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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

TIME: 9:08 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 6, 2024

State Board of Nursing
March 6, 2024

BOARD MEMBERS:

Linda L. Kmetz, PhD, RN, Chair
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Sue E. Hertzler, LPN
Linda A. Kerns, Esquire, Public Member
Colby P. Hunsberger, DNP, RN, CNEcl, Vice Chair
Tina D. Siegel, LPN - Absent
Charlene W. Compher, PhD, RD, LDN, FASPEN - Absent
Donald H. Bucher, DNP, CRNP, ACNP-BC, FAANP,
Secretary

COMMONWEALTH ATTORNEYS:

Carole Clarke Smith, Esquire, Senior Board Counsel
Judith Pachter Schulder, Esquire, Board Counsel
Ariel E. O'Malley, Esquire, Board Counsel
Todd P. Kriner, Esquire, Board Counsel
Megan E. Castor, Esquire, Board Counsel
Codi M. Tucker, Esquire, Senior Board Prosecutor and
Prosecution Co-Liaison
T'rese Evancho, Esquire, Board Prosecutor and
Prosecution Co-Liaison
David J. Schertz, Esquire, Board Prosecutor
Kathryn E. Bellfy, Esquire, Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecutor
Matthew Sniscak, Esquire, Board Prosecutor
Adrienne Doll, Esquire, Board Prosecutor
Matthew Fogal, Esquire, Board Prosecutor
Alex Capitello, Legal Analyst, Prosecution Division
Brian Poeschi, Legal Extern, Counsel Division
Benjamin McFadden, Legal Extern, Counsel Division

DEPARTMENT OF STATE AND BOARD STAFF:

Wendy Miller, MSN, RN, Executive Secretary
Cynthia K. Miller, Board Administrator
Leslie House, MSN, RN, Nursing Practice Advisor
Susan Bolig, MSN, RN, Nursing Practice Advisor
Kelly Hoffman, MSN, RN, Nursing Education Advisor
Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursing
Education Advisor
Tracy Scheirer, PhD, MSN, RN, CMSRN, CNE, Nursing
Education Advisor

State Board of Nursing
March 6, 2024

ALSO PRESENT:

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7 Park Smith III, Director of Institutional
8 Effectiveness, Jersey College
9 Nicole Byers, Dean of Nursing, Jersey College-York
10 Kasey Paulus, RN, MBA, Senior Vice President,
11 Chief Nursing Executive, WellSpan Health
12 Fallon Hughes, DNP, RN, Senior Director, Nursing
13 Practice, Innovation, Research & EBP, WellSpan
14 Health
15 Colette Gargiulo, MSN-Ed, RN, Provost, Jersey College
16 Greg Karzhevsky, Chancellor and CEO, Jersey College
17 Steven B. Litvak, Esquire, President, Jersey College
18 Tiffany Booher, MA, LPC, CAADC, CIP, CCSM, Director,
19 Peer Assistance Monitoring Programs, Foundation of
20 the Pennsylvania Medical Society
21 Andrea Wandling, PHR, SHRM-CP, Human Resources
22 Manager, Pennsylvania Association of Community
23 Health Centers
24 Beth Ann Puckett, MSN, RN, GERO-BC, Chester County
25 Intermediate Unit Practical Nursing Program
26 Ashley Davis, Examination Success Coordinator,
27 Pittsburgh Technical College
28 Sandra Cohen, St. Luke's Hospital Network
29 Cynthia Cornelius, PhD, Coordinator of Practical
30 Nursing, Venango Technology Center
31 P. Daniel Altland, Esquire, Pennsylvania Association
32 of Nurse Anesthetists
33 Stacy Delaney, MSN, RN, Practical Nursing Program
34 Supervisor, Delaware County Technical School
35 Jordan Fuhrman, Government Relations Specialist,
36 Pennsylvania State Nurses Association
37 Kathleen Rundquist, MSN, RN, CNE, Nurse Administrator
38 and Financial Aid Administrator, Franklin County
39 Practical Nursing Program
40 Kelly Weaver, Practical Nurse Instructor, Venango
41 Technology Center
42 Marian Farrell, PhD, PMHNP, PMH-CNS, BC, CRNP,
43 Professor of Nursing, Director of PMHNP Program,
44 The University of Scranton
45 Teresa Conte, PhD, CPNP, Associate Professor of
46 Nursing, Chairperson, Department of Nursing,
47 The University of Scranton
48 Mary Jane DiMattio, PhD, RN, Professor of Nursing,
49 Director of Graduate Nursing Programs, The
50 University of Scranton

State Board of Nursing
March 6, 2024

ALSO PRESENT: (Cont.)

Megan Jones, Pennsylvania Institute of Health
Donna Rust, Pennsylvania Institute of Technology
Michelle Davis, MSN, RN, Director of Nursing, Lincoln
Technical Institute - Allentown
Oma Riley-Giomariso, PhD, CRNP, Director of Nurse
Practitioner Program, York College of Pennsylvania
Pam Hughes, MSN, CRNP, FNP-C, United Career Institute
Shauna Boscaccy, Esquire, Government Relations
Specialist
Lisa Storck, DNP, RN, Program Director, St. Luke's
School of Nursing
Tiffany Unger, Program Assistant, Keystone
Development Partnership
Heather Haines, BSN, RN, Coordinator, Practical
Nursing Program, Mifflin County Academy of Science
& Technology
Deb Portone, Faculty member, Pennsylvania Institute
of Technology Practical Nurse Program
Tina VanBuren, DNP, MSN, RN, CCNS, Director of
Nursing, Joseph F. McCloskey School of Nursing
Jean Marie Truman, DNP, Director of
Assessment/Program Review, Associate Professor of
Nursing, University of Pittsburgh at Bradford
Tyler Burke, Milliron & Goodman, LLC
Wesley J. Rish, Esquire, Rish Law Office, LLC
Heather A. Wilson, MSW, CFRE, CAE, Executive
Director, Foundation of the Pennsylvania Medical
Society
Sandy Phillips, Director of Academic Affairs, Penn
Commercial Business Technical School
Daniel Bley, MSN, RN, NEA-BC, Nurse Manager, Thomas
Jefferson University
Jaime Sinutko
Daniel Blake
908-720-5015
Sophia Mahoney, Sargent's Court Reporting Services,
Inc.

