

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

And Via WebEx

Wednesday, October 14, 2020 9:00 am | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Event address for attendees:

<https://statema.webex.com/statema/onstage/g.php?MTID=e081b5b81bd2557f79e0256c770435579>

Join by Phone:

+1-203-607-0564 US Toll

+1-866-692-3580 US Toll Free

Access code: 171 339 8180

Minutes of the Regularly Scheduled Board Meeting

Wednesday, October 14, 2020

Board Members Present In Room 417

L. Kelly, DNP, Chairperson

Board Members Not Present

A. Alley, RN

L. Wu, RN

Board Members Present Via Audio Or Video

L. Keough, CNP, Vice Chairperson

K.A. Barnes, JD, RPh

K. Crowley, DNP

D. Drew, MBA, Public Member

G. Gravlin, EdD

J. Kaneb, MBA, Public Member

C. LaBelle, RN (Arrived at 9:24 a.m.)

D. Nikitas, RN

E. Pusey-Reid, DNP

Staff Present In Room 417

L. Silva, RN, DNP, Executive Director

B. Oldmixon, JD, Board Counsel

H. Caines Robson, RN, MSN, Nursing Education
Coordinator

C. DeSpirito, RN, JD, Complaint Resolution Coordinator

P. McNamee, RN, MS, Nursing Practice Coordinator

S. Hall, SARP Monitoring Coordinator

P. Scott, Licensing Coordinator

S. Gaun, Office Support Specialist I

G. Rivera, MBA, Office Support Specialist I

Staff Not Present

C. MacDonald, RN, DNP, Deputy
Executive Director

M. Campbell, RN, JD, Nursing
Investigations Supervisor

Staff Present Via Audio Or Video

L. Hillson, RN, MSN, PhD, Assistant Director for

Policy and Research
O. Atueyi, JD, Board Counsel
H. Cambra, RN, JD, Interim SARP Coordinator
L. Ferguson, Paralegal
K. Jones, Probation Compliance Officer
R. Dumas, Office Support Specialist I

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 9:09 a.m., L. Kelly, Chairperson, called the October 14, 2020 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of REVISED Agenda

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, D. Nikitas and E. Pusey-Reid unanimously in favor to approve the REVISED Agenda as presented.

TOPIC:

Approval of Board Minutes for the September 9, 2020 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with G. Gravlin in abstention, and K.A. Barnes, K. Crowley, D. Drew, J. Kaneb, L. Kelly, L. Keough, D. Nikitas and E. Pusey-Reid unanimously in favor to accept the Minutes of the September 9, 2020 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

A. Announcements

DISCUSSION:

A. L. Kelly stated that Wednesday, November 11, 2020 is the Veteran's Day Holiday and the November 2020 BORN Board Meeting will be held on Monday, November 9, 2020. L. Silva stated the Board will need to schedule an Executive Session Board Meeting this month and to let her know by the end of Today 10/14/20 as to what date they will be able to attend it. L. Silva stated there will not be an Executive Session at this Board Meeting.

ACTION:

None.

TOPIC: SARP

Staff 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/Stayed Probation, K. Murphy (O'Connor), NUR-2017-0131, RN2266667

DISCUSSION:

K. Jones summarized her previously distributed memorandum and attached exhibits to the Board. The Licensee was present via audio. Several Board members and staff discussed their concerns, terminating the Licensee's probation early, and the Board's options.

The Licensee stated that according to her CONSENT AGREEMENT FOR PROBATION for no less than one (1) year effective 10/16/2018, she has to work 20 hours a week, she wanted to work per-diem, she is currently hired for 24 hours a week, and she did not want to work another month during Probation after her maternity leave ends.

ACTION:

Motion by L. Keough, seconded by J. Kaneb, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to DENY the Licensee's request for early termination of the Probation and to maintain the current CONSENT AGREEMENT FOR PROBATION for no less than one (1) year effective 10/16/2018.

TOPIC: Probation

Review of Nursing Position, T. Tang, NUR-2012-0237, RN2276345

DISCUSSION:

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

The Licensee was present via audio. The Licensee stated she does not work from home, she goes into the office every day, she speaks with her supervisor, and her supervisor works with her on anything. The Licensee stated she gave back her License to the supervisor. The Licensee stated she does several roles in the position. The Licensee stated she calls the patients due to the Coronavirus Pandemic.

