

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

239 Causeway Street, Room 417A
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, January 9, 2019**

Board Members Present

B. Levin, RN, Chairperson
A. Alley, RN
K. Barnes, JD, RPh
K. Crowley, DNP
G. Cutillo, LPN
D. Drew, MBA, Public Member
J. Fantes, MD
L. Kelly, CNP
C. LaBelle, RN
D. Nikitas, RN
E. Pusey-Reid, DNP
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. MacDonald, RN, DNP, Nursing Education
Coordinator
F. Medaglia, RN/CNP, PhD, Assistant Director for
Policy and Research
S. Gaun, Office Support Specialist I
K. Jones, Probation Compliance Officer
M. Campbell, RN, JD, Nursing Investigations Supervisor
L. Harrison, Temporary Education Administrative
Assistant
M. Matthews, RN, Compliance Officer
S. Muise, RN, Compliance Officer
E. Sandler, RN, Compliance Officer

Board Members Not Present

L. Keough, CNP, Vice Chairperson
G. Gravlin, EdD
M. Keohane, RN

Staff Not Present

A. Fein, RN, JD, Complaint Resolution
Coordinator
M. Gilmore, RN, SARP Coordinator
L. Talarico, RN/CNP, Nursing Practice
Coordinator
S. Hall, SARP Monitoring Coordinator
L. Ferguson, Paralegal
G. Rivera, Temporary SARP
Administrative Assistant
J. Scranton, Compliance Officer
L. Woodward, Compliance Officer
C. Andfield, Office Support Specialist I

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.

B. Levin introduced the two (2) New Board Members of the Board of Registration in Nursing and their Board Seats: K. Crowley (RN Education, Graduate Level) and L. Wu (RN Direct Care to patients with Substance Use Disorder).

ACTION:

At 9:01 a.m., B. Levin, Chairperson, called the January 9, 2019 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of Updated Agenda as of 1/3/19

DISCUSSION:

B. Levin stated that updated Agenda Item X.B.2. Strategic Development, Planning and Evaluation, 2017 LPN Workforce Summary Report Presentation: Guest, Kate Festa, DPH Health Care Workforce Center, was removed. K. Jones stated that the Updated Agenda Item VI.B.1. Termination of Probation, Wendy Tinkham, RN-03-275, RN233670 will be removed from this Agenda and will be moved to the G.L. c. 30A, § 21 Executive Session Agenda for the January 9, 2019 Board Meeting.

ACTION:

Motion by D. Drew, seconded by A. Alley, and voted unanimously to approve the Updated Agenda as of 1/3/19 as revised.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by D. Drew, seconded by L. Kelly, and voted, with K.A. Barnes, K. Crowley and L. Wu in abstention, and all other members present in favor, to accept the Minutes of the December 12, 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 there is no Report.

B. None.

ACTION:

A. So noted.

B. 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 Termination of Probation in the matter of Wendy Tinkham, RN-03-275, RN233670

DISCUSSION:
K. Jones stated that the matter will be moved to the G.L. c. 30A, § 21 Executive Session Agenda for the January 9, 2019 Board Meeting.

ACTION:
So noted.

TOPIC: Probation
Request for Notice of Violation and Further Discipline

DISCUSSION:
None.

ACTION:
None.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:
C. MacDonald was available for questions.

ACTION:
So noted.

TOPIC: Education
Nursing Education Staff Report

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DISCUSSION:

None.

ACTION:

None.

TOPIC: Education

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

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education

244 CMR 6.06(2) Site Survey Waiver Requests Quinsigamond Community College Practical Nursing Program

DISCUSSION:

A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. M. Yoder, program administrator, was present. In response to M. Yoder, A. MacDonald stated the items of non-compliance. M. Yoder stated the policies are published in the Student Handbook, which is electronic and is on the program's website. M. Yoder stated she is the full-time program administrator. In response to L. Silva, A. MacDonald stated what led to the report. L. Silva stated the program has to submit an annual report.

In response to D. Drew, M. Yoder stated she has been with the program for 12 years and maintains it. M. Yoder stated what the program has accomplished. M. Yoder stated the program increased the faculty and the number of mentors. L. Silva stated the Board's options. In response to K. Crowley, M. Yoder stated she works in a nurse education department and the staff has reviewed the systematic evaluation plan to make sure it has complied with the regulations. M. Yoder stated the two (2) programs have 25 full-time faculty. M. Yoder stated the program staff will have to go back and correct the deficiencies.

