

1 NEW HAMPSHIRE BOARD OF NURSING  
2 MINUTES  
3 August 18, 2016  
4 Philbrook Building  
5 Conference Room B119  
6

7 CALL TO ORDER  
8

9 The meeting was called to order by Chair Nora Fortin  
10 Board Members Present for all or part of meeting: Tracey Collins (TC), Roberta Petrin  
11 (RP), Beth Fersch (BF), Cynthia Smith (CS), Sherrie Palmieri (SP), Nancy Wiggin (NW),  
12 and Ann Finn-Waddell (AFW).  
13

14 Board Member Absent: Kathleen Kidder (KK), Kevin Walsh (KW)  
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16 Board Staff Present (for all or part of the meeting): Denise Nies (DN), Sarah Howlett  
17 (SH), Anita Pavlidis (AP)  
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19 Board Staff Absent: Carol Brody (CB)  
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21 Non-Public Sessions recorded as follows:  
22

23 Motion to commence 1st non-public session: 12:18 to 1:00 PM  
24

25 On motion of CS, seconded by BF, the Board voted to conduct a non-public session for the  
26 purpose of board business and noting that such a non-public session is authorized by RSA 91-  
27 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,  
28 Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.  
29 Each member recorded his or her vote on the motion, which passed by the unanimous poll vote  
30 of all members present and included all members listed above. Motion to come out of non-public  
31 by BF and seconded by NW and vote unanimous.  
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33 Motion to commence 2nd non-public session: 3:01-3:44 PM  
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35 On the motion of TC and NW, the board voted to conduct a non-public session for the purpose of  
36 board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c),  
37 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.  
38 Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each  
39 member recorded his or her vote on the motion, which passed by the unanimous poll vote of all  
40 members present and included members listed above. Motion to come out of non-public by BF  
41 and seconded by NW and vote unanimous.  
42

43 Open Forum: No issues presented or discussion with the public.  
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48 2. APPROVAL OF MINUTES

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50 2.1 Public Minutes

51 2.1.1 July 21, 2016 minutes approved as written. Motion by TC and seconded by CS. Vote  
52 unanimous

53 2.1.2 July 21, 2016 non-public minutes approved as written. Motion by TC and seconded by  
54 CS. Vote unanimous.

55

56 3. REPORT OF CHAIR/MEMBERS

57

58 3.1 None

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60 4. REPORT OF EXECUTIVE DIRECTOR/STAFF

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62 4.0.1 Licensee Non-Compliance with PDMP Registration template letter. Letter approved  
63 with discussed changes that include clarification of appropriate statute and rules and fine  
64 amount. A motion to send a fine letter of \$250.00 to Rosenie Dorce, APRN for failure to  
65 register with the PDMP. Motion by TC and seconded by NW. Vote unanimous.

66

67 4.0.2 Final Proposal: Nur 502 Opioid Prescribing Rules Public Hearing was held from 1-2 PM  
68 to address the content as follows: requirements for prescribing for both acute and chronic pain,  
69 applicable definitions, participation in the Prescription Drug Management Program and  
70 Medication Assisted Treatment. There were no written comments provided by the public nor  
71 were questions posed by the public during this hearing. The board reviewed and discussed the  
72 final proposal and a motion was made by RP and CS to approve rules as written. Vote  
73 unanimous.

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75 4.0.3 Suboxone Prescribing by APRN's: under CARA ( Comprehensive Addiction and  
76 Recovery Act) was discussed by the board at the request of Vice Chair, Kitty Kidder. A motion  
77 was made by TC and SP to support APRN practice with this additional prescribing  
78 responsibility with an advisory statement for the website. Motion passed unanimously.  
79 Advisory statement to be scripted and added to the website.

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82 5. ATTORNEY GENERAL : No entry for public minutes

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84 6. REPORT OF INVESTIGATOR/PROSECUTOR

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86 6.0.1 September Investigator and Administrative Prosecutions Training Agenda: Information  
87 and reminder to the board members.

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89 6.1 Open Files: Reviewed by board.

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91 7. ADJUDICATION

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93 Adjudicative (Investigator/ Prosecutor)

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95 7.1 Hearings

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97 7.1.1 S. Fournier, LNA - Hearing held in Absentia

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99 Hearing held in absentia pursuant to the Nurse Practice Act RSA 326-B and  
100 Administrative Rules, Chapter 100-800, proceeded at 8:43 AM with Nora Fortin (NF) presiding.

