

The **Board of Examiners for Nursing** held a meeting on November 6, 2013 at the Legislative Office Building, Room 1-A, 300 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
Gina M. Reiners, RN – *left at 11:17 AM*
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Lisa S. Freeman, Public Member

ALSO PRESENT: Joanne V. Yandow, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, PLIS, DPH
Deborah Brown, Health Program Assistant, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Licensure Regulation and Compliance, DPH
Linda Fazzina, 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 Lincoln Technical Institute Shelton and Hamden Campuses, CT Technical High School – Norwich Campus, Western CT State University.

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

CHAIR UPDATES

Chair Bouffard did not have any updates for today's meeting.

OPEN FORUM

There were no questions or comments from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

The agenda will proceed as scheduled.

LEGISLATIVE UPDATE – 2014 SESSION BEGINS FEBRUARY 5, 2014

Jennifer Filippone did not have anything to report regarding the upcoming 2014 Legislative Session. She did discuss briefly the APRN Scope of Practice Review Committee.

HAVEN ANNUAL UPDATE

Attorney Maureen Sullivan Dinnan, Executive Director of the HAVEN Program in Connecticut was present to provide the Board with the annual update for Connecticut regarding the number of present APRN, RN, and LPN cases, non-compliance issues, finance component issues, and

progress on insurance companies covering the cost of drug screen reports. The HAVEN Program is entering its' sixth year with the Department of Public Health.

HAVEN is the sole health InterVention assistance program authorized by state law to serve virtually all licensed healthcare professionals. HAVEN offers a confidential alternative to "public disciplinary action for professionals suffering from chemical dependency, emotional or behavioral disorder, or physical or mental illness." The HAVEN program provides a safe environment for coordinating educational, rehabilitative, and supportive services to healthcare professionals. HAVEN is dedicated to serving healthcare professionals through monitoring, support and advocacy.

HAVEN is an independent non-profit corporation founded by the CT State Medical Society, CT Nurses Association, CT State Dental Association, CT Veterinary Medicine Association, and CT Academy of Physician Assistants that provides confidential consultation and support to healthcare professionals facing health concerns related to alcoholism, substance abuse, behavioral or mental health issues and/or physical illness.

HAVEN undergoes annual program audits. Selected information is reported, as required by law and best practice, to the Department of Public Health (DPH), licensing boards, and the Public Health Committee. HAVEN also undergoes an annual program audit to ensure transparency and quality in our processes.

Attorney Dinnan also spoke directly to the students in the audience regarding their careers in nursing, dome do's and don'ts, that they should develop good habits now, and they always need to be mindful of one another.

Also, Dr. Linda Barile has recently joined the HAVEN Staff.

SCHOOL ISSUES – LPN WORK GROUP DISCUSSION REGARDING REGULATION CHANGES

Jennifer Filippone will put together a work group of representatives of the types of LPN representation, Board representation, Department of Higher Education representation, et. al. This will be placed on January 15th BOEN for further discussion. At that meeting a scheduling date/start time will be scheduled.

SURVEY MONKEY TOOL FOR ANNUAL PROGRAM REVIEW

Dr. Lisa Rebesch from SCSU, Linda Perfetto from CCC, and Pamela Pelletier-Stevens, have completed the survey monkey tool. Dr. Rebesch and Linda Perfetto were not in attendance at today's Board Meeting due to attending student day festivities. This joint effort will enable the Department to capture not only the statistical data needed for yearly reporting, but will be in compliance with National Forum for Nursing Workforce minimum dataset for education. This survey is broken down into 3 separate surveys: LPN programs, RN programs, and post-RN educational programs, i.e. RN to BSN. Each program will also receive a faculty component of the survey. We each tested the tool and it worked! The survey will be launched in January 2014. Hopefully all survey's will be completed by the end of January and Pam Pelletier-Stevens will report to the board during the Feb and/or March 2014 BOEN meeting.

