

The **Board of Examiners for Nursing** held a meeting on April 4, 2012 at the Department of Public Health Complex, Room 470-C and Room 410-HR-3, 410 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Tarah Cherry, Public Member
Heidi Darling, LPN
Jennifer Long, APRN
Jeffrey T. Marvin, Public Member
Maria Pietrantuono, RN

BOARD MEMBERS ABSENT: Mary M. Brown, RN

ALSO PRESENT: Marianne Horn, Agency Legal Director, DPH
Joanne V. Yandow, Counsel to the Board, DPH
Alfreda G. Gaither, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, DPH
Pamela Pelletier, Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Linda Fazzino, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Diane Wilan, Staff Attorney, Legal Office, DPH
Bonnie Pinkerton, Supervising Nurse Consultant, 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 Connecticut and the University of Hartford.

Chair Bouffard provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

CHAIR UPDATES

There were no Chair updates at this time.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

Revised agendas were provided to everyone this morning prior to the meeting.

LEGISLATIVE UPDATE

The Board received a printout of the bills in the 2012 Legislative Session which may or may not have an impact on nursing prior to today's meeting. Jennifer Filippone reviewed this list with the Board.

SCHOOL ISSUES – CT TECHNICAL HIGH SCHOOL - NORWICH DEPARTMENT HEAD UPDATE

Nivea Torres, Assistant Superintendent of the CT High School System, and Patricia Fennessy, Consultant, were present at this discussion. Pam Pelletier provided the Board with an update.

At the March 21, 2012 meeting Patricia Fennessy was advised to provide the Board with information regarding the Department Head at the Norwich program. The Board reviewed the documentation provided. Jennifer Long moved, which was seconded by Jeffrey Marvin, to approve Jeanne Loomis as the Interim Department Head at the CTHS Norwich LPN Program effective immediately. The motion passed unanimously.

SCHOOL ISSUES – CT TECHNICAL HIGH SCHOOL ACCREDITATION STATUS

The Board discussed with Ms. Torres and Ms. Fennessy the communication problems they have been experiencing with the LPN Programs. The Board requested that timely notification and changes in programs, personnel, and/or accreditation status be forwarded to the Board immediately.

SCHOOL ISSUES – FAIRFIELD UNIVERSITY – FIVE YEAR SURVEY REPORT

Dr. Suzanne Campbell, Interim Dean of the School of Nursing, and Dr. Terry Quell, Assistant Dean, were present for the review of the five-year survey report and provided the Board with additional documentation. Pam Pelletier provided the Board with an overview of her findings. After discussion, Jennifer Long moved, seconded by Jeffrey Marvin, to approve the self-study report. The motion passed unanimously. The next scheduled review will be April, 2017.

OPEN FORUM

Sharon Gauthier's license was placed on probation in a Consent Order (CO) which was signed by the Board August 19, 1998. Ms. Gauthier provided the Board with an overview of the problems that she has been experiencing.

In the 1998 CO, the Department alleges that the Respondent acted incompetently and/or negligently as follows:

- a. She failed to completely, properly and/or accurately document medical or hospital records; and/or,
- b. Improperly destroyed controlled substances.

In the CO Ms. Gauthier agreed to the following: Civil Penalty of \$500.00, Suspension for two years which was stayed immediately and Ms. Gauthier's RN license was placed on probation for two years, requiring coursework, employer reports, and no solo practice.

The DPH Office of Communications publishes the Department's Regulatory Action Report (RAR) quarterly which is a report of all charges issued against licensed health care practitioner's during each quarter. The information provided to the Office of Communications regarding disciplined nurses is received from the DPH Legal Office.

In Ms. Gauthier's case, the RAR stated: Type of case: substance abuse/drug related. In the CO the alleged offense was for not properly wasting medications, in the RAR it was characterized as substance abuse/drug abuse. Ms. Gauthier contacted this office in October, 2011 at which time the reports were reviewed and corrections were made to the DPH RAR and to the National Practitioner Data Bank (NPDB). The language in the NPDB Report has been changed to reflect the language in the CO which Ms. Gauthier agreed to and signed in August, 1998. The NPDB provided Ms. Gauthier with the corrected report. Despite the changes, Ms. Gauthier continued to have problems with the background check organizations.

