

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, December 12, 2018

Board Members Present

B. Levin RN, Chairperson
L. Keough, CNP, Vice Chairperson
A. Alley, RN
D. Drew, Public Member
G. Dufault, LPN
J. Fantes, MD
L. Kelly, CNP
M. Keohane, RN
C. LaBelle, RN
D. Nikitas, RN
E. Pusey-Reid, DNP (Left at 3:02 p.m.)

Board Members Not Present

K. Barnes, JD, RPh
G. Gravlin, EdD
N. Murphy, LPN

Staff Present

L. Silva, RN, DNP, Executive Director (Left at 11:56 a.m.)
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. MacDonald, RN, DNP Nursing Education Coordinator
L. Talarico, RN/CNP, Nursing Practice Coordinator
S. Gaun, Office Support Specialist I
K. Jones, Probation Compliance Officer
L. Ferguson, Paralegal
M. Campbell, RN, JD, Nurse Investigation Supervisor

Staff Not Present

A. Fein, RN, JD, Complaint Resolution Coordinator
M. Gilmore, RN, SARP Coordinator
F. Medaglia, RN/CNP, PhD, Assistant Director for Policy and Research
S. Hall, SARP Monitoring 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.

B. Levin stated there will be an additional Board Meeting on Wednesday 12/19/18. B. Levin and L. Silva asked the Board Members to confirm their attendance. J. Fantes, G. Gravlin and L. Keough stated that they will not be able to attend the 12/19/18 Board Meeting. The remainder of the Board Members will be able to attend the meeting.

ACTION:

At 9:03 a.m., B. Levin, Chairperson, called the December 12, 2018 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to approve the agenda as presented.

TOPIC:

Approval of Board Minutes for the November 14, 2018 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted, with A. Alley and M. Keohane in abstention, and all other members present in favor, to accept the Minutes of the November 14, 2018 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

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

DISCUSSION:

- A. Executive Director's Report: L. Silva stated she does not have a report.
- B. None.

ACTION:

- A. So noted.
 - B. None.
-

TOPIC: SARP

Activity Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Probation
Staff Action Report

DISCUSSION:

K. Jones was available for questions.

ACTION:

So noted.

TOPIC: Probation

Request for Notice of Violation and Further Discipline in the matter of R. Goodhind, LN64765, NUR-2017-0077

DISCUSSION:

K. Jones summarized her previously distributed memorandum and attached exhibits to the Board. In response to D. Drew, K. Jones stated the Licensee has been working at the employer since November 2017.

ACTION:

Motion by C. LaBelle, seconded by L. Keough, and voted unanimously to rescind the Licensee's License.

TOPIC: Probation

Request for Notice of Violation and Further Discipline in the matter of A. Finlay, LN69025, NUR-2012-0219

DISCUSSION:

K. Jones summarized her previously distributed memorandum and attached exhibits to the Board.

ACTION:

Motion by L. Keough, seconded by C. LaBelle, and voted unanimously to order an issue of violation and suspend the Licensee's License.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:

L. Talarico was available for questions. In response to D. Drew, L. Talarico stated the Board has been inundated with questions from Licensees about the Domestic Violence Training requirement, and she has been bringing it to the attention of the administrative staff so they can keep on top of it.

ACTION:

So noted.

TOPIC: Education

Nursing Education Staff Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education

244 CMR 6.04(1)(c) & (1)(f) Administrative Changes

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education

244 CMR 6.05, Quincy College, Associate Degree Nursing Program Prerequisite Approval Application

DISCUSSION:

RECUSAL: L. Keough recused herself from the matter and left the room during the deliberation and vote. A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. R. Mihal, program administrator, was present. In response to D. Drew, R. Mihal stated the program staff wanted to make sure everything was working as to why it has delayed the admission of the next cohort of students.

ACTION:

Motion by B. Levin, seconded by D. Drew, and voted unanimously to:

1. Find that Quincy College has provided satisfactory information describing its potential ability to establish an Associate Degree Nurse education program at both their Quincy and Plymouth campuses complying with 244 CMR 6.04: *Standards of Nursing Education program*;
 2. Grant Quincy College Prerequisite Approval Status to establish its proposed Associate Degree Nurse education programs, directing that an on-site survey be conducted in Spring 2021 to verify program compliance with 244 CMR 6.0.
-

TOPIC: Education

244 CMR 6.05, Quincy College, Practical Nurse Program Prerequisite Approval Application

DISCUSSION:

RECUSAL: L. Keough recused herself from the matter and left the room during the deliberation and vote. A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. R. Mihal, program administrator, was present. In response to B. Levin, R. Mihal stated the college and program are excited. L. Silva stated if the number of students in the program changes, the program will need to notify the Board.

ACTION:

Motion by B. Levin, seconded by D. Drew, and voted unanimously to:

1. Find that Quincy College has provided satisfactory information describing its potential ability to establish a Practical Nurse education program at both their Quincy and Plymouth campuses complying with 244 CMR 6.04: *Standards of Nursing Education program*;
2. Grant Quincy College Prerequisite Approval Status to establish its proposed Practical Nurse education programs, directing that an on-site survey be conducted in Spring 2021 to verify program compliance with 244 CMR 6.0.

