

**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 19, 2018

**Board Members Present**

B. Levin RN, Chairperson (Left at 2:55 p.m.)  
A. Alley, RN  
K. Barnes, JD, RPh  
D. Drew, Public Member  
G. Dufault, LPN  
L. Kelly, CNP  
M. Keohane, RN  
C. LaBelle, RN (Acting Chairperson at 2:55 p.m.)  
D. Nikitas, RN  
E. Pusey-Reid, DNP

**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  
V. Berg, JD, Chief Board Counsel  
A. MacDonald, RN, DNP, Nursing Education  
Coordinator  
F. Medaglia, RN/CNP, PhD, Assistant Director for  
Policy and Research  
L. Talarico, RN/CNP, Nursing Practice Coordinator  
S. Gaun, Office Support Specialist I  
K. Jones, Probation Compliance Officer  
S. Hall, SARP Monitoring Coordinator  
C. Andfield, Office Support Specialist I  
G. Rivera, Temporary SARP Administrative Assistant

**Board Members Not Present**

L. Keough, CNP, Vice Chairperson  
J. Fantes, MD  
G. Gravlin, EdD  
N. Murphy, LPN

**Staff Not Present**

A. Fein, RN, JD, Complaint Resolution  
Coordinator  
M. Gilmore, RN, SARP Coordinator  
L. Ferguson, Paralegal  
M. Campbell, RN, JD, Nurse  
Investigation Supervisor

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**TOPIC:**

Call to Order & Determination of Quorum

**DISCUSSION:**

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

**ACTION:**

At 9:06 a.m., B. Levin, Chairperson, called the December 19, 2019 Regularly Scheduled Board Meeting to order.

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**TOPIC:**

Approval of Revised Agenda

**DISCUSSION:**

B. Levin stated that Agenda Item SARP Policies: 06-001: *Management of SARP Participants' Relapse from Substance Use Disorder Recovery* will be deferred.

**ACTION:**

Motion by D. Drew, seconded by K.A. Barnes, and voted unanimously to approve the Revised Agenda as further revised.

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**TOPIC:**

Approval of Board Minutes for the December 12, 2018 Meeting of the Regularly Scheduled Board Meeting

**DISCUSSION:**

B. Levin stated this will be deferred until the January 9, 2019 Meeting of the Regularly Scheduled Board Meeting.

**ACTION:**

None.

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**TOPIC:**

Reports, Announcements and Administrative Matters

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

**DISCUSSION:**

- A. L. Silva stated she does not have a report.
- B. None.

**ACTION:**

- A. So noted.
- B. None.

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**TOPIC:** SARP

Activity Report

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Probation

Staff Action Report

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Probation

Request for Termination of Probation / Stayed Probation

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Probation

Request for Notice of Violation and Further Discipline

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Practice Coordinator Staff Report December

**DISCUSSION:**

L. Talarico was available for questions.

**ACTION:**

So noted.

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**TOPIC:** Education

Staff Report

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Education

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

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Education

244 CMR 6.05 Merrimack College, Baccalaureate RN Program Initial Approval Application

**DISCUSSION:**

B. Oldmixon 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. L. Sheppard, program administrator, was present. L. Sheppard stated it has been a great process and she really appreciates the help that A. MacDonald and C. MacDonald gave and their advisement in helping her to develop the program.

**ACTION:**

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

1. Find Merrimack College has provided satisfactory evidence of its ability to achieve compliance with 244 CMR 6.04: Standards for Nursing Education Program Approval;
2. Grant Merrimack College Initial Approval status in the further establishment of the Registered Nurse Baccalaureate education program.

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**TOPIC:** Education

244 CMR 6.08(1)(a) MassBay Community College Associate Degree RN Program

**DISCUSSION:**

A. MacDonald summarized his or her previously distributed memorandum and attached exhibits to the Board. A. Nardone, program administrator, was present. A. Nardone stated she is new to the program. A. Nardone stated she has a lot of support from the College Dean and her mentor. In response to L. Silva, A. MacDonald stated the due dates for the full systematic evaluation. In response to E. Pusey-Reid, L. Silva stated the program is making proactive decisions to correct the program. A. MacDonald stated the program is addressing the issues. B. Levin stated the program has delayed admissions. In response to D. Drew, A. Nardone stated the number of current students in the program.

In response to L. Silva, A. Nardone stated she has a mentor, she has met with students, and she has been getting an overview of the program. In response to L. Silva, A. Nardone stated the program staff is working on correcting the policies and procedures that are non-compliant. In response to D. Drew, A. MacDonald stated there were human resource issues and not regulation issues.

