

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, February 13, 2019

Board Members Present

B. Levin, RN, Chairperson
K. Barnes, JD, RPh
K. Crowley, DNP
G. Cutillo, LPN
D. Drew, MBA, Public Member
L. Kelly, CNP
M. Keohane, RN
D. Nikitas, RN
E. Pusey-Reid, DNP

Board Members Not Present

L. Kcough, CNP, Vice Chairperson
A. Alley, RN
J. Fantes, MD
G. Gravlin, EdD
C. LaBelle, RN
L. Wu, RN

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
A. MacDonald, RN, DNP, Nursing Education
Coordinator
F. Medaglia, RN/CNP, PhD, Assistant Director for
Policy and Research
S. Gaun, Office Support Specialist I
P. Scott, Licensing Coordinator
K. Jones, Probation Compliance Officer
L. Ferguson, Paralegal
M. Campbell, RN, JD, Nursing Investigations Supervisor
C. Andfield, Office Support Specialist I
L. Harrison, Temporary Education Administrative
Assistant
G. Rivera, Temporary SARP Administrative Assistant

Staff Not Present

L. Talarico, RN/CNP, Nursing Practice
Coordinator

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

The start time of the Board Meeting was delayed for one (1) hour due to the weather condition. 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 10:04 a.m., B. Levin, Chairperson, called the February 13, 2019 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

K. Jones stated that Agenda Item VI.B.1. Probation, Request for Notice of Violation and Further Discipline in the matter of Emmelyne Alexandre, NUR-2016-0095, LN60586, will be removed from the Agenda.

ACTION:

Motion by D. Drew, seconded by K. Crowley, and voted unanimously to approve the Agenda as revised.

TOPIC:

Approval of Board Minutes for the December 19, 2018 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by D. Drew, seconded by K.A. Barnes, and voted, with K. Crowley in abstention, and all other members present in favor, to accept the Minutes of the December 19, 2019 Regularly Scheduled Board Meeting as revised.

TOPIC:

Approval of Board Minutes for the January 9, 2019 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by D. Drew, seconded by L. Kelly, and voted, with M. Keohane in abstention, and all other members present in favor, to accept the Minutes of the January 9, 2019 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

A. Announcements

DISCUSSION:

A. L. Silva stated if any of the Board members will not be able to attend a Board Meeting, he or she needs to send an e-mail message to C. MacDonald and S. Gaun, and he or she can copy L. Silva in the e-mail message if he or she wants to do so. L. Silva stated that C. MacDonald needs to receive all of the e-mail messages with S. Gaun and L. Silva as backups. L. Silva stated the Board staff does not confirm Board members' attendance and the Board staff expects the Board members to let them know. L. Silva stated the sooner that Board members review the Agendas and state to the Board staff that they need to recuse themselves from a matter, the better it is for the Board staff to know if there will be a quorum for that matter. B. Levin stated if any of the Board members will not be able to attend a Board Meeting, please give C. MacDonald, S. Gaun and L. Silva as much advance notice as possible.

ACTION:

A. So noted.

TOPIC: SARP

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 Emmelyne Alexandre, NUR-2016-0095, LN60586

DISCUSSION:

Removed.

ACTION:

So noted.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:

None.

ACTION:

February 13, 2019 Regular Session Board Meeting Minutes
(to be Approved 03/13/2019)

None.

TOPIC: Education

Nursing Education Staff Report - Annual Report to the Board CY 2018

DISCUSSION:

A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. In response to D. Drew, A. MacDonald stated she did not have any staff do that in 2018 and is working on having schedules for the faculty roles for 2019. L. Silva stated that Massachusetts had trended in NCLEX scores average from 2013 to the present, and a presentation will be made to the Board members at either the March or April 2019 Board Meeting.

ACTION:

So noted.

TOPIC: Education

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

DISCUSSION:

None.

ACTION:

None.

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. 2019 Coalition Meeting Minutes
 - b. 2019 Coalition Report

B. 1. SARP Policy 19-XX: Staff Action Authority to Resolve Selected SARP Matter

B. 2. Education Guideline 244 CMR 6.05 Procedures for the Establishment and Continuing Operation of Out of State Nursing Education Programs

B. 3. Education Policy 19-XX: Staff Action Authority to Approve the Clinical Component of Out of State Nursing Education Programs

B. 4. Discipline Policy 16-01: Complaint Committee

B. 5. Licensure Policy 17-01: Board Delegation to Board Staff to Make Final Determination of Good Moral Character Compliance

C. Topics for Next Agenda

DISCUSSION:

