

10/9/2013 4:03 PMCOMMONWEALTH OF MASSACHUSETTS

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

Wednesday October 16, 2013
9 a.m. to 1 p.m.

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

Preliminary Agenda
10/10/2013 8:33 AM

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	
9:20 a.m.	V.	Approval of Minutes A. September 11, 2013 Regularly Scheduled Meeting	Minutes	
	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	none report report report report report report report	RH CR CS LT CS AF/HC VI/DM

Time	Item #	Item	Exhibits	Staff Contact
	VII.	Consensus Agenda A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update	None July, 2013 minutes and August 2013 Report	LT
10:15 a.m.	VIII.	Requests for License Reinstatement 1. H. Walker, LN69056; NUR-2011-0153	Request memo	TW/MS
	IX.	A. Resolution of Pending Board Complaints 1. M. Felix, LN50325, NUR-2013-0004 2. G. Taha-Aho, LN86295, NUR-2013-0044 3. T. Fallon, RN228814, NUR-2012-0174 4. C. Spencer, RN278145, NUR-2013-0008 5. K. Pryce, LN86832, NUR-2013-0019 6. G. Sarno, RN19872, NUR-2013-0024 7. L. Fondeur, LN59023, NUR-2013-0023 8. J. Perkins, RN276085, NUR-2013-0133 9. J. Mozeleski, RN256249, LN57406, NUR-2012-0397 10. K. Dupart-Feldman, RN178395, NUR-2012-0291	Investigative Report (IR) IR IR IR IR IR IR IR IR IR	MFS/ASF MFS/ASF MFS/HC MFS/HC MFS/HC MFS/HC MFS/HC ES/ASF MEM/ASF MEM/HC
		B. Resolution of Pending Board Staff Assignments 1. J. Carroll, RN2258736, SA-INV-3735	Investigative Report (IR)	DE/HC
Tentatively scheduled for 9:30 am	X.	Draft 2012 Registered Nurse Workforce Data	Oral Presentation	CS/Guest
	XI.	Education A. 244 CMR 6.04(1)(c) & (f) notifications: 1. MassBay Community College ADN Program 2. Salter College Practical Nursing Education Program	Compliance Report	CS
		XII. 2013-2014 Proposed Legislation	Report	CS
	XIII.	Announcements/Other		
	XIV.	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, October 16, 2013

Board Members Present

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

Board Staff Present

R. Harb, RN, Executive Director
H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
D. Mclellan, RN, SARP Coordinator
C. Robertson, RN, Deputy Executive Director
C. Silveira, RN, Assistant Director for Policy and Research
M. Strachan, JD, Board Counsel
L. Talarico, RN/NP, Nursing Practice
T. Westgate, Paralegal
C. Jackson, BA, SARP/MPRS Coordinator

Guests

See attached list.

Board Members Not Present

P. Gales, RN
C. Tebaldi, RN/NP

Board Staff Not Present

V. Berg, JD, Board Counsel

TOPIC:

Call to Order

Approval of the Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by J. Killion, and unanimously passed to approve the agenda as presented.

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 9:04 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:04 a.m. to 9:09 a.m.

TOPIC:

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

DISCUSSION:

None

ACTION:

Motion by E.R. Rothmund, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:09 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 9:09 a.m. to 9:20 a.m.

TOPIC:

Approval of the Minutes of the September 11, 2013, Regularly Scheduled Board Meeting

DISCUSSION:

None

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: Board members reviewed R. Harb's previously distributed report noting her successful completion of the International Council of Nurses (ICN)-Burdett Nurses' 2013 Global Nursing Leadership Institute (GNLI) held September 7-13, 2013 in Geneva, Switzerland.

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 reports
4. Board members reviewed C. Silveira's previously distributed report
5. Board members reviewed A. Fein's and H. Cambra's previously distributed report.
6. Board members reviewed V. Iyawe's and D. Mclellan'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 provided

B. Coalition for the Prevention of Medical Errors Update: Board members were provided the August 2013 reports and July 2013 minutes provided by the Coalition for the Prevention of Medical Errors.

