

1 NEW HAMPSHIRE BOARD OF NURSING  
2 MINUTES  
3 July 21, 2016  
4 Philbrook Building  
5 Conference Room B119  
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7 **CALL TO ORDER**  
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9 The meeting was called to order by Chair Nora Fortin at 8:05 AM.  
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11 Board Members Present for all or most of meeting: Kathleen Kidder (KK), Tracey  
12 Collins (TC), Roberta Petrin (RP), Beth Fersch (BF), Cynthia Smith (CS), Kevin Walsh  
13 (KW), Sherrie Palmieri (SP), and Ann Finn-Waddell (AFW).  
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15 Board Member Absent: Nancy Wiggin (NW).  
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17 Board Staff Present (for all or part of the meeting): Denise Nies (DN), Sarah Howlett  
18 (SH), and Anita Pavlidis (AP).  
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20 Board Staff Absent: Carol Brody (CB).  
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22 Non-Public Sessions recorded as follows:  
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24 Motion to commence 1st non-public session: 10:22 AM until 11:11 AM  
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26 On motion of TC, seconded by BF, the Board voted to conduct a non-public session for the  
27 purpose of board business and noting that such a non-public session is authorized by RSA 91-  
28 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,  
29 Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.  
30 Each member recorded his or her vote on the motion, which passed by the unanimous poll vote  
31 of all members present and included all members listed above. Motion to come out of non-public  
32 by BF and seconded by TC and vote unanimous.  
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34 Motion to commence 2nd non-public session: 12:08 PM until 12:26 PM  
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36 On the motion of TC and BF, the board voted to conduct a non-public session for the purpose of  
37 board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c),  
38 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.  
39 Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each  
40 member recorded his or her vote on the motion, which passed by the unanimous poll vote of all  
41 members present and included members listed above. Motion to come out of non-public by TC  
42 and seconded by SP and vote unanimous.  
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44 Motion to commence 3rd non-public session: 1:05PM until 2:10 PM  
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46 On the motion of BF and TC, the board voted to conduct a non-public session for the purpose  
47 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

48 member recorded his or her vote on the motion and included members listed above except for  
49 KW. Motion to come out of non-public by KK and seconded by CS and vote unanimous.

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51 Motion to commence 4<sup>th</sup> non-public session: 2:39 PM until 3:55 PM

52 On the motion of CS and RP, the board voted to conduct a non-public session for the purpose of  
53 board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c),  
54 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.  
55 Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each  
56 member recorded his or her vote on the motion and included all members except KW and TC.  
57 Motion to come out of non-public by SP and seconded RP by and vote unanimous.

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60 Open Forum: Executive Director Peter Danles met with the board to discuss the consolidation  
61 efforts and get feedback for the board regarding changes implemented.

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64 **2. APPROVAL OF MINUTES**

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66 2.1 Public Minutes:

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68 2.1.1 June 16, 2016 minutes: KK motioned and seconded by TC to accept the minutes of  
69 June 16, 2016. Motion passed unanimously.

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71 2.1.2 June 29, 2016 minutes: BF motioned, and RP seconded to accept the minutes of  
72 June 29, 2016, with corrections. Motion passed.

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74 2.2 Non-Public Minutes:

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76 2.2.1 June 16, 2016, Non-Public minutes: Motion by BF and RP seconded motion to  
77 accept the non-public minutes of June 16, 2016, with corrections. Motion passed  
78 unanimously.

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80 2.2.2 June 29, 2016, Non-Public Minutes: Motion by TC and RP seconded motion to  
81 accept the non-public minutes of June 29, 2016, with corrections

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83 2.3 Emergency Minutes

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85 2.3.1 July 14, 2016, Public Emergency minutes: Motion by TC and RP seconded  
86 motion to accept minutes of July 14, 2016, with corrections. All members present voted  
87 to accept with the exception of BF and AFW.

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89 2.3.2 July 14, 2016, Non-Public Emergency minutes: Motion by TC and seconded by  
90 CS to accept July 14, 2016, non-public emergency minutes. All members present voted  
91 to accept with the exception of BF and AFW

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**3. REPORT OF CHAIR/MEMBERS**

3.1 None

**4. REPORT OF EXECUTIVE DIRECTOR/STAFF**

4.0.1 Adopted Rules Text reviewed and approved for:  
Nur 102.02 and Nur 103.06  
Nur 302.05 and Nur 304.04  
Nur 603.05 and Nur 606.01  
Motion by KK and seconded by TC to approve rules as written. SP, RP, CS, BF, TC, KW, KK, AFW present and voted unanimously in favor.

**5. ATTORNEY GENERAL: No entry for public minutes**

**6. REPORT OF INVESTIGATOR/PROSECUTOR**

6.0.1 September Investigator and Administrative Prosecutions Training Agenda:  
Information and reminder to the board members.

6.1 Open Files: Reviewed by the board.

**7. ADJUDICATION**

**Adjudicative (Investigator/Prosecutor)**

7.1 Hearings

7.1.1 Anthony Hutchinson, LNA – Held in Absentia

Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded at 8:40 AM with Nora Fortin (NF) presiding.

Board members present: Chair Nora Fortin (NF), Roberta Petrin (RP), Tracey Collins (TC), Vice Chair Kitty Kidder (KK), Cynthia Smith (CS), Beth Fersch (BF), Sherrie Palmieri (SP), Kevin Walsh (KW), and Ann Finn-Waddell (AFW)

Board members absent: Nancy Wiggin (NW)

Board staff present: Sarah Howlett (SH), Denise Nies (DN), and Hearing Counsel for the Board of Nursing, Laurel O'Connor (LO),

Motion made by KK and seconded by BF to impose the following discipline:

Board voted the following: Reprimand license and fine licensee \$ 750.00 which represents \$250.00 for each of the violations listed on the Findings of Fact and

141 Rulings of Law that includes engaging in professional misconduct by engaging  
142 in practices that may create unnecessary danger to a client and engaging in  
143 activities beyond scope of practice and failing to cooperate with a lawful  
144 investigation by the board.

