## State Board of Nursing October 28, 2022

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## BOARD MEMBERS:

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Linda L. Kmetz, PhD, RN, Chair Arion R. Claggett, Acting Commissioner, Bureau of

Professional and Occupational Affairs
Ann Michele Coughlin, DNP, MBA, RN, Vice Chair
Sue E. Hertzler, LPN

Linda A. Kerns, Esquire, Public Member Kristin Malady, BSN, RN

Bridget E. Vincent, MSN, CRNP, APN-BC, CCRN

Colby P. Hunsberger, DNP, RN, CNEcl

Tina D. Siegel, LPN

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#### COMMONWEALTH ATTORNEYS:

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Carole Clarke Smith, Esquire, Senior Board Counsel Judith Pachter Schulder, Esquire, Board Counsel Ariel E. O'Malley, Esquire, Board Counsel

24 Todd P. Kriner, Esquire, Board Counsel 25 Megan E. Castor, Esquire, Board Counsel

William Newport, Esquire, Senior Board Prosecutor in Charge, Board Prosecution Co-Liaison

T'rese Evancho, Esquire, Board Prosecutor, Board Prosecution Co-Liaison

Trista Boyd, Esquire, Board Prosecutor

David J. Schertz, Esquire, Board Prosecutor

Codi M. Tucker, Esquire, Board Prosecutor

Kathryn E. Bellfy, Esquire, Board Prosecutor

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#### DEPARTMENT OF STATE AND BOARD STAFF:

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Wendy J. Miller, MSN, RN, Executive Secretary Cynthia K. Miller, Board Administrator Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursin

Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursing Education Advisor

Susan Bolig, RN, Nursing Practice Advisor

Leslie House, MSN, RN, Nursing Practice Advisor

Ann Marie Zvorsky, MSN, RN, CNE, Nursing Practice Advisor

Marc Farrell, Deputy Policy Director, Department of State

Danie Bendesky, Director, Intergovernmental Affairs, Department of State

Adrian Piechowicz, Paralegal, Prosecution Division

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### DEPARTMENT OF STATE AND BOARD STAFF: (Cont.)

Raymond Shapard, Information and Technology, On-site End User Support

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#### ALSO PRESENT:

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Alex Aduboahen, MSN, Practical Nursing Director, Princeton Information and Technology Center Suja Johnson, BSN, Practical Nursing Clinical Director, Princeton Information and Technology Center

Martin Dineen, MSN, Practical Nursing Instructor/Student Services, Princeton Information and Technology Center

Yamaris Rivera, Site Manager, Princeton Information and Technology Center

Josef Silny, MA, President, Josef Silny & Associates, Inc.

Tammy Allison, MSN, RN, Practical Nursing Program Director, Laurel Business Institute

Amy Braymer, Vice President of Education, Laurel Institutes, Laurel College of Technology and Laurel Business Institute

Nancy Decker, President/CEO, Laurel Institutes, Laurel College of Technology and Laurel Business Institute

Douglas Decker, PhD, Vice President, Laurel Institutes, Laurel College of Technology and Laurel Business Institute

Debbie Dell, MSN, RN, Practical Nursing Program Director, Great Lakes Institute of Technology

Eric Berrios, Chief Executive Officer, Great Lakes Institute of Technology

Krysta Rives, Director of Education, Great Lakes Institute of Technology

Vilma Davis, PhD, RN, CRNP, PNP-BC, Program Director and Chair, Nursing Department, Lincoln University

Patricia Joseph, PhD, Dean of the Faculty, Psychology and Human Services Department, Lincoln University

Joyce Taylor, MSN, RN, CCRN, Associate Professor,

Nursing Department, Lincoln University

Corey Dennis, BA, BSN, RN, CNEn, Director of Nursing, Pennsylvania Institute of Technology

## State Board of Nursing October 28, 2022

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### ALSO PRESENT: (Cont.)

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Jennifer Smeltz, Republican Executive Director Senate Consumer Protection & Professional Licensure Committee

Lori Spiezio, RN, Montgomery County Community College Andrea Wandling, Human Resources Manager, Pennsylvania Association of Community Health Centers

Gail Holby, MSN, BSRN, Practical Nursing
 Director/Coordinator, Wilkes-Barre Area Career and
 Technology Center

Justin Keller, BSN, RN

Kathleen Rundquist, MSN, RN, Nurse Administrator and Financial Aid Administrator, Franklin County Practical Nursing Program

Nicole Campbell, Division Chief, Division of Law Enforcement Education and Trade Schools, Department of Education

Jenny Piper, Board Administrator, Private Licensed Schools, Pennsylvania Department of Education Bureau of Postsecondary and Adult Education

Jean Marie Truman, Director of Assessment/Program Review and Associate Professor of Nursing, University of Pittsburgh at Bradford

Lisa Urban, RN, MSN, Nursing Instructor, Greater Altoona Career and Technology Center

Ramona McCormick, DNP, CRNA, Tower Health

Kelly Kuhns, PhD, RN, CNE, Professor and Department Chair, Millersville University

Katrina Maurer, FNP, CRNP-BC, Family Nurse Practitioner, Honesdale VA Outpatient Clinic, Fortis Institute

Lisa Claypool Stevenson, Senior Associate Counsel, UPMC

Teri Henning, Esquire, Chief Executive Officer, Pennsylvania Homecare Association

Barbara A. Todd, DNP, ACNP-BP, FAANP, FAAN, Strategic Planning Steering Committee Member, Pennsylvania Coalition of Nurse Practitioners

Teresa Moore, MS, NCC, Case Manager, Nurse Peer Assistance Program

Deborah Little, EdD, RN, CNE, Corporate Assistant Dean of Nursing, Lincoln Educational Services

Stacey Wheaton, Health Instructor at Greene County Career and Technology Center

## State Board of Nursing October 28, 2022

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## ALSO PRESENT: (Cont.)

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Kathleen Prendergast, LPN Program Educator,
Delaware County Technical School
Deb Bortone Esculty member Bonnaylyania I

Deb Portone, Faculty member, Pennsylvania Institute of Technology Practical Nurse Program

Katie Noss, Manager, Clinical and Quality

Improvement, Pennsylvania Association of Community Health Centers

Katrina Claghorn, MS, RD, LDN, Pennsylvania Academy
 of Nutrition & Dietetics

Kerry Lange, Milliron & Goodman, LLC

Tyler Burke, Milliron & Goodman, LLC

Wesley J. Rish, Esquire, Rish Law Office, LLC Janet Yontas, Director of Practical Nursing, Practical Nursing Career Technology Center Lackawanna County

Tom Dougherty, III, Government Relations Specialist, Pennsylvania State Nurses Association

Sarah Hexem Hubbard, Esquire, Executive Director at the National Nurse-Led Care Consortium

Jenny Horn Gimbel, Director, Pennsylvania Action Coalition

Cheryl Schlamb, DNP, CRNP, President, Pennsylvania Coalition of Nurse Practitioners

Lori Spiezio, RN, Landsdale School of Business Practical Nursing Program

Marlon Keller, President, Lansdale School of Business Marianne Johnson, President, Lansdale School of Business

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee

Shauna F. Boscaccy, GSL Public Strategies Group, Pennsylvania Association of Nurse Anesthetists Amy Felix, CRNP, RN, Burnout Anticipation

Technologies

Heather Haines, BSN, RN, Practical Nursing Coordinator, Practical Nurse Program, Mifflin County Academy of Science and Technology

Maria Battista, JD, EdD

Adele Caruso, DNP, CRNP, Pennsylvania Coalition of Nurse Practitioners

P. Daniel Altland, Esquire, Pennsylvania Association of Nurse Anesthetists

Kate McHugh, CNM, MSN, Co-Chair, Legislative Committee, PA-ACNM

# $\frac{\text{State Board of Nursing}}{\text{October 28, 2022}}$

ALSO PRESENT: (Cont.)

Andrea Weaver, SEIU Healthcare Pennsylvania Kathryn Witherow, Sargent's Court Reporting Service, Inc.

Sargent's Court Reporting Service, Inc. (814) 536-8908

\* \* \* 1 2 State Board of Nursing 3 October 28, 2022 \* \* \* 4 5 The regularly scheduled meeting of the State 6 Board of Nursing was held on Friday, October 28, 7 2022. Linda L. Kmetz, PhD, RN, Chair, called the meeting to order at 9:13 a.m. 9 10 Introduction of Board Members 11 [Linda L. Kmetz, PhD, RN, Chair, requested an introduction of Board members.] 12 13 \* \* \* 14 Introduction of Board Staff and Board Counsel 15 Introduction of Gallery and Virtual Attendees 16 17 18 [Judith Pachter Schulder, Esquire, Board Counsel, 19 reminded everyone that the meeting was being recorded 20 and voluntary participation constituted consent to be 21 recorded.1 22 23 Adoption of the Agenda CHAIR KMETZ: 24 25 We have the agenda before us.

