DIVISION OF HEALTH SERVICES REGULATION
BOARD OF NURSING REGISTRATION AND NURSING EDUCATION
3 Capitol Hill, Conference Room 401, Providence, RI 02908

September 11, 2017
OPEN SESSION MINUTES

BOARD MEMBERS IN ATTENDANCE
Jessica Brier (departed @ approximately 2:00 pm)
Wendy Chicoine (departed @ approximately 2:00 pm)
Maria Ducharme
Joan Flynn
Kathleen Heren
Karen Matook
Maria Ross
Betty Sadaniantz

BOARD MEMBERS NOT IN ATTENDANCE
Lynn Blanchette
Gillian Grant
Maria Pezzillo

STAFF MEMBERS IN ATTENDANCE
Margaret Clifton, Director of Nursing
Kimberly McNulty, Case Manager
Linda Tetu Mouradjian, Compliance Officer
Julie Sacks, Senior Legal Counsel
Anita Flax, Deputy Chief of Legal Services, RIEMA

OTHERS IN ATTENDANCE:
Diane Martins, URI
Darlene Nomet, NEIT
Jeanne McColl, CCRI
Robert Desrosiers, NEIT
Tony Cirillo, MD, RIACEP
Mary Barlas, LTI
Mary Grace Amendola, NEIT
Jean Marie Rocha, HARI
Keith Macksoud, CRNA, RIANA
Scott Lutes, Esq.
Dayle Joseph, NETI

1) Establishment of a quorum
A meeting of the Board of Nurse Registration and Nursing Education was held on Monday, September 11, 2017, at the Rhode Island Department of Health, Conference Room 401, 3 Capitol
2) Presentation of the July 10, 2017 Open Session Meeting Minutes

Motion was made by Betty Sadaniantz and seconded by Kathleen Heren to accept the July 10, 2017, minutes. Maria Ducharme abstained, all in favor, Motion carried.

3) BOARD PRESIDENT’S REPORT

a) RNs administering anesthetics final statement

The Board and public attendees discussed the Board’s previous statement regarding RNs administering anesthetics and agreed to the following final statement on the matter:

**Scope of Practice Guide to the Administration of Anesthetic Agents by Registered Nurses**

The RI Board of Nurse Registration and Nursing Education is periodically asked for guidance regarding scope of practice issues on a wide variety of topics. It is generally expected that these questions be answered using the published documents available on the Department of Health/Nursing website. Those documents include, but may not be limited to, the Nurse Practice Act, Nursing Regulations and a decision tree provided to help guide answers to scope of practice questions. There are rare occasions when a topic is complex and continues to pose practice questions despite reference to those tools. The practice of nurses administering medications classified as anesthetic agents by the Food and Drug Administration (FDA) has come before the Board on a number of occasions, from multiple diverse sources. The Board is therefore providing this guidance statement to clarify some of the scope of practice issues that surround this practice.

The RI Board finds that for emergency situations and in licensed, hospital-based emergency departments, it is within the scope of practice for registered nurses to act as the physician’s “third hand” and administer anesthetic agents, in the presence of and under the direction of, a physician or other provider who is properly credentialed in the use of these medications as well as resuscitation and emergency airway management. The term “third hand” assumes the physician ordering the medication is present at the bedside and unable to perform the administration of the medications him/herself due to the circumstances of the environment and/or situation.

Anesthetic agents may also be administered by the registered nurse for relief of refractory symptoms in the patient receiving hospice/end of life care (not including palliative care).
Local anesthetic agents may be used for topical, intraosseous, and intramuscular routes when ordered by a physician or APRN/PA for the relief of discomfort from painful injections.

