NEW HAMPSHIRE BOARD OF NURSING
MINUTES
September 21, 2017
Philbrook Building
Conference Room B119

CALL TO ORDER

The meeting was called to order by Vice Chair Kitty Kidder

Board Members Present for all or part of meeting: Kitty Kidder (KK), Kevin Walsh (KW), Jennifer Legassie (JL), Sherrie Palmieri (SP), Beth Fersch (BF), Ann Finn-Waddell (AFW) and Roberta Petrin (RP) and Tracey Collins (TC).

Board Member Absent: Nora Fortin (NF)

Board Staff Present (for all or part of the meeting): Sarah Howlett (SH), Denise Nies (DN), and Bonnie Crumley Aybar (BCA).

Board Staff Absent: None

Non-Public Sessions recorded as follows:

Motion to commence 1st non-public session: 1:31 PM

On motion of TC seconded by KW, the Board voted to conduct a non-public session for the purpose of board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

Each member recorded his or her vote on the motion, which passed by the unanimous poll vote of all members present and included all members listed above. Motion to come out of non-public by AFW and seconded by TC and vote was unanimous.

Motion to keep minutes of the non-public session confidential:

Upon the motion of AFW and the second of TC, the Board voted to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and/or to render the proposed action ineffective and/or is not subject to public disclosure pursuant to RSA 329:18, I, RSA 329:18-a, IV or RSA 329:29. However, forty-eight hours after the mailing of any order, its respective vote shall automatically become public in accordance with RSA 329:18-a. Each member recorded his or her vote on the motion, which passed by the unanimous poll vote of all.
1.1 Open Forum:

2.0 APPROVAL OF MINUTES

2.1 Public Minutes

2.1.1 August 17, 2017 Regular Meeting: A motion by AFW and BF to approve minutes as written. Motion carried. (NF) absent.

2.1.2 September 15, 2017 Emergency Meeting: A motion by JL and RP to approve minutes as written. SP and TC abstained. NF absent. Motion carried with a quorum.

3.0 REPORT OF CHAIR/MEMBERS

N/A

4.0 REPORT OF BOARD ADMINISTRATOR/STAFF

4.1 Board Administrator:

4.1.1 eNLC Update (verbal): Board updated on enactment date of July 20, 2017 and an implementation date for the enhanced nurse licensure compact as January 19, 2018. Information will be forthcoming to all licensees, employers and nursing schools in NH regarding the process.

4.3 Nursing Statute/Rules

4.3.1 Public Hearing: Draft Final Proposal Nur 404.04(b) and Nur 404.05(b):

Hearing began at 8:30 AM and ended at 9:30 AM. A public member and nurse provided concern regarding the legislation as it is written allowing LNA’s to administer medications in the community. No comments were presented regarding the draft proposal. A motion was made by JL and KW to approve draft final proposal with amended wording. Motion carried with a quorum.

4.3.2 Initial Draft Proposal: Nur 300 (various): A motion was made by SP and TC to approve the initial draft wording for various sections of Nur 300. Each section was reviewed for added or deleted wording. Motion carried with a quorum.

5.0 EDUCATION

5.1 LPN/RN

5.1.1 Great Bay Community College Interim Director/Chair of the
Department of Nursing Approval: Board informed of leadership change at GBCC Nursing program with interim director, Dulcinea Kaufman, RN PhD approved.

5.1.2 Salter School of Nursing Accreditation: An update was provided regarding Premiere Education Group that owns Salter School of Nursing on process for seeking ACCET recognition along with recognition of ACCET as an accreditsor by Accreditation Commission for Education in Nursing (ACEN). An accreditation visit has been scheduled for December 2017 or January 2018 for Salter School.

5.1.3 Omnicare 2016 Annual Report: A motion by SP and TC to approve the Omnicare Annual Report as revised and resubmitted. Motion passed with a quorum.

5.1.4 Lakes Region Community College ACEN Initial Approval: LRCC achieved initial accreditation through ACEN with some areas noted for continued development. The next accreditation visit will be in Spring 2022.

5.1.5 Faculty and Director Approvals: Board was apprised of the faculty approvals processed through the board office.

5.1.6 Nashua Community College Student Complaint: Board reviewed documentation submitted by NCC regarding a student submission of concerns regarding the program faculty, perceived lack of communication to students, shortening of clinical hours with lab hour substitution and concerns over ability to pass NCLEX. A motion was made by SP and TC to request that NCC further provide information that explains/clarifies processes at NCC in relation to the concerns presented including documentation of student evaluations and motion carried with a quorum.

5.1.7 Workforce Update (verbal): Board provided an update on the workforce meeting agenda and meeting discussion that was attended by board staff in September. Board members KW and SP will attend the next Work force meeting.

5.2 LNA
N/A

5.3 APPEARANCES

5.3.1 Keene State College (KSC): Representatives from KCS attended the board meeting to provide an update to the board regarding the program curriculum, and to provide the quarterly report as well as to discuss the options for KSC program in 2018. After review of the written report and presentation, the board voted to extend the school’s probation through September 21, 2018. The Board will also request submission of curriculum information for comparison of old and new curriculums with
7.5.5 Jacqueline Porter, RN:

Hearing began at: 1:42 PM

Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded with Kitty Kidder (KK) presiding.

