

Board of Examiners for Nursing Meeting, scheduled for February 5, 2014, at the Department of Public Health Complex, Floor 470-A/B, 410 Capitol Avenue, Hartford, Connecticut, was cancelled due to the prediction of inclement weather. This meeting was cancelled on February 4, 2014 by Chair Bouffard.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing

The **Board of Examiners for Nursing** held a meeting on February 19, 2014 at the Department of Public Health Complex, Floor 470-A/B, 410 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Ellen M. Komar, RN
Jennifer Long, APRN
Geraldine Marrocco, RN
Gina M. Reiners, RN

BOARD MEMBERS ABSENT: Mary M. Brown, RN
Lisa S. Freeman, Public Member
Carrie Simon, Public Member

ALSO PRESENT: Stacy M. Schulman, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, PLIS, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
David Tilles, Staff Attorney, Licensure Regulation and Compliance, DPH
Diane Wilan, Staff Attorney, Licensure Regulation and Compliance, DPH
Janice E. Wojick, Administrative Assistant, DPH
Tynan E. Cooney, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:45 AM.

STUDENTS

Chair Bouffard welcomed students from Central CT State University.

Chair Bouffard was not able to provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs as they left prior to the completion of the Board meeting.

CHAIR UPDATES

Chair Bouffard will be doing a presentation at Northwestern CT Community College next week regarding the duties/responsibilities of the Board.

OPEN FORUM

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A question was raised as to whether or not PA's can preceptor Nurse Practitioner Students. The answer is NO as the current definition of preceptor under the Nursing Education Programs and Licensure Requirements (20-90-45) does not include PA's. In addition, the preceptor must meet the requirements outlined in section 20-90-51 (f) of the Regulations of CT State Agencies.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

There were no changes to the agenda as presented.

LEGISLATIVE UPDATE

The 2014 Legislative Session, which is the non-budget session, was scheduled to begin February 5, 2014. Due to inclement weather the 2014 Session started on February 6, 2014 and is scheduled to conclude on May 7, 2014. Jennifer Filippone provided the Department with an update of the agenda for the 2014 Session. A bill which is of interest to the Board is the Governor's Bill SB36 which would eliminate the collaborative agreement for APRNs after three

years of collaborative practice. Ms. Filippone also stated that the Natureopaths will be submitting a bill regarding full prescriptive authority and the authority to do minimal medical procedures in their offices.

SCHOOL ISSUES – CENTRAL CT STATE UNIVERSITY – WAIVER REQUEST

Dr. Margaret Levvis, Chairperson of the CCSU Nursing Department, presented the Board with a temporary faculty education waiver request for Nancy Clements. Pamela Pelletier-Stevens provided the Board with an update on the file presented to the Board Office.

Geraldine Marrocco moved to grant the program a one-year temporary faculty education waiver for Ms. Clements. The motion was seconded by Ellen Komar and passed unanimously contingent upon Pamela Pelletier-Stevens receiving the official MSN transcript from Sacred Heart University.

SCHOOLS ISSUES – PORTER AND CHESTER INSTITUTE – SUPERVISOR CHANGES

Patricia Donovan, LPN Program Director at the Porter and Chester Institute, presented the Board with supervisory changes regarding their Enfield Campus. On February 2, 2014 Pamela Gallagher was selected supervisor for their Enfield Campus.

Jennifer Long moved that Ms. Gallagher meets the criteria as written in the Nursing School Regulations. The motion was seconded by Geraldine Marrocco and passed unanimously.

SCOPE OF PRACTICE – CORRESPONDENCE/STATISTICS ON INQUIRIES – DECEMBER 2013

Pamela Pelletier-Stevens reviewed the correspondence/inquiries received in the Board Office during the month of December, 2013. Areas of interest included several questions regarding the medication administration course for unlicensed assistive personnel, nursing programs accepting HIV positive students, which is a privacy issues for the school and could possibly put students and the population at risk. There were also multiple inquiries regarding the status of the APRN Collaborative Agreement.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING UPDATE

Highlights of the NCSBN December 9-11, 2013 Board of Directors Meeting are as follows: Financially, the NCSBN continues to be in a solid position. Discussion incurred regarding exhibits and their usefulness to conference attendees; the NCLEX-PN passing standard change from -0.27 to -0.21 logits. The Board reviewed the summaries of the two Executive Officer Forums held in July and November, 2013. The Board of the Directors and the Leadership Team participated in a generative discussion regarding the National Nurse Aide Assessment Program and Medication Aide Certification Examination. The essence of the discussion was what is or should be the role of the NCSBN in relation to medication aides and nursing assistants and what is the NCSBNs role regarding testing of medication aides and nursing assistants.