ACTION:

- A. Accepted by consensus
- B. Accepted by consensus

probation effective February 4, 2013 and subsequently failed to comply with the terms and was suspended effective August 9, 2013

ACTION:

A. Hannah Walker, LN69056; NUR-2011-0153; Motion by J. Killion, seconded by B. Levin and unanimously voted to accept the Licensee's request for reinstatement as she has met all the terms outlined in the Suspension on the condition that she enters into a standard six (6) months Probation Agreement and also properly renews her license.

RECESS 10:30 a.m. to 10:45 a.m.

TOPIC:

A. Resolution of Pending Board Complaints

1. M. Felix, LN50325, NUR-2013-0004
2. G. Taha-Aho, LN86295, NUR-2013-0044
3. T. Fallon, RN228814, NUR-2012-0174
4. C. Spencer, RN278145, NUR-2013-0008
5. K. Pryce, LN86832, NUR-2013-0019
6. G. Sarno, RN19872, NUR-2013-0024
7. L. Fondeur, LN59023, NUR-2013-0023
8. J. Perkins, RN276085, NUR-2013-0133
9. J. Mozeleski, RN256249, LN57406, NUR-2012-0307 (incorrectly listed on the Agenda as NUR-2012-0397)
10. K. Dupart-Feldman, RN178395, NUR-2012-0291

B. Resolution of Pending Board Staff Assignments

1. J. Carroll, RN2258736, SA-INV-3735

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. M. Felix, LN50325, NUR-2013-0004 – Motion by E.R. Rothmund, seconded by J. Killion and voted in favor by all members present except J. Roy who abstained 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

STANDARD CONSENT AGREEMENT FOR PROBATION of her LPN license for one (1) year that also requires that she submit: (a) within thirty (30) days of the effective date of the agreement documentation satisfactory to the Board of her current certification in Basic Life Support for Healthcare Providers, and an affidavit attesting that she has reviewed and understands the Board's Advisory Ruling 0801, Withholding Initiation of Cardiopulmonary Resuscitation in Long-term Care Facilities; and (b) documentation of her successful completion of six (6) contact hours on Responding to Medical Emergencies in Nursing Practice, six (6) contact hours in Physical Assessment, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.

3. T. Fallon, RN228814, NUR-2012-0174- Motion by E.R. Rothmund, seconded by J. Roy 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 nursing license for an indefinite but at least five (5) years from the closure of the criminal conviction with reinstatement requirements that also includes a standard mental health evaluation, and the standard criminal activity related requirements.
4. C. Spencer, RN278145, NUR-2013-0008- Motion by J. Killion and 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 SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period that also requires the standard either/or substance abuse related requirements.
5. K. Pryce, LN86832, NUR-2013-0019- Motion by B. Levin, seconded by E.R. Rothmund and voted unanimously to DISMISS this complaint without prejudice based on the Licensee successfully completing an associates in nursing degree program which fulfills the necessary education requirement to become eligible for her Licensed Practical Nurse license in Massachusetts.
6. G. Sarno, RN19872, NUR-2013-0024- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to DISMISS this complaint without prejudice with a *NON-DISCIPLINARY* caution letter that states that all nurses licensed in the Commonwealth are expected to adhere to all the laws and regulations governing nursing practice, including but not limited to, delegation to unlicensed staff and scope of practice.
7. L. Fondeur, LN59023, NUR-2013-0023- Motion by K. Gehly, seconded by J. Killion and voted unanimously that upon receipt, within thirty (30) days, of evidence substantiating the Licensee successful completion of continuing education for the last two (2) renewal cycles as required by regulation, to DISMISS this complaint without prejudice with a *NON-DISCIPLINARY* caution letter that states that all nurses licensed in the Commonwealth are expected to adhere to all the laws and regulations governing nursing practice, including but not limited to, delegation to unlicensed staff and scope of practice.
8. J. Perkins, RN276085, NUR-2013-0133 – Motion by E.R. Rothmund, seconded by C. Simonian and voted in favor by all members present except A. Peckham who abstained to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final

completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.