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   MS. VINCENT:
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                  So moved.
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   MS. MALADY:
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                  Second.
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   CHAIR KMETZ:
                  All those in favor? Opposed?
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                  Abstentions?
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   [The motion carried unanimously.]
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   Adoption of Minutes of September 7, 2022
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   CHAIR KMETZ:
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                  The September meeting, any additions or
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                  corrections? Hearing and seeing none,
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                  may I have a motion for approval?
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   MS. VINCENT:
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                  So moved.
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   MS. MALADY:
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                  Second.
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   CHAIR KMETZ:
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                  All those in favor? Opposed?
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                  Abstentions?
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   [The motion carried unanimously.]
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   Report of Prosecutorial Division
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    [Chair Kmetz noted VRP Consent Agreement items 2
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   through 15.]
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   [Chair Kmetz noted Ms. Bellfy's items 16 through 20.]
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   [Chair Kmetz noted Ms. Boyd's item 21.]
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   [Chair Kmetz noted Ms. Evancho's items 22 and 24.]
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   [Chair Kmetz noted Mr. Schertz's items 25 and 26.]
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   [Chair Kmetz noted Mr. Sniscak's items 27 through 29
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   presented by Ms. Tucker on behalf of Mr. Sniscak.]
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   [Chair Kmetz noted Ms. Tucker's items 30 and 31.]
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   Appointment - Princeton Information and Technology
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     Center's (PITC) Response to the Board's Request for
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     Additional Information Regarding the Proposal of an
     Online Curriculum
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   [Alex Aduboahen, MSN, Practical Nursing Director;
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   Suja Johnson, BSN, Practical Nursing Clinical
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   Director; Martin Dineen, MSN, Practical Nursing
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   Instructor/Student Services; and Yamaris Rivera,
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   Associate Degree, Site Manager, presented on behalf
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   of PITC.
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Mr. Dineen explained that PITC provided its distance education proposal to the Board on September 29 that cited studies concerning distance education with virtual simulation (vSim). He stated distance education could bring more nursing students into schools and referred to the shortage in nursing estimated to be between 250,000 to 400,000.

Ms. Pachter Schulder asked whether PITC's current program is hybrid or residential.

Ms. Rivera stated that during COVID, the program went online, but as of June 13, 2022, PITC went back to fully residential classes with a component where students would take only general education classes online. She noted all nursing courses are taught in the building as well as clinicals.

Ms. Pachter Schulder asked whether any of the studies presented in the response address Practical Nursing as requested by the Board.

Mr. Dineen stated many of the studies came from Registered Nurse (RN) programs, and one of them was the meta-analysis that came from Licensed Practical Nurse (LPN) programs. He noted most RN programs offer an LPN option to test out after the first year.

Dr. Hunsberger referred to the study cited by PITC that mentioned an article, Doleen J. et al. 2016

The Effects of Using High-Fidelity Simulation in

Undergraduate Nursing Education and questioned the

applicability of the study since the article noted

that virtual simulation was excluded from the study.

Dr. Hunsberger further questioned the justification

for using low-to mid-fidelity simulation, virtual

simulation, eLearning, and web-based simulation since

all but high-fidelity simulation were excluded from

Mr. Dineen agreed that the study excluded vSim but indicated that other articles talked about the benefits of simulation, both virtual and live simulation.

the study.

Ms. Pachter Schulder requested more information regarding the didactic, lab, and clinical courses.

Mr. Dineen noted that the proposal would still have a clinical component with hands-on clinical experience, and the simulation and virtual simulation would be a small portion of that. He noted about 25-30 percent of the clinical could be online, virtual or in-lab, as opposed to hands on. Ms. Rivera added that there would also be hands-on practice for some didactic classes.

Mr. Aduboahen discussed the number of clinical hours, noting a total of 860 hours of clinical, 300

virtual simulation hours, and 500 hours where the students physically meet patients and 60 additional hours for high-fidelity simulation. He explained that nursing fundamentals, med/surg, pharmacology, pediatrics and obstetrics would be via vSim, of which there are ten virtual simulations for each subject.

Mr. Dineen clarified that PITC uses the Assessment Technologies Institute (ATI) for virtual simulation for the nursing courses that Mr. Aduboahen referenced noting that they are specifically geared toward the PN student. He noted the courses have a minimum of 10 virtual simulations in each course and well over 30 to 40 hours of clinical simulation within ATI. Instructors can set the virtual simulations for a specific timeframe of a specific period.

Mr. Aduboahen and Mr. Dineen further noted PITC also uses Lippincott Company's thePoint, which provides instructor and student resources with video and clinical simulations. He mentioned that instructors could set up virtual simulations for a specific time frame as an assignment and also have the option to leave the simulation open for the students.

Ms. Johnson addressed the number of students in

each cohort, the sim-lab schedule, and the studentteacher ratio. She explained that weekday clinicals
are held on Tuesdays and Wednesdays, and weekend
clinicals are held on alternating weekends. The
schedule for both is from 8:00 a.m. to 10:00 a.m. for
preconference time, from 10:00 a.m. to 1:00 p.m. for
virtual simulation, 1:00 p.m. to 3:00 p.m. for a
post-conference, and reflections are due by 6:00 p.m.

Ms. Johnson explained that classes are divided into three, with one vSim teacher and an 8:1 student-to-instructor ratio.

Mr. Aduboahen confirmed that when it is a student's clinical day, the student would log in virtually, receive an orientation from the clinical instructor virtually, complete the ATI vSimulation, participate in a post-conference with the virtual instructor and complete the reflection. He commented that students can contact the instructor anytime with questions and for guidance.

Mr. Dineen explained the 30-hour onsite lab is where students perform hands-on skills, like inserting NG tubes, foleys, IVs, perform injections and take vital signs and blood pressures. Ms.

Johnson added that students have to obtain a sign-off from their instructor for their clinical skills.

Chair Kmetz requested more information regarding the percentage of the clinical setting with hands-on patient contact versus virtual.

Ms. Rivera explained that of the 816 hours, 500 are hands-on at the actual clinical site. Mr. Aduboahen stated that 300 hours are in vSim and 30 hours in high-fidelity simulation. Mr. Dineen explained that 43 percent of the clinical hours are between virtual and high fidelity and about 57 percent is hands-on clinical.

Mr. Aduboahen provided the example of a patient with COPD exacerbation where the instructor is controlling the patient's breathing and asking the students questions what they would do next as a high-fidelity simulation. Dr. Hunsberger questioned whether that is actually a high-fidelity simulation because the students are not performing the scenario. Mr. Aduboahen explained that his example included the debriefing but that the students actually perform the simulation and instructor watches.

Ms. Pachter Schulder reviewed PITC pass rate of 77.78% over 2021-2022 and asked whether there were 338 students in 2021, and if so, how come only there were only 18 National Council Licensure Examination (NCLEX®) test takers. Similarly, she mentioned that

the 2020-2021 examination year the pass rate was 77.27% with only 44 test takers.

Mr. Aduboahen confirmed that the 2021 enrollment was 338 students. He stated many students are working under temporary practice permits and that is why the NCLEX® number is low despite PITC's recommendation that they take the NCLEX® sooner.

Mr. Dineen noted that PITC sent 15 out of the 18 first-time test takers Nursing Education

Verifications (NEVs) and the other 3 petitioned to the State Board of Nursing, where they were allowed to test.

Ms. Pachter Schulder addressed confusion regarding the NEVs. She noted that PITC submits NEVs to the Board and students separately apply to take the NCLEX®. Graduates who wait more than one year to take the NCLEX® must petition the Board to take the NCLEX®, but that is not done until the NEV is received. She referred to PITC's Annual Report for the 2019-2020 period where there were 154 students enrolled with 103 expected to graduate - of that number, there were 44 test takers.

Ms. Pachter Schulder explained that the number of test takers over the last number of years does not equal even 50 percent of the number of enrolled

students that PITC lists in its Annual Reports. She requested more information on how an online program would make their program that is on provisional status better, and better for the students.

Mr. Dineen agreed that the numbers are not great, stating that part of that is the temporary "license" the state of Pennsylvania offers. He reported an inordinate number of students received the temporary "license" rather than sitting for the NCLEX® and then did not follow through with it.

Mr. Dineen referred to the last couple of years of online learning, where there has been a decrease in the number of students progressing because of COVID.

Ms. Pachter Schulder stated the Board received 20 NEVs for 2021-2022 and 45 NEVs in 2022 with hundreds of enrolled students and requested information as to how that matches the 103.

Ms. Rivera explained that there is a process students have to go through to be cleared for NEV and provided a summary of requirements. She stated the program is a 90-week program, which is a little over a year, while the nighttime program is two years. She noted the program started in October 2020 and would have not had any graduates in 2020, where they

would have graduated in 2021 and would have more graduates in 2022.