Ms. Gauthier again contacted Jeffrey Kardys of the DPH Public Health Hearing Section via e-mail on March 26, 2012 stating her concerns that the background check information is characterizing the 1998 issue as substance abuse. In reviewing the information on the DPH

web site regarding Ms. Gauthier's prior discipline, the only document that is available on the DPH web site is the August 19, 1998 CO. It is the recommendation of the Board that Ms. Gauthier contact the background check organization directly to change any information they have that is not accurate. Jennifer Filippone stated that DPH will provide Ms. Gauthier with a letter for her use indicating what the alleged charges were, what she was disciplined for, and that it was not substance abuse.

SCHOOL ISSUES – LINCOLN TECHNICAL INSTITUTE (LTI) – WAIVER REQUEST

At the November 2, 2011 Board meeting, the Board approved a six month waiver for Tracey Scriven. Patricia DeLucia, Regional Director for the LTI Programs, was present to request an additional six month waiver for Ms. Scriven to complete her MSN effective May 1, 2012. Maria Pietrantuono moved and Jennifer Long seconded to grant Ms. Scriven an additional six month waiver. The motion passed unanimously.

SCHOOL ISSUES - PORTER AND CHESTER INSTITUTE – WATERTOWN CAMPUS

Audrey Szczesiul, Interim Corporate Director, and Pamela Reyes, Assistant Director were both present for this discussion. Pam Pelletier apprised the Board that on March 27 – 28, 2012 she received six calls from students at the Porter and Chester Watertown Campus regarding insufficient staff for clinical as they have only received approximately half of the required 750 hours. The class is scheduled to graduate on April 12, 2012. Pam Pelletier visited the campus, reviewed the files, spoke with the Department Head, the Administrator, as well as the students. The students offered no complaints regarding the lack of faculty and not receiving enough clinical hours. Currently both classes have 16 students. The issue appears to be what constitutes a clinical day. The program was approved for 1,565 hours (750course/815 clinical). A clinical day consists of 6.5 hours. To date the program has completed 767 clinical hours and 175 of these hours were spent in a virtual computer lab completing the assignments. In Section 120-90-52 (c) it states that 50% of contact hours shall be in supervised direct client care experiences, observational experiences and simulated experiences appropriate to the programs educational outcomes, and lab experiences for the acquisition and practice of clinical nursing skills.

The definition of "laboratory experience" means student learning that involves manipulation of concepts or material within a controlled environment whereas; "observational experience" means structured student learning in which learners observe, but do not provide direct client care. "Direct client care" is hands on care providing primary nursing services.

The question is – does being in a "virtual" computer lab constitute a clinical day based upon the definitions of direct client care, observational experiences, simulated experiences, lab experiences for the acquisition/practice of skills?

Audrey Szczesiul explained the virtual clinical simulation software being used in the Porter and Chester Watertown and Branford Campuses. The Board stated that it is very clear in the Regulations for the LPNs to have supervised, direct client contact experiences. Virtual simulation cannot count as part of the 750 clinical hours which have to be direct experiences. The Program was ordered to submit a Plan of Action to make up the clinical hours. Graduation will take place on April 12, 2012 at the Branford and Watertown campuses. Graduation may still take place although diplomas/transcripts cannot be provided until the completion of the clinical hours.

CORRESPONDENCE/STATISTICS ON INQUIRIES

Pam Pelletier reviewed the calls received in the Board Office during the month of February. There were several calls regarding the following:

- APRN and RN scope of practice issues
- Medical Assistants – tasks they can and cannot perform in Connecticut
- NCSBN – Several Surveys

NATIONAL COUNCIL OF STATE BOARDS OF NURSING

The following is a list of the presentations at the 2012 Mid Year Meeting which was held in Chicago March 12 – 14, 2012 and was attended by Chair Bouffard and Jennifer Long. The Mid Year Meeting is an update of what has been going on since the Annual Meeting which was held in August, 2011. This meeting had a representative of each Member Board.