L. Silva stated the Board Staff lost connection with the Licensee at 9:33 a.m., the call was dropped, and the Board member's discussion for the last five (5) minutes will have to be repeated. The Licensee called back in. L. Kelly paused the matter and had the Board Members call in again to the Regular Session. L. Kelly stated that for the record, the call was dropped for five (5) minutes. L. Kelly took roll call again.

K. Jones re-summarized her previously distributed memorandum and attached exhibits to the Board. Several Board members discussed their concerns regarding the job description. K. Jones stated the Licensee is supervising home health care aides from her office and the Licensee is not going into the patients' homes.

The Licensee stated she feels comfortable with the position, and prospective employers will not hire her due to her license probation status.

ACTION:

Motion by L. Keough, seconded by D. Crowley, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to DENY the Licensee's request to use this job to meet the requirements for the POST-SURRENDER CONSENT AGREEMENT FOR PROBATION for no less than two (2) years effective 6/29/2020.

TOPIC: Practice Coordinator Staff Report**DISCUSSION:**

None.

ACTION:

None.

TOPIC: Education

Nursing Education Staff Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Education

244 CMR 6.04 (1)(c) & (1)(f) Administrative Changes, Bay Path Regional Vocational Technical School

DISCUSSION:

H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. There was no discussion.

L. Kelly stated that G. Bolandr was present via audio but did not identify herself.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to find compliance with regulation 244 CMR 6.04 (1)(f) in the notification the appointment of Kyle Brenner, M.Ed., CEO (Superintendent – Director).

TOPIC: Education

244 CMR 6.04 (1)(c) & (1)(f) Administrative Changes, Simmons University

DISCUSSION:

H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. There was no discussion.

A.M. Barron, Associate Dean for Health Sciences, was present via audio. A.M. Barron did not make a statement.

ACTION:

Motion by L. Kelly, seconded by K. Crowley, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to find compliance with regulation 244 CMR 6.04 (1)(f) in the notification of the appointment of Lynn Wooten, Ph.D., CEO (President).

TOPIC: Education

244 CMR 6.05 (2) Request for Initial Approval Status, Roxbury Community College Associate Degree Nursing Program

DISCUSSION:

H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. Several Board members stated their concerns regarding the program's past problems that might redevelop, the program has done good work, some of the items that need to be addressed by January 2021, and it was nice to see the report and how well the program has done.

S. Victoria, the new program administrator, was present via video. V. Roberson, President of the College, was present via video. V. Roberson stated the staff has been working on the program for a number of years and is fully prepared to address any other concerns the Board may find with the application, the intent is to be able to offer the program again in Fall 2021, re-emphasized the college's support for the

program, and the program wants to be strong and compliant in every way. S. Victoria stated the program has addressed the calendar issue, the Board outcomes, and the credit breakdown for clinical hours.

ACTION:

Motion by D. Drew, seconded by K. Crowley, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to:

1. Accept the Initial Approval Application Compliance report.
2. Find the Roxbury Community College has provided satisfactory evidence of its ability to achieve compliance with 244 CMR 6.04: Standards for Nursing Education Program Approval.
3. Find the Program warrants Initial Approval status for the establishment of the Associate Degree Nursing education program.
4. Direct the Program to provide to the Board the following for the enhancement of the program:
 - A. Due January 14, 2020:
 1. A revised SEP to include all Board required outcomes [ref 244 CMR 6.04 (1)(e)];
 2. A revised SEP calendar to include all components of the Regulation [ref 244 CMR 6.04 (1)(e)];
 3. A table of credits hours and clock hours for each course demonstrating congruence with the published curriculum map and in accordance with generally accepted academic standards including consistent credit-to-contact hour ratios [ref 244 CMR 6.04(4)(b)4]; and
 4. A revised clinical affiliation agreement to include all Board required components [ref 244 CMR 6.04 (5)(f)].
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 6.06 Waiver of 244 CMR 6.06 (1)(A), Regis College Baccalaureate Degree Nursing Program

DISCUSSION:

RECUSAL: K. Crowley recused herself from the matter and ended her call because this is an open session. H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. H. Caines Robson stated the date the program started and the dates of the previous Site Surveys by the Accreditation Authority. There was no discussion.

