

The **Board of Examiners for Nursing** held a meeting on December 5, 2012 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Tarah Cherry, Public Member
Jennifer Long, APRN
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Maria Pietrantuono, RN

ALSO PRESENT: Joanne V. Yandow, Counsel to the Board, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Joelle Newton, Staff Attorney, Licensure Regulation and Compliance, DPH
Leslie Scoville, Staff Attorney, Licensure Regulation and Compliance, DPH
Ellen M. Shanley, Staff Attorney, Licensure Regulation and Compliance, DPH
David Tilles, 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 8:33 AM.

STUDENTS

Chair Bouffard welcomed students from Porter and Chester Institute Rocky Hill LPN Students and Stone Academy West Haven LPN Students.

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

CHAIR UPDATES

Jennifer Long will be attending the NCSBN Regulatory Excellence Meeting in New Orleans in January.

OPEN FORUM

There were no questions or concerns from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

Memorandum of Decision – Kimkelly Myers, LPN

Porter and Chester Institute – Letter of Intent to add an evening program at all 5 LPN campuses

CT TECHNICAL HIGH SCHOOL – PLAN OF CORRECTION: A. I. PRINCE, ELI WHITNEY, VINAL TECH

Patricia Fennessy, Education Consultant for the CT Technical School System, was present with the Department Heads from all three programs; Deborah Detrick, A. I. Prince, Anne Simko. Eli Whitney, and Regina Wrenn, Vinal Tech, to provide the Board with the Plans of Correction for the A. I. Prince, Eli Whitney, and Vinal Tech LPN Programs.

The Board reviewed the Plan of Correction for the above LPN Programs.

Jennifer Long moved, seconded by Tarah Cherry, to accept the A. I. Prince Plan of Correction as presented. The motion passed unanimously.

Jennifer Long moved, seconded by Mary Brown, to accept the Eli Whitney Plan of Correction as presented. The motion passed unanimously.

Carrie Simon moved, seconded by Mary Brown, to accept the Vinal Tech Plan of Correction as presented. The motion passed unanimously.

The Board requested that Ms. Fennessy return at the Board's April 3, 2013 meeting to provide an update on these three programs.

Eli Whitney's LPN Program will be moving in late December to High Meadows, 826 Hartford Turnpike, Hamden, CT to allow for renovations at the Technical High School site on Jones Road in Hamden. It is anticipated that the program will be located at High Meadows for 18-24 months before returning to the Eli Whitney High School. Pam Pelletier-Stevens will be notified when the program has moved and will do a site visit prior to the first day of class on January 2, 2013.

DISCIPLINE – PREHEARING REVIEW – DEBORAH DELANEY-REED, LPN

Attorney Thomas Bucci was unavailable to attend today's meeting as he is scheduled to appear in court in Fairfield at 10:00 AM today and was available via speaker phone. Ms. Deborah Delaney-Reed was present.

The Board reviewed and discussed the Prehearing Review packet that was mailed to each member prior to this meeting. The Board stated that it was an unfortunate accident. Ms. Delaney-Reed did what she needed to do within her scope of practice. Assessments are not part of LPN scope of practice. She followed the proper procedures regarding notification. The Board had concerns regarding the supervisor and the physician's assistant who did not follow-up until much later. It was the recommendation of the Board to not impose any discipline.

LEGISLATIVE UPDATE

Jennifer Filippone was not available to attend today's meeting as she is out of state although did state that she did not have any Legislative Updates for the Board Meeting.

SCOPE OF PRACTICE – IGM THERAPEUTIC ACUPRESSURE: RN License vs. Massage Therapy License

The Board received a packet regarding Holistic Acu-Touch Therapy "An Energy Healing Modality" from Pam Tolli, RN, Acu-Touch Practitioner. Ms. Tolli is requesting clarification of Nursing Scope of Practice with regards to the CAM described in the packet of information provided to the Board prior to today's meeting.

Written communications received by the Department of Public Health were considered to be a Request for a Declaratory Ruling. However the Board was advised by Joanne V. Yandow, Counsel to the Board, that the Board could deny the Request for a Declaratory Ruling if the Board felt that the modality identified as the Healing Art of IGM Therapeutic Acupressure was clearly within the scope of Registered Nurse practice. The Board denied the Request for the Declaratory Ruling based on their opinion that Acu-Touch Therapy was clearly a nursing intervention within the scope of Registered Nurse practice.

LINCOLN TECH – HAMDEN EVENING CAMPUS – CONDITIONAL STATUS

Patricia DeLucia, Program Administrator for all three (LTI) campuses was present with Louise Simonetti, Hamden Campus Evening Program Manager, were present for this discussion regarding the programs Conditional Status which was effective December 12, 2011. Mary Brown moved and Jennifer Long seconded to continue the Conditional Status until either the program's NCLEX scores significantly improve and/or a review of the program's NCLEX scores is completed in October 2013. The motion passed with all in favor with the exception of Tarah Cherry who was opposed and Carrie Simon who abstained.