- Opening Welcome, Kathy Apple, MS, RN, FAAN
- Administrative Law: How it Applies to Nursing Regulation, Fred Knight, JD
- Current State of LPN/VN Practice Panel Presentation and Dialogue
- I Know You Are Lying - How to Tell, Mark McClish
- Leadership Succession Committee, Sue Petula, PhD, RN, NEA-BC (very big issue)
- Licensure Model Panel Presentation and Dialogue
- Model Act and Rules Committee, Nathan Goldman, JD
- Nursing Education Committee, Susan L. Woods, PhD, RN, FAHA, FAAN and Nancy Spector, PhD, RN
- President's Welcome, Myra Broadway, JD, MS, RN
- Regulation of LPN Scope of Practice in Long-Term Care: From Center for Regulatory Excellence, Kirsten Corazzini, PhD
- The Canadian Experience with LPN/VNs, Linda Stanger, RN
- The Do's and Don'ts of Board Behavior in Formal Hearings, Fred Olmstead, JD

Representatives from all NCSBN Member Boards gathered in Chicago for the midyear Meeting which is held annually for attendees to learn the status of current NCSBN initiatives, and provide feedback to the NCSBN Board of Directors and Committees.

Day One - Leadership Day, was held on March 12, 2012 for Executive Officers and Member Board Presidents. As CT does not have either, Chair Bouffard attended.

The presentation "Building Exceptional Governing Boards: Strengthening the Leadership Team" provided attendees with strategies and tools to strengthen their relationship and enhance the performance of their governing board. Attendees were invited to explore their boards' strengths and needs, review their mutual expectations, and implement best practices for good governance. The South Dakota BON stated that they have a strategic plan in place, although they must re-evaluate it monthly so agenda items are aligned with the strategic plan. Having a balance scorecard is important, along with ongoing BON development and renewal. The Mississippi BON agreed and stated that they need to incorporate strategic planning in the Board's agenda at meetings. It is a good tool that will allow us to be successful at accomplishing their mission. The Missouri BON was also interested in beginning training using Critical Conversations to encourage open dialogue. It has been used in the past, but it is time to resurrect it for board development.

The California RN BON thought that the idea of interviewing members when they leave the BON was a great opportunity for growth by getting their honest opinion about their experience with the BON. Finding out their likes and dislikes, and they feel we need to focus on to be a more effective board. This would be a great learning tool for all BONs. The Arkansas BON said they wanted to utilize the "8 Characteristics of Exceptional Boards" in all board evaluations. They have decided that in addition to brainstorming before a BON meeting, they were going to start having a closing session as well to evaluate what occurred at the meeting. Day One concluded with separate networking sessions for EOs and board presidents.

The EOs and board presidents were joined by their fellow board members on day two, which was the official launch of the 2012 NCSBN Midyear Meeting. Attendees received updates from the Leadership Succession, Model Act & Rules, and Nursing Education Committees before breaking for area lunch meetings to engage in a regional dialogue. After lunch, there was the Licensure Model Panel Presentation and Dialogue, where panelists discussed single state and multistate models of licensure. Day Two ended with a networking reception.

On Day Three, Pearson Vue sponsored a networking breakfast which was followed by a panel presentation regarding the current state of LPN practice and then presentations about LPN research. After lunch, attendees learned about formal hearings, including the appropriate behavior required in such a setting, how administrative law applies to nursing regulation, and tips on how to tell if someone is being truthful or deceptive.