- Ms. Pachter Schulder referred to PITC's 2017-2018

  Annual Report and asked how many people tested out of the 298 students enrolled and 120 students listed as expected to graduate.
- Ms. Rivera noted 34 testers and from October 1, 2017, to September 30, 2018, there were 38 NEVs submitted.
  - Ms. Pachter Schulder questioned the discrepancy between the number of enrolled students based upon PITC's Annual Reports, the number of NEVs submitted by PITC, and the number of test takers.
  - Mr. Dineen stated many programs require an exit exam or exit predictor and some facilities use Health Education Systems Incorporated (HESI) and some Kaplan. He stated PITC uses ATI as their exit predictor and at least 70 percent is required.
  - Ms. Pachter Schulder asked PITC what remediation is available for students who do not obtain the benchmark and when they qualify, noting 18 students tested out of 338 in 2021-2022.
  - Ms. Rivera stated not all of the 338 students may qualify to graduate within the first 12 months of enrollment. She noted the new program version is a

- 1 | 90-week program and will take over a year and a half
- 2 for students to qualify to graduate. She also noted
- 3 | the evening program is about two years, so students
- 4 | who started in 2021-2022 would not qualify for
- 5 graduation until about 2023-2024. Mr. Dineen
- 6 | indicated that PITC's attrition rate was about 50%.
- 7 Ms. Rivera explained that of the approximately 35
- 8 | students per cohort in 2021-2022, at the end of the
- 9 first term the cohort size decreases by 10 to 15
- 10 students.
- 11 Ms. Pachter Schulder stated PITC reports
- 12 enrolling around 1,690 students over the past 5 years
- 13 but only tested 215 people. She informed PITC that
- 14 the Board would evaluate their request to change the
- 15 program to an online program but requested
- 16 information as to why the new method would be more
- 17 | successful than the system implemented during COVID.
- 18 | She also requested information regarding the total
- 19 | number of students who were enrolled and actually
- 20 tested.
- 21 Mr. Dineen noted joining PITC during COVID to
- 22 help with pass rates, and online delivery is working
- 23 and reported an increase in the number of students
- 24 graduating and moving forward this last year. He
- 25 commented that the students who were allowed to start

online during COVID are being allowed to finish online and are cohorts that are finishing up right now.

Ms. Rivera explained that PITC believed that students who were enrolled during COVID received enrollment agreements which specified that their program would be conducted via distance education. She reasoned that PITC could honor those agreements despite returning to in-person learning because PITC did not receive any information where they were not allowed to honor those students that started online to finish online. These students only report for their in-person clinicals and to complete their final exams.

Ms. Malady questioned how faculty are prepared to teach online.

Mr. Dineen addressed preparing faculty to teach online, noting he has been certified with a program called Quality Matters and is directly involved as teachers come in. He noted utilizing Moodlerooms as their learning management system (LMS), along with providing MaxKnowledge training courses online.

Ms. Pachter Schulder asked whether any instructors are certified in online nursing education based on the National Council of State Boards of

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Nursing (NCSBN) standards for certification.

2 Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursing

3 Education Advisor, commented that the International

4 Nursing Association for Clinical Simulation and

5 Learning (INACSL) is probably the key association

that offers simulation training. She mentioned that 6

7 Georgetown, Drexel, University of Pittsburgh, and

8 Johns Hopkins all offer simulation training and are

9 following the INACSL standards.

10 Ms. Johnson responded that instructors receive 11 instruction through Laedral regarding their product 12 rather than an independent simulation training 13

Ms. Pachter Schulder noted the Board would discuss the matter during Executive Session and PITC would receive a letter regarding the results. also noted the Board would have a decision after Executive Session.]

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20 [REQUESTED VERBATIM]

21 Committee Meetings - Hearing on the State Board of

22 Nursing's Statement of Policy at 49 Pa. Code

23 \$ 21.413

program.

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24 MS. PACHTER SCHULDER: Now is the time and the

25 place for the hearing on the State Board of Nursing's

- Statement of Policy and published in 49 ---1 2 Regulation 49 Pa. Code § 21.413 with regard to CRNPs, 3 and it was published in the Pennsylvania Bulletin on July 2, 2022. For the Board members, it is item 4 5 number --- it is 91, and it also - and so you have 6 that 36, both a copy of that Statement of Policy and 7 you have the only comment that the Board did receive, and that comment is from Adele Caruso, DNP, CRNP. Dr. Caruso is here and asked to speak to the Board on 10 behalf of the proposal, so if you could, please, come 11 up and do that. 12 While you are doing so, let me remind [the Board] 13 what you had approved to is to change section 413, 14 our Statement of Policy, to say that "the specific 15 amount of intravenous conscious sedation medications 16 has been ordered in writing by a licensed physician within the terms of the collaborative agreement and a 17 18 licensed physician or certified registered nurse 19 practitioner (CRNP) physically present in the room 20 during administration." I think that Dr. Caruso was 21 in support of the proposal. Dr. Caruso, please 22 identify yourself.
  - DR. CARUSO: My name is Adele Caruso. This is Maria Battista. She did some work on the Statement of Policy. So Madam Kmetz, Madam Coughlin, members

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- 1 of the Board, and Board Counsel, Ms. Schulder, thank
- 2 | you for the opportunity to speak today. I am a past
- 3 | President of the Pennsylvania Coalition of Nurse
- 4 Practitioners, and I am also a practicing nurse
- 5 practitioner at the University of Pennsylvania,
- 6 Division of Urology, Department of Surgery.
- 7 So on behalf of PCNP and also PennMedicine, I
- 8 | wanted to thank the Board for putting this Statement
- 9 of Policy on the agenda. For the purposes of new
- 10 members, just to let you know, PCNP is the state
- 11 organization that promotes and protects the practice
- 12 of over 16,100 nurse practitioners in the
- 13 Commonwealth. It was formed in the 1980s by three
- 14 | forward-thinking nurse practitioners. We now have 17
- 15 regional groups.
- 16 PennMedicine is a large academic medical center
- 17 | in Philadelphia. It includes 6 hospitals, 10
- 18 | multispecialty centers, more than 10 ICUs, and many
- 19 procedural units. There are over 1,700 advanced
- 20 practice providers, many of those are nurse
- 21 practitioners and some are physician assistants that
- 22 | are practicing within the health system.
- 23 As you know, the Board regulation allows the
- 24 nurse practitioner, when acting in collaboration with
- 25 the physician, to have prescriptive authority as

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outlined in our collaborative agreement and when it is within the nurse practitioner's focus area, which includes prescribing and dispensing of drugs as well as the ability to give written and oral orders for drugs.

My last comment to the Board was on July 13. As the Board is aware, the regulation is currently written --- as the regulation is currently written, only a physician can give a written order to an RN for the administration of conscious sedation medication.

As this Board voted in December 2019 unanimously, the time is now to change that language and to be consistent with modern nurse practitioner practice. Specifically related to my comments of July 13 to the Board, I called for a more robust and accurate and without duplication reflection under section § 21.413. I recommended that the word intravenous may be considered not to be required or necessary and can be deleted, simply keeping the broad-category description.

Furthermore, it could lead to potential confusion as what can be considered as intravenous.

Specifically, in general, it is primarily intravenous, but there are instances in pediatric

care that oral and intranasal sedation is used.

Also, the language of "within the terms of the collaborative agreement" is not necessary under \$ 21.413, the collaborative agreement is already required under the Professional Nursing Law and its corresponding regulations for practitioners; therefore, such repetition of that language is redundant and unnecessary.

So I wanted to just read to you the regulations under the Professional Nursing Law, and that's at 49 Pa. Code § 21.282a, CRNP Practice subsections (a) and (b) specifically state that "a CRNP may collaborate only with physicians who hold a current license to practice in this Commonwealth; (b) When acting in collaboration with a physician as set forth in a collaborative agreement and within the CRNP focus area or specialty." Then, there is a list, an itemization of these items within the Code. So that supports my comments to the Board of July 13, is why that, within the terms of the collaborative agreement, is not required.

In closing, I just wanted to thank the Board for the opportunity to present as the past president of the Pennsylvania Coalition of Nurse Practitioners, as a member of the Philadelphia area nurse

practitioners, and also as a representative for Penn Medicine. I thank you for your consideration and many deliberations on this matter and hopefully a change in language that supports it.

MS. PACHTER SCHULDER: Does anybody have any questions for Dr. Caruso? Do you have anything you'd like to add?

MS. BATTISTA: Thank you, Attorney Schulder. I just want to say thank you again. I am not in the capacity of director anymore for PCNP, but I started this issue with president at the time, Adele Caruso, and the Board's receptiveness to understanding how medicine has changed, how the profession of nurse practitioners has advanced, certainly recognized by PCNP and nurse practitioners across the Commonwealth.

Because of that, I thank this Board for listening and understanding the need for the modernization of the regulations to correspond with the Professional Nursing Law so that in times of a pandemic, like we've seen, or even in regular times, which we have not quite seen yet, that the patient, who is the ultimate provider of the care, can receive that accordingly as can be done with the training and experience of all nurse practitioners.

Thank you again for your time and for your

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understanding and for your consideration, as Dr.
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   Caruso has said, of taking out some of the language
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   that's redundant and repetitious and actually can
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   lead to confusion. I think the first draft PCNP
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   submitted when I was the director is truly the best
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   language for the Board to consider without all of the
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   additions because then there's going to be language,
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   what definition is this, what's that. I think the
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   more broad it is, the better outcome for everyone.
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       MS. PACHTER SCHULDER: Is there anybody else in
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   the audience who would like to speak to this
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   Statement of Policy or the amendment the Board is
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   considering? Hearing none, why don't we take a
14
   couple of - one is that we take off the potential
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   changes that Dr. Caruso just recommended and adopt
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   the regulations in the policy is - is now - it is a
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   Statement of Policy, which would have to be published
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   again or you can think about those changes, which
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   would be to remove the word collaborative agreement
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   and take that up at the next meeting.
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       CHAIR KMETZ: Do you have a preference?
                                                  So do I
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have a motion?

