

COMMONWEALTH OF MASSACHUSETTS

THIS IS NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING

Wednesday July 11, 2012
9 a.m. to 2:00 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114

Agenda
7/5/12 9:30am

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
10:00 a.m.	V.	Approval of Minutes A. June 13, 2012 Regularly Scheduled Meeting B. June 13, 2012 Adjudicatory Session C. June 13, 2012 65C Session	Minutes Minutes Minutes	

		B. Resolution of Pending Board Staff Assignments 1. K. Elliott, RN211370/LN51282, SA-INV-2448 2. M. Chadbourne, RN63545, SA-INV-2738	IR IR	LMM/HC ES/AF
		Lunch Recess 12:15 p.m. – 1:00 p.m.		
1:00pm	X.	Practice A. None	none	LT
	XI.	Education A. 244 CMR 6.04(1)(c) & (f) notifications: 1. Greenfield Community College Associate Degree Registered Nurse Program 2. Bay Path Regional vocational Technical School Practical Nursing Program 3. Quincy College Associate Degree Registered Nurse and Practical Nursing Programs B. 244 CMR 6.06(2) Waiver Application: 1. University of Massachusetts Worcester Direct-entry Masters degree Registered Nurse Program 2. Cape Cod Community College Associate Degree Registered Nurse Program	Memo Compliance Report	JMP JMP
	XII.	Probation A. Requests for Modification of Probation Agreement 1. W. Dos Santos, LN69470; NUR-2010-0153 B. Request for Termination of Probation 1. J. Rogers, RN 233259, NUR-2010-0225	Request Memo	KF/MS
	XIII.	Addition to Board Policies SARP Policy 12-001 – Confidentiality for SARP Applicants and Participants	Memo	VPB
	XIV.	Announcements/Other		
2:00pm	XV.	Adjournment		

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

Minutes of the Regularly Scheduled Board Meeting
Wednesday, July 11, 2012

Board Members Present

S. Kelly, RN/NP, Chair
K. Gehly, RN/NP, Vice Chair
M. Beal, RN/NM
P. Gales, RN
J. Killion, LPN
B. Levin, RN
C. Lundeen, RN
A. Peckham, RN
E. Richard Rothmund, Public Member
J. Roy, RN
C. Simonian, PharmD, RPh

Board Members Not Present

C. Tebaldi, RN/NP

Board Staff Present

R. Harb, RN, Executive Director
V. Berg, JD, Board Counsel
H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
J. Pelletier, RN, Nursing Education Coordinator
C. Robertson, RN, Deputy Executive Director
M. Strachan, JD, Board Counsel
L. Talarico, RN/NP, Nursing Practice
T. Westgate, Paralegal

Board Staff Not Present

B. Mackey, RN, Nsg Ed Coordinator
D. Mclellan, RN, SARP Coordinator
C. Silveira, RN, Assistant Director

Guests

See attached list.

TOPIC:

Call to Order and Introduction

DISCUSSION:

Ms. Robertson welcomed Curtis Jackson the newly appointed SARP/MPRS coordinator. A quorum of the Board was present.

ACTION:

At 9:05 a.m., S. Kelly, Chairperson, called the July 11, 2012 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of the Agenda

DISCUSSION:

Staff requested that the following agenda items be deferred:

VIII. C., D. Bowman RN253687

IX. A. 12, M. Davila, RN264993

Staff requested that a new agenda item IX. A. 13, R. Olsen, RN215537 be added

ACTION:

Motion by E. R. Rothmund,, seconded by K. Gehly, and unanimously passed to approve the agenda as revised.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by E. R. Rothmund, seconded by B. Levin, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:07 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:07 a.m. to 10:02 a.m.

RECESS 10:02 a.m. to 10:15 a.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by J. Killion, seconded by K. Gehly, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 10:15 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 10:15a.m. to 10:30 a.m.