D. Welch, Dean of Nursing, was present via video. D. Welch stated the Associate Dean of Nursing will introduce herself. G. Rivera stated the Associate Director of Nursing was muted. D. Welch stated that what H. Caines Robson stated was clear and the program will make the changes.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas, and E. Pusey-Reid unanimously in favor to:

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.
 - C. the Program has provided satisfactory evidence of compliance with the regulations at 244 CMR 6.04 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), (1)(h), (2)(a), (2)(b), (3)(a)1, (3)(a)2, (3)(a)3, (3)(b), (4)a, (4)b, (5)(a), (5)(b), (5)(d), (5)(e) and noncompliance with 244 CMR 6.04 (1)(e), (1)(g), and (5)(f).
2. Continue Full Approval status at this time.
3. Find the Program qualifies for a Waiver of 244 CMR 6.06 (1)(a) Site Survey of Nursing Education Programs.
4. Direct the Program to provide to the Board the following in order to demonstrate correction of the regulatory deficiencies:
 - A. Due March 31, 2020:
 1. a revised systematic evaluation plan that includes, all components of the regulation, all required outcomes and a SEP Calendar[ref 244 CMR 6.04 (1)(e)];
 2. a written policy for the maintenance and retirement of school, faculty, student and graduate records [ref 244 CMR 6.04 (1)(g)];
 3. revised written agreements with cooperating agencies utilized as clinical learning sites specifying that they are developed and reviewed annually by both program and agency personnel; with defined parameters of activities and the responsibilities of the program, the student and the cooperating agency, including but not limited to, that patient safety is the responsibility of the agency and student evaluation is the responsibility of the Program faculty [ref 244 CMR 6.04 (5)(f)].
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 6.07 Board Approval of Specific Nursing Education Program Changes, Regis College Baccalaureate Degree Nursing Program

DISCUSSION:

RECUSAL: K. Crowley recused herself from the matter and ended her call because this is an open session. H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. H. Caines Robson stated the program is requesting from going from 16 months to 24 months but everything will remain the same. Several Board members and staff discussed their concerns and the Board's options.

D. Welch, Dean of Nursing, was present via video. D. Glynn, Associate Dean of Pre-Licensure Nursing, was present via video. D. Glynn stated the 16 month program will continue to exist, and the program will offer to students the 24 month program in addition. D. Welch stated the enrollment in the 16 month program decreased due to the students not being able to work.

L. Kelly stated the matter will be deferred for further clarification and a Board vote will not be needed.

ACTION:

Deferred.

TOPIC: Education

244 CMR 6.07 Board Approval of Specific Nursing Education Program Changes, Boston College Direct Entry Nursing Program

DISCUSSION:

H. Caines Robson summarized her previously distributed memorandum and attached exhibits to the Board. Several Board members and staff discussed the matter. B. Oldmixon stated the program is stopping the existing program and is starting a new program. L. Silva stated the Board Education Staff can work with the program regarding whether the NCSBN Code will need to be changed.

S. Kelly Weeder, Associate Dean of Graduate Programs, was present via audio. S. Kelly Weeder stated the program is also changing the outcomes, the pre-licensure students will graduate with a Master's Degree, the students used to just get a certificate, so now they will be graduating as Advanced Generalists with a Master's Degree in Nursing, and will be eligible for NCLEX.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to:

1. Find the program is in compliance with regulation 244 CMR 6.07 in the submission of 244 CMR 6.07 (3) New Program Option with Changes to Outcomes Notification.
2. Find the Boston College Program proposed revisions to the nursing curriculum are in compliance with Board regulations 244 CMR 6.04.

TOPIC: Requests for License Reinstatement

S. Fonseca, NUR-2009-0212, RN177670

DISCUSSION:

C. DeSpirito summarized her previously distributed memorandum and attached exhibits to the Board. The Licensee was not present. Several Board members and staff discussed the matter and the Board's options.

ACTION:

Motion by D. Drew, seconded by K.A. Barnes, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to ratify the POST-SUSPENSION CONSENT AGREEMENT FOR PROBATION signed by the Board Executive Director on 9/23/2020.

TOPIC: Strategic Development, Planning and Evaluation
Presentation/Report**ACTION:**

None.

TOPIC: Strategic Development, Planning and Evaluation

Proposed Revisions to Discipline Policy 09-01: OPP and Board Staff Action Related to Disposition of Selected Initial Reports

DISCUSSION:

C. DeSpirito summarized her previously distributed memorandum and attached exhibits to the Board. D. Drew asked if there was not sufficient evidence will people have to agree. Several Board members and staff discussed the matter.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes and D. Drew in opposition, and K. Crowley, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid all in favor to accept the revisions to the Discipline Policy 09-01: OPP and Board Staff Action Related to Disposition of Selected Initial Reports.

