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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: 9:00 A.M.

December 9, 2021

State Board of Nursing
December 9, 2021

BOARD MEMBERS:

Kristin Malady, BSN, RN, Chair
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Linda L. Kmetz, PhD, RN, Vice Chair
Ann Michele Coughlin, DNP, MBA, RN
Sue E. Hertzler, LPN
Linda A. Kerns, Esquire, Public Member - Absent
Kessey J. Kieselhorst, MPA, RD, LDN, CPHQ
Sherri Luchs, RN
Bridget E. Vincent, MSN, CRNP, APN-BC, CCRN

COMMONWEALTH ATTORNEYS:

Judith Pachter Schulder, Esquire, Board Counsel
Carole Clarke Smith, Esquire, Senior Board Counsel
Ariel O'Malley, Esquire, Board Counsel
Todd Kriner, Esquire, Board Counsel
Megan E. Castor, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution Division
William Newport, Esquire, Senior Board Prosecution
Liaison
T'rese Evancho, Esquire, Board Prosecution Liaison
David J. Schertz, Esquire, Board Prosecutor
Trista Boyd, Esquire, Board Prosecutor
Lindsay Szymanski, Esquire, Board Prosecutor
Matthew T. Sniscak, Esquire, Board Prosecutor
Madison Hales, Esquire, Board Prosecutor
Kathryn E. Bellfy, Esquire, Board Prosecutor
Codi M. Tucker, Esquire, Board Prosecutor
William McClain, Legal Analyst, Department of State

BOARD STAFF:

Wendy Miller, MSN, RN, Executive Secretary
Cynthia K. Miller, Board Administrator
Kelly Hoffman, Nursing Education Advisor
Leslie House, MSN, RN, Nursing Practice Advisor
Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursing
Education Advisor Annuitant
Peggy Witmer, MSN, RN-BC, MPA, Nursing Practice
Advisor Annuitant

State Board of Nursing
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BOARD STAFF: (Cont.)

Carol Scipioni, RN, Nursing Consultant Annuitant
MaryAnn Strawser, RN, Nursing Consultant Annuitant

DEPARTMENT OF STATE STAFF:

Marc Farrell, Deputy Policy Director, Department of
State
Kevin Knipe, MSW, LSW, CCDP Diplomate Program Manager,
Professional Health Monitoring Program
Julie Drodody, Assistant Program Manager, Professional
Health Monitoring Program

ALSO PRESENT:

Katie Spehar, Deputy Secretary for Policy & Planning,
Governor's Office of Policy
Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
Adele Caruso, DNP, CRNP, FAANP, Immediate Past
President, Pennsylvania Coalition of Nurse
Practitioners
Andrea Wandling, Human Resources Manager, Pennsylvania
Association of Community Health Centers
Deborah Little, EdD, RN, CNE, Corporate Assistant
Dean of Nursing, Lincoln Technical Institute
Frances Bietsch, RN, President, York County School of
Technology
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Joann Megon, RN, Executive Director, Pennsylvania
Nurse Peer Assistance Program
Kassidy Lax, RN, Director, Falcon Institute-PN
Program
Katrina Claghorn, MS, RN, LDN, Pennsylvania Academy of
Nutrition & Dietetics
Laura Waters, PhD, RN, Associate Professor of
Nursing, East Stroudsburg University
Margaret Johnson, RN, Director, Northern Tier Career
Center-PN Program
Mary Marshall, Director, Workforce & Professional
Development, The Hospital and Healthsystem
Association of Pennsylvania

State Board of Nursing
December 9, 2021

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ALSO PRESENT: (Cont.)

- Michelle Davis, RN, MSN, Director of Nursing, Lincoln Technical Institute-Allentown
- Noah Logan, Government Affairs Specialist, Pennsylvania State Nurses Association
- Pam Hughes, MSN, CRNP, FNP-C, Practical Nursing Director, United Career Institute
- Tyler Burke, Milliron & Goodman, LLC
- Valerie Myers, EdD, MSN, RN, Assistant Dean of Nursing, Pennsylvania College of Technology
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Kara Davenport, RN, Director of Jefferson County DuBois AVTS-PN Program
- Ann Phalen, PhD, CRNP, NNP-BC, Dean and Professor, Proposed Program Director, Frances M. Maguire School of Nursing and Health Professions, Gwynedd Mercy University
- Jim Trusdell, MBA, Vice President for Finance and Administration, Gwynedd Mercy University
- Mary Van Brunt, PhD, Provost and Vice President for Academic Affairs, Gwynedd Mercy University
- Peggy Pearl, Executive Director, Pennsylvania Coalition of Nurse Practitioners
- Michelle Wallace, Director of Nursing Programs, Reading Area Community College
- Lindsay Jones, RN, MSN, Assistant Director of Practical Nursing, Lancaster County Career & Technology Center

1 ***

2 State Board of Nursing

3 December 9, 2021

4 ***

5 The regularly scheduled meeting of the State
6 Board of Nursing was held by videoconference pursuant
7 to Act 73 of 2021 that extended the 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 September 30, 2021.

11 Kristin Malady, BSN, RN, Chair, called the
12 meeting to order at 9:00 a.m.

13 K. Kalonji Johnson, Commissioner, Bureau of
14 Professional and Occupational Affairs, was not present
15 at the commencement of the meeting.

16 ***

17 Roll Call of Board Members

18 [Kristin Malady, BSN, RN, Chair, took roll call of
19 Board members.]

20 ***

21 Introduction of Board Counsel

22 [Carole Clarke Smith, Esquire, Senior Board Counsel,
23 introduced members of Board counsel.]

24 ***

25 Introduction of Board Prosecution

1 [William A. Newport, Esquire, Senior Prosecution
2 Liaison, identified members of Prosecution.]

3 ***

4 Introduction of Board Staff

5 [Wendy Miller, MSN, RN, Executive Secretary,
6 introduced Board staff.]

7 ***

8 [Kristin Malady, BSN, RN, Chair, reminded everyone
9 that the meeting was being recorded, and those who
10 continued to participate were giving their consent to
11 be recorded.]

12 ***

13 Introduction of Audience Members

14 [Cynthia K. Miller, Board Administrator, introduced
15 audience members.]

16 Chair Malady reminded attendees to email Cindy
17 Miller their name and organization affiliation.]

18 ***

19 Adoption of the Agenda

20 CHAIR MALADY:

21 We have in front of us the December
22 meeting agenda.

23 Are there any changes to that
24 agenda? I'm seeing none.

25 Do I have a motion to adopt the

1 December 9 meeting agenda?

2 DR. COUGHLIN:

3 So moved.

4 DR. KMETZ:

5 Second.

6 CHAIR MALADY:

7 All those in favor? Any opposed? Any
8 abstentions? The agenda passes.

9 [The motion carried unanimously.]

10 ***

11 Adoption of Minutes

12 [Kristin Malady, BSN, RN, Chair, noted the minutes
13 will be on the next meeting agenda.]

14 ***

15 Report of Prosecutorial Division

16 [Chair Malady noted VRP Consent Agreement items 2
17 through 8.]

18 ***

19 [Chair Malady noted Ms. Bellfy's cases 9 and 10.]

20 ***

21 [Chair Malady noted Ms. Boyd's cases 11 and 12.]

22 ***

23 [Chair Malady noted Ms. Evancho's cases 13 through
24 19.]

25 ***

1 [Chair Malady noted Mr. Sniscak's cases 20 through
2 22.]

3 ***

4 [Chair Malady noted Ms. Szymanski's cases 23 through
5 25.]

6 ***

7 [Chair Malady noted Ms. Tucker's cases 26 through 29.

8 Wesley J. Rish, Esquire, Rish Law Office, LLC,

9 counsel for the respondent, was present and

10 participated in the discussion regarding item 26.]

11 ***

12 [Chair Malady noted Mr. Schertz's cases 108 through
13 110.]

14 ***

15 Regulation Update

16 [Judith Pachter Schulder, Esquire, Board Counsel,
17 referred to 16A-5139 regarding the Volunteer License,
18 noting it to be a group regulation that has not been
19 prepared.

20 Ms. Pachter Schulder stated 16A-5140 regarding
21 the Child Abuse Reporting Requirements is a final
22 regulation and would inform the Board whether it is
23 one of the regulations currently being reviewed by the
24 Independent Regulatory Review Commission (IRRC) later
25 in the meeting.

