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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: 9:03 A.M.

December 3, 2020

State Board of Nursing
December 3, 2020

BOARD MEMBERS:

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

COMMONWEALTH ATTORNEYS:

Judith Pachter Schulder, Esquire, Board Counsel
 Megan E. Castor, Esquire, Board Counsel
 Carole Clarke Smith, Esquire, Board Counsel
 Ariel O'Malley, Esquire, Board Counsel
 William Newport, Esquire, Board Prosecution Co-
 Liaison
 T'rese Evancho, Esquire, Board Prosecution Co-Liaison
 David J. Schertz, Esquire, Board Prosecutor
 Trista Boyd, Esquire, Board Prosecutor
 Bridget Guilfoyle, Esquire, Board Prosecutor
 Lindsay Szymanski, Esquire, Board Prosecutor
 Matthew T. Sniscak, Esquire, Board Prosecutor
 Codi M. Tucker, Esquire, Board Prosecutor

DEPARTMENT OF STATE AND BOARD STAFF:

Wendy Miller, MSN, RN, Acting Executive Secretary and
 Nursing Practice Advisor
 Cynthia K. Miller, Board Administrator
 Leslie House, MSN, RN, Nursing Practice Advisor
 Marilyn Teeter, MSN, RN, Nursing Education Advisor
 Annuitant
 Carol Scipioni, RN, Nurse Board Advisor Annuitant
 James Reynolds, RN, Nurse Board Advisor Annuitant
 MaryAnn Strawser, RN, Nurse Advisor Annuitant
 Theodore Stauffer, Executive Secretary, Bureau of
 Professional and Occupational Affairs

State Board of Nursing
December 3, 2020

DEPARTMENT OF STATE AND BOARD STAFF: (Cont.)

Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,
Department of State
Carolyn DeLaurentis, Esquire, Deputy Chief Counsel,
Department of State
Marc Farrell, Deputy Policy Director, Department of
State
Andrew Lafratte, Policy Fellow, Department of State
Janelle Hawthorne, Law Clerk, Department of State
William McClain, Law Clerk, Department of State

ALSO PRESENT:

Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group,
LLC, present on behalf of Respondent
Wesley J. Rish, Esquire, Rish Law Office, LLC,
present on behalf of Respondent
Kerry E. Maloney, Esquire, Post and Schell, PC,
present on behalf of Respondent
Maria C. Battista, JD, EdD, Director of Policy and
Government Affairs, Pennsylvania Coalition of Nurse
Practitioners
Antoinette Bloomfield, MSN-Ed, BSN, Instructor, Prism
Career Institute
Brenda A. Allen, PhD, President, Lincoln University
Deborah Little, EdD, RN, CNE, Corporate Assistant
Dean of Nursing, Lincoln Tech Institute
Janyce L. Collier, MBA, MSN, RN, CNE, Director, Franklin
County Career Tech Practical Nursing Program
Jeffrey Mann, Campus Director, Prism Career Institute
Jennifer Eden, MSN, RNC-OB, Dean of Nursing, Fortis
School of Nursing, Essington
Jessica Bellerby-Williamson, Prism Career Institute
J.J. Livingston, Democratic Executive Director,
Senate Consumer Protection and Professional
Licensure Committee
Josie Campbell, RN, BSN, Director, Practical Nursing
Program, Lancaster County Career and Technology
Center
Julie Charnosky, MS, RDN, LDN, Pennsylvania Academy
of Nutrition & Dietetics
Katrina Maurer, DNP, MSN, CRNP, Dean of Nursing, Fortis
Institute, Scranton

State Board of Nursing
December 3, 2020

ALSO PRESENT (Cont.)

1
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4
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6 Kelly Stephens, MSN, RN, Director of Professional
7 Development, Pennsylvania State Nurses Association
8 Khadijah Williams, Director of Nursing, Prism Career
9 Institute
10 Deborah Dillon, Clinical Associate Professor,
11 Duquesne University School of Nursing
12 Maureen May, RN, Temple Hospital
13 Michelle Cicco, RN
14 Michelle Davis, RN, MSN, Director of Nursing,
15 Lincoln Technical Institute - Allentown
16 Patrick Mattis, DNP, MSCS, FHIMSS, CPHIMS, CNE, RN-
17 BC, Director and Chair/Professor Department of
18 Nursing, Lincoln University
19 Patricia Joseph, PhD, Dean of Faculty, Lincoln
20 University
21 Noah Logan, PSNA Government Relations
22 Tarik S. Khan, MSN, RN, FNP-BC, President, PSNA
23 Pam Stauffer, RN
24 Sharon Gordon, Assistant Director, Prism Career
25 Institute
26 Valerie Myers, EdD, MSN, RN, Assistant Dean of
27 Nursing, Pennsylvania College of Technology
28 Bailey Shafer, BSN, RN, PN Program Director, Great
29 Lakes Institute of Technology
30 Adele Caruso, DNP, CRNP, FAANP, PCNP, Penn Medicine
31 Mary Marshall, Director, Workforce & Professional
32 Services, The Hospital and Healthsystem Association
33 of Pennsylvania
34 Kimberly Pilker, Program Director of Nursing, Erie
35 Institute of Technology
36 Lisa Ghiloni, PhD, MSN, RN, Director of Nursing,
37 Blessings Center for Technical Arts and Science
38 Theresa McCurry, RN, BSN, Interim Director, Western
39 Area Career & Technology Center
40 Heather Haines, Director, Mifflin County Academy of
41 Science and Technology Practical Nursing Program
42 Marcia Landman, Director, United Career Institute
43 Practical Nursing Program
44 Vickie Clements, Director of Education/Compliance,
45 Great Lakes Institute of Technology
46 Debbie Rahn, EdD, MSN, RN, Director, Reading Hospital
47 School of Health Sciences
48 Sharvette Law Philmon, MSN, RN, NEA-BC, CNE
49 Shannon Snell
50 Ryan Stauffer

1 ***

2 State Board of Nursing

3 December 3, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Nursing was held by videoconference pursuant
7 to the Governor's March 16, 2020 waiver of the
8 "physical presence" requirement in section 2.1(c) of
9 the Professional Nursing Law (63 P.S. § 212.1(c) on
10 Friday, December 3, 2020. Ann Michele Coughlin, DNP,
11 MBA, RN, Chair, called the meeting to order at 9:03
12 a.m.