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MS. PACHTER SCHULDER: Before we take a motion --- if you were to do that, let's talk about the different components. One is to remove intravenous,

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and is there a desire to remove intravenous, and I guess the explanation that you received is because sedation includes more.

4 CHAIR KMETZ: Do we have a motion to remove? 5 MS. PACHTER SCHULDER: You can just go ahead. I'll do one more thing. We're doing a motion right 6 7 after that. How about within the terms of the collaborative agreement? Do you remember last time initially we didn't have { "within the scope of the 10 collaborating agreement"] and the question that we 11 put in to make sure that it clarifies, Dr. Caruso 12 explained that it's not necessary, the CRNP cannot 13 practice without a collaborative agreement and 14 without being in the scope of practice. So I'm 15 hearing you say you desire to have both "intravenous" 16 and "within the term collaborative agreement" removed 17 and you see that language on the agenda.

CHAIR KMETZ: Okay, thank you.]

19 CHAIR KMETZ:

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Is there a motion to adopt the changes
that we have made to the Statement of
Policy for CRNPs at § 21.413?

23 DR. COUGHLIN:

So moved.

25 MS. MALADY:

1 Second.

2 CHAIR KMETZ:

3 All those in favor? Opposed?

4 Abstentions?

5 [The motion carried unanimously.]

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7 [END OF REQUESTED VERBATIM]

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9 [The Board recessed from 10:47 a.m. until 11:01 a.m.]

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11 | Committee Meetings - Stakeholder Updates

12 | [Judith Pachter Schulder, Esquire, Board Counsel,

13 noted stakeholders were asked to provide the Board

14 | with an update.

Tom Dougherty, III, Government Relations

16 | Specialist, Pennsylvania State Nurses Association

17 (PSNA), stated they are planning to reintroduce the

18 | Patient Safety Act, noting other coalition groups

19 were trying to also get this passed. He reported

20 little movement in this session in the House and

21 | Senate and plan to reintroduce that legislation for

22 | House Bill 106 and Senate Bill 240.

23 Mr. Dougherty noted that establishing a Chief

24 Nursing Officer in the Commonwealth is next on their

25 legislative priorities. He stated that went to the

House Health Committee where it stayed and plan on reintroducing that as well.

Mr. Dougherty addressed current bills, including
House Bill 953, Senate Bill 848, and giving nurse
practitioners full practice authority at Senate Bill
25. He noted that passed the Senate Consumer
Protection & Professional Licensure Committee but has
not moved and also plans to reintroduce that
legislation.

Sarah Hexem Hubbard, Esquire, Executive Director at the National Nurse-Led Care Consortium, noted continued support with colleagues and stakeholders in the Care for PA in support of removing various access to care. She addressed Senate Bill 25 and is hoping for renewed energy and success in the next session.

Ms. Hexem Hubbard stated the Pennsylvania Action Coalition priorities are driven by the Future of Nursing Reports, noting the new Future of Nursing 2020-2030 Report, and continuing to work around those recommendations where diversity, equity, and inclusion will continue. She put out a call for individuals interested in supporting any initiatives or have any work that is happening. She commented that the Pennsylvania Action Coalition is interested in amplifying that work and working together to

design more educational opportunities to support the nursing workforce in Pennsylvania.

Ms. Hexem Hubbard stated The Future of Nursing
Report is filling the capacity of different types of
nursing, specifically the public health nursing
pipeline, and is looking for anyone interested in
exploring this in a home health space, particularly
pediatrics, to get a better sense of who in the state
is looking at that workforce population.

Ms. Hexem Hubbard noted a number of their stakeholders put together a toolkit available on the Pennsylvania Action Coalition website to create specific strategies to address retention in the nursing workforce better with slightly more of an acute care focus. She thanked executives in academics who informed that toolkit.

Ms. Hexem Hubbard announced the Pennsylvania
Action Coalition, National Nurse-Led Care Consortium
(NNCC), and a number of other area partners received
an award through Nurse Education, Practice, Quality,
and Retention (NEPQR) through the Health Resources
and & Services Administration (HRSA) from the Bureau
of Health Workforce. She stated it is targeted at
building out capacity for clinical preceptorships and
clinical placements in Region 3 and will be working

with many of the Pennsylvania Action Coalition stakeholders to distribute that curriculum.

Ms. Hexem Hubbard noted another key priority from The Future of Nursing Report is access to workforce data regarding shortage and retention. She reported Pennsylvania is able to capture an accurate picture of the nursing workforce every two years through the prelicensure process and thanked the State Board of Nursing but noted not having access to the data because it has not been made public since 2013-2014. She mentioned the PA Department of Health and Department of Labor and Industry are also working together to figure out how to make that data available.

Ms. Hexem Hubbard noted her colleague Jenny Horn Gimbel who is the Director of the Pennsylvania Action Coalition posted details on content discussed.

Kate McHugh, CNM, MSN, Co-Chair, Legislative

Committee, PA-ACNM, announced they would be

introducing a statute called the Re-modernization Act

regarding midwives and provided an overview of the

status. She noted the original 1929 statute was

mainly put in place to deal with immigrant midwives

and the big influx of Europeans and bringing their

midwives with them. She noted the regulation at that

point was through the State Board of Health.

Ms. McHugh mentioned the first licensed midwife in the modern era was around 1970, where regulation oversight was given to the Board of Medicine. She noted an overhaul of regulations in 1985, where midwifery practice was recognized as at the moment of birth but now included prenatal care, GYN care, and family planning, etc. She noted receiving access to the Medical Liability Catastrophic Loss Fund.

Ms. McHugh addressed barriers to practice. She reported there are about 500 midwives licensed in the state of Pennsylvania, but there are maternity deserts in many towns where there are no obstetrics providers or nurse midwife providers.

Ms. McHugh noted the goal for the statute is a license for certified midwives. She noted areas in the law where nurse practitioners are recognized but nurse midwives are not. She also noted wanting to be able to work with clients who have opioid use disorders to be able to provide medication for treatment while they are pregnant and modernize their collaborative agreement.

Ms. McHugh explained that a certified midwife is a person who is educated at the graduate level but who was not a nurse before coming to midwifery

school. She mentioned a program at Thomas Jefferson University that educates nurses and people who are not nurses to become licensed midwives and are able to get national certification through the American Certification Board.

Ms. McHugh stated they are completely 100 percent educated in the same way for the same scope of practice, but Pennsylvania does not allow a certified midwife to practice, and the graduates leave the state to take jobs in other states. She emphasized that a certified midwife is not a lay midwife or a direct-entry midwife but is someone who is a professional with a graduate degree.

Ms. McHugh addressed their attempt to look at the formal collaborative agreement with colleagues, noting Pennsylvania requires a written collaborative agreement between a midwife and a physician that is signed by a physician, which worked in the 1980s because physicians and midwives were in small practices and frequently working with one or two physicians.

Ms. McHugh stated obstetrics is now practiced in large groups, where more and more regional medical centers have one physician sign a piece of paper for a midwife and is literally archaic. She noted

physician colleagues actually agree because any
physician in the state could sign their collaborative
agreement, where it could be every GYN in Pittsburgh,
but you work in Philadelphia.

Ms. McHugh addressed discussions with the American College of Obstetricians and Gynecologists (ACON), where less than one percent of members are not employed in a health system and will continue to need the same formal collaborative agreement. She noted 99 percent of midwives who are employed in practices would no longer need collaborative agreements.

Ms. McHugh noted their sponsor is Representative Rosemary Brown. She mentioned working with the American College of Obstetricians and Gynecologists (ACOG) a long time and being told by the chair of the House Professional Licensure Committee that if they could get ACOG to support or be neutral, that they could then advance the bill through the committee.

Cheryl Schlamb, DNP, CRNP, President,

Pennsylvania Coalition of Nurse Practitioners,

addressed legislative updates for 2022 and 2023

priorities. She noted PCNP spent a significant

amount of time building relationships with

legislators, committee members, and leadership-

involved chambers. She noted meetings were held with several Senate and House representatives.

Dr. Schlamb reported PCNP engaged with the Deputy Secretary and state medical directors in efforts to get reimbursement for CRNPs for home health. She also reported working on House Bill 2104 regarding a waiver allowing CRNPs to order home health.

Dr. Schlamb also noted support for Senate Bill 848 involving independent practice for CRNPs. She explained that PCNP no longer supports the pilot program as it did not involve enough CRNPs. She indicated that changes to Senate Bill 25 that had recommended changes will be discussed with Senator Bartolotta for review next week.]

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16 [Linda L. Kmetz, PhD, RN, Chair, exited the meeting at 11:35 a.m. for recusal purposes.]

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19 VICE CHAIR COUGHLIN ASSUMED THE CHAIR

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21 Appointment - Request that Silny & Associates be 22 recognized as another approved Foreign Credential

23 | Evaluator

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24 [Judith Pachter Schulder, Esquire, Board Counsel,

25 noted Dr. Kmetz is recused from the presentation.