TOPIC: Strategic Development, Planning and Evaluation

Topics for Next Agenda

DISCUSSION:

K. Crowley spoke about 70% of CBD Products are mislabeled and several articles about it and if an Advisory will need to be implemented. L. Silva requested that K. Crowley send the articles to L. Silva and P. McNamee and they can discuss the matter before it will be put on the Regular Session Agenda. L. Silva stated that Doctor Lubin has been invited to make a presentation at the December 2020 Board Meeting. K. Crowley stated that she would like the presenter to speak about alcohol in hand sanitizers. D. Nikitas asked about an elevated ETG. L. Silva stated that cannot be discussed in an open session. D. Drew asked about the presentation can have information regarding concerns that are being presented at other Boards so the Board of Registration in Nursing Board members can be prepared.

ACTION:

So noted.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

L. Kelly stated there will not be an Executive Session.

ACTION:

Deferred.

G.L. c. 30A, § 21 Executive Session -- DEFERRED

TOPIC:

DISCUSSION:

None.

ACTION:

Motion by K.A. Barnes, seconded by L. Keough, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to convene the G.L. c. 112, s. 65C Session at 11:33 a.m.

G.L. c. 112, s. 65C Session 11:33 a.m. to 12:30 p.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by K. Crowley, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to convene the Adjudicatory Session at 12:30 p.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 12:30 p.m. to 12:36 p.m.

TOPIC:

Adjournment

DISCUSSION:

None.

ACTION:

Motion by L. Kelly, seconded by L. Keough, and voted by roll call with K.A. Barnes, K. Crowley, D. Drew, G. Gravlin, J. Kaneb, L. Kelly, L. Keough, C. LaBelle, D. Nikitas and E. Pusey-Reid unanimously in favor to adjourn the meeting at 12:36 p.m.

Minutes of the Board's October 14, 2020, Regularly Scheduled Meeting were approved by the Board on November 9, 2020.



Linda Kelly, DNP
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

And Via WebEx

Wednesday, October 14, 2020 9:00 am | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Event address for attendees:

<https://statema.webex.com/statema/onstage/g.php?MTID=e081b5b81bd2557f79e0256c770435579>

Join by Phone:

+1-203-607-0564 US Toll

+1-866-692-3580 US Toll Free

Access code: 171 339 8180

Wednesday, October 14, 2020

PRELIMINARY AGENDA AS OF 10/5/20 2:05pm

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 September 9, 2020 Meeting of the Board of Registration in Nursing, Regular Session via WebEx	Minutes	
	IV.	REPORTS, ANNOUNCEMENTS AND ADMINISTRATIVE MATTERS A. Announcements	Oral/Memo	LS
	V.	SARP A. SARP Activity Report -- NONE	None	

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

	VI.	PROBATION A. Probation Staff Action Report B. Request for Termination of Probation/Stayed Probation, in the Matter of K. Murphy (O'Connor), NUR-2017-0131, RN2266667 C. Review of Nursing Position, in the Matter of T. Tang, NUR-2012-0237, RN2275345	Report Memo Memo	KJ KJ KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report -- NONE	None	
	VIII.	EDUCATION A. Nursing Education Staff Report - NONE B. 244 CMR 6.04 (1)(c) & (1)(f) Administrative Changes 1. Bay Path Regional Vocational Technical School 2. Simmons University C. 244 CMR 6.05 (2) Request for Initial Approval Status 1. Roxbury Community College Associate Degree Nursing Program D. 244 CMR 6.06 Waiver of 244 CMR 6.06 (1)(a) 1. Regis College Baccalaureate Degree Nursing Program E. 244 CMR 6.07 Board Approval of Specific Nursing Education Program Changes 1. Regis College Baccalaureate Degree Nursing Program 2. Boston College Direct Entry Nursing Program	None Memo Memo Memo Report Report Report Report	 HCR HCR HCR HCR HCR HCR HCR
	IX.	REQUESTS FOR LICENSE REINSTATEMENT A. Request for Ratification of Post-Suspension Consent Agreement for Probation, Effective 9/23/2020 1. S. Fonseca, NUR-2009-0212, RN177670	 Memo	 LF/CD
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Presentation/Report -- NONE B. Proposed Revisions to Discipline Policy 09-01: OPP and Board Staff action Related to Disposition of Selected Initial Reports C. Topics for Next Agenda	None DRAFT Policy	MC/CD

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

<>		LUNCH BREAK	
	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. <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 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 Abuse Rehabilitation Program. 	CLOSED SESSION
	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 Yulanda Kiner, Phone: 617-624-5848 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.