The Midyear Meeting is an important event for member boards to attend as it builds leadership and gives members Board a chance to see what other states are going and get help from one another. It is an opportunity for everyone to work together and develop relationships. It is also important that we, as BONs, show interest and that our state is engaged. The Midyear Meeting is an excellent precursor to the Annual Meeting. This gives BONs a chance to know what is going on with the NCSBN without making any decisions like at the Annual Meeting. It is also a great place to receive feedback for committee work, and provides a less formal, less structured way to explore issues that will come before the Delegate Assembly, August 8-10, 2012 in Dallas, Texas. This meeting serves as an introduction to important issues that NCSBN will explore and address. There is so much to learn from the NCSBN about regulation and this meeting keeps everyone updated on what is going on.

APPROVAL OF MINUTES

The Board reviewed the following minutes presented for approval.

NOVEMBER 2, 2011

Jennifer Long moved, which was seconded by Maria Pietrantuono, to approve the minutes as written. The motion passed with the following abstentions, Heidi Darling, Tarah Cherry, and Jeffrey Marvin.

NOVEMBER 16, 2011

Maria Pietrantuono moved, which was seconded by Jennifer Long, to approve the minutes as written. The motion passed with one abstention, Heidi Darling.

DECEMBER 7, 2011

Jeffrey Marvin moved, which was seconded by Maria Pietrantuono, to approve the minutes as written. The motion passed with the following two abstentions, Heidi Darling and Jennifer Long.

DECEMBER 21, 2011

Jeffrey Marvin moved, which was seconded by Maria Pietrantuono, to approve the minutes as amended. The motion passed with one abstention, Heidi Darling.

JANUARY 18, 2012

Jeffrey Marvin moved, which was seconded by Jennifer Long, to approve the minutes as written. The motion passed with one abstention, Heidi Darling.

REINSTATEMENT HEARING REQUEST – TANIA THOMAS, LPN

Legal Office Attorney Matthew Antonetti was present representing the Department of Public Health. Tania Thomas was present with counsel, Attorney James Bhandry-Alexander, to request a reinstatement hearing. Attorney James Bhandry-Alexander had e-mailed Ms. Thomas' documents to the Board Office and they were provided to the Board in their agenda packets for today's meeting.

Jeffrey Marvin moved, which was seconded by Tarah Cherry, to grant Ms. Thomas' request for a reinstatement hearing. The motion passed unanimously. The hearing will be scheduled for May 16, 2012.

REINSTATEMENT HEARING REQUEST – CAROLE RUGGIERO-RUIZ, RN

Carole Ruggiero-Ruiz was present with counsel, Attorney Martha Murray, to request a reinstatement hearing. Attorney Murray had mailed documents to the Board Office which were provided the Board in their agenda packets for today's meeting.

Jennifer Long moved, which was seconded by Maria Pietrantuono, to grant Ms. Ruggiero-Ruiz' request for a reinstatement hearing. The motion passed unanimously.

Break 10:25 AM – 10:35 AM

MOTION FOR SUMMARY SUSPENSION – KIMKELLY MYERS, LPN

Legal Office Attorney Linda Fazzina presented the Board with a Motion for Summary Suspension. Ms. Myers was not present and was not represented at this meeting. Attorney Donald J. Cretella had provided the Board Office a letter stating their objection to Ms. Myers' license being summarily suspended. Maria Pietrantuono moved and Jeffrey Marvin seconded, to grant the Motion for Summary Suspension. The motion passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for April 18, 2012.

MOTION TO WITHDRAW STATEMENT OF CHARGES – JOHN W. BALBONI, RN

Legal Office Attorney Leslie Scoville presented the Board with a Motion to Withdraw Statement of Charges as Mr. Balboni signed a Voluntary Surrender on March 20, 2012. Jennifer Long moved and Jeffrey Marvin seconded to grant the Motion to Withdraw Statement of Charges. The motion passed unanimously. Chair Bouffard signed the Motion.