SCHOOL ISSUES

PORTER and CHESTER INSTITUTE – OPENING OF STRATFORD CAMPUS

Pam Pelletier-Stevens apprised the Board of the opening of the Stratford Campus of Porter and Chester Institute which was approved by the Board in November of 2011. The program will admit its first class on January 21, 2013. Pam Pelletier-Stevens will make a site visit to the campus prior to admission of students to ensure it is ready. Patricia Donovan, Corporate Director for the Porter and Chester Institute LPN Programs, was unable to attend this meeting due to a prior commitment.

The Board reviewed the credentials of Maureen Consiglio as the Campus Supervisor. Mary Brown moved and Tarah Cherry seconded to accept the credentials as meeting the regulations regarding nursing program faculty. The motion passed with all in favor. Ms. Consiglio was not present at this meeting.

PORTER and CHESTER INSTITUTE – LETTER OF INTENT RE: EVENING LPN PROGRAM

Porter and Chester Institute filed a Letter of Intent to the Board Office to add an evening program to all five LPN Programs. Pam Pelletier-Stevens spoke with Patricia Donovan who stated that the evening program start-up would only be at four programs and did not include the Stratford LPN Program at this time. Porter and Chester will be filing a Feasibility Study to substantiate the need for the evening programs at their Watertown, Branford, Rocky Hill, and Enfield campuses.

QUINNIPIAC UNIVERSITY – PERMANENT WAIVER REQUESTS

Lisa O'Connor, Associate Professor and Director of Undergraduate Nursing Program, was present to request from the Board, permanent waivers for Lisa Guerrieri and Kathleen Calvo.

LISA GUERRIERI

Jennifer Long moved, seconded by Tarah Cherry, to grant the permanent waiver request for Lisa Guerrieri. The motion passed unanimously.

KATHLEEN CALVO

Jennifer Long moved, seconded by Tarah Cherry, to grant the permanent waiver request for Kathleen Calvo. The motion passed unanimously.

THREE RIVERS COMMUNITY COLLEGE – WAIVER REQUEST

Pam Pelletier-Stevens provided the Board with a six-month waiver request for Colleen O. Planchon from Ellen Freeman, Director of the Nursing and Allied Health at Three Rivers Community College. Ms. Freeman was unable to attend today's meeting. Mary Brown moved, seconded by Jennifer Long, to grant the six-month faculty educational waiver for Ms. Planchon.

SCOPE OF PRACTICE INQUIRIES – OCTOBER 2012

Diane Cybulski reviewed the scope of practice calls received in the Board Office during the month of October, 2012.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING UPDATE

Chair Bouffard apprised the Board that registration is open for the 2013 NCSBN Long-Term Care Conference, April 16th – 17th.

Chair Bouffard also apprised the Board of the "Save the Date" notice she received regarding the 2013 APRN Roundtable which will take place April 9, 2013 in Chicago. This yearly event is an opportunity for APRN stakeholders to discuss common issues and concerns regarding APRNs.

Chair Bouffard received the Third Quarter 2012 NCLEX Pass Rates from the NCSBN:

- NCLEX-RN pass rate for the first-time, U.S. – educated candidates was 88.78%.
- NCLEX-RN pass rate for all candidates was 80.66%.
- NCLEX-PN pass rate for first-time, U.S. – educated candidates was 87.20%.
- NCLEX-PN pass rate for all candidates was 79.00%.

All Board Members received an e-mail from the NCSBN requesting completion of a quick five minute survey for their input regarding ideas for education topics for Board members.

MINUTES

The Board Members reviewed the following meeting minutes.

MARCH 7, 2012

Mary Brown moved and Jennifer Long seconded that the minutes be approved as edited. The motion passed unanimously.

MARCH 21, 2012

Jennifer Long moved and Tarah Cherry seconded that the minutes be approved as written. The motion passed unanimously.

APRIL 4, 2012

Jennifer Long moved and Tarah Cherry seconded that the minutes be approved as written. The motion passed unanimously.

APRIL 18, 2012

Mary Brown moved and Carrie Simon seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Jennifer Long who abstained.

MAY 2, 2012

Mary Brown moved and Tarah Cherry seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Jennifer Long who abstained.

MAY 16, 2012

Mary Brown moved and Tarah Cherry seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Jennifer Long who abstained.

JUNE 6, 2012

Jennifer Long moved and Mary Brown seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Tarah Cherry who abstained.

JUNE 20, 2012

Jennifer Long moved and Carrie Simon seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Tarah Cherry who abstained.