101

102 Board members present: Chair Nora Fortin (NF), Roberta Petrin (RP), Tracey Collins (TC),  
103 Cynthia Smith (CS), Beth Fersch (BF), Sherrie Palmieri (SP), Ann  
104 Finn Waddell (AFW), Nancy Wiggin (NW)

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106 Board members absent: Vice Chair Kitty Kidder (KK), Kevin Walsh (KW)

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

110

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

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113 Board voted the following: Limit licensee ability to renew license with a revocation of license  
114 for a minimum of 5 years and a disciplinary fine which represents \$250.00 for  
115 each of the violations listed to total \$1750.00 on the Findings of Fact and  
116 Rulings of Law that includes violation of RSA 326-B:11, (m) and/or Nur  
117 402.04(b)(11) engaging in professional misconduct by falsifying her time sheets;  
118 RSA 326-B:37, II (m) by failing to maintain professional boundaries; RSA 326-  
119 B:37, II (k) by failing to ensure that the client's feeding pump was set properly;  
120 RSA 326-B:37, II (p) (1) using a controlled substance/drug to an extent or in a  
121 manner dangerous to herself or to the public or to the extent that could impair her  
122 ability to practice nursing safely; RSA 326-B:37, II(q) (2) violating a state or  
123 federal narcotics or controlled substance law; Nur 402.04(b)(11)(17)  
124 misappropriating material resources and professional misconduct;

125 Hearing concluded at: 9:17 AM

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128 7.1.2 Sandra Steenbergen, RN

129 Hearing held pursuant to the Nurse Practice Act RSA 326-B and  
130 Administrative Rules, Chapter 100-800, proceeded at 10:12 AM with Nora Fortin presiding.

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132 Board members present: Chair Nora Fortin (NF), Roberta Petrin (RP), Tracey Collins (TC),  
133 Cynthia Smith (CS), Beth Fersch (BF), Sherrie Palmieri (SP),  
134 Nancy Wiggin (NW)

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136

137 Board members absent: Ann Finn Waddell (AFW), Kevin Walsh (KW) and Vice Chair Kitty  
138 Kidder

139 Board member recused: Cynthia Smith (CS)

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

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144 Motion made by SP and seconded by TC to impose the following discipline

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148 Board voted the following:

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150 In violation of RSA 326-B:37, II (g) and/ or (h) (1) and/ or (k), and Nur 402.04 (b) (10),  
151 reprimand of RN license and a \$250.00 fine. Licensee shall complete a course on safe  
152 medication administration and documentation. Motion passed unanimously.

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154 Hearing concluded at 10:20 AM.

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7.5.2 Benjamin Christgau, LPN

Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded at 3:47 PM with Nora Fortin presiding. Board members present: Chair Nora Fortin (NF), Roberta Petrin (RP), Tracey Collins (TC), Cynthia Smith (CS), Beth Fersch (BF), Sherrie Palmieri (SP), Nancy Wiggin (NW)

Board members absent: Ann Finn Waddell (AFW), Kevin Walsh (KW) and Vice Chair Kitty Kidder

Board member recused: N/A

Board staff present: Sarah Howlett (SH), and Denise Nies (DN).

A motion by BF was made to **emergently suspend** the NH LPN license of Benjamin Christgau. The motion was seconded by NW. All members unanimously voted to accept the motion

Motion passed unanimously.

Hearing ended at: 3:50 PM.

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

7.2.1 R. Nichols, APRN, CRNA- settlement agreement. Motion by TC and NW to approve settlement agreement. Vote unanimous.

7.2.2 M. Marloe, RN Voluntary Surrender of license. Motion SP and BF to accept VS. Unanimous vote.

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

7.3.1 Motion to Allow Witness to Appear via Electronic Media. Motion by TC and BF to accept motion with unanimous vote.

7.5 Proposed Recommendations

7.5.1 Linda J. Lee- Voluntary Surrender of license. Motion by TC and NW to the VS. Unanimous vote.

7.5.3 April Brown. LNA- Voluntary Surrender of License. Motion by NW and TC to accept VS. Unanimous vote.

8.1.1 Request to retake NCLEX: Board discussion around applicant request to take NCLEX after failing the NCLEX in 2015. Board determined that applicant does not currently meet the requirement of working for 400 hour in 4 years before testing. Motion to deny request made by SP and NW. Vote unanimous.