There was a NCSBN Board of Directors (BOD) Meeting on February 20, 2014 at which time the financial statement for the first quarter was approved.

Highlights included the following:

- An article in USA Today, dated February 8-9, 2014, indicated that pharmacists are interested in becoming involved in more clinical activity.
- Confusion exists among health care practitioners when licensure is based on where the patient is and payment is based on where the provider is.
- The Federation of Associations and Regulatory Board (FARB) will soon offer a subscription service providing a database of regulatory case law that Board Attorneys may find useful.

- The BOD received a preliminary report regarding recidivism among nurses on NURSYS data, although more investigation is necessary to confirm the findings.
- The BOD approved TriRegulator Collaborative position statement on the practice location occurring where the patient is located. The TriRegulator Collaborative consists of the NCSBN, the Federation of State Medical Boards, and the National Association of Boards of Pharmacy.
- Representatives of the NLN present the BOD their concerns regarding trends in LPN practice which include the NCLEX-PN test plan and the variability of nurse practice acts, a small group will convene to better articulate and understand the specific issues.
- The BOD has agreed that the first standard to be addressed should be fingerprint-based criminal background checks. The American National Standards Institute requires that the committee established must be chaired by a BOD Member. The BOD will make the selection in March.
- After Executive Sessional discussion regarding international market analysis, the BOD directed that further exploration is both necessary and appropriate in accordance with our vision to advance regulatory excellence worldwide.
- The NCSBN has procured rental space in Washington, D.C. in order to establish a nursing regulatory presence among national policymakers and influences. One FTE is being recruited in the D.C. area.

Chair Bouffard, Mary Brown, and Geraldine Marrocco will be attending the NCSBN Mid-Year Meeting, March 10-12, 2014, in Kansas City, Missouri. This meeting allows NCSBN members to learn the status of current NCSBN initiatives and provide feedback to the NCSBN Board of Directors and committees.

The NCSBN is having their Scientific Symposium in Arlington, VA on April 10th. This Symposium presents diverse national and international studies that advance the science of nursing policy and increase the body of evidence for regulatory decision making.

The 2014 NCSBN State of Consensus Conference will be held in Chicago, IL April 23-24, 2014. This is an opportunity for APRN stakeholders to discuss common issues/concerns regarding APRNs.

Jennifer Filippone did state that there were Member Board resource funds available if Board Members wished to attend any of the above conferences.

MINUTES

The Board reviewed the following minutes.

MINUTES – OCTOBER 2, 2013

Jennifer Long moved to accept the minutes as written. The motion was seconded by Gina Reiners and passed with two abstentions: Chair Bouffard and Ellen Komar.

MINUTES – OCTOBER 16, 2013

Geraldine Marrocco moved to accept the minutes as edited. The motion was seconded by Ellen Komar and passed with two abstentions: Jennifer Long and Gina Reiners.

MINUTES – NOVEMBER 6, 2013

Gina Reiners moved to accept the minutes as edited. The motion was seconded by Ellen Komar and passed unanimously.

MINUTES – NOVEMBER 20, 2013

Jennifer Long moved to accept the minutes as written. The motion was seconded by Ellen Komar and passed with two abstentions: Geraldine Marrocco and Gina Reiners.

MINUTES – DECEMBER 4, 2013

Jennifer Long moved to accept the minutes as written. The motion was seconded by Ellen Komar and passed unanimously.

MINUTES – DECEMBER 18, 2013

Jennifer Long moved to accept the minutes as written. The motion was seconded by Gina Reiners and passed with two abstentions: Geraldine Marrocco and Ellen Komar.

MINUTES – JANUARY 15, 2014

Gina Reiners moved to accept the minutes as edited. The motion was seconded by Ellen Komar and passed unanimously.

MOTION FOR SUMMARY SUSPENSION – DAYNA WRIGHT, LPN

Staff Attorney Diane Wilan presented the Board with a Motion for Summary Suspension for Dayna Wright. Ms. Wright was not present and did not have representation at this meeting.

Jennifer Long moved and Gina Reiners seconded to grant the Department's Motion for Summary Suspension. The motion passed unanimously

Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for March 5, 2014 at 9:00 AM at the Department of Public Health Complex.