JULY 18, 2012

Jennifer Long moved and Carrie Simon seconded that the minutes be approved as written. The motion passed with all in favor with the exception of Tarah Cherry who abstained.

Break 10:09 AM – 10:20 PM

MOTION FOR SUMMARY SUSPENSION

DPH Attorney Leslie Scoville presented the Board with a Motion for Summary Suspension for Marlene S. Silva, RN. Ms. Silva was not present for this discussion.

Carrie Simon moved and Jennifer Long seconded to grant the Department's Motion for Summary Suspension. The motion passed unanimously. Chair Bouffard signed the documents scheduling the hearing for December 19, 2012 at 9:00 AM.

PREHEARING REVIEW – TINA VACCARO, RN

DPH Attorney Joelle Newton provided the Board with a Prehearing Review for Tina Vaccaro. After reviewing the documentation presented, the Board requested additional documents from two therapists, the complete records, and an updated note from Ms. Vaccaro's physician regarding her status.

REINSTATEMENT CONSENT ORDER – SCOTT M. VOGEL, RN

DPH Attorney Leslie Scoville presented the Board with a Reinstatement Consent order for Scott Vogel. Mr. Vogel was present for this meeting without counsel.

Carrie Simon moved and Tarah Cherry seconded that the Reinstatement Consent Order be accepted as written. The motion passed unanimously.

CONSENT ORDER – CHERYL IRIZZARY, APRN

Ms. Irizarry was not present and was not represented by counsel at this meeting. DPH Attorney Ellen M. Shanley presented the Board with a Consent Order for Ms. Irizzary.

Jennifer Long moved, seconded by Mary Brown, to accept the Revised Consent Order which includes the Board's previous recommendation of a \$1,000.00 Civil Penalty. The motion passed unanimously.

MEMORANDUM OF DECISION – KIMKELLY MYERS, LPN

Jennifer Long moved to affirm the Board's prior decision to revoke Ms. Myers license. The motion was seconded by Mary Brown and passed unanimously.

HEARINGS

TINA M. NUGENT, LPN

Attorney Joelle Newton was present representing the Department of Public Health. Ms. Nugent was not present and did not have representation at this hearing. There was no testimony provided. Attorney Newton presented an Oral Motion to Deem Allegations Admitted as Ms. Nugent did not attend the hearing nor did she provide a written response to the charges. Mary Brown moved, seconded by Jennifer Long, to grant the Department's Oral Motion to Deem Allegations Admitted. The motion passed unanimously. The Board requested that the Department enter into the Record the Investigative Report, the Treatment Report from SATU, and the Haven Progressive Discipline Form. The Board reviewed the documents provided, and the hearing closed.

Mary Brown moved, seconded by Jennifer Long, that Ms. Nugent's license be revoked. The motion failed as Mary Brown was the only person in favor of the motion.

A new motion was raised by Jennifer Long, seconded by Mary Brown, that Ms. Nugent's license be placed on suspension for three months followed by probation for one year, successfully complete coursework in medication administration and documentation, and she must complete a one on one 40-hour med pass. Ms. Nugent will not be able to administer medications independently until she completes the 40-hour med pass and the coursework, monthly employer reports, and no solo employment as a nurse until she has completed the probation. The motion passed with all in favor with the exception of Tarah Cherry who abstained.

TRACY SHUGRUE-KANE, RN

Attorney Ellen M. Shanley was present representing the Department of Public Health. Ms. Shugrue-Kane was present without representation at this hearing. Testimony was provided by Ms. Shugrue Kane.

Mary Brown moved and Jennifer Long seconded to grant Ms. Shugrue-Kane's request to have her RN license reinstated. The motion passed unanimously.

Tarah Cherry moved, seconded by Mary Brown, to reinstate Ms. Shugrue Kane's license to probation for three years with the following restrictions: she must successfully complete a Board/Department approved refresher program, no access to narcotic keys not be allowed to administer controlled substances for the first six months upon her return to work as a nurse, employer and therapist reports monthly, drug/alcohol screen reports weekly for the first and third years or probation and monthly for the second year, and the standard language for no "solo practice." The motion passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 12:05 PM.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing

The **Board of Examiners for Nursing** held a meeting on December 19, 2012 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Tarah Cherry, Public Member
Jennifer Long, APRN
Maria Pietrantuono, RN
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: None – Currently there are only 6 Appointed Members

ALSO PRESENT: Stacy M. Schulman, Counsel to the Board, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Joelle Newton, Staff Attorney, Licensure Regulation and Compliance, DPH
Leslie Scoville, 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 8:31 AM.

STUDENTS

Chair Bouffard welcomed students from the Porter and Chester Institute Enfield Campus and the A. I. Prince LPN Program.

