

The **Board of Examiners for Nursing** held a meeting on April 2, 2014 at the Department of Public Health Complex, Conference Room 470-A.B, 410 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Mary M. Brown, RN
Ellen M. Komar, RN
Jennifer Long, APRN
Geraldine Marrocco, RN – *left at 11:40 AM*
Gina M. Reiners, RN
Robin Rettig Cattanio, LPN
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Lisa S. Freeman, Public Member

ALSO PRESENT: Joanne V. Yandow, Counsel to the Board, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Linda Fazzina, Staff Attorney, Licensure Regulation and Compliance, DPH
Ellen M. Shanley, Staff Attorney, Licensure Regulation and Compliance, DPH
Diane Wilan, Staff Attorney, Licensure Regulation and Compliance, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:30 AM.

STUDENTS

Chair Bouffard welcomed students from the University of Hartford.

At the conclusion of today's meeting Chair Bouffard will provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

INTRODUCTION OF THE BOARD

Chair Bouffard welcomed to the Board Robin Rettig Cattanio, who was appointed by Governor Dannel P. Malloy on March 20, 2014 to represent the LPN nursing community in Connecticut. The Board is very grateful for this appointment as the LPN Board Member positions have been vacant for approximately two years.

OPEN FORUM

There were no comments or questions from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

Revised agendas were provided to all Board Members.

Additional Agenda Items added to the agenda are as follows:

Scope of Practice: Question from the U. S. Department of Transportation re: APRNs

School Issue: Stone Academy West Haven Campus Program Manager regulation requirements

LEGISLATIVE UPDATE

Chair Bouffard updated the Board on recent legislative issues as Jennifer Filippone was unable to attend today's Meeting. **APRN – Senate Bill 36:** Public Hearing was held on March 5, 2014; bill was voted out of Public Health Committee. Substitute language came out of committee. This bill is on the Senate calendar for action at some point. Fiscal note and bill analysis are also available. **Medical Orders for Life Sustaining Treatment – Senate Bill 413:** Public Hearing was held on March 14, 2014. The bill was voted out of committee with substitute language. The substitute language is not yet available on-line. **Medical Spas – Senate Bill 418:** Public Hearing was held on March 14, 2014. The bill was voted out of committee with substitute language. Substitute language not yet available on-line. **Medical Assistants – Senate Bill 459:** Public Hearing was held on March 19, 2014. The bill was NOT voted out of committee and appears to be dead unless the language is inserted into another bill at a later time. **Compassionate Aid in Dying for Terminally Ill Patients – House Bill 5326:** Public Hearing was held on March 17, 2014. The bill was NOT voted out of committee and appears to be dead unless the language is inserted into another bill at a later date.

SCHOOL ISSUES – STONE ACADEMY

The Board reviewed documentation received by Pamela Pelletier-Stevens from Andrew Tierney, COO of Stone Academy, advising the Board that Deborah Cardi had left her position as Program Manager of Stone Academy's West Haven Campus, although the departure date was not disclosed, and that Akinola Mohalaji has assumed the position of the LPN Program Manager at Stone Academy's West Haven Campus.

The Board reviewed the documentation provided regarding Mr. Mobalaji and stated that Mr. Mobalaji does not meet the regulatory requirements to hold the position of Program Manager as he does not have an MSN Degree. The Board stated that this is not in compliance with the Nursing School Regulations, Section 20-90-48 (a)(1) and Section 20-90-51 (b)(1) and (c)(1). It is very clear that the Program Manager position requires an MSN Degree.

The Board discussed this issue at their April 6, 2011 Board Meeting when Lincoln Technical Institute had an issue regarding this same situation. The Regulations were last revised in December 1994 and required that the Administrator have a baccalaureate degree and a master's degree, experience in teaching and supervision in practical nursing education, and appropriate clinical experience.

In accordance with Section 20-90-48(a)(1) of the Regulations of Connecticut State Agencies, each nursing education program shall have its own administrator who shall have the authority over and administrative responsibility for the nursing education program. Based on the information that was presented, it was the Board's understanding that for each of the Lincoln Technical Institute's programs, the Program Manager is responsible for the daily operations of an individual LPN program site. As such, the Program Manager must meet the education and experience requirements as outlined in Section 20-90-51(b)(1) and (c)(1) of the Regulations of Connecticut State Agencies, which state:

(b)(1) Except as provided in subsection (c) of this section, the administrator of the program shall be a registered nurse and shall have an earned advanced degree in nursing, teaching experience in a program in nursing, and administrative experience.