1 ***

2 State Board of Nursing

3 March 6, 2024

4 ***

5 The regularly scheduled meeting of the State
6 Board of Nursing was held on Wednesday, March 6,
7 2024. Linda L. Kmetz, PhD, RN, Chair, called the
8 meeting to order at 9:08 a.m.

9 ***

10 Introduction of Board Members

11 [Linda L. Kmetz, PhD, RN, Chair, requested an
12 introduction of Board members.]

13 ***

14 Introduction of Board Staff

15 [Wendy Miller, MSN, RN, Executive Secretary, provided
16 an introduction of Board staff.]

17 ***

18 Introduction of Board Counsel

19 [Carole Clarke Smith, Esquire, Senior Board Counsel,
20 introduced Board Counsel.]

21 ***

22 Introduction of Board Prosecution

23 [Codi M. Tucker, Esquire, Senior Board Prosecutor and
24 Prosecution Co-Liaison, introduced Board
25 prosecutors.]

1 ***

2 Introduction of In-Person Attendees

3 [Linda L. Kmetz, PhD, RN, Chair, requested an
4 introduction of those attending in person.]

5 ***

6 Introduction of Virtual Attendees

7 [Cynthia K. Miller, Board Administrator, provided an
8 introduction of virtual attendees.]

9 ***

10 Adoption of the Agenda

11 CHAIR KMETZ:

12 The agenda is before each of you. Do
13 we have any additions or corrections?

14 MS. PACHTER SCHULDER:

15 We should note 56, 57, and 58 are all
16 withdrawn.

17 CHAIR KMETZ:

18 May I have a motion for approval of
19 today's agenda?

20 DR. HUNSBERGER:

21 So moved.

22 MS. HERTZLER:

23 Second.

24 CHAIR KMETZ:

25 All those in favor? Opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 ***

4 Adoption of the Minutes

5 [Minutes of January 29 were not available for Board

6 approval.]

7 ***

8 Report of Prosecutorial Division

9 [Chair Kmetz noted VRP Consent Agreement items 2

10 through 14.]

11 ***

12 [Chair Kmetz noted Ms. Bellfy's items 15 through 18.

13 Ms. Bellfy, on behalf of Trista Boyd, for items 19

14 and 20.]

15 ***

16 [Chair Kmetz noted Ms. Doll's items 21 and 22.]

17 ***

18 [Chair Kmetz noted Ms. Evancho's items 23 and 24.

19 She also reported item 5 on the agenda is a mental

20 health only agreement.]

21 ***

22 [Chair Kmetz noted Mr. Rine's item 25.]

23 ***

24 [Chair Kmetz noted Mr. Schertz's item 26.]

25 ***

1 [Chair Kmetz noted Mr. Sniscak's items 27 and 61.]

2 ***

3 Appointment - Jersey College Proposal for
4 Establishment of a Prelicensure Associate Degree in
5 Applied Science in Nursing (AAS) Program in York,
6 Pennsylvania

7 [Colette Gargiulo, MSN-Ed, RN, Provost; Park Smith
8 III, Director of Institutional Effectiveness; Nicole
9 Byers, Dean of Nursing for York; Greg Karzhevsky,
10 Chancellor and CEO; and Steven B. Litvak, Esquire,
11 President, all of Jersey College; Fallon Hughes, DNP,
12 RN, Senior Director, Nursing Practice, Innovation,
13 Research & EBP, WellSpan Health; and Kasey Paulus,
14 RN, MBA, Senior Vice President, Chief Nursing
15 Executive, WellSpan Health, presented on behalf of
16 Jersey College's Proposal]

17 [Dr. Gargiulo stated Jersey College has been in
18 existence for almost 20 years with their sole focus
19 and priority being nursing education. She presented
20 to the Board to discuss another location at their
21 York Campus in Pennsylvania. She mentioned having
22 the opportunity to work with WellSpan Health, noting
23 their mission is to bridge the labor gap and partner
24 with some of their sister states to bring more nurses
25 into the workforce.]

1 Dr. Hunsberger asked whether there were any
2 faculty members hired or applicants for York.

3 Ms. Paulus explained that she and other deans are
4 in the process of conducting interviews over the
5 phone to assess their teaching abilities, along with
6 Ms. Gargiulo, for final approval to ensure a
7 qualified faculty.

8 Dr. Hunsberger asked whether the person on the
9 faculty evaluation was a remote educator.

10 Mr. Smith stated it was a sample of the tool,
11 where it was someone from another campus of the
12 institution and not a remote educator.

13 Chair Kmetz requested information regarding
14 clinical placement.

15 Ms. Gargiulo stated WellSpan is committed to
16 continuing to offer as many clinical placement
17 opportunities as possible, continue their
18 relationships with their academic partners, and to
19 create more space to serve the community and
20 patients. She noted clinical is primarily during the
21 day but is flexible.

22 Ms. Pachter Schulder asked where the college is
23 in the Pennsylvania Department of Education (PDE)
24 approval process.

25 Mr. Karzhevsky noted submitting the education

1 enterprise application and awaited public comment and
2 the Secretary of Education's signature. He noted not
3 being able to move forward without approval.