9. J. Mozeleski, RN256249, LN57406, NUR-2012-0307 (incorrectly listed on the Agenda as NUR-2012-0397) – Motion by J. Killion, seconded by C. Simonian 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 and right to renew his LPN nursing license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard medical evaluation, the standard criminal activity related requirements and a STANDARD POST-SURRENDER as the Board may determine is necessary for public protection at the time of any license reinstatement.
10. K. Dupart-Feldman, RN178395, NUR-2012-0291- Motion by E.R. Rothmund, seconded by C. Simonian and vote passed with C. Simonian, A. Peckham, K. Gehly, M. Beale, E.R. Rothmund, and B. Levin in favor, J. Killion opposed, and J. Roy abstaining from the vote 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 PROBATION of her RN license for one (1) year that also requires documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a signed attestation that the Licensee has read and understands 244 CMR 3.00, specifically the responsibilities and functions of a Registered Nurse and 244 CMR 9.00.

B. Resolution of Pending Board Staff Assignments

1. J. Carroll, RN2258736, SA-INV-3735- Motion by C. Simonian, seconded by B. Levin and voted unanimously to CLOSE the Staff Assignment without further action.

TOPIC:

Draft 2012 Registered Nurse Workforce Data

DISCUSSION:

Guest, Angela Nannini, PhD, RN, Department of Public Health, presented selected draft results from the 2012 Registered Nurse workforce survey.

ACTION:

Noted.

TOPIC:

Education

Motion by E. Rothmund, seconded by J. Roy, and unanimously voted to find compliance with regulation 244 CMR 6.04(1)(c) and (1) (f) in the notification of the appointment of: Patricia Hartigan, MSN,RN, Program Administrator, MassBay Community College; and Joann Monks, MS, RN, Director of Nursing, Practical Nursing Educational Program, Salter College.

TOPIC:

2013-2014 Proposed Legislation

DISCUSSION:

Members reviewed C. Silveira's previously distributed memo and supported the following bills, reaffirming their support for Licensure Compact legislation (H2006 & S1060), noting that 24 states have enacted compact legislation including Maine, New Hampshire and Rhode Island, and that the benefits to public safety include: increase access to safe nursing care; rapid deployment of qualified nurses in response to a state of emergency; address the emerging practice of nursing through telecommunications technology and E-health; facilitate licensure portability; and build effective interstate communication on licensure discipline and enforcement issues.

H	939	Financial Services	<u>Act relative to consumer choice of nurse midwifery services.</u>
H	1793	Mental health and Substance Abuse	<u>Act to increase access to mental health services</u>
H	1905	Public Health	<u>Act relative to emergency epinephrine pens in schools</u>
H	2006	Public Health	<u>Act relative to nurse licensure compact in Massachusetts</u>
H	2009	Public Health	<u>Act improving the quality of health care and reducing costs</u>
S	504	Health Care Financing	<u>Act improving the children's medical security program and simplifying the administration process</u>
S	1060	Public Health	<u>Act adopting the nurse licensure compact</u>
S	1079	Public Health	<u>Act improving the quality of health care</u>
S	1082	Public Health	<u>Act relative to the board of registration in medicine</u>

ACTION:

Motion by K. Gehly, seconded by M. Beal, and unanimously voted to approve staff recommendations as

Ms. Harb asked Board members to help recruit new Board members for the 7 current vacancies: 1 registered nurse – diploma educator; 1 registered nurse – direct care; 3 licensed practical nurses; 1 physician and 1 consumer.

ACTION:

None

TOPIC:

Adjournment

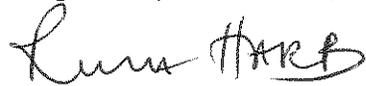
DISCUSSION:

None

ACTION:

Motion by E.R. Rothmund, seconded by M. Beal, and passed unanimously to adjourn the meeting at 12:00 p.m.

Respectfully submitted by:



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

Reviewed by: Mary Strachan, Board Counsel
Board of Registration in Nursing

Agenda with exhibits list attached