(c)(1) Any faculty member or program administrator employed by a nursing education program approved by the board who was employed as such on the effective date of this section, shall be determined to have met the educational degree requirements in subsection (b) of this section provided such person holds the minimum of an earned master's degree.

After discussion and review of the documents presented, the Board stated that Mr. Mobalaji does not meet the above regulations and as such, does not meet the regulatory requirements to hold the position of Program Manager. Therefore, Geraldine Marrocco moved that Stone Academy provide the Board with a corrective action plan by April 9, 2014 addressing how the school intends to comply with the regulations regarding the Program Manager at their West Haven Campus. In addition, please provide the name and credentials of Mr. Mobolaji's replacement. If the program is not in compliance, the Board stated that the West Haven Campus of Stone Academy will immediately be placed on Conditional Status and this will be placed on the May 7, 2014 Agenda. The motion was seconded by Jennifer Long and passed unanimously.

SCOPE OF PRACTICE – CORRESPONDENCE/STATISTICS ON INQUIRIES

Pamela Pelletier-Stevens reviewed the calls received into the Board Office during the month of February, 2014. The call volume for February was lighter than usual as there were only 40 calls. There were a number of on-line, out-of-state RN to BSN Programs requesting authorization from the Department. Post licensure programs do not require Department approval and have to check with the Office of Higher Education. There continues to be multiple questions regarding Rn and LPN scope of practice including IV therapy and Botox/dermafillers. Lastly, there continues to be several NCSBN survey requests.

NCSBN UPDATE

Chair Bouffard, Geraldine Marrocco, and Mary Brown attended the NCSBN Mid-Year Meeting "Building High Performance Regulatory Boards" in Kansas City, MO - March 10 – 12, 2014.

Objectives of the 2014 Mid-Year Meeting were as follows: explain governance as a leadership model; analyze how to optimize Board performance, discuss strategies to create a governance-as-leadership culture, and describe what governance-as-leadership requires of leaders.

Day One: Topics discussed were observations about boards, the best regulatory boards, the values of the NCSBN (collaboration, excellence, innovation, integrity, transparency), consequential governance, governance as leadership, diagnosing the problem, mental maps or mindsets, modes on the generative curve, value-aided work higher on the curve, generative governance, Hurdle #1 – force of habit; Hurdle #2 – critical think as a group; Hurdle #3 – discerning and defining best practice: find, frame, focus; Hurdle #4 – rigid structures, best practice: align board structure with strategy, what is optimized at a typical board meeting; Hurdle #5 – mind numbing meetings, best practice – build a culture of inquiry; Hurdle #6 – not saying what we really think, best practice – ensure robust discourse; Hurdle#8 – the board is not a team, best practice – build the board team; Hurdle #8 – lack of accountability, best practice – engender diligence and accountability; Boards as viewed by Executives; Effective Executive Officers; Effective Board Presidents; Questions for Executive Officers and Board Presidents to consider with their Boards.

Day Two: A welcome from NCSBN's President, Myra Broadway, followed by updates from the following: the Board of Directors, the Leadership Succession Committee, the Bylaws Committee, the APRN Compact, the Distance Learning Education Committee. The four Area Groups met, there was a presentation regarding the strategic use of the media followed by a Networking Reception with NCSBN members and staff.

Day Three: A breakfast with informal networking groups, fellow NCSBN members, sponsored by Pearson VUE, a welcome from Kathy Apple, NCSBN's CEO, an update on the Institute of Medicine Future of Nursing Report, telehealth nursing practice today, American Telemedicine Association's Federal Policy Agenda, a Q & A Panel, and Private Policy: Impact on State-based Licensure. Lastly President Broadway held a membership discussion on the information presented throughout the day to hear member's thoughts and comments that will help guide the future work of the organization.

APPROVAL OF MINUTES

Janice E. Wojick presented the Board with the following minutes for review and approval.

MARCH 5, 2014

Jennifer Long moved that the minutes be approved as written. The motion was seconded by Mary Brown and passed with all in favor with the following abstentions: Ellen Komar, Gina Reiners, Carrie Simon, and Robin Rettig Cattanio.

MARCH 19, 2014

Geraldine Marrocco moved that the minutes be approved as edited. The motion was seconded by Carrie Simon and passed with all in favor with the following abstentions: Mary Brown, Ellen Komar, and Robin Rettig Cattanio.