4 Ms. Pachter Schulder asked how the program would
5 be different than their other programs.

6 Mr. Karzhevsky explained that the Scranton and
7 Jenkintown campuses are both in the process of
8 applying for candidacies. He noted their general
9 goal is to achieve accreditation from the
10 Accreditation Commission for Education in Nursing
11 around the time of that first graduating class. He
12 mentioned that as long as someone is enrolled in the
13 nursing program by the time candidacy is granted,
14 that any graduate will have graduated from an
15 accredited program.

16 Mr. Karzhevsky stated the process generally
17 begins around semester two of a new program rollout
18 to give the program time to get into the nursing
19 education without diverting attention to the
20 accreditation process. He reported working with the
21 faculty on self-study and preparing throughout that
22 first year. It would be the same process for the
23 York campus.

24 Ms. Pachter Schulder asked whether accreditation
25 from the Middle States Commission on Higher Education

1 (MSCHE) had been sought.

2 Mr. Karzhevsky mentioned updating the Board the
3 last time they had gone through the process and MSCHE
4 had some questions regarding a separate college that
5 had ownership. He noted they had not resumed that
6 process because hospital partners had approached them
7 to open new locations, and it is difficult to change
8 accreditors when things within the institution are
9 changing.

10 Mr. Karzhevsky mentioned it is still something in
11 their strategic future but remain accredited by the
12 Council on Occupational Education, which is an
13 accreditor recognized by the Department of Education.

14 Mr. Karzhevsky addressed retention and attrition,
15 noting it depends on the campus. He reported
16 Jenkintown's first class was much smaller, so the
17 overall attrition number looks greater. He noted
18 Scranton is actually at an 83% retention rate and
19 Jenkintown at 80% when including all of the students
20 presently enrolled.

21 Mr. Karzhevsky reported aiming for a graduation
22 rate around 55-65% but expected the number to
23 continue going down with attrition. He mentioned
24 being aware that one-third of students withdraw for
25 non-academic reasons.

1 Chair Kmetz informed Jersey College that the
2 Board will discuss their proposal in Executive
3 Session and invited them to stay or participate
4 virtually for the decision later during the meeting.]

5

6 Regulation Update

7 [Judith Pachter Schulder, Esquire, Board Counsel,
8 indicated there was no update for 16A-5139 regarding
9 the Volunteer License, noting it is part of a bigger
10 package with the other boards.

11 Ms. Pachter Schulder referred to 16A-5141
12 regarding the Nursing Education Programs regulation.
13 She noted being hopeful that the regulation would
14 soon be approved by the Bureau and then on to Budget,
15 Policy and General Counsel.

16 Ms. Pachter Schulder addressed 16A-5143 regarding
17 the Continued Competency and Licensure by Endorsement
18 regulation. She reported the regulation had been
19 forwarded to the Governor's Offices of Budget, Policy
20 and General Counsel in final form.

21 Ms. Pachter Schulder referred to 16A-5146
22 regarding the Opioid Prescription and Education and
23 Organ Donation Education. She noted the regulation
24 is pending review by Regulatory Counsel in its final
25 form. She mentioned a meeting with members from the

1 organ donation organizations, noting the modules are
2 ready to go.

3 Ms. Pachter Schulder noted the Board will likely
4 be posting the organ donation education. Providers
5 will be able to take that education and offer that
6 coursework to licensees. She explained that it is
7 not set up for licensees to be able to take it by
8 themselves because there would be no provider to
9 issue a certificate of completion.

10 Ms. Pachter Schulder addressed 16A-5148 regarding
11 the Nurse Licensure Compact, noting implementation of
12 the Compact and promulgation of the regulation--
13 whether it would be a temporary regulation or a
14 traditionally promulgated regulation--is still in a
15 holding process. She mentioned that the
16 Board/Department is still awaiting the Federal Bureau
17 of Investigation's (FBI) approval language with
18 regard to federal criminal background checks.

19 Ms. Pachter Schulder noted compact licenses are
20 not permitted to be issued. She also mentioned the
21 regulations would explain the procedure for licensees
22 to take their Pennsylvania licenses and then obtain
23 compact licenses. She also mentioned that a fee
24 would be set for a compact license.

25 Ms. Pachter Schulder addressed 16A-66 regarding

1 the Bureau of Professional and Occupational Affairs
2 (BPOA) regulation concerning Crimes Directly Related
3 to the Profession. She mentioned Board members
4 received a copy of the regulation that was delivered
5 to the Independent Regulatory Review Commission
6 (IRRC).

7 Ms. Pachter Schulder was not certain whether it
8 would be on IRRC's March agenda or whether there
9 needed to be other revisions. She informed Board
10 members that Acting Commissioner Claggett is prepared
11 to discuss that regulation further at the next
12 meeting.

13 Ms. Pachter Schulder addressed 16A-5145 regarding
14 CRNA Licensure. She stated some of the fees in the
15 package do not necessarily match up to the fees for
16 the CRNP and Clinical Nurse Specialist (CNS). She
17 referred to Subchapter H and noted prior Board
18 discussion of a \$63 Restoration Fee, but the
19 Restoration Fee currently in the regulations for
20 LDNs, CRNPs, and CNSs is \$60. She recommended making
21 that consistent.

22 Ms. Pachter Schulder also noted the Board
23 originally adopted a \$40 fee for Verification of
24 Certification, but it is a \$45 fee for LDNs, CRNPs,
25 and CNSs, and recommended \$45. She also noted the

1 Board adopted a \$42 fee for Verification of
2 Certification with History, and the others are \$50.
3 She mentioned that it had not changed the ultimate
4 total but makes the fees more consistent and still
5 within the ballpark of what was being recommended.