1 Ms. Pachter Schulder addressed 16A-5141 regarding
2 Nursing Education Programs, noting a discussion will
3 take place during the RN/PN Committee meeting to
4 specifically discuss recommended changes from the
5 Deans of the Nursing Programs at the University of
6 Pennsylvania, University of Pittsburgh and Penn State
7 University who provided comments to those regulations
8 with the hope of adopting those at the January
9 meeting. Ms. Pachter Schulder referred to 16A-5143
10 regarding Continued Competency and Licensure by
11 Endorsement under 63 P.S. § 6311, noting the package
12 has been forwarded to regulatory counsel for review.

13 Ms. Pachter Schulder informed the Board that 16A-
14 5144 regarding the CRNP Statement of Policy is still
15 pending.

16 Ms. Pachter Schulder referred to 16A-5145
17 regarding CRNA Licensure. She mentioned receiving
18 proposed fees earlier in the week and that the Draft
19 Annex previously on the Board's agenda in July or
20 September would be back on the agenda for next month
21 with those fees for the Board to adopt and an exposure
22 draft to be distributed for draft input.

23 Ms. Pachter Schulder informed the Board that 16A-
24 5146 regarding Additional Continuing Education dealing
25 with opioids and organ donation went out for predraft

1 input, and she is awaiting comments.

2 Ms. Pachter Schulder noted there is nothing
3 further to report on 16A-5147 regarding the Nurse
4 Licensure Compact (NLC) because the Board still has
5 not received a letter from the Federal Bureau of
6 Investigation (FBI) but have been assured that the FBI
7 is still in opposition to language in the statute
8 regarding criminal background checks. She commented
9 that if other states have implemented the Compact,
10 according to the Pennsylvania State Police, it was
11 without having the FBI's approval.

12 Ms. Pachter Schulder noted the Pennsylvania State
13 Police went to the FBI because that is the process by
14 which the criminal background check was going to be
15 transferred and were told the language is not
16 acceptable. She is waiting on the FBI letter to
17 provide more information, noting it is likely another
18 legislative change will be needed in order to fix that
19 part.

20 Ms. Pachter Schulder noted that staff is working
21 on determining proposed fees as well as addressing
22 technological issues regarding transitioning from the
23 Pennsylvania Licensing System (PALS) to something
24 else. She mentioned that it may not make sense for
25 the Board to apply for and receive a grant from NCSEB

1 since this licensure system may or may not continue,
2 especially if there is only one opportunity for the
3 grant.

4 Ms. Pachter Schulder referred to the Bureau of
5 Professional and Occupational Affairs (BPOA)
6 regulation regarding Crimes Directly Related to the
7 Profession. She stated Deputy Chief Counsel Cynthia
8 Montgomery is preparing that regulation on behalf of
9 Commissioner Johnson. She noted the lists of crimes
10 are on the Board's website. She reminded licensees,
11 associations, and Board members to review those lists
12 because the crimes on those lists tell everyone where
13 the Board has the presumption and does not have the
14 presumption that a crime is directly related to the
15 profession. She noted the crimes of violence and
16 sexual offenses are specifically set out in the
17 statute.]

18

19 Appointment - Discussion with the Professional Health
20 Monitoring Program (PHMP) Regarding Suboxone
21 Treatment

22 [Kevin Knipe, MSW, LSW, CCDP Diplomate, Program
23 Manager, Professional Health Monitoring Program,
24 stated PHMP's opioid policy not only includes the
25 medication-assisted therapy but also those who are

1 prescribed opioids for treatment of chronic pain. He
2 commented that PHMP does not prohibit licensees from
3 being on either medication-assisted therapy or being
4 prescribed opioids for treatment of chronic pain
5 conditions.

6 Mr. Knipe stated PHMP relies on the approved
7 evaluator and/or their approved treatment provider to
8 determine the appropriateness of prescribed
9 medications and beyond that to establish an
10 appropriate treatment plan. He mentioned that PHMP
11 wants to ensure licensees comply with those
12 recommendations because they are treatment-based and
13 covered in the agreement that they must follow along
14 with treatment recommendations.

15 Mr. Knipe stated individuals must undergo a
16 neuropsychological examination and exhibit no
17 cognitive types of issues related to their opioid use
18 before they receive PHMP's permission to return to
19 licensed practice.

20 Mr. Knipe stated PHMP will not support a
21 dismissal from PHMP until the individual is
22 successfully weaned off their prescribed opioid and
23 remain free from opioids for a period of at least one
24 year.

25 Mr. Knipe addressed the PHMP policy, where there

1 are no national standards that govern the state
2 monitoring programs, and it is up to each state to
3 determine what they believe is appropriate as it
4 relates to their licensees for programs that are
5 similar to their program.

6 Mr. Knipe commented that cases PHMP has had
7 relative to individuals who have been with them longer
8 than the three-year agreement, because they are on
9 opioids, specifically tend to be Suboxone cases. He
10 noted having some individuals who have been very
11 successful and compliant and have remained abstinent
12 from the use of prohibited substances.

13 Mr. Knipe noted referencing what the National
14 Council of State Boards of Nursing (NCSBN) previously
15 recommended in a resource manual that they published
16 years ago relative to alternative discipline programs.

17 He noted that a lot of protocols are already being
18 done by PHMP, including neuropsychological testing,
19 drug testing, and practice restrictions. He commented
20 that PHMP does not follow NCSBN to a T but follows the
21 Board's expectation.

22 Mr. Knipe mentioned that the one thing PHMP has
23 not been doing is the idea of agreeing to support
24 someone's petition. He believed that it is worth
25 considering, moving forward, changes to PHMP's

1 existing opioid policy and to accept NCSBN's
2 designation of opioid cases being defined as a special
3 population and to move in a direction where they
4 embrace the concept of monitoring individuals for a
5 period of no less than five years as NCSBN indicated
6 in the manual.

7 Mr. Knipe believed it is also prudent to require
8 licensees who are on opioids to undergo a current
9 evaluation by one of PHMP's approved evaluators if
10 they are not currently in treatment as a way of
11 verifying the stability of their recovery and get an
12 expert in the field of addiction to agree that the
13 individual appears safe to practice unmonitored in
14 terms of protecting the interest of PHMP and the
15 Board.

16 Mr. Knipe noted the process will begin once those
17 pieces are in place like in other cases when somebody
18 serves the minimum period of probation as outlined in
19 their agreement and order, where PHMP would move
20 forward and support their petition.

21 Mr. Knipe further explained that
22 neuropsychological testing is specific to practice and
23 is a component PHMP only requires of participants who
24 wish to return to practice and typically happens
25 within the first year of their enrollment in the

1 program. He stated PHMP does not require any repeat
2 neuropsychological testing unless there are issues or
3 concerns that arise during the course of monitoring
4 that could indicate an impairment with someone's
5 cognition and judgment.

6 Mr. Knipe explained that the evaluation would be
7 an additional feature of the monitoring as a safety
8 check to establish that the individual meets directly
9 with someone who is certified in addiction to sit down
10 and meet with the licensee face to face and do an
11 assessment and interview of how the licensee is doing,
12 just to document that the licensee seems to be in
13 stable recovery and there should be no concerns about
14 the licensee practicing unmonitored. He noted PHMP
15 has the authority to do that in all of their cases but
16 did not want to make it appear that it is a typical
17 requirement.

18 Mr. Knipe addressed the monitoring period, where
19 PHMP is currently using standard three-year consent
20 agreements for the Voluntary Recovery Program (VRP)
21 cases. He is suggesting that instead of the VRP
22 requesting the prosecuting attorney who develops their
23 agreements to use a three-year agreement that they
24 develop monitoring for no less than five years for an
25 individual who is referred to the VRP and is on

1 opioid-replacement therapy or on opioids for chronic
2 pain.

3 Ms. Pachter Schulder asked what that means to the
4 one year after dealing with Suboxone or opioid and
5 whether Mr. Knipe is recommending that be removed.

6 Mr. Knipe explained that it would be dropped from
7 their existing policy, that if a person chooses to
8 remain on opioids for the duration of that period of
9 monitoring, so long as the evaluation occurs and there
10 are no concerns with them practicing unmonitored based
11 on that current evaluation, PHMP would support the
12 petition.