SCOPE OF PRACTICE

The Board Office received an inquiry addressed to Chair Bouffard from the U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) advising the Board that a CT licensed APRN has applied to become a certified medical examiner listed on the FMCSA's National Registry of Certified Medical Examiners. To be listed in this registry, the FMCSA Regulations require a healthcare practitioner to be licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. They are requesting a response as to whether or not APRN scope of practice (specifically, Clinical Nurse Specialists, Nurse Midwives, and Nurse Anesthetists) in the State of Connecticut permits them to conduct the testing and physical examination of body systems required on the Medical Examination Report, determine whether the driver is physically qualified to drive a commercial motor vehicle in interstate commerce, and complete the Medical Examiner's Certificate? After discussion, and advice from the Board's Counsel, this item was tabled to a future date.

CONSENT ORDER – DONNA RICHIELL, LPN

DPH Staff Attorney, Linda Fazzina, presented the Board with a Consent Order for Donna Richiell. Ms. Richiell was not present and did not have representation at this meeting. Mary Brown moved to accept this Consent Order as written which places Ms. Richiell's LPN license on probation for one year. The motion was seconded by Jennifer Long and passed unanimously.

HEARING – PATRICIA CONKLIN, RN

DPH Staff Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Conklin was present with counsel, Attorney Mary Alice Moore Leonhardt. This is the second day of hearing. The first hearing was held on March 5, 2014 at which time Ms. Conklin did not have her complete medical record. The hearing was rescheduled to allow time for the Department to receive the entire file. Attorney Mary Alice Moore Leonhardt requested a continuance request to July 16, 2014 as Ms. Conklin has to go out of state for a few months. The records that the Department requested were not released directly to the Department. They were provided to Attorney Moore Leonhardt who forwarded them to the Department. Jennifer Long moved to grant the continuance request to July 16, 2014 which should allow enough time for the Department to receive the treatment record through the proper channels. The Board also requested that the records between today's date and the rescheduled hearing of July 16, 2014 be provided to the Board on the hearing date. The motion was seconded by Geraldine Marrocco and passed with all in favor with the exception of Robin Rettig Cattanio who abstained. Chair Bouffard also advised the parties that the July 16, 2014 hearing will be held at the Legislative Office Building, Conference Room 1-A, 300 Capitol Avenue, Hartford, CT.

HEARING – DOROTA SLAWSKA, RN

Staff Attorney Diane Wilan was present representing the Department of Public Health. Ms. Slawska was present pro se. Neither the Department nor the Respondent had any witnesses. Therefore, the Board questioned Ms. Slawska. The hearing closed.

Mary Brown moved that Ms. Slawska be found as charged as she orally admitted to all charges. The motion was seconded by Jennifer Long and passed with all in favor with one abstention: Robin Rettig Cattanio.

Due to the fact that Ms. Slawska's license had lapsed on April 30, 2013 there was a very lengthy discussion regarding remedy. CT General Statutes, Section 19a-14a, states that a lapsed license can be disciplined if it within 18 months after the license lapsed. Geraldine Marrocco moved to revoke Ms. Slawska's license. The motion was seconded by Ellen Komar and passed with all in favor with one abstention, Robin Rettig Cattanio.

HEARING – TAMMARA MOREY, LPN

Staff Attorney Ellen M. Shanley was present representing the Department of Public Health. Ms. Morey was present pro se. Testimony was provided by Ms. Morey. The hearing closed.

Ellen Komar moved that Ms. Morey be found as charged as she orally admitted to all of the charges. The motion was seconded by Gina Reiners and passed with all in favor with one abstention, Robin Rettig Cattanio.

Ellen Komar moved that Ms. Morey's license be placed on suspension for six months with concurrent probation for four years with the following restrictions: monthly therapist and employer reports for the first and fourth years of probation and quarterly for the second and third year; negative, observed random drug/alcohol screen reports weekly for the first and fourth years of probation and monthly for the second and third year; and Ms. Morey is not to have access to the narcotic keys nor be allowed to administer controlled substances for the first year upon her return to work as a nurse. The motion was seconded by Gina Reiners and passed with all in favor with one abstention, Robin Rettig Cattanio.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 12:11 PM.

Patricia C. Bouffard, D.N.Sc., Chair
Board of Examiners for Nursing

The **Board of Examiners for Nursing Meeting** scheduled for April 16, 2014 was cancelled.

Patricia C. Bouffard, D.N.Sc., Chair
Board of Examiners for Nursing