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She stated the request originally came from UPMC for information about licensure of international graduates of nursing.
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Ms. Wendy Miller commented that the Board looked at English language and foreign credential evaluators and believed Silny & Associates was one of them in 2017. She noted the Board periodically receives information from Silny & Associates but had not revisited foreign credential evaluators for a while.

Ms. Pachter Schulder asked Mr. Silny to explain the information provided to the Board, including the company makeup and credentials of the people within the group, so the Board can decide whether to add an additional foreign credential.

Josef Silny, MA, President, Josef Silny & Associates, Inc., had technical difficulties so the presentation was deferred until the difficulties were resolved.]

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20 [Linda L. Kmetz, PhD, RN, Chair, reentered the 21 meeting at 11:39 a.m.]

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23 CHAIR KMETZ RESUMED THE CHAIR

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25 Regulation Update - Regulations Status Summary

1 [Judith Pachter Schulder, Esquire, Board Counsel, had

2 | nothing to report on 16A-5139 regarding the Volunteer

3 License regulation but noted it would be developed

4 for the entire Bureau. She also noted volunteer

5 licenses are based on the statute. The report was

6 suspended while the Board resumed the presentation by

7 Mr. Silny.]

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9 [Linda L. Kmetz, PhD, RN, Chair, exited the meeting 10 at 11:41 a.m. for recusal purposes.]

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12 VICE CHAIR COUGHLIN ASSUMED THE CHAIR

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Mr. Silny provided a brief summary of his professional background, including the Office of International Admissions in New York and Miami. He noted starting Josef Silny & Associates in 1987 and currently being approved by 25 state boards of nursing as a credential service. He also mentioned being approved in July 2021 by the Unites States Department of Homeland Security regarding occupational or permanent visas to work in this

23 country. He noted nurses who have been evaluated and

24 meet the requirements of a board can sit for the RN

25 or LPN examination.

Mr. Silny stated everyone who works with Silny has a bachelor's or master's degree and trained to do foreign credential evaluations. He referred to documents he provided where Silny & Associates evaluations are done according to guidelines of the NCSBN. He stated Silny publishes all of the requirements and how to apply for evaluation on their website and provided a summary of the process for nursing, including academic credential authenticity. He noted a letter of good standing is received from the other country for verification of license issuance.

Ms. Wendy Miller asked whether the Board would be able to receive copies of all of the documents received in support of the report that were used in generating the report, including original transcripts, translation of transcripts, and letters of good standing. She also requested information regarding how long it takes for the report to be generated and available for the Board.

Mr. Silny stated the academic credential information and verification letters are all included along with the evaluation. He noted that Silny & Associates provides evaluations that meet individual board requirements and are committed to complete

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evaluations in 10 business days from the time all of
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   the information is received. He also noted being the
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   contact person for any questions or requested
4
   information concerning reports.
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        Ms. Pachter Schulder thanked Mr. Silny for the
   presentation. She noted the Board would be
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   deliberating during Executive Session and contact him
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   with the results.
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   [Linda L. Kmetz, PhD, RN, Chair, reentered the
11
   meeting at 12 p.m.]
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                CHAIR KMETZ RESUMED THE CHAIR
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   Appointment - Lincoln University - Extension of
16
     Provisional Status
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   Vilma Davis, PhD, RN, CRNP, PNP-BC, Program Director
   and Chair, Nursing Department; Joyce Taylor, MSN, RN,
   CCRN, Associate Professor, Nursing Department; and
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- 19
- 20 Patricia Joseph, PhD, Dean of the Faculty, Psychology
- 21 and Human Services Department, presented on behalf of
- 22 Lincoln University.
- 23 [Judith Pachter Schulder, Esquire, Board Counsel,
- 24 noted Lincoln University's pass rate of 71.43% with
- 25 seven total test takers of which two failed and the

1 Board received their report regarding remapping and 2 changes to the curriculum.

Dr. Davis stated students who were getting ready to test would not fully benefit from curriculum changes. She mentioned having a different way of testing to prepare them for Next Generation along with more training through ATI.

Ms. Taylor explained that all exams are now developed and created in ATI to give students the opportunity to have computerized testing along with having better analytics. She also addressed their syllabus and templates to be followed for courses that have the ATI assessment.

Dr. Davis explained that every exam is now on the same platform and ATI mirrors NCLEX® and is why they put the exams in ATI, including being able to do focus reviews and receive statistics. She also provided a list of courses that do not have an ATI component.

Ms. Taylor addressed curriculum revision, noting Lincoln University started from scratch in their program and are addressing each course and faculty with the Test Item Writing Committee.

Ms. Taylor reported that all questions now have a scenario even at the most basic level, where it makes

students think harder and they like it, along with being what employers are expecting. She mentioned that part of their new program proposal is expanding another credit, especially in the med-surg courses, and adding an extra lab to have that opportunity other than just didactics to bring them in to do the case studies and simulations.

Dr. Joseph commented that upwards of 75 percent of students check nursing when selecting a major, and working with those students in a pre-nursing situation, weeding those out that are not being realistic, putting some gatekeeping forces in place early, and engaging in co-curricular activities would provide the opportunity to impact the entire campus when you have that many students interested. She mentioned that the idea of having people talk about it and be realistic about their career goals may help them create other majors, where they could still go into health care but as an administrator.

Ms. Pachter Schulder informed Lincoln University that the Board would deliberate on the request for an extension of their provisional status, and they would receive a letter from the Board regarding their decision.]

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1 [Linda L. Kmetz, PhD, RN, Chair, exited the meeting 2 at 12:30 p.m. for recusal purposes.]

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4 VICE CHAIR COUGHLIN ASSUMED THE CHAIR

\* \* \*

6 Appointment - Great Lakes Institute of Technology -

7 Extension of Provisional Status

8 | Debbie Dell, MSN, RN, Program Director; Krysta Rives,

9 Director of Education; Eric Berrios, Chief Executive

10 Officer, presented on behalf of Great Lakes Institute

11 of Technology.

12 | [Judith Pachter Schulder, Esquire, Board Counsel,

13 | noted Great Lakes Institute of Technology's pass rate

14 has improved in the last five years to 72.41 percent.

15 | She asked how many test takers are left from the

16 class.

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17 Ms. Dell stated seven students would most likely

18 be testing by the end of November. She commented

19 that the Test of Essential Academic Skills (TEAS)

20 Exam had been incorporated into their program in

21 April 2022, along with ATI. She noted that multiple

22 consultants helped revise their curriculum and is

23 pending the State Board of Nursing to start the new

24 | curriculum change.

25 Ms. Dell mentioned changing from Elsevier to

- 1 creating their own tests and incorporating F.A.
- 2 Davis, along with utilizing ATI, using their own test
- 3 banks, and creating new PowerPoints. She noted
- 4 utilizing 54 hours of anatomy and physiology (A&P).
- 5 | She also addressed admission requirements, tutors,
- 6 student services, and ATI Live Review.
- 7 Ms. Dell stated Great Lakes has a mix of
- 8 experienced and educated faculty and administrative
- 9 assistants. She mentioned moving to a larger
- 10 institution with cardiac, oncology, obstetrics, and
- 11 pediatric units. She also noted utilizing a
- 12 | simulation lab with BAYADA.
- 13 Ms. Rives noted Great Lakes has been collaborative
- 14 in providing training and support to instructors,
- 15 including teambuilding sessions, to focus on working
- 16 together for the students.
- 17 Mr. Berrios thanked the Board for their time.
- 18 Ms. Pachter Schulder informed Great Lakes that
- 19 the Board would deliberate on the request for an
- 20 extension of their provisional status, and they would
- 21 receive a letter from the Board regarding their
- 22 decision.]
- 23 \*\*
- 24 | [Linda L. Kmetz, PhD, RN, Chair, reentered the
- 25 | meeting at 12:47 p.m.]

\* \* \*

2 CHAIR KMETZ RESUMED THE CHAIR

\* \* \*

4 | Appointment - Laurel Business Institute Proposal for

- 5 a 12-month Practical Nursing Diploma Program
- 6 Tammy Allison, MSN, RN, Practical Nursing Program
- 7 Director; Amy Braymer, Vice President of Education;
- 8 | Nancy Decker, President/CEO; and Douglas Decker, PhD,
- 9 Vice President, presented on behalf of Laurel
- 10 Business Institute.
- 11 [Judith Pachter Schulder, Esquire, Board Counsel,
- 12 asked Ms. Allison to provide a summary of their
- 13 request for the 12-month Practical Nursing Diploma
- 14 Program.

1

- 15 Ms. Allison stated the Practical Nursing Program
- 16 is a total of 1,575 hours. She noted the program has
- 17 | 31 hours of simulation and hopes to use simulation to
- 18 | highlight and review problematic content that
- 19 occurred during the semesters.
- 20 Ms. Allison stated the lab experience would be
- 21 the application pieces of what was taught in theory
- 22 to take the edge off the experience, so when a
- 23 student goes to the clinical realm, it would not be
- 24 the first exposure to a skill they have done.
- 25 Ms. Allison addressed the curriculum, where

fundamentals, pharmacology, and anatomy and
physiology are in the first level. She mentioned
working as a director of a diploma school and
teaching LPN programs, where she saw students
struggle with learning medical-surgical and maternal-

child nursing.