13 ***

14 Roll Call

15 [Chair Coughlin requested a roll call of Board
16 members. Commissioner Johnson and Ms. Vincent were
17 not present when the meeting commenced.]

18 ***

19 Introduction of Board Counsel

20 [Carole Clarke Smith, Esquire, Senior Counsel,
21 introduced members of Board Counsel.]

22 ***

23 Introduction of Board Prosecutors

24 [William A. Newport, Esquire, Board Prosecution
25 Liaison, introduced members of Prosecution.]

1 ***
2 [Wendy Miller, MSN, RN, Acting Executive Secretary and
3 Nursing Practice Advisor introduced members of the
4 Board Staff.]

5 ***
6 [Theodore Stauffer, Executive Secretary, Bureau of
7 Professional and Occupational Affairs, introduced
8 members of the audience. He noted the meeting was
9 being recorded and that those who continued to
10 participate were consenting to being recorded.]

11 ***
12 Adoption of the Agenda

13 CHAIR COUGHLIN:

14 Do I have a motion to adopt the agenda
15 for the December 3, 2020 meeting of the
16 State Board of Nursing?

17 MS. HERTZLER:

18 So moved.

19 DR. KMETZ:

20 Second.

21 CHAIR COUGHLIN:

22 All those in favor? Opposed?

23 Abstentions?

24 [The motion carried unanimously.]

25 ***

1 Adoption of Minutes

2 None

3 ***

4 Report of Prosecutorial Division

5 [Chair Coughlin noted VRP Consent Agreement Items 2
6 through 15. She indicated that Items 9 and 11 were
7 withdrawn.]

8 ***

9 [Trista Boyd, Esquire, Board Prosecutor, presented
10 Consent Agreements for Item Nos. 16 through 20, Case
11 Nos. 18-51-000409, 19-51-014214, 19-51-016311, 20-51-
12 003823 and 20-51-007656. She answered questions from
13 Board members.]

14 ***

15 [T'rese Evancho, Esquire, Board Prosecution Co-
16 Liaison, presented Consent Agreements for Item Nos. 21
17 and 22, Case Nos. 15-51-13436 and 20-51-007988. She
18 answered questions from Board members.]

19 ***

20 [Bridget Guilfoyle, Esquire, Board Prosecutor,
21 presented Consent Agreements for Item Nos. 23 through
22 26, Case Nos. 18-51-02951, 19-51-018483, 20-51-003145,
23 and 20-51-003871.]

24 ***

25 [David J. Schertz, Esquire, Board Prosecutor,

1 presented a Consent Agreement for Item No. 27, Case
2 No. 20-51-005131.]

3 ***

4 [Matthew Sniscak, Esquire, Board Prosecutor, presented
5 Consent Agreements for Item Nos. 28 and 29, Case Nos.
6 19-51-016806 and 20-51-006849.]

7 ***

8 [Codi M. Tucker, Esquire, Board Prosecutor, presented
9 Consent Agreements for Item Nos. 30 through 33, Case
10 Nos. 18-51-005893, 18-51-010672, 19-51-014773 and 19-
11 51-015961. Charles Hartwell, Esquire, was present on
12 behalf of Respondent for Case No. 18-51-005893. Board
13 members had questions. Wesley Rish, Esquire, was
14 present on behalf of Respondent for Case No. 19-51-
15 014773.]

16 ***

17 Regulation Update

18 Regulations Status Summary

19 [Judith Pachter Schulder, Esquire, Board Counsel,
20 noted the Nursing Education Program regulations were
21 with Regulatory Counsel. The Child Abuse regulation
22 is either enroute to or with the Office of General
23 Counsel, Office of Budget and Policy, for review. The
24 CRNP Statement of Policy packet will be completed
25 after the Act 41 regulation is completed. The Act 41

1 regulation will be discussed during the regulation
2 session, as well the Act 53 list of crimes. Ms.
3 Schulder stated the ABC-MAP and opioid regulations
4 would be prepared after the CRNP regulations. The
5 final regulation with regard to the Volunteer License
6 would be drafted with a group of other Board
7 regulations.]

8

9 Pennsylvania Legislative Update

10 Legislation Affecting Nurses/Nursing

11 [Judith Pachter Schulder, Esquire, Board Counsel,

12 noted the legislation had gone out of session and would

13 not reconstitute until the third week in January 2021. She

14 indicated a new list of legislation will be prepared

15 for this session.]

16

17 Report of Board Chairperson

18 [Ann Michele Coughlin, DNP, MBA, RN, Chair, thanked

19 everyone for their flexibility and hoped all were

20 doing well.]

21

22 Report of Committees

23 Probable Cause Screening Committee

24 [Sue E. Hertzler, LPN, reported that the Probable

25 Cause Committee moved on 6 Petitions for Appropriate

1 Relief, 25 Petitions for Mental/Physical Exams, and no
2 Immediate Temporary Suspensions.]

3 ***

4 Application Review Committee

5 [Kristin Malady, BSN, RN, Vice Chair, reported the
6 Application Review Committee met several times and
7 moved several applications through the process.]

