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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF NURSING
VIA VIDEOCONFERENCE**

TIME: 8:59 A.M.

January 26, 2021

State Board of Nursing
January 26, 2021

ALSO PRESENT: (Cont.)

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6 Maureen May, RN, Temple Hospital
7 Nicole Sidle, Majority Committee Executive Director,
8 House Professional Licensure Committee
9 Jen Smeltz, Executive Director, Senate Consumer Protection
10 and Professional Licensure Committee
11 Lisa Urban, RN, MSN, Interim Coordinator/Nursing
12 Instructor, Greater Altoona Career and Technology Center
13 Maggie Johnson, Director, Practical Nursing Program,
14 Northern Tier Career Center
15 Pam Stauffer, RN
16 Dr. Heather Clark, Director, Practical Nursing
17 Program, Penn State Lehigh Valley
18 April Behory, RNC-OB, BSN, MSNL, Director of
19 Practical Nursing, Somerset County Technology
20 Center
21 Sandra L. Richmond, DNP, MS, RN, CSN, Dean of Nursing
22 & Health Sciences, Pennsylvania College of
23 Technology
24 Andrea Prisco
25 Sharvette Law Philmon, MSN, RN, NEA-BC, CNE
26 Charles Hartwell, Esquire, Dethlefs-Pykosh Law
27 Group, LLC
28 Kerry E. Maloney, Esquire, Post & Schell
29 Madelyn Dill, Undergraduate Student and Intern,
30 Muhlenberg College
31 Athena Kirschner, MSN Ed, RN, Director, School of Nursing,
32 Pittsburgh Technical College
33 Frances Bietsch, MSN-Ed, RN, Nursing Supervisor, Practical
34 Nursing Program, York County School of Technology
35 Alicia Harvey-Smith, PhD, President, Pittsburgh
36 Technical College
37 Eileen Steffen, MS, Vice President of Education,
38 Pittsburgh Technical College
39 Terri Barbour, Dean of School of Nursing and
40 Healthcare Professions, Pittsburgh Technical
41 College
42 Kaitlin Cobourne, MSN Ed, RN, Program Coordinator,
43 School of Nursing, Pittsburgh Technical College
44 Ashley Davis, NCLEX Success Coordinator, Pittsburgh
45 Technical College
46 Theresa McCurry, RN, BSN, Interim Director, Practical
47 Nursing Program, Western Area Career & Technology
48 Center
49 Dr. Dennis McCarthy, Executive Director, Western Area
50 Career & Technology Center

State Board of Nursing
January 26, 2021

ALSO PRESENT: (Cont.)

Ryan Stauffer

Cynthia Glawe Mailloux, PhD, RN, CNE, Professor and
Chairperson, Department of Nursing, King's College

Amy H. Ricords, MEd, BSN, RN, NPD-BC, Director

Professional Advancement, Pennsylvania Action
Coalition

Patrick Mattis, DNP, MSN, MSCS, RN, BC, CPHIMS, CNE,
Director and Chair/Professor Department of Nursing,
Lincoln University

Patricia A. Joseph, PhD, Dean, Office of the Dean of
the Faculty; Professor, Psychology & Human Services

Latisha Hayes, DNP, APRN-BC, CNE, Director of Nursing,
Prism Career Institute-West Atlantic City

Jeffrey Mann, Campus Director, Prism Career
Institute-Philadelphia

Khadijah Williams, Director of Nursing, Prism Career
Institute

Sharon Gordon, Assistant Director, Prism Career
Institute

Jessica Bellerby-Williamson, Prism Career Institute

Antoinette Bloomfield, MSN-Ed, BSN, Instructor, Prism
Career Institute

Arlin Schmidt, CEO, Prism Career Institute

Edward Cramp, Esquire, Duane Morris, LLP

Jennifer Eden, MSN, RNC-OB, Dean of Nursing, Fortis
School of Nursing, Essington

Deborah Little, EdD, RN, CNE, Corporate Assistant
Dean of Nursing, Lincoln Tech Institute

Gayriel Lester, Assistant Director of Nursing, Lincoln
Tech Institute

1 ***

2 State Board of Nursing

3 January 26, 2021

4 ***

5 The regularly scheduled meeting of the State
6 Board of Nursing was held by videoconference pursuant
7 to the Governor's March 16, 2020 waiver of the
8 "physical presence" requirement in section 2.1(c) of
9 the Professional Nursing Law (63 P.S. § 212.1(c)) on
10 Tuesday, January 26, 2021. Kristin Malady, BSN, RN,
11 Chair, called the meeting to order at 8:59 a.m.

12 ***

13 Roll Call

14 [A roll call of Board members was taken by Chair
15 Malady.]

16 ***

17 Introduction of Board Counsel

18 [Carole Clarke Smith, Esquire, Senior Counsel,
19 introduced members of Board Counsel.]

20 ***

21 Introduction of Board Prosecutors

22 [William A. Newport, Esquire, Board Prosecution
23 Liaison, identified members of Prosecution.]

24 ***

25 Introduction of Board Counsel Intern

1 [Ariel O'Malley, Esquire, Board Counsel, introduced
2 Counsel Intern Travis Murray.]

3 ***

4 Introduction of Board Staff

5 [Wendy Miller, MSN, RN, Executive Secretary and
6 Nursing Practice Advisor, introduced Board staff.]

7 ***

8 Introduction of Audience Members

9 [Kristin Malady, BSN, RN, Chair, thanked Mr. Stauffer
10 for managing the virtual meetings. She requested Mr.
11 Stauffer introduce the audience members and asked them
12 to email Board Administrator Cindy Miller directly.]