6 Ms. Pachter Schulder explained that the biggest
7 change is the removal of reactivation after five
8 years. She noted CNSs, CRNAs, and CRNPs are required
9 to have an RN license and will pay a Reactivation Fee
10 when that license is reactivated. She recommended
11 not charging a second Reactivation Fee for CRNAs and
12 removing the Reactivation Fee for CNSs.]

13 MS. PACHTER SCHULDER:

14 I'm asking if you would today consider
15 to adopt this regulation, which is 16A-
16 5145 as amended for those fee changes.

17 I don't know if anybody has any
18 discussion about that?

19 CHAIR KMETZ:

20 If not, may we have a motion?

21 DR. HUNSBERGER:

22 So moved.

23 DR. BUCHER:

24 Second.

25 CHAIR KMETZ:

1 All those in favor? Opposed?

2 Abstentions?

3 [The motion carried unanimously.]

4 ***

5 [Donald H. Bucher, DNP, CRNP, ACNP-BC, FAANP,
6 asked whether licensees have to upload proof or
7 whether it was just an audit for Organ Donation
8 Education.

9 Ms. Pachter Schulder explained that continuing
10 education compliance is conducted via audit, but
11 applicable licensees will have to certify completion
12 of the Organ Donation Education on their renewals,
13 similar for what is being done for Advanced
14 Pharmacology completion.

15 Dr. Bucher noted other states have moved the NLC
16 forward receiving FBI background checks and asked
17 whether there was something unique to Pennsylvania.

18 Ms. Pachter Schulder explained that Pennsylvania
19 does not have the criminal background check language
20 in their professional licensing statutes, where other
21 states had that language before the NLC was enacted.
22 She further explained that the FBI is concerned about
23 the sharing of information amongst states and Compact
24 commissions.

25 Although the Board cannot issue multistate

1 licenses, Ms. Pachter Schulder mentioned being
2 hopeful that a CRNP in Pennsylvania who holds an RN
3 license in Pennsylvania and also a multistate license
4 will be able to use that multistate license to renew.
5 She noted applications are being tested to make sure
6 it can be done properly. She noted the renewals
7 would be done manually if it could not be completed
8 properly and would hold up someone's renewal; so in
9 that case, it would be preferable to renew the
10 Pennsylvania RN license so as not to hold up the
11 renewal.]

12 ***

13 Appointment - The University of Scranton Proposal for
14 a Psychiatric Mental Health Certified Registered
15 Nurse Practitioner (CRNP) MSN, Post-Master's
16 Certificate, and BSN-DNP Programs
17 [Marian Farrell, PhD, PMHNP, PMH-CNS, BC, CRNP,
18 Professor of Nursing, Director of PMHNP Program;
19 Teresa Conte, PhD, CPNP, Associate Professor of
20 Nursing, Chairperson, Department of Nursing; and Mary
21 Jane DiMatto, PhD, RN, Professor of Nursing, Director
22 of Graduate Nursing Programs, presented on behalf of
23 The University of Scranton.]

24 [Dr. Farrell stated the proposed program was
25 based on the need for psychiatric-mental health

1 nurses at the local, state, and national level to
2 provide expert clinicians.

3 Dr. Farrell reported a tremendous gap in services
4 available to individuals and communities, which
5 prompted the creation of a graduate program, a
6 postgraduate program, and then a doctor of nursing
7 practice (DNP) program in the hopes of providing
8 clinical experts to meet the needs of individuals
9 throughout the United States.

10 Ms. Pachter Schulder requested information
11 regarding clinical sites and experience.

12 Dr. Farrell noted having a large pool of
13 graduates across the United States and being able to
14 tap into that resource locally because it is an
15 online program. She stated several agencies agreed
16 to have psychiatric nurse practitioners available to
17 be preceptors.

18 Chair Kmetz asked how preceptors would be vetted
19 and determined to be in good standing and whether
20 they anticipated any difficulty finding preceptors.

21 Dr. Farrell explained that all of the individuals
22 will be interviewed and their credentials validated.
23 She stated they would have support from graduates of
24 the program and did not anticipate any difficulty
25 finding preceptors. She also believed it is part of

1 their obligation to help students find preceptors.

2 Dr. Bucher asked Dr. Farrell to address why The
3 University of Scranton was going for both a Master of
4 Science in Nursing (MSN) and a DNP.

5 Dr. Farrell noted being encouraged by their
6 administration that they needed to do both at this
7 time because of the number of individuals who may
8 have the ability to do a graduate program or a
9 postgraduate program but not the time nor income to
10 fully complete a DNP program.

11 Ms. Pachter Schulder noted that The University of
12 Scranton does not currently have a psychiatric
13 program but indicated that the graduates of the
14 program would be willing to work as preceptors. She
15 asked what percentage of their graduates have gone on
16 to get psychiatric-mental health certification.

17 Dr. Farrell could not provide the percentage but
18 would be able to solidify that number and go into
19 recruitment following Board approval.

20 Dr. Kmetz expressed a concern with The University
21 of Scranton believing they have enough preceptors
22 because they have enough graduates but do not know
23 how many of their graduates have the psychiatric-
24 mental health specialty. She asked whether they have
25 an alternative plan if they do not have enough

1 preceptors with psychiatric-mental health
2 certification for the graduates.

3 Dr. Farrell reported having the local community
4 and already submitting individuals willing to be
5 preceptors. She noted currently having three faculty
6 members and recruiting another faculty member to
7 serve in that role.

8 Ms. Pachter Schulder asked how many students they
9 anticipated in the beginning.

10 Dr. Farrell noted there would be two students for
11 the DNP program and six to eight for the graduate
12 program. She mentioned that it was possible that
13 they may have an individual being a preceptor to more
14 than one student, but it was not their ultimate goal.