8 ***

9 Advanced Practice and RN/PN Practice, Education,
10 & Regulation Committee

11 [Linda L. Kmetz, PhD, RN, reported the Advanced
12 Practice Committee met virtually and acted on a few
13 applications.]

14 ***

15 Dietitian-Nutritionist Committee - No Report

16 ***

17 IT & Communication Issues - No Report

18 ***

19 Report of Board Members Who Attended a Meeting on
20 Behalf of the Board

21 [Linda L. Kmetz, PhD, RN, reported that she attended a
22 virtual meeting of NCSBN's Model Acts & Rules
23 Committee and that the Committee is considering
24 creating regulations related to pandemics.]

25 ***

1 Appointment - Lincoln University
2 [Representatives from Lincoln University Brenda A.
3 Allen, PhD, President; Patrick Mattis DNP, MSCS,
4 FHIMSS, CPHIMS, CNE, RN-BC, Director and
5 Chair/Professor Department of Nursing; and Patricia
6 Joseph, PhD, Dean of Faculty, presented before the
7 Board on the Program's request for an extension of its
8 provisional approval status. Ms. Pachter Schulder
9 noted Lincoln's pass rate of 70 percent, which had
10 increased from the '18-'19 pass rate of 54.17 percent
11 and the '17-'18 pass rate of 66.67 percent.

12 Dr. Mattis stated Lincoln's Department of Nursing
13 over the summer developed a curriculum committee and a
14 faculty development committee as well as a plan that
15 reviewed admissions criteria, curriculum, and student
16 needs. He noted the program was fully integrated with
17 ATI and Kaplan going forward. A full-time coordinator
18 will address any deficiencies and provide tutoring and
19 support.

20 Dr. Mattis stated the faculty development
21 committee was now operational, and the full-time
22 coordinator was nonexistent until this fall. He
23 indicated that all the courses in the fall have a
24 check to help identify students who need additional
25 assistance. Dr. Mattis discussed implementation of

1 the requirement that graduates must register with
2 Pearson Vue to take the NCLEX® and apply for licensure
3 with the State Board of Nursing exams beginning in the
4 spring of 2021.

5 Ms. Pachter Schulder stated the Living and
6 Learning Community was something established
7 previously and inquired if it was a requirement that
8 all students stay. Dr. Mattis responded that all
9 students are permitted to stay and are required to
10 participate.

11 Dr. Mattis discussed the faculty development and
12 noted that a person was hired, who has taught the
13 fundamental courses such as physiology and
14 pharmacology for 12 years, to help in terms of
15 development, content, and setting up assignments to
16 ensure the students are actually "getting it," which
17 was not previously available to students. A full-time
18 doctoral prepared faculty with experience in tutoring
19 and remediation was hired as part of the program.

20 Dr. Allen credited the leadership that Dr. Mattis
21 brought to the program. She commented on the
22 difference between having a plan and implementing a
23 plan and the difference between providing resources
24 and actually utilizing those resources. She further
25 commented on a really big difference, which was Dr.

1 Mattis's style of including faculty and students
2 moving forward.

3 Dr. Joseph echoed the sentiments offered by
4 President Allen, commented on the turnaround realized
5 under the leadership of Dr. Mattis, and that going
6 through the accreditation process was also very
7 helpful in improving the program. Board members had
8 questions.

9 Dr. Mattis noted the cohort size this year for
10 seniors was 15 and 18 for juniors. The incoming group
11 for the fall 2021 maximum would be 30.]

12

13 [Bridget E. Vincent, MSN, CRNP, APN-BC, CCRN, entered
14 the meeting at 9:45 a.m.]

15

16 Appointment - Prism Career Institute

17 [Representatives from Prism Career Institute (Prism)
18 including Jeffrey Mann, Campus Director; Jessica
19 Bellerby-Williamson, LPN; Khadijah N. Williams, RN,
20 Director of Nursing; Sharon Gordon, RN, Assistant
21 Director of Nursing; and Antoinette Bloomfield, MSN-
22 Ed, BSN, presented before the Board on Prism's request
23 for an extension of its provisional approval status.

24 Ms. Pachter Schulder noted that Prism's pass rate
25 in '19-'20 was 73.15 percent and in '18-'19 it was

1 75.44 percent, an improvement over '17-'18's pass rate
2 of 59.92 percent. The Board noted that this is the
3 7th year that Prism would be on provisional status.

4 Ms. Pachter Schulder asked representatives to
5 elaborate on the change of program director, the
6 letter to students and potential applicants, which
7 raised a concern regarding the accurate representation
8 of the approval status of the program, and the letter
9 to the Board regarding the program's pass rates, which
10 was not on the program's letterhead.

11 Mr. Mann indicated that Prism's previous
12 Director, Dr. Jennifer Holzer, decided to pursue other
13 professional pursuits. Prior to her leaving, she was
14 able to train the Assistant Director of Nursing and
15 put into place many successful processes that Prism
16 continues to take forward.

17 He explained that Prism has both a day and very
18 successful evening program. Ms. Williams was asked
19 and agreed to take over the role as Director of
20 Nursing when Ms. Holzer departed, and Ms. Gordon and
21 Ms. Bloomfield serve as Assistant Directors of
22 Nursing.

23 Mr. Mann discussed the cohort size, which he
24 noted was between 38 and 40 students for evening and
25 between 30 and 40 students for day. Determining which

1 students have the ability to be successful after the
2 first term cuts the cohort down in size. Mr. Mann
3 noted that beginning in January of 2022, the program
4 would reduce its cohort size. Board members discussed
5 their concerns regarding the continued below minimum
6 requirement pass rate and the large size of the
7 cohorts despite those pass rates.