13 ***

14 [Judith Pachter Schulder, Esquire, Board Counsel,
15 noted the meeting was being recorded and those who
16 continued to participate were consenting to being
17 recorded.]

18 ***

19 Adoption of the Agenda

20 CHAIR MALADY:

21 Are there any changes to the agenda? I
22 would entertain a motion for adoption of
23 the agenda for today's January 26, 2021
24 meeting.

25 DR. COUGHLIN:

1 So moved.

2 DR. KMETZ:

3 Second.

4 CHAIR MALADY:

5 All those in favor? Opposed? Any
6 abstentions?

7 [The motion carried unanimously.]

8 ***

9 Adoption of Minutes

10 CHAIR MALADY:

11 The minutes on the agenda today are from
12 October 2020. Are there any changes to
13 those minutes? Seeing none, could I get
14 a motion to adopt the October 2020
15 meeting minutes?

16 DR. KOVACH:

17 Motion to adopt.

18 DR. COUGHLIN:

19 Second.

20 CHAIR MALADY:

21 All those in favor? Any opposed?
22 Abstentions?

23 [The motion carried unanimously.]

24 ***

25 Report of Prosecutorial Division

1 [Chair Malady noted VRP Consent Agreement items 2
2 through 22. She also noted Ms. Boyd's items 23, 24,
3 25, and 26.]

4 ***

5 [Chair Malady noted Ms. Evancho's items 27 and 28.]

6 ***

7 [Chair Malady noted Ms. Guilfoyle's items 29 through
8 33.]

9 ***

10 [Chair Malady noted Mr. Schertz' items 34, 35, and 36.

11 David J. Schertz, Esquire, Board Prosecutor,
12 answered Board members' questions on items 34 and 35.]

13 ***

14 [Carole Clarke Smith, Esquire, Senior Counsel,
15 reported several consent agreements on the agenda that
16 still cite to Act 48 and requested that Prosecution
17 correct those citations prior to the Agreements being
18 filed. She noted 63 P.S. being cited instead of 63
19 Pa.C.S., even though it had been changed to Chapter
20 31.]

21 ***

22 [Chair Malady noted Mr. Sniscak's items 37 and 38.]

23 ***

24 [Chair Malady noted Ms. Szymanski's items 39 and 40.]

25 ***

1 Regulation Update

2 [Judith Pachter Schulder, Esquire, Board Counsel,
3 noted Regulatory Counsel began reviewing 16A-5141, the
4 Nursing Education Programs regulation. She stated the
5 Child Abuse regulations, 16A-5140, were delivered to
6 the Independent Regulatory Review Commission (IRRC)
7 and the Legislative Reference Bureau to be published
8 in the *Pennsylvania Bulletin*. She was hopeful all
9 comments would be available by the March meeting for
10 review and possibly to adopt the final-form
11 regulation.

12 Ms. Pachter Schulder noted the Volunteer License
13 regulations were being drafted as a package with other
14 Boards.

15 Ms. Pachter Schulder stated 16A-5143 regarding
16 Licensure by Endorsement under Act 41 would be
17 discussed later in the meeting and possibly for Board
18 approval in proposed form.

19 Ms. Pachter Schulder also noted the Statement of
20 Policy for Certified Registered Nurse Practitioners
21 (CRNPs) would be worked on after the Act 41
22 regulations.

23 Ms. Pachter Schulder mentioned the need to work
24 on Achieving Better Care by Monitoring All
25 Prescriptions Program (ABC-MAP) opioid education and

1 opioid education curriculum regulations, followed by
2 Organ and Tissue Donation.

3 Ms. Pachter Schulder reported the Act 53 list of
4 crimes approved by the Board last month was published
5 in the *Pennsylvania Bulletin*. She noted Ms. Clarke
6 Smith prepared the justification document that
7 accompanied the Act 53 list of crimes based upon the
8 Board's discussions at the October and December
9 meetings.]

10 ***

11 Legislative Update - Legislation Affecting
12 Nurses/Nursing

13 [Judith Pachter Schulder, Esquire, Board Counsel,
14 mentioned that since last session was in a *sine die*
15 year, any legislation that had not been adopted needed
16 to be introduced again. She directed the Board to HB
17 131 concerning the acceptance of witness impact
18 statements for the Bureau of Professional and
19 Occupational Affairs (BPOA) hearings. She was hopeful
20 to have stakeholders attend an Advanced Practice
21 meeting wherein they could report on their respective
22 legislative agendas.]

23 ***

24 Report of Board Chairperson

25 [Kristin Malady, BSN, RN, Chair, thanked all of the

1 licensees in the Commonwealth of Pennsylvania who took
2 care of the citizens throughout the pandemic.

3 Chair Malady also thanked Commissioner Johnson,
4 Board staff, Board Prosecutors, and Board Counsel for
5 their assistance throughout the pandemic.]

6

7 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
8 Chief Counsel, Prosecution Division Presentation
9 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
10 Counsel, Prosecution Division, provided highlights of
11 the Prosecution Division's work during the past year.
12 She complimented staff for their hard work to make
13 telework successful. She noted all decisions were
14 made thoughtfully and with the safety of all in mind.

15 Ms. DeLaurentis stated the Board Prosecutors made
16 every effort to monitor the restrictions, waivers,
17 policies, and new procedures specific to the practice
18 in each profession regarding challenges imposed on
19 licensees by the COVID-19 pandemic.

