

1 COMMONWEALTH OF PENNSYLVANIA

2 DEPARTMENT OF STATE

3 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

4

5 **FINAL MINUTES**

6

7 MEETING OF:

8

9 **STATE BOARD OF NURSING**

10 **VIA VIDEOCONFERENCE**

11

12 TIME: 9:12 A.M.

13

14 March 15, 2021

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State Board of Nursing
March 15, 2021

BOARD MEMBERS:

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

COMMONWEALTH ATTORNEYS:

22 Judith Pachter Schulder, Esquire, Board Counsel
23 Megan E. Castor, Esquire, Board Counsel
24 Carole Clarke Smith, Esquire, Senior Board Counsel
25 Ariel O'Malley, Esquire, Board Counsel
26 Todd Kriner, Esquire, Board Counsel
27 Nicole L. VanOrder, Esquire, Board Counsel
28 Carolyn A. DeLaurentis, Deputy Chief Counsel,
29 Prosecution Division
30 William Newport, Esquire, Board Prosecution Liaison
31 T'rese Evancho, Esquire, Board Prosecution Liaison
32 Codi M. Tucker, Esquire, Board Prosecutor
33 Trista Boyd, Esquire, Board Prosecutor
34 Bridget K. Guilfoyle, Esquire, Board Prosecutor
35 David J. Schertz, Esquire, Board Prosecutor
36 Lindsay Szymanski, Esquire, Board Prosecutor
37 Matthew T. Sniscak, Esquire, Board Prosecutor
38 Madison Hales, Esquire, Board Prosecutor
39 Travis Murray, Legal Intern, Counsel Division
40 Janelle Hawthorne, Legal Analyst, Department of State
41 William McClain, Legal Analyst, Department of State

BOARD STAFF:

46 Wendy Miller, MSN, RN, Executive Secretary
47 Cynthia K. Miller, Board Administrator
48 Leslie House, MSN, RN, Nursing Practice Advisor
49 Sue Petula, PhD, MSN, RN, NEA-BC, FRE, Nursing
50 Education Advisor Annuitant

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BOARD STAFF: (Cont.)

Marilyn Teeter, MSN, RN, Nursing Education Advisor
Annuitant

James Reynolds, RN, Nursing Board Advisor Annuitant
Russell Gates, RN, Nursing Board Advisor Annuitant

DEPARTMENT PERSONNEL:

Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs

Marc Farrell, Deputy Policy Director, Department of State

Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations, Department of State

Michelle Witmer, Division of Fiscal Management, Dep

State
Amanda Richards, Division of Fiscal Management, Department

of State
Shannon Boop, Division of Fiscal Management, Department of
State

ALSO PRESENT:

Andrea Chandler, Nursing Instructor, Practical Nursing Program, Great Lakes Institute of Technology

Andrea Wandling, Human Resources Manager, Pennsylvania
Association of Community Health Centers

Andrew C. Harvan, Esquire, Pennsylvania Medical Society

Betsy Snook, MED, BSN, RN, Pennsylvania State Nurses Association

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

Gayriel Lester, MSN, RN, Assistant Director of Nursing, Lincoln Technical Institute Practical Nursing Program - Allentown

Heather Haines, Practical Nursing Program, Mifflin County Academy of Science & Technology Practical Nursing Program

Jennifer Henning

Joann Megon, RN, Executive Director, Pennsylvania
Nurse Peer Assistance Program

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ALSO PRESENT: (Continued)

6 Jessica Tressler
7 Julie Charnosky, MS, RDN, LDN, Pennsylvania Academy
8 of Nutrition & Dietetics
9 Kelly Stephens, MSN, RN, Director of Professional
10 Development, Pennsylvania State Nurses Association
11 Maria C. Battista, JD, EdD, Director of Policy and
12 Government Affairs, Pennsylvania Coalition of Nurse
13 Practitioners
14 Maureen May, RN, President, Pennsylvania Association
15 of Staff Nurses and Allied Professionals
16 Michelle Davis, MSN, RN, Director of Nursing, Lincoln
17 Technical Institute - Allentown
18 Nancy Haughton, Director, Chester County Intermediate
19 Unit (CCIU) Practical Nursing Program
20 Noah Logan, Government Affairs Specialist,
21 Pennsylvania State Nurses Association
22 Pamela Stauffer, RN
23 Peggy Pearl, Executive Director, Pennsylvania
24 Coalition of Nurse Practitioners
25 Ryan Stauffer
26 Theresa McCurry, BSN, RN, Licensed Practical Nursing
27 Program, Western Area Career & Technology Center
28 Tyler Burke, Milliron Goodman Government Relations
29 Kerry Lange, Milliron Goodman Government Relations
30 Adele Caruso, DNP, CRNP, FAANP, Pennsylvania Coalition
31 of Nurse Practitioners
32 Mary Marshall, Director, Workforce and Professional
33 Development, The Hospital and Healthsystem
34 Association of Pennsylvania
35 Marcia Landman, MSN-FNP, BSN, RN, Practical Nursing
36 Assistant Director, United Career Institute
37 Lisa Urban, RN, MSN, Interim Coordinator/Nursing Instructor,
38 Greater Altoona Career and Technology Center
39 Debbie Rahn, EdD, MSN, RN, Director, Reading Hospital School
40 of Health Sciences

