

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

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

Board Members Present

B. Levin RN, Chairperson
L. Keough, CNP, Vice Chairperson
A. Alley, RN
K. Barnes, JD, RPh
D. Drew, Public Member
G. Dufault, LPN
J. Fantes, MD
L. Kelly, CNP
C. LaBelle, RN
N. Murphy, LPN
E. Pusey-Reid, DNP (Arrived at 12:15 p.m.)

Board Members Not Present

Staff Present

C. MacDonald, RN, DNP, Deputy Executive Director
O. Atueyi, JD, Board Counsel
B. Oldmixon, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution 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
L. Ferguson, Paralegal
M. Campbell, RN, JD, Nurse Investigation Supervisor
S. Hall, SARP Administrative Assistant
L. Nelson, JD, Director of Policy and Regulatory Affairs
L. Harrison, Senior Assistant for Nursing Education
P. Scott, Licensing Coordinator
S. Muise, RN, Nurse Investigator
J. Scranton, RN, Nurse Investigator
L. Woodward, RN, Nurse Investigator

Staff Not Present

L. Silva, RN, DNP, Executive Director
M. Gilmore, RN, SARP Coordinator
L. Talarico, RN/CNP, Nursing Practice
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 that E. Pusey-Reid is not present and she will be arriving later during the Board Meeting.

B. Levin stated that she and C. MacDonald attended the National Council of State Boards of Nursing Conference in Minneapolis, MN last month. B. Levin stated that every U.S. State and 41 Countries had representation there. B. Levin stated they were able to network with the representatives. B. Levin stated the theme was "regulatory excellence: surging towards the future". B. Levin read a statement from A. Young, CEO of Neighbor Health, who has a fundamental belief that with the right tools, people can use their ingenuity to create devices that heal. B. Levin stated some of the work that A. Young has done.

B. Levin requested the Board members receive the Board Meeting Materials if possible two (2) weeks in advance of the Board Meeting. B. Levin stated the Board members read every word of the materials and this will give them more time. B. Levin stated the Board members understand there could be some last-minute cases that will come up and the Board will receive the case materials in closer proximity to the that time period.

ACTION:

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

TOPIC:

Approval of Agenda

DISCUSSION:

H. Cambra requested to reorder the presentation of two (2) matters in Agenda Item X Strategic Development, Planning and Evaluation. H. Cambra stated she will present Agenda Items X.A.3. SARP Policy 06-001: Management of SARP Participants' Relapse in Substance Use Recovery and X.A.4. SARP Policy 99-04: SARP Medical Waiver first, and then X.A.1. SARP Policy 18-XX: Re-admission to SARP and X.A.2. SARP Policy 18-XX: Reentry into Monitored Practice subsequently.

C. MacDonald stated that L. Talarico is not present and her Agenda Item VII.A.Practice Coordinator Staff Report will remain on the Agenda.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to approve the Agenda as revised.

TOPIC:

Approval of Draft CORRECTED Board Minutes for the July 11, 2018 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to accept the Draft CORRECTED Board Minutes of the July 11, 2018 Regularly Scheduled Board Meeting as presented.

TOPIC:

Approval of Board Minutes for the August 8, 2018 Meeting of the Regularly Scheduled Board Meeting

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted, with A. Alley, J. Fantes and B. Levin abstaining, and all other members present in favor, to accept the Minutes of the August 8, 2018 Regularly Scheduled Board Meeting as presented.

TOPIC:

Reports, Announcements and Administrative Matters

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

DISCUSSION:

- A. B. Levin stated there is not a report.
- B. A. Fein stated she will pass around the sign-up sheet for the Complaint Committee. A. Fein stated they need Board members who will be available to attend the meetings from the rest of September 2018 through December 2018.

ACTION:

- A. So noted.
- B. So noted.

TOPIC: SARP
Activity Report

DISCUSSION:

None.

ACTION:

None.

TOPIC: Probation
Staff Action Report

DISCUSSION:

K. Jones stated there is an error on her report. K. Jones stated under "licensees given the opportunity to cure", it should state one (1) total for this month and four (4) total for the year. K. Jones stated that other than that, there are no other changes.

ACTION:

So noted.

TOPIC: Practice Coordinator Staff Report

DISCUSSION:

B. Levin stated the Board members have the report and L. Talarico is not present.

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(1)(c), Assumption College 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. C. Stover, PhD, RN, program administrator, was present. In response to B. Levin, C. Stover stated the college has a campus in Rome, Italy.