CONSENT ORDER – ADRIENNE DeLUCIA, RN

Staff Attorney Diane Wilan presented the Board with a Consent Order that the Board had reviewed at their January 15, 2014 meeting. At that meeting the Board had requested further documentation from Ms. DeLucia. Ms. DeLucia was present with counsel, Attorney Mary Alice Moore Leonhardt. The Board reviewed the additional documents provided by Attorney Moore Leonhardt and Attorney Wilan.

Jennifer Long moved to accept the Consent Order as written. The motion passed unanimously. Chair Bouffard signed the Consent Order which places Ms. DeLucia's RN License on probation for four years.

CONSENT ORDER – DELORES TILERY, RN

Staff Attorney Diane Wilan presented the Board with a Consent Order for Delores Tilery. Ms. Tilery was present with counsel, Attorney Martha Murray.

Jennifer Long moved to accept the Consent Order as written. The motion passed unanimously. Chair Bouffard signed the Consent Order which reprimands Ms. Tilery's RN License.

CONSENT ORDER – M. LUCIENNE BAYONNE, RN

Staff Attorney Diane Wilan presented with the Board a Consent Order for M. Lucienne Bayonne. Ms. Bayonne was present with counsel, Attorney John Gesmonde.

Ellen Komar moved to accept the Consent Order as written. The motion passed unanimously. Chair Bouffard signed the Consent Order which reprimands Ms. Bayonne's RN License, and also places her license on probation for one year, during which time she is to successfully complete coursework in medication administration, management and accountability of controlled substances, documentation standards, and professional ethics.

MEMORANDUM OF DECISION – JANE SMITH, LPN

The Board was e-mailed the Memorandum of Decision for Ms. Smith prior to today's meeting. Jennifer Long moved and Gina Reiners seconded to affirm the Board's prior decision to revoke Ms. Smith's LPN License. The motion passed unanimously. The Board took a five minute break.

HEARING – PAMELA DOLE, RN/APRN

Today is the 9th scheduled day of hearing regarding the Pamela Dole case. Ms. Dole appeared *pro se*. Attorney David Tilles represented the Department of Public Health ("the Department"). At the Board's January 15, 2014 meeting, Ms. Dole and the Department presented oral arguments regarding Ms. Dole's Oral Motion to Dismiss the Statement of Charges. After hearing arguments from both parties, the Board unanimously decided additional information was required and Ms. Dole's Oral Motion to Dismiss was denied. During today's hearing, such additional information was sought through examination by Board members of Ms. Dole. For questions relating to patient medical records and other sealed documents, Jennifer Long moved to go into executive session, Ellen Komar seconded, and the Board unanimously passed the motion to go into executive session. All members of the public were removed from the room. Department Exhibit 1, which was the medical record of patient A.H., was formally sealed by Attorney Stacy Schulman (counsel to the board) after it was recognized that although entered into the record during the July 18, 2012 hearing, it was not appropriately marked as sealed. Once questions and testimony relating to patient medical records and other sealed documents were completed, Jennifer Long moved, Geraldine Marrocco seconded, and the Board unanimously voted to return the hearing to public session and the members of the public were directed back into the room. In public hearing the Board continued to question Ms. Dole, and Attorney Tilles cross-examined.

During Attorney Tilles' cross-examination, Jennifer Long moved, Gina Reiners seconded, and the Board unanimously voted to go into executive session again when Attorney Tilles' questions and Ms. Dole's testimony covered medical records and other sealed documents. All members of the public were removed from the room. Once Attorney Tilles' cross-examination and additional Board questions relating to patient records and other sealed documents were completed, Geraldine Marrocco moved, Jennifer Long seconded, and the Board unanimously voted to return the hearing to public session and the members of the public were directed back into the room. Afterwards, the Board and Attorney Tilles continued to solicit additional testimony from Ms. Dole in public hearing. To conclude, both parties were given the opportunity to provide 10 minutes each of closing statements. Closing Statements were made by both parties and the record was closed.

Fact-Finding followed, at which time Jennifer Long moved that the Board could not find Ms. Dole on any of the allegations in the Statement of Charges. Ms. Long discussed each of the allegations. After this discussion, the motion to not find Ms. Dole on the charges listed in the Statement of Charges was seconded by Geraldine Marrocco, and passed unanimously by the Board.

Jennifer Long moved that the charges against Ms. Dole's RN and APRN licenses be dismissed. The motion was seconded by Geraldine Marrocco and passed unanimously by the Board.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 11:57 AM.

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