:56 a.m. to 12:24 p.m.

TOPIC:

Adjudicat01y Session

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor to convene the Adjudicatory Session at 12:25 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 12:25 p.m. to 12:39 p.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor to convene the Executive Session at 1:00 p.m. as per Purpose One of G.L. c.30A, §21 (a)(l).

G.L. c. 30A, § 21 Executive Session 1:00 p.m. to 3:02 p.m.

TOPIC:

Adjournment

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by A. Alley, and voted by roll call with A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, D. Nikitas, C. Norris, and R. Reynolds unanimously in favor to adjourn the meeting at 3:02 p.m.

Minutes of the Board's July 12, 2023, Regularly Scheduled Meeting were approved by the Board on September 13, 2023.



Linda Kelly, DNP, 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

250 Washington Street
Conference Room 3C
Boston, Massachusetts 02108

And Via Zoom

Wednesday, July 12, 2023 9:00 am 12 hours | (UTC-04:00) Eastern Time (US & Canada)

Event address for attendees:

<https://us06web.zoom.us/j/82663357961>

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Wednesday, July 12, 2023

PRELIMINARY AGENDA AS OF 6/28/23 3:00pm

Estimated Time 90"	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 C. Draft Minutes for the June 14, 2023 Meeting of the Board of Registration in Nursing, Regular Session Via Zoom	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Announcements	Oral/ Memo	HC
	V.	SARP A. SARP Activity Report	Report	MW

	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 KJ KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report	Report	PM
	VIII.	EDUCATION A. Nursing Education Staff Report B. 244 CMR 6.08 (3)(a) Withdrawal of Approval 1. Laboure College AON Program: Hearing in accordance with 244 CMR 6.08 (4) and Massachusetts General Law Chapter 112 section 81A C. 244 CMR 6.05 (1) (a) Prerequisite Approval Status 1. Middlesex Community College PN Program D. 244 CMR 6.11 Discontinuance or Termination of an Approved Nursing Education Program 1. Bay State College ADN Program	Report Report Report Report	SW SW SW SW
	IX.	REQUESTS FOR LICENSE REINSTATEMENT· NONE	None	
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Presentation / Report - None B. Topics For Next Agenda	None	
		LUNCH BREAK		
	XI.	M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	
	XII.	M.G.L. c. 30A, § 18 ADJUDICATORY SESSION		

	XIII.	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. <ol style="list-style-type: none"> Specifically, the Board will discuss and evaluate the Good Moral Character and Massachusetts Department of Children and Families Cases as required for registration for pending applicants. 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. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their compliance with the term of monitored licensed practice or participation in the Board's Substance Addiction Recovery Program. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(1) for sessions held during the June 14, 2023 meeting. 	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 Erin Bartlett at erin.bartlett2@mass.gov 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.