- Ms. Allison stated students have med-surg 1 and med-surg 2 when they go to level 2 in the program. She noted that nurses are usually employed in specialties and are being hired right out of school into Intensive Care Units (ICUs). She stated they learn about drugs after week 11 and go into medication administration in the pharmacology and fundamentals rotations. She also addressed the last level of the program, including family health, NCLEX® prep, and leadership and transition.
- Ms. Allison commented that the mission of their school is to provide for the needs of the community and to have nurses function at the fullest scope of their practice.
- Ms. Allison addressed Laurel Institute's admission standards, where individuals must have a 2.5 on the Test of Essential Academic Skills (TEAS) Exam. She mentioned having two applicants ready to come onboard once the program is approved and plans

on taking test bank questions and then integrating
from NCLEX® prep manuals those types of questions and
ATI.

Ms. Allison took the NCLEX®-PN blueprint and all of the categories and created a template and placed those items in the skills lab. She noted the objectives for courses have been aligned with the blueprint and is hoping to train faculty on those as well. The mapping of the courses with the state blueprint she has done.

Ms. Allison stated that faculty would be onboard one month prior to the start of the program and would all be certified on simulation. She mentioned having established numerous relationships from working at Uniontown Hospital and is hoping that those colleagues with teaching experience come onboard. She noted having a threshold where they identify learning styles to make sure there is a balance and whether remediation is there.

Amy Braymer, Vice President of Education, thanked the Board for the opportunity, noting they are lucky to be working with Ms. Allison.

Nancy Decker, President/CEO, commented that they are looking forward to starting a practical nurse program and are fortunate to have Ms. Allison on

board. She mentioned having health care programs for
a long time and having excellent results.

Douglas Decker, PhD, Vice President, thanked the Board for their consideration.

Ms. Pachter Schulder noted the Board would deliberate on this matter during Executive Session, and they would also receive a letter regarding the decision.

\* \* \*

10 Regulation Update (cont.)

11 [Judith Pachter Schulder, Esquire, Board Counsel,

12 addressed 16A-5141 regarding the Nursing Education

13 Programs. She noted that the Board last discussed

14 | the regulation in June to add the PA Support

15 curriculum and an amended Preamble and RAF is

16 required.

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Ms. Pachter Schulder noted 16A-5143 regarding Continued Competency and Licensure by Endorsement was forwarded to the Attorney General's Office for review and hopefully the regulation will be published by the end of this year so that public comment can be obtained even though it is a sine die year.

Ms. Pachter Schulder noted the CRNP Statement of Policy hearing today.

Ms. Pachter Schulder addressed 16A-5145 regarding

- CRNA Licensure. She noted it was approved by the
  Board at the last meeting and is being reviewed by
  the Revenue Office to make sure the fee is being
  calculated the same as it is for the Nurse Licensure
  Compact.
  - Ms. Pachter Schulder noted 16A-5146 regarding Additional Continuing Education went to Regulatory Counsel on September 30. She mentioned the regulation will be a template for other boards that have the opioid prescription requirement.

- Ms. Pachter Schulder addressed 16A-5147 regarding the Nurse Licensure Compact (NLC). She noted the Board is still awaiting the response from the Federal Bureau of Investigation (FBI) and informed Board members that it would go to the Legislature for the language amendments once the FBI approves the language. She stated the Board would be able to move forward with promulgating the regulation once the language is approved, but there would also be technological changes needed prior to implementation.
- Ms. Pachter Schulder addressed the Bureau of Professional and Occupational Affairs (BPOA) regulation regarding Crimes Directly Related to the Profession, noting that was approved by the Office of General Counsel (OGC), Budget Office, and Office of

50 1 Policy and will be delivered shortly.] 2 3 Pennsylvania Legislative Update - Legislation 4 Affecting Nurses/Nursing 5 [Judith Pachter Schulder, Esquire, Board Counsel, 6 announced that the Senate approved two new State 7 Board of Nursing Board members.] 8 9 Report of Acting Commissioner 10 [Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs, informed Board 11 12 members of recent changes to the process to receive 13 an Authorization to Test (ATT). He stated the old 14 process was done manually and required a Nursing 15 Education Verification (NEV) match and a criminal 16 history record check (CHRC). In order to enable applicants to take the NCLEX® 17 18 more quickly, Acting Commissioner Claggett stated the 19 Board will process the ATT prior to receiving a CHRC; 20 however, a license will not be issued without the 21 appropriate CHRCs. He explained that when an 22 applicant's NEV matches, that will then be sent to 23 Pearson VUE, and they will send the applicant the 24 ATT. He noted the processing time would decrease

from six weeks to one day and the new feature has

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   been working.
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        Acting Commissioner Claggett also addressed
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   changes regarding processing of NCLEX® results.
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   Previously, the results were processed manually, but
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   after many meetings with Pearson VUE, the results
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   would be sent automatically for the Board to issue a
7
   license after the applicant passes the test.
   noted the processing time should be taken down to
   about a day.
10
        Acting Commissioner Claggett informed Board
11
   members that less than 5-year reactivations would now
12
   automatically be issued through the Pennsylvania
13
   Licensing System (PALS).]
                              * * *
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15
   Report of Committees - Probable Cause Screening
16
     Committee
   [Sue E. Hertzler, LPN, noted moving on 26 Petitions
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18
   for Mental/Physical Examinations, 12 Petitions for
19
   Appropriate Relief, and no Petitions for Immediate
20
   Temporary Suspension.]
                              * * *
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   Report of Committees - Application Review Committee
23
   [Kristin Malady, BSN, RN, noted moving applications
24
   along.]
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1 Report of Committees - Advanced Practice (Education,

2 | Regulation & Application) - No Report

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4 Report of Committees - RN/PN Practice, Education &

5 Regulation - No Report

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7 Report of Committees - Dietitian-Nutritionist

8 | Committee - No Report

9 \*\*\*

10 | IT & Communication Issues Committee - No Report

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12 Report of Board Members Who Attended a Meeting on

13 Behalf of the Board

14 | [Linda L. Kmetz, PhD, RN, Chair, discussed her

15 virtual attendance at the NCLEX® Conference on

16 | September 22. She noted the meeting to be

17 informative but that it was difficult to follow

18 statistical analysis presentations virtually.]

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20 Report of Executive Secretary

21 | [Wendy J. Miller, MSN, RN, Executive Secretary, noted

22 that the extended renewal for LDNs closes Monday,

23 October 31. She noted the October 31 renewal for RNs,

24 CRNPs, Clinical Nurse Specialists (CNSs), and

25 Prescriptive Authority has been extended to November

30. Ms. Miller reported 70.95 percent of eligible
RNs, 67.02 percent of eligible CRNPs, 78.21 percent
of eligible CNSs, and 59.09 percent of eligible
Prescriptive Authority Collaborative Agreements have
been renewed.

- Ms. Miller advised that the Re-Examination application is now available online and is a tremendous advantage for applicants who need to retake the exam. She noted the paper Re-Examination application would be removed from the website on December 23, and paper applications would no longer be accepted as of January 1, 2023.
- Ms. Miller announced prelicensure nursing education programs have until Friday, October 21, to review pass rate results and notify the Board of any errors on their report. She mentioned a few programs had difficulty sending their corrections and a few who did not receive their results. She encouraged program directors who believe they did not receive their results to check their spam or junk folder.
- Ms. Miller noted an in-depth review of program pass rate results, aggregate data for Pennsylvania, and how Pennsylvania results compare with national trends, along with 2021 and 2022 pass rate data discussion at the December Board meeting. She

mentioned Pennsylvania pass rates are again greater than the national pass rate average.

Ms. Miller addressed prior discussion at the May Board meeting regarding the Commission on Graduates of Foreign Nursing Schools (CGFNS) and changing the English language proficiency passing standard. She stated CGFNS would be offering a webinar that relates to English proficiency November 8. She noted being invited and asked that the Practice and Education Advisors be invited and received permission for them to attend.

Ms. Miller mentioned Board staff and Counsel have again been in communication with the Pennsylvania Department of Education, State Board of Private-Licensed Schools (BPLS), regarding the process of approving and monitoring practical nursing education programs by both the Board and BPLS. She noted the Board felt that oversight by the BPLS was important as they monitor aspects of educational quality the Board does not.

Ms. Miller noted the BPLS was recently in contact with the Board regarding approval of clinical sites and whether BPLS should provide the same oversight of clinical sites for practical nursing programs at private licensed schools that BPLS is providing for

other BPLS-licensed programs. She also noted the BPLS process improves submission of a certificate of occupancy, proof of surety coverage for the location and affiliation agreement, floor plan, and do a site visit to make sure the space and clinical site meets enrollment numbers and program outcomes.

Ms. Miller referred to sections 21.61(g) which would apply to RN programs and 21.184 of the Board's regulations which would apply to PA programs, where nursing education programs are required to submit clinical agency and clinical rotations for Board approval if the requirements are limited to a written clinical agency agreement, information regarding the licensure and accreditation by national and state agency if appropriate, and documentation supporting quality and variety of resources for the planned learning experience.

