

The **Board of Examiners for Nursing** held a meeting on June 6, 2012 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Heidi Darling, LPN
Jennifer Long, APRN
Maria Pietrantuono, RN

BOARD MEMBERS ABSENT: Tarah Cherry, Public Member

ALSO PRESENT: Alfreda G. Gaither, Counsel to the Board, DPH
Wendy H. Furniss, Branch Chief, Healthcare Quality and Safety, DPH
Jennifer Filippone, Section Chief, DPH
Pamela Pelletier, Nurse Consultant, DPH
Linda Fazzino, Staff Attorney, Legal Office, DPH
Janice E. Wojick, Administrative Assistant, DPH

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

STUDENTS

Chair Bouffard welcomed students from Kaynor Tech LPN Program and Stone Academy LPN Program.

Chair Bouffard will provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs at the conclusion of this meeting.

CHAIR UPDATES

Chair Bouffard forwarded some practice issues to Diane Cybulski for a response.

OPEN FORUM

There were no questions or concerns from the audience.

ADDITIONAL AGENDA ITEMS AND REORDERING OF AGENDA

Revised agendas handed out this morning.

LEGISLATIVE UPDATE: GOVERNOR'S SENATE BILL 30: AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES

Wendy Furniss and Jennifer Filippone were present to provide the Board with an update on Senate Bill 30. The Board has grave concerns regarding the medical administration by homemaker health aides. The Board has concerns about maintaining patient safety and the integrity of nursing practice. The administration of medications requires skill, knowledge, and judgement related to the assessment of the patient. A Change from a licensed nurse administering medications in the home care settings as proposed would be a major change in health care policy in this state. It separates the individual who administers the medication from the individual who is responsible for the assessment and the outcome. This separation adds additional responsibility and time to the RN role and additional risks for the patient and for the RNs license. Safe administration of medications mandates the provider have skill in Assessment, Planning, Implementation, and Evaluation. These patients are the most vulnerable, frail, and may have multiple co-morbidities that need ongoing assessment. Patients may have decreased tolerance to the drugs due to systemic failure.

The RN is responsible for the implementation of the care plan and changes, the acceptance of verbal orders, the administration of medications by the proposed certified medication technicians. The RN is ultimately responsible for every patient if they are in a supervisory position; they are responsible for deciding who is safe to delegate this task to. This population needs professional monitoring, and without this, these patients may decompensate, and end up in Emergency Rooms. When assistive personnel become authorized to administer medications, the responsibility for the nursing care outcome remains with the nurse.

Regarding the training, the Department of Public Health had originally requested 40-hours of training although the Department did compromise to 32-hours of training. Connecticut will be taking the conservative approach to medication administration in homes by home health care aides. The Department is very appreciative for the Board's April 5, 1995 Declaratory Ruling "Delegation by Licensed Nurses to Unlicensed Assistive Personnel" which has been a very useful tool during these proceedings.

This bill has not yet passed and will be part of the implementor bill of the Special Session, June 12-13, 2012. Section 14 requires that every home health agency train unlicensed personnel to administer medications to individuals living in the community. If passed, this may possibly become effective January 2013, and protocols, policies and procedures, training, will all need to be in place. Pam Pelletier will be attending training and delegation seminar at the Keeney Center in Wethersfield on June 21, 2012.

The Board also expressed concerns in the proposed regulations for residential care facilities, regarding injectable medications.

Substitute Senate Bill 186 – Public Act 12-62 - An Act Concerning the Licensing, Investigation and Disciplinary Processes for Physicians and Nurses

Sec. 3. Subsection (a) of section 20-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Connecticut State Board of Examiners for Nursing shall consist of **twelve members** who are residents of the state to be appointed by the Governor subject to the provisions of section 4-9a. The Governor shall appoint **two members** who shall be graduates of an **approved school for licensed practical nursing; five members** who shall be **registered nurses, one** of whom shall, at the time of appointment, be **connected with an institution affording opportunities for the education of nurses, two** of whom shall hold **master's degrees in nursing** from a recognized college or university and **one** of whom shall hold a **degree of a doctor of nursing practice or doctor of nursing science** from a recognized college or university; **one** member who shall be an **advanced practice registered nurse**; and **four members** who shall be **public members**. Members of said board shall be residents of this state and professional members shall maintain good professional standing. No member of said board shall be an elected or appointed officer of any professional association of nurses or have been such an officer during the year immediately preceding his appointment. No member shall serve more than two full consecutive terms which commence after July 1, 1980. Any vacancy shall be filled by the Governor for the unexpired portion of the term.

SCHOOL ISSUES – CT TECHNICAL SCHOOL – THREE MONTH UPDATE

Patricia Fennessy, Educational Consultant for the Connecticut Technical High School Programs was present. The Board reviewed and approved the updated correction action letter of May 10, 2012 and requested that a report be submitted to include any hires for the Norwich LPN Program prior to the September 5, 2012 Board Meeting.