CONSENT ORDER – KAREN CROSBY, RN

Legal Office Attorney Diane Wilan presented the Board with a Consent Order for Karen Crosby. Ms. Crosby was present without representation at this meeting. Jennifer Long moved and Jeffrey Marvin seconded to grant the Consent Order as written which places Ms. Crosby's RN license on probation for four years. The motion passed unanimously. Chair Bouffard signed the Consent Order.

CONSENT ORDER – KATHLEEN CRIADO, LPN

Legal Office Attorney Linda Fazzina presented the Board with a Consent Order for Kathleen Criado. Ms. Criado was not present and did not have representation at this meeting. Maria Pietrantuono moved and Jeffrey Marvin seconded to deny the Consent Order as written which requires Ms. Criado to cease and desist in the practice of radiography, and/or in any other practice that is not within the scope of practice of nursing. The motion passed unanimously. The Board Members stated that the Consent Order as written was not a serious enough consequence. In addition to the cease and desist language, the Order should require that Ms. Criado successfully complete coursework in the re-education of scope of practice, and a civil penalty in the amount of \$500.00 should also be required.

CONSENT ORDER – DIANE ZECCOLA, RN

Legal Office Attorney Linda Fazzina presented the Board with a Consent Order for Diane Zeccola. Ms. Zeccola was not present and did not have representation at this meeting. Maria Pietrantuono moved and Tarah Cherry seconded to deny the Consent Order as written which requires Ms. Zeccola to cease and desist in the practice of radiography, and/or in any other practice that is not within the scope of practice of nursing. The motion passed unanimously.

The Board Members stated that the Consent Order as written was not a serious enough consequence. In addition to the cease and desist language, the Order should require that Ms. Zeccola successfully complete re-education on scope of practice, and a civil penalty in the amount of \$500.00 should also be required.

STUDENTS

At 10:55 AM Chair Bouffard spoke with the students and provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

There was construction noise outside and the court reporter stated that she would not be able to record the hearing due to the noise. The hearing was relocated to the Third Floor Hearing Room of the Department of Public Health.

HEARING – LESLIE MATEJEK, RN

Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Ms. Matejek was present with counsel, Attorney Michael Hillis. Testimony was provided by Bonnie Pinkerton, RN Nurse Consultant and DPH Probation Monitor, and Ms. Matejek.

Maria Pietrantuono moved and Tarah Cherry seconded that Ms. Matejek be found on all charges with the exception of charges 2, 3, 4, and 5. The motion passed with all in favor with the exception of Tarah Cherry who was opposed.

Maria Pietrantuono moved and Jennifer Long seconded this case does not rise to the level of additional discipline. The Consent Order issued to Ms. Matejek on June 15, 2011 will remain in place. The Summary Suspension remains in place until the Memorandum of Decision has been signed by the Board. The motion passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 12:40 PM.

The **Board of Examiners for Nursing** held a meeting on April 18, 2012 at the Department of Public Health Complex, Conference Room 470-A/B, 410 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Tarah Cherry, Public Member
Heidi Darling, LPN
Jeffrey T. Marvin, Public Member
Maria Pietrantuono, RN

BOARD MEMBERS ABSENT: Jennifer Long, APRN

ALSO PRESENT: Stacy Schulman, Counsel to the Board, DPH
Alfreda Gaither, Counsel to the Board, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Ellen M. Shanley, Staff Attorney, Legal Office, DPH
David Tilles, Staff Attorney, Legal Office, DPH
Diane Wilan, Staff Attorney, Legal Office, DPH
Jeffrey A. Kardys, Administrative Hearings Specialist, DPH
Tynan E. Cooney, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:43 AM.

STUDENTS

Chair Bouffard welcomed students from the University of Hartford and Central CT State University.

Chair Bouffard provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

LEGISLATIVE UPDATE

Chair Bouffard gave a synopsis of the current Legislative Proposals. The 2012 Legislative Session ends on Wednesday, May 9th.