ACTION:

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

1. Find that Assumption College has provided satisfactory information describing its potential ability to establish a Baccalaureate Nursing education program complying with 244 CMR 6.04: *Standards for Nursing Education Program*;
 2. Grant Assumption College Prerequisite Approval Status to establish its proposed Registered Nurse Baccalaureate education program, directing that an on-site survey be conducted in Spring 2022 to verify program compliance with 244 CMR 6.0.
-

TOPIC: Requests for License Reinstatement

Staff Action Report for Denials

DISCUSSION:

None.

ACTION:

None.

TOPIC: Requests for License Reinstatement

Petition for Reinstatement, In the matter of Deborah Cox, LN37102, LN-07-077

DISCUSSION:

B. Oldmixon summarized the previously distributed memorandum and attached exhibits to the Board. The Licensee was present. In response to B. Levin, the Licensee clarified things and read her statement to the Board requesting that her license be reinstated.

ACTION:

Motion by L. Keough, seconded by B. Levin, and voted unanimously to reinstate the Licensee's license with the condition that the Licensee enter into a superseding Standard Consent Agreement for Probation for no less than one (1) year with standard terms regarding monitored practice, contingent upon the renewal of the Licensee's license, the requirement of successful completion of one (1) contact hour of continuing education in the area of Critical Thinking in Competent Nursing Practice with the one (1) contact hour being completed within 30 days of the execution of the Standard Consent Agreement for Probation, and contingent upon a completed CORI.

TOPIC: Strategic Development, Planning and Evaluation

Systematic Policy Evaluation, SARP Policy 06-001: Management of SARP Participants' Relapse in Substance Use Recovery

DISCUSSION:

H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. H. Cambra stated that the revisions to this policy included: making the testing language consistent with other SARP policies and procedures; makes more concrete the consequences of non-compliance with the policy; modifies the delay in nursing practice privileges to be internally consistent with other SARP policies and procedures. In response to A. Fein, H. Cambra stated the Licensee will be informed in *writing* following SARP staff's receipt of information and determination of a Licensee's relapse from substance use disorder recovery.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to accept the proposed changes to SARP Policy 06-001: Management of SARP Participants' Relapse in Substance Use Recovery.

TOPIC: Strategic Development, Planning and Evaluation

Systematic Policy Evaluation, SARP Policy 99-04: SARP Medical Waiver

DISCUSSION:

H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. H. Cambra explained that changes to the policy included time constraints on lengths of the waivers granted; additional required documentation; and a revision to the process of employer notification of a participant's granted waiver.

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to accept the proposed changes to SARP Policy 99-04: SARP Medical Waiver.

TOPIC: Strategic Development, Planning and Evaluation
Systematic Policy Evaluation, SARP Policy 18-XX: Readmission to SARP

DISCUSSION:

H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. H. Cambra stated that S. Hall is available for questions regarding the SARP Program. In response to D. Drew, H. Cambra stated the word "or" will be eliminated from section 6(a) of the Policy. In response to A. Fein, H. Cambra stated the Licensee would be surrendered for three (3) years, and the Licensee could reapply for SARP after the first year of surrender and following twelve (12) months of negative observed toxicology screens acceptable to the Board. After discussion, language will be added to section 2 of the policy, stating that the negative toxicology screens must be done for twelve (12) months immediately preceding the Licensee's petition for readmission. In response to D. Drew, H. Cambra stated the existence of the disciplinary action imposed on the Licensee's nursing license, as a result of previous program non-compliance, will not be removed as a result of readmission into the SARP program.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to accept the proposed SARP Policy 18-XX: Readmission to SARP.

TOPIC: Strategic Development, Planning and Evaluation
Systematic Policy Evaluation, SARP Policy 18-XX: Reentry into Monitored Practice

DISCUSSION:

H. Cambra summarized her previously distributed memorandum and attached exhibits to the Board. After discussion, the statement under the "Suspension of Practice Privileges" will read "Board staff *may* immediately suspend a participant's practice privileges if she or he: (a) fails to submit to a toxicology screening test, (b) tests positive for any *unauthorized* substance of abuse, (c) fails to provide a valid prescription for any ingested substances of abuse as required, and/or (d) admits to a relapse."

ACTION:

Motion by B. Levin, seconded by L. Keough, and voted unanimously to accept the proposed SARP Policy 18-XX: Reentry into Monitored Practice with the changes identified and to become effective immediately.

TOPIC: Strategic Development, Planning and Evaluation
Presentation/Report, Massachusetts Coalition for the Prevention of Medical Errors: August 2018 Coalition Report

DISCUSSION:

None.

ACTION:

So noted.

TOPIC: Strategic Development, Planning and Evaluation
2017-2018 Legislative Session Summary

DISCUSSION:

F. Medaglia stated her oral report to the Board members summarizing the implications for nursing found in Chapters 69, 208 and 220 of the Acts of 2018. F. Medaglia stated L. Nelson was available for questions. C. MacDonald asked the Board members to review the board-at-a-glance document that was previously distributed because the Board members' seat designations may have changed, two (2) of the board seats which are vacant are new, and one (1) of the seats was combined with another seat. Several Board members and staff discussed the legislative summary.