13 Chair Malady noted the importance of supporting
14 nurses who require the treatment but allowing them to
15 still work safely.

16 Ms. Pachter Schulder asked whether only drug and
17 alcohol counselors would be evaluating the licensees
18 and whether psychiatrists or psychiatric nurse
19 practitioners or physician assistants would be
20 excluded.

21 Mr. Knipe noted that the staff makes referrals
22 for evaluations on a case-by-case basis and
23 psychiatrists, psychiatric nurse practitioners, and
24 physician assistants would not be restricted from
25 doing the assessment if that was felt to be more

1 appropriate.]

2 MS. PACHTER SCHULDER:

3 The motion would be to endorse the
4 changes recommended by PHMP regarding
5 licensees who are in their program who
6 are still using opioids or opioid
7 replacement.

8 CHAIR MALADY:

9 Do I have such a motion?

10 DR. KMETZ:

11 So moved.

12 CHAIR MALADY:

13 Do I have a second?

14 MS. KIESELHORST:

15 Second.

16 CHAIR MALADY:

17 All those in favor? Opposed?

18 Abstentions?

19 [The motion carried unanimously.]

20 ***

21 [Joann Megon, RN, Executive Director, Pennsylvania
22 Nurse Peer Assistance Program, noted being in support
23 of PHMP's changes.]

24 ***

25 [K. Kalonji Johnson, Commissioner, Bureau of

1 Professional and Occupational Affairs, entered the
2 meeting at 9:50 a.m.]

3

4 Appointment - Frances M. Maguire School of Nursing and
5 Health Professions at Gwynedd Mercy University

6 Proposal for the Establishment of a Prelicensure
7 (RN-Direct-Entry) Master of Science Degree in
8 Nursing (MSN) Program

9 [Ann Phalen, PhD, CRNP, NNP-BC, Dean and Professor,
10 Frances M. Maguire School of Nursing and Health
11 Professions at Gwynedd Mercy University, presented to
12 the Board seeking approval for Gwynedd Mercy's
13 proposal of a direct-entry MSN program. She provided
14 a brief description, noting the program to be a
15 prelicensure full-time 22-month program for students
16 who have another bachelor's degree in another area.
17 She noted the program is designed for students who are
18 seeking a master's degree but are not interested in an
19 advanced practice role, such as a nurse practitioner.

20 Dr. Phalen noted that students earn 79 credits
21 and upon successfully completing the program are
22 eligible and qualified to sit for the National Council
23 Licensure Examination (NCLEX) as well as sit for the
24 Clinical Nurse Leader Examination.

25 Dr. Phalen explained that a clinical nurse leader

1 is a master's-educated nurse who is prepared to
2 practice across the continuum and across multiple
3 settings in the health care area and was developed in
4 conjunction with the American Association of Colleges
5 of Nursing (AACN) and other health care leaders and
6 hospitals.

7 Dr. Phalen provided a summary of CNL program
8 topics. She stated the program addresses the
9 workforce need for more nurses and preparing nurses to
10 enter the field in 22 months rather than the
11 traditional 4 years. She also addressed meeting the
12 needs of students with accelerated programs, programs
13 that have hybrid options, programs to be cost
14 effective, and at the end be gainfully employed.

15 Dr. Phalen mentioned that the students coming in
16 at the master's level will be able to tap into their
17 graduate federal dollars and other avenues and reduce
18 some of their financial hardship upon graduation.

19 Dr. Phalen stated the students will enter the
20 workforce and work as a point-of-care nurse and will
21 be equipped with leadership skills as well.

22 Dr. Phalen addressed recruitment and starting the
23 program within a two-cohort setting based on clinical
24 opportunities and experiences. She believed that
25 after the first couple of years, seeing the NCLEX

1 results, and results of the CNL Examination, they may
2 have to increase it to a third cohort.

3 Dr. Phalen stated the students have to start and
4 finish the program before they sit for the NCLEX and
5 will be eligible to sit for the CNL Examination. She
6 noted that both BSN and MSN faculty will be shared but
7 will also have dedicated faculty and a dedicated
8 program director for the program.

9 Chair Malady thanked Dr. Phalen for her
10 presentation.

11 Dr. Phalen thanked Dr. Petula for being a
12 wonderful resource for her as she developed the
13 program and proposal for the state.]

14

15 Pennsylvania Legislative Update

16 [Judith Pachter Schulder, Esquire, Board Counsel,
17 referred to House Bill 1741 that allows off-label use
18 of medications to treat COVID; House Bill 1948
19 regarding medical cannabis being administered by
20 school nurses; House Bill 1956 regarding certified
21 anesthesiologist assistants, noting it to be different
22 than the CRNA legislation that went into effect; and
23 Senate Bill 603 regarding Lyme Disease education for
24 parents and establishing protocols for tick bites.]

25

1 Report of Board Chairperson

2 [Kristin Malady, BSN, RN, Chair, thanked all of the
3 health care providers, especially nurses, who have
4 given their all to the citizens of the Commonwealth of
5 Pennsylvania and to this country. She asked for
6 continued support from experienced nurses and extra
7 support for the new graduates during the COVID crisis.

8 Chair Malady thanked Commissioner Johnson, Board
9 staff, and the Prosecutorial and Counsel teams for all
10 their hard work.

11 Chair Malady stated that it was an honor to serve
12 as Chair but that she is turning her Chair duties over
13 to Dr. Kmetz, who is highly qualified and will do a
14 great job. She thanked everyone for the honor and
15 wished everyone a happy holiday.]

16 ***

17 Report of Committees - Probable Cause Screening

18 Committee

19 [Sue E. Hertzler, LPN, reported moving on 11 Petitions
20 for Appropriate Relief, 22 Petitions for Mental and
21 Physical Examinations, and no Immediate Temporary
22 Suspensions.]

23 ***

24 Application Review Committee

25 [Kristin Malady, BSN, RN, Chair, noted that she and

1 Dr. Kmetz reviewed and moved many applications forward
2 in the process.]

3 ***

4 Advanced Practice - Education, Regulation, &
5 Application Committee - No Report

6 ***

7 RN/PN Practice, Education, & Regulation Committee
8 [Kristin Malady, BSN, RN, Chair, noted the Committee
9 will be meeting at 10:15 a.m.]

10 ***

11 Dietitian-Nutritionist Committee - No Report

12 ***

13 IT & Communication Issues Committee

14 [Ann Michele Coughlin, DNP, MBA, RN, asked whether
15 there has been any movement in the new platform for
16 the agenda, noting the current platform is not user-
17 friendly. She thanked Ms. Wendy Miller for keeping
18 everyone up to date.

19 Ms. Miller stated the administration is looking
20 at getting proposals to replace multiple systems and
21 is being actively worked, noting Commissioner Johnson
22 would have more information as far as where it is at
23 in the process.]

24 ***

25 Report of Board Members Who Attended a Meeting on

1 Behalf of the Board - No Report

2 ***

3 Report of Executive Secretary

4 [Wendy J. Miller, MSN, RN, Executive Secretary,
5 referred to a Policy Statement received from NCMBN,
6 and endorsed by numerous national nursing
7 organizations, which communicated opposition to the
8 dissemination of non-scientific and misleading COVID-
9 19 information by nurses.

10 Ms. Miller thanked the Nursing Practice Advisors
11 and Nursing Education Advisors for their hard work
12 this past year on proposals, curriculum changes, and
13 communication with nursing education programs.

14 Ms. Miller informed the Board that two new
15 Nursing Practice Advisors have been selected and are
16 in the human resources process.]

17 ***

18 [The Board recessed from 10:13 a.m. until 10:20 a.m.]

19 ***

20 Committee Meeting

21 [Judith Pachter Schulder, Esquire, Board Counsel,
22 referred the Board to 16A-5141 regarding Nursing
23 Education Programs. She noted the Board received
24 additional comments from deans regarding amendments to
25 the regulations. She mentioned that the

1 recommendations were reviewed by Dr. Petula, Ms.
2 House, Ms. Hoffman, Ms. Miller, and herself, and
3 provided, for the Board's consideration, a line out
4 document with the changes for the Board's
5 consideration. She addressed the deans' first
6 recommendation to expand the definition of
7 "comprehensive nurse assessment" in § 21.1 (relating
8 to definitions) to include the analysis and synthesis
9 of "physiological, psychosocial, demographic,
10 developmental, and historical" data. The Board agreed
11 to the inclusion.