ACTION:

Motion by D. Drew, seconded by E. Pusey-Reid, and voted unanimously to approve the staff compliance report, all of the actions specified in the report be performed, continue with full approval, and waive the site survey contingent upon the documentation provided as requested:

1. Accept the staff compliance report finding:
 - a. written evidence of the program's accreditation;
 - b. the written findings and recommendations of the Board-recognized accrediting agency in nursing based on its review of the program; and
 - c. the Program has provided satisfactory evidence of compliance with the regulations at 244 CMR 6.04 (1)(a),(1)(b), (1)(f), (1)(g), (1)(h), (2)(a), (2)(b), (3)(a)3, (3)(b), (4)a, (4)b, (5)(a), (5)(b), (5)(d), and (5)(e) and noncompliance with 244 CMR 6.04 (1)(c), (1)(d), (1)(e), (3)(a)1, and (3)(a)2, and (5)(f).

2. Continue Full Approval status at this time.
3. Direct the Program to provide to the Board the following in order to demonstrate correction of the regulatory deficiencies:

Due January 17, 2019:

- a. evidence that a program administrator, qualified under 244 CMR 6.04(2)(a), has been appointed to administer the program on a full-time basis [ref:244 CMR 6.04 (1)(c)].

Due April 30, 2019:

- a. 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)]; and
- b. Revised published policies that specify the non-discriminatory criteria for: admission, attendance, course exemption, advanced placement, transfer, withdrawal, readmission, and graduation [ref: 244 CMR 6.04(3)(a)2}.

4. Determine if the Program qualifies for a Waiver of 244 CMR 6.06(1)(a) Site Survey of Nursing Education Programs.
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: Education

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

DISCUSSION:

A. MacDonald summarized her previously distributed memorandum and attached exhibits to the Board. Beverly Shay, program administrator, was present. B. Shay thanked A. MacDonald for her responsiveness and support and stated the program is excited to be involved.

ACTION:

Motion by B. Levin, seconded by K.A. Barnes, and voted unanimously to:

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

TOPIC: Education

2018 NCLEX Performance Statistical Reports

1. Explanation of NCLEX Data Reports
2. Total MA Licensure Candidates Regardless of State of Education
3. Total MA Graduates Regardless of State of Licensure
4. NCLEX Performance by BRN-approved programs 244 CMR 6.08 (1)(h) 2018 NCLEX performance evaluation recommendations

DISCUSSION:

1. A. MacDonald distributed her memorandum and attached exhibits to the Board and summarized them.
2. A. MacDonald stated this measures performance.
3. A. MacDonald stated this shows the number of new candidates.
4. A. MacDonald stated this shows the comparison of 6-year pass rates. In response to D. Drew, A. MacDonald stated the pass rates are highlighted in different colors.

ACTION:

Motion by D. Drew, seconded by B. Levin, and voted unanimously to review the NCLEX Reports for Roxbury Community College.

TOPIC: Requests for License Reinstatement

DISCUSSION:

None.

ACTION:

None.

TOPIC: Strategic Development, Planning and Evaluation

- A. Systematic Policy Evaluation
- B. Presentation/Report
 1. Massachusetts Coalition for the Prevention of Medical Errors:
 - a. November 29, 2018 Coalition Meeting Minutes
 - b. December 20, 2018 Coalition Report
- C. SARP Policies:
 1. 06-001: Management of SARP Participants' Relapse from Substance Use Disorder Recovery
- D. Topics for Next Agenda

DISCUSSION:

- A. None.
- B. 1. a. None.
- B. 1. b. None.
- C. 1. L. Silva stated this document was scheduled to be revised. B. Oldmixon stated SARP staff can act accordingly regarding contacting the Licensee. B. Levin stated it will be helpful for the Board. B. Oldmixon stated the License will still have a right to have a hearing in front of the Board. H. Cambra was available for questions.
- D. D. Drew stated she is waiting for the references regarding the updates to the detailed report. L. Silva stated the Board has a set of regulations which added some language. In response to L. Silva, D. Drew stated her understanding of the regulations that covers discrimination which the Board added regarding the gender identity question as protected classes has already been through all of the administrative review, is approved, and will be published, but it is being held for some reason. D. Drew stated she wants to know what policy is being held up for and who is not getting the other regulations updated. D. Drew stated she is looking for where it is stuck and who is responsible for having it stuck in the process. B. Oldmixon stated there is a difference between how a policy gets

done and how a regulation gets done. L. Silva stated she will have V. Berg look into it. L. Silva stated the Board has a set of nursing regulations in certain stages that have not been published yet. L. Silva stated she will put it on the next month's meeting agenda. D. Drew stated the question she will ask will be why the regulation cannot be published now. L. Silva stated the Board has the 2019 Complaint Committee Meeting Schedule and only one (1) person has signed up for it.

