

The **Board of Examiners for Nursing** held a meeting on February 4, 2009 at the Department of Public Health Complex, Room 470-C, 410 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
Katherine Pellerin, RN
Donna Roberts, LPN

BOARD MEMBERS ABSENT: Merrily Moynihan, Public Member
Maria Pietrantuono, RN
Ivelisse Varrone, Public Member

ALSO PRESENT: Daniel Shapiro, Assistant Attorney General
Jennifer Filippone, Section Chief, OPLC, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Stanley K. Peck, Section Chief, Legal Office, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Donna Canalis, Nurse Consultant, DPH
Roberta A. Swafford, Staff Attorney, Legal Office, DPH
Diane Wilan, Staff Attorney, Legal Office, DPH
Deborah Brown, Health Program Associate, OPLC, DPH
Jeffrey A. Kardys, Administrative Hearings Specialist, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:45 AM.

STUDENTS

Chair Bouffard welcomed students from the University of Hartford and the University of Connecticut, Storrs campus.

Chair Bouffard would provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs during the morning break.

OPEN FORUM

There were no items for discussion brought up before the Board from the audience.

ADDITIONAL AGENDA ITEMS & REORDERING OF THE AGENDA

Gateway Community College – Emergency Waiver Request
Memorandum of Decision – Melanie Meade, LPN

SCHOOL ISSUES – PEARSON VUE DISCUSSION

Stephen Carragher, DPH OPLC Supervisor, was unable to be present at this meeting as he was involved in a three-day training for the new on-line licensure verification. This matter will be rescheduled for March 4, 2009 meeting.

SCHOOLS ISSUES – QUESTIONS FROM DEANS & DIRECTORS RELATED TO NCLEX RESULTS

Deb Brown was present from DPH/OPLC for this discussion. Currently the reports from Pearson Vue are critically confusing to the schools, to the public, to everyone.

Donna Canalis provided the Board with a list of recent questions from the Deans and Directors (D&D) regarding NCLEX reports which are as follows:

- Could the nursing programs self report on a quarterly basis to the Board as to their pass rate?
- Could the Board clarify the reporting period?
- Could the Board consider second time pass rates before placing programs on probation? (this goes against the regulations for nursing programs)
- Could Pearson Vue report to schools and to the Licensing Department? (Deb Brown will check into this)
- Pearson Vue should include pass rates from out-of-state takers in the scores. They do not do this consistently.

Additional questions or situations which have occurred.

An LPN student left one program and moved to another having only three months to complete her schooling. This student then failed the NCLEX and the second school had this failure added to their percentile. Should this failure be the responsibility of the first school? No, the score reflects the program that the nurse graduated from.

The D&D would like confirmation on the following: The schools first-time takers have from May 1st to April 30th to take the NCLEX. If this group of first-time takers is enough to increase the schools pass rate to 80 or above if they pass, then the school will not be put on conditional status until tests are taken and scores received.

If the number of first-time takers is not enough to increase the schools pass rate to 80 or above (if they pass) then the school is put on conditional status and the May 1st to April 30th deadline does not apply.

D&D Suggestions (to be put in a protocol)

Once NCLEX reports are received any school under the 80th percentile must submit in writing the following:

- # of candidates,
- # of students who took the NCLEX,
- # of students who passed the NCLEX,
- # of students who failed the NCLEX, and the
- # of students who still need to take the NCLEX.

The school must then calculate if the number of first-time takers is enough to increase the schools pass rate to 80 or above (if they pass) and submit the information to the Board. The school will not be put on conditional status at this time.

As first-time takers begin to take the NCLEX the school must inform the Board when their score is 80 or above and stable enough not to be effected by any further takers who fail. This will be the end of monitoring by the Board.

If the NCLEX score is below the 80th percentile, the school must inform the Board if the number of first-time takers is not enough to increase the schools pass to 80 or above, even if the first-time takers pass. The Board will then place the school on conditional status and request a plan of correction.

If the next class exceeds the 80th percentile the conditional status will be removed.

Conditional approval may be granted for one year. Could it be less? (statute states that conditional approval may be granted for one year to a program previously having initial or full approval.)

Janice Costello, Goodwin ADN Program, has concerns as the way the regulations are presently written as they do fit schools with multiple cohorts which cannot be looked at as a program with one graduating class.

A lot of the reporting issues stem from students entering incorrect information into the system as to year of graduation, the correct school program code, first-time takers, etc. Chair Bouffard will check with other states to see how they are handling the NCLEX results from Pearson Vue.

Donna Canalis will set up a protocol that would work for everyone.

Deb Brown will bring back the questions from the D&D to Stephen Carragher who will attend the March 4th BOEN Meeting.

SCHOOL ISSUES – NCLEX RESULTS – FOURTH QUARTER

The Board reviewed the quarterly NCLEX results and the 2008 yearly summary.

DDS PROPOSED AMENDED REGULATIONS CONCERNING ADMINISTRATION OF MEDICATIONS

Staff from DPH, Wendy Furniss, Jennifer Filippone, Kathy Boulware, and Diane Cybulski met with DDS regarding the proposed amended regulations. DPH staff asked for clarification of the regulations, shared their concerns, and offered language changes. The Board has concerns regarding training and oversight. Assessment is also a concern to the Board regarding this very vulnerable population.

David Carlow from DDS will provide the Board with a copy of the training and the oversight systems which are in place, the safeguards, the team process.

LEGISLATIVE UPDATE

Diane Cybulski had nothing new to report to the Board as it is just the beginning of the Legislative Session.

SCHOOL ISSUES – NAUGATUCK VALLEY COLLEGE WAIVER REQUEST

Naugatuck Valley College requested a temporary faculty education waiver for Kim Frederick who will complete her MSN program requirements in May, 2010. Mary Brown moved and Amanda Campbell seconded to reaffirm an e-mail vote of December 17, 2009 that a one-year temporary waiver be granted. The motion passed unanimously. Chair Bouffard recused herself from the discussion and the voting.

SCHOOL ISSUES – QUINNIPIAC UNIVERSITY WAIVER REQUEST

Present from the program was Lisa O'Connor, Director of the Undergraduate Nursing Program requesting a permanent waiver for Eileen Hermann who currently has a Master's in Health Science and is pursuing her Doctorate in Nursing Science. Amanda Campbell moved and Katherine Pellerin seconded to grant the permanent waiver. The motion passed unanimously.

Ms. O'Connor also requested a permanent waiver for Patricia Melady who holds a Master's in Professional Studies with a focus in Health Administration and a Doctorate in Education. Katherine Pellerin moved and Amanda Campbell seconded to grant the permanent waiver. The motion passed unanimously.

SCHOOL ISSUES – WESTERN CONNECTICUT STATE UNIVERSITY WAIVER REQUEST

Present from the program was Dr. Karen Crouse, Chair of the Department of Nursing, requesting a one-year waiver for Monica Perry who is currently matriculated in Western's MS in Nursing Program. Katherine Pellerin moved and Donna Roberts seconded that Ms. Perry be granted a temporary waiver for the Spring 2009 semester pending a letter of matriculation. The motion passed with all in favor.

SCHOOL ISSUES - GATEWAY COMMUNITY COLLEGE – EMERGENCY WAIVER REQUEST

Present from the program was Sheila Solernou, Division Director, requesting a permanent waiver for Jennifer Baskin who has a Master's in Health Care Administration. Katherine Pellerin moved and Donna Roberts seconded to grant the waiver pending receipt of the official transcript. The motion passed unanimously.

SCHOOL ISSUES – GOODWIN COLLEGE – NCLEX SCORES – PLAN OF CORRECTION

Janice Costello, Director of the ADN Program at Goodwin College, was present to provide the Board with a report reviewing the graduation months of April 2008 and August 2008. The pass rates were 86.6% and 87.5%. Mary Brown moved and Donna Roberts seconded to accept the report as presented. The motion passed unanimously.

SCHOOL ISSUES – GOODWIN COLLEGE – NEW LOCATION

Janice Costello advised the Board that Goodwin College AND Nursing Program would be relocating to 1 Riverside Drive in East Hartford. The school anticipates the move in May of 2009 with a starting date of May 12, 2009 for the first semester. Ms. Costello will contact Donna Canalis to schedule a time and date for the site visit at the new location prior to the start of classes.

CT COMMUNITY COLLEGES EVALUATION DATES

Linda Perfetto, Sheila Solernou, and Ellen Freeman were present to provide the Board with a brief verbal summary of their progress as a common curriculum. They have chosen to accept the recommendation of the NLNAC to go forth as per their previous program accreditation cycles. Mary Brown moved and Donna Roberts seconded that the program provide an executive summary in the fall of 2009 as the Connecticut Community College Nursing Program offered at five colleges. The motion passed with all in favor with one abstention, Chair Bouffard.

SOUTHERN CT STATE UNIVERSITY – NEW CHAIR

The Board reviewed Lisa M. Rebeschi's CV regarding her appointment as Chairperson for the Department of Nursing at SCSU. Mary Brown moved and Amanda Campbell seconded to approve the appointment and wished Ms. Rebeschi the best in her new endeavors. The motion passed unanimously.

LINCOLN TECHNICAL INSTITUTE WAIVER REQUEST

Jo-Ann Dean, Regional Program Administrator, and Cindy Williams, Program Manager of the New Britain Campus, was present from the program requesting two temporary faculty education waivers.

The first waiver is for Karen Wexell at the Hamden Campus. Ms. Wexell is a matriculated student in the MSN Program at the University of Hartford with projected graduation in May of 2009. Donna Roberts moved and Mary Brown seconded to grant Ms. Wexell a five-month temporary waiver. The motion passed unanimously with the exception of Katherine Pellerin who was not in attendance at this time.

The second waiver is for Carol Barnes at the New Britain Campus. Ms. Barnes is a matriculated student in the MSN Program at the University of Hartford with projected graduation in May of 2010. Mary Brown moved and Donna Roberts seconded to grant Ms. Barnes an eighteen-month temporary waiver. The motion passed unanimously.

The third waiver is for Kathryn Reed who is a matriculated student in the MSN Program at the University of Hartford with projected graduation in May of 2010. Mary Brown moved and Donna Roberts seconded to grant Ms. Reed a temporary waiver through June, 2009. The motion passed unanimously.

NEW LPN CURRICULUM UPDATE

Patricia Fennessy was present and reviewed her report on the implementation of the revised curriculum for the Licensed Practical Nurse Program at the Connecticut Technical High School System with the Board. The revised curriculum was implemented with the class admitted in August 2008.

Mary Brown moved and Heidi Darling seconded to approve the report as written. The motion passed unanimously.

NCSBN – RN TEST PLAN

The Board reviewed the updated RN Test Plan and did not have any feedback.

SCOPE OF PRACTICE CALLS FOR OCTOBER, NOVEMBER, AND DECEMBER 2008

Diane Cybulski reviewed the scope of practice calls for Fall, 2008. There were several calls on the following: Botox, collagen, RN delegation, LPN scope of practice, Suboxone being used in clinics, and questions on dispensing. Ms. Cybulski also updated the Board and audience that the contact person for the H.A.V.E.N. Program was Maureen Dinnan who may be reached at 860-296-9196.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING UPDATE

Chair Bouffard updated the Board on the following NCSBN issues:

- Mid Year Meeting in March – Chair Bouffard unsure if she will be able to attend
- Board of Directors meeting in December regarding Delegate Assembly issues
- Authorized three Webinars
- Reviewing on how to distribute the Business Book for the Delegate Assembly
- There is Controversy with the Compact and Single State License
- Letter from CGFNS re: LPN Foreign Nurses

SCHOOLS ISSUES – THREE RIVERS COMMUNITY COLLEGE CONCERNS

Ellen Freeman, Interim Director of the Nursing Program, has concerns regarding the nursing profession which she would like documented as follows:

- Nursing shortage
- Acute care facility – concerns of aging faculty not willing to work with eight or nine students
- Impact on future nurses
- Nursing Program Regulations – need for review of the ratios which are currently 1:10 – this is unsafe
- She has been asked to have less than eight students in critical care facilities
- Because of acuity of patients – medication administration passes
- Students no longer have back ups on the units as in the past
- Budget constraints

MEMORANDUM OF DECISION

Janice E. Wojick presented the Board with a Memorandum of Decision for Melanie Meade. Katherine Pellerin moved to affirm the Board's prior decision to extend her current by six months followed by 4 years probation. The motion was seconded by Mary Brown and passed with all in favor with one abstention, Donna Roberts.

APPROVAL OF MINUTES

The Board reviewed the following minutes.

SEPTEMBER 3, 2008

Mary Brown moved and Amanda Campbell seconded that the minutes be approved as written. The motion passed with three abstentions, Katherine Pellerin, Donna Roberts, and Veronica Kivela.

SEPTEMBER 17, 2008

Katherine Pellerin moved and Mary Brown seconded that the minutes be approved as written. The motion passed with three abstentions, Amanda Campbell, Donna Roberts, and Veronica Kivela.

OCTOBER 1, 2008

Katherine Pellerin moved and Donna Roberts seconded that the minutes be approved as written. The motion passed with two abstentions, Amanda Campbell and Veronica Kivela.

OCTOBER 15, 2008

Donna Roberts moved and Mary Brown seconded that the minutes be approved as written. The motion passed with three abstentions, Amanda Campbell, Katherine Pellerin, and Veronica Kivela.

NOVEMBER 5, 2008

Katherine Pellerin moved and Amanda Campbell seconded that the minutes be approved as edited. The motion passed with one abstention, Veronica Kivela.

NOVEMBER 19, 2008

Mary Brown moved and Katherine Pellerin seconded that the minutes be approved as edited. The motion passed with two abstentions, Heidi Darling and Veronica Kivela.

DECEMBER 3, 2008

Mary Brown moved and Donna Roberts seconded that the minutes be approved as written. The motion passed with three abstentions, Katherine Pellerin, Amanda Campbell, and Veronica Kivela.

DECEMBER 17, 2008

This meeting was cancelled due to the anticipation of inclement weather.

2009 BOEN MEETINGS

All meetings during the 2009 Legislative Session through and including June 3, 2009 will be held at the Department of Public Health. There is off-site parking only for students and visitors at 55 Forest Street in parking lot "C" located at the corner of Forest and Capitol Avenue. Visitors should contact the Board Office for the shuttle schedule. The shuttle service picks up at lot "C" every 10 to 15 minutes. And as a reminder, meetings held on February 18th and March 18th will be held in Room 470-A/B, which is the smaller conference room, and we will not be able to accommodate students.

HEARING – STORMY DAVIS, LPN

The hearing convened at 11:35 AM. Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Mr. Davis was present without representation. Testimony was provided by Mr. Davis. The hearing concluded at 12:25 PM and was continued to March 18, 2009 for updated medical records and therapist reports. Mr. Davis stated that he would sign the Medical Record Release forms.

HEARING – PATRICIA S. HALL, LPN

The hearing convened at 12:28 PM. Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Ms. Hall was present without representation. Testimony was provided by Ms. Hall.

Break 12:55 PM – 1:00 PM

HEARING – VANESSA KING, RN

The hearing convened at 12:55 PM. Legal Office Attorney Roberta A. Swafford was present representing the Department of Public Health. Ms. King was present without representation. Ms. King requested a continuance to March 4, 2009 which was granted.

Lunch Recess 1:20 PM – 1:45 PM during which time Amanda Campbell left for the day.

HEARING – PATRICIA S. HALL, LPN, continued

Executive Session till 2:08 PM.

Testimony by Ms. Hall resumed. At 2:10 PM the hearing was continued to February 18, 2009 at 9:00 AM.

HEARING – HELENA SPENCER, LPN

The hearing convened at 2:15 PM. Legal Office Attorney Roberta A. Swafford was present representing the Department of Public Health. Ms. Spencer was present with Attorney Martha Murray. Testimony was provided by Susan Anderson, RN Supervisor 11:00 PM to 7:00 AM shift. Testimony concluded at 4:50 PM. Ms. Anderson was excused and does not need to return. The hearing was continued to March 1st at 11:00 AM.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 4:55 PM.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Amanda Campbell, RN
Heidi Darling, LPN
Veronica Kivela, Public Member
Maria Pietrantuono, RN
Donna Roberts, LPN

BOARD MEMBERS ABSENT: Merrily Moynihan, Public Member
Katherine Pellerin, RN
Ivelisse Varrone, Public Member

ALSO PRESENT: Daniel Shapiro, Assistant Attorney General
Kathleen Boulware, Public Health Services Manager, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Bonnie Pinkerton, RN Probation Monitor, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Linda Fazzino, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Roberta A. Swafford, 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
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:32 AM.

STUDENTS

There were no students in the audience.

MEMORANDA OF DECISION

Janice E. Wojick presented the following Memoranda of Decision for signature.

CAROLE DENNISS, LPN

Heidi Darling moved and Amanda Campbell seconded to affirm the Board's prior decision to extend Ms. Denniss' probation for one year. The motion passed unanimously.

PAULA REGAN, RN

Maria Pietrantuono moved and Donna Roberts seconded to affirm the Board's prior decision to revoke Ms. Regan's license. The motion passed unanimously.

INTERIM CONSENT ORDER – JAMIE GRENIER, RN

Legal Office Attorney Matthew Antonetti presented the Board with an Interim Consent Order for Jamie Grenier. Ms. Grenier was not present and did not have representation. Mary Brown moved and Heidi Darling seconded that the Board accept the Interim Consent Order. The motion passed with all in favor. Chair Bouffard signed the Order.

MOTION FOR SUMMARY SUSPENSION – PATRICIA INTEGLIA, LPN

Legal Office Attorney Linda Fazzina presented the Board with a Motion for Summary Suspension for Patricia Integlia. Ms. Integlia was not present and did not have representation. Donna Roberts moved and Mary Brown seconded that the Board grant the Motion for Summary Suspension. The motion passed with all in favor. Chair Bouffard signed the Motion and the Notice of Hearing scheduling the hearing for March 4, 2009 at 11:00 AM.

CONSENT ORDER – ROSALINE LYNCH, LPN

Legal Office Attorney Diane Wilan presented the Board with a Consent Order for Rosaline Lynch. Ms. Lynch was resent with counsel, Attorney Charles Hallas. Maria Pietrantuono moved and Donna Roberts seconded that the Consent Order be denied. The motion passed with all in favor. Maria Pietrantuono made an amendment, which was seconded by Donna Roberts, that Ms. Lynch successfully complete a course in medication administration and documentation. The motion passed with all in favor. If the Order can be completed today, Attorney Wilan will return for signature.

HEARING – JOHN GINETTI, RN

Mr. Ginnetti's third hearing convened at 9:05 AM. Legal Office Attorney Leslie Scoville was present representing the Department of Public Health. Mr. Ginnetti was present pro se. Testimony was provided by Bonnie Pinkerton, RN Probation Monitor, DPH, Melissa Simonetti, Administrator, Lisa Sala, Social Worker, Frances Lescovich, Director of Nursing, and Dan Simonetti, Administrator. Mr. Ginnetti requested, under Section 4-177c, that some of the exhibits of patient's record be stricken from the hearing. The Board recessed at 10:10 AM for Mr. Ginnetti to review the patient's records.

CONSENT ORDER – ROSALINE LYNCH, LPN, CONTINUED

DPH Attorney Wilan presented the Board with a revised Consent Order which had been reviewed and signed by Ms. Lynch. The Board reviewed the revised Consent Order which included the coursework amendment. Donna Roberts moved and Amanda Campbell seconded that the Consent Order be accepted. The motion passed with all in favor. Chair Bouffard signed the Order.

Break 10:15 AM – 10:21 AM

HEARING – PATRICIA S. HALL, LPN

Ms. Hall's second hearing convened at 10:22 AM. Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Ms. Hall was present pro se. Testimony was provided by Bonnie Pinkerton, RN, DPH Nurse Consultant, and Donna Perugini, Director of Nursing at the Jewish Home for the Aged.

The hearing concluded at 11:10 AM.

Maria Pietrantuono moved and Mary Brown seconded that Ms. Hall be found on all charges. The motion passed with all in favor.

Maria Pietrantuono moved and Donna Roberts seconded that Ms. Hall's license be revoked. The motion passed unanimously.

Break 11:18 AM – 11:28 AM

HEARING – JOHN GINETTI, RN, CONTINUED

The hearing resumed at 11:28 AM and recessed at 11:39 AM.

HEARING – DOLORES SEPELAK, RN

The hearing convened at 11:41 AM. Legal Office Attorney Roberta A. Swafford was present representing the Department of Public Health. Ms. Sepelak was present with counsel, Attorney Martha Murray. Testimony was provided by Beth Matteson, RN.

Lunch Recess 1:15 PM – 1:45 PM

Testimony was provided by Pam Pelletier, RN, DPH. Attorney Murray requested that testimony on confidential records be done in Executive Session. The room was cleared of all observers. When testimony completed observers returned to the hearing room. Attorney Murray made a Motion to Dismiss as the allegations were not proven. Amanda Campbell moved and Heidi Darling seconded that the Motion to Dismiss be denied for discussion. The motion failed as all were opposed. A new motion was raised on the record by Maria Pietrantuono to grant the Motion to Dismiss. The motion was seconded by Donna Roberts and passed unanimously. As this was a Bench Decision the hearing transcript will be the written order as this was dismissed on the record.

Maria Pietrantuono left for the day.

HEARING – JOHN GINETTI, RN, CONTINUED

The hearing reconvened at 2:55 PM. Exhibits were entered into the Record. Testimony was provided by Mr. Ginnetti. The hearing will be rescheduled for March 4, 2009 at 10:30 AM. Patient "GL" will testify via speaker phone as this patient is unable to attend the hearing. Patient "PT" is not locatable, therefore "PT" will not be able to testify. The hearing concluded at 3:30 PM.

HEARING – RENEE DEVOE, RN

The hearing convened at 3:35 PM. Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Ms. Devoe was not present and did not have representation. Testimony was provided by Kathleen Boulware, DPH Public Health Services Manager, and Kristine Nasinnyk, Drug Control Agent.

The hearing concluded at 4:10 PM.

Mary Brown moved and Donna Roberts seconded that Ms. Devoe be found on all charges. The motion passed with all in favor.

Mary Brown moved and Donna Roberts seconded that Ms. Devoe's license be revoked. The motion passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 4:15 PM.