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2 State Board of Nursing

3 | March 15, 2021

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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 Monday, March 15, 2021. Kristin Malady, BSN, RN,
11 Chair, called the meeting to order at 9:12 a.m.

* * *

13 | Roll Call

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

* * *

17 | Introduction of Board Counsel

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

* * *

21 | Introduction of Board Prosecution

22 [William A. Newport, Esquire, Acting Senior Prosecutor
23 in Charge, identified members of Prosecution.]

* * *

25 | Introduction of Board Staff

1 [Wendy Miller, MSN, RN, Executive Secretary,
2 introduced Board staff.]

3 * * *

4 Introduction of Audience Members

5 [Kristin Malady, BSN, RN, Chair, thanked Theodore
6 "Ted" Stauffer for managing the virtual meetings. She
7 requested Mr. Stauffer introduce the audience members
8 and asked them to email Board Administrator Cindy
9 Miller directly regarding their attendance at the
10 meeting.]

11 * * *

12 [Theodore Stauffer, Executive Secretary, Bureau of
13 Professional and Occupational Affairs, noted the
14 meeting was being recorded and those who continued to
15 participate were consenting to be recorded.]

16 * * *

17 Adoption of the Agenda

18 CHAIR MALADY:

19 Looking at today's agenda, are there any
20 changes to the Agenda? Hearing none, do
21 I have a motion to adopt the Agenda for
22 today's meeting?

23 DR. KMETZ:

24 So moved.

25 DR. COUGHLIN:

2 | CHAIR MALADY:

3 All in favor? Opposed? Abstentions?

4 [The motion carried unanimously.]

5 | Page

6 Adoption of Minutes

7 | CHAIR MALADY:

8 Are there any changes to the meeting
9 minutes of December? If not, do I have
0 a motion to adopt the minutes for the
1 December 3 meeting?

12 DR. COUGHLIN:

13 So moved.

14 MS. KIESELHORST:

15 | Second.

16 | CHAIR MALADY:

17 All those in favor? Opposed?

18 Abstentions?

19 [The motion carried unanimously.]

20 * * *

21 Adoption of Minutes

22 CHAIR MALADY:

1 do I have a motion to adopt the minutes
2 of the January 26 meeting?

3 MS. VINCENT:

4 So moved.

5 DR. KMETZ:

6 Second.

7 CHAIR MALADY:

8 All those in favor? Opposed?

9 Abstentions?

10 [The motion carried unanimously.]

11 * * *

12 Report of Commissioner

13 [K. Kalonji Johnson, Commissioner, Bureau of
14 Professional and Occupational Affairs, addressed a
15 conference call that he, Wendy Miller, and others from
16 the Department of State participated in with some of
17 the Board's stakeholders, including the Pennsylvania
18 State Nurses Association (PSNA) and Pennsylvania
19 Association of Nurse Anesthetists (PANA), in reference
20 to a letter drafted by PSNA regarding concerns, among
21 other matters, with processing and customer support
22 within the Bureau.

23 Commissioner Johnson apologized to the Board,
24 public, stakeholders, and licensees for the lack of
25 customer phone support by the Bureau in terms of

1 critical questions being answered. He noted the work
2 of the Bureau staff and Board of Nursing. He will
3 work on improving the relationship with all. He
4 commented that every member of the organization worked
5 to their limit over the past 12 months and continue to
6 be committed to ensure that every single qualified
7 applicant receives their license.

8 Chair Malady noted her appreciation of
9 stakeholders coming forward and meeting. She believed
10 all were working to the best of their ability.]

11 * * *

12 Report of Prosecutorial Division

13 [Chair Malady noted VRP Consent Agreement Items 2
14 through 20. She requested Ms. Evancho check to make
15 sure item no. 5 has mental health language.]

16 * * *

17 [Chair Malady noted Ms. Boyd's cases 21 through 24.]

