

**NH BOARD OF NURSING
PUBLIC MINUTES
January 28, 2021
Via Zoom**

CALL TO ORDER

The meeting was called to order and convened at 8:00 a.m. by Tracey Collins, Chair, with quorum present.

The following board members were present for all or part of the meeting: Chair, Tracey Collins (TC), Vice Chair, Samantha O'Neill (SO), Beth Fersch (BF), Wendy Stanley Jones, (WSJ), Jeanne Donohoe (JD), Somer Andrews (SA), Melissa Tuttle (MT), Gene Harkless (GH), Melissa Underhill, (MU) and Maureen Murtagh (MM)

The following board staff present for the meeting: Ashley Czechowicz, (AC), Administrator, Elaine Bonner (EB), Administrative Assistant, Margaret Dolfini, RN/APRN (MD), Program Specialist, Lynne Theuner, LNA/MNA (LT), Program Specialist, Todd Prevett, Hearings Examiner

The following applies to all Non-Public Sessions.

All Non-Public Sessions are recorded as follows 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 326-B: 38 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.

And

Motion to keep minutes of the non-public session confidential 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 236-B: 38. However, forty-eight hours after the mailing of any order, its respective vote shall automatically become public in accordance with RSA 326-B: 38.

Upon motion of SO seconded by WSJ, the Board voted to commence the **1st non-public session** at 8:53 a.m. and ended at 9:09 a.m.

Motion to come out of non-public was made by GG and seconded by SO, by unanimous roll call vote.

Upon the motion of JD and the second of WSJ, the Board voted to keep minutes of the non-public session confidential from public disclosure. Each member recorded his or her vote on the motion, which passed by unanimous vote.

Upon motion of GH, seconded by SA, the Board voted to commence the **2nd non-public session** at 2:50 p.m. and ended at 6:00 p.m.

Motion to come out of non-public was made by BF and seconded by WSJ, by unanimous vote.

Upon the motion of SO and the second of GH, the Board voted to keep minutes of the non-public session confidential from public disclosure. Each member recorded his or her vote on the motion, which passed by unanimous vote.

All vote motions were passed by roll call vote.

1.0 CALL TO ORDER

- 1.0 Sally Gerhardt, NHPHP will be retiring as Medical Director and Molly Rossignol will be replacing her as Medical Director and she has submitted her resume to OPLC. Sally will stay on for 1 month for training and will be on call for 6 months as back up.

2.0 APPROVAL OF MINUTES

NEW HAMPSHIRE BOARD OF NURSING
PUBLIC MINUTES
January 28, 2021

2.1 Public Minutes

2.1.1 December 17, 2020 - The Board reviewed the minutes as written. A motion made by GH, seconded by BF to approve as written via roll call vote

2.3.1 December 14, 2020 – Emergency - The Board reviewed the minutes as written. A motion made by GH, seconded by BF to approve as written via roll call vote

2.3.2 December 23, 2020 – Emergency - The Board reviewed the minutes as written. A motion made by GH, seconded by BF to approve as written via roll call vote

4.0 REPORT OF BOARD ADMINISTRATOR/STAFF

4.1 Board Administrator/Staff

4.1.1 Therapeutic Cannabis Medical Oversight Board - Informational

4.1.2 NLC – Mobility on Deck for APRN - Informational

4.1.3 CGFNS Policy on English Language Proficiency - Informational

4.1.4 NLC – Member Resources Informational Guide – Informational, also add to all new board member packets.

4.1.5 Nursys – Provider Bridge - Informational

4.2 Nursing Legislation

4.2.1 HB 1639 –After discussion GH appointed to convene the liaison committee and assist Tom Broderick with changes to RSA 318-B.

4.2.2 Working Group Meeting Suggestions-Nursing Application – After review and discussion SA made a motion seconded by SO to give Tom Broderick permission to make all changes and bring to the February 25, 2021 meeting.

5.0 EDUCATION

5.1 LPN/RN

5.1.1 Rivier Univ. Request for Approval to Increase Simulation for Spring 2021 - After discussion a motion made by JD seconded by BF to approve request to increase simulation if needed as outlined in the Memorandum for Spring, 2021. Motion passed.

5.1.2 Education Program Site Visits – Informational, GH to assist with River Valley Community College on Feb. 16-19, 2021 and JD to assist with MCPHS on Mar. 15-17, 2021.

5.1.3 Colby-Sawyer College Accelerated BSN Program Application – After discussion a motion was made by GH seconded by SO to approve the Accelerated BSN Program at Colby-Sawyer College pending site visit confirmation of physical resources by board staff. Site visit fees in the amount of \$250.00 to be conferred on the program as part of approval process. Motion passed.