SCHOOL ISSUES – PORTER AND CHESTER INSTITUTE – PLAN OF CORRECTION

Kathleen Boulware provided a synopsis of Porter and Chester's Plan of Correction. Audrey Szczesiul, Corporate Director, and Attorney Joan Feldman, Corporate Counsel, were present to provide the Board with the plan for the make-up time of clinical hours for Porter and Chester Institute's LPN students at the Watertown and Branford campuses. On April 11th Ms. Szczesiul provided Pam Pelletier with a clinical experience make-up plan for the Watertown and Branford campuses which provided a student by student break down of the clinical site hours attended and the remaining hours to be made up. The students would still graduate on April 12th, as originally scheduled, but the transcripts would not be provided to DPH until the clinical make up hours have been completed.

The letter stated that the campus supervisors were arranging the necessary clinical experiences for the students so that the graduates can celebrate their accomplishment and launch their nursing careers.

Porter and Chester Institute apologized for their misinterpretation of the regulations which lead to this situation and are requesting that the Board consider this Plan of Correction to allow these students to complete their clinical hours in good faith.

Mary Brown moved to approve the Program's Plan of Correction. The motion was seconded by Jeffrey Marvin and passed unanimously.

Mary Brown also motioned that the Branford and Watertown Programs be placed on Conditional Approval Status for one year. The motion was seconded by Heidi Darling and passed unanimously. Reports are due one month prior to each graduating class. Pam Pelletier will provide Porter and Chester with a letter upon her return from vacation.

CONSENT ORDER – MELISSA CARUSO, RN

Legal Office Attorney Diane Wilan presented the Board with a Consent Order for Melissa Caruso.

Ms. Caruso was not present and did not have representation at this meeting. Mary Brown moved, and Jeffrey Marvin seconded, to accept the Consent Order as written which places Ms. Caruso's RN license on probation for one year with the following restrictions: no solo practice during the probationary period, monthly employer reports, coursework in RN scope of practice and ethics, reprimand, civil penalty of \$1,000.00, and Ms. Caruso must cease and desist in practicing beyond the scope of her RN license. The motion passed unanimously. Chair Bouffard signed the Consent Order.

CONSENT ORDER – KELLY ANN MAYERHOFFER, LPN

Legal Office Attorney Diane Wilan presented the Board with a Consent Order for Kelly Ann Mayerhoffer. Ms. Mayerhoffer was not present and did not have representation at this meeting. Maria Pietrantuono moved, which was seconded by Mary Brown, to accept the Consent Order as written which orders a civil penalty of \$500.00 and reprimands Ms. Mayerhoffer's LPN license. Ms. Mayerhoffer has completed a course in ethics which was pre-approved by the Department. The motion passed unanimously. Chair Bouffard signed the Consent Order.

MEMORANDA OF DECISION

The Board was e-mailed the following Memoranda of Decision prior to this meeting for review.

TODD STOCKHEIMER, RN

Maria Pietrantuono moved, seconded by Tarah Cherry, to affirm the Board's prior decision to revoke Mr. Stockheimer's license. The motion passed with all in favor with the exception of Chair Bouffard who abstained. Chair Bouffard signed the Memorandum of Decision.

HEARING – MATTHEW DALLACHIE, LPN

Legal Office Attorney Ellen M. Shanley was present representing the Department of Public Health. Mr. Dallachie was not present and did not have representation at this meeting. Mr. Dallachie's original hearing was scheduled February 15, 2012 at which time he appeared before the Board and requested a continuance to allow him time to retain counsel. The Board granted Mr. Dallachie a two month continuance. There was no testimony provided. Maria Pietrantuono moved, which was seconded by Heidi Darling, to find Mr. Dallachie on all charges. The motion passed unanimously. Maria Pietrantuono moved and Heidi Darling seconded that Mr. Dallachie's license be revoked. The motion passed unanimously.

HEARING – PAMELA DOLE, RN, APRN

Legal Office Attorney David Tilles was present representing the Department of Public Health. Ms. Dole was present with Attorney John Giulietti. The hearing was continued to July 18, 2012.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 10:01 AM.

Board of Examiners for Nursing