

The **Board of Examiners for Nursing** held a meeting on January 20, 2016 at the Legislative Office Building, Room 1-D, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Mary M. Brown, RN
Jennifer Long, APRN
Geraldine Marrocco, RN – *left at 12:30 PM*
Gina M. Reiners, RN

BOARD MEMBERS ABSENT: Carrie Simon, Public Member
Lisa S. Freeman, Public Member
Ellen M. Komar, RN

ALSO PRESENT: Joanne V. Yandow, Legal Counsel to the Board, DPH
Stacy M. Schulman, Legal Counsel to the Board, DPH
Alfreda G. Gaither, Legal Counsel to the Board, DPH
Christian Andresen, Section Chief, Practitioner Licensing and Investigations,
DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Helen Centeno, Nurse Consultant, DPH
Kelly Mueller, Nurse Consultant, DPH
Denise Foley, Nurse Consultant, DPH
Brittany Allen, Staff Attorney, OLRC, DPH
Leslie Scoville, Staff Attorney, OLRC, DPH
Ellen M. Shanley, Staff Attorney, OLRC, DPH
David Tilles, Staff Attorney, OLRC, DPH
Diane Wilan, Staff Attorney, OLRC, DPH
Martin DiVito, III, Quinnipiac University Intern, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Once we had a quorum, Chair Patricia Bouffard called the meeting to order at 8:38 AM.

STUDENTS

Chair Bouffard welcomed students from Stone Academy – East Hartford Campus, Lincoln Technical Institute – New Britain and Shelton Day Campuses, Central CT State University, Lincoln College, Yale University, Western CT State University, and Quinnipiac University.

CHAIR UPDATES

Chair Bouffard will defer her updates to the NCSBN updates.

OPEN FORUM

There were no comments or concerns from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

Mary Brown moved to reorder the agenda throughout the day and also to place the outcome of the U. S. Department of Transportation's request regarding RN Scope of Practice on the agenda as an FYI for the minutes. The motion was seconded by Gina Reiners and passed unanimously.

Also, Michaela Love, RN – DPH will present a Motion to Withdraw Statement of Charges as Ms. Love signed a Voluntary Surrender on January 19, 2016.

2016 LEGISLATIVE UPDATE – FEBRUARY 3, 2016 – May 4, 2016

Kathleen Boulware was not in attendance at this meeting, therefore there were no updates.

SCHOOL ISSUES – YALE SCHOOL OF NURSING – INTRODUCTION OF NEW DEAN

Helen Centeno presented Yale School of Nursing's request for approval of Dr. Ann Elizabeth Kurth who assumed the deanship at the Yale School of Nursing effective January 1, 2016. Dr. Kurth was present to answer any questions the Board may have. Mary Brown moved to approve Dr. Kurth's appointment. The motion was seconded by Geraldine Marrocco and passed unanimously. The Board welcomed Dr. Kurth back to Connecticut and wished her luck in this new endeavor. The Board also wished to thank Holly Powell Kennedy for serving as Interim Dean during the selection process.

FACT FINDING – LORI KAREN SALUPEN, RN

OLRC Staff Attorney Leslie Scoville was present representing the Department of Public Health. Chair Bouffard asked the audience if Ms. Salupen was present and there was no response. This hearing was held on December 16, 2015. Due to the fact that the Board had lost its quorum, Fact Finding was scheduled for this morning.

Mary Brown moved that Ms. Salupen be found as charged with the exception of 6b. The motion was seconded by Gina Reiners and passed unanimously.

Mary Brown moved that Ms. Salupen's license be placed on probation for four years with the usual disciplinary terms for substance abuse including participation in support groups. There will also be a narcotic key restriction for one year upon Ms. Salupen's return to work as a nurse. The Summary Suspension will remain in place until the Memorandum of Decision is signed by the Board. The motion was seconded by Gina Reiners and passed unanimously.