8 Mr. Mann was asked to discuss how Prism measures
9 success and what additional stresses Prism was working
10 through to get back to a pre-pandemic state. He
11 indicated that Mountain Measurement reports, pass
12 rates, and student feedbacks are reviewed.

13 The Board noted that with the program's short
14 length and admission cycles, the pass rates should
15 have been turned around by now. Mr. Mann noted ATI is
16 utilized as the standardized test throughout the
17 program.

18 Ms. Williams explained students needing
19 assistance are provided with a virtual ATI coach and
20 one-on-one tutoring is also available. An 8-10
21 students to one clinical instructor ratio was noted.

22 Mr. Mann explained TEAS scores were reviewed
23 "with a fine-tooth comb," and it was still difficult
24 to find a "sweet score." He noted additional criteria
25 reviewed during the first semester included attendance

1 and academic progress. Board members had additional
2 questions and comments.

3 Ms. Williams stated a student who graduates with
4 all "A"s and fails the NCLEX would be reviewed further
5 to assess the reason for the failure.

6 Ms. Bloomfield added that she had been with Prism
7 in different positions for seven years and this is the
8 best administrative team she had seen at the facility.
9 She indicated that more evidence-based education and
10 knowledge was being utilized. She was currently
11 studying for certification in healthcare and
12 simulation operations.

13 Mr. Mann was asked to clarify why the cohort size
14 would not be cut until 2022. He noted the class size
15 had been cut, and there were 44 full-time and adjunct
16 instructors. He advised that the student-to-
17 instructor ratio is 35-40 students with one instructor
18 and one TA in place for two years. In that the pass
19 rate has not improved, the Board recommended that each
20 aspect of the program needed to be reviewed.

21 The Board discussed amendments needed to the
22 letter being sent to current and prospective students
23 which inaccurately advises that "Prism Career
24 Institute remains fully approved."]

25

1 Appointment - Great Lakes Institute of Technology
2 Bailey Shafer, BSN, RN, PN Interim Program Director,
3 Great Lakes Institute of Technology, presented before
4 the Board requesting an extension of its provisional
5 approval status for Year 3 and amendments to its
6 curriculum.

7 Ms. Pachter Schulder noted a pass rate of 72
8 percent, in '18-'19, 62.5, and '17-'18, 66.67, which
9 was an improvement over '17-'18 and '18-'19. Ms.
10 Shafer was asked to explain planned areas for
11 improvements and provide justification for a continued
12 extension.

13 Ms. Shafer noted when she took over for Dr. Don
14 Johnson in September of '19, a few changes were made
15 but would not be totally realized just yet. She
16 discussed the Wonderlic Test being administered
17 previously and noted the admissions assessments and
18 exit exams were added since she had taken over.

19 She also noted changes to the compensation
20 packages for faculty. Faculty were getting paid more
21 based on the amount of experience and education they
22 possessed. Additionally, faculty were being
23 encouraged to obtain a higher degree of education.
24 She stated there were some testing delays due to
25 COVID.

1 Ms. Shafer remarked that reports from Mountain
2 Measurement were reviewed with faculty with regard to
3 weaker areas and what could be done to make the
4 curriculum stronger. She reviewed faculty training
5 for online programs.

6 As for the changes to the curriculum, the Board
7 noted that delegation is not within the scope of
8 practice for practical nurses and that if the Board
9 approved the curriculum change, it would be subject to
10 the removal of the delegation information.

11 Ms. Vincent questioned why the evening cohort was
12 being eliminated. Ms. Shafer commented that only
13 three students attend the evening course, and it was
14 just not worth keeping.]

15

16 [Commissioner Kalonji Johnson entered the meeting at
17 10:15 a.m.]

18 Committee Meetings

19 RN/PN Practice, Education and Regulation/Advanced
20 Practice

21 [In addition to reviewing the proposed list of crimes
22 that directly related to the practice of nursing under
23 Act 53, Board members were directed to a presentation
24 by Counsel for the State Board of Nursing in Texas
25 that spoke to the direct relationship between theft

1 crimes and the practice of nursing as well as the
2 Delaware State Board of Nursing list of enumerated
3 offenses.

4 Chair Coughlin pointed out that practically Act 53
5 does not change the way the Board reviews applications
6 because it currently reviews the offenses committed,
7 applicants' mitigation and rehabilitation, and the
8 length of time between the commission of the crime and
9 the application for licensure. She noted that none of
10 the crimes would be an absolute disqualification for
11 licensure. She commented that in many past cases, the
12 Board has been amenable to either granting licensure
13 or offering the ability to obtain a probationary
14 license rather than provisionally denying an
15 application. Vice Chair Malady commented that within
16 the last five years, the Board has suspended, revoked
17 or accepted the voluntary surrender of a license only
18 657 times. There have been very few provisional
19 denials.

20 Commissioner Johnson questioned whether the Board
21 was prepared to make articulable guidelines for
22 members of the public and prospective advocates. He
23 noted the purpose of the list and the process for
24 prospective applicants had to be clearly articulated,
25 and Act 53 is designed to afford applicants equitable

1 footing in the process.

2 Ms. Pachter Schulder advised the Board that the
3 list on the agenda, that was also emailed to
4 stakeholders, is broken down differently from the
5 previous month as there is a category for enumerated
6 sexual offenses that are statutory bars to licensure,
7 enumerated drug trafficking offenses, and an expanded
8 list of crimes based upon ancillary statutes including
9 the Medical Marijuana Act, applicable to CRNPs, the
10 Public Welfare Code, and the Vehicle Code.

11 Commissioner Johnson explained the issue was not
12 whether the Board considered a crime but rather
13 whether the burden shifted from the applicant to the
14 Board or Commonwealth in terms of rebutting a
15 presumption.