LINCOLN COLLEGE OF NEW ENGLAND

The Board Office received documentation dated October 28, 2013 from the President of Lincoln College of New England that they have recently received approval by the State of Connecticut, the Office of Higher Education, and the New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC), to offer a RN to BSN Degree. As a requirement for admission, the student must be licensed as a RN and no licensing credential is provided through this completion program.

REINSTATEMENT REQUEST – SUSAN PETERS, APRN

Deborah Brown, Health Program Assistant, DPH Practitioner Licensing and Investigations Section, was present to request advice from the Board regarding Ms. Susan Peters' request for Licensure Reinstatement. Ms. Peters was also present for this discussion. In reviewing the documentation presented regarding Ms. Peters, including her recertification from the American Nurses Credentialing Center (AANC) of Pediatric Primary Care Nurse Practitioner on May 30, 2013 to expire on May 29, 2018, her work history, Geraldine Marrocco moved to reinstate Ms. Peters APRN license. The motion was seconded by Gina Reiners and passed unanimously. Geraldine Marrocco then moved that Ms. Peters does not need to take a refresher program, continuing education, or clinical as she has kept up the licensure requirements. The motion was seconded by Gina Reiners and passed unanimously.

SCOPE OF PRACTICE – CORRESPONDENCE AND STATISTICS ON INQUIRIES

Pamela Pelletier-Stevens reviewed the scope of practice inquiries for the month of August and September with the Board.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING UPDATES

Chair Bouffard had nothing new to report.

MINUTES – JUNE 5, 2013

Mary Brown moved, seconded by Ellen Komar, to accept the minutes as written. The motion passed with all in favor with two abstentions: Geraldine Marrocco and Carrie Simon.

MINUTES – JUNE 19, 2013

Jennifer Long moved, seconded by Mary Brown, to accept the minutes as written. The motion passed with all in favor with three abstentions: Ellen Komar, Gina Reiners, and Geraldine Marrocco.

MOTION FOR SUMMARY SUSPENSION – SAMANTHA COLBERT, LPN

DPH Staff Attorney Linda Fazzina presented the Board with a Motion for Summary Suspension for Samantha Colbert. Ms. Colbert was not present and did not have representation at this meeting.

Jennifer Long moved, seconded by Carrie Simon, to grant the Department's Motion for Summary Suspension which passed unanimously. Chair Bouffard signed the Order and the Notice of Hearing.

CEASE & DESIST CONSENT ORDER – NICOLE KING, UNLICENSED

DPH Staff Attorney Linda Fazzina presented the Board with a Cease and Desist Consent Order for Nicole King who has been working without a license. Ms. King was not present nor was she represented at this meeting. Gina Reiners moved to accept the Department's Cease & Desist Consent Order. The motion was seconded by Mary Brown and passed unanimously.

CONSENT ORDER – SHERYL MARINONE, APRN

DPH Attorney Matthew Antonetti presented the Board with a Consent Order for Sheryl Marinone. Ms. Marinone was not present. Attorney Daniel Csuka was present as Ms. Marinone's counsel. Mary Brown moved, seconded by Geraldine Marrocco, to accept the Consent Order as written. The motion passed with three abstentions: Ellen Komar, Jennifer Long, and Chair Bouffard.

MEMORANDUM OF DECISION – DONALD MUSGRAVE, RN

Board Members were e-mailed the final Memorandum of Decision for Mr. Musgrave. Jennifer Long moved to affirm the Board's prior decision to revoke Mr. Musgrave's license. The motion was seconded by Carrie Simon and passed with one abstention: Mary Brown.

Break 9:40 AM – 9:50 AM

The **DRAFT** minutes were reviewed and approved by Pat Bouffard on November 8, 2013 via e-mail.