ACTION:

So noted.

TOPIC: Strategic Development, Planning and Evaluation
Topics for Next Agenda

DISCUSSION:

D. Drew stated she would like to get a report on the outstanding policies that have not been implemented yet, specifically the one (1) policy around discrimination in healthcare for people based on their gender identification and expression. D. Drew stated she does not want a report that states the Board staff is working on it. D. Drew stated she wants to know who is working on it, what is going on, what is holding it up, staff resources that has been assigned to it, and a timeline for the policies to be implemented. C. MacDonald stated she will look into it.

After the Section 65C Session ended, B. Levin stated she would like to have a discussion regarding medical marijuana cards, and a presentation from the drug testing company representative regarding what information the Licensees can access and view in their accounts.

ACTION:

So noted.

Break 10:01 a.m. to 10:23 a.m.

TOPIC:

Adjudicatory Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to convene the Adjudicatory Session at 10:23 a.m. to deliberate on proposed final decisions and orders, and rulings on pending adjudicatory matters.

Adjudicatory Session 10:23 a.m. to 10:35 a.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to convene the Executive Session at 10:35 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 10:35 a.m. to 3:01 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to convene the G.L. c. 112, s. 65C Session at 3:01 p.m.

G.L. c. 112, s. 65C Session 3:01 p.m. to 3:03 p.m.

TOPIC:

G.L. c.30A, §21 Executive Session

DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by D. Drew, and voted unanimously to reconvene the Executive Session at 3:03 p.m. as per Purpose One of G.L. c.30A, §21 (a)(1).

G.L. c. 30A, § 21 Executive Session 3:03 p.m. to 3:20 p.m.

TOPIC:

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

DISCUSSION:

None.

ACTION:

Motion by C. LaBelle, seconded by L. Kelly, and voted unanimously to reconvene the G.L. c. 112, s. 65C Session at 3:20 p.m.

G.L. c. 112, s. 65C Session 3:20 p.m. to 4:51 p.m.

TOPIC:

Adjournment


DISCUSSION:

None.

ACTION:

Motion by L. Keough, seconded by L. Kelly, and voted unanimously to adjourn the meeting at 4:52 p.m.

Minutes of the Board's September 12, 2018, Regularly Scheduled Meeting were approved by the Board on October 10, 2018.



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, September 12, 2018

PRELIMINARY AGENDA AS OF 9/6/18 12pm

Estimated Time	Item #	Item	Exhibit	Presented by
9:00 a.m.	I.	A. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	APPROVAL OF MINUTES A. Draft CORRECTED Minutes for the July 11, 2018 Meeting of the <i>Board of Registration in Nursing, Regular Session</i> B. Draft Minutes for the August 8, 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 D. Announcements	Oral/Memo	LS
	V.	SARP A. SARP Activity Report - NONE	None	SH
	VI.	PROBATION A. Probation Staff Action Report	Report	KJ
	VII.	PRACTICE A. Practice Coordinator Staff Report	Memo	LT
	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)(c) 1. Assumption College Prerequisite Approval Application	None None Compliance Report	AM

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

	IX.	REQUESTS FOR LICENSE REINSTATEMENT A. Staff Action Report for Denials: NONE B. Petition for Reinstatement, In the matter of Deborah Cox, LN37102, LN-07-077	None Memo	LF
	X.	STRATEGIC DEVELOPMENT, PLANNING AND EVALUATION A. Systematic Policy Evaluation 1. SARP Policy 18-XX: Readmission to SARP 2. SARP Policy 18-XX: Reentry into Monitored Practice 3. SARP Policy 06-001: Management of SARP Participants' Relapse in Substance Use Recovery 4. SARP Policy 99-04: SARP Medical Waiver B. Presentation/Report 1. Massachusetts Coalition for the Prevention of Medical Errors: a. August 2018 Coalition Report C. 2017-2018 Legislative Session Summary D. Topics for Next Agenda	Proposed Policy and Memo Proposed Policy and Memo Proposed Revised Policy and Memo Proposed Revised Policy and Memo Report Oral Report	SH/LS SH/LS SH/LS SH/LS ASF/FM FM
	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 pending disciplinary complaints that involve patient records and treatment of patients. 4. Approval of prior executive session minutes in accordance with M.G.L. c. 30A, § 22(f) for sessions held during the August 8, 2018 meeting. 	CLOSED SESSION	

COMMONWEALTH OF MASSACHUSETTS
Board of Registration in Nursing

<>		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.