TOPIC:

Approval of Minutes:

1. Approval of the Minutes of the June 13, 2012, Regularly Scheduled Board Meeting
2. Approval of the Minutes of the June 13, 2012, Adjudicatory Session
3. Approval of the Minutes of the June 13, 2012, 65C Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by E. R. Rothmund, and unanimously passed to accept the Minutes of the June 13, 2012, Regularly Scheduled Board Meeting.

Motion by E. R. Rothmund, seconded by J. Killion, and unanimously passed to accept the Minutes of the June 13, 2012, Adjudicatory Session.

Motion by E. R. Rothmund, seconded by A-M Peckham, and unanimously passed to accept the Minutes of the June 13, 2012, 65C Session.

TOPIC:

Reports

- A. Chairperson and Board Members' Reports
- B. Executive Director's Report
- C. Staff Reports
 1. Deputy Executive Director
 2. Associate Director for Policy and Research
 3. Practice
 4. Education
 5. Complaint Resolution
 6. SARP
 7. Probation Monitor

DISCUSSION:

- A. Chairperson and Board Members Reports: None
- B. Executive Director's Report: None
- C. Staff Reports:
 1. Board members reviewed C. Robertson's previously distributed report
 2. Board members reviewed C. Silveira's previously distributed report
 3. Board members reviewed L. Talarico's previously distributed report.
 4. Board members reviewed J. Pelletier's previously distributed report.
 5. None
 6. Board members reviewed V. Iyawe's and D. Mclellan's previously distributed report
 7. Board members reviewed K. Fishman's previously distributed report

ACTION:

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

TOPIC:

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:

- A. NCSBN Update: None.
- B. Board members were provided the latest report and minutes from the Coalition for the Prevention of Medical Errors.

ACTION:

- A. None
- B. Accepted by consensus

TOPIC:

Requests for License Reinstatement

- 1. Renee Murray, LN59972; LN-04-201
- 2. Raquel Falesbork, RN201200; RN-06-179

DISCUSSION: Board members reviewed T. Westgate's previously distributed memos which identified the Licensee's previous conduct, admissions, Board action and licensee's compliance with reinstatement terms

ACTION:

- 1. Renee Murray, LN59972; LN-04-201; Motion by P. Gales, seconded by J. Killion and unanimously voted to grant the Licensee's request for license reinstatement on the condition that she enter into a standard consent agreement for Probation for one (1) year, completes an LPN refresher course, during the probationary period (20 hour per week minimum for supervised employment may be waived during completion of clinical component of refresher course) and also properly renews her nursing license.
- 2. Raquel Falesbork, RN201200; RN-06-179; Motion by E. R. Rothmund, seconded by B. Levin and unanimously voted to grant the Licensee's request for license reinstatement with no conditions.

TOPIC:

A. Resolution of Pending Board Complaints

- 1. S. Anako aka Obot, RN2269871, NUR-2012-0113
- 2. D. Nicholson, RN2268782, NUR-2011-0238
- 3. T. Merrill, LN43998, NUR-2011-0262
- 4. A. Kyereme, RN2259728, NUR-2012-0107
- 5. C. Neal, LN52122, NUR-2012-0094
- 6. D. Favreau, LN68887, NUR-2012-0096
- 7. N. Lowrey, LN85837, NUR-2012-0097
- 8. M. Benitez, LN69552, NUR-2012-0098
- 9. M. Ipekci, RN263660, NUR-2011-0218
- 10. B. Duprey, RN252385, NUR-2012-0066
- 11. S. Parker, RN177187, NUR-2012-0043
- 12. M. Davila, RN264993, NUR-2012-0045
- 13. C. Enoma, LN64527, NUR-2012-0074

14. R. Olsen, RN215537, NUR-2012-0154

B. Resolution of Pending Board Staff Assignments

1. K. Elliott, RN211370/LN51282, SA-INV-2448
2. M. Chadbourne, RN63545, SA-INV-2738

DISCUSSION:

Compliance Officers and the Complaint Resolution Coordinators presented their previously distributed Investigative Reports for Board Review and Action together with relevant clarifications, supplemental information and revised Complaint Resolution Coordinators' recommendations as necessary, if any.

