

The **Board of Examiners for Nursing** held a meeting on December 2, 2009 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Amanda Campbell, RN
Heidi Darling, LPN
Veronica Kivela, Public Member
Jennifer Long, APRN
Katherine Pellerin, RN
Maria Pietrantuono, RN
Donna Roberts, LPN
Kathy K. Shea, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Joanne V. Yandow, Staff Attorney, Public Health Hearing Office, DPH
Norma D. Gyle, Deputy Commissioner, DPH
Jennifer Filippone, Section Chief, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Pamela Pelletier, Nurse Consultant, DPH
Linda Fazzina, 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
Janice E. Wojick, Administrative Assistant, DPH
Tynan E. Cooney, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:30 AM.

STUDENTS

Chair Bouffard welcomed students from E.C. Goodwin Tech LPN Program.

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

CHAIR UPDATES

Chair Bouffard announced that Ivelisse Varrone has resigned from her position as a Public Member on this Board effective November 25, 2009.

GOVERNOR'S BUDGET MITIGATION PLAN TO SUSPEND LPN PROGRAMS AT THE CT TECHNICAL HIGH SCHOOLS

The Board discussed the possibility of Governor Rell suspending the CT Technical High School LPN Programs effective after the present class graduates in January 2010 which the Governor has the power to do without Legislative approval. Pam Pelletier apprised the Board that there are presently 10 LPN programs which have full-time day programs and two of these programs have part-time evening programs. Presently there are adult students who have made life changes to enter into these programs and are waiting their acceptance letters to start classes on January 25, 2010. While one Board Member understood and discussed the Governor's position regarding the need to suspend the programs, the majority of the discussion from the Board and the audience was to keep the LPN programs up and running. There was discussion that the Governor would not even entertain the idea of increasing the tuition. The Board questioned how long the programs would be suspended, would it be eighteen months or longer? The Board heard discussion from the students, Kaynor's LPN Department Head, Patricia Fennessy, DOE Consultant for the CT Technical High School System, and Attorney Mary Alice Moore Leonhardt. The President of the CLPNA works at Southbury Training School and stated that nurses have paid overtime in this facility since June as the Governor will not fill the nursing vacancies. Chair Bouffard will write a letter to the Governor on behalf of the Board. The discussion ended at 9:15 AM.

MOTION FOR SUMMARY SUSPENSION – JESSICA JOHNSON, RN, APRN

Legal Office Attorney Linda Fazzina presented the Board with a Motion for Summary Suspension for Jessica Johnson. Ms. Johnson was present with counsel, Attorney Martha Murray. Maria Pietrantuono moved and Veronica Kivela seconded that the Motion for Summary Suspension be granted. Discussion followed and the motion failed as all were opposed. A new motion was raised by Amanda Campbell, seconded by Donna Roberts, to deny the Motion for Summary Suspension. The motion passed with all in favor. It was the recommendation of the Board that the charges be dismissed.

MEMORANDA OF DECISION

The Board Members received the Memoranda of Decision for review via E-Mail.

STORMY DAVIS, LPN

Mary Brown moved and Katherine Pellerin seconded to affirm the Board's prior decision to revoke Mr. Davis' LPN license. The motion passed with all in favor with the exception of Kathy Shea who abstained.

MARC BILODEAU, RN

Maria Pietrantuono moved and Katherine Pellerin seconded to affirm the Board's prior decision to dismiss this case. The motion passed with all in favor with the exception of Kathy Shea who abstained.

Break 9:52 AM – 10:10 AM

CONSENT ORDER – SAMANTHA ANGELINI, RN

Legal Office Attorney Linda Fazzina presented the Board with a Consent Order for Ms. Angelini. Ms. Angelini was not present was not represented at this meeting. Mary Brown moved and Veronica Kivella seconded to accept the Consent Order as written. The motion passed unanimously. Chair Bouffard signed the Consent Order.

CONSENT ORDER – DENISE ROBIN, RN

Legal Office Attorney Ellen M. Shanley presented the Board with a Consent Order for Ms. Robin. Ms. Robin was not present and was not represented at this meeting. Amanda Campbell moved and Katherine Pellerin seconded to accept the Consent Order as written. The motion passed with all in favor with the exception of Kathy Shea and Patricia Bouffard who were opposed.

MOTION TO WITHDRAW STATEMENT OF CHARGES – ANTHEA MENDEZ, RN, APRN

Legal Office Attorney David Tilles was present representing the Department of Public Health. Ms. Mendez was not present although she was represented by counsel, Attorney Mary Alice Moore Leonhardt. Jennifer Long moved and Veronica Kivella seconded to accept the Withdrawal of the Statement of Charges. The motion passed unanimously. Chair Bouffard signed the Motion to Withdraw.

HEARING – MARK POWER, LPN

Legal Office Attorney Ellen M. Shanley was present representing the Department of Public Health. Mr. Power was present pro se. Testimony was provided by Valerie Latrelle, Director of Nursing at Noble Horizons, and Mr. Power.

Amanda Campbell moved and Katherine Pellerin seconded to find Mr. Power on all charges. The motion passed unanimously.

Amanda Campbell moved and Heidi Darling seconded to revoke Mr. Power's license. The motion passed unanimously.

HEARING – GEOFFREY PERKINS, RN

Legal Office Attorney Linda Fazzino was present representing the Department of Public Health. Mr. Perkins was present with counsel, Attorney Michelle Testa. This is the second day of hearing for Geoffrey Perkins. Testimony was provided by Mr. Perkins.

Lunch break during Mr. Perkins' testimony was from 1:03 PM to 1:40 PM.

Prior to the fact finding and determining a remedy in this case, Katherine Pellerin recused herself from discussion and voting on this case. Amanda Campbell left during closing statements.

Mary Brown moved and Donna Roberts seconded to find Mr. Perkins on all charges with the exception of 3c. The Board cannot find on 3c based on the evidence presented. The motion passed unanimously.

Mary Brown moved and Donna Roberts seconded to place Mr. Perkins' license on probation for one year, a civil penalty of \$500.00, and coursework in Scope of Practice, Medication Administration, and Documentation. Mr. Perkins is not to work for a nursing pool agency and will have his employer provide the Department of Public Health quarterly employer reports. The motion passed with all in favor with the exception of Patricia Bouffard, Heidi Darling, and Jennifer Long who were opposed.

Maria Pietrantuono left at this time.

HEARING – ETHLYN CHERRINGTON, LPN

Attorney Daniel Schopick requested a continuance as it appeared that the Board would not be able to start his case today. A continuance was granted to February 3, 2010. Documentation will follow in the mail.

HEARING – CAROLYN SCHIEREY, RN

Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Ms. Schierey was present with counsel, Attorney Mary Alice Moore Leonhardt. Testimony was provided by Diane Cybulski. At 4:20 PM Jennifer Long motioned that the Board move into Executive Session to hear testimony regarding confidential treatment records. The motion was seconded by Heidi Darling and passed unanimously. At 4:30 PM Katherine Pellerin and Donna Roberts left the day at which time the Board lost a quorum. The hearing concluded at 5:10 PM and was rescheduled to January 20, 2010 at 9:00 AM.

HEARING – CAROL SCHAFFER, RN

The hearing for Carol Schaffer was rescheduled to December 16, 2009 at 10:00 AM. This hearing will be the first hearing scheduled. Attorney David Tilles had questions regarding the need for an expert witness in this case. This discussion will be continued to the December 16th meeting.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 5:15 PM.

The **Board of Examiners for Nursing** held a meeting on December 16, 2009 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Veronica Kivela, Public Member
Jennifer Long, APRN
Katherine Pellerin, RN
Maria Pietrantuono, RN
Kathy K. Shea, Public Member

BOARD MEMBERS ABSENT: Amanda Campbell, RN
Heidi Darling, LPN
Donna Roberts, LPN

ALSO PRESENT: Olinda Morales Staff Attorney, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Pamela Pelletier, Nurse Consultant, DPH
Linda Fazzina, Staff Attorney, Legal Office, DPH
Joelle Newton, 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
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 2010 graduating classes of A. I Prince and Howell Cheney LPN Programs.

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

CHAIR UPDATES

Chair Bouffard participated in the NCSBN Member Board Dial-in regarding the financial audit, the expose' of the California Board of Nursing, the Multistate Licensure Compact, and questions regarding Connecticut becoming a formal member of NURSYS.

Chair Bouffard was interviewed for scope of practice for the Legislative Program Review and Investigations Committee.

OPEN FORUM

No questions from the audience.

ADDITIONAL AGENDA ITEMS

No additions to the agenda.

LEGISLATIVE UPDATE

Nothing new to report at this time. Session starts February 3, 2010. It is too early for agenda items.

As the State of Connecticut is facing a financial crisis that requires immediate action to reduce the state's budget deficit, the CT Technical High School Licensed Practical Nurse Program class scheduled to begin on January 25, 2010 has been suspended.

Students that are presently enrolled in the day and evening programs will have the opportunity to complete their programs, but all future programs are suspended. Any inquiries regarding the LPN program can be e-mailed to Patricia.Fennessy@ct.gov.

LICENSURE ISSUES

Kathleen Boulware was present to answer the Board's questions on licensure issues.

SCHOOL ISSUES

NAUGATUCK VALLEY COMMUNITY COLLEGE – WAIVER REQUESTS

Joanne Ottman was present from the program to request a waiver for Kimberly Frederick. Katherine Pellerin moved and Mary Brown seconded to extend the waiver through May, 2010 for Ms. Frederick. The motion passed unanimously.

THREE RIVERS COMMUNITY COLLEGE – WAIVER REQUESTS

Ellen Freeman was present from the program to request three waivers.

Maria Pietrantuono moved and Jennifer Long seconded to grant the waiver for Paula Sullivan through May, 2010. The motion passed unanimously.

Katherine Pellerin moved and Maria Pietrantuono seconded to table the waiver request for Zina Y. Ruban. The program must provide an updated transcript and a letter that she has matriculated into the MSN program at the University of Connecticut. The motion passed unanimously.

Mary Brown moved and Katherine Pellerin seconded to table the waiver request for Shawna Edwards. The program must provide an updated transcript and a letter that she has matriculated into the MSN program at the University of Connecticut. The motion passed unanimously.

GATEWAY COMMUNITY COLLEGE – WAIVER REQUESTS

No one was present from the program to request/present the waiver. Katherine Pellerin moved and Mary Brown seconded to deny the request for a permanent waiver for Rosemary Ozyck. The motion passed unanimously. The decision was based upon Ms. Ozyck's lack of nursing experience (two years) and the school's failure to demonstrate that Ms. Ozyck will receive the appropriate level of mentorship required in a faculty role.

Lynette Palmer's waiver request was tabled as we need verification of the accreditation status of the institution.

SACRED HEART UNIVERSITY – WAIVER REQUEST

Kathleen Fries was present from the program to request two faculty education waivers.

Jennifer Long moved and Katherine Pellerin seconded to grant Kathleen Jimmie a one-year temporary waiver. The motion passed unanimously.

Jennifer Long moved and Maria Pietrantuono Michelle Towle seconded to table this waiver request pending receipt of letter of matriculation into the master's program and an updated transcript from Sacred Heart University. The motion passed unanimously.

SCHOOL ISSUES – HOWELL CHENEY LPN PROGRAM SURVEY REPORT

Audrey Szezesiul, Acting Department Head at Howell Cheney, and Patricia Fennessy, CT Technical High School Consultant, were present for the presentation of the survey review. Mary Brown moved and Jennifer Long seconded to approve the five-year survey as presented. The motion passed unanimously.

SCHOOL ISSUES – RN PRECEPTORSHIP

The school is responsible for assuring that preceptors meet the regulations and that they shall guide and direct an advanced level RN student in the final year of study in an RN program. The faculty member of the school must be available to the preceptor for questions and/or concerns regarding the RN student while in the clinical setting.

CORRESPONDENCE AND STATISTICS ON INQUIRIES

Diane Cybulski apprised the Board and the audience of the scope of practice calls received in the Board Office during the months of October and November.

A frequently asked question, can someone with an RN and LPN license work as an LPN? The answer is yes although they cannot work beyond the scope of the license for which they were hired. If the nurse was hired as an LPN, the nurse cannot be held to the higher level of an RN. The nurse cannot exceed the scope of the role for which he/she was hired.

Break 10:00 AM – 10:10 AM

REINSTATEMENT HEARING REQUEST – KAREN CARLSON McPADDEN, RN

Ms. McPadden was present with counsel, Attorney Martha Murray, to request a reinstatement hearing. Mary Brown moved and Jennifer Long seconded to grant Ms. McPadden's request for a reinstatement hearing. The motion passed with all in favor. The hearing will be scheduled for February 17, 2010 at 9:00 AM.

REQUEST TO LIFT LICENSURE RESTRICTIONS – LAUREEN MANCINONE, RN

Ms. Mancinone was present to request that the Board lift the supervisory restriction as stated in her current Consent Order in order to allow her to supervise on an occasional basis. She has demonstrated safe and appropriate nursing skills and decisions. A letter was received by the director of nursing stating that by allowing Ms. Mancinone to be able to supervise, it would help with staffing to utilize Ms. Mancinone's skills as supervisor to assist with call-outs and vacation. The current Consent Order expires March 1, 2010. Maria Pietrantuono moved and Mary Brown seconded to grant Ms. Mancinone's request to lift the licensure restrictions to allow her to supervise occasionally. The motion passed with all in favor.

MOTION TO WITHDRAW STATEMENT OF CHARGES – JESSICA JOHNSON, RN, APRN

Legal Office Attorney Linda Fazzina presented the Board with a Motion to Withdraw the Statement of Charges. Ms. Johnson was not present although she was represented by counsel, Attorney Martha Murray. Jennifer Long moved and Katherine Pellerin seconded to grant the Motion to Withdraw the Statement of Charges. The motion passed unanimously.

MOTION FOR SUMMARY SUSPENSION – KELLY JEAN RUDY, LPN

Legal Office Attorney Joelle Newton presented the Board with a Motion for Summary Suspension for Kelly Jean Rudy. Ms. Rudy was not present and did not have representation at this meeting. Jennifer Long moved and Katherine Pellerin 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 January 20, 2009.

INTERIM CONSENT ORDER – MICHAEL R. GORE, LPN

Legal Office Attorney Ellen M. Shanley presented the Board with an Interim Consent Order for Michael R. Gore. Maria Pietrantuono moved and Jennifer Long seconded to grant the Interim Consent Order. The motion passed unanimously. Chair Bouffard signed the Order.

INTERIM CONSENT ORDER – VIRGINIA PAYTON, RN

Legal Office Attorney Ellen M. Shanley presented the Board with an Interim Consent Order for Virginia Payton. Katherine Pellerin moved and Mary Brown seconded to grant the Interim Consent Order. The motion passed unanimously. Chair Bouffard signed the Order.

INTERIM CONSENT ORDER – JOHN DiGIOVANNI, RN, APRN

Legal Office Attorney Diane Wilan presented the Board with an Interim Consent Order for John DiGiovanni. Mr. DiGiovanni was present although he was not represented by counsel. Maria Pietrantuono moved and Jennifer Long seconded to grant the Interim Consent Order. The motion passed unanimously. Chair Bouffard signed the Order.

HEARING – CAROL SCHAFFER, RN

Legal Office Attorney David Tilles was present representing the Department of Public Health. Ms. Schaffer was present with counsel, Attorney Mary Alice Moore Leonhardt. Testimony was provided by Carol Schaffer and Dr. Terry Walsh Gottlieb.

Due to lack of a quorum, Fact Finding has been scheduled for February 3, 2009 at 9:30 AM.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn today's meeting at 4:28 PM.