18 * * *

19 [Chair Malady noted Ms. Evancho's cases 25 and 26.]

20 * * *

21 [Chair Malady noted Ms. Guilfoyle's cases 27 through
22 30.]

23 * * *

24 [Chair Malady noted Mr. Schertz's cases 31 and 32.]

25 * * *

1 [Chair Malady noted Mr. Sniscak's cases 33 and 34.]

2 | * * *

3 [Chair Malady noted Ms. Tucker's cases 35 through 37.]

4 | * * *

5 [T'reese Evancho, Esquire, Board Prosecution Liaison,
6 informed the Board that Prosecution partnered with the
7 Dauphin County Victim/Witness Assistance Program that
8 provides advocacy to victims of crime through the
9 criminal justice system. It is a one-year pilot
10 program that will provide advocacy support to victims
11 and witnesses throughout the prosecution process.]

12 | * * *

13 | Regulation Update

14 [Judith Pachter Schulder, Esquire, Board Counsel,
15 noted the Nursing Education Programs regulation was
16 initially reviewed by the Regulatory Counsel and she
17 is adding information to the Preamble to help those
18 who are not familiar with the Nursing Education
19 Programs regulation. She will update the Board on any
20 additional changes at the April meeting.

21 Ms. Pachter Schulder informed the Board that the
22 regulations approved by the Board at the last meeting
23 concerning Licensure by Endorsement under Act 41 will
24 be referred to Regulatory Counsel.

25 Ms. Pachter Schuler noted the Opioid and Organ

1 Donation regulations may be capable of being written
2 together in one package regarding Continuing
3 Education. She noted the Board of Medicine and the
4 Board of Osteopathic Medicine will also adopt the
5 regulation which will be similar to the Board of
6 Nursing.

7 Ms. Pachter Schulder stated the Volunteer License
8 regulations were being drafted as a package for all
9 the Boards so that all the regulations look the same.

10 Ms. Pachter Schulder informed the Board that the
11 Child Abuse regulation was delivered to the
12 Legislative Committees and the Independent Regulatory
13 Review Commission. She noted receiving no public
14 comments after being published in the *Pennsylvania*
15 *Bulletin*. She stated the regulation was not ready for
16 adoption as a final-form regulation but anticipated it
17 will be before the Board at its next meeting.]

18 | * * *

19 Legislative Update - Legislation Affecting
20 Nurses/Nursing

21 [Judith Pachter Schulder, Esquire, Board Counsel,
22 referred to Senate Bill 25 regarding Advanced Practice
23 Registered Nurse (APRN) licensure for Certified
24 Registered Nurse Practitioners (CRNPs), noting it was
25 introduced since the Board's last meeting.]

1

* * *

2 | Report of Board Chairperson

3 [Kristin Malady, BSN, RN, Chair, addressed her virtual
4 attendance at the 2021 National Council of State
5 Boards of Nursing (NCSBN) Midyear Meeting March 9-11,
6 2021. She stated the first day focused on bias. She
7 addressed the second day focusing on NCSBN Model Act
8 and Rules where new language was proposed to be
9 presented prior to the Annual Meeting so
0 representatives from the Board could vote on the
1 proposed language.

12 Chair Malady noted discussion regarding the Next
13 Generation NCLEX® (NGN), noting the launch is
14 projected for April 2023. She mentioned conversations
15 concerning what the boards across the country faced
16 during the pandemic. She also mentioned much talk
17 about how the Nursing Compact was essential in moving
18 nurses across states and was a lifesaver for many of
19 them.

20 Chair Malady encouraged Board members who were
21 not in attendance to visit NCSBN's website and view
22 those presentations.]

23

* * *

24 Appointment - Nurse Board FY 2020-2021 Budget Review

25 [Kimberly S. Adams, Chief of Fiscal Management, Bureau

1 of Finance and Operations, Department of State,
2 addressed licensee population from a revenue
3 standpoint. She noted a licensee population in 2016
4 at 296,018, increasing by over 14,000 in 2018 to
5 310,394, and another increase of over 6,000 to 316,604
6 in 2020. She provided a recent update reflecting an
7 increase of 1,014 licensees, giving a current licensee
8 population count of 317,618.

9 Ms. Adams noted revenue by source. She reviewed
10 categories and actual revenue for FY 2018-2019 and FY
11 2019-2020, noting the biennial total. She noted 93.3%
12 of revenue was coming from renewals and applications.