ACTION:

A. Resolution of Pending Board Complaints

1. S. Anako aka Obot, RN2269871, NUR-2012-0113 – Motion by J. Killion and seconded by P. Gales and voted unanimously to:
(a) *Expedite* the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for at least five (5) years with reinstatement requirements that also include: (i) certified documentation of a judgment of not guilty entered on any and all criminal charges related to the incident presented by this complaint and that any such charges were dismissed against her; (ii) a standard forensic psychiatric evaluation; (iii) documentation satisfactory to the Board of her successful completion of anger management therapy; (iv) the standard criminal activity related requirements; and (v) documentation of her successful completion of six (6) contact hours on Care of a Patient with a Tracheostomy, six (6) contact hours on Legal and Ethical Aspects of Nursing and six (6) contact hours on Critical Thinking and Judgment in Nursing Practice.
(b) Ratify the Consent Agreement for a non-disciplinary suspension of the Licensee's RN license until the final resolution of this complaint made effective on 5/29/12.
2. D. Nicholson, RN2268782, NUR-2011-0238 – Motion by E.R. Rothmund and seconded by M. Beal and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of his RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, standard criminal activity related requirements and a standard POST-SURRENDER PROBATION for at least two (2) years with the standard urine testing related requirements.
3. T. Merrill, LN43998, NUR-2011-0262 – Motion by K. Gehly and seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period (but at least one [1] day) with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing that includes the topic of Controlled Substances Security Practices, three (3) contact hours on Legal and Ethical Aspects of Nursing, six (6) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
4. A. Kyereme, RN2259728, NUR-2012-0107 – Motion by E.R. Rothmund and seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of

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an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her RN license for an indefinite period (*but for at least one [1] day*) with reinstatement requirements that also include: a standard mental health evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, six (6) contact hours on Recognition and Prevention of Patient Abuse and Neglect in Nursing and six (6) contact hours on Problem Solving and Time Management in Nursing Practice, and a standard POST-SUSPENSION PROBATION for at least one (1) year.

5. C. Neal, LN52122, NUR-2012-0094- Motion by E.R. Rothmund, seconded by M. Beal and voted unanimously to DISMISS this complaint without prejudice with a Non-Disciplinary Caution that states that all licensed nurses are expected to adhere to the laws and regulations governing nursing practice; including but not limited to, medication administration and documentation practices as well as accurate communication with health care providers.
6. D. Favreau, LN68887, NUR-2012-0096- Motion by C. Simonian, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a PROBATION of her LPN license, for a one (1) year that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as successful completion of three (3) contact hours on Critical Thinking and Judgment in Nursing, and six (6) contact hours in Assessment of Side Effects in Patients on Anticoagulant Medications.
7. N. Lowrey, LN85837, NUR-2012-0097- Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for SUSPENSION of the Licensee's LN license for an indefinite period (but at least one [1] day) with reinstatement requirements to also include evidence of successful completion of two *Homestead School* courses entitled "Medication Errors and How to Avoid Them" and "Nursing Pharmacology", (3) contact hours on Critical Thinking and Judgment in Nursing, and three (3) contact hours in Legal and Ethical Aspects of Nursing Practice, and a standard POST-SURRENDER PROBATION for at least one (1) year.
8. M. Benitez, LN69552, NUR-2012-0098- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a NON-DISCIPLINARY STAYED PROBATION of her LPN license, for a six month period that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as successful completion of three (3) contact hours on Critical Thinking and Judgment in Nursing, and six (6) contact hours in Nursing Documentation
9. M. Ipekci, RN263660, NUR-2011-0218- Motion by J. Killion, seconded by E.R. Rothmund and voted unanimously to DISMISS this complaint without prejudice, upon receipt of evidence substantiating the successful completion of thirty (30) contact hours to fulfill her renewal requirements for 2006 and 2008, with a non-disciplinary caution letter that states that all licensed nurses are expected to adhere to the laws and regulations governing nursing practice including but not limited to: medication administration and documentation practices, the accuracy of nursing documentation, and completing continuing education for licensure renewal. If the thirty (30)

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contact hours are not received within 30 days, refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her RN license.