20 Ms. DeLaurentis noted the Pennsylvania Licensing
21 System (PALS) to be a lifeline. She stated the Bureau
22 of Enforcement and Investigation (BEI) worked closely
23 with Prosecution to continue investigations and
24 develop the best methods during statewide shutdowns
25 and stay-at-home orders. She also noted the

1 Professional Compliance Office continued opening cases
2 and processing files, and legal assistants were
3 working a hybrid schedule to ensure mailings and
4 filings were completed.

5 Ms. DeLaurentis commented that the Board, Board
6 staff, and Counsel all adapted to virtual Board
7 meetings, and Prosecution will continue to work with
8 all to ensure efficient and effective presentations
9 and resolution of cases. She mentioned 2020 was a
10 year filled with challenges, but the Prosecution
11 Division led by the incredible senior staff rose to
12 the challenge and will continue to do so.

13 Ms. DeLaurentis informed the Board that 2,776
14 cases were opened in 2020 and 3,496 in 2019, with
15 2,976 cases closed in 2020 for the Board of Nursing.
16 She noted 2,493 open files as of January 1, 2021. She
17 thanked Timothy Smith for his assistance with
18 providing the information for 2020.

19 Ms. DeLaurentis addressed enforcement actions
20 with 435 total cases that resulted in discipline in
21 2020 for the Board of Nursing. She reported 746
22 Warning Letters, 64 Fines, 1 Act 48 Citation Fine, 263
23 Suspensions, 29 Automatic Suspensions, 27 Reprimands,
24 50 Revocation/Voluntary Surrenders, and 130 Probation
25 cases in 2020.

1 Ms. DeLaurentis noted in 2020, the Board issued
2 44 Immediate Temporary Suspensions. Thirty-six (36)
3 of the 1,223 opened COVID-19 cases are for the Board
4 of Nursing in 2020. She reported the total number of
5 Open Cases as of January 1, 2021, was 12,250, and the
6 total number of cases opened overall in 2020 was
7 13,394, which is down from 2019 at 16,295. She noted
8 13,274 files were closed in 2020.]

9

10 Report of Committees - Probable Cause Committee
11 [Sue E. Hertzler, LPN, reported the Probable Cause
12 Committee had 7 Petitions for Appropriate Relief, 21
13 Petitions for Mental/Physical Exams, and 1 Immediate
14 Temporary Suspension conducted on January 15, 2021.]

15

16 Application Review Committee
17 [Kristin Malady, BSN, RN, Chair, reported the
18 Application Review Committee met virtually and moved
19 on many applications.]

20

21 Advanced Practice and RN/PN Practice, Education,
22 & Regulation Committee - No Report

23

24 Dietitian-Nutritionist Committee
25 [Kessey J. Kieselhorst, MPA, RD, LDN, CPHQ, noted

1 House Bill 1802 will be reintroduced. She stated the
2 licensure bill had not been updated since 2002, and
3 the new bill will outline the current responsibilities
4 of registered dietitian-nutritionists (RDNs) and
5 licensed dietitian-nutritionists (LDNs).]

6

7 IT & Communication Issues Committee

8 [Kristin Malady, BSN, RN, Chair, mentioned the need to
9 address issues with eAgenda.]

10

11 Report of Commissioner

12 [K. Kalonji Johnson, Commissioner, Bureau of
13 Professional and Occupational Affairs, thanked
14 everyone for their hard work throughout the pandemic.
15 He announced the promotion of Wendy Miller to
16 Executive Secretary and thanked her, Board
17 Administrator Cynthia Miller, and others who operate
18 behind the scenes.

19 Commissioner Johnson noted currently being in the
20 process of interviewing candidates for the vacant
21 Education Advisor position and was hopeful to soon
22 fill the vacancy.

23 Commissioner Johnson addressed information
24 technology (IT), noting currently working to secure
25 the next generation of the Board logistics application

1 that will be the successor to the eAgenda.]

2

3 [Linda L. Kmetz, PhD, RN, recused herself from the
4 Pittsburgh Technical College presentation.]

5

6 Appointment - Pittsburgh Technical College (PTC) -
7 Request for an Extension of Provisional Status-Year 1
8 [Athena Kirschner, MSN Ed, RN, Director, School of
9 Nursing, Pittsburgh Technical College, introduced
10 Alicia Harvey-Smith, PhD, President; Eileen Steffen,
11 Vice President of Education; Terri Barbour, Dean of
12 School of Nursing and Healthcare Professions; Kaitlin
13 Cobourne, MSN Ed, RN, Program Coordinator of the
14 School of Nursing; and Ashley Davis, NCLEX Success
15 Coordinator.

16 Ms. Kirschner presented to the Board to discuss
17 the PTC's 21-month Associate of Science in Nursing
18 (ASN) program, which operates on a quarterly academic
19 calendar with two graduating cohorts in January and
20 July. She noted finishing the examination year below
21 an 80% benchmark with an NCLEX pass rate at 78.57%.

22 Ms. Kirschner stated the highest failure rate
23 occurred in April when students struggled the most due
24 to state-mandated closings, including all the testing
25 centers. She noted first-time pass rates would have

1 been 82.9% if April 2020 results were excluded.

2 Ms. Kirschner noted that she surveyed PTC
3 graduates who tested from April through September and
4 received 17 responses. The majority of the responders
5 identified the cancellation of testing appointments as
6 an obstacle.

7 Ms. Kirschner believes that there is a direct
8 correlation between exam failures and amount of times
9 rescheduling, where students were prepared to pass but
10 not prepared for the stressors of exam cancellations
11 and prolonged waiting time.