HEARING – TINA VACCARO, RN

DPH Attorney Matthew Antonetti was present representing the Department of Public Health. Ms. Vaccaro was present with counsel, Attorney Jeremy Donnelly. Testimony was provided by Ms. Vaccaro. Attorney Donnelly requested that the Board move into Executive Session to question Ms. Vaccaro on her medical records. Mary Brown moved, seconded by Geraldine Marrocco, that Attorney Donnelly's request to move into Executive Session be granted. The motion passed unanimously and the room was cleared of all observers during the Ms. Vaccaro's testimony. At the conclusion of the testimony, Ellen Komar moved, which was seconded by Mary Brown, to move out of Executive Session and move back into a public hearing. The motion passed unanimously and observers were invited back into the hearing. Testimony was then provided by Karen Pizzano, RN, co-worker, Marcia Snyder, Certified Dietary Food Manager, co-worker, and Doug Melaxon, Nursing Home Administrator, Ms. Vaccaro's current employer. Board Member Gina Reiner left for the day during Mr. Melaxon's testimony.

At the conclusion of the hearing, Mary Brown moved that Ms. Vaccaro be found on all charges with the exception of #4 and #5A. The motion was seconded by Jennifer Long and passed unanimously.

This case had been presented to the Board on two prior occasions as a Prehearing Review. At both times the Board did not have all of the facts.

Mary Brown moved and Jennifer Long seconded that no further discipline be imposed on Ms. Vaccaro's license as she had been in treatment for a year and a half, she has provided drug/alcohol screens, and her employer testified as to her competency and did not feel that she was a threat to the public. Ms. Vaccaro's therapist provided an evaluation stating that substance abuse is not an issue, that it was an isolated incident and she does not need substance abuse treatment. Ms. Vaccaro will remain under her therapist's care regarding other issues. The Board had a lengthy discussion of violation of Section 20-99(b)(5) which has been clearly demonstrated, therefore the charges cannot be dismissed. After the testimony that was provided at this hearing, the Board determined that this was an isolated incident, the Board did not feel that Ms. Vaccaro was a threat to the public, and therefore no further discipline will be imposed against Ms. Vaccaro's license. The motion passed unanimously.

ADJOURNMENT

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

Patricia C. Bouffard, Chair
Board of Examiners for Nursing

The **Board of Examiners for Nursing** held a meeting on November 20, 2013 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, Chair
Mary M. Brown, RN
Lisa S. Freeman, Public Member
Ellen M. Komar, RN
Jennifer Long, APRN – *left 12:57 PM*
Carrie Simon, Public Member

BOARD MEMBERS ABSENT: Geraldine Marrocco, RN
Gina M. Reiners, RN

ALSO PRESENT: Stacy M. Schulman, Counsel to the Board, DPH
Pamela Pelletier-Stevens, Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Licensure Regulation and Compliance, DPH
Linda Fazzina, Staff Attorney, Licensure Regulation and Compliance, DPH
Ellen M. Shanley, 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 Porter and Chester Enfield Campus, Bullard-Havens LPN Program, Western CT State University

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

SCHOOL ISSUES – THREE RIVERS COMMUNITY COLLEGE – NEW INTERIM DIRECTOR

The Board Office received a notification letter dated November 2, 2013 that Ellen Freeman would be leaving her position as Director of Nursing and Allied Health effective January 1, 2014. Ms. Freeman is leaving Connecticut and moving to Texas. Ms. Freeman introduced to the Board Ms. Edith Ouellet, MS, RN, who was appointed to be the Interim Director. The Board reviewed Ms. Ouellet's credentials. Carrie Simon moved, seconded by Ellen Komar, that Ms. Ouellet does meet the requirements as specified in the Regulation for CT Nursing Program. The motion passed unanimously. The Board wished Ellen well in this new venture.

SCHOOL ISSUES – STONE ACADEMY – CHANGES TO THE ADMISSION PROCESS

There were several faculty and management present for this presentation to the Board. The Board reviewed the plan submitted by Stone Academy of changes to their admission process for prospective students of their LPN Program. The Board requested that they forward to the Board Office the approval letters from the Department of Higher Education, the United States Department of Education, and the Accrediting Council for Independent Colleges and Schools upon receipt. Also, the Board would like to be notified when a target date has been determined for initiation of this admission process.