10. B. Duprey, RN252385, NUR-2012-0066 – Motion by E.R. Rothmund and seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her RN license for an indefinite period (*but at least one [1] day*) with reinstatement requirements that also include documentation of her successful completion of six (6) contact hours on Care of the Patient on a Ventilator, three (3) contact hours on Maintaining Professional Boundaries in Nursing, six (6) contact hours on Communication Skills in Nursing that includes the topics of Effective Communications among Health Care Team Members, and with Patients and their Families, and three (3) contact hours on the Scope of Nursing Practice, and a POST-SUSPENSION PROBATION for at least one (1) year.
11. S. Parker, RN177187, NUR-2012-0043- Motion by C. Simonian, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her RN license upon submission to the Board of a signed affidavit that indicates the Licensee understands the standard of care concerning the responsibilities of a home care nurse to ensure patient safety.
12. C. Enoma, LN64527, NUR-2012-0074 – Motion by J. Killion and seconded by A. Peckham and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her LPN license for an indefinite period (*but at least one [1] day*) with reinstatement requirements to also include: (a) documentation that she has a current CPR certification, (b) documentation of her successful completion of six (6) contact hours or a passing grade on the topic Head to Toe Physical Assessment Skills, six (6) contact hours or a passing grade on Documentation in Nursing Practice with a focus on Medical Emergencies and Other Challenging Clinical Situations, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and five (5) contact hours on Accountability and Legal Aspects of Nursing Practice; (b) an affidavit that she has reviewed, understands and adheres to the Board's Advisory Ruling No. 0801, Advisory Ruling on the Initiation and Withholding of Cardiopulmonary Resuscitation in Massachusetts Long-term Care Facilities with 24-hour Skilled Nursing Staff on Duty, and M.G.L. c. 46, § 9, governing RN Pronouncements; and (c) a standard POST-SURRENDER PROBATION for at least one (1) year.
13. R. Olsen, RN215537, NUR-2012-0154 – Motion by P. Gales, seconded by E. R. Rothmund and voted unanimously to authorize the issuance of an Order of Summary Suspension after ten days. In the alternative, the Licensee may be offered a Consent Agreement for Non-Disciplinary Surrender of his RN license for an indefinite period until the Board takes final action on the pending complaint, which must be signed within ten days..

B. Resolution of Pending Board Staff Assignments

1. K. Elliott, RN211370/LN51282, SA-INV-2448- Motion by C. Simonian, seconded by J. Killion and voted unanimously to CLOSE the staff assignment without further action as the practice breakdown is not substantiated after retrieval and review of the available information and documentation regarding the Licensee's alleged conduct.
2. M. Chadbourne, RN63545, SA-INV-2738 – Motion by P. Gales and seconded by B. Levin, with C. Lundeen abstaining, and voted unanimously to CLOSE the Staff Assignment and OPEN a

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complaint with authority to refer the complaint directly to the Office of Prosecutions for
issuance of an OTSC and adjudication. In final settlement of this matter the Licensee may also be
offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an
indefinite period with reinstatement requirements that also include comprehensive
neuropsychological and standard medical evaluations that are conducted in accordance with all
accepted standards for such evaluations substantiating that the Licensee is able to practice nursing
in a safe and competent manner.

TOPIC:

Education

- A. 244 CMR 6.04(1)(c) & (f) notifications:
 - 1. Greenfield Community College Associate Degree Registered Nurse Program
 - 2. Bay Path Regional vocational Technical School Practical Nursing Program
 - 3. Quincy College Associate Degree Registered Nurse and Practical Nursing Programs
- B. 244 CMR 6.06(2) Waiver Application:
 - 1. University of Massachusetts Worcester Direct-entry Masters degree Registered Nurse Program
 - 2. Cape Cod Community College Associate Degree Registered Nurse Program

DISCUSSION:

- A. Members reviewed J. Pelletier's previously distributed memo.
- B. 1. Members reviewed J. Pelletier's previously distributed Compliance Report. Members noted that the program was granted continued accreditation by CCNE for ten years with the next evaluation in fall 2019.
- 2. Members reviewed J. Pelletier's previously distributed memo noting the NLNAC affirmed that the next accreditation visit will be spring 2017.