In response to D. Drew, A. Nardone stated the dates the students would have started in the Spring 2019. L. Silva stated the Board staff's recommendations. In response to E. Pusey-Reid, L. Silva stated the Board has made directives to the program to comply by certain dates. In response to D. Drew, L. Silva stated the program offered to hold admissions, and the Board did not initiate the directive for the program to delay admissions. In response to D. Nikitas, several Board members confirmed if the program is placed on warning status, it will not affect the current students and their graduation dates.

L. Kelly stated it would be inappropriate to put the program on warning status at this time. In response to E. Pusey-Reid, L. Silva stated she directed the Board staff to review the program's NCLEX pass rates.

**ACTION:**

Motion by L. Kelly, seconded by C. LaBelle, and voted, with D. Drew and E. Pusey-Reid opposed, and all other members present in favor, 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)(c), (1)(f), (1)(h), (2)(a), (3)(b), (4)(a), (4)(b), (5)(a), (5)(b), (5)(c), (5)(d), and (5)(e) and non-compliance with 244 CMR 6.04 (1)(b), (1)(d), (1)(e), (1)(g), (2)(b), (2)(c), (3)(a)1, (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 with a verification site survey to be scheduled prior to reinstatement of admissions:
  - A. Due by April 10, 2019:
    1. list of faculty and administrator on parent institution and program committees and the by-laws or policies that define the role of faculty, students, and administrators in governance [ref 244 CMR 6.04 (1)(b)];
    2. 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 policies [ref 244 CMR 6.04 (1)(e)];
    3. a written policy for the maintenance and retirement of school, faculty, student and graduate records [ref 244 CMR 6.04 (1)(g)];
    4. 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)];
    5. revised published admission policy require all candidates for admission to provide satisfactory evidence of compliance with the immunization requirements specified by the Massachusetts Department of Public Health [ref 244 CMR 6.04(3)(a)1];
    6. 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 all 11 Board required policies [ref 244 CMR 6.04 (1)(d) & (3)(a)2];
    7. Meeting minutes demonstrating that data from student evaluations is analyzed and used to make program decisions [ref 244 CMR 6.04 (3)(a)3];
    8. revised written agreements with cooperating agencies utilized as clinical learning sites 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 and patient safety [ref 244 CMR 6.04(5)(f)].

B. Due by July 10, 2019:

- a. 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 July 10, 2019, to enhance program effectiveness:
  - a. A policy for the frequency that license verification is performed for faculty and administrator of the Program [ref 244 CMR 6.04 (1)(b)]
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)].
6. Have the program agree not to accept any students until after the site survey is completed, verified and aligns with the Board's directives.

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**TOPIC:** Requests for License Reinstatement

**DISCUSSION:**

None.

**ACTION:**

None.

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**TOPIC:** Strategic Development, Planning and Evaluation

A. Systematic Policy Evaluation

B. Presentation/Report

C. 1. SARP Policies: 06-001: *Management of SARP Participants' Relapse from Substance Use Disorder Recovery*

C. 2. SARP Policies: 13-01: *SARP Eligibility Criteria for Nurses Prescribed Buprenorphine/Naloxone Combination or Methadone*

D. Topics for Next Agenda

**DISCUSSION:**

A. None.

B. None.

C. 1. B. Levin stated this matter will be deferred.

C. 2. H. Cambra summarized the report that she distributed to the Board members at the meeting.

D. L. Silva stated the Board staff will have a new process. L. Silva stated the Board staff will have a binder for reference at the Board Meetings, instead of the staff making paper copies of the Board Meeting Packets. In response to D. Drew, L. Silva stated the documents will still be available electronically to the Board members.

**ACTION:**

A. None.

B. None.

C. 1. Deferred.

C. 2. Motion by K.A. Barnes, seconded by D. Drew, and voted unanimously to approve the SARP Policy 13-01: *SARP Eligibility Criteria for Nurses Prescribed Buprenorphine/Naloxone*

*Combination or Methadone.*

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**Break 9:45 a.m. to 9:55 a.m.**

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**TOPIC:**

G.L. c.30A, §21 Executive Session

**DISCUSSION:**

None.

**ACTION:**

Motion by K.A. Barnes, seconded by A. Alley, and voted unanimously to convene the Executive Session at 9:55 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

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**G.L. c. 30A, § 21 Executive Session 9:55 a.m. to 1:35 p.m.**

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**TOPIC:**

Adjudicatory Session

**DISCUSSION:**

None.