13 Ms. Adams provided a categorical breakdown of
14 expenses for FY 2018-2019 and FY 2019-2020 with the
15 current budget for FY 2020-2021 and expenses as of
16 February 26, 2021. She noted the current expenses.
17 She informed the Board that their budget was adequate.

18 Ms. Adams reviewed revenues and expenses for FY
19 2020-2021, noting the budget figure. She explained
20 that the application and renewal fees were bringing
21 the Board out of the deficit, estimating the Board
22 should be back in the black in FY 2023-2024.

23 Ms. Adams reviewed Board Member Expenses, noting
24 the current expenses and the current budget for FY
25 2020-2021. She noted current expenses as of February

1 26, 2021, noting the budget figure will be carried
2 over to FY 2021-2022. She stated any excess money not
3 used will remain in the restricted account for the
4 Board's use.

5 Noah Logan of PSNA requested that the
6 presentation be posted on the website. Chair Malady
7 informed Mr. Logan that the Board will check with the
8 Commissioner's Office as to whether the report could
9 be made available on the website.]

10 | * * *

11 Pennsylvania Nurse Peer Assistance Program (PNAP)

12 Annual Report

13 [Joann Megon, RN, Executive Director, Pennsylvania
14 Nurse Peer Assistance Program (PNAP), provided a
15 summary of PNAP's mission, including support for
16 nurses and nursing students experiencing addiction and
17 alcoholism and those with significant mental health
18 disorders.

19 Ms. Megon noted a decrease in referrals from
20 PNAP, PHMP, and other resources in 2020. She noted
21 290 inquiries, 18 refused intake, 52 refused
22 evaluation, and 40 diagnosed, refused enrollment.

23 For 2020, Ms. Megon noted 233 enrollments for
24 monitoring, 990 monitored, 202 successful completions,
25 61 closed non-compliant, 286 with DUI charges only,

1 and 75 with other drug or alcohol related charges.

2 Ms. Megon provided an overview of referrals by
3 discipline since 2009 with a total of 12,510.

4 Ms. Megon stated 4 of the 233 new enrollees to
5 monitoring in 2020 were diagnosed with a primary
6 mental health disorder, and 229 were diagnosed with a
7 primary substance use disorder.

8 Ms. Megon reported 85 relapses while under the
9 monitoring contract, which, at 8.6%, is good
10 considering the national average at 11.9%. She stated
11 27 nurses who relapsed had returned to practice, and
12 none of the relapses were work related.

13 Ms. Megon stated 110 nurses violated while under
14 contract and continued monitoring with PNAP, and 62
15 violated their contract and refused to continue
16 monitoring with PNAP. There was a total of 172
17 violations, with a violation rate of 17.3% in 2020.

18 Ms. Megon reported 202 successfully completed
19 their contract, and 17 were referred to PNAP after
20 prior successful completion. The rate of recidivism
21 for 2020 was 8.4%.

22 Ms. Megon noted 674 nurses were being monitored
23 with an active license, 539 (80%) were granted
24 permission to return to practice, and 414 (61.4%) have
25 returned to practice.

1 Ms. Megon addressed advocacy by PNAP in 2020,
2 reporting that PNAP provided testimony to the Board of
3 Nursing in 2 mitigation and Order to Show Cause
4 hearings, 19 PNAP enrollees had their licenses
5 reinstated, and PNAP Case Managers provided advocacy
6 in 28 criminal matters.

7 Ms. Megon noted PNAP provided 6 continuing
8 education presentations to health care facilities, nursing
9 schools, and nursing organizations, 12
10 marketing/performance improvement presentations to
11 treatment facilities, and 4 outreach presentations at
12 health care professional groups with enrollees.

13 Ms. Megon addressed PNAP staff, noting 7 offices
14 throughout the state, with the home office located in
15 Trafford, PA.

16 Ms. Megon announced PNAP started a financial
17 assistance program January 1, 2021. She stated PNAP
18 loses many nurses to the program due to their
19 inability to pay for drug screens. She noted PNAP has
20 funds available. Participants can apply for
21 assistance paying for their screening. She described
22 the program as a three-month program that allows
23 nurses time to be approved to return to work so long
24 as the nurse gets advocacy from their case manager and
25 is dedicated to recovery.

1 Chair Malady commended PNAP for clearly being a
2 successful program. She commented that the Board is
3 committed to supporting licensees with these issues in
4 order to keep them working. She mentioned that some
5 states at the recent NCSBN Midyear Meeting noted an
6 increase in relapses, and she questioned why PNAP did
7 not see an increase.

8 Ms. Megon explained that the stats were all from
9 2020 and the number of relapses definitely increased
10 from January 1, 2021, noting having to catch up with
11 stats missed last year.