SCHOOL ISSUES – CENTRAL CT STATE UNIVERSITY – PERMANENT WAIVER REQUEST

Pam Pelletier provided the Permanent Waiver Request for Bettina Magliato as there was no one present from the CCSU Nursing Program. Maria Pietrantuono moved, seconded by Jennifer Long, to grant Ms. Magliato permanent faculty waiver status. The motion passed unanimously. Permanent waivers are not transportable from facility to facility. They are only usable at the facility where they were granted.

SCHOOL ISSUES – BRIDGEPORT HOSPITAL SCHOOL OF NURSING – PERMANENT WAIVER REQUEST

Carol Papp, Director of the BHSN Program, was present to request a permanent waiver for Katherine Casale. Mary Brown moved, seconded by Maria Pietrantuono, to grant Ms. Casale permanent faculty waiver status. The motion passed unanimously.

SCHOOL ISSUES - FAIRFIELD UNIVERSITY – NEW DEAN

Pam Pelletier advised the Board that Dr. Lynn Babbington has been appointed Dean of the School of Nursing at Fairfield. Maria Pietrantuono moved, seconded by Jennifer Long, to accept the credentials of Dr. Babbington as she meets the regulation criteria for that position. The motion passed unanimously and the Board wishes Dr. Babbington success in her new position. The Board would also like to thank Suzanne Campbell for filling in during the interim and keeping the Board up to date. There was no one present from Fairfield at today's meeting.

SCHOOL ISSUES - PORTER AND CHESTER INSTITUTE – UPDATE WATERTOWN & BRANFORD CAMPUSES

Audrey Szczesiul was present from Porter and Chester for this discussion. The Board reviewed the report regarding the status of the Watertown and Branford program's clinical make-up for the LPN Students regarding the virtual vs. hands-on clinical training. The Board requested that a written updated report regarding the Watertown and Branford programs be provided to the Board Office 30 days prior to the September 5, 2012 meeting.

SCHOOL ISSUES – SAINT JOSEPH COLLEGE – FIVE YEAR SURVEY REPORT

As no one was present from Saint Joseph College for their five year review, the Board tabled the review to the September 5, 2012 Board Meeting.

SCHOOL ISSUES – SOUTHERN CT STATE UNIVERSITY – FIVE YEAR SURVEY REPORT

Lisa Rebesch, Chair of the Department of Nursing at SCSU, was present to provide the five year survey report to the Board. Jennifer Long moved and Mary Brown seconded that SCSU has met all regulatory requirements outlined in Criteria 1 through 17 of the Nursing Education Program Review for Registered Nurses Preparatory Programs. The program was granted Full Approval and the next review will be in June, 2017. The motion passed unanimously.

SCHOOL ISSUES – NCLEX – 2012 FIRST QUARTER

Pam Pelletier reported that the RN first time pass rate for CT for the first quarter was calculated to be 90% and the LPN was 89%.

SCHOOL ISSUES – STONE ACADEMY – WEST HAVEN NCLEX – PLAN OF CORRECTION

Leslie Harris and Eleanor Davio were present from for the program. The Board reviewed and approved the corrective action plan to ensure that the NCLEX scores are maintained above 80% as per the regulations. Jennifer Long moved, seconded by Heidi Darling to accept the plan of correction and the program will not be placed on conditional status at this time as the Board decided that the NCLEX score documented in the first quarter of 2012 was an isolated incident based upon their previous NCLEX scores. The motion passed unanimously.

SCHOOL ISSUES – GOODWIN COLLEGE – NCLEX – PLAN OF CORRECTION

There was no one present from the program as Jan Costello had informed the Board Office that she was unable to attend. Goodwin admits three cohorts per year. The Board has concerns that the pass rate is 73.17%. Jennifer Long moved, seconded by Maria Pietrantuono to accept the plan of correction as submitted. The motion passed unanimously. Mary Brown moved, which was seconded by Jennifer Long, that the program be placed on conditional status for one year. The motion passed unanimously.

SCHOOL ISSUES – SCHOOLS ON CONDITIONAL STATUS – UPDATE ON ALL PROGRAMS

The following programs were placed on Conditional Status for one year as follows:

Lincoln Technical Institute - Hamden Campus thru December, 2012
CT Technical Vocational School - Norwich Campus thru March 2013
CT Technical Vocational School – A. I. Prince Campus thru March 2013
CT Technical Vocation School – Bullard Haven’s Campus thru March 2013
Goodwin College Associate Degree Program – thru June 2013

SCHOOL ISSUES – RN EDUCATIONAL PROGRAM STATISTICS DATA

Pam Pelletier provided the Board with the results of the survey which identified some interesting statistics. The **RN programs** turned away 1,746 qualified applicants and graduated 1,974 new RNs for the year 2011. The main reasons for turning away qualified applicants included site availability and lack of sufficient faculty, clinical sites, or resources. Also, the number of expected graduates for the year 2012 is 364 less than 2011.