12 Ms. Pachter Schulder referred to § 21.901
13 (relating to definitions) where the definition of
14 controlling institution currently refers to "regional
15 accreditation." She reminded the Board that after
16 these proposed regulations were adopted, the Board
17 suspended enforcement of the regional accreditation
18 requirement based upon Federal law. The Board agreed
19 to remove the reference to "regional" accreditation in
20 the RN and CRNP provisions, replacing it with
21 "accredited by a body that is approved."

22 Ms. Pachter Schulder directed the Board to §
23 21.921 regarding requirements of the Board in order to
24 establish a new program. The deans requested that the
25 Board eliminate the requirement in subsection (b)(1)

1 that the Program advise the Board about the need for
2 the Program in the geographical area because the
3 Programs attract students throughout the country. The
4 Board concurs with this recommendation and struck that
5 clause from 21.921(b)(1). In addition, at the
6 suggestion of the deans, the Board agreed to strike
7 the requirement that the Program provide documentation
8 evidencing compliance with federal and state
9 requirements.

10 Ms. Pachter Schulder directed the Board to §
11 21.923(g) regarding organizational requirements for
12 nursing education programs. As drafted, the nursing
13 faculty organization is tasked with conducting a
14 planned periodic evaluation of the program, develop,
15 review, and revise policies and rules of procedure
16 governing the faculty organization, and maintain
17 reports of the faculty organization and faculty
18 actions. She asked the Board whether another
19 provision should be added tasking the faculty
20 organization with reviewing the curriculum, developing
21 a process to identify and measure gaps in the
22 curriculum, and recommend changes to the curriculum.
23 She noted that the Advisors recommend adding this task
24 to the faculty organization; however, the deans
25 commented that in some controlling institutions,

1 curriculum review and change recommendations may not
2 be done by the faculty organization. Chair Malady
3 commented that nursing faculty needs to be the people
4 who are looking at the curriculum because it is a
5 nursing faculty function. The other Board members
6 agreed.

7 Ms. Pachter Schulder referred to § 21.925(a) and
8 (b) (relating to changes to nursing education programs
9 following approval) and the comments from the deans
10 that it is duplicative to reproduce the establishment
11 documents in § 21.921(b) (relating to establishment) if
12 a program is already approved. They recommended that
13 some of the requested information can be reported as
14 part of the Annual Report rather than before the
15 changes occur. As currently drafted, subsection (a)
16 would require the program to report certain changes to
17 the Board within 30 days prior to the changes,
18 subsection (b) would require the program to obtain
19 approval from the Board within 90 days of any planned
20 changes.

21 First, the Board agreed that unless a program is
22 on initial or provisional status, programs can report
23 changes to ownership or administrative structure,
24 student capacity that increases by more than 15%
25 annually, changes in accreditation status and the

1 addition of cohorts as part of the program's Annual
2 Report in § 21.972(a). The Board reasoned that the
3 programs on initial and provisional status must
4 continue to provide the additional information because
5 they are subject to heightened scrutiny either because
6 they have not graduated a class of students or because
7 they failed to meet the standards set out in § 21.915.

8
9 Second, in connection with subsection (e),
10 relating to the addition of a degree type or a new
11 CRNP specialty, the Board agreed that it can accept
12 less documentation in areas where there is no change
13 from when the program was approved. The Board
14 discussed that adding a degree type includes adding a
15 PN associate degree to an existing PN certificate
16 program, an RN associate degree to an existing RN
17 diploma program, an RN-MSN to an existing RN-BSN, or a
18 CRNP-DNP to an existing CRNP-MSN program. Adding a
19 CRNP specialty type includes adding psychiatric mental
20 health to an existing adult health across the lifespan
21 program. The Board agreed that when adding a degree
22 type or certification specialty, unless there are
23 changes in these areas, the program would not need to
24 provide a sample job description for the administrator
25 and the faculty, copies of policies and procedures,

1 the systematic evaluation plan, or a process to
2 evaluate the resources. Rather than providing a
3 statement about the program's congruence with the
4 controlling institution's mission, goals and learning
5 outcomes, the program would only need to provide a
6 statement regarding the congruence of the new
7 program's learning outcomes. In addition, instead of
8 providing clinical agency agreements and descriptions
9 of facilities and resources, the program would only
10 need to provide a statement that the new program can
11 accommodate the additional students. Chair
12 Malady thanked everyone for taking the time to go
13 through those comments that the deans made, noting she
14 agreed with everything so far, stating that if their
15 program is fully approved, they do not need to start
16 over.

17 Ms. Pachter Schulder commented that the addition
18 of a new degree type of certification specialty is
19 still considered a new program because a new program
20 code would be assigned. Additionally, while the
21 programs would not have to provide the duplicate
22 information with their application for approval, it is
23 still something that will need to be reviewed by the
24 Advisors.

25 Ms. Pachter Schulder referred the Board to §

1 21.933 regarding administrator qualifications, noting
2 the deans' recommendation that the nursing program
3 administrators have expertise in nursing research as
4 well as nursing practice, nursing education and
5 administration. The Board agreed to the addition.

6 Ms. Pachter Schulder directed the Board to
7 faculty qualifications in § 21.934(a). She noted that
8 the deans questioned whether faculty members needed to
9 maintain expertise in the area of instruction in
10 subsection (a)(1)(iii), (2)(iii) and (3)(iii). The
11 Board decided that they do.

12 Ms. Pachter Schulder directed the Board to §
13 21.934(d)'s prohibition against interprofessional
14 faculty teaching clinical courses. Interprofessional
15 faculty is defined in § 21.901 as a faculty member
16 other than a licensed nurse who has specialized
17 knowledge, skills, and abilities in the areas being
18 taught and holds at least a graduate degree in that
19 area. She questioned, based upon an inquiry from the
20 deans, whether teaching public health can be done by
21 interprofessional faculty or does it have to be done
22 by a nurse. The Board discussed tying clinical
23 interprofessional faculty to students' scope of
24 practice.

25 Chair Malady commented that when you are in an

1 RN/PN program, you should be taught to your scope of
2 practice, but it is different for CRNPs. Dr. Coughlin
3 agreed that it makes sense with practicing in the
4 scope and having interprofessional support. Ms.
5 Vincent agreed that this makes sense for CRNPs as
6 well.

7 Ms. Pachter Schulder asked whether there are any
8 clinical courses that a CRNP would take that would
9 only require a CRNP or a DNP or a nurse to provide
10 that education. Dr. Coughlin commented that the
11 student would be rounding with the interprofessional
12 teams that would usually consist of the doctor and
13 nurse. Ms. Vincent noted being a preceptor for CRNP
14 students and watching everything they do under her
15 supervision. The Board decided to tie the courses
16 that can be taught by interprofessional faculty to the
17 scope of practice so that if it is more of a nursing-
18 related course, even for CRNPs, it may require a nurse
19 CRNP rather than require a physician, but in the
20 general courses, like cardiology or pulmonology, could
21 be taught by a physician and pharmacology by a
22 pharmacist.

23 Ms. Pachter Schulder directed the Board to §
24 21.941 regarding curriculum development and the deans'
25 request that the information required on each syllabus

1 be shortened in order to allow programs to make
2 changes quickly. Upon a review of subsection (a)(5),
3 the Board concurred with the Advisors' recommendation
4 that the name of the instructor, course schedule by
5 time and day, attendance requirements, make-up work
6 and outline by week be removed from syllabi.
7 Information about the attendance requirements, and
8 make-up work can be included within the Student
9 Handbook.

10 Ms. Pachter Schulder directed the Board to §
11 21.946(b) (relating to curriculum changes requiring
12 Board approval) and noted prior discussion at the
13 October meeting based upon the deans' request for
14 provisional or conditional approval while the Board
15 reviews a curriculum change for an approved program so
16 that the program can implement the change prior to the
17 Board's approval. Although the Board was not willing
18 to grant provisional or conditional approval, in part
19 out of concern over confusion with provisional status,
20 the Board reiterated that a program does not need to
21 obtain Board approval prior to implementing changes to
22 the curriculum so long as the program: (1) possesses
23 full approval status, (2) holds accreditation from a
24 Board-recognized nursing accreditation agency, (3) has
25 an active faculty organization, (4) has an

1 institutional review committee, and (5) actively
2 engages in a review of the systematic evaluation plan.
3 Prior to implementing those changes, the program must
4 notify the Board at least 90 days prior to its planned
5 implementation. Under proposed (d), if revisions are
6 required to be made to curriculum changes that were
7 already implemented, those revisions must be made
8 prior to the next academic year. The dean's supported
9 this implementation timeframe for revisions.