16 Cynthia Montgomery, Esquire, Deputy Chief Counsel,
17 read Section 3113 of the Act that provides that there
18 shall be a rebuttable presumption that licensure of an
19 individual with a criminal conviction that directly
20 relates to a profession would pose a substantial risk
21 to health and safety of the individual's patients,
22 clients or the public or a substantial risk of further
23 criminal convictions. She explained that if a crime
24 was on the list and an individual who performed that
25 crime would apply for a preliminary determination or

1 apply for licensure, there would be a rebuttable
2 presumption that the applicant presents a risk. She
3 stated the burden would shift to that individual to
4 rebut the presumption by demonstrating evidence of
5 rehabilitation as specified in Section 3113(c). Ms.
6 Montgomery commented that being on a list did not mean
7 an individual could not be granted a license nor did
8 it decree that licensure would be denied. The
9 individual would have to go through the individual
10 assessment process.

11 Ms. Pachter Schulder referred Board members to the
12 Delaware list of crimes, which are very similar.
13 Board members further discussed the list of offenses.
14 Vice Chair Malady commented that the distinction had
15 been made with regard to the care provided and the
16 environment in which that care was being provided that
17 nurses find themselves in versus those members from
18 other health-related boards. Commissioner Johnson
19 noted that distinction had to be memorialized and part
20 of his responsibility was to make sure the Best
21 Practices Guide contained that information. Ms.
22 Montgomery suggested that when the matter was
23 promulgated as proposed rulemaking, that type of
24 discussion be included in the Preamble.

25 Ms. Pachter Schulder suggested that in addition to

1 the Texas justification and the Delaware regulations,
2 the existing Standards of Conduct in 21.18 and 21.148
3 are also instructive in terms of misappropriation and
4 accurate reporting.

5 William Newport, Esquire, added that Prosecution
6 reviewed the list multiple times and had numerous
7 discussions within their office regarding the matter.
8 He commented that Prosecution was totally in support
9 of the list and recommended that the Board adopt the
10 list as sent to stakeholders. Ms. Kieselhorst asked
11 that the Act 53 list of crimes also apply to the
12 practice of dietitian-nutritionists.

13 Tarik S. Khan, MSN, RN, FNP-BC, President,
14 Pennsylvania State Nurses Association (PSNA),
15 commented that PSNA was opposed to the most recent
16 list of crimes, that it was not equitable nor were any
17 of the crimes directly related to the profession and
18 misinterpreted Act 53. Mr. Khan stated Senator John
19 DiSanto, the prime sponsor of the legislation, wrote,
20 "The purpose of this bill is to require that Boards
21 only withhold a license for convictions which are
22 directly related to the practice or the occupation."
23 He stated that crimes such as writing bad checks or
24 retail thefts are neither directly related to the
25 profession nor remotely related to nursing. Mr. Khan

1 commented that this list of crimes would clearly
2 disproportionately affect nurses of color in the
3 Commonwealth, particularly the African American
4 registered nurses, because black Americans are five
5 times more likely to be arrested and charged with
6 crimes than whites due to racism.

7 He concluded that PSNA, PA-ACNM, and PCNP prepared
8 a proposed list of crimes similar to the list proposed
9 by the Medical and Osteopathic Boards and encouraged
10 the Nurse Board to create a subcommittee to
11 collaborate with the Commonwealth nursing organization
12 on a list of crimes that directly relate to the
13 profession of nursing and serving patients.

14 Maria C. Battista, JD, EdD, Director of Policy and
15 Government Affairs, PCNP, referred the Board to the
16 list sent on November 20, 2020, attached to the
17 agenda.

18 Mr. Khan stated the submitted list was reflective
19 of what nurses should be measured against when
20 applying. Commissioner Johnson explained that the
21 Board had to make sure to create protocol that clearly
22 defines the process and the current language had to be
23 included to maintain equitable outcomes.

24 Ms. Battista requested seven days from the
25 meeting to meet with the other associations for

1 further discussion of the Board's proposed list. Ms.
2 Montgomery explained that the Commissioner has to
3 publish the notice of the completion of the list by
4 December 27, 2020. The last opportunity to publish
5 would be in the December 26, 2020 edition of the
6 Pennsylvania Bulletin, and the deadline for
7 publication was December 14, 2020. Those deadlines
8 would be missed if the Board did not adopt the
9 regulation at this meeting. Carole Clarke Smith,
10 Senior Counsel, clarified that the offenses listed in
11 subsections (a), (b), and (c) were specifically
12 enumerated in Act 53 by the statute. Because there is
13 no discretion in those sections, Ms. Montgomery asked
14 the Board to review those crimes in subsection (d)
15 determined to be directly related to the practice of
16 nursing.

17 Ms. Pachter Schulder asked the Board to decide
18 whether to adopt the list as is, noting the time frame
19 would not permit another seven days for further
20 discussion.

21 Adele Caruso, DNP, CRNP, FAANP, PCNP, Penn
22 Medicine, thanked the Board for its presentation as to
23 why the list of crimes was necessary as it directly
24 relates to the nursing profession. She inquired if
25 the Board would be making its own preamble similar to

1 the Texas regulation to explain why it was adopting
2 the list. She noted a concern with having
3 professionals lose their licensure due to some of the
4 crimes for immediate suspension.
5 Ms. Battista reiterated her concern over the disparity
6 in the Nurse, Medical, and Osteopathic medical Board
7 lists.]