ACTION:

- A. None.
- B. 1. a. None.
- B. 1. b. None.
- C. 1. Motion by K.A. Barnes, seconded by C. LaBelle, and voted unanimously to approve the Proposed SARP Policy 06-001.
- D. So noted.

Break 9:42 a.m. to 9:58 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by A. Alley, seconded by D. Drew, 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 11:16 a.m.

Break 11:16 a.m. to 11:27 a.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by D. Drew, seconded by K.A. Barnes, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 11:27 a.m.

G.L. c. 112, s. 65C Session 11:27 a.m. to 2:36 p.m.

TOPIC:

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Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by D. Drew, and voted unanimously to convene the Adjudicatory Session at 2:36 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 2:36 p.m. to 2:46 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by A. Alley, seconded by D. Drew, and voted unanimously to reconvene the G.L. c. 112, s. 65C Session at 2:46 p.m.

G.L. c. 112, s. 65C Session 2:46 p.m. to 2:55 p.m.

TOPIC:

Adjournment


DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by K.A. Barnes, and voted unanimously to adjourn the meeting at 2:55 p.m.

Minutes of the Board's January 9, 2019, 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**

Notice of the Regularly Scheduled Meeting

Regular Session

239 Causeway Street
Room 417
Boston, Massachusetts 02114

Wednesday, January 9, 2019

UPDATED AGENDA AS OF 1/3/19 10:00am

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 December 12, 2018 Meeting of the Board of Registration in Nursing, Regular Session	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	
	VI.	PROBATION A. Probation Staff Action Report B. Termination of Probation 1. Wendy Tinkham, RN-03-275, RN233670 C. Request for Notice of Violation and Further Discipline: NONE	Report Memo None	KJ KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report	Memo	LT

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	VIII.	<p>EDUCATION</p> <p>A. Nursing Education Staff Report: NONE</p> <p>B. 244 CMR 6.04(1)(c) & (1)(f) Administrative Changes: NONE</p> <p>C. 244 CMR 6.06(2) Site Survey Waiver Requests Quinsigamond Community College Practical Nursing Program</p> <p>D. 244 CMR 6.05 Emmanuel College, Baccalaureate RN Program Initial Approval Application</p> <p>E. 2018 NCLEX Performance Statistical Reports</p> <ol style="list-style-type: none"> 1. Explanation of NCLEX Data Reports 2. Total MA Licensure Candidates Regardless of State of Education 3. Total MA Graduates Regardless of State of Licensure 4. NCLEX Performance by BRN-approved programs 244 CMR 6.08 (1)(h) 2018 NCLEX performance evaluation recommendations 	<p style="text-align: center;">None None</p> <p>Compliance Report</p> <p>Compliance Report</p> <p style="text-align: center;">Reports</p>	<p style="text-align: center;">AM</p> <p style="text-align: center;">AM</p> <p style="text-align: center;">AM</p>
	IX.	<p>REQUESTS FOR LICENSE REINSTATEMENT</p> <p>A. NONE</p>	<p style="text-align: center;">None</p>	<p style="text-align: center;">LF</p>
	X.	<p>STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION</p> <p>A. Systematic Policy Evaluation</p> <p>B. Presentation/Report</p> <ol style="list-style-type: none"> 1. Massachusetts Coalition for the Prevention of Medical Errors: <ol style="list-style-type: none"> a. November 29, 2018 Coalition Meeting Minutes b. December 20, 2018 Coalition Report <p>C. SARP Policies:</p> <ol style="list-style-type: none"> 1. 06-001: Management of SARP Participants' Relapse from Substance Use Disorder Recovery <p>D. Topics for Next Agenda</p>	<p style="text-align: center;">Minutes Report</p> <p>Proposed Revisions</p>	<p style="text-align: center;">FM</p> <p style="text-align: center;">HC</p>
	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 reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. 2. 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. 	<p>CLOSED SESSION</p>	

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<>		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.