10 Unless a program meets the five criteria in (b),
11 21.946(a) requires programs to notify the Board prior
12 to the curriculum change and receive approval prior to
13 being able to make the change. Based upon discussion,
14 the Board agreed to shorten the list of curriculum
15 changes that require pre-approval to include only:
16 changes to program purposes and outcomes, didactic and
17 clinical hours, credits and units, course content or
18 instruction, teaching methodology, course placement,
19 or course additions or deletions. The Board discussed
20 whether all course content or instruction changes
21 require notice. The Board decided that only content
22 or instruction changes "that affects the integration
23 of material into the total curriculum" requires pre-
24 approval. By adding this clause, the Board noted that
25 it does not intend for any little change to be pre-

1 approved or to prohibit programs from being innovative
2 and nimble.

3 For programs that meet the requirements of
4 subsection (b), instead of providing the documentation
5 in subsection (a)(1)-(7), the programs must provide
6 notification about the items in (c)(1)-(7).

7 Ms. Pachter Schulder referred the Board to §
8 21.972 regarding the annual report and records filed
9 with the Board. As originally drafted, subsection (a)
10 reiterated the current regulations that require
11 programs show compliance with the Act and the
12 regulations. In light of the change made to
13 21.925(a), for all programs other than those on
14 initial or provisional status, the Board decided to
15 amend subsection (a) to include a list of items that
16 must be covered by the annual report: administration,
17 faculty, curriculum, enrollment, accreditation,
18 clinical agencies, attrition, student services, and
19 examination or certification results. These items are
20 currently asked for in the Annual Reports filed by the
21 programs in eppiccNurse.

22 Ms. Pachter Schulder requested that the Board
23 members review all of the changes for discussion at
24 the January meeting. Chair Malady thanked everyone
25 for their hard work and advised that the Board may

1 review and approve the Annex again at the January
2 meeting.]

3 ***

4 [Linda L. Kmetz, PhD, RN, Vice Chair, exited the
5 meeting at 11:04 a.m. for recusal purposes.]

6 ***

7 New Business - NCLEX Pass Rates

8 [Kelly Hoffman, Nursing Education Advisor, addressed
9 the 2020-2021 NCLEX pass rates and advised that
10 Pennsylvania RN first-time test takers ranked at
11 88.21% and 83.22% nationally. She stated that
12 Pennsylvania ranked at 81.48% for practical nursing
13 and 79.77% nationally. She reported a downward trend
14 of 3% from the previous year but that Pennsylvania's
15 pass rates continue to be above the national average.

16 Ms. Hoffman reported 22 PN programs and 16 RN
17 programs that did not meet the minimum of an 80%
18 benchmark. She also reported 9 PN programs and 6 RN
19 programs were on provisional status in 2019-2020 with
20 first-time test takers scoring less than 80%.

21 Dr. Petula noted 2 RN programs still remain on
22 provisional status of the 16 and 22 PN programs
23 currently on provisional status with several programs
24 that will be extended.

25 Ms. Hoffman addressed causative factors for the

1 3% decrease in the pass rate. She stated the NCLEX-PN
2 passing standard increased 0.03 logits, program
3 director turnover of 20%, and a faculty turnover rate
4 of 15% based on the 2019-2020 Annual Reports submitted
5 by the programs, and COVID's impact on the programs
6 were possible factors. She noted that the test center
7 shutdown was not a causative factor for this
8 examination year because most of those test centers
9 were up and running, albeit at limited capacity but
10 with extended hours. She mentioned that the increase
11 in simulation and the decrease in direct patient care
12 could have affected the test takers, along with the
13 fact that nursing programs did have to pivot quickly
14 to online didactic teaching and learning.

15 Ms. Hoffman noted that another causative factor
16 may have been on the student end, where not only did
17 the education get disrupted as far as a nursing
18 education program, but their family, children, and
19 work-life balance also impacted their education
20 because of COVID.

21 Ms. Pachter Schulder commented that the Board has
22 been asked to consider not putting any programs on
23 provisional status this year because of COVID and a
24 myriad of other factors. An alternative would be
25 keeping the schools on provisional status but allowing

1 them to put in letters to their students and
2 anticipated students that COVID could have had an
3 implication on the pass rates, whether on the student
4 side, on the difference in direct patient care, or on
5 the school side.

6 Laura Waters, PhD, RN, Associate Professor of
7 Nursing, East Stroudsburg University, and a member of
8 the Pennsylvania Higher Education Nursing Schools
9 Association's (PHENSA) Policy Committee, stated PHENSA
10 approached the state Board regarding their concerns as
11 soon as going online during COVID about their drop in
12 pass rates in addition to attrition within their
13 programs because of the pandemic and going to an
14 online format.

15 Dr. Waters suggested using a three-year aggregate
16 of pass rates similar to what is done with
17 accreditation bodies before a whole program is put on
18 probation. She noted the pandemic brought
19 unprecedented situations to everyone, and even getting
20 students back into the rigor of being in class in
21 clinical after the pandemic has been a challenge this
22 semester. She commented that being on probation on
23 top of a pandemic and on top of lowering enrollments
24 is impacting them on many avenues.

25 Ms. Pachter Schulder reminded the Board that in

1 drafting its proposed nursing education program
2 regulations, the Board the request to move from a one-
3 year to three-year aggregate pass rate. Dr. Petula
4 addressed a three-year program compared to a one-year
5 program. She noted there were concerns that three
6 years could result in a program sliding into a
7 situation where it is not able to be reversed easily.
8 She referred to the Delphi study published in July
9 2020 Journal of Nursing Education and Regulation that
10 identified quality indicators for programs, warning
11 signs, and specific program out measures.

12 Lindsay Jones, RN, MSN, Assistant Director of
13 Practical Nursing, Lancaster County Career &
14 Technology Center/Vice President, Pennsylvania
15 Association of Practical Nursing Administrators
16 (PAPNA), commented that her school is not on
17 provisional status, but their scores have dropped
18 significantly from the mid-90s to 82%. She addressed
19 the gap in testing sites and loss of a knowledge base
20 being a big factor.

21 Ms. Jones noted many schools are on probation
22 this year that have never been on probation before and
23 mentioned looking at whether a school has a track
24 record of being on provisional status where they
25 should not be put on provisional status if the first

1 year was during COVID unless there is a significant
2 pattern.

3 Michelle Wallace, Director of Nursing Programs,
4 Reading Area Community College, noted also continuing
5 to struggle with declining enrollment in the practical
6 nursing programs as well as a 70% attrition rate from
7 the class of 2020. She addressed the impact on her
8 program because of the delay in testing with students.

9 Ms. Wendy Miller commented that the 2020-2021
10 exam year would have started October 1, 2020, noting
11 test centers were at 100 percent prior to then. She
12 noted there may have been less seats available than
13 previous, but they also had extended hours which made
14 up for the fewer seats per administration.

15 Dr. Petula reported that both RN and LPN nursing
16 programs had a significant increase by almost 10
17 percent of testers, and it is interesting that
18 happened during COVID.

19 Dr. Petula offered to share an article published
20 by Peter Buerhaus, PhD, RN, FAAN, nurse and healthcare
21 economist, talking about nursing shortages and the
22 consequences of COVID from a different perspective.
23 He found that although many nurses were walking away
24 from practice, there are other non-nurses gravitating
25 to this profession.

1 Dr. Petula commented that there was a gap in the
2 test centers for about three weeks when COVID hit but
3 very quickly pivoted to open with extending times,
4 adding testing, and shortening the exam to turnover
5 testing seats more quickly.

6 Dr. Petula commented that pass rates nationally
7 are at about a 3.4 percent decline. She noted
8 Pennsylvania still ranks in the top six by candidates
9 testing and also in pass rates. She reported Florida
10 had close to 19,000 candidates, Texas 14,000, and
11 California 12,000 this past testing year for practical
12 nurses.