Ms. Miller noted copies of clinical agency agreements are only submitted to the Board with the application for new education programs. She stated the program itself retains copies of the clinical agency agreement added after approval by the Board and is only required to submit clinical agency and clinical rotation request forms in the Education Program Portal and Information Communication Channel

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1 (eppiccNURSE). Given that the BPLS process covers
2 important oversight of clinical agencies not included
3 in the Board's regulations or approval processes, she
4 recommends that this review be done by BPLS.
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Ms. Miller informed Board members that the BPLS is seeking the Board's confirmation that it again wants private-licensed schools to conduct their full clinical site approval process for prelicensure nursing education.

Ms. Pachter Schulder asked whether the Board wanted BPLS to continue to review and the Board agreed.]

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14 New Business - NCSBN 2023 Executive Director

15 Orientation

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16 [Wendy Miller, Executive Secretary, noted the NCSBN

17 has not had orientation for several years because of

18 COVID-related concerns but is now offering an

19 Executive Officer Orientation for new executive

20 officers.]

21 MS. MALADY:

I make a motion to send Wendy Miller to

the NCSBN 2023 Executive Director

Orientation.

25 DR. COUGHLIN:

57 1 So moved. 2 MS. VINCENT: 3 Second. CHAIR KMETZ: 4 5 All those in favor? Opposed? Abstentions? 6 7 [The motion carried unanimously.] 8 9 For the Board's Information - The Philadelphia 10 Enquirer Article: "Why the Nursing Shortage Isn't 11 Going Away Anytime Soon" 12 [Judith Pachter Schulder, Esquire, Board Counsel, 13 noted the Philadelphia Enquirer Article: "Why the 14 Nursing Shortage Isn't Going Away Anytime Soon" for 15 the Board's information.] 16 17 Public Comment 18 [An inquirer asked about the status of 16A-5143, 19 Continued Competency and Licensure by Endorsement. 20 Ms. Pachter Schulder noted the regulation was 21 approved by OGC, Budget, and Policy and would be 22 published in the Pennsylvania Bulletin.] 23 24 [Pursuant to Section 708(a)(5) of the Sunshine Act, 25 at 1:38 p.m., the Board entered into Executive

1 Session with Judith Pachter Schulder, Esquire, Board

2 | Counsel; Carole Clarke Smith, Esquire; Board Counsel;

3 Ariel E. O'Malley, Esquire, Board Counsel; Todd P.

4 Kriner, Esquire, Board Counsel; and Megan E. Castor,

5 Esquire, Board Counsel, for the purpose of conducting

6 quasi-judicial deliberations on the matters on the

7 Agenda under the Report of Board Counsel, Report of

Prosecutorial Division, and Appointments. The Board

9 returned to Open Session at 3:15 p.m.]

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## 11 MOTIONS

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12 MS. PACHTER SCHULDER:

During Executive Session, the Board engaged in quasi-judicial deliberations on the matters listed on the Agenda under the Report of Prosecutorial Division, Report of Board Counsel, and Appointments. Board members who recuse themselves from participation in the matters will be identified with each of the motions.

Is there a motion to adopt the VRP Consent Agreements at items 2 through 15?

DR. COUGHLIN:

59 1 So moved. 2 MS. VINCENT: 3 Second. CHAIR KMETZ: 4 5 All those in favor? Opposed? Abstentions? 6 7 [The motion carried unanimously.] 8 9 MS. PACHTER SCHULDER: 10 Is there a motion for the following 11 Consent Agreements, for which members 12 Hertzler and Kerns are recused, at Case 13 Nos. 21-51-007491 & 21-51-013558, Case 14 No. 21-51-013466, and Case No. 21-54-15 012613? 16 Is there a motion to approve? DR. COUGHLIN: 17 18 So moved. MS. VINCENT: 19 20 Second. 21 CHAIR KMETZ: All those in favor? Opposed? 22 23 Abstentions? 24 [The motion carried. Members Hertzler and Kerns 25 recused themselves from deliberations and voting on

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60
   the motion.
               The Respondent's name at Case Nos. 21-
1
2
   51-007491 \& 21-51-013558 is Barbara Belle Carfley,
3
   LPN; Case No. 21-51-013466, Lauren Julia Quigley, RN;
4
   and Case No. 21-51-012613, Sonya Kay Feeser, RN.]
                              * * *
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6
   MS. PACHTER SCHULDER:
7
                  Is there a motion to adopt the
8
                  following Consent Agreements, for which
9
                  members Hertzler, Kerns, and Hunsberger
10
                  are recused, at Case No. 22-51-010660
                  and Case No. 22-61-013098?
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   DR. COUGHLIN:
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13
                  So moved.
14
   MS. MALADY:
15
                  Second.
16
   CHAIR KMETZ:
                  All those in favor? Opposed?
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18
                  Abstentions?
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   [The motion carried. Members Hertzler, Kerns, and
20
   Hunsberger recused themselves from deliberations and
21
   voting on the motion. The Respondent's name at Case
22
   No. 22-51-010660 is Darlene L. Williams, LPN, and
23
   Case No. 22-51-013098 is Robert A. Herrle, RN.]
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25
   MS. PACHTER SCHULDER:
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61 1 Is there a motion to approve the 2 Consent Agreement at Case No. 22-51-3 012655 for which member Hertzler is 4 recused? DR. COUGHLIN: 5 6 So moved. 7 MS. VINCENT: 8 Second. 9 CHAIR KMETZ: 10 All those in favor? Opposed? Abstentions? 11 12 [The motion carried. Member Hertzler recused herself 13 from deliberations and voting on the motion. The 14 Respondent's name at Case No. 22-51-012655 is Kenneth 15 Scott Sauter, Jr., RN.] 16 17 MS. PACHTER SCHULDER: 18 Is there a motion to approve the 19 following Consent Agreements for which there are no recusals at Case No. 22-20 21 51-003629, Case No. 22-51-011053, Case 22 No. 22-51-004523, Case No. 22-51-23 008345, Case No. 22-51-009040, Case No. 24 22-51-009348, Case No. 21-51-019679, Case No. 22-51-009184, Case No. 22-51-25

1 005068?

2 DR. COUGHLIN:

3 So moved.

4 MS. VINCENT:

5 Second.

6 CHAIR KMETZ:

7 All those in favor? Opposed?

8 Abstentions?

9 [The motion carried unanimously. The Respondent's

10 | name at Case No. 22-51-003629 is Wendy Ann De

11 Fruscio, RN; Case No. 22-51-011053, Rachael Jordan

12 Stull, LPN; Case No. 22-51-004523, Jayne Ann

13 | Figueroa, RN; Case No. 22-51-008345, Robert

14 | Sokolowski, RN; Case No. 22-51-009040, Miriam Rachel

15 | Samuelson, RN; Case No. 22-51-009348, Robert Charles

16 | Schech, RN; Case No. 21-51-019679, Tracy Kowalski

17 | Terrana, RN; Case No. 22-51-009184, Cheryl Lynn

18 | Armour, RN; and Case No. 22-51-005068, Jessica Lee

19 Albrecht, RN.]

20 \*\*\*

21 MS. PACHTER SCHULDER:

22 Is there a motion to deny the Consent

23 Agreement at Case No. 20-51-003711 on

24 the grounds that it is too lenient?

25 DR. COUGHLIN:

63 1 So moved. 2 MS. VINCENT: 3 Second. CHAIR KMETZ: 4 5 All those in favor? Opposed? Abstentions? 6 7 [The motion carried unanimously.] 8 9 MS. PACHTER SCHULDER: 10 Is there a motion to authorize Counsel 11 to prepare an Adjudication and Order in 12 the matters of Sherry Ann Bashore, RN, 13 LPN, Case No. 19-51-011819; Guiddel 14 Chachoute, RN, Case No. 19-51-004695; 15 Jaime Adriana Cook, RN, Case No. 20-51-16 013764; Lorna Chairman Fretwell, RN, 17 Case No. 21-51-011752; Wendy Lee 18 Bowers, LPN, Case No. 19-51-001399; and 19 Kellie Ann Davis, RN, Case No. 19-51-20 001470? 21 DR. COUGHLIN: 22 So moved. 23 MS. VINCENT: 24 Second. 25 CHAIR KMETZ:

64 All those in favor? Opposed? 1 2 Abstentions? 3 [The motion carried unanimously.] 4 5 MS. PACHTER SCHULDER: Is there a motion at Case No. 19-51-6 7 002650 to deny the request for early 8 termination of probation? 9 DR. COUGHLIN: 10 So moved. MS. VINCENT: 11 Second. 12 13 CHAIR KMETZ: All those in favor? Opposed? 14 15 Abstentions? 16 [The motion carried unanimously.] \* \* \* 17 18 MS. PACHTER SCHULDER: Is there a motion to enter default to 19 20 deem the facts admitted and to 21 authorize Counsel to prepare 22 Adjudications and Orders in the matters 23 of Tammy Matt Barrett, LPN, Case No. 24 16-51-12296; Diane C. Coulton, LPN, 25 Case No. 19-51-015722; Christi Lyn