12 Ms. Kirschner opined that 39 of the 84 Bachelor
13 of Science in Nursing (BSN) and Associate Degree in
14 Nursing (ADN) programs experienced decline in NCLEX
15 pass rates.

16 Ms. Kirschner advised that PTC's program
17 underwent an Accreditation Commission for Education in
18 Nursing (ACEN) accreditation site visit in September of
19 2020 and was found compliant in all six standards.
20 She noted awaiting an evaluation in March 2021 to
21 render a final decision to grant the ASN program
22 initial accreditation.

23 Ms. Kirschner asked to retain full approval
24 status.

25 With respect to prior graduates who have not yet

1 tested, Ashley Davis, NCLEX Success Coordinator,
2 explained that PTC's focus was on communication post-
3 graduation in order to allow a solid study plan. She
4 mentioned the importance of the January 2021
5 graduating class keeping in contact with her because
6 it offers student access to Assessment Technology
7 Institute (ATI) products. She stated students also
8 receive an individualized study plan to layout a
9 remediation plan to prepare for NCLEX. She also noted
10 utilizing CoursePoint.

11 Ms. Kirschner addressed the curriculum and
12 utilizing ATI to analyze data for instructor feedback
13 and realignment.]

14

15 Appointment - Western Area Career & Technology

16 Center - Request for an Extension of Provisional
17 Status-Year 5

18 [Theresa McCurry, RN, BSN, Interim Director, Practical
19 Nursing Program, introduced herself and Dr. Dennis
20 McCarthy, Executive Director. She addressed
21 curriculum changes made based upon F.A. Davis Company
22 instructional resources for NCLEX-style questions and
23 improved distance learning. Ms. McCurry noted that
24 pass rate improvements would likely not be reflected
25 until the graduates in August. Ms. McCurry addressed

1 the Improvement Plan, stating, along with the F.A.
2 Davis Company recommended changes, instructors
3 reviewed the new class syllabus, and course outlines
4 were done for the new textbooks. She reported all
5 tests and quizzes were now NCLEX-type questions, and
6 pharmacy textbooks were now included in the syllabus.
7 She pointed out Davis Edge was helping with many
8 courses and distance learning.

9 Dr. Dennis McCarthy, Executive Director, advised
10 that once a director is hired, the full-time day
11 program could open along with the evening part-time
12 program. He addressed difficulties during COVID
13 regarding clinical sites and noted the use of
14 simulation.

15 Ms. McCurry explained that half the curriculum was
16 based on F.A. Davis Company instructional resources, as well
17 as resources from Wolters Kluwer Publishing. She noted
18 preferring the F.A. Davis Advantage and Edge because
19 the delivery method was through Zoom. She noted
20 offering a better curriculum and taking advantage of
21 Kaplan.

22 Ms. McCurry provided information regarding
23 quality point average and NCLEX, along with admission
24 standards. She noted the availability of tutoring and
25 study guides to assist with the curriculum.]

1
2 Appointment - Pennsylvania Action Coalition
3 [Amy H. Ricords, MEd, BSN, RN, NPD-BC, Director
4 Professional Advancement, Pennsylvania Action
5 Coalition; Cynthia Glawe Mailloux, PhD, RN, CNE,
6 Professor and Chairperson, Department of Nursing,
7 King's College; and Janyce L. Collier, MSN, MBA, RN,
8 CNE, Director of Franklin County Career & Technology
9 Center Practical Nursing Program, presented the
10 Academic Progression in Nursing Whitepaper, dated
11 August 2020.

12 Ms. Ricords referred to the Institute of
13 Medicine's (IOM) Future of Nursing report released in
14 2010 and its recommendation for increasing education
15 amongst the nursing profession to create seamless
16 academic progression to attain 80% baccalaureate-
17 prepared nursing workforce by 2020. She provided a
18 summary of the history of the Pennsylvania Academic
19 Progression in Nursing (PAPiN), noting the vision to
20 create an educated workforce through academic
21 partnership to offer the profession to
22 underrepresented and disadvantaged students.

23 Cynthia Glawe Mailloux, PhD, RN, CNE, Professor
24 and Chairperson, Department of Nursing, King's
25 College, mentioned working together in a collaborative

1 relationship with members of all of the programs of
2 nursing. She noted the four types: simple
3 articulation agreements without any formal process
4 linking partnering institutions, articulation or
5 transfer agreements where curricular alignment is
6 required but voluntary, dual admission or co-
7 enrollment partnership that include curricular
8 integration and overlapping coursework, and complete
9 curricular integration where the student begins their
10 education at a community college and exits with both
11 an ADN and a college/university conferred BSN.

12 Dr. Mailloux addressed national and Pennsylvania
13 progress of first-time NCLEX® candidates who hold
14 BSNs. Nationally the number of RNs graduating from
15 BSN programs tripled from 2009-2018. In Pennsylvania,
16 there is a large percentage of non-baccalaureate
17 prepared nurses. There is a statewide Articulation
18 Agreement adopted by the Pennsylvania Higher Education
19 Nursing Schools Association, Inc. She discussed
20 challenges to academic progression: financial,
21 educational, and psychosocial barriers.

22 For RN progression, PAPIN recommended creating
23 collaborative academic partnerships, eliminating
24 credit expiration, the establishment of the number of
25 credits awarded for licensure and transfer, the

1 development of a national standard of foundational
2 courses, and the elimination of the requirement for
3 completion of professional practice hours before
4 beginning the BSN Program.