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

SCHOOL ISSUES – CT TECHNICAL HIGH SCHOOLS – CURRICULUM CHANGE

Present for this discussion were Anne Simko, Eli Whitney LPN Department Head, and Karen Ivers, Department Head for the Bullard-Havens LPN Program. Patricia Fennessy, Education Consultant for the CT Technical High School System, was unable to attend this meeting due to a prior commitment, although she was available via telephone. The proposed change is to allow first semester LPN students who have failed Human Biology in semester one to retake the course at a community college or on-line during semester two. Students would need to complete Human Biology by the end of semester two in order to continue in the LPN program. The program stated by allowing students to retake Human Biology would provide them with an opportunity to master the necessary competencies in order to be successful and continue in the program. The Board and the Department both have grave concerns. The Board stated that Biology is the foundation for their progression. The Board discussed the program's progression of courses and the decreasing NCLEX scores. Mary Brown moved to deny the request. Maria Pietrantuono seconded the motion which passed unanimously.

NORTHWESTERN CONNECTICUT COMMUNITY COLLEGE – PERMANENT WAIVER REQUEST

Chair Bouffard appointed Mary Brown Chair Pro Tem for the Northwestern Waiver Request. Chair Bouffard did not participate in the discussion or the voting. Linda Perfetto, Director of Systems Curricular Operations, CT Community Colleges, presented the permanent waiver request for Joan Egberston for the role of clinical adjunct faculty at Northwestern. Maria Pietrantuono moved, seconded by Jennifer Long, to grant the permanent waiver request for Joan Egberston. The motion passed with all in favor with Chair Bouffard abstaining.

The Board recessed 8:53 AM – 9:00 AM

REINSTATEMENT HEARING REQUEST – HEATHER BEAUREGARD LPN

Ms. Beauregard was present to request a reinstatement hearing before the Board. Ms. Beauregard's license was revoked on February 7, 2007. The Board reviewed the documents presented. Maria Pietrantuono moved, seconded by Mary Brown, to grant the reinstatement hearing request. The motion failed as all were opposed.

A new motion was raised by Maria Pietrantuono, seconded by Tarah Cherry, to deny Ms. Beauregard's request due to lack of documentation requested. The motion passed unanimously. The Board stated that they would like to see a support group or support system in place, therapist reports, a self-assessment explaining what had happened and where she is at now, drug screen reports, and current employment information.

HEARINGS

MARLENE S. SILVA, RN

Attorney Leslie Scoville was present representing the Department of Public Health. Ms. Silva was not present and did not have representation at this hearing. There was no testimony provided. Attorney Scoville made an Oral Motion to Deem Allegations Admitted. Jennifer Long moved, seconded by Mary Brown, to grant the Motion to Deem. The motion passed unanimously.

Maria Pietrantuono moved, seconded by Mary Brown, to find Ms. Silva as charged. The motion passed unanimously.

Maria Pietrantuono moved, seconded by Carrie Simon, to revoke Ms. Silva's license. The motion passed unanimously.

RUTH DUSHAY, RN

Attorney Joelle Newton was present representing the Department of Public Health. Ms. Dushay was present pro se. Testimony was provided by Ms. Dushay. The hearing closed.

Carrie Simon moved and Jennifer Long seconded that Ms. Dushay's license be reinstated to probation. The motion passed unanimously.

Carrie Simon moved, seconded by Maria Pietrantuono, to reinstate Ms. Dushay's license to probation for four years with the usual restrictions including not having access to narcotic keys or administer controlled substances for her first year of returning to work as a nurse. The motion passed unanimously and does not need to retake the NCLEX-RN or a refresher course.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 9:31 AM. This will be the last meeting held at the Legislative Office Building until June 19, 2013. The 2013 Legislative Session commences on January 9th and adjourns on June 5th.

After the Board Meeting had adjourned, Chair Bouffard spoke with the students. During this time Marlene Silva arrived for her hearing scheduled for 9:00 AM. Ms. Silva contacted the Department of Public Health to let the Board know that she would be arriving late for her hearing although the Board did not receive this message. The court reporter had left for the day therefore we could not go back on the record to the hearing. Chair Bouffard instructed Ms. Silva to e-mail Janice E. Wojick with a request to reopen the hearing. Once received, the hearing will be rescheduled for January 16, 2013.

Patricia C. Bouffard, Chair, Board of Examiners for Nursing

The **Board of Examiners for Nursing** meeting scheduled for January 16, 2013, at the Department of Public Health, Third Floor Hearing Room, 410 Capitol Avenue, Hartford, Connecticut, was cancelled due to lack of a quorum. This meeting was cancelled on January 8, 2013 by Chair Bouffard.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing