

The **Board of Examiners for Nursing** held a meeting on January 21, 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
Merrily Moynihan, Public Member
Katherine Pellerin, RN
Maria Pietrantuono, RN
Ivelisse Varrone, Public Member

BOARD MEMBERS ABSENT: Donna Roberts, LPN

ALSO PRESENT: Daniel Shapiro, Assistant Attorney General
Karen Buckley-Bates, Director, Government Relations, 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
Linda Fazzino, Staff Attorney, Legal Office, DPH
Joelle Newton, 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 8:35 AM.

STUDENTS

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

Chair Bouffard would provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs later in the meeting.

LEGISLATIVE UPDATE

Karen Buckley-Bates, DPH Office of Government Relations, was present to discuss with the Board the Legislative Initiatives for the Department of Public Health for the 2009 Legislative Session. Ms. Bates discussed the following three DPH bills which she thought would be of interest to the Board; day care/youth camp bill, environmental health changes to water and radon, and the DPH tech bill which the Board should keep a watch on throughout the session. There is a Governor's Bill regarding HIV/Aids. At present the requirement is that a written consent is needed to provide testing. The Governor's Bill would change this so that testing would become a routine part of the physical examination. The Governor's Budget Address will take place on February 4th for the July 1st, 2009 fiscal year budget. DPH and other agencies have been asked to lower expenditures by 10%. Also, there is a possibility that licensure fees may increase for health care practitioners, the professions involved have not been announced. This is also a bill regarding the increasing of scholarship funding for nurses, a bill regarding background checks for nurse aides, home health aides, and foreign nurses, and discussion regarding the APRN and their scope of practice.

Department of Developmental Services Proposed, Amended Regulations Concerning Administration of Medications

Statement of Purpose: To amend the Department of Developmental Services' administration of medications regulations to 1.) update terminology used in the field, 2.) reflect current best practices, and 3.) reflect changes in practice dictated by expanded choice in service options for the department's consumers. Sections 1 (17a-210-1) and 2 (17a-210-2) make various changes that effect administration of medications for the department's consumers in all service settings. Sections 3 (17a-210-3), 5 (17a-210-4), 6 (17a-210-5), 7 (17a-210-6), 8 (17a-210-7), 9 (17a-210-8), and 10 (17a-210-9) make changes in administration of medications in residential facilities, respite centers and day programs. Sections 4 (17a-210-3a) and 11 (17a-210-10) address the area of administration of medications to consumers in individual and family support settings and in community training homes. Throughout these proposed, amended regulations, the term for a person receiving services from or funded by the department has been changed to "consumer" to reflect current preferred terminology.

The public hearing concerning these proposed, amended regulations will take place on Monday, February 2, 2009 from 3:00 PM to 7:00 PM in Room 1A of the Legislative Office Building, 300 Capitol Avenue, Hartford, CT. The deadline for written comments is February 18, 2009. The Board will place this on the February 4, 2009 meeting agenda for discussion. The Board questioned as to whether or not the Department of Consumer Protection was involved. Also, the Board had concerns with the words "shall" and "may" regarding training.

SCHOOL ISSUES – SACRED HEART UNIVERSITY – PLAN OF CORRECTION

Dr. Anne Barker, Chair, and Kathy Fries, Undergraduate Director of Nursing, were present from the program. Having examined the most recent SHU NCLEX-RN exam report, the SHU Department of Nursing has drafted a plan of action to address their published pass rate of 75% for first time takers. SHU has hired a consultant and expert in the NCLEX recovery efforts who conducted a one-day faculty workshop to develop immediate strategies to ensure success in NCLEX testing for current senior nursing students in the program while also identifying longer-term strategies to promote continued NCLEX success in future SHU graduates. The content of the workshop is on the NCLEX exam, test construction, and item analysis, and use of mastery exams. At the conclusion of the workshop they would have a policy and procedure related to testing for the department and an action plan for the next year. The action plan would address guidelines for test construction and item analysis, use of mastery exams, and NCLEX preparation activities and guidelines. In December, 2008 four undergraduate faculty members enrolled in two six-week online courses that are cited on the NCSBN web site with program objectives of promoting critical thinking in nursing students and learning how to participate in test construction and analysis. SHU is also looking at teaching strategies that appeal to the millennial generation. Several nursing faculty members recently attended a day long workshop to learn about alternative modes of teaching and engaging students and will report this information to faculty who could not attend. They will also share exemplars of utilizing these teaching methods so that all faculty can become informed and open to considering the alternative styles of presenting (and evaluating) teaching material to the student body. SHU regrets that their recent NCLEX-RN scores do not illustrate their passion and energy to facilitate learning that will have a positive impact to the patients we seek to serve. In light of these findings, SHU is committed to reassessing their current teaching modalities, testing practices, and NCLEX test preparation strategies in order to provide instructional methodologies and programmatic goals to meet the needs of their students and the patients whom to commit to serve. Katherine Pellerin moved and Heidi Darling seconded to accept SHUs Plan of Correction. The motion passed unanimously.

MEMORANDA OF DECISION

Jeffrey A. Kardys presented the Board with the following Memoranda of Decision.

NOREEN SERBENT, RN

Mary Brown moved and Maria Pietrantuono seconded that the Board affirm their prior decision to revoke Ms. Serbent's license. The motion passed unanimously. Chair Bouffard signed the MOD.

SARAH THOMS, LPN

Merrily Moynihan moved and Amanda Campbell seconded that the Board affirm their prior decision to revoke Ms. Thoms' license. The motion passed unanimously. Chair Bouffard signed the MOD.

LAURIE PITKIN WOODSTOCK, RN

Attorney Mary Alice Moore Leonhardt was present for the presentation of the MOD. Katherine Pellerin moved and Mary Brown seconded that the Board affirm their prior decision to place Ms. Woodstock's license on probation for four years. The motion passed unanimously. Chair Bouffard signed the MOD.

FACT FINDING – JENNIFER MIEREZ, LPN

The hearing took place on November 19, 2008. Due to lack of a quorum, Fact Finding was rescheduled. Ms. Mierez was in attendance. All Board Members not in attendance at the hearing have been provided with the exhibits and all Board Members have been provided with a copy of the transcript.

Maria Pietrantuono moved and Merrily Moynihan seconded that Ms. Mierez be found as charged on paragraphs 1 and 2 and not found on 3 as there was conflicting testimony. The motion passed with all in favor with the exception of Ivelisse Varrone who was opposed and Veronica Kivela who abstained.

Maria Pietrantuono moved and Merrily Moynihan seconded that the charges be dismissed. The motion passed with the exception of Ivelisse Varrone who was opposed and Veronica Kivela who abstained.

MOTION FOR SUMMARY SUSPENSION – STORMY DAVIS, LPN

Legal Office Attorney Diane Wilan presented the Board with a Motion for Summary Suspension for Stormy Davis. Mr. Davis was not present and did not have representation. Amanda Campbell moved and Katherine Pellerin seconded that the Motion for Summary Suspension be granted. The motion passed with all in favor. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for February 4, 2009 at 11:30 AM.

MOTION FOR SUMMARY SUSPENSION – PATRICIA HALL, LPN

Legal Office Attorney Diane Wilan presented the Board with a Motion for Summary Suspension for Patricia Hall. Ms. Hall was present but did not have representation. Katherine Pellerin moved and Maria Pietrantuono seconded to grant the Motion for Summary Suspension. The motion passed with all in favor. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for February 4, 2009 at 11:30 AM.

CONSENT ORDER – THERESA YOUNG, LPN

Legal Office Attorney Roberta A. Swafford was present representing the Department of Public Health Ms. Young was not present and did not have representation. Marie Pietrantuono moved and Ivelisse Varrone seconded to accept the Consent Order. The motion passed with all in favor. Chair Bouffard signed the Consent Order.

CONSENT ORDER – JESSICA VITALE, RN

Legal Office Attorney Robert A. Swafford was present representing the Department of Public Health. Ms. Vitale was present with counsel, Attorney Martha Murray. Katherine Pellerin moved and Mary Brown seconded that the Consent Order be accepted. The motion passed with all in favor. Chair Bouffard signed the Consent Order.

CONSENT ORDER – PAUL PITNEY, RN

Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Mr. Pitney was present with counsel, Attorney Joanne Sheehan. Maria Pietrantuono moved and Amanda Campbell seconded that the Consent Order be accepted. The motion passed with all in favor. Chair Bouffard signed the Consent Order.

CONSENT ORDER – DEBORAH DELANEY, LPN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Delaney was not present and did not have representation. Katherine Pellerin moved and Maria Pietrantuono seconded that the Consent Order be accepted. The motion passed with all in favor. Chair Bouffard signed the Consent Order.

CONSENT ORDER MODIFICATION – DANIEL ALVES, RN

Legal Office Attorney Joelle Newton was present representing the Department of Public Health. Mr. Alves was not present and did not have representation. Mary Brown moved and Ivelisse Varrone seconded that the Consent Order Modification be accepted. The motion passed with all in favor. Chair Bouffard signed the Consent Order.

HEARING – BELINDA GARNETT-WUTKE, LPN

The hearing convened at 10:00 AM. Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Garnett-Wutke was present without counsel. Testimony was provided by Ms. Garnett-Wutke. The hearing concluded at 10:20 AM.

Mary Brown moved and Heidi Darling seconded that Ms. Garnett-Wutke be found on all charges. The motion passed with all in favor.

Katherine Pellerin made a motion, seconded by Mary Brown, to enter into Executive Session to obtain legal advice from the Assistant Attorney General from 10:29 AM to 10:51 AM. No motions were made and no votes were taken during Executive Session.

Mary Brown moved and Merrily Moynihan seconded that Ms. Garnett-Whutke's license be suspended for six months with therapist reports and urine screens followed by probation for four years with usual conditions. The motion passed unanimously.

HEARING – JOHN GINETTI, RN

The hearing convened at 11:08 AM. This is the second day of hearing for Mr. Ginetti. All Board Members who were not in attendance at the last hearing were mailed the hearing exhibits entered into the record. All Board Members were mailed the hearing transcript. Mr. Ginetti was present without representation. Testimony was provided by Mr. Ginetti. Lunch recess 12:05 PM – 12:35 PM. Testimony continued. The hearing concluded at 1:50 PM and will be rescheduled for February 18, 2009 at 9:00 AM.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 1:52 PM.