It is within the scope of nursing practice to manage the care of patients receiving IV sedation. The RI of Board of Nurse Registration and Education expects:

- that administration of medications classified as anesthetics for the purpose of sedation and analgesia, in all circumstances, requires special attention;
- that the nurse shall not have other responsibilities that compromise the ability to adequately monitor the patient;
- that the physical setting for safe administration is assessed;
- that a qualified airway specialist is immediately available;
- that the nurse may decline administration of the medication if it has been assessed as unsafe under the circumstances;

Motion was made by Maria Ross and seconded by Kathy Heren to accept the *Scope of Practice Guide to the Administration of Anesthetic Agents by Registered Nurses* as the Board’s position on this matter. All in favor, Motion passed.

b) *NCSBN Annual Meeting, August 2017*

President Brier advised the Board that the main topic of discussion at the NCSBN Annual Meeting was the Enhanced Nurse Licensure Compact. Rhode Island legislation has not endorsed Enhanced Nurse Licensure Compact Agreement (eNLC) but remains in the original Compact with three other States. The Board stated that may cause Rhode Island RNs to feel as if something has been taken away from their ability to practice as they will no longer be able to work in many states with their RI RN license. The National Council is working to address RI’s legislative decision to no longer participate and will inform the Legislators of the disadvantages of not being in the Enhanced Compact as well as the advantages of joining the Enhanced Nurse Licensure Compact. The Enhanced Nurse Licensure Compact goes into effect on January 18, 2018.

c) *Nursing Program Annual Report updates*

The Board advised of a change to the *Nursing Program Annual Report* within item 12 which has been changed to state, “to note in report”.

d) *Questions related to RNs administering BOTOX and Fillers*
Attorney Lutes addressed and probed the Board to reconsider its previous statements (April 10, 2017, January 9, 2017 and April 11, 2016) related to RNs administering BOTOX. The Board advised Attorney Lutes that due to the administration of BOTOX being defined as a medical procedure by the Rhode Island Board of Medical Licensure and Discipline (BMLD) (see full statement below) and the fact that in Rhode Island only those Health Professionals who can order the drug are allowed to administer Botox, its opinion and previous statements will remain in full force and effect.

**BMLD statement: Office based esthetic procedures**

Office based cosmetic or esthetic procedures that require the use of medical lasers, high-frequency radio waves, or injection of sclerosing chemicals or biologically active compounds (e.g. Botulinum toxin A, Botox) are medical procedures. Therefore, prior to undergoing such procedures, patients must receive a medical evaluation for appropriateness by a licensed and qualified physician or other practitioner acting within his/her scope of practice. Although these procedures may be performed by an appropriately trained nonphysician working under the supervision and direction of a physician or other practitioner acting within his/her scope of practice, it is the supervising physician’s (or other practitioner acting within his/her scope of practice)’s responsibility to assure that procedures are conducted appropriately; with appropriate assessment, consent and follow-up; upon appropriate patients; and that all patient records are maintained according to standards applicable for medical records; and the patient privacy is protected. The supervising physician or other practitioner acting within his/her scope of practice is responsible for any procedures carried out by non-physicians under his/her direction.

Physicians (or other practitioner acting within his/her scope of practice) who perform and supervise such procedures must be able to demonstrate appropriate training and experience. Such training and experience may include, but is not limited to, residency or fellowship. The physician or other practitioner acting within his/her scope of practice is responsible to assure and document adequate training for individuals under his/her supervision.

Additionally, other cosmetic procedures such as dermabrasion or the application of potentially scarring chemical treatments (e.g. so-called chemical peels) should meet the same standard.

e) **2018 Board of Nursing Meeting Schedule**

Director Clifton advised that the 2018 Board of Nursing meeting dates are as follows:

- January 8th
- February 12th
- March 12th
- April 9th
- May 14th
- June 11th
- July 9th

*August = no meeting scheduled*
4) NURSING DIRECTOR’S REPORT
   a) Enhanced Compact Update

   Director Clifton advised the Board that as of Friday, January 19, 2018 the Enhanced Nurse Licensure Compact (eNLC) will be implemented. Rhode Island is not a member of the eNLC. Only four states are still under the original Nurse Licensure Compact – New Mexico, Wisconsin, Colorado and Rhode Island. If there are compact nurses working in Rhode Island from any states other than New Mexico, Colorado or Wisconsin, they must apply for a Rhode Island nursing license in order to work in Rhode Island after January 19, 2018. Their compact license will no longer be valid. More information will be available as the National Council of State Boards of Nursing (NCSBN) develops the procedures for the transition of the compact. If the nurses do not apply for a Rhode Island nursing license and they continue to work in Rhode Island, they will be subject to disciplinary action as they will be working without a valid Rhode Island nursing license.