65 1 Goodell, RN, Case No. 22-51-002362; 2 Rachel Margaret Haberberger, LPN, Case 3 No. 19-51-010092; Eugina D. Moses-4 Coston, RN, Case No. 22-51-001577; and 5 Evan William Penn, RN, Case No. 21-51-009554? 6 7 DR. COUGHLIN: 8 So moved. 9 MS. VINCENT: 10 Second. CHAIR KMETZ: 11 12 All those in favor? Opposed? 13 Abstentions? 14 [The motion carried unanimously.] 15 16 MS. PACHTER SCHULDER: Item 59, Theresa L. Mulea, LPN, has 17 18 been withdrawn at Case No. 19-51-002203. 19 \* \* \* 20 21 MS. PACHTER SCHULDER: 22 Is there a motion to adopt the Hearing 23 Examiner's Proposals for Carla Hamilton 24 Gambill, LPN, Case No. 22-51-004565 and 25 Heather Ann Hiatt, RN, Case No. 22-51-

66 000519? 1 2 DR. COUGHLIN: 3 So moved. 4 MS. MALADY: 5 Second. 6 CHAIR KMETZ: 7 All those in favor? Opposed? Abstentions? 8 9 [The motion carried unanimously.] 10 11 MS. PACHTER SCHULDER: Is there a motion to authorize Counsel 12 13 to prepare Adjudications and Orders in 14 the matters of Keith Anderson, LPN, 15 Case No. 21-51-002412; Barbara McGrenra 16 Doerr, RN, Case No. 21-51-003258; and 17 Jennifer Lyn Meyers, LPN, Case No. 20-18 51-012848, for which members Hertzler and Kerns are recused? 19 20 DR. COUGHLIN: 21 So moved. 22 MS. MALADY: 23 Second. 24 CHAIR KMETZ: 25 All those in favor? Opposed?

Abstentions?

2 [The motion carried. Members Hertzler and Kerns 3 recused themselves from deliberations and voting on 4 the motion.]

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## MS. PACHTER SCHULDER: 6

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For item 66, Timothy Wayne Kemberling, II, LPN, Case No. 22-51-002913, no motion is needed because it became final by way of its own terms.

\* \* \*

## MS. PACHTER SCHULDER:

Is there a motion to adopt the following Draft Adjudications and Orders, for which members Hertzler and Kerns are recused, for James C. Brann, RN, Case No. 19-51-009540; Peggy A. Elgogary, LPN, Case No. 20-51-007560; Christie Ann Kress, LPN, Case No. 20-51-012663; Wendy Madden, LPN, Case No. 19-51-018005; Kathleen Marie Hooven, LPN, Case No. 21-51-010119; Cassandra Fye Lascola, LPN, Case No. 20-51-007873; James Robert Schrecengost, LPN, Case No. 20-51-003712; Andrea Tompkins,

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68
1
                  RN, Case No. 21-51-007449; Sheryl
2
                  Stewart Wallace, LPN, Case No. 21-51-
3
                  008636; Lindsey L. Walthour, LPN, Case
                  No. 20-51-001484; Carol Ann
 4
 5
                  Wendrychowicz, LPN, Case No. 20-51-
                  011702; and Neil Wentz, LPN, Case No.
 6
7
                  21-51-017298?
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   DR. COUGHLIN:
9
                  So moved.
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   MS. MALADY:
11
                  Second.
   CHAIR KMETZ:
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13
                  All those in favor? Opposed?
14
                  Abstentions?
15
   [The motion carried. Members Hertzler and Kerns
16
   recused themselves from deliberations and voting on
17
   the motion.1
                              * * *
18
   MS. PACHTER SCHULDER:
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20
                  Is there a motion to approve the
21
                  following Draft Adjudications and
22
                  Orders for which there are no recusals
23
                  for Heather Joanne Buffington, RN, Case
24
                  No. 19-51-012495; Christina Donahue,
25
                  RN, Case No. 18-51-03777; John W.
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69 Kaplon, RN, Case No. 19-51-014223; 1 2 Christopher Thomas Hill, RN, Case No. 3 21-51-006680; Mohamed Daramy, RN, Case No. 21-51-013419; Kathleen Claire 4 5 Rickert, RN, Case No. 20-51-003060; 6 Leslie Patricia Stempin, RN, Case No. 7 20-51-005440; and Doreen Peck Tritle, LPN, Case No. 19-51-014341? 8 9 DR. COUGHLIN: 10 So moved. 11 MS. MALADY: Second. 12 13 CHAIR KMETZ: All those in favor? Opposed? 14 15 Abstentions? 16 [The motion carried unanimously.] \* \* \* 17 18 MS. PACHTER SCHULDER: 19 Is there a motion to grant approval for 20 Laurel Business Institute's Proposal 21 for a 12-month Practical Nursing 22 Diploma Program? 23 DR. COUGHLIN: 24 So moved. 25 MS. MALADY:

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70
                  Second.
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2
   CHAIR KMETZ:
3
                  All those in favor? Opposed?
                  Abstentions?
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5
    [The motion carried unanimously.]
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7
   MS. PACHTER SCHULDER:
8
                  Is there a motion to grant Lincoln
9
                  University an extension of its
10
                  provisional status until January 27,
11
                  2023?
   DR. COUGHLIN:
12
13
                  So moved.
14
   MS. MALADY:
15
                  Second.
   CHAIR KMETZ:
16
17
                  All those in favor? Opposed?
18
                  Abstentions?
19
    [The motion carried unanimously.]
                               * * *
20
21
   MS. PACHTER SCHULDER:
22
                  Is there a motion to table the request
23
                  of Princeton Information and Technology
24
                  Center's request for an online
25
                  curriculum until PITC is no longer on
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provisional status and the Board has 1 2 received a report regarding the results 3 for the COVID students who graduated 4 and the results of their examinations, 5 in addition to receiving a report with 6 regard to another example of a high-7 fidelity simulation that would be 8 acceptable to the Board and whether 9 companies like reactional simulation 10 based upon their documentation? 11 DR. COUGHLIN: So moved. 12 13 MS. VINCENT: 14 Second. 15 CHAIR KMETZ: 16 All those in favor? Opposed? Abstentions? 17 18 [The motion carried unanimously.] \* \* \* 19 20 VICE CHAIR COUGHLIN ASSUMED THE CHAIR \* \* \* 21 22 MS. PACHTER SCHULDER: 23 Is there a motion to grant Great Lakes 24 an extension of its provisional status until January 27? 25

72 1 MS. MALADY: 2 So moved. 3 MS. HERTZLER: 4 Second. 5 VICE CHAIR COUGHLIN: Opposed? Abstentions? 6 All in favor? 7 [The motion carried. Member Kmetz recused herself from deliberations and voting on the motion.] 9 10 MS. PACHTER SCHULDER: 11 With regard to the matter of accepting Silny 12 & Associates for approval as a foreign 13 credential evaluator, is there a motion to 14 table pending receipt of additional 15 information with regard to the number of 16 applications Silny reviews and additional 17 examples of reviews of education from Nepal 18 where the education is at the proficiency certificate level rather than a degree and 19 20 Australia where the graduate completed a 21 first level nursing program? 22 MS. MALADY: 23 So moved. 24 MS. HERTZLER: 25 Second.

		75
1 2 3		STATE BOARD OF NURSING REFERENCE INDEX
5 4 5		October 28, 2022
5 6 7	TIME	AGENDA
8	9:13	Official Call to Order
9 10	9:14	Introduction of Board Members
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29	9:16	Introduction of Attendees
	9:20	Adoption of Agenda
	9:20	Approval of Minutes
	9:21	Report of Prosecutorial Division
	9:28	Appointment - Princeton Information and Technology Center's (PITC) Response to the Board's Request for Additional Information Regarding the Proposal of an Online Curriculum
	10:34	Committee Meetings - Hearing on the State Board of Nursing's Statement of Policy at 49 Pa. Code § 21.413
30 31	10:47	Recess
32	11:01	Return to Open Session
33 34 35 36 37	11:35	Appointment - Request that Silny & Associates be Recognized as Another Approved Foreign Credential Evaluator
38 39 40	11:39	Regulation Update
41 42 43 44 45	11:41	Appointment - Request that Silny & Associates be Recognized as Another Approved Foreign Credential Evaluator (Cont.)
45 46 47 48	12:00	Appointment Lincoln University - Extension of Provisional Status
49 50	12:28	Great Lakes - Extension of Provisional Status

		76
1 2 3 4 5 6 7		STATE BOARD OF NURSING REFERENCE INDEX (Cont.)
4 5 6		October 28, 2022
7 8 9	TIME	AGENDA
10 11 12	12:47	Laurel Business Institute Proposal for a 12-month Practical Nursing Diploma Program
13 14	1:12	Regulation Update (Cont.)
15 16	1:13	Legislative Update
17 18	1:13	Report of Acting Commissioner
19 20	1:20	Report of Committees
21 22 23	1:20	Report of Board Members Who Attended a Meeting on Behalf of the Board
24 25	1:21	Report of Executive Secretary
26 27	1:30	New Business
28 29	1:32	For the Board's Information
30 31	1:35	Public Session
32 33	1:38	Executive Session
34 35	3:15	Return to Open Session
36 37	3:15	Motions
38 39	3:31	Adjournment
40 41 42 43 44 45 46 47 48 49 50		