The results of the survey for the **LPN programs** identified that the attrition rate remains high for the private institutions ranging from 24 – 41%. The number of LPN graduates that will be eligible for NCLEX for 2012 will be 1,588 – slightly less than the graduate RN programs. Also, these LPN programs admit two to four times yearly and their programs are 12 months. Whereas, the CT Vocational Technical High School Programs admit only once every 18 months and their attrition rate if 15% on the average.

SCHOOL ISSUES – CAPITAL COMMUNITY COLLEGE – INTERIM DIRECTOR

Pam Pelletier apprised the Board that Cynthia Adams will be taking a six month Sabbatical Leave of Absence from her position as Director at Capital Community College. The Board reviewed the credentials of Patricia Duclos-Miller, RN, MSN, who will serving as Interim Director. Maria Pietrantuono moved, seconded by Jennifer Long, to approve Patricia Duclos-Miller as Interim Director. The motion passed unanimously.

SCOPE OF PRACTICE – CORRESPONDENCE/STATISTICS ON INQUIRIES

Pam Pelletier updated the Board on calls received this month which were mostly the usual scope of practice inquiries and National Council of State Board of Nursing surveys.

NATIONAL COUNCIL OF STATE BOARDS OF NURSING UPDATE

Chair Bouffard and Jennifer Long will be attending the Annual Delegate Assembly in August in Dallas, Texas.

MOTION TO WITHDRAW STATEMENT OF CHARGES – KURT J. KRUKAS, RN

Janice E. Wojick presented the Board with a Motion to Withdraw Charges. The Board had reviewed this case at a Prehearing Review their meeting on June 6, 2012 at which time it was the unanimous decision of the Board that the charges be dismissed. Jennifer Long moved, seconded by Mary Brown, to accept the Motion to Withdraw Statement of Charges as previously recommended. The motion passed unanimously.

CONSENT ORDER – KATHLEEN CRIADO, LPN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Jennifer Long moved and Maria Pietrantuono seconded to accept the Consent Order as presented which was what the Board had recommended at their April 4, 2012 meeting. The motion passed unanimously.

CONSENT ORDER – DIANE ZECCOLA, RN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Zeccola was not present and was not represented by counsel at this meeting. Jennifer Long moved and Heidi Darling seconded to accept the Consent Order as presented which was what the Board had recommended at their April 4, 2012 meeting. The motion passed unanimously.

CONSENT ORDER - KRISTEN WEBBER, RN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Webber was not present at this meeting nor was she represented by counsel at this meeting. The Board reviewed the Consent Order and had concerns as to the length of the probation regarding this diversion case. Attorney Fazzina stated that the Department's decision was based on the report received from Dr. Alfred Herzog which the Board stated was almost a year old. Mary Brown moved, which was seconded by Maria Pietrantuono, to deny the Consent Order as presented. The Board requested a more timely report from Dr. Herzog. The Board also requested a reasonable explanation from the Department as to why this nurse was only assigned a one year probation rather than the normal four-year probation for this type of case. The motion passed unanimously.

MEMORANDA OF DECISION

DPH REQUESTS CLARIFICATION OF MOD LANGUAGE RE: BRYAN SHERMAN, LPN

The Board reviewed the documentation received from Bonnie Pinkerton seeking clarification of the MOD issued to Bryan Sherman on September 21, 2011. Mr. Sherman had questions regarding the length of the probation. The Board reviewed and discussed the documents provided. The Board unanimously agreed that Mr. Sherman's probation ends when he completed the remaining six months of the one-year license probation.

LISA ENGENGRO, RN

Maria Pietrantuono moved, which was seconded by Mary Brown, to accept the Memorandum of Decision as written. The motion passed unanimously.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 10:40 AM.

Board of Examiners for Nursing

The **Board of Examiners for Nursing** held a meeting on June 20, 2012 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Jennifer Long, APRN
Maria Pietrantuono, RN

BOARD MEMBERS ABSENT: Tarah Cherry, Public Member
Heidi Darling, LPN

ALSO PRESENT: Stacy M. Schulman, Counsel to the Board, DPH
Alfreda G. Gaither, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Linda Fazzina, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Ellen M. Shanley, 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 Stone LPN Program.

Chair Bouffard will provide the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs at some point during the meeting.

CHAIR UPDATES

There were no updates from the Board.