15 Chair Kmetz informed The University of Scranton
16 that the Board will deliberate in Executive Session
17 and welcomed them to stay, participate virtually, or
18 contact the Board for the decision on their
19 proposal.]

20

21 Pennsylvania Legislative Update - Legislation

22 Affecting Nurses/Nursing

23 [Judith Pachter Schulder, Esquire, Board Counsel,

24 addressed House Bill 1825, noting it is similar to

25 Senate Bill 25 regarding advanced practice registered

1 nurse certified nurse practitioners (APRN-CNP)
2 legislation. She reported a few changes but nothing
3 significant in the distinction between the two bills.

4 Ms. Pachter Schulder noted Senate Bill 1080 is a
5 bill that Board members saw previously in a prior
6 session concerning death pronouncements by licensed
7 practical nurses (LPNs) for hospice patients.]

8 ***

9 Report of Board Chairperson - No Report

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Committees - Probable Cause Screening
14 Committee

15 [Sue E. Hertzler, LPN, noted the Probable Cause
16 Screening Committee moved on 6 Petitions for
17 Appropriate Relief, 16 Petitions for Mental and
18 Physical Exams, and 0 Immediate Temporary
19 Suspensions.]

20 ***

21 Report of Committees - Application Review Committee

22 [Linda L. Kmetz, PhD, RN, Chair, reported that the
23 Application Review Committee reviewed several
24 applications virtually.]

25 ***

1 Report of Committees - Advanced Practice (Education,
2 Regulation, & Application)
3 [Donald H. Bucher, DNP, CRNP, ACNP-BC, FAANP,
4 Secretary, referred to Dr. Lorna Breen Heroes'
5 Foundation PowerPoint contained in the Agenda. He
6 noted the Foundation's mission is to look at reducing
7 burnout in healthcare professionals and to
8 destigmatize health professionals seeking mental
9 health treatment. He mentioned that part of the
10 presentation was given at the the National Council of
11 State Boards of Nursing (NCSBN) Advanced Practice
12 Meeting to highlight the current practice in
13 healthcare.

14 Dr. Bucher stated 43% of nurses report being
15 burned out but fear seeking mental health treatment
16 because of the stigma related to mental health
17 issues. He noted only 13 states have reviewed their
18 application process as of September 7 to make sure
19 there is no language that can be looked upon as
20 stigmatizing for a nurse to seek mental health
21 treatment.

22 Dr. Bucher explained that the PowerPoint
23 addressed what boards can do to help nurses feel more
24 comfortable seeking mental health treatment to take
25 care of themselves. He noted the Foundation requests

1 boards to review the licensure applications,
2 addendums, and forms to make sure the language is not
3 invasive or stigmatizing.

4 Dr. Bucher noted the importance of communicating
5 with nurses once the language is removed to emphasize
6 that Pennsylvania is a state that supports nurses
7 taking care of themselves. He requested that the
8 Bureau review the application process and questions
9 that may be looked upon as stigmatizing and replace
10 them with what other states have recommended when it
11 comes to questions about mental health.

12 Ms. Wendy Miller referred to suggested language
13 that reads, "Are you currently suffering from any
14 condition for which you are not being appropriately
15 treated that impairs your judgment or that would
16 otherwise adversely affect your ability to practice
17 medicine in a competent, ethical, and professional
18 manner," which would be answered "Yes" or "No."

19 Ms. Pachter Schulder noted that language would be
20 changed to "nursing." She mentioned that boards in
21 the Bureau currently ask a question about the
22 intemperate use of drugs or alcohol but do not ask
23 questions about mental health. She stated the
24 revised question does not specifically speak to a
25 drug or alcohol addiction and does seem as if it is

1 more related to a mental health issue. She asked
2 whether there has been a discussion with this group
3 regarding drug and alcohol use.

4 Dr. Bucher believed the Foundation feels that the
5 question encompasses all of it to not stigmatize and
6 did not believe there needed to be a separate
7 question related to drug and alcohol. He announced
8 March 18 is Health Workforce Well-Being Day of
9 Awareness and is a time to look across the country to
10 make sure healthcare providers are taking care of
11 themselves from a mental health perspective.]

12 MS. PACHTER SCHULDER:

13 It's your recommendation that we ask
14 the Commissioner's office to consider
15 evaluating the intemperate use question
16 and replace it with this question?

17 DR. BUCHER:

18 Correct, yes.

19 MS. PACHTER SCHULDER:

20 Do you want that to be the motion?

21 DR. BUCHER:

22 Yes.

23 MS. PACHTER SCHULDER:

24 Would someone second that motion?

25 CHAIR KMETZ:

1 Second. All those in favor? Opposed?
2 Abstentions?

3 [The motion carried unanimously.]

4 Wendy Miller, MSN, RN, Executive Secretary,
5 commented that it is interesting that it is called
6 Heroes' Foundation because there was a discussion
7 about not referring to healthcare providers as
8 heroes, where heroes have superhuman powers or are
9 made of steel and are not people who need help.

10 Ms. Wendy Miller asked whether there was any
11 discussion about making it seem like someone may feel
12 a lack of expectation if they sought treatment, where
13 the expectation is that someone is going to be strong
14 and able to shoulder it because they are a hero as
15 opposed to being a person and needing help.

16 Dr. Bucher was not sure whether there was any
17 discussion about that or whether the foundation is
18 considering any kind of change. He referred to the
19 story behind the Foundation, where a physician did
20 not seek any treatment and took her own life during
21 COVID.