13 Dr. Petula addressed pass rates in 2013-2014 for
14 RNs at almost 8 percent and PNs the following year in
15 2014-2015, where the test plan changed, and the logits
16 went up causing a subsequent decline in the PN pass
17 rate. She noted the new test plan for practical
18 nurses came out on April 1, 2020, and the level of
19 difficulty increased by about 3 percent, which might
20 contribute to some of the decline for this past exam
21 year but is something the programs are aware of and
22 must make sure the curriculum is current.

23 Dr. Petula addressed the July 2020 Delphi study,
24 noting that the curriculum did not really appear
25 within that list of warning signs, only for programs

1 that are truly just teaching to the test and not
2 necessarily to the depth and breadth of nursing. She
3 noted other factors that came into play were faculty
4 turnover and director turnover.

5 Dr. Petula reported retirements are occurring,
6 where one-fifth of the nursing population is going to
7 retire in the next five years. She also reported that
8 there are currently 4.1 million RNs and approximately
9 950,000 practical nurses, noting the retirement impact
10 on the nursing workforce is significant.

11 Ms. Pachter Schulder reminded the Board that if
12 it chooses to suspend the requirement that programs
13 who fail to maintain the required pass rate be placed
14 on provisional status, that suspension would apply to
15 all programs, including those that were on provisional
16 status for the past year. Another option would be to
17 put the applicable programs on provisional status but
18 allow the programs to explain the COVID impact on that
19 program's pass rates.

20 Chair Malady noted being inclined to put programs
21 on provisional status and have them be able to say
22 that COVID factors apply, and the Board agreed.

23 Ms. Pachter Schulder explained that programs on
24 provisional status, in addition to providing
25 performance improvement plans to the Board, are

1 required to send the Board a copy of the letter that
2 they send to their current students and to their
3 students they are recruiting, letting them know about
4 the provisional status, and, this year, an explanation
5 of COVID's impact, as warranted. She noted the
6 programs will receive a letter from the Board noting
7 they are on provisional status.]

8 ***

9 [Linda L. Kmetz, PhD, RN, Vice Chair, reentered the
10 meeting at 11:37 a.m.]

11 ***

12 New Business - Election of Officers

13 CHAIR MALADY:

14 I would like to nominate Linda Kmetz as
15 Chair for the upcoming year.

16 MS. PACHTER SCHULDER:

17 Is there a second?

18 DR. COUGHLIN:

19 Second.

20 CHAIR MALADY:

21 All those in favor? Opposed?

22 Abstentions?

23 [The motion carried unanimously.]

24 ***

25 DR. KMETZ:

1 I would like to nominate Dr. Coughlin as
2 Vice Chair.

3 CHAIR MALADY:

4 Do we have a second?

5 MS. VINCENT:

6 I second it.

7 CHAIR MALADY:

8 Anymore nominations? Seeing none.

9 All those in favor? Opposed?

10 Abstentions?

11 [The motion carried unanimously.]

12 ***

13 [In response to an inquiry about whether there is any
14 change to the requirement for programmatic
15 accreditation for practical nurse programs, Judith
16 Pachter Schulder, Esquire, Board Counsel, noted the
17 section did not change and that the new regulations
18 would require programmatic accreditation for PNs. She
19 stated the only sections of the regulations that were
20 previously approved by the Board in January 2020 that
21 changed would be the ones outlined in this meeting.]

22 ***

23 New Business - English Language Proficiency (ELP)
24 Testing

25 [Leslie House, MSN, RN, Nursing Practice Advisor,

1 referred to a question to the Board about the
2 acceptance of at-home English language proficiency
3 exams, in general, and the addition of the Test of
4 English as a Foreign Language (TOEFL) Essentials or
5 the Occupational English Test (OET) to the list of the
6 Board-accepted ELPs.

7 Ms. House mentioned that she, Dr. Petula, and Ms.
8 Hoffman researched ELP options currently available,
9 noting the at-home examinations are being offered by
10 most of the testing services. She provided a summary
11 of the pass rates, whether there is an at-home
12 version, and the security of the platform for the
13 TOEFL iBT, TOEFL iBT Home Edition, TOEFL PBT (Paper),
14 TOEFL Essentials, IELTS Academic, PTE, MELAB with
15 Speaking Test and the OET. She also discussed the
16 difference between academic tests like the OET and
17 generalized language tests like TOEFL. Additionally,
18 she informed the Board that NCSBN had provided the
19 Boards with recommendations for standard setting
20 related to speaking, writing, reading, and listening.
21 NCSBN has convened a work group to review the tests
22 and the platforms.

23 The Board discussed its concern about the
24 security of those tests even where ProctorU or other
25 artificial intelligence security services are used.

1 The Board also expressed concern about making a
2 decision until it receives information from NCSBN
3 about its review of the platforms, as they include
4 psychometricians in the discussion. The Board agreed
5 to keep things the way they are until they have
6 additional data to support adding those additional
7 options to their list.

8 Ms. House stated that the Advisors would follow
9 NCSBN's and any other discussions about changes to ELP
10 examinations and their security and report back to the
11 Board.

12 Following Board discussion, Chair Malady stated
13 it is a matter of people being able to ensure the
14 tests are secure and is something the Board will be
15 looking at again in the future but will keep it at the
16 test centers for now.]

17 ***

18 Report of Commissioner

19 [K. Kalonji Johnson, Commissioner, Bureau of
20 Professional and Occupational Affairs, wished everyone
21 a restful and peaceful holiday. He also thanked
22 everyone and expressed his gratitude for all their
23 hard work over the last 21 months.

24 Commissioner Johnson reminded everyone that the
25 virtual platform will continue through March 31, 2022.

1 He mentioned there is legislation currently pending in
2 the General Assembly regarding the use of technology
3 to provide hybrid meetings and the use of virtual
4 presence to account for quorums as it relates to Board
5 requirements.

6 Commissioner Johnson reminded the Board of a new
7 process for regional and national travel requests
8 through the Commonwealth Out-of-State Travel
9 Application (COSTA) portal that requires their
10 username and password for administrative approval. He
11 noted to continue to reach out to Ms. Miller for the
12 appropriate paperwork for any in-state travel. He
13 also encouraged everyone to exercise virtual
14 participation options if available. He asked everyone
15 to notify Wendy Miller, Cindy Miller, or Board Counsel
16 of any travel requests to be placed on the agenda for
17 formal Board approval due to the Sunshine Act.

18 Chair Malady requested an update regarding vacant
19 Board positions. Commissioner Johnson noted that the
20 administration reached out to the Department regarding
21 potential candidates across all boards and is
22 preparing a package for the Senate.

23 Ms. Wendy Miller asked Commissioner Johnson to
24 provide information on a question asked earlier
25 concerning a replacement for eAgenda. Commissioner

1 Johnson informed the Board that they released a
2 Request for Information regarding a number of
3 application replacements, noting that many of the
4 existing contracts on licensing applications and other
5 related applications are coming due. He also noted a
6 plan regarding issuing a Request for Proposal (RFP)
7 for new application replacements. He stated
8 eppiccNurse is on the list of applications they are
9 looking to either integrate into the new application
10 system or as a standalone product and will keep the
11 Board apprised.]

12 ***

13 For the Board's Information
14 [Judith Pachter Schulder, Esquire, Board Counsel,
15 commented that at the October 21, 2021, meeting, the
16 Board voted to grant a blanket extension of time to
17 Temporary Practice Permit holders until March 31,
18 2022, in light of COVID. As part of that vote, the
19 Board directed that a notice be sent to all affected
20 Temporary Practice Permit holders as well as
21 stakeholders and health systems informing them of the
22 expiration date and that in order to have their
23 licensure applications reviewed so that there will be
24 no lapse in practice, any applications that are still
25 pending must be received by January 3. A copy of the

1 notice was attached to the Agenda.

2 Ms. Pachter Schulder directed the Board's
3 attention to the Policy Statement by NCSBN and other
4 organizations on dissemination of non-scientific and
5 misleading COVID-19 information by nurses for the
6 Board's review.