12 Ms. Megon addressed a question from Betsy Snook
13 from PSNA regarding whether there would be a budget
14 presentation from PNAP. Ms. Megon will contact the
15 PNAP Board of Directors and provide such information
16 to the Board.]

1 | Prosecution.]

* * *

3 Report of Committees - Probable Cause Screening
4 Committee

5 [Sue E. Hertzler, LPN, reported the Probable Cause
6 Screening Committee moved on 11 Petitions for
7 Appropriate Relief, 20 Petitions for Mental/Physical
8 Examination, and 1 Immediate Temporary Suspension
9 conducted on March 11, 2021.]

* * *

11 Application Review Committee

12 [Kristin Malady, BSN, RN, Chair, reported the
13 Application Review Committee met several times with
14 Board Counsel and reviewed applications to be sent
15 through the process.]

* * *

17 Advanced Practice - Education, Regulation, &
18 Application Committee

19 [Judith Pachter Schulder, Esquire, Board Counsel,
20 noted being hopeful that the Board would receive
21 updates from the stakeholders at the April meeting
22 regarding their legislative efforts affecting
23 nursing.]

* * *

25 Advanced Practice and RN/PN Practice, Education,

1 | & Regulation Committee

[Judith Pachter Schulder, Esquire, Board Counsel, addressed Act 116 of 2020 regarding carryover of continuing education, noting it to be an amendment to Act 48, which was codified in what is referred to as Act 53 regarding the Commissioner's powers and ability to write a regulation that permits carryover. She stated § 21.131(f) of the regulation prohibits carryover, noting the Board previously decided it did not desire carryover. She questioned whether the Board desired to amend § 21.131(f) and permit carryover, or if they still wish to keep the regulation as it is. The Board decided to retain § 21.131(f) as promulgated.]

15 | * * *

16 | Dietitian-Nutritionist Committee

[Kessey J. Kieselhorst, MPA, RD, LDN, CPHQ, noted
acting on one application.]

19 | * * *

20 IT & Communication Issues Committee
21 [Kristin Malady, BSN, RN, Chair, noted being unaware
22 of updated information on a new electronic agenda.]

23 | * * *

24 Report of Board Members Who Attended a Meeting on
25 Behalf of the Board

1 [Linda L. Kmetz, PhD, RN, addressed the discussion at
2 NCSBN Midyear Meeting regarding other states'
3 challenges during the pandemic, stating it was clear
4 that the Pearson Vue Testing Center closure in many
5 states had an impact on the ability for graduates to
6 test. She commented that initial licensure during the
7 pandemic was a real hardship for many.

8 Dr. Coughlin highly recommended everyone view the
9 presentations and applauded all for working and being
10 creative with extending dates and finding ways to keep
11 individuals employed.]

12 | * * *

13 Report of Executive Secretary

14 [Wendy Miller, MSN, RN, Executive Secretary, noted the
15 April 30, 2021 Registered Nurse renewal had opened and
16 was going smoothly. She reported 35% of Registered
17 Nurses, 38% of Certified Registered Nurse
18 Practitioners, and 41% of Clinical Nurse Specialists
19 had renewed.

20 Ms. Miller welcomed Dr. Sue Petula back to assist
21 the Board as a Nursing Education Advisor annuitant.

22 Ms. Miller announced reactivation applications,
23 except for COVID reactivations covered by the
24 Governor's waiver, were online in PALS. Paper
25 reactivation applications were no longer being

1 accepted. She noted the prescriptive authority
2 applications and change forms went online in PALS at
3 the end of September and were going well. She
4 addressed change forms, noting there was back data
5 from older prescriptive authority applications the
6 staff had to complete before changes could be
7 submitted. She mentioned a problem with the display
8 when printed, but those issues were being resolved.

9 Ms. Miller anticipated the paper applications
10 would soon be removed from the website and
11 transitioned to all online. She stated there would
12 soon be an announcement on the website prior to those
13 forms being removed from the website with simple
14 directions as well.

15 Ms. Miller also addressed the 2021 National
16 Council of State Boards of Nursing (NCSBN) Midyear
17 Meeting, noting the Next Generation NCLEX® is
18 anticipated for release for RNs in April 2023 but
19 slightly behind the Practical Nurses. She encouraged
20 signup on the NCSBN website to receive a Next
21 Generation NCLEX® Newsletter for up-to-date
22 information.

23 Ms. Miller addressed test site availability,
24 where temporary test centers were opened to relieve
25 the burden. She reported the number of first-time

1 test takers nationally had been consistent and
2 actually above last year. She encouraged students to
3 widen out the search territory of the test sites if
4 they are not getting a test time that is suitable and
5 check back on occasion.