202 8.1.2 Request to remove reprimand from license. Board discussion around applicant request to  
203 have reprimand removed from license was denied because licensee has not met the requirement  
204 of board order of renewing license in a timely manner. Motion by CS and RP. Motion carried  
205 unanimously.

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## 207 9. CLINICAL PRACTICE

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### 210 9.3 Public Appearance

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212 9.3.1 Monadnock Work Force Initiative Presentation. Members present for the presentation are  
213 as follows: Senator Molly Kelly, Cathy Gray, Gail Cushing, Kathryn Kidgrs, Kathryn Knapp,  
214 Kathleen Nichols, Arthur O’Leary, SharonWaring, Elizabeth Barnhill Christopher Gillissen.  
215 These members represent community health care facilities. The issues presented center on  
216 timeliness of application processing particularly for LNA’s and lack of LPNs in the state to fill  
217 open positions. The board provided an update on factors that have influenced the application  
218 process in the board office and the process of CBC and fingerprinting. The board discussed the  
219 trends in nursing leaning towards RN programs and less on LPN and suggested that discussion  
220 with the Community Colleges that had LPN programs be visited to determine viability for  
221 programs to exist again. Resources to assist applicants to enter and complete a program were  
222 also discussed.

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## 225 10.0 Education

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227 10.1.1 Proposed new forms for the Educational Report and Substantive Change Request were  
228 reviewed and discussed. Motion by SP and TC to adopt current version of forms. Motion  
229 unanimous.

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231 10.1.2 Plymouth State University Educational Report Memo was discussed by the board.  
232 The report was accepted by the Board.

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234 10.1.3 St. Joseph School of Nursing Educational Report: Memorandum: Corrective Action  
235 Plan/ NCLEX Scores- St Joseph School of Nursing- Dr. Vicki Fieler came to speak with the  
236 board regarding the changes that are being implemented to address the issue of low board  
237 scores. The Board will continue to monitor NCLEX scores & make further determinations  
238 regarding program status & re-evaluation based on third quarter results in October.

239 **10.1.4 Request by Fekadu Senbeta to retake NCLEX-RN exam a second time. Board**  
240 **reviewed current rules on practice requirements and noted that applicant did not meet the**  
241 **required number of practice hours with 4 years of taking the examination a second time.**  
242 **Board denied request with a motion by SP and TC. Vote unanimous.**

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248 10.2 LNA Education: No Report

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250 11. PRACTICE INQUIRIES and PRACTICE COMMITTEE REPORTS

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252 Practice Inquiries

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254 11.0.1 Telephone triage by an LPN: YES- NH Board of Nursing Position Statement and Clinical  
255 Advisory states that “Triage in a structured setting with predictable outcomes is within the scope  
256 of practice of an LPN. This practice requires appropriate delegation and facility protocols in  
257 place

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259 11.0.2 Nail cutting and use of a dremel per provider assessment and order: Previous advisory  
260 changed to the following: YES\_ -Best practices as defined by the Mosby Skills Guide (2014) the  
261 compromised patient ( Type 1 DM, vascular insufficiency or other diagnosis affecting peripheral  
262 circulation) will be assessed and treated by a provider. This would include the use of a dremel  
263 by a nurse.

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265 11.0.3 Informed consent by the nurse performing a PICC line insertion: Yes

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267 11.0.4 Can an LNA remove a cast using a cast cutter? The board advised NO on this task and  
268 cited the required education and training for this procedure is not within the scope of an LNA  
269 but rather an orthopedic technician.

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271 11.0.5 Can an LNA hold a C Spine? Board deferred until more information is provided.

272

273 11.1 P and E Committee: Board reviewed minutes of the August 3, 2016 P and E meeting  
274 Motion by SP and TC to accept minutes and advisories as written. . Motion carried with  
275 unanimous vote.

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277 11.2 Liaison Committee: No report

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280 12. LEGISLATION: No report

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282 14. ADJOURNMENT

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284 The meeting was adjourned at 4:10 PM

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