7 Ms. Pachter Schulder informed the Board that the
8 Pennsylvania Student Loan Relief for Nurses, part of
9 the Coronavirus State and Local Fiscal Recovery Funds,
10 is open for application to the Pennsylvania Higher
11 Education Assistance Agency from January 1 to March
12 31. To qualify, the nurse must have been licensed in
13 Pennsylvania and worked at a qualified facility within
14 Pennsylvania before December 31, 2021.

15 Chair Malady addressed the 2022 NCSBN Advanced
16 Practice Registered Nurse (APRN) Roundtable on April
17 12. She mentioned that it looks like Roundtable will
18 be hybrid and encouraged Board members to contact
19 Cindy Miller if they wished to attend.]

20

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 12:00 p.m., the Board entered into Executive Session
23 with Judith Pachter Schulder, Esquire, Board Counsel;
24 Carole Clarke Smith, Esquire, Board Counsel; Ariel
25 O'Malley, Esquire, Board Counsel; Todd Kriner,

1 Esquire, Board Counsel; and Megan E. Castor, Esquire,
2 Board Counsel, for the purpose of conducting quasi-
3 judicial deliberations on the matters identified under
4 the Report of Board Counsel, Report of Prosecutorial
5 Division, and requests for approval under the
6 Appointments. The Board returned to Open Session at
7 1:04 p.m.]

8 ***

9 MOTIONS:

10 MS. PACHTER SCHULDER:

11 During Executive Session, the Board
12 engaged in quasi-judicial deliberations
13 on the matters listed on the agenda
14 under the Report of Prosecutorial
15 Division, Report of Board Counsel, and
16 the Application for approval of a
17 program for Gwynedd Mercy for an RN
18 Direct-Entry Program.

19 Board members who recuse themselves
20 will identify themselves with the
21 appropriate motions.

22 Is there a motion to grant approval
23 to Frances M. Maguire School of Nursing
24 and Health Professions at Gwynedd Mercy
25 University their Proposal for

1 Establishment of a Prelicensure RN
2 Direct-Entry Master of Science Degree?

3 DR. KMETZ:

4 So moved.

5 DR. COUGHLIN:

6 Second.

7 CHAIR MALADY:

8 All those in favor? Opposed?

9 Abstentions?

10 [The motion carried unanimously.]

11 ***

12 MS. PACHTER SCHULDER:

13 Is there a motion to approve all of the
14 VRP Consent Agreements at items 2
15 through 8?

16 MS. LUCHS:

17 So moved.

18 DR. KMETZ:

19 Second.

20 CHAIR MALADY:

21 All those in favor? Opposed?

22 Abstentions?

23 [The motion carried unanimously.]

24 ***

25 MS. PACHTER SCHULDER:

1 Is there a motion to approve the two
2 Consent Agreements, for which members
3 Hertzler, Kerns, and Luchs are recused,
4 at Case No. 21-51-002438 and Case No.
5 21-51-012305?

6 DR. KMETZ:

7 So moved.

8 DR. COUGHLIN:

9 Second.

10 CHAIR MALADY:

11 All those in favor? Opposed?

12 Abstentions?

13 [The motion carried. Members Hertzler and Luchs
14 recused themselves from deliberations and voting on
15 the motion; Member Kerns was absent from the meeting.
16 The Respondent's name in Case No. 21-51-002438 is
17 Joseph Gregory McFarland Jr., CRNP, and Case No. 21-
18 51-012305 is Tracy Lynn Nutt, RN.]

19 ***

20 MS. PACHTER SCHULDER:

21 Is there a motion to adopt the Consent
22 Agreement in Case No. 19-51-004529, for
23 which member Luchs is recused?

24 DR. COUGHLIN:

25 So moved.

1 DR. KMETZ:

2 Second.

3 CHAIR MALADY:

4 All those in favor? Opposed?

5 Abstentions?

6 [The motion carried. Member Luchs recused herself
7 from deliberations and voting on the motion. The
8 Respondent's name in Case No. 19-51-004529 is
9 Christina Viola Ackerman, RN.]

10 ***

11 MS. PACHTER SCHULDER:

12 Is there a motion to adopt the Consent
13 Agreement, for which members Hertzler
14 and Luchs are recused, at Case No. 19-
15 51-016511?

16 MS. VINCENT:

17 So moved.

18 CHAIR MALADY:

19 Do I have a second?

20 DR. KMETZ:

21 Second.

22 CHAIR MALADY:

23 All those in favor? Opposed?

24 Abstentions?

25 [The motion carried. Members Hertzler and Luchs

1 recused themselves from deliberations and voting on
2 the motion. The Respondent's name in Case No. 19-51-
3 016511 is Sonia M. May, RN.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to adopt the Consent
7 Agreements for which there are no
8 recusals in Case No. 19-51-010628, Case
9 No. 20-51-011372, Case No. 19-51-002876,
10 Case No. 17-51-03616, Case Nos. 18-51-
11 04186 & 20-51-012710, Case No. 19-51-
12 000633, Case No. 20-51-013562, Case No.
13 21-51-014822, Case No. 21-51-015526,
14 Case No. 19-51-008842, Case No. 19-51-
15 016814, Case No. 20-51-008407, Case No.
16 21-51-006081, Case No. 18-51-008297,
17 Case No. 20-51-010677, Case No. 20-51-
18 012096, Case No. 20-51-012775, Case No.
19 21-51-016112, Case No. 20-51-009922, and
20 Case No. 21-51-016709?

21 CHAIR MALADY:

22 Do I have a motion?

23 DR. COUGHLIN:

24 So moved.

25 MS. LUCHS:

1 Second.

2 CHAIR MALADY:

3 All those in favor? Opposed?

4 Abstentions?

5 [The motion carried unanimously. The Respondent's
6 name at Case No. 19-51-010628 is Shirley Marie Owens,
7 RN, LPN; Case No. 20-51-011372, Theresa Uhlendorf, RN;
8 Case No. 19-51-002876, Shannon Beaver, RN; Case No.
9 17-51-03616, Kristin Joy Ewing, RN; Case Nos. 18-51-
10 04186 & 20-51-012710, Justin Edward Gorman, RN; Case
11 No. 19-51-000633, Jeordi Montana Howard, RN; Case No.
12 20-51-013562, Robert Nuss, RN; Case No. 21-51-014822,
13 Patricia Foder Coleman, RN; Case No. 21-51-015526,
14 Nichole Ensworth, RN, LPN; Case No. 19-51-008842,
15 Carolyn T. Green, RN; Case No. 19-51-016814, Tammi Lee
16 Smith, RN; Case No. 20-51-008407, Jessica Kamerer,
17 LPN; Case No. 21-51-006081, Terri Jean Fitzpatrick,
18 RN; Case No. 18-51-008297, Rita Horton Forbes, RN;
19 Case No. 20-51-010677, Abby Monczewski, LPN; Case No.
20 20-51-012096, Tory Allen Slayton, LPN; Case No. 20-51-
21 012775, Jessica M. Taylor, RN; Case No. 21-51-016112,
22 Kathryn Sue Baird, RN; Case No. 20-51-009922, Savin
23 Sun, LPN, RN; and Case No. 21-51-016709, Shelley Lyn
24 Lych, RN.]

25

1 [Kessey J. Kieselhorst, MPA, RD, LDN, CPHQ, left the
2 meeting at 1:00 p.m.]

3

4 [Judith Pachter Schulder, Esquire, Board Counsel,
5 noted stakeholders did receive a copy of the updated
6 Agenda table of contents for the last three consent
7 agreements, and the corrected Agenda table of contents
8 will also be placed on the Board's website.]

9

10 MS. PACHTER SCHULDER:

11 Is there a motion to grant the Request
12 for Reinstatement from Jeanne Thompson
13 Clair, RN, Case No. 15-51-06473, and
14 Shatoina Miller, RN, Case No. 19-51-
15 012478?

16 DR. KMETZ:

17 So moved.

18 DR. COUGHLIN:

19 Second.

20 CHAIR MALADY:

21 All those in favor? Opposed?

22 Abstentions?

23 [The motion carried unanimously.]

24

25 MS. PACHTER SCHULDER:

1 [The motion carried unanimously.]

2 ***

3 MS. PACHTER SCHULDER:

4 There is no motion needed for item 51
5 because the Board previously authorized
6 the writing of an Adjudication and
7 Order.

8 ***

9 [K. Kalonji Johnson, Commissioner, Bureau of
10 Professional and Occupational Affairs, exited the
11 meeting at 1:12 p.m.]