ACTION:

- A. Motion by E. R. Rothmund, seconded by A. Peckham, and unanimously voted to Find compliance with regulation 244 CMR 6.04(1)(c) & (f) in the notification of the appointment of: Cheri Ducharme, MS, RN, Interim Coordinator (Program Administrator), Associate Degree RN Program, Greenfield Community College; Veronica Ziemba, MSN, RN, Practical Nursing Director (Program Administrator), Bay Path Regional Vocational Technical High Schools; and Roxanne Mihal, DNP, RN, Interim Dean (Program Administrator), Associate Degree Registered Nurse and Practical Nurse program, Quincy College.
- B. 1. Motion by K. Gehly, seconded by A. Peckham, and unanimously voted to grant waiver of 244 CMR 6.06(1)(a) based on the findings of the Board-recognized accrediting agency in nursing, and the Program's Annual Reports to the Board.
- 2. Motion by E. Rothmund, seconded by J. Killion, and unanimously voted to accept the 5/12/16 notification by the National League for Nursing Accrediting Commission of its acceptance of the Cape Cod Community College Associate Degree nursing program's October 2011 Follow-Up Report. Finding compliance with the Board's regulations at 244 CMR 6.04(1)(e), (4)(a), and (4)(b)2&5. No change in the College's 244 CMR 6.06(1)(a) waiver status is recommended.

TOPIC: Probation

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- a. Request for Modification of Probation Agreement: W. Dos Santos, LN69470, NUR-2010-0153
- b. Request for Termination of Stayed Probation: J. Rogers, RN 233259; NUR-2010-0225

DISCUSSION:

- A. Probation Monitor K. Fishman presented the previously distributed report regarding the licensee's request to terminate the probationary status on his nursing license. Ms. Fishman requested guidance from the Board as to whether staff may terminate the probation.
- B. Probation Monitor K. Fishman presented the previously distributed report regarding the licensee's request to terminate the stayed probationary status on his nursing license. Ms. Fishman recommended that the probationary status be lifted.

ACTION:

- A. Motion by J. Killion, seconded by A. Peckham, and passed unanimously to allow the licensee to terminate the probationary status on his nursing license
- B. Motion by K. Gehly, seconded by J. Killion, and passed unanimously to allow the licensee to terminate the stayed probationary status on his nursing license

TOPIC: Addition to Board Policies: SARP Policy 12-001, Confidentiality for SARP Applicants and Participants

DISCUSSION:

V. Berg, Board counsel, D. McClellan, SARP Coordinator and V. Iyawe, SARP Coordinator reviewed their previously distributed memorandum with the Board members that identified and explained the proposed addition, SARP Policy 12-001, Confidentiality for SARP Applicants and Participants.

ACTION:

Motion by K. Gehly, seconded by C. Simonian and passed unanimously to approve the revisions to SARP Policy 12-001, Confidentiality for SARP Applicants and Participants as proposed.

TOPIC:

Announcements

DISCUSSION:

None

ACTION:

None

TOPIC:

Adjournment

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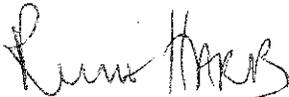
DISCUSSION:

None

ACTION:

Motion by E. R. Rothmund, seconded by J. Killion, and passed unanimously to adjourn the meeting at 1:20 p.m.

Respectfully submitted by:



Rula Harb, MS, RN, Executive Director
Board of Registration in Nursing

Reviewed by: Vita Palazzolo Berg, Board Counsel
Board of Registration in Nursing