5.2 LNA

5.2.1 FYI-Request for alternative clinical experience - After discussion a motion made by GG seconded by WSJ to allow.

**NEW HAMPSHIRE BOARD OF NURSING
PUBLIC MINUTES
January 28, 2021**

5.2.2 FYI-Concord High School Request to Use Simulation - After discussion a motion made by GG seconded by WSJ to allow.

5.2.3 Request to become an LNA Testing Site – After discussion a motion was made by GH seconded by SO that the Board has no authority to allow an LNA Testing Site and suggests that Mr. Demers works with the Red Cross. Motion carried.

5.2.4 FYI-Request to Use Simulation Lab – After review and discussion a motion was made by GH seconded by JD to deny request to change ratio. The board notes that it is in the rules. WSJ voted No. Motion carried.

5.2.5 Programs Requesting to Increase Student: Teacher Ratio - After review and discussion a motion was made by GH seconded by JD to deny request to change ratio. The board notes that it is in the rules. WSJ voted No. Motion carried.

5.2.6 River Valley Community College Increase Student/Teacher Ratio - After review and discussion a motion was made by GH seconded by JD to deny request to change ratio. The board notes that it is in the rules. WSJ voted No. Motion carried.

5.2.7 The Board discussed and agreed to allow Lynne to respond to any further request for changing Student/Teacher Ratio requests informing that this is a Board of Nursing Rule not negotiable unless an emergency order.

7.0 ADJUDICATIVE (INVESTIGATOR/PROSECUTOR)

7.1 Hearings

7.1.2 Theophilia Crown, LNA – Disciplinary Hearing proceeded at 10:02 am. A motion was made by SO, seconded by MU to dismiss. Motion pass with a quorum via roll call vote with MM voting no. Hearing concluded at 11:48 am.

7.1.3 Kristina Blackmore, RN – Disciplinary Hearing proceeded at 12:00 pm. A motion was made by GH, seconded by WSJ to revoke license. Motion pass with a quorum via roll call vote. Hearing concluded at 12:16 pm.

7.1.4 Felicia LeBrun, LNA – Appearance - A motion was made by SA seconded by JD to request appearance at the February 25, 2021 meeting. Motion pass with a quorum via roll call vote.

7.1.5 Barbara Mack-Keeney, LNA – Show Cause Hearing proceeded at 1:09 pm - A motion was made by SA seconded by BF to deny licensure. Motion pass with a quorum via roll call vote with GG voting no. Hearing concluded at 1:09 pm.

7.1.6 Anita Wall-DiRista, LPN – Show Cause Hearing proceeded at 1:28 pm. - A motion was made by BF seconded by JD to license in NH. Motion pass with a quorum via roll call vote. Hearing concluded at 1:47 pm.

7.1.7 Jennifer Richard, LNA – Show Cause Hearing proceeded at 1:51 pm. - A motion was made by SA seconded by BF to deny reinstatement of license. Motion pass with a quorum via roll call vote with GG, MM, WSJ and MU voting no. Hearing concluded at 2:03 pm.

**NEW HAMPSHIRE BOARD OF NURSING
PUBLIC MINUTES
January 28, 2021**

7.1.8 James Phennicie, LNA – Show Cause Hearing proceeded at 2:25 pm. - A motion was made by GH seconded by BF to allow to reinstate license. Motion pass with a quorum via roll call vote. Hearing concluded at 2:30 pm.

7.1.9 Jessica Fitzgerald, LNA – Show Cause Hearing proceeded at 12:18 pm. - A motion was made by WSJ seconded by SO to deny to license. Motion pass with a quorum via roll call vote with GH, MM, WSJ and BF voting no. Hearing concluded at 12:28 pm.

7.1.10 Paulynn Sarabia, RN – Show Cause Hearing proceeded at 2:33 pm. - A motion was made by GH seconded by SO to allow to license. Motion pass with a quorum via roll call vote with WSJ voting no. Hearing concluded at 2:48 pm.

8.0 ADJUDICATIVE (BOARD ADMINISTRATOR)

8.1 Recommendations-Discipline—Emergency

8.1.1 Karen McMillan, RN – Emergency – After discussion and review a motion was made by GH seconded by SO to emergently suspend license. Motion carried.

10.0 CLINICAL PRACTICE

10.1 Clinical Inquiries

10.1.1 Board discuss and concluded that they would like to know if a disbanding of the P & E committee is emanate.

10.2 Clinical Committees

10.2.1 LNA Scope of Practice Clarification for Swing Bed Patient Care – After discussion a motion was made by WSJ seconded by GH to approve LNA scope of practice for swing bed patients that is consistent with CMS guidelines relevant to swing bed providers which can be found at the following link:

<https://www.cms.gov/medicare/medicare-fee-for-service-payment/snfpps/swingbed>

12.0 ADJOURNMENT

At 6:05 p.m., upon motion by SO, which was seconded by GH, the Board voted unanimously via roll call vote to adjourn the public meeting.