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146 Hearing concluded at 9:31 AM.

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148 7.1.2 Michelle McMaster, LNA – Held in absentia.

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150 Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative  
151 Rules, Chapter 100-800, proceeded at 9:43 AM with Nora Fortin presiding.

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153 Board members present: Roberta Petrin (RP), Tracey Collins (TC), Kitty Kidder  
154 (KK), Cynthia Smith (CS), Beth Fersch (BF), Nora Fortin (NF), Sherrie Palmieri  
155 (SP), Kevin Walsh (KW), and Ann Finn-Waddell (AFW)

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157 Board members absent: Nancy Wiggin (NW)

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159 Board staff present: Sarah Howlett (SH), Denise Nies (DN), and Hearing Counsel  
160 for the Board of Nursing, Laurel O'Connor (LO).

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162 Motion made by KK and seconded by KW to impose the following discipline:

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164 Board voted the following: License suspension for two years. An LADAC  
165 evaluation and if warranted by LADAC, evidence of treatment completion before  
166 appearing to reinstatement of license. A fine of \$500.00 representing \$250.00 for  
167 each of the violations listed in the Findings of Fact and Rulings of Law, which  
168 include engaging working under the influence of alcohol and use of alcohol to the  
169 extent such use may have impaired her ability to practice nursing in a safe  
170 manner.

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172 Hearing concluded at 10:20 AM.

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174 7.2 Consent Decree/Settlement Agreement/Voluntary Surrender/Preliminary Agreement  
175 for Practice Restrictions

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177 7.2.1 Robin Nichols, RN /APRN – Settlement Agreement.

178 Board voted to deny settlement agreement as written. Motion made by AFW and  
179 seconded by CS.

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181 7.2.2 Jennifer Jensen, LNA – Voluntary Surrender of License.

182 Motion made to accept the voluntary surrender of license. Motion made by CS  
183 and seconded by AFW. BF, RP, SP NF, AFW, and CS voted to accept the  
184 motion.

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186 7.3 Motion for Reconsideration/Rehearing/Continuance/Prehearing Conference  
187 Orders

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7.3.1 HHCI request for continuance – Motion made by SP and seconded by CS to accept the request for continuance. BF, RP, SP NF, AFW, and CS voted to accept the motion.

7.3.2 Jennifer Lawson – Continuance request. Motion by BF and seconded by CS to accept request for continuance. BF, RP, SP NF, AFW, and CS voted to accept the motion.

7.3.3 Michelle Stuart – Continuance request. Motion by BF and seconded by AFW to accept request for continuance. BF, RP, SP NF, AFW, and CS voted to accept the motion.

## **9.0 CLINICAL PRACTICE**

### **9.3 Public Appearance**

Judith Joy and Bobbie Bagley, representatives from New Hampshire Nurses Association, appeared before the board to discuss the community models utilizing paramedics in the home care setting. The discussion centered around the focus of that curriculum and whether or not it is substituting for nursing practice. NHNA will keep the board apprised of further discussion.

## **10.0 EDUCATION**

### **10.1 RN/LPN Education**

10.1.1 St Joseph School of Nursing: Board informed the LPN refresher course and Health Occupations Program (Nursing Assistant Training) has been discontinued.

10.1.2 Salter School of Nursing: Board apprised the Board that Salter’s institutional accreditor (ACICS) has been denied approval for technical accreditation from the DOE. SSNAH is working to obtain alternate accreditation while ACICS is pending an appeal with the DOE. ACEN (nursing accreditation) considers SSNAH accredited by ACICS until all appeals are exhausted.

10.1.3 Request to Retake NCLEX examination: Board denied the request from F. Senbeta based on suspected fraudulent documents verifying his work history as a nurse.

10.1.4 2<sup>nd</sup> quarter NCLEX Pass Rates: Board requested St. Joseph School of Nursing appear at the August meeting to review their corrective plan and discuss substandard scores.

### **10.2 LNA Education: No Report**

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**11. PRACTICE INQUIRIES and PRACTICE COMMITTEE REPORTS**

Practice Inquiries

11.0.1 RNs Obtaining Informed Consent for Definity: No. The board determined that this procedure is provider driven, and the responsibility for providing required education to the patient about the procedure is the provider's. The nurse can witness a patient's signature on a form that states the patient understands what the provider has explained.

11.0.2 Ear Piercing by Office Nurses: Yes. Board voted unanimously that this action is within the scope of practice for RN and LPN with training and competency completed.

11.0.3 Nurse Driven Protocol at DHMC: Yes, board supports nurse-driven protocols but maintains that the specific parameters for the protocol are a facility responsibility to define.

11.0.4 Telephone Triage by LPNs: Sent to P and E for review and recommendation.

11.0.5 Vascular Access Consent by RNs: Sent to P and E for review and recommendation.

11.1 P and E Committee: Board reviewed minutes of the June 8, 2016, P and E meeting as well as the Cosmetic/Dermatology revised advisory and LNA scope of practice guidelines. Motion by SP and CS to accept minutes and advisories as written. BF, RP, SP NF, AFW, and CS voted to accept motion.

11.2 Liaison Committee: No report

**12. LEGISLATION: No report**

**14. ADJOURNMENT**

The meeting was adjourned at 5:00 PM