5 For LPN progression, PAPIN recommended
6 identifying partners that can offer foundational BSN
7 courses so that the courses do not have to be
8 repeated, an agreement on the awarded credits offered
9 for LPN licensure, and the elimination of the
10 requirement for completion of professional practice
11 hours before beginning the BSN Program.

12 Academically, PAPIN recommended providing
13 students with information about articulation, identify
14 pathways to BSN during recruitment events, and having
15 nursing program recruiters share BSN pathways with
16 high school guidance counselors and LPN program
17 advisors. For employers, PAPIN recommendations
18 included developing a network of support, implementing
19 ambassadors/mentors to help nurses navigate the
20 system, and encouraging collaborative projects that
21 include financial and professional rewards. At the
22 conclusion of the presentation, the Board was asked to
23 endorse the Whitepaper.

24 Chair Malady thanked the Pennsylvania Action
25 Coalition for all of their work, noting the importance

1 and appreciation of the Whitepaper.

2 Ms. Pachter Schulder indicated that she would
3 research the endorsement request.]

4 ***

5 Appointment - Lincoln University - Request for an
6 Extension of Provisional Status-Year 6
7 [Patrick Mattis, DNP, MSN, MSCS, RN, BC, CPHIMS, CNE,
8 Director and Chair/Professor, Department of Nursing,
9 Lincoln University, presented to the Board to identify
10 steps that have been implemented to ensure students
11 anticipated to graduate in May pass the licensure
12 examination.

13 Dr. Mattis informed the Board that Lincoln
14 University has partnered with ATI and Kaplan. He
15 noted utilizing exams and data analytics from the exam
16 to develop and refine the curriculum. He stated
17 faculty was referring students for remediation on
18 topics earlier in the program as a way to avoid
19 failure.

20 Dr. Mattis indicated that faculty is receiving
21 feedback from ATI regarding reports and integrating
22 active learning strategies. He stated a Nursing
23 Curriculum Committee was started to look at each
24 course, curriculum, assignments, and teaching
25 strategies to make recommendations to the instructors.

1

2 Patricia A. Joseph, PhD, Dean, Office of the Dean
3 of Faculty; Professor, Psychology & Human Services,
4 stated that there are currently 15 seniors. She noted
5 out of the 21 who graduated in May of 2020, the
6 majority tested. She mentioned enhancements to the
7 curriculum and faculty development changes discussed
8 in previous presentations were now in place.

9 Dr. Mattis noted that admissions are now limited
10 to 30 students but has been reduced to about 20.

11 Ms. Pachter Schulder suggested Dr. Mattis review
12 the Candidates Educated by Jurisdiction Report against
13 the enrollees and graduates to see who is left, noting
14 that waiting may be detrimental because the
15 individuals continue to test and not pass.]

16

17 Appointment - Prism Career Institute - Request for an
18 Extension of Provisional Status-Year 7

19 [Latisha Hayes, DNP, APRN-BC, CNE, Director of
20 Nursing, Prism Career Institute, introduced herself as
21 the new Program Director for the Pennsylvania campus
22 and provided a pass rate history for the West Atlantic
23 City Campus where she was previously Program Director.

24 She noted that the graduates of that Campus had been
25 consistently in the 80% range but that dropped to 75%

1 due to students not obtaining testing dates and other
2 obstacles.

3 The Board expressed its concern with the rotation
4 of program directors and the decrease in pass rates as
5 part of the learning curve for succeeding program
6 directors.

7 Dr. Hayes stated the Philadelphia Campus had an
8 Admissions Committee looking at students and their
9 potential for success through the program. She noted
10 the first quarter from September to December of 2020
11 there were 43 testers, of which 32 passed and 11
12 failed. She reported on an increased selectivity of
13 students admitted to the program in January 2021, with
14 36 admissions in January 2020 and 23 this year, which
15 is a 25% decrease.

16 Jeffrey Mann, Campus Director, Prism Career
17 Institute-Philadelphia, commented that the Admissions
18 Committee has a 21-day period where students are
19 enrolled, and the Committee can review their academic
20 progress or attendance to determine who would succeed
21 through the program. He noted encouraging individuals
22 to remediate on skills that may help the students in
23 the future and to reapply at a later time.

24 Mr. Mann addressed preadmission scores and NCLEX
25 pass rates, where extensive research on the

1 correlation between grade point average and
2 examination passage was performed, along with
3 utilizing a consultant.

4 Dr. Hayes addressed reasons that would preclude
5 admission, including people who would not change their
6 work hours and those with dependents, which becomes an
7 obstacle. She noted a policy to require remediation
8 for students with a GPA of less than 3.0, which would
9 go into effect beginning with the February 8, 2021
10 cohort.

11 Dr. Hayes stated that the Program has reviewed
12 the NCLEX Mountain Measurement Report to look at
13 curriculum deficiencies. Faculty members are taking
14 the NCSBN item writing course to assure that course
15 examinations better reflect the NCSBN-style questions.

16 Dr. Hayes addressed improvements made between the
17 last quarter and this quarter with the implementation
18 of a live NCLEX review course for the current January
19 term and a program called virtual application
20 programming interface (API) to get the students
21 through graduation in preparation for their boards.
22 She reported the students would be moving to Hurst,
23 which created the ability for faculty to be more
24 active in assisting the students or graduates in
25 preparation for their NCLEX.]