- A. 1. a. and b. None.
- B. 1. H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. In response to A. Fein, H. Cambra stated she can add the observed urine language. B. Levin stated there is a quorum of the Board who is present. In response to D. Drew, H. Cambra stated the policy is authorizing that the Board members are getting staff and the parameters will be heard by SAREC Committee and the Board members. In response to D. Drew, B. Oldmixon stated the policy does not allow the Board staff to terminate a Licensee from the SARP program without coming to the Board.
- B. 2. A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. In response to E. Pusey-Reid, A. MacDonald stated the parent institution would need to have parent institution accreditation as a requirement in Massachusetts, but the faculty coming into Massachusetts would need to meet the same standards as in 244 CMR 6.04 (2)(b). In response to E. Pusey-Reid, A. MacDonald stated the Board staff has certificates of graduation from out of state nursing programs, and some of them do meet these requirements and some do not, and the Board staff is working with those programs for them to apply before they have clinical groups here. Several Board members and staff discussed the matter.
- B. 3. A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. There was no discussion.
- B. 4. L. Silva summarized her previously distributed memorandum and attached exhibits to the Board. In response to D. Drew, L. Silva stated this Board approves the recommendations. L. Silva stated the Board has the ultimate authority over the cases. In response to D. Drew, B. Levin stated the Complaint Committee is making the recommendations. It is the responsibility of the Board members to review the recommendations and state at the Board meeting if they do or do not agree with the recommendations, or if they need to be changed. B. Levin stated she does not think the Board members should restrict the Complaint Committee. D. Nikitas stated that the Complaint Committee must contain the Board Chairperson and one (1) other Board member, but if the Board member recuses himself or herself, the Complaint Committee cannot make its recommendations on that case. L. Silva stated the Board members can alternate, so more of them will be engaged. D. Drew stated she is concerned that a Board member who cannot attend the Complaint Committee Meeting can be replaced by a Non-Board member. L. Silva stated the Board members can propose new language to the policy. In response to K. Crowley, L. Silva stated the Complaint Committee has delegated responsibilities to the Board staff.
- B. 5. A. Fein summarized her previously distributed memorandum and attached exhibits to the Board. There was no discussion.
- C. None.

ACTION:

- A. 1. a. and b. None.
- B. 1. Motion by D. Drew, seconded by L. Kelly, and voted unanimously to approve the proposed SARP Policy 19-XX: Staff Action Authority to Resolve Selected SARP Matter, with the minor change in reference to the 24 hours as previously noted, and with the addition of observed urine testing, and the retirement of the other two (2) policies once this policy becomes effective.
- B. 2. Motion by E. Pusey-Reid, seconded by G. Cutillo, and voted unanimously to accept the proposed Education Guideline 244 CMR 6.05 Procedures for the Establishment and Continuing Operation of Out of State Nursing Education Programs and waive the six month (6) waiting period for current programs.

- B. 3. Motion by E. Pusey-Reid, seconded by K. Crowley, and voted unanimously to accept the Education Policy 19-XX: Staff Action Authority to Approve the Clinical Component of Out of State Nursing Education Programs.
- B. 4. Motion by D. Drew, seconded by D. Nikitas, and voted by roll call, with B. Levin in opposition, and all other members present in favor, to accept the Discipline Policy 16-01: Complaint Committee, with the change in the positions that are the Complaint Committee and clarify that Board members positions will be replaced by Board members, the Board staff positions can be replaced by either Board staff or Board members, and the review and revised date will be effective February 13, 2019.
- B. 5. Motion by B. Levin, seconded by L. Kelly, and voted unanimously to accept the Licensure Policy 17-01: Board Delegation to Board Staff to Make Final Determination of Good Moral Character Compliance with the proposed revisions.
- C. None.

Break 10:47 a.m. to 11:02 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by D. Drew, and voted unanimously to convene the Executive Session at 11:02 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 11:02 a.m. to 1:47 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by G. Cutillo, and voted unanimously to convene the Adjudicatory Session at 1:47 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 1:47 p.m. to 2:32 p.m.

Break 2:32 p.m. to 2:44 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by G. Cutillo, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 2:44 p.m.

G.L. c. 112, s. 65C Session 2:44 p.m. to 5:06 p.m.

TOPIC:

Adjournment

DISCUSSION:

None.

ACTION:

Motion by B. Levin, seconded by L. Kelly, and voted unanimously to adjourn the meeting at 5:07 p.m.

Minutes of the Board's February 13, 2019, Regularly Scheduled Meeting were approved by the Board on March 13, 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, February 13, 2019

PRELIMINARY AGENDA AS OF 1/31/19 3:30pm

Estimated Time	Item #	A. 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 December 19, 2018 Meeting of the <i>Board of Registration in Nursing, Regular Session</i> B. Draft Minutes for the January 9, 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	None	
	VI.	PROBATION A. Probation Staff Action Report B. 1. Request for Notice of Violation and Further Discipline in the matter of Emmelyne Alexandre, NUR-2016-0095, LN60586	Report Memo	KJ KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report: NONE	None	
	VIII.	EDUCATION A. Nursing Education Staff Report - Annual Report to the Board CY 2018 B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes: NONE	Memo None	AM

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	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. 2019 Coalition Meeting Minutes: NONE b. 2019 Coalition Report: NONE B. Policies 1. SARP Policy 19-XX: Staff Action Authority to Resolve Selected SARP Matter 2. Education Guideline 244 CMR 6.05 Procedures for the Establishment and Continuing Operation of Out of State Nursing Education Programs 3. Education Policy 19-XX: Staff Action Authority to Approve the Clinical Component of Out of State Nursing Education Programs 4. Discipline Policy 16-01: Complaint Committee 5. Licensure Policy 17-01: Board Delegation to Board Staff to Make Final Determination of Good Moral Character Compliance. C. Topics for Next Agenda	None None Proposed Policy Memo/Proposed Guideline Proposed Policy Proposed Revisions Proposed Revisions	HC AM AM LS ASF
	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 January 9, 2019 meeting.	CLOSED SESSION	
<>	LUNCH BREAK		
	XII. M.G.L. c. 112, § 65C SESSION	CLOSED SESSION	

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	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.