Board members present: Vice Chair Kitty Kidder (KK), Kevin Walsh (KW), Jennifer Legassie (JL), Beth Fersch (BF) and Sherrie Palmieri (SP), Ann Finn-Waddell (AFW) and Roberta Petrin (RP) and Tracey Collins (TC).

Board members absent for voting: Nora Fortin (NF)

Board staff participating in the hearing: Sarah Howlett (SH) and Denise Nies (DN) and Prosecuting Attorney for the BON, Laurel O’Connor.

A motion was made by BF and TC to emergently suspend the license of Jacqueline Porter, RN for violation of RSA326-B:37, II (n) for diversion of drugs or controlled substances; RSA 326-B:37, II (m) for actions or conduct that include but are not limited to falsifying reports, client documentation, agency records or other essential health documents; RSA 326-B:36, II (e) and (h) for unethical conduct and unprofessional conduct.

The motion carried and vote was unanimous.

Hearing ended at: 1:44 PM

6.0 REPORT OF INVESTIGATOR/PROSECUTOR

N/A

7.0 ADJUDICATION

Adjudicative (Investigator/Prosecutor)

7.1 Hearings

7.1.1 Brekke Spadaro, RN 9:30 AM

7.1.2 Joy Grassi, RN 10:30 AM

7.1.1 Brekke Spadaro, RN
Hearing began at: 9:39 AM
Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded with Kitty Kidder (KK) presiding.

Board members present: Vice Chair Kitty Kidder (KK), Kevin Walsh (KW), Jennifer Legassie (JL), Beth Fersch (BF) and Sherrie Palmieri (SP), Ann Finn-Waddell (AFW), Roberta Petrin (RP), and Tracey Collins (TC).

Board members absent for voting: Nora Fortin

Board staff present for the hearing: Sarah Howlett (SH) and Denise Nies (DN)
Prosecuting Attorney for the BON, Laurel O’Connor.

A motion was made by BF and TC to revoke respondent’s RN license for a minimum of 5 years and assess a monetary penalty of $2250 which represents $250 for each of the 9 violations as follows: RSA 325-B:37, II (e) for unethical conduct by failing to care properly for residents under her care; RSA 326-B: 37, II (g) for failure to perform nursing practice with reasonable skill and safety; RSA 326-B:37, II (h), (l), (2) and/or (3) for failing to properly manage resident records; and/or delegating a nursing function or a prescribed health function when the delegation resulted in unsafe or ineffective client care; RSA 326-B:37, II (i) for failing to follow appropriate and recognized standards and guidelines in providing oversight of the nursing services; RSA 326-b:37, II, (k) demonstration of nursing practice that may create unnecessary danger to a client’s life, health or safety by failing to document appropriately the care and medication administration provided to residents in her care; RSA 326-B:37, II (n) for diversion or attempted diversion of drugs or controlled substances; RSA 326-B:37, II (p) (2) for falsified, incorrect, inconsistent or unintelligible entries in client record; RSA 326-B: 37, II, (q) for knowingly engaging an unlicensed person to engage in the practice of nursing; RSA 326-b:37, II (c) for a conviction of a crime that adversely relates to the practice of nursing or ability to practice nursing.

The motion carried and vote was unanimous.

Hearing ended at: 10:02 AM

7.1.2 Joy Grassi, RN

Hearing began at: 10:31 AM

Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded with Kitty Kidder (KK) presiding.

Board members present: Vice Chair Kitty Kidder (KK), Kevin Walsh (KW), Jennifer Legassie (JL), Beth Fersch (BF) and Sherrie Palmieri (SP), Ann Finn-Waddell (AFW), Roberta Petrin (RP) and Tracey Collins (TC).

Board members absent for voting: Nora Fortin
Board staff present for the hearing: Sarah Howlett (SH) and Denise Nies (DN)
Prosecuting Attorney for the BON, Laurel O’Connor.

A motion was made by KW and AFW to revoke respondent’s RN license for a minimum of 5 years and assess a monetary penalty of $1000.00 which represents $500 for each of the 2 violations as follows: RSA 326-B:37, II (g) and/or (k) and/or (l) respondent worked while impaired; RSA 326-B:37, II, (p), (l) respondent used a controlled substance, drug or alcoholic beverage to the extent that such may have impaired her ability to safely practice nursing.

The motion carried and vote was unanimous.

Hearing ended at: 10:47 AM

10.0  CLINICAL PRACTICE

10.1  Clinical Practice Inquiries

10.1.1 Recent Advisory re: Nail Care: The advisory approved by the board requiring that nail care for client’s with impaired circulation to the lower legs and feet should be assessed and treated by a provider. This also included use of a dremel by a nurse. The advisory was again brought before the board for discussion and the board asked that this question go back to the Practice and Education Committee for another review of the literature and best practice.

10.2  Committee Meeting Reports

10.2.1 Practice and Education Meeting August 29, 2017 were reviewed. A motion was made by RP and KW to approve minutes as written. Motion carried with a quorum.

10.2.2 APRN Liaison Committee: Minutes from the July 2017 meeting reviewed. A motion was made by TC and BF to approve minutes as written. Motion carried.

11.0  LEGISLATION:

11.0.1 House Bill 264:
APRN Licensee Nomination for Oral Contraception Work Study Group: A motion by AFW and TC to approve Lindsay Schommer, APRN as a representative of the BON at this commission. Motion carried with a quorum.

13.0  ADJOURNMENT

The meeting was adjourned at: 3:50 PM