6 Chair Malady also welcomed Dr. Petula back as an
7 annuitant and again encouraged Board members and
8 licensees to view NCSBN's website.]

9 ***

10 Report of Board Counsel

11 [Carole Clarke Smith, Esquire, Senior Board Counsel,
12 announced the Board of Nursing will now have five
13 Board Counsel with the addition of Mr. Todd Kriner.
14 She provided a summary of Board Counsel activity in
15 2020, including the issuance of 135 Adjudications and
16 Orders, 302 Final Orders, 215 Other Orders, 23
17 Automatic Suspensions, 4 Provisional Denials, and 26
18 Act 53 Preliminary Determinations. She also mentioned
19 a waiver committee was formed and staffed by many
20 attorneys in the Legal Office during COVID.

21 Chair Malady noted appreciation for Board
22 Counsel. She announced Ms. Castor will be leaving the
23 Board and thanked her for an amazing job. She wished
24 her good luck on behalf of the Board.

25 Ms. Castor stated it had been an honor and

1 | thanked everyone for the privilege of working for the
2 | Board.

3 Ms. Clarke Smith commended Ms. Castor for her
4 work over the years. She announced Nicole VanOrder
5 will be assisting until a new attorney for Board
6 Counsel is assigned. She stated Ms. Castor's cases
7 are being distributed among Ms. Pachter Schulder, Ms.
8 O'Malley, and Mr. Kriner.]

6 | * * *

10 [The Board recessed from 10:41 a.m. until 10:46 a.m.]

11 | * * *

[Pursuant to Section 708(a)(5) of the Sunshine Act,
the Board entered into Executive Session with Judith
Pachter Schulder, Esquire; Megan E. Castor, Esquire;
Carole Clarke Smith, Esquire; Ariel O'Malley, Esquire;
and Todd Kriner, Esquire, at 10:46 a.m. for the
purpose of conducting quasi-judicial deliberations on
matters listed under the Report of Board Counsel and
Report of Prosecutorial Division. The Board returned
to Open Session at 11:33 a.m.]

21 | * * *

22 MOTIONS:

23 MS. PACTER SCHULDER:

24 During Executive Session, the Board

25 engaged in quasi-judicial deliberations

1 on the matters listed under the Report
2 of Board Counsel as well as the Report
3 of Prosecutorial Division.

4 Is there a motion to adopt the VRP
5 Consent Agreements at items 2 through 4
6 and 6 through 20? Item No. 5 has been
7 withdrawn.

8 DR. COUGHLIN:

9 So moved.

10 MS. LUCHS:

11 Second.

12 CHAIR MALADY:

13 All those in favor? Opposed?

14 Abstentions?

15 [The motion carried unanimously.]

16 ***

17 MS. PACTER SCHULDER:

18 Is there a motion to adopt Consent
19 Agreements for item 21, Case No. 19-51-
20 001112, and item 33, Case No. 20-51-
21 010131, for which members Hertzler,
22 Kerns, and Luchs are recused?

23 DR. COUGHLIN:

24 So moved.

25 DR. KMETZ:

2 | CHAIR MALADY:

3 All those in favor? Opposed?

4 Abstentions?

5 [The motion carried. Members Hertzler, Kerns, and
6 Luchs recused themselves from deliberations and voting
7 on the motion. The Respondent's name in Case No. 19-
8 51-001112 is Natasha Falice, RN. The Respondent's
9 name in Case No. 20-51-010131 is Donna Berasley, RN.]

10 | * * *

11 MS. PACTER SCHULDER:

12 Is there a motion to adopt the Consent
13 Agreements for item 25, Case No. 19-51-
14 008328, and item 35, Case No. 18-51-
15 010424, for which member Luchs is
16 recused?

17 | DR. KMETZ:

18 So moved.

19 CHAIR MALADY:

20 Could I get a second?

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. The
3 Respondent's name in Case No. 19-51-008328 is Laura
4 Mae Singh, RN. The Respondent's name in Case No. 18-
5 51-010424 is Dara Phillips, RN.]

* * *

7 MS. PACTER SCHULDER:

8 Is there a motion to adopt the following
9 Consent Agreements for which members
10 Kerns and Luchs are recused, at Case
11 Nos. 19-51-006188 & 19-51-006192, Case
12 No. 19-51-009036, Case Nos. 19-51-014698
13 & 20-51-006884?