   b) Continuing Education Event: Rethinking Addiction in an Opioid Epidemic
This two (2) hour program is presented by the Substance Abuse and Mental Health Leadership Council of Rhode Island. The program will be held on Monday, November 6th from 4:00 – 6:00 p.m. and on Thursday, December 7th from 9:00 -11:00 a.m. at 200 Metro Center Blvd, Warwick, RI.

   c) Continuing Education Event: Risky Business Adolescent Substance Use
This three (3) hour program will be held on Saturday, September 30th from 8:30-12:00 p.m. at the Providence Marriott.

   d) Journal of Nursing Regulation: Volume 8, Issue 2 – July 2017 Supplement
Distributed to Board members.

   e) Nurses license number for Ambulance Runs
Board Member Heren brought to the Board’s attention the fact that an ambulance company is insisting that RN’s include their license number on the ambulance run reports. This is making RNs uncomfortable for many reasons. The Board recognized that it is only one company requesting this on their form, however, RNs are not compelled to include their license number due to any particular state law or Board policy. Accordingly, the Board stated that RNs should
only include their license number on the form if they are comfortable with sharing that personal identifiable information.

f) **NCLEX-PN Practice Analysis Expert Panel, November 7-8, 2017**
   Director Clifton asked if any Board members want to attend the event and to let her know. She will submit their name to NCLEX. Should a member be selected there may be scholarships to cover travel expenses.

g) **NCLEX-PN Knowledge, Skills, and Abilities Expert Panel, December 6-8, 2017**
   Director Clifton asked if any Board members want to attend the event and to let her know. She will submit their name to NCLEX. Should a member be selected there may be scholarships to cover travel expenses.

h) **2017 CEU Audit Update**
   Director Clifton provided the preliminary reports on the 2017 Continuing Education Audit:
   
   RNs 290/369 = 79% compliance  
   LPNs 20/34 = 59% compliance

   A second letter will be sent to those nurses that have not responded to the first letter.

5) **New Business and Public Comment**
   
   ➢ Director Clifton advised the Board that per Governor Raimondo’s directive, all of RIDOH’s regulations must be reviewed and revised, there have been minor changes and deletions to the current Nursing Rules and Regulations (R&R). A copy was provided to each Board member. She discussed the items proposed for removal as well as additions and asked that all Board Members review the R&R before the next meeting. This matter will be discussed at the next meeting.

6) **Motion to adjourn to Closed Session**
   
   Motion was made by Joan Flynn and seconded by Maria Ducharme to adjourn to Closed Session at 10:35 am. Motion carried. Kimberly McNulty read the following:

   Pursuant to Sections § 42-46-4 and § 42-46-5(a)(1) of the Rhode Island General Laws, for the purpose of discussing job performance, character, physical or mental health of applicants for licensure. Said individuals have been notified in advance by writing that they may request that the discussion be held at an open meeting.

   Pursuant to Sections § 42-46-4 and § 42-46-5(a)(4) of the Rhode Island General Laws, for investigatory proceedings regarding allegations of civil or criminal misconduct.

7) **Return to Open Session**
Motion was made Karen Matook and seconded by Kathy Heren to re-open the Open Session at 2:30 p.m. and to seal the Minutes of the Closed Session pursuant to Sections 42-46-4, 42-46-5 and 42-46-7 of the Rhode Island General Laws. Motion carried.

8) Final Actions on all votes taken in Closed Session
   The Board proposed action on ten (10) cases.

9) Adjournment
   The next Board of Nursing Registration and Nursing Education meeting will be held Monday, October 16, 2017 at 8:45 am at the Rhode Island Department of Health, Conference Room 401, 3 Capitol Hill, Providence, RI 02908. Motion was made by Maria Ducharme and seconded by Kathy Heren to adjourn at 2:40 p.m.

Respectfully submitted,

Kimberly McNulty  
Case Manager

Margaret Clifton, RN-BC, MS, CLNC  
Director, Board of Nurse Registration and Nursing Education