**ACTION:**

Motion by K.A. Barnes, seconded by D. Drew, and voted unanimously to convene the Adjudicatory Session at 1:35 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

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**Adjudicatory Session 1:35 p.m. to 1:40 p.m.**

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**TOPIC:**

G.L. c.30A, §21 Executive Session

**DISCUSSION:**

None.

**ACTION:**

Motion by K.A. Barnes, seconded by A. Alley, and voted unanimously to reconvene the Executive Session at 1:41 p.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

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**G.L. c. 30A, § 21 Executive Session 1:41 p.m. to 3:30 p.m.**

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**TOPIC:**

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

**DISCUSSION:**

None.

**ACTION:**

Motion by K.A. Barnes, seconded by L. Kelly, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 3:30 p.m.

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**G.L. c. 112, s. 65C Session 3:30 p.m. to 4:20 p.m.**

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**TOPIC:**

Adjournment

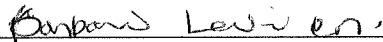
**DISCUSSION:**

None.

**ACTION:**

Motion by K.A. Barnes, seconded by L. Kelly, and voted unanimously to adjourn the meeting at 4:21 p.m.

Minutes of the Board's December 19, 2018, Regularly Scheduled Meeting were approved by the Board on February 13, 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, December 19, 2018**

**PRELIMINARY AGENDA AS OF 12/14/18 1:35pm**

<b>Estimated Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibit</b>	<b>Presented by</b>
9:00 a.m.	I.	<b>CALL TO ORDER &amp; DETERMINATION OF QUORUM</b>	None	
	II.	<b>APPROVAL OF AGENDA</b>	Agenda	
	III.	<b>APPROVAL OF MINUTES</b> A. Draft Minutes for the December 12, 2018 Meeting of the Board of Registration in Nursing, Regular Session	Minutes	
	IV.	<b>REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS</b> A. Executive Director's Report B. Announcements	Oral/Memo	LS
	V.	<b>SARP</b> A. SARP Activity Report: NONE	None	
	VI.	<b>PROBATION</b> A. Probation Staff Action Report: NONE B. Termination of Probation/Stayed Probation: NONE C. Request for Notice of Violation and Further Discipline in the matter of: NONE	None None None	
	VII.	<b>PRACTICE</b> A. Practice Coordinator Staff Report December	Memo	LT

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

<b>VIII.</b>	<b>EDUCATION</b> A. Nursing Education Staff Report: NONE B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes: NONE C. 244 CMR 6.05 Merrimack College, Baccalaureate RN Program Initial Approval Application D. 244 CMR 6.08(1)(a) MassBay Community College Associate Degree RN Program	None None  Compliance Report Compliance Report	   AM AM
<b>IX.</b>	<b>REQUESTS FOR LICENSE REINSTATEMENT: NONE</b>	None	
<b>X.</b>	<b>STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION</b> A. Systematic Policy Evaluation: NONE B. Presentation/Report 1. Massachusetts Coalition for the Prevention of Medical Errors: a. November 2018 Coalition Report C. SARP Policies: 1. 06-001: <i>Management of SARP Participants' Relapse from Substance Use Disorder Recovery</i> 2. 13-01: <i>SARP Eligibility Criteria for Nurses Prescribed Buprenorphine/Naloxone Combination or Methadone</i> D. Topics for Next Agenda	None  Report  Policy and Proposed Revisions Policy and Proposed Revisions	   ASF/FM  HC HC

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

	<b>XI.</b>	<p><b>EXECUTIVE SESSION</b></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"> <li>1. 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.</li> <li>2. Specifically, the Board will discuss and evaluate a request by a licensee for a waiver of licensure renewal requirements due to ongoing medical issues.</li> <li>3. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.</li> <li>4. Specifically, the Board will discuss pending litigation: <i>Jane Doe v. BORN</i>, Suffolk Superior Court, C.A. 1884-CV-03082.</li> <li>5. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the December 12, 2018 meeting.</li> </ol>	CLOSED SESSION	
<>		<b>LUNCH BREAK</b>		
	<b>XII.</b>	<b>M.G.L. c. 112, § 65C SESSION</b>	CLOSED SESSION	
	<b>XIII.</b>	<b>M.G.L. c. 30A, § 18 ADJUDICATORY SESSION</b>	CLOSED SESSION	
5:00 p.m.	<b>XIV.</b>	<b>ADJOURNMENT</b>		

***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.***