22 Dr. Bucher stated she is a hero from the
23 standpoint of trying to make sure that she did not
24 die in vain, and they are able to move some of the
25 conversations forward about mental health and the

1 healthcare community.

2 Ms. Wendy Miller agreed that healthcare providers
3 on the front line and in education going through that
4 crisis went above and beyond but wanted to make it
5 clear that although it is a compliment, it is not an
6 expectation and people who need help should seek it.]

7 ***

8 Report of Committees - RN/PN Practice, Education, &
9 Regulation

10 [Linda L. Kmetz, PhD, RN, Chair, noted they already
11 had a committee report.]

12 ***

13 Report of Committees - Dietitian-Nutritionist
14 Committee - No Report

15 ***

16 IT & Communication Issues Committee

17 [Linda L. Kmetz, PhD, RN, Chair, noted having
18 information technology (IT) and communication issues
19 this morning.]

20 ***

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

23 ***

24 Report of Executive Secretary

25 [Wendy Miller, MSN, RN, Executive Secretary, reminded

1 everyone that the April 30 RN, CRNP, CNS, and
2 Prescriptive Authority renewals are open.

3 Ms. Miller noted that a CRNP or a CNS who has a
4 multistate RN license in another state is now able to
5 use that RN multistate license for renewal of the
6 CRNP or CNS. She mentioned that the applicant would
7 still need to have an active RN regardless of whether
8 the license is in Pennsylvania or a multistate in
9 another state or jurisdiction. She noted they can
10 now use that multistate to renew their CRNP and CNS
11 and allow their Pennsylvania RN to lapse.

12 Ms. Miller also reminded everyone that the
13 practical nurse (PN) renewal is June 30, 2024, and
14 will open approximately 60 days prior to expiration.

15 Ms. Miller addressed her virtual attendance,
16 along with the Director of Operations Matt Eaton,
17 Kori Linn, and Ms. Pachter Schulder at the
18 Pennsylvania Community Health Centers Association of
19 Patient-Centered Medical Home peer group on February
20 20.

21 Ms. Miller informed everyone that she and the
22 Advisors will be attending spring meetings for the
23 Pennsylvania Higher Education Nursing Schools
24 Association (PHENSA), Pennsylvania College of
25 Associate Degree Nursing Education, and Pennsylvania

1 Association of Practical Nurse Administrators
2 (PAPNA).

3 Ms. Miller also noted she would be attending,
4 along with Chair Kmetz and Dr. Bucher, the Nurse
5 Licensure Compact Commission and NCSBN Midyear
6 Meetings next week.]

7 ***

8 Old Business

9 [Leslie House, MSN, RN, Nursing Practice Advisor,
10 noted prior discussion in January concerning security
11 issues relating to the At-Home version of the English
12 Language Proficiency (ELP) and the Board's desire for
13 additional information about what other boards
14 accept. She noted putting together a survey with Ms.
15 Wendy Miller and receiving a response from about 20
16 boards.

17 Ms. House reported 5 boards responded yes to
18 accepting the At-Home version and 15 responded no
19 with the most common answer for not accepting it
20 being security. She addressed monitoring and
21 mentioned there is always one proctor per test taker,
22 and the proctor is able to lock the individual's
23 computer so the tester cannot copy and paste. She
24 also noted the tester is unable to use the screenshot
25 function and is unable to print or have recording

1 capabilities.

2 Ms. House stated as part of the At-Home test,
3 applications and processing are also blocked and
4 believes the At-Home versions of the ELP cover
5 anything that may have been a concern as far as the
6 computer and what testers are allowed to do during
7 the testing. She also stated the online proctors
8 have face recognition, keystroke biometrics, response
9 times, and a 360° camera span of the tester's room.

10 Ms. House addressed an option where Test of
11 English as a Foreign Language (TOEFL) can provide a
12 test sample so the Board could have a greater
13 understanding of the At-Home test and would be able
14 to ask questions to be better informed as far as
15 making any decisions.

16 Dr. Bucher asked whether the five boards that
17 accepted the At-Home version were satisfied.

18 Ms. House stated that of the five boards that
19 accepted it, Canada was one of those and have their
20 own process. She referred to a couple of the ones
21 that said yes but was not certain that they answered
22 her question or read the question because they went
23 outside of the specifics. She noted she was asking
24 whether or not they accepted the At-Home version, not
25 the companies in which they have approved for a

1 submission to the Board about their results.

2 Ms. Wendy Miller commented that it was not like
3 they mentioned the TOEFL being in either their law or
4 regulations and so it was unclear whether they were
5 saying they accepted the TOEFL home-based test
6 because the law or regulation said TOEFL and it was a
7 TOEFL. She noted it really was not clear and asked
8 Ms. House whether she is talking about specific
9 board-approved tests and providers or talking about
10 multiple board-approved test providers when she uses
11 the word "they."

12 Ms. House explained that she was referring to
13 Meazure when she was describing security, which is a
14 combination of the ProctorU and Guardian Browser.

15 Ms. Miller asked what that applies to as far as
16 all of the Board-approved tests. Ms. House noted it
17 applies to TOEFL but did not have the information
18 available. She offered to provide that information
19 in an email.

20 Ms. Miller asked whether the actual test from
21 start to finish is videotaped on record. Ms. House
22 confirmed that the test is videotaped and can be
23 rewound for any concerns of suspicious or fraudulent
24 activity, noting the turnaround time on the
25 information is 24 to 48 hours.

1 Ms. Miller asked whether Educational Testing
2 Service (ETS) that offers TOEFL would be giving the
3 Board a testing opportunity. Ms. House noted that
4 Meazure would be the company providing further
5 information and a presentation.

6 Ms. Pachter Schulder asked whether that company
7 has a contract with the ELP examination companies,
8 and Ms. House said yes.