14 DR. COUGHLIN:

15 So moved.

16 DR. KMETZ:

17 Second.

18 CHAIR MALADY:

19 All those in favor? Opposed?

20 Abstentions?

21 [The motion carried. Members Kerns and Luchs recused
22 themselves from deliberations and voting on the
23 motion. The Respondent's name in Case Nos. 19-51-
24 006188 & 19-51-006192 is Ashley Ann Smith, LPN; Case
25 No. 19-51-009036, Angela Darlene Garris, RN; and Case

1 Nos. 19-51-014698 & 20-51-006884, Dion Depew
2 Zarkovich, RN.]

3 | * * *

4 MS. PACHTER SCHULDER:

5 Is there a motion to adopt the remaining

6 Consent Agreements for which there are

7 no recusals at Case No. 19-51-003316,

8 Case No. 19-51-011969, Case Nos. 20-51-

9 003713 & 18-51-002320, Case No. 21-51-

10 002751, Case No. 18-51-004760, Case No.

11 20-51-001187, Case No. 20-51-014708,

12 Case No. 19-51-017341, and Case No. 19-

13 51-018675?

14 DR. KMETZ:

15 So moved.

16 DR. COUGHLIN:

18 | CHAIR MALADY:

19 All those in favor? Opposed?

20 Abstentions?

21 [The motion carried unanimously. The Respondent's
22 name in Case No. 19-51-003316 is Diane Marie Murray,
23 RN, LPN; Case No. 19-51-011969, Tracy Vileikis,
24 Charyszyn, RN; Case Nos. 20-51-003713 & 18-51-002320,
25 Alison Cahill Simmons, LPN; Case No. 21-51-002751,

1 Constantine Angell Katos, RN; Case No. 18-51-004760,
2 Priya Michelle Cavanaugh, LPN, RN; Case No. 20-51-
3 001187, Julie Lynn Corbin, RN; Case No. 20-51-014708,
4 Lisa Ann Rigano, RN; Case No. 19-51-017341, Gina
5 Pettit Fritz, LPN; and Case No. 19-51-018675, Debra
6 Kay Blumenschein, LPN.]

7 | * * *

8 MS. PACTER SCHULDER:

9 Is there a motion to approve the Consent
10 Agreement for which members Hertzler and
11 Luchs are recused at Case No. 20-51-
12 008605?

13 DR. COUGHLIN:

14 So moved.

15 | CHAIR MALADY:

16 Could I get a second?

17 DR. KMETZ:

18 Second.

19 CHAIR MALADY:

20 All those in favor? Opposed?

21 Abstentions?

22 [The motion carried. Members Hertzler and Luchs
23 recused themselves from deliberations and voting on
24 the motion. The Respondent's name in Case No. 20-51-
25 008605 is Amanda Elizabeth Asbury, RN.]

1

2

MS. PACTER SCHULDER:

3

Is there a motion to issue a Memorandum
Order granting termination from the
Voluntary Recovery Program for Mary T.
Murman, Case No. 20-51-012103?

6

DR. COUGHLIN:

8

So moved.

9

DR. KMETZ:

10

Second.

11

CHAIR MALADY:

12

All those in favor? Opposed?

13

Abstentions?

14

[The motion carried unanimously.]

15

16

MS. PACTER SCHULDER:

17

Item 47 is Diona Vaughn, Case No. 20-51-
003638. Is there a Memorandum Order
granting in that case as well?

20

DR. COUGHLIN:

21

So moved.

22

MS. LUCHS:

23

Second.

24

CHAIR MALADY:

25

All those in favor? Opposed?

1 Abstentions?

2 [The motion carried unanimously.]

3 | * * *

4 MS. PACTER SCHULDER:

5 Is there a motion to deny the Petition
6 for Early Termination from VRP with
7 Consent Agreement No. 15268 and Consent
8 Agreement No. 20956?

9 MS. LUCHS:

10 So moved.

11 DR. KMETZ:

12 Second.

13 CHAIR MALADY:

14 All those in favor? Opposed?

15 Abstentions?

16 [The motion carried unanimously.]

17 | * * *

18 MS. PACTER SCHULDER:

19 Is there a motion to enter default, deem
20 facts admitted and authorize Counsel to
21 prepare Adjudications and Orders in the
22 matters of Robbey James Clayton, LPN,
23 Case No. 17-51-11262; Veronica Fickes,
24 LPN, Case No. 18-51-01150; Janice Marie
25 Mendenhall, RN, Case No. 20-51-001693;

6 MS. LUCHS:

7 So moved.

8 MS. HERTZLER:

9 | Second.