1 ***

2 Committee Meetings - RN/PN, Education
3 & Regulation/Advanced Practice

4 [Judith Pachter Schulder, Esquire, Board Counsel,
5 addressed Act 41 regarding Licensure by Endorsement.
6 She explained that a person who has a license in
7 another state that has substantially similar licensure
8 standards to those in Pennsylvania would be granted a
9 license without consideration of the individual's
10 education as long as the out-of-state licensees
11 demonstrated continued competency and had no
12 disqualifying discipline or disqualifying criminal
13 conviction.

14 Ms. Pachter Schulder noted the Board previously
15 agreed that competence would be 1,800 hours of
16 practice within 2 of the last 5 years at either a
17 health care facility where English is spoken or
18 demonstrated passage of an English language
19 proficiency exam. She noted the same is the case for
20 part-time, where the applicant would have to
21 demonstrate 3,600 hours of practice within 5 years at
22 a health care facility where English is spoken or
23 proof of passing an English language proficiency
24 requirement.

25 Ms. Pachter Schulder mentioned the addition to

1 the current regulation regarding continued competence,
2 where a licensee who had a license that lapsed 5 years
3 or longer would be required to take the NCLEX again,
4 take a reactivation course, or have practiced for a
5 certain period of time in another jurisdiction.

6 The Board reviewed the pre-draft stakeholder
7 comments received regarding the regulation. Linda Roy
8 requested a definition for active engagement and
9 questioned how the Board arrived at a 34-hour week.
10 Ms. Pachter Schulder noted the Board's calculation is
11 based upon one year plus vacation time for the 1,800
12 and 3,600 number rather than a 34-hour week. She
13 stated "active engagement" is language used by other
14 boards. She noted it could be defined in the preamble
15 that "active engagement" means actively practicing and
16 includes both teaching and a hands-on clinical
17 practice.

18 Ms. Pachter Schulder noted a comment from Mary
19 Elizabeth Tadduni who opined that the minimum practice
20 requirement is a hardship for those coming from other
21 jurisdictions. The Board was questioned whether it
22 desired to remove the minimum practice requirement;
23 the Board declined.

24 Ms. Pachter Schulder addressed the last comments
25 received by Maria Battista, Esquire, on behalf of the

1 Pennsylvania Coalition of Nurse Practitioners (PCNP),
2 who stated that part-time faculty would not be able to
3 meet either the 3,600 hours in 5 years or 1,800 hours
4 in 2 of the last 5 years' experience requirement. She
5 recommended that the Board adopt the standard used by
6 the American Nursing Credentialing Center (ANCC) and
7 the American Academy of Nurse Practitioners (AANP),
8 which require only 1,000 hours of specialty practice
9 for recertification.

10 Ms. Pachter Schulder noted that the proposed
11 experience requirement is different from
12 recertification, as the recertification requirement
13 limits the practice hours to those in a particular
14 specialty rather than total practice hours. She noted
15 that the amount needed for recertification was
16 stricter than the timeframe in the proposal.

17 The Board next discussed Ms. Batista's comment
18 that the definition of "health care facility" does not
19 include outpatient practice setting. The Board agreed
20 to change the language from "health care facility" to
21 a "facility that provides nursing care requiring
22 licensure."

23 Ms. Pachter Schulder questioned whether the Board
24 desired to make the timeframe for the continued
25 competence required for licensees whose license

1 lapsed/expired 5 or more years 3,600 hours within the
2 last 5 years or 1,800 per year. The Board chose the
3 former.]

4 ***

5 MS. PACHTER SCHULDER:

6 In light of the discussion and the
7 changes to "the facility providing
8 nursing or nutrition-dietetics care that
9 requires licensure," is there a motion
10 to adopt the 16A-5143 in proposed form?

11 DR. KMETZ:

12 So moved.

13 MS. HERTZLER:

14 Second.

15 CHAIR MALADY:

16 All those in favor? Opposed?

17 Abstentions?

18 [The motion carried unanimously.]

19 ***

20 Report of Board Members Who Attended a Meeting on
21 Behalf of the Board - No Report

22 ***

23 Report of Executive Secretary

24 [Wendy Miller, MSN, RN, Executive Secretary and

25 Nursing Practice Advisor, announced approximately 89%

1 of LDNs renewed by the December 29 deadline. She
2 stated information regarding the 2021 National Council
3 of State Boards of Nursing Midyear Meeting, March 9-
4 11, 2021, and the Advanced Practice Registered Nurses
5 Roundtable on April 6, 2021, was on the Board meeting
6 agenda. She also noted the National Council of State
7 Boards of Nursing 2021 Scientific Symposium will be
8 held on March 22, 2021.

9 Chair Malady mentioned the NCSBN meetings were
10 complimentary and are being held remotely and
11 encouraged Board members to attend.]

12 ***

13 [The Board recessed from 11:33 a.m. until 11:47 a.m.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act,
16 the Board entered into Executive Session with Judith
17 Pachter Schulder, Esquire; Megan E. Castor, Esquire;
18 Carole Clarke Smith, Esquire; Ariel O'Malley, Esquire;
19 and Todd Kriner, Esquire, at 11:53 a.m. for the
20 purpose of conducting quasi-judicial deliberations on
21 matters listed under the Report of Board Counsel and
22 Report of Prosecutorial Division. The Board returned
23 to Open Session at 12:35 p.m.]

24 ***

25 MOTIONS:

1 015267, Case No. 20-51-006193, Case No.
2 20-51-007175, Case No. 17-51-13026, Case
3 No. 18-51-006259, Case No. 20-51-011153,
4 and Case No. 17-51-09225?

5 DR. KOVACH:

6 So moved.

7 DR. KMETZ:

8 Second.

9 CHAIR MALADY:

10 All in favor? Opposed? Abstentions?

11 [The motion carried unanimously. The Respondent's
12 name in Case No. 19-51-006890 is Sandra Marie Conklin,
13 RN, LPN; Case No. 19-51-016847, Arturo Rodriguez, RN;
14 Case No. 20-51-003327, Vicki R. Cragle, RN; Case No.
15 16-51-07044, Tamatha Lee Preuett, LPN; Case No. 19-51-
16 015267, Tracy Lynn Nutt, RN; Case No. 20-51-006193,
17 Ruth E. Kofke, RN; Case No. 20-51-007175, Jon M.
18 Leeking, RN; Case No. 17-51-13026, Joyce D. Horne,
19 LPN; Case No. 18-51-006259, Daffney Strausser Walter,
20 LPN; Case No. 20-51-011153, George B. Lee, RN; and
21 Case No. 17-51-09225, Nicole Lyn Berzowski, LPN, RN.]

22 ***

23 MS. PACHTER SCHULDER:

24 Is there a motion to adopt the following
25 Consent Agreements for which members

1 Hertzler, Kerns, and Luchs are recused:
2 Case No. 20-51-013354, Case No. 20-51-
3 003655, Case No. 20-51-011699, Case No.
4 20-51-012341, and Case No. 20-51-007726?

5 DR. KMETZ:

6 So moved.

7 DR. COUGHLIN:

8 Second.

9 CHAIR MALADY:

10 All those in favor? Opposed?

11 Abstentions?

12 [The motion carried. Members Hertzler, Kerns, and
13 Luchs recused themselves from deliberations and voting
14 on the motion. The Respondent's name in Case No. 20-
15 51-013354 is Hong Van Tran-Speros, RN; Case No. 20-51-
16 003655, James Hunt, RN, LPN; Case No. 20-51-011699,
17 Rose-Ann Marie Figard, LPN; Case No. 20-51-012341,
18 Heather L. Cochran, RN; and Case No. 20-51-007726,
19 Julie Fink, LPN.]

20 ***

21 MS. PACHTER SCHULDER:

22 Is there a motion to adopt the following
23 two Consent Agreements for which member
24 Luchs is recused: Case No. 19-51-014951
25 and Case No. 19-51-003078?

1 DR. COUGHLIN:

2 So moved.

3 MS. HERTZLER:

4 Second.

5 CHAIR MALADY:

6 All in favor? Opposed? Abstentions?

7 [The motion carried. Member Luchs recused herself
8 from deliberations and voting on the motion. The
9 Respondent's name in Case No. 19-51-014951 is Devon
10 Strubert, RN, and Case No. 19-51-003078 is Petra
11 Dagmar Glebocki, LPN.]

12 ***

13 MS. PACHTER SCHULDER:

14 Is there a motion to enter default, to
15 deem facts admitted and to authorize
16 Counsel to prepare Adjudications and
17 Orders in the matters of Eric Tyson
18 Moon, RN, Case No. 19-51-016873, and
19 Latisha Mitchell, LPN, Case No. 19-51-
20 017681?

21 DR. KMETZ:

22 So moved.

23 MS. HERTZLER:

24 Second.

25 CHAIR MALADY:

1 All those in favor? Opposed?
2 Abstentions?

3 [The motion carried unanimously.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to adopt the following
7 Hearing Examiner Proposals for which
8 there are no recusals: Lindsay Adams,
9 RN, Case No. 20-51-008210; Connie Lee
10 Whitesides, RN, Case No. 19-51-013790;
11 and Althea M. George, LPN, Case No. 19-
12 51-017299?

13 DR. KMETZ:

14 So moved.

15 MS. HERTZLER:

16 Second.

17 CHAIR MALADY:

18 All those in favor? Opposed?
19 Abstentions?

20 [The motion carried unanimously.]

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to authorize Counsel
24 to prepare Adjudications and Orders in
25 the following matters for which member

1 Luchs is recused: Eric James Behr, RN,
2 Case No. 19-51-001164, and Shirley
3 Swope, RN, LPN, Case No. 18-51-006898?

4 DR. KMETZ:

5 So moved.

6 MS. HERTZLER:

7 Second.

8 CHAIR MALADY:

9 All those in favor? Opposed?

10 Abstentions?

11 [The motion carried. Member Luchs recused herself
12 from deliberations and voting on the motion.]

13 ***

14 MS. PACHTER SCHULDER:

15 Is there a motion to authorize Counsel
16 to prepare an Adjudication and Order in
17 the matter of Melissa Reber, LPN, Case
18 No. 19-51-008089, for which member Kerns
19 is recused?

20 DR. KOVACH:

21 So moved.

22 DR. COUGHLIN:

23 Second.

24 CHAIR MALADY:

25 All those in favor? Opposed?

1 Abstentions?

2 [The motion carried. Member Kerns recused herself
3 from deliberations and voting on the motion.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to adopt the Draft
7 Adjudication and Order in the matter of
8 Bobbie Bernat, LPN, Case No. 19-51-
9 016971, for which members Hertzler and
10 Kerns are recused?

11 DR. COUGHLIN:

12 So moved.

13 DR. KMETZ:

14 Second.

15 CHAIR MALADY:

16 All those in favor? Opposed?

17 Abstentions?

18 [The motion carried. Members Hertzler and Kerns
19 recused themselves from deliberations and voting on
20 the motion.]