9 Ms. Pachter Schulder suggested having Meazure and
10 ETS on behalf of TOEFL at an upcoming Board meeting
11 for further discussion, and Ms. House offered to
12 reach out to them to schedule something for possibly
13 the May meeting.]

14

15 Report of Board Counsel

16 [Carole Clarke Smith, Esquire, Senior Board Counsel,
17 presented an overview of the work Board Counsel
18 provided to the Pennsylvania State Board of Nursing
19 in 2023.

20 Ms. Clarke Smith reported Board Counsel issued
21 225 Final Orders, noting some of those would be
22 Proposed Adjudications and Orders on the agenda and
23 some are things the Board does not see. She noted
24 Board Counsel reviews everything when someone
25 completes the Voluntary Recovery Program (VRP) or the

1 Disciplinary Monitoring Unit (DMU) and then issues
2 those orders again.

3 Ms. Clarke Smith noted Prosecution acts on the
4 Board's behalf and files a Motion to Enter a Final
5 Order for anyone who does not file an appeal for a
6 suspension under a Petition for Appropriate Relief
7 (PAR). She mentioned that Automatic Suspensions are
8 another type of final order on behalf of the Board if
9 someone does not appeal the case.

10 Ms. Clarke Smith reported 104 Adjudications and
11 Orders, 22 Automatic Suspensions, which are pretty
12 much only misdemeanors at this point, and 15
13 Provisional Denials. She noted 10 Provisional
14 Denials were issued due to failure to meet
15 educational or licensing qualifications, 3 were
16 issued based on criminal convictions, 1 was due to
17 ongoing impairment for which they did not want to
18 seek treatment, and 1 where the program was
19 provisionally denied.]

20

21 [Public Comment - No member of the public sought to
22 provide comment.]

23

24 [Pursuant to Section 708(a)(5) of the Sunshine Act,
25 at 10:37 a.m., the Board entered into Executive

1 Session with Board Counsels Judith Pachter Schulder,
2 Esquire; Carole Clarke Smith, Esquire; Ariel E.
3 O'Malley, Esquire, Todd P. Kriner, Esquire; and Megan
4 E. Castor, Esquire, for the purpose of conducting
5 quasi-judicial deliberations on the matters on the
6 Agenda under the Report of Board Counsel, Report of
7 Prosecution, and Appointments. The Board returned to
8 Open Session at 11:15 a.m.]

9

10 MOTIONS

11 MS. PACHTER SCHULDER:

12 During Executive Session, the Board
13 engaged in quasi-judicial deliberations
14 on the matters listed on the Agenda
15 under Report of Board Counsel, Report
16 of Prosecution, and Appointments.

17 There will be no motions where
18 Board members have recused themselves
19 from participation today because there
20 is only a quorum of Board members, so
21 there are no cases that the Board has
22 deliberated on that have recusals;
23 therefore, the Board is not
24 deliberating or taking action on items
25 17 and 18, 20, 21, 22, 23, 24, 27, 50,

1 53 through 54, and of course 56, 57,
2 and 58 are already withdrawn.

3 With that in mind, is there a
4 motion to adopt the VRP Consent
5 Agreements at items 2 through 14?

6 MS. HERTZLER:

7 So moved.

8 DR. HUNSBERGER:

9 Second.

10 CHAIR KMETZ:

11 All those in favor? Opposed?

12 Abstentions?

13 [The motion carried unanimously.]

14 ***

15 MS. PACHTER SCHULDER:

16 Is there a motion to adopt the
17 following Consent Agreements for which
18 there are no recusals at Case No. 21-
19 51-016926, Case No. 23-51-008487, Case
20 No. 23-51-017549, Case No. 22-51-
21 000388, and Case No. 22-51-001138?

22 DR. BUCHER:

23 So moved.

24 DR. HUNSBERGER:

25 Second.

1 CHAIR KMETZ:

2 All those in favor?

3 [The motion carried unanimously. The Respondent's
4 name at Case No. 21-51-016926 is Deloris Brown
5 Cookey, RN, LPN; Case No. 23-51-008487, Rebecca
6 Suzanne Broome, LPN; Case No. 23-51-017549, Dino
7 Portez Avellaneda, RN; Case No. 22-51-000388, Andrea
8 Marie Gorman, LPN; and Case No. 22-51-001138, Rico
9 Ducle, LPN.]

10 ***

11 MS. PACHTER SCHULDER:

12 Is there a motion to adopt the Consent
13 Agreement at Case No. 23-51-002663?

14 DR. HUNSBERGER:

15 So moved.

16 MS. HERTZLER:

17 Second.

18 CHAIR KMETZ:

19 All those in favor? Opposed?

20 Abstentions?

21 [The motion carried unanimously. The Respondent's
22 name is Katharina Mai Demmler, LPN.]

23 ***

24 MS. PACHTER SCHULDER:

25 Is there a motion to authorize Counsel

1 to prepare an Adjudication and Order at
2 item 44, Susan Dumas, LPN, Case Nos.
3 22-51-016211 & 23-51-010822?

4 DR. HUNSBERGER:

5 So moved.

6 MS. HERTZLER:

7 Second.

8 CHAIR KMETZ:

9 All those in favor? Opposed?

10 Abstentions?

11 [The motion carried unanimously.]

12 ***

13 MS. PACHTER SCHULDER:

14 In the matter of Victor Joel Jones,
15 Jr., LPN, Case No. 19-51-003379, is
16 there a motion to grant the Motion for
17 Judgment on the Pleadings and give the
18 Respondent 20 days to request a formal
19 hearing?