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 matter of Robin Hall, LPN,
18 Case No. 19-51-016054; Rena Koch, LPN,
19 Case No. 20-51-001470; Erik Alexander
20 Johnson, RN, Case No. 19-51-002908;
21 Sierraashley Brandi Lucas, LPN, Case No.
22 21-51-000938; Amanda Ann Ferdinand, LPN,
23 Case No. 19-51-009911; Thomas Stephen
24 Regrut, LPN, Case No. 20-51-006337;
25 Kathleen Claire Rickert, RN, Case No.

1 20-51-003060; Karen Merritt Skwara,
2 CRNP, RN, Case No. 19-51-018271; Tammy
3 Lynn Wells, RN, Case No. 21-51-002786;
4 Mary Lou Morley, RN, LPN, Case No. 19-
5 51-06228; and Patty Jo Olson, RN, Case
6 No. 20-51-009663?

7 MS. HERTZLER:

8 So moved.

9 MS. LUCHS:

10 Second.

11 CHAIR MALADY:

12 All those in favor? Opposed?

13 Abstentions?

14 [The motion carried unanimously.]

15 ***

16 MS. PACHTER SCHULDER:

17 Is there a motion to enter default, to
18 deem facts admitted, and to authorize
19 Counsel to prepare an Adjudication and
20 Order in the matter of Peter Fitzgerald,
21 LPN, Case No. 21-51-006809, for which
22 member Luchs is recused?

23 DR. KMETZ:

24 So moved.

25 DR. COUGHLIN:

1 Second.

2 CHAIR MALADY:

3 All those in favor? Opposed?

4 Abstentions?

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

7 ***

8 MS. PACHTER SCHULDER:

9 Is there a motion to adopt the Hearing
10 Examiner's Proposals, for which there
11 are no recusals, for Vicki Lynn
12 Balchikonis, LPN, Case No. 19-51-012498;
13 Michelle Janson, LPN, Case No. 20-51-
14 007177; Dianna M. Sheehan, RN, Case No.
15 20-51-002005 and Case No. 21-51-008631;
16 Melissa Barbrajane Swank, LPN, Case No.
17 21-51-009347; Sarah Thanhauser, LPN,
18 Case No. 18-51-012112; Michelle Ann
19 Mennecke, RN, LPN, Case No. 18-51-00947;
20 and Jennifer Ann Mathabel, RN, Case No.
21 18-51-004812?]

22 DR. KMETZ:

23 So moved.

24 MS. LUCHS:

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 authorize Counsel
8 to prepare an Adjudication and Order in
9 the matter of Janelle M. Gan, RN, Case
10 No. 21-51-004988?

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 unanimously.]

19 ***

20 MS. PACHTER SCHULDER:

21 Is there a motion to adopt the Draft
22 Adjudications and Orders, for which
23 there are no recusals, for Carmen
24 Michelle Alaofin, RN, Case No. 19-51-
25 013769; Brandi Michelle Dunn, RN, Case

1 No. 19-51-004538; Portia Hamilton, RN,
2 Case No. 19-51-016461; Lori Ann
3 Humphrey, LPN, Case No. 20-51-007050;
4 Talita Shantez Prunty, LPN, Case No. 19-
5 51-014398; Kelly Ann Spicer, RN, Case
6 No. 19-51-014446; Tracy Lynn Stanton,
7 RN, Case No. 19-51-011974; Robert Allen
8 Stockton, RN, Case No. 20-51-001211;
9 Lisa Angeline Peck, RN, LPN, Case No.
10 15-51-03768; Michael Edward Nelson, RN,
11 Case No. 19-51-005478; and Courtney S.
12 Newman, RN, Case No. 19-51-013890?

13 DR. KMETZ:

14 So moved.

15 MS. LUCHS:

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 adopt the Draft
24 Adjudications and Orders, for which
25 members Hertzler, Kerns, and Luchs are

1 recused, in the matters of Paige Leann
2 Carbaugh, LPN, Case No. 20-51-011746;
3 Margaret Elizabeth Fabo, LPN, Case No.
4 19-51-007223; Marianna Levshin, RN, Case
5 No. 21-51-002069; Kelly Ann Goulden, RN,
6 LPN, Case No. 21-51-006286; Cindee L.
7 Hartman, LPN, Case No. 19-51-012190;
8 Tonya Helen Straughn, LPN, Case No. 20-
9 51-003935; and Deanna M. Waldron, LPN,
10 Case No. 20-51-007122?

11 DR. KMETZ:

12 So moved.

13 DR. COUGHLIN:

14 Second.

15 CHAIR MALADY:

16 All those in favor? Opposed?

17 Abstentions?

18 [The motion carried. Members Hertzler and Luchs
19 recused themselves from deliberations and voting on
20 the motion; Member Kerns was absent from the meeting.]

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to adopt the Draft
24 Adjudication and Order in the matter of
25 Keith C. Keough, RN, Case No. 18-51-

1 006727, for which member Kerns is
2 recused?

3 DR. KMETZ:

4 So moved.

5 MS. LUCHS:

6 Second.

7 CHAIR MALADY:

8 All those in favor? Opposed?

9 Abstentions?

10 [The motion carried. Member Kerns was absent from the
11 meeting.

12 ***

13 MS. PACHTER SCHULDER:

14 Is there a motion to adopt the Draft
15 Adjudication and Order for Nicole S.
16 Robinson, RN, Case No. 19-51-018052, for
17 which members Kerns and Luchs are
18 recused?

19 DR. KMETZ:

20 So moved.

21 DR. COUGHLIN:

22 Second.

23 CHAIR MALADY:

24 All those in favor? Opposed?

25 Abstentions?

1 [The motion carried. Member Luchs recused herself
2 from deliberations and voting on the motion. Member
3 Kerns was absent from the meeting.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to adopt the Draft
7 Adjudication and Order for Kimberly
8 Bryan, RN, Case No. 18-51-009199?

9 MS. HERTZLER:

10 So moved.

11 MS. KIESELHORST:

12 Second.

13 CHAIR MALADY:

14 All those in favor? Opposed?

15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 MS. PACHTER SCHULDER:

19 Ashley Marie Butler, RN, Case No. 18-51-
20 010632; Melissa Reber, LPN, Case No. 19-
21 51-008089; Dana Watterson Miller, RN,
22 Case No. 19-51-016930; and Lynne Menei,
23 RN, Case No. 19-51-018227, were
24 withdrawn, and we'll likely see all of
25 those on the January agenda.

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Adjournment

CHAIR MALADY:

Do I have a motion to adjourn the
meeting?

MS. HERTZLER:

So moved.

DR. KMETZ:

Second.

CHAIR MALADY:

All those in favor, aye?

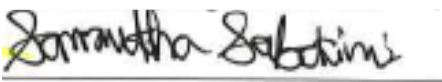
[The motion carried unanimously.]

[There being no further business, the State Board of
Nursing Meeting adjourned at 1:20 p.m.]

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CERTIFICATE

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



Samantha Sabatini,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF NURSING
REFERENCE INDEX

December 9, 2021

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Official Call to Order
10		
11	9:00	Roll Call of Board Members
12		
13	9:01	Introduction of Attendees
14		
15	9:05	Adoption of Agenda
16		
17	9:06	Report of Prosecutorial Division
18		
19	9:25	Regulation Update
20		
21	9:29	Appointment - Kevin Knipe, Program
22		Manager, Professional Health
23		Monitoring Program
24		
25	9:51	Appointment - Frances M. Maguire School
26		of Nursing and Health Professions at
27		Gwynedd Mercy University
28		
29	10:02	Pennsylvania Legislative Update
30		
31	10:04	Report of Chairperson
32		
33	10:06	Report of Committees
34		
35	10:11	Report of Executive Secretary
36		
37	10:13	Recess
38		
39	10:20	Return to Open Session
40		
41	10:20	Committee Meeting
42		
43	11:04	New Business - Annual NCLEX Pass Rates
44		
45	11:39	Report of Commissioner
46		
47	11:56	For the Board's Information
48		
49	12:00	Executive Session
50		

STATE BOARD OF NURSING
REFERENCE INDEX
(Cont.)

December 9, 2021

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TIME	AGENDA
1:04	Return to Open Session
1:04	Motions
1:20	Adjournment