TOPIC: Education

244 CMR 6.08(1)(d) University of Massachusetts Amherst RN BSN Nursing Program

DISCUSSION:

A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. S. Cavanagh, PhD, program administrator, was present. S. Cavanagh stated what the program is working very hard to meet the requirements of the Board. S. Cavanagh stated several things that are happening regarding having data readily available, providing additional human resources support, tracking license renewal dates, engaging the faculty on issues of policy, and improving the SEP Plan. In response to B. Levin, S. Cavanagh stated the parent institution is involved. S. Cavanagh stated the Board review has been a positive exercise for the program. In response to D. Drew, S. Cavanagh stated it is a challenge to find the best faculty that it can and to meet the expectations of the Board. In response to E. Pusey-Reid, S. Cavanagh stated the program is having a faculty meeting tomorrow regarding SEP.

ACTION:

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

1. Accept the staff compliance report finding that the Program has provided satisfactory evidence of compliance with the regulations at 244 CMR 6.04 (1)(a), (1)(b), (1)(c), (1)(f), (1)(g), (1)(h), (2)(a), (3)(a)1, (3)(b), (4)(a), (4)(b), (5)(a), (5)(b), (5)(c), (5)(d), and (5)(e) and noncompliance with 244 CMR 6.04 (1)(d), (1)(e), (2)(b) (2)(c), (3)(a)2, (3)(a)3, and (5)(f).
2. Continue full approval at this time.
3. Direct the Program to provide to the Board the following in order to demonstrate correction of the regulatory deficiencies:
 - A. Due by March 31, 2019:
 1. revised faculty job descriptions that includes the following as component of the role responsibilities:
 - a. the development, implementation, and evaluation of policies [ref 244 CMR 6.04 (1)(d)];
 - b. participation in systematic evaluation of all components of the program [ref 244 CMR 6.04(1)(e)];
 - c. requirement for current Massachusetts Registered Nurse license in good standing [ref 244 CMR 6.04(2)(b)1];
 - d. development and evaluation of nursing curriculum [ref 244 CMR 6.04(4)(a)];
 2. comparative table identifying congruence of program and parent institution policies and rationale for differences [ref 244 CMR 6.04 (1)(d)];

3. implementation of a formalized process (e.g. Program by-laws; publication in Nursing Faculty Handbook) for the faculty role in development, implementation, and evaluation of policies [ref 244 CMR 6.04 (1)(d)];
4. a revised systematic evaluation plan that includes, but not limited to, established timelines (month/year), responsible person or group, operational definitions, clearly stated evaluation criteria, operational definitions, expected levels of achievement specificity (achievable and measurable) across all criterion; a calendar outlining the evaluation schedule; and review of: all program components, all Board required outcomes, and 11 Board required 11 policies [ref 244 CMR 6.04 (1)(e)];
5. faculty transcripts demonstrating that all faculty meet educational requirements [ref 244 CMR 6.04 (2)(b)3];
6. evidence of faculty professional development demonstrating that full and part time faculty maintain expertise appropriate to teaching responsibilities [ref 244 CMR 6.04 (2)(b)5];
7. verification of faculty qualifications in compliance with Education Policy 02-02 currently on faculty and corrective action plan for ensuring compliance with Education Policy 02-02 in appointments including transcripts for all faculty and a formalized mentoring plan for faculty under waiver option #3 [ref:244 CMR 6.04(2)(c)];
8. revised published policies with specific non-discriminatory criteria and faculty meeting minutes demonstrating the use of data by faculty to develop, implement, and evaluate those policies for [ref 244 CMR 6.04 (1)(d) & (3)(a)2]:
 - o Admission
 - o Attendance
 - o Course Exemption
 - o Advanced Placement
 - o Transfer
 - o Withdrawal
 - o Re-admission
 - o Graduation
 - o Student rights and grievances
9. Meeting minutes demonstrating that data from student evaluations is analyzed and used to make program decisions [ref 244 CMR 6.04 (3)(a)3]
10. revised written agreements with cooperating agencies utilized as clinical learning sites that are current and specific in defining parameters of activities and the responsibilities of the program, the student and the cooperating agency including faculty evaluation of student achievement of nursing competencies [ref 244 CMR 6.04(5)(f)]

B. Due by June 30, 2019:

1. a fully implemented, data-driven, faculty-operated systematic evaluation plan with evidence that trended and aggregate outcomes were used to develop, maintain and revise the program [ref 244 CMR 6.04 (1)(e)];
4. Direct the Program to provide the following, also due no later than June 30, 2019, to enhance program effectiveness:
1. revised faculty job descriptions that includes participation in the governance of the parent institution and the program as component of the role responsibilities [ref 244 CMR 6.04 (1)(b)];
 2. a revised written policy for the maintenance and retirement records that includes school records [ref 244 CMR 6.04 (1)(g)];

3. revised admission criteria that require all candidates for admission to provide satisfactory evidence of secondary school graduation, or its equivalent [ref 244 CMR 6.04 (3(a)1]:
5. Failure to correct these regulatory deficiencies by the established due dates will result in the Board's evaluation of the Program's approval status [ref 244 CMR 6.08(1)].