Carrie Simon moved, seconded by Lisa Freeman, to approve the changes to the admission process of offering courses prior to admission into the LPN Program. The motion passed unanimously.

MOTION FOR SUMMARY SUSPENSION – JACQUELINE SILVA, LPN

Department Attorney Ellen M. Shanley presented with Board with a Motion for Summary Suspension for Jacqueline Silva. Ms. Silva was not in attendance as she is currently incarcerated at York Correctional Facility in Niantic, CT. Ms. Silva did not have representation at this meeting. 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 Order and the Notice of Hearing scheduling the hearing to December 4, 2013 which will be served to Ms. Silva by State Marshal at York Correctional where she is currently incarcerated. The documents will also be mailed certified mail – return receipt requested and first class mail to Ms. Silva's address of record and any other addresses the Department may have for Ms. Silva

MEMORANDUM OF DECISION – AMBER KALOUSTIAN, RN

All Board Members were e-mailed the final Memorandum of Decision prior to this meeting. Mary Brown moved to affirm the Board prior decision to place Ms. Kaloustian's license on probation after the successful completion of coursework as specified in the Memorandum of Decision. The motion was seconded by Ellen Komar and passed unanimously.

MINUTES

The minutes will be tabled until the December 4, 2013 meeting.

HEARING – SAMANTHA COLBERT, RN

Staff Attorney Linda Fazzino was present representing the Department of Public Health. Ms. Colbert was not in attendance and was not represented by counsel. Attorney Shanley made an Oral Motion to Deem Allegations Admitted. Jennifer Long moved to grant the Department's Motion to Deem Allegations Admitted which was seconded by Mary Brown, and passed unanimously. There was no testimony provided.

Jennifer Long moved to find Ms. Colbert as charged. The motion was seconded by Carrie Simon and passed unanimously.

Jennifer Long then moved that Ms. Colbert's license be revoked as she had violated the terms of the October 2, 2013 Memorandum of Decision. Ms. Colbert has been working without a license for quite some time. The motion was seconded by Carrie Simon and passed unanimously.

HEARING – PAMELA DOLE, RN/APRN

Attorney Matthew Antonetti was present representing the Department of Public Health. Ms. Dole was present pro se. This is the sixth meeting date for this case.

Discussion incurred regarding Ms. Dole's Motion for Designation of Hearing Entity. Attorney Antonetti responded to respondent's motion referring to Section 20-90 of the General Statutes of Connecticut which provides the Board with full authority to hear this hearing. Mary Brown moved to deny the respondent's motion, which was seconded by Lisa Freeman, and passed unanimously.

At the conclusion of the October 16, 2013 hearing, the Board could not rule on Ms. Rapsilber, APRN, as an expert witness, as the Board had lost its quorum. Ms. Dole had wanted the record to reflect Ms. Rapsilber as an expert witness and the Department had objected. Mary Brown moved, seconded by Carrie Simon, to accept Ms. Rapsilber as an expert witness, which passed unanimously. Chair Bouffard overruled the Department's objection and advised Ms. Dole to question her expert witness. The Board took a 15 minute recess at 10:20 AM. Mary Brown then moved to go into Executive Session for Ms. Dole to question Ms. Rapsilber regarding patient's records. The motion was seconded by Lisa Freeman and passed unanimously. Once the

questioning was completed regarding patient's records, Mary Brown moved, seconded by Lisa Freeman, to return the hearing to public session. The motion passed unanimously. Testimony by Lynn Rapsilber continued. Jennifer Long left at 12:57 PM during the Board's questioning of Ms. Rapsilber.

The hearing closed for the day at 1:10 PM at which time Ms. Dole made an Oral Motion to Dismiss the Statement of Charges. Ms. Dole's motion was so noted.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 1:15 PM.

Patricia C. Bouffard, Chair
Board of Examiners for Nursing