20 DR. HUNSBERGER:

21 So moved.

22 DR. BUCHER:

23 Second.

24 CHAIR KMETZ:

25 All those in favor? Opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 ***

4 MS. PACHTER SCHULDER:

5 Is there a motion to grant early
6 termination from the VRP in item 46 at
7 Case No. 19-51-009357?

8 DR. HUNSBERGER:

9 So moved.

10 MS. HERTZLER:

11 Second.

12 CHAIR KMETZ:

13 All those in favor? Opposed?
14 Abstentions?

15 [The motion carried unanimously.]

16 ***

17 MS. PACHTER SCHULDER:

18 Is there a motion to grant the Petition
19 to unrestricted status in item 47 at
20 Case No. 21-51-003315?

21 DR. HUNSBERGER:

22 So moved.

23 DR. BUCHER:

24 Second.

25 CHAIR KMETZ:

1 All those in favor? Opposed?

2 Abstentions?

3 [The motion carried unanimously.]

4 ***

5 MS. PACHTER SCHULDER:

6 Is there a motion to ratify early
7 release from the VRP at Case No. 20-51-
8 013677?

9 DR. HUNSBERGER:

10 So moved.

11 MS. HERTZLER:

12 Second.

13 CHAIR KMETZ:

14 All those in favor? Opposed?

15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 MS. PACHTER SCHULDER:

19 Is there a motion to grant
20 reinstatement to unrestricted status at
21 item 49 for Ryan Wesoloski, LPN, Case
22 No. 24-51-002850?

23 DR. HUNSBERGER:

24 So moved.

25 MS. HERTZLER:

1 Second.

2 CHAIR KMETZ:

3 All those in favor? Opposed?

4 Abstentions?

5 [The motion carried unanimously.]

6 ***

7 MS. PACHTER SCHULDER:

8 Is there a motion to enter default, to

9 deem the facts admitted, and authorize

10 Counsel to prepare an Adjudication and

11 Order in the matter of Adriann

12 Cunningham, LPN, Case No. 21-51-000637?

13 DR. HUNSBERGER:

14 So moved.

15 MS. HERTZLER:

16 Second.

17 CHAIR KMETZ:

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 the Hearing

24 Examiner's Proposals for Shannon

25 Gifford, LPN, Case No. 21-51-012240,

1 and Eva Lucas, LPN, Case No. 23-51-
2 008890?

3 DR. HUNSBERGER:

4 So moved.

5 DR. BUCHER:

6 Second.

7 CHAIR KMETZ:

8 All those in favor? Opposed?

9 Abstentions?

10 [The motion carried unanimously.]

11 ***

12 MS. PACHTER SCHULDER:

13 Is there a motion to authorize Counsel
14 to prepare a Memorandum Order adopting
15 the Hearing Examiner's Proposal in the
16 matter of Syreeta Johnson, LPN, Case
17 No. 21-51-011521?

18 DR. HUNSBERGER:

19 So moved.

20 MS. HERTZLER:

21 Second.

22 CHAIR KMETZ:

23 All those in favor? Opposed?

24 Abstentions?

25 [The motion carried unanimously.]

1 ***

2 MS. PACHTER SCHULDER:

3 Is there a motion to grant Jersey
4 College's Proposal for Establishment of
5 a Prelicensure Associate Degree in
6 Applied Science in Nursing Program in
7 York contingent upon approval from the
8 Pennsylvania Department of Education?

9 DR. HUNSBERGER:

10 So moved.

11 DR. BUCHER:

12 Second.

13 CHAIR KMETZ:

14 All those in favor? Opposed?
15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 MS. PACHTER SCHULDER:

19 Is there a motion to approve The
20 University of Scranton's Proposal for a
21 Psychiatric Mental Health Certified
22 Registered Nurse Practitioner MSN,
23 Post-Master's Certificate, and BSN-DNP
24 Programs?

25 DR. HUNSBERGER:

1 So moved.

2 DR. BUCHER:

3 Second.

4 CHAIR KMETZ:

5 All those in favor? Opposed?

6 Abstentions?

7 [The motion carried unanimously.]

8 ***

9 Adjournment

10 CHAIR KMETZ:

11 Motion for adjournment.

12 DR. HUNSBERGER:

13 So moved.

14 DR. BUCHER:

15 Second.

16 CHAIR KMETZ:

17 All those in favor? No opposed. No

18 abstentions.

19 [The motion carried unanimously.]

20 ***

21 [There being no further business, the State Board of

22 Nursing Meeting adjourned at 11:24 a.m.]

23 ***

24

25

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.



Sophia Mahoney,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF NURSING
REFERENCE INDEX

March 6, 2024

	TIME	AGENDA
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6		
7		
8		
9	9:08	Official Call to Order
10		
11	9:09	Introduction of Board Members
12		
13	9:10	Introduction of Attendees
14		
15	9:25	Adoption of Agenda
16		
17	9:26	Report of Prosecutorial Division
18		
19	9:29	Appointment - Jersey College Proposal
20		for Establishment of a Prelicensure
21		Associate Degree in Applied Science
22		in Nursing (AAS) Program in York,
23		Pennsylvania
24		
25	9:41	Regulation Update
26		
27	9:53	Appointment - The University of
28		Scranton Proposal for a Psychiatric
29		Mental Health Certified Registered
30		Nurse Practitioner (CRNP) MSN, Post-
31		Master's Certificate, and BSN-DNP
32		Programs
33		
34	10:05	Pennsylvania Legislative Update
35		
36	10:06	Report of Committees
37		
38	10:18	Report of Executive Secretary
39		
40	10:21	Old Business
41		
42	10:33	Report of Board Counsel
43		
44	10:37	Executive Session
45	11:15	Return to Open Session
46		
47	11:15	Motions
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49	11:24	Adjournment
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