TOPIC: Requests for License Reinstatement

DISCUSSION:

None.

ACTION:

None.

TOPIC: Strategic Development, Planning and Evaluation

A. Presentation/Report

1. Massachusetts Coalition for the Prevention of Medical Errors:
 - a. September 2018 Coalition Report
 - b. October 2018 Coalition Report
2. Discipline Policy 13-01: WIN Initiative for Nursing Quad
3. AR 0801: Nursing Practice & Cardiopulmonary Resuscitation

B. SARP Matters

1. Consent Agreement for SARP Participation (CASP)

C. Topics for Next Agenda

DISCUSSION:

A. 1. None.

A. 2. L. Silva stated that Policy 13-01 is very old, it should have been retired some time ago because it does not reflect the practices. L. Silva stated the complaint committee which has been established since 2016 has taken some of the roles.

A. 3. C. MacDonald apologized to the Board members and stated this Agenda Item should have been removed. L. Silva corrected her and stated the Board will be discussing this Agenda Item. L. Silva stated the minor change. In response to D. Drew, L. Silva stated the Board regulates licensure. L. Silva stated the nurses who are working in those settings are required to follow the AR. In response to G. Dufault, L. Silva stated she has received questions from nurses.

B. 1. B. Oldmixon stated the revisions to the language in the CASP.

C. None.

ACTION:

A. 1. None

A. 2. Motion by L. Keough, seconded by C. LaBelle, and voted unanimously to retire Discipline Policy 13-01: WIN Initiative for Nursing Quad.

A. 3. Motion by B. Levin, seconded by L. Keough, and voted unanimously to approve AR 0801: Nursing Practice & Cardiopulmonary Resuscitation with the revised language.

B. 1. Motion by L. Keough, seconded by L. Kelly, and voted unanimously to approve the revised language in the CASP.

C. None.

Break 9:44 a.m. to 9:58 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by A. Alley, seconded by L. Kelly, and voted unanimously to convene the Executive Session at 9:58 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 9:58 a.m. to 12:05 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 12:25 p.m.

Break 12:05 p.m. to 12:25 p.m.

G.L. c. 112, s. 65C Session 12:25 p.m. to 3:02 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to convene the Adjudicatory Session at 3:02 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 3:02 p.m. to 3:15 p.m.

TOPIC:

Adjournment

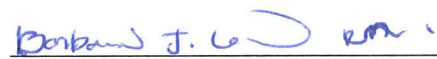
DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to adjourn the meeting at 3:16 p.m.

Minutes of the Board's December 12, 2018, Regularly Scheduled Meeting were approved by the Board on January 9, 2019.



Barbara Levin, RN

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, December 12, 2018

UPDATED AGENDA AS OF 12/5/18 9:45am

| 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 November 14, 2018 Meeting of the <i>Board of Registration in Nursing, Regular Session</i> | Minutes | |
| | IV. | REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Executive Director's Report B. Announcements | Oral/Memo | LS |
| | V. | SARP A. SARP Activity Report: NONE | None | SH |
| | VI. | PROBATION A. Probation Staff Action Report B. Request for Notice of Violation and Further Discipline in the matter of 1. R. Goodhind, LN64765, NUR-2017-0077 2. A. Finlay, LN69025, NUR-2012-0219 | Report Memo Memo | KJ KJ KJ |
| | VII. | PRACTICE A. Practice Coordinator Staff Report November | Memo | LT |

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) & (1)(f) Administrative Changes: NONE C. 244 CMR 6.05 1. Quincy College, Associate Degree Nursing Program Prerequisite Approval Application 2. Quincy College, Practical Nurse Program Prerequisite Approval Application D. 244 CMR 6.08(1)(d) University of Massachusetts Amherst RN BSN Nursing Program | None None Compliance Report Compliance Report Compliance Report | AM AM AM |
| IX. | REQUESTS FOR LICENSE REINSTATEMENT A. None | None | |
| X. | STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Presentation/Report 1. Massachusetts Coalition for the Prevention of Medical Errors: a. September 2018 Coalition Report b. October 2018 Coalition Report 2. Discipline Policy 13-01: WIN Initiative for Nursing Quad 3. AR 0801: Nursing Practice & Cardiopulmonary Resuscitation B. SARP Matters 1. Consent Agreement for SARP Participation (CASP) C. Topics for Next Agenda | Report Report Draft Policy Draft Advisory Ruling Draft | FM LS LS BAO |

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

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|-----------|--------------|--|----------------|--|
| | XI. | <p>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.</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 a request by a licensee for a waiver of licensure renewal requirements due to ongoing medical issues. 4. Specifically, the Board will discuss pending litigation: <i>Jane Doe v. BORN</i>, Suffolk Superior Court, C.A. 1884-CV-03082. 5. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the November 14, 2018 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.