8 CHAIR COUGHLIN:

9 I would propose that the Board vote to
10 adopt the list as is.

11 MS. MALADY:

12 I make a motion to adopt the list.

13 DR. KMETZ:

14 I would second that.

15 CHAIR COUGHLIN:

16 All those in favor? Opposed?

17 Abstentions?

18 [The motion carried. Commissioner Johnson abstained
19 from voting on the motion.]

20 ***

21 16A-5143 - Licensure and Certification by Endorsement
22 under Act 41

23 [Ms. Pachter Schulder referred Board members to 16A-
24 5143 regarding Licensure by Endorsement under Act 41.
25 In drafting the regulation, the Board set amount of

1 experience that is necessary to demonstrate practicing
2 in another jurisdiction: at least 3,600 hours within
3 the last 5 years or 1,800 hours within 2 of the last 5
4 for 3,600 total. Since the Continued Competence
5 regulations at 21.30a and 21.156a also contain a
6 practice provision for licensees seeking to reinstate
7 licenses that have lapsed for 5 or more years, Ms.
8 Pachter Schulder asked the Board to consider
9 incorporating the same minimum hours. The Board
10 decided to postpone this discussion as well as review
11 the stakeholder comments at the January meeting due to
12 technical difficulties opening the Annex and
13 comments.]

14 ***

15 [Ms. Pachter Schulder noted that the Policy Office
16 checked with the Pennsylvania Department of Education
17 and confirmed that PDE has not made any changes
18 regarding student participation in clinicals.]

19 ***

20 Report of Commissioner

21 [K. Kalonji Johnson, Commissioner, Bureau of
22 Professional and Occupational Affairs, extended his
23 gratitude to the Board, staff, administrators and
24 Counsel for their patience, resiliency, and dedication
25 to their work throughout the year and wished them good

1 health and safety. He also thanked the stakeholders
2 for their feedback and support.]

3 ***

4 Report of Acting Executive Secretary

5 [Wendy Miller, MSN, RN, Acting Executive Secretary and
6 Nursing Practice Advisor, reported that the extended
7 renewal for LPNs and the October cohort of RNs ended
8 on October 31, 2020. Ninety percent of RNs and 86% of
9 LPNs had renewed. She was appreciative of the Board
10 staff's work to make sure that licensees who had
11 completed requirements by the deadline got renewed.

12 Ms. Miller further reported that the LDN extended
13 renewal was open until December 29, 2020, and
14 approximately 79 percent of LDNs had successfully
15 renewed.

16 She encouraged LDNs to complete their Child Abuse
17 CE with enough time for the provider to report
18 completions to the Board. Ms. Miller noted that
19 licensees who do not complete all the requirements,
20 including the Child Abuse, by the deadline will be
21 required to submit a reactivation application, which
22 is available online in PALS.

23 Ms. Miller noted the NCLEX® examination year for
24 2019-2020 ended on September 30, 2020. She referred
25 members to the pass rate data available on the agenda

1 for review and comparison. She noted that last year
2 there were 12 PN programs and five (5) RN programs on
3 provisional approval status due to their failure to
4 meet the minimum standard that first-time test takers
5 pass the examinations. Of those programs, six (6) PN
6 programs and four (4) RN programs were able to achieve
7 a pass rate of greater than or equal to 80 percent for
8 the 2019-2020 exam year and returned to full approval
9 status. One RN program and six (6) PN programs
10 continued on provisional approval. She indicated that
11 a total of nine (9) PN and five (5) RN programs did
12 not achieve the required 80% for the 2019-2020
13 examination year.

14 Ms. Miller referred Board members to the 2021
15 NCSBN Scientific Symposium brochure on the agenda
16 being held virtually on March 22, 2021, for discussion
17 of topics related to education, regulation, and
18 practice.]

19 ***

20 [Pursuant to Section 708(a)(5) of the Sunshine Act,
21 the Board entered into Executive Session with Judith
22 Pachter Schulder, Esquire; Megan E. Castor, Esquire;
23 Carole Clarke Smith, Esquire; and Ariel O'Malley,
24 Esquire, at 12:39 p.m. for the purpose of conducting
25 quasi-judicial deliberations on matters listed under

1 the Report of Board Counsel and Report of
2 Prosecutorial Division. The Board returned to Open
3 Session at 1:55 p.m.]

4 ***

5 MOTIONS:

6 MS. PACHTER SCHULDER:

7 During Executive Session, the Board
8 engaged in quasi-judicial deliberations
9 under Section 708(a)(5) of the Sunshine
10 Act. Board members who recused
11 themselves from participating in the
12 matters will identify themselves with
13 the motion.

14 Is there a motion to adopt VRP
15 Consent Agreements 2 through 8, 10, and
16 12 through 15?

17 DR. KMETZ:

18 So moved.

19 MS. HERTZLER:

20 Second.

21 CHAIR COUGHLIN:

22 All those in favor? Opposed?

23 Abstentions?

24 [The motion carried unanimously.]

25 ***

1 MS. PACHTER SCHULDER:

2 Is there a motion to adopt the following
3 Consent Agreements for which there are
4 no recusals: Case Nos. 18-51-000409,
5 19-51-014214, 19-51-016311, 20-51-
6 007656, 15-51-13436, 20-51-007988, 18-
7 51-02951, 19-51-018483, 20-51-003145,
8 20-51-003871, 19-51-016806, 18-51-
9 005893, 18-51-010672, and 19-51-014773?