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to adopt the following
24 Draft Adjudications and Orders for which
25 there are no recusals: Nicole Eicher,

1 RN, Case No. 19-51-002728; Catherine
2 Levine, RN, Case No. 19-51-015770;
3 Dannielle Hellams, LPN, Case No. 17-51-
4 08473; Melissa Scott, RN, Case No. 19-
5 51-014236; Jamie Simon, RN, Case No. 16-
6 51-13372; and Kelly Vanyo, RN, Case No.
7 17-51-06503?

8 DR. KMETZ:

9 So moved.

10 MS. HERTZLER:

11 Second.

12 CHAIR MALADY:

13 All those in favor? Opposed?

14 Abstentions?

15 [The motion carried unanimously.]

16 ***

17 MS. PACHTER SCHULDER:

18 Item No. 64 on the agenda, Lynn Snow,
19 RN, Case No. 20-51-008177, has been
20 withdrawn.

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to deny the request of
24 Pittsburgh Technical College to not be
25 placed on provisional status on the

1 grounds that both the national and
2 statewide pass rates do not reflect any
3 implication to the pass rates due to
4 COVID, notwithstanding the several
5 students who failed within their testing
6 cohort?

7 DR. KOVACH:

8 So moved.

9 MS. HERTZLER:

10 Second.

11 CHAIR MALADY:

12 All those in favor? Opposed?

13 Abstentions?

14 [The motion carried. Member Kmetz recused herself
15 from deliberations and voting on the motion.]

16 ***

17 MS. PACHTER SCHULDER:

18 Is there a motion to grant Western Area
19 Career & Technology Center an extension
20 of provisional status until July 21,
21 2021?

22 DR. KMETZ:

23 So moved.

24 DR. KOVACH:

25 Second.

1 CHAIR MALADY:

2 All those in favor? Opposed?

3 Abstentions?

4 [The motion carried unanimously.]

5 ***

6 MS. PACHTER SCHULDER:

7 Is there a motion to grant Prism Career
8 Institute and Lincoln University an
9 extension of their provisional status
10 until April 30, 2021?

11 DR. KMETZ:

12 So moved.

13 MS. HERTZLER:

14 Second.

15 CHAIR MALADY:

16 All those in favor? Opposed?

17 Abstentions?

18 [The motion carried unanimously.]

19 ***

20 Old Business

21 [Kristin Malady, BSN, RN, Chair, noted she and Dr.
22 Kmetz are still awaiting the appointment of another
23 LPN member who will be added to the Application
24 Committee.

25 Chair Malady questioned whether Ms. Vincent would

1 be willing to take over as chair of the Advanced
2 Practice Committee from Dr. Kmetz, and Ms. Vincent
3 agreed. Chair Malady noted that the other committees
4 would remain the same.]

5 ***

6 Miscellaneous

7 [Kristin Malady, BSN, RN, Chair, encouraged Board
8 members to sign up for the National Council of State
9 Boards of Nursing Advanced Practice Registered Nurses
10 Roundtable.

11 Chair Malady requested Ms. Pachter Schulder
12 provide information regarding what the Board could do
13 for the Pennsylvania Action Coalition to help support
14 their cause.]

15 ***

16 Adjournment

17 CHAIR MALADY:

18 I make a motion to adjourn this meeting.

19 DR. COUGHLIN:

20 So moved.

21 CHAIR MALADY:

22 Do I have a second?

23 DR. KOVACH:

24 Second.

25 CHAIR MALADY:

1 All those in favor? Opposed?
2 Abstentions?

3 [The motion carried unanimously.]

4 ***

5 [There being no further business, the State Board of
6 Nursing Meeting adjourned at 12:48 p.m.]

7 ***

8

9

10 CERTIFICATE

11

12 I hereby certify that the foregoing summary
13 minutes of the State Board of Nursing meeting, was
14 reduced to writing by me or under my supervision, and
15 that the minutes accurately summarize the substance of
16 the State Board of Nursing meeting.

17

18

19



20

Evan Bingaman,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

26

STATE BOARD OF NURSING
REFERENCE INDEX

January 26, 2021

	TIME	AGENDA
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2		
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4		
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6		
7		
8		
9	8:59	Official Call to Order
10		
11	9:00	Roll Call
12		
13	9:02	Introductions
14		
15	9:09	Approval of Minutes
16		
17	9:10	Report of Prosecutorial Division
18		
19	9:21	Regulation Update
20		
21	9:23	Pennsylvania Legislative Update
22		
23	9:26	Report of Board Chairperson
24		
25	9:30	Appointment - Carolyn A. DeLaurentis,
26		Esquire, Deputy Chief Counsel,
27		Prosecution Division Presentation
28		
29	9:40	Report of Committees
30		
31	9:45	Report of Commissioner
32		
33	9:50	Appointment - Pittsburgh Technical
34		College
35		
36	10:00	Appointment - Western Area Career
37		& Technology Center
38		
39	10:15	Appointment - Pennsylvania Action
40		Coalition
41		
42	10:45	Appointment - Lincoln University
43		
44	11:00	Appointment - Prism Career Institute
45		
46	11:20	Committee Meetings
47		
48	11:30	Report of Executive Secretary
49		
50		

STATE BOARD OF NURSING
REFERENCE INDEX
(cont.)

January 26, 2021

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5		
6		
7		
8	11:33	Recess
9		
10	11:47	Return to Open Session
11		
12	11:53	Executive Session
13		
14	12:35	Return to Open Session
15		
16	12:35	Motions
17		
18	12:44	Old Business
19		
20	12:46	Miscellaneous
21		
22	12:48	Adjournment
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