SCHOOL ISSUES – GOODWIN COLLEGE – NCLEX ISSUES – CONDITIONAL STATUS

Janice Costello, Chair of the Goodwin Nursing Department, was present to request that the Board overturn their June 6, 2012 decision to place Goodwin's ADN Program on Conditional Status based on recent NCLEX scores. The Board had based their decision on the NCLEX scores for the first quarter of 2012 which when calculated resulted in 73.1%. There were 40 students who sat for the NCLEX with only 29 passing. In accordance with the nursing education regulations, nursing education program performance is evaluated based on the NCLEX pass rate for all individuals who passed NCLEX on their first attempt after graduation, for the period May 1st – April 30th each year. Pass rates are not based on a cohort of students or a specific graduation date. The Board reviews NCLEX scores on a quarterly basis to identify programs that may be in jeopardy of not meeting the 80% pass rate. Chair Bouffard did state to Ms. Costello that we are all colleagues and the Board would have appreciated Ms. Costello contacting them directly regarding her concerns rather than filing a complaint with the Office of the Attorney General and also stated that in retrospect this discussion should have been tabled as Ms. Costello was out of state that day and unable to attend the meeting which placed Goodwin's ADN Program on Conditional Status. Ms. Costello also re-reviewed with the Board the plan of correction and the parameters that are now in place. Mary Brown motioned to remove the Goodwin College ADN Program from Conditional Status. The motion was seconded by Maria Pietrantuono and passed unanimously.

CONSENT ORDER – ANDREA KULAK, LPN

Legal Office Attorney Ellen M. Shanley presented the Board with a Consent Order for Ms. Kulak. Ms. Kulak was not present although Ms. Kulak's counsel, Attorney David Haught, was present. The Board had several concerns regarding this case. The incident took place four years ago, the Department opened the investigation over two years ago, and it took two years for the case to be presented to the Board.

Mary Brown moved and Jennifer Long seconded to accept the Consent Order as presented. The motion failed as all were opposed. It was the recommendation of the Board that this case be dismissed.

The Board stated that something happened that was very serious in nature. Based on the information provided, this case was a systems issue. When this incident occurred the hospital did not have systems in place for conscious sedation. Hospital policy has since changed and the Respiratory Therapist and/or Anesthesiologist must stay in with the patient during a pacemaker placement procedure.

CONSENT ORDER – MARIA TERESA OPENA, RN

Legal Office Attorney Ellen M. Shanley presented the Board with a Consent Order for Ms. Opena. Ms. Opena was not present although she was represented by counsel, Attorney David Haught.

Mary Brown moved and Jennifer Long seconded to accept the Consent Order as presented. The motion failed as all were opposed. It was the recommendation of the Board that this case be dismissed.

The Board Members stated that they did not see the reason for punishing the nurse for a systems issue and also the fact that the case was four years old.

HEARING – BEVERLY BURKE, LPN

Legal Office Attorney Leslie Scoville was present representing the Department of Public Health. Ms. Burke was not present and did not have representation at this hearing. Ms. Burke had provided a written response to the Statement of Charges dated April 25, 2012. The hearing concluded.

Jennifer Long moved, which was seconded by Mary Brown, to find Ms. Burke on all charges including §20-99(b)(2) and §19a-17(f). The motion passed unanimously.

Mary Brown moved, seconded by Jennifer Long, to place Ms. Burke's license on probation for one year which is tolled until Ms. Burke seeks Connecticut employment. Ms. Burke must notify the Department of her intent to return to Connecticut employment 90 days prior to her return and then provide quarterly employer reports to the Department. The motion passed unanimously.

HEARING – PATRICIA YURKAS, RN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Yurkas was present with counsel, Attorney J. William Gagne, Jr. Testimony was provided by Jolanta Gawinski, DPH Health Program Supervisor, and Ms. Yurkas. The hearing concluded.

Mary Brown moved, which was seconded by Maria Pietrantuono, to find Ms. Yurkas on all charges, including §20-99(b)(2), as she violated the standard of care by failing to properly document. The motion passed unanimously.

Mary Brown moved, seconded by Maria Pietrantuono, that Ms. Yurkas' license be placed on probation for six months with monthly employer reports to the Department and the successful completion of coursework in medication administration and documentation to be completed during the probationary period. The motion passed unanimously.

HEARING – KIMKELLY MYERS, LPN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Myers was present with counsel, Attorney Donald Cretella, Jr. Testimony was provided by Meredith Ferreira, Director of Clinical Services. The hearing closed and the Board requested that copies of the DVD (Department Exhibit 5) be provided to each Board Member to view at their leisure as the DVD is approximately five hours of video. The Closing Arguments and the Fact Finding will be scheduled at a later date. Counsel for the Department is not available in August, 2012.

ADJOURNMENT

It was the unanimous decision of the Board Members present to adjourn this meeting at 2:15 PM.

Board of Examiners for Nursing