10 DR. KMETZ:

11 So moved.

12 MS. LUCHS:

13 Second.

14 CHAIR COUGHLIN:

15 All those in favor? Opposed?

16 Abstentions?

17 [The motion carried unanimously. The Respondent's
18 name in Case No. 18-51-000409 is Beverly S. Ferguson,
19 LPN; 19-51-014214 is Laura Meneskie, LPN; 19-51-016311
20 is Janet Sue Day, RN; 20-51-007656 is Daniel Aaron
21 Furr, RN; 15-51-13436 is Casey Lynn Clayton, LPN; 20-
22 51-007988 is Allycia Tilletski, LPN; 18-51-02951 is
23 Ruth Mary Karpa, RN; 19-51-018483 is Jenny Lynn
24 Galasso, RN; 20-51-003145 is Aaron Wayne Nixon, RN;
25 20-51-003871 is Ashley J. Johnson, LPN; 19-51-016806

1 is Joy Brenner, RN; 18-51-005893 is Bola Mobolaji,
2 CRNP; 18-51-010672 is Salvatore Anthony Boffoli, Jr.,
3 LPN; 19-51-014773 is David J. Krensavage, RN.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to adopt the following
7 Consent Agreements for which members
8 Hertzler, Kerns, and Luchs are recused:
9 Case Nos. 20-51-003823 and 20-51-006849?

10 DR. KMETZ:

11 So moved.

12 MS. MALADY:

13 Second.

14 CHAIR COUGHLIN:

15 All those in favor? Opposed?

16 Abstentions?

17 [The motion carried. Members Hertzler, Kerns, and
18 Luchs recused from deliberations and voting on the
19 motion. The Respondent's name in Case No. 20-51-
20 003823 is Lisa Michelle Dyer, RN, and the Respondent's
21 name in Case No. 20-51-006849 is Donna Marie Flinn,
22 LPN.]

23 ***

24 MS. PACHTER SCHULDER:

25 Is there a motion to adopt the following

1 two Consent Agreements for which members
2 Kerns and Luchs are recused: Case Nos.
3 20-51-005131 and 19-51-015961?

4 DR. KMETZ:

5 So moved.

6 MS. HERTZLER:

7 Second.

8 CHAIR COUGHLIN:

9 All those in favor? Opposed?

10 Abstentions?

11 [The motion carried. Members Kerns and Luchs recused
12 themselves from deliberations and voting on the
13 motion. The Respondent's name in Case No. 20-51-
14 005131 is Rainy M. Woods, LPN, and 19-51-015961 is
15 Kevin G. Malicky, RN, CRNP.]

16 ***

17 MS. PACHTER SCHULDER:

18 Is there a motion to grant the Motion to
19 Correct on the Consent Agreement for
20 Viktoriya Makarova, CRNP, RN, Case No.
21 19-51-014751, for which members Kerns
22 and Luchs are recused?

23 DR. KOVACH:

24 So moved.

25 MS. MALADY:

1 Second.

2 CHAIR COUGHLIN:

3 All those in favor? Opposed?

4 Abstentions?

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

7 ***

8 MS. PACHTER SCHULDER:

9 Is there a motion to deny the Request
10 for Early Dismissal from the VRP, Case
11 No. 20-51-008472, and now to delegate
12 for a hearing?

13 MS. LUCHS:

14 So moved.

15 MS. HERTZLER:

16 Second.

17 CHAIR COUGHLIN:

18 All those in favor? Opposed?

19 Abstentions?

20 [The motion carried unanimously.]

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to grant all of the
24 Motions to Enter Default, to deem the
25 facts admitted, and to authorize Counsel

1 to prepare Adjudications and Orders in
2 the matters of William Thomas Bickert,
3 RN, Case No. 19-51-016300; Tayjha Brown,
4 LPN, Case No. 19-51-005148; Sherri
5 Burton, RN, Case No. 17-51-09440; Nicole
6 Leandre Eicher, RN, Case No. 19-51-
7 002728; Beth Ann Mackfee, RN, Case No.
8 19-51-002257; Monica Neely, RN, Case No.
9 17-51-11696; Frances Nickerson, LPN,
10 Case No. 18-51-008794; Kimberly
11 Nottingham, RN, Case No. 20-51-001502;
12 Mendy Kay Plasters, RN, Case No. 20-51-
13 006829; Lisa Hammond, RN, Case No. 19-
14 51-002702; Melissa Evelyn Scott, Case
15 No. 19-51-014236; Theresa Toman, RN,
16 Case No. 19-51-017457; Shannon Tucker,
17 LPN, Case No. 19-51-003751; and Adelia
18 Del Carmen Wallace, RN, Case No. 19-51-
19 002877?

20 DR. KMETZ:

21 So moved.

22 DR. KOVACH:

23 Second.

24 CHAIR COUGHLIN:

25 All those in favor? Opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 ***

4 MS. PACHTER SCHULDER:

5 Is there a motion to adopt the Hearing
6 Examiner's proposed report and
7 substitute a Board Order in the matter
8 of Julia Griggs, RN, Case No. 19-51-
9 004543?

10 DR. KMETZ:

11 So moved.

12 MS. HERTZLER:

13 Second.

14 CHAIR COUGHLIN:

15 All those in favor? Opposed?

16 Abstentions?

17 [The motion carried unanimously.]

18 ***

19 MS. PACHTER SCHULDER:

20 Is there a motion to adopt the Hearing
21 Examiner's Proposal for Yonette O.
22 Maynard, LPN, Case No. 19-51-003499?

23 DR. KOVACH:

24 So moved.

25 MS. MALADY:

1 Second.

2 CHAIR COUGHLIN:

3 All those in favor? Opposed?

4 Abstentions?

5 [The motion carried unanimously.]

6 ***

7 MS. PACHTER SCHULDER:

8 Is there a motion to authorize Counsel
9 to prepare an Adjudication and Order in
10 the matter of Lillian Ogwang, LPN, Case
11 No. 20-51-004810, for which members
12 Kerns and Luchs are recused?