10 | CHAIR MALADY:

11 All those in favor? Opposed?

12 | Abstentions?

13 [The motion carried unanimously.]

14 | * * *

15 MS. PACTER SCHULDER:

16 Is there a motion to enter default, deem
17 facts admitted and authorize Counsel to
18 prepare an Adjudication and Order in the
19 matter of Tamujen Jennings, LPN, Case
20 No. 20-51-012928, for which members
21 Hertzler, Kerns, and Luchs are recused?

22 DR. KMETZ:

23 So moved.

24 DR. COUGHLIN:

25 Second.

1 CHAIR MALADY:

2 All those in favor? Opposed?

3 Abstentions?

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

7 * * *

8 MS. PACTER SCHULDER:

9 Is there a motion to adopt but correct
10 the Hearing Examiner's Proposal for Kim
11 Mulaski, LPN, Case No. 19-51-012512?

12 DR. KMETZ:

13 So moved.

14 MS. LUCHS:

15 Second.

16 CHAIR MALADY:

17 All those in favor? Opposed?

18 Abstentions?

19 [The motion carried unanimously.]

20 * * *

21 MS. PACTER SCHULDER:

22 Is there a motion to adopt the Hearing
23 Examiner's Proposals for Tracy Barber
24 Russell, LPN, Case No. 18-51-007178, and
25 Beth Anne Vataha Wible, RN, Case No. 19-

1 51-009408?

2 MS. HERTZLER:

3 So moved.

4 DR. COUGHLIN:

5 Second.

6 CHAIR MALADY:

7 All those in favor? Opposed?

8 Abstentions?

9 [The motion carried unanimously.]

10 | * * *

12 Is there

23 DR. KMETZ:

24 So moved.

25 DR. COUGHLIN:

2 | CHAIR MALADY:

3 All those in favor? Opposed?

4 Abstentions?

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

8 | * * *

9 MS. PACTER SCHULDER:

10 Is there a motion to adopt the Draft
11 Adjudication and Order for which members
12 Kerns and Luchs are recused for Patricia
13 Bonatesta, LPN, Case No. 18-51-011185?

14 DR. KMETZ:

15 So moved.

16 DR. COUGHLIN:

17 Second.

18 CHAIR MALADY:

19

20 | Abstentions?

21 | The motion carried. Memb

22 themselves from deliberations and voting on the
23 motion.]

24 ***

25 MS. PACHTER SCHULDER:

1 Is there a motion to adopt the following
2 Draft Adjudications and Orders for which
3 there are no recusals of William Thomas
4 Bickert, RN, Case No. 19-51-016300;
5 Sherri Lynne Burton, RN, Case No. 17-51-
6 09440; and Theresa Jane Toman, RN, Case
7 No. 19-51-017457?

8 DR. COUGHLIN:

9 So moved.

10 MS. HERTZLER:

11 Second.

12 CHAIR MALADY:

13 All those in favor? Opposed?

14 Abstentions?

15 [The motion carried unanimously.]

16 * * *

17 MS. PACTER SCHULDER:

18 Items 66 and 70, Kelly D'Adderio, RN,
19 Case No. 19-51-013930, and Teri L.
20 Swoyer, LPN, Case No. 19-51-002823, are
21 both withdrawn.

22 * * *

23 For the Board's Information

24 [Kristin Malady, BSN, RN, Chair, noted the NCSBN
25 Scientific Symposium, NCSBN APRN Roundtable, and NCSBN

1 Basic Board of Nursing Investigator Training upcoming
2 2021 meetings for the Board's review. She requested
3 those attending any of the virtual meetings contact
4 Cindy Miller or Wendy Miller.

5 Chair Malady informed Board members that
6 applications for positions with the NCSBN Board of
7 Directors and Leadership Succession Committee were due
8 by March 20, 2021.

9 Wendy Miller mentioned that Cindy Miller will
10 provide additional details regarding the NCSBN Basic
11 Board of Nursing Investigator Training and will be
12 forwarding that information to Prosecution.]

13 ***

14 Report of Board Counsel (Continued)

15 [Judith Pachter Schulder, Esquire, Board Counsel,
16 addressed federal regulations requiring the acceptance
17 of national accreditation. She questioned whether the
18 Board would be willing to suspend enforcement of all
19 sections of the Board's regulations that require
20 regional accreditation rather than national
21 accreditation for the controlling institutions or the
22 program itself and discussed § 21.51(a)(1) and §
23 21.365(a) under establishment of a nursing education
24 program.]

25 ***

1 MS. PACTER SCHULDER:

7 DR. KMETZ:

8 