MEMORANDUM OF DECISION – REBECCA PEPE, RN

The Board received and reviewed the Memorandum of Decision prior to today's meeting. Gina Reiners moved to affirm the Board's prior decision that Ms. Pepe's license remain on probation under the same terms and conditions of the Consent Order dated December 3, 2014, Petition No. 2014-55 which will remain in full force and effect through December 31, 2020. The motion was seconded by Geraldine Marrocco and passed unanimously. Chair Bouffard signed the Order which removes the summary suspension restriction regarding Ms. Pepe's RN license. Attorney Brown was hand served the Memorandum of Decision.

MOTION TO WITHDRAW STATEMENT OF CHARGES – MICHAELA LOVE, RN

OLRC Staff Attorney Diane Wilan was present representing the Department of Public Health. Ms. Love was not present nor was she represented by counsel. Ms. Love signed a Voluntary Surrender on January 19, 2016 therefore the Department presented the Board with a Motion to Withdraw Statement of Charges. Jennifer Long moved to grant the Department's Motion to Withdraw the Statement of Charges, which was seconded by Gina Reiners, and passed unanimously.

MOTION FOR SUMMARY SUSPENSION – MARY K. FIELD, RN

OLRC Staff Attorney Leslie Scoville presented the Board with a Motion for Summary Suspension for Mary K. Field who was not in attendance and did not have representation at this meeting.

Mary Brown moved to grant the Department's Motion for Summary Suspension. The motion was seconded by Gina Reiners and passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing

WAIVER REQUEST – STONE ACADEMY

Gina Kolstad was present from the program to request a one-year temporary faculty education waiver for Carina Noyd. Ms. Noyd was also present to answer any questions the Board may have. Helen Centeno provided the Board with Ms. Noyd's educational background. Ms. Noyd is currently a matriculated student at the Western Governors University with an anticipated graduation in fall of 2019 although it is Ms. Noyd's intention to complete the program by February 2017. Geraldine Marrocco moved to grant the one-year temporary waiver, which was seconded by Jennifer Long, and passed unanimously.

Alfreda Gaither arrived at this time.

WAIVER REQUESTS – QUINNIPIAC UNIVERSITY

Dr. Angela Carrano requested a six-month temporary faculty education waiver for Sarah Lennon. Helen Centeno provided Ms. Lennon's educational background to the Board. Ms. Lennon is a matriculated student at the University of Hartford with an anticipated graduation of May 2016. Geraldine Marrocco moved to grant the six-month temporary waiver. The motion was seconded by Mary Brown and passed unanimously contingent upon receipt of Ms. Lennon's official updated transcript.

Dr. Angelo Carrano also requested a six-month temporary faculty education waiver for Elizabeth Brown. Helen Centeno provided a synopsis of Ms. Brown's educational background. Ms. Brown is currently a matriculated student at the University of Saint Joseph with an anticipated graduation of May 2016. Jennifer Long moved to grant the six-month temporary waiver, which was seconded by Gina Reiners and passed unanimously. The program cannot request additional waivers as 10% of the faculty is waived.

WAIVER REQUEST – WESTERN CT STATE UNIVERSITY

Dr. Joan Palladino was present from the program to request a one-year temporary faculty education waiver for Pedro Rodrigues. Helen Centeno provided a synopsis of Mr. Rodrigues' educational background. Mr. Rodrigues is a matriculated student at Western CT State University with an anticipated graduation of May 2017. Gina Reiners moved to grant the one-year temporary waiver. The motion was seconded by Jennifer Long and passed unanimously.

SCHOOL ISSUES – VINAL TECHNICAL SCHOOL PROGRAM CLOSURE HEARING

Attorney Beatrice Tinty was present representing Dr. Torres who was unable to attend today's hearing. Also in attendance were Patricia Fennessy, Educational Consultant for the CTHSS, Regina Wrenn, Director of the Vinal Tech LPN Program, and Jillian Kish, instructor at Vinal Tech.

The Vinal Tech LPN Program has been on Conditional Status for 36 months. The Board stated that all programs have struggled since Governor Jodi M. Rell suspended all State LPN Programs in December, 2009 as part of her budget mitigation plan. On January 3, 2011 Governor Rell reinstated six of the eleven programs: A. I. Prince, Bullard Havens, Eli Whitney, Norwich, Vinal, and W. F. Kaynor Tech.

Testimony was provided by Pamela Pelletier-Stevens, Nurse Consultant, DPH, and Regina Wrenn, Director of the Vinal Tech LPN Program. The hearing closed. The Board discussed their concerns that Vinal Tech has not been able to achieve the 80% pass rate for first time takers since the programs were reopened by Governor Rell. The Board also stated that due to prior commitments the Public Members of the Board were not able to attend today's hearing and felt that their presence was necessary for Fact Finding.

Mary Brown then moved to reopen the hearing, which was seconded by Geraldine Marrocco, and passed unanimously. The Board requested that they be provided with the employer and graduate student surveys since the program reopened in January, 2011. Geraldine Marrocco then moved that the hearing be rescheduled for March 23, 2016. The motion was seconded by Gina Reiners and passed unanimously. The Board requested that they receive the requested survey reports two weeks prior to the hearing. Pamela Pelletier-Stevens also requested that all student names be redacted.

Break 11:05 AM – 11:20 AM.

HEARING – DORSEY SAUNDERS, LPN

OLRC Staff Attorney Ellen M. Shanley was present representing the Department of Public Health. Ms. Saunders was present pro se. Ms. Saunders requested a continuance request as there is documentation that she has not been able to attain for this hearing. Attorney Shanley did not have an objection. Geraldine Marrocco moved to grant Ms. Saunders' request for a continuance. The motion was seconded by Gina Reiners and passed unanimously. The hearing will be rescheduled for March 23, 2016 during which time Ms. Saunders' license remains under the Summary Suspension Order issued September 16, 2015.

HEARING – ROBBIN CAPPA, RN

OLRC Staff Attorney David Tilles was present representing the Department of Public Health. Ms. Cappa was present with counsel, Attorney Jeremy Weingast. Attorney Weingast approached the Board requesting a continuance of today's hearing as Ms. Cappa has a scheduled appointment. Attorney Tilles did not have an objection. Gina Reiners moved to grant the continuance request, which was seconded by Mary Brown, and passed unanimously. The hearing will be rescheduled for June 15, 2016 during which time Ms. Cappa's license remains under the Summary Suspension Order issued December 16, 2015.

MINUTES - 2015

SEPTEMBER

Mary Brown moved to approve the minutes as written. The motion was seconded by Jennifer Long and passed with one abstention, Gina Reiners.

OCTOBER

Jennifer Long moved to approve the minutes as written. The motion was seconded by Mary Brown and passed unanimously

MOTION FOR SUMMARY SUSPENSION – JENNIFER REINHARD, LPN

OLRC Staff Attorney Ellen M. Shanley presented the Board with a Motion for Summary Suspension for Jennifer Reinhard. Ms. Reinhard was not present nor was she represented.

Jennifer Long moved to grant the Department's Motion for Summary Suspension. The motion was seconded by Mary Brown and passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing.

SCHOOL ISSUES – ST. VINCENT'S COLLEGE – FIVE-YEAR STUDY

Dr. Karen Barnett, Dr. Susan Capasso, and Margo McCarthy were present to present their five-year study. Previously this was presented to the Board on October 21, 2015 at which time it was rejected and rescheduled for today's date. The program has been out of compliance since April, 2015.

After review and discussion of the new documentation presented, Geraldine Marrocco moved to grant full approval to St. Vincent's College RN Program as they have now met all of the regulatory requirements as outlined in Criteria 1 through 17 of the Nursing Education Program Review for Registered Nurses Preparatory Programs. The motion was seconded by Mary Brown and passed unanimously contingent upon the submission of the 2015 graduate and employer survey results by May of 2016. Once the surveys are received and approved, the programs next five-year review will be in April, 2020.

The Board did state that the report was extremely unorganized, there were no tabs, and the appendices were not identified correctly. The Board requested that the program keep this in mind for their next review which will be in April, 2020.

SCOPE OF PRACTICE

Helen Centeno provided the Board with a synopsis of the calls received in the Board Office during the month of December, 2015.

Chair Bouffard updated the Board that the Commissioner of the Department of Public Health, upheld the Board's decision on November 18, 2015 that it is not within the scope of practice of Registered Nurses in CT to conduct testing and physical examination of the body systems as required on the U.S. DOT Medical Examination Report. This is beyond the RNs expertise and education. The Board signed a Proposed Declaratory Ruling in the above-referenced matter at their November 18, 2015 meeting and the document was forwarded to all parties concerned. Pursuant to Public Acts 2015, No. 15-5 § 493, any party to the matter may file written exceptions to the proposed decision no later than thirty (30) days after the proposed decision was issued by the Board. The exceptions were due by December 18, 2015. No exceptions were received by December 18, 2015, therefore the Commissioner assumed those rights to be waived and rendered a Final Decision in this matter.

NCSBN UPDATE

Chair Bouffard updated the Board on the NCSBN December Board of Directors Meeting.

Below are the highlights of the meeting:

- Financial Statements were accepted and the report of the independent auditors for the year ended September 30, 2015. The organization continues to be in a sound financial status.
- Committee Appointments to two new committees: ten appointments to the Nursing Education Trends Committee and six appointments to the Regulatory Implications of Legal Cannabis Committee.
- Passing Standard for the NCLEX-RN Examination: The Board of Directors uses multiple sources of information to guide its evaluation and discussion of the passing standard. After careful consideration of all available information, including criterion-reference standard setting by an expert panel, the Board of Directors upheld that the current passing standard is sufficient as a measure of safe and effective entry-level RN practice.
- NCSBN Environmental Scan: annually the NCSBN publishes an environmental scan to capture the current environment in which regulators work. The document will be prepared for publishing and sent to Members Boards.

The Board of Directors:

- Discussed the next steps in the development of the 2017-2019 Strategic Plan which will be discussed at the Midyear meeting.
- Establish the 2016 Meeting Calendar.
- Received the findings of the 2015 National Workforce Survey which will be published as a special edition of the Journal of Nursing Practice.
- Reviewed the status of the development of a model policy for interstate Nursing Practice and a revised document of guidelines for nursing delegation.

Geraldine Marrocco provided the Board with an update on the NCSBN APRN Educational Committee. Ms. Marrocco she will be attending the NCSBN APRN Roundtable Meeting in April, 2016.

HEARING – JOHN SHERMAN, RN

OLRC Staff Attorney Brittany Allen was present representing the Department of Public Health. Prior to today's hearing, Attorney Allen had provided the Board with a Motion to Deem Allegations Admitted. This is now a moot point as Mr. Sherman was present to provide a verbal Answer to the Statement of Charges. Jennifer Long moved to deny the Department's Motion to Deem Allegations Admitted. The motion was seconded by Mary Brown and passed unanimously. Chair Bouffard signed the Department's Motion which was denied by the Board. Mr. Sherman was present pro se. Jennifer Long moved that the Board go into Executive Session to discuss confidential medical records. The motion was seconded by Mary Brown, and passed unanimously. The room was cleared of all observers. Testimony was provided by Mr. Sherman. Geraldine Marrocco left for the day during Mr. Sherman's testimony at which time the Board lost its quorum. At the conclusion of the medical records discussion, Mary Brown motioned to move the hearing back into Public Session. The motion was seconded by Jennifer Long and observers were invited back into the hearing. At this point it was the unanimous decision of the Board Members present to keep this hearing open to allow Mr. Sherman to provide the Department with the complete treatment records. This hearing will be rescheduled to March 23, 2016.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 12:50 PM.

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

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