13 DR. KMETZ:

14 So moved.

15 MS. HERTZLER:

16 Second.

17 CHAIR COUGHLIN:

18 All those in favor? Opposed?

19 Abstentions?

20 [The motion carried. Members Kerns and Luchs recused
21 from deliberations and voting on the motion.]

22 ***

23 MS. PACHTER SCHULDER:

24 Is there a motion authorizing Counsel to
25 prepare an Adjudication and Order in the

1 matter of Brittany Ann Pierdomenico,
2 LPN, Case No. 15-51-07391?

3 DR. KOVACH:

4 So moved.

5 MS. MALADY:

6 Second.

7 CHAIR COUGHLIN:

8 All those in favor? Opposed?

9 Abstentions?

10 [The motion carried unanimously.]

11 ***

12 MS. PACHTER SCHULDER:

13 Is there a motion to issue a Memorandum
14 Order Adopting the Hearing Examiner's
15 Proposal in the matter of Emily Silk,
16 RN, Case No. 19-51-016219?

17 DR. KMETZ:

18 So moved.

19 MS. HERTZLER:

20 Second.

21 CHAIR COUGHLIN:

22 All those in favor? Opposed?

23 Abstentions?

24 [The motion carried unanimously.]

25 ***

1 MS. PACHTER SCHULDER:

2 Is there a motion to adopt the following
3 Draft Adjudications and Orders for which
4 there are no recusals in the matters of
5 Terri Cass Brown, RN, Case No. 17-51-
6 02609; Krystle Charles, RN, Case No. 18-
7 51-00943; Kellie Ann Gentz, LPN, Case
8 No. 19-51-008611; Joann Rhinehart, RN,
9 Case No. 19-51-002901; Kimberly Walker,
10 LPN, Case No. 18-51-03540?

11 DR. KMETZ:

12 So moved.

13 DR. KOVACH:

14 Second.

15 CHAIR COUGHLIN:

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 following
22 Draft Adjudication and Order in the
23 matter of Samantha Kitner, RN, Case No.
24 17-51-08852, for which Member Kerns is
25 recused?

1 DR. KMETZ:

2 So moved.

3 MS. HERTZLER:

4 Second.

5 CHAIR COUGHLIN:

6 All those in favor? Opposed?

7 Abstentions?

8 [The motion carried. Member Kerns recused from
9 deliberations and voting on the motion.]

10 ***

11 Miscellaneous

12 Board Meeting Dates

13 [Ms. Pachter Schulder noted that the Board's meetings
14 in January and March of 2021 conflict with other
15 Boards. After further discussion, it was noted the
16 January meeting would be moved to January 26, 2021,
17 and the March meeting would be moved to March 15,
18 2021.]

19 ***

20 MS. PACHTER SCHULDER:

21 Is there a motion to extend the
22 provisional status until January 29,
23 2021, for Lincoln University at which
24 point the program would have to return
25 before the Board to discuss the pass

1 rates from the first quarter and plans
2 for improvement based on today's
3 discussion?

4 MS. MALADY:

5 So moved.

6 DR. KMETZ:

7 Second.

8 CHAIR COUGHLIN:

9 All those in favor? Opposed?

10 Abstentions?

11 [The motion carried unanimously.]

12 ***

13 MS. PACHTER SCHULDER:

14 Is there a motion to extend the
15 provisional status to January 29, 2021,
16 for Prism Career Institute at which point
17 the program would have to return before
18 the Board to discuss the pass rates in
19 the first quarter and issues discussed
20 today with regard to evaluations of the
21 program?

22 DR. KMETZ:

23 So moved.

24 MS. MALADY:

25 Second.

1 CHAIR COUGHLIN:

2 All those in favor? Opposed?

3 Abstentions?

4 [The motion carried unanimously.]

5 ***

6 MS. PACHTER SCHULDER:

7 Is there a motion to grant Great Lakes
8 Institute of Technology's request for an
9 extension of provisional status until
10 Friday, April 30, 2021, and to approve
11 their changes subject to their removal of
12 delegation instruction and objective from
13 their curriculum?

14 MS. MALADY:

15 So moved.

16 DR. KMETZ:

17 Second.

18 CHAIR COUGHLIN:

19 All those in favor? Opposed?

20 Abstentions?

21 [The motion carried unanimously.]

22 ***

23 CHAIR COUGHLIN:

24 Do I have a motion to adjourn the
25 meeting?

1 [There was no motion or second.]

2 ***

3 [There being no further business, the State Board of
4 Nursing Meeting adjourned at 2:14 p.m.]

5 ***

6

7

CERTIFICATE

8

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

14

15

16



17

Evan Bingaman,

18

Minute Clerk

19

Sargent's Court Reporting

20

Service, Inc.

21

22

23

24

25

26

STATE BOARD OF NURSING
REFERENCE INDEX

December 3, 2020

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2		
3		
4		
5		
6		
7		
8		
9	9:03	Official Call to Order
10		
11	9:03	Roll Call
12		
13	9:04	Introductions
14		
15	9:16	Adoption of Agenda
16		
17	9:16	Report of Prosecutorial Division
18		
19	9:20	Regulation Update
20		
21	9:25	Pennsylvania Legislative Update
22		
23	9:28	Report of Board Chairperson
24		
25	9:29	Report of Committees
26		
27	9:30	Appointment - Lincoln University
28		
29	9:48	Appointment - Prism Career Institute
30		
31	10:48	Appointment - Great Lakes Institute of
32		Technology
33		
34	11:50	Committee Meetings
35		
36	12:15	Report of Commissioner
37		
38	12:20	Report of Acting Executive Secretary
39		
40	12:39	Executive Session
41		
42	1:55	Return to Open Session
43		
44	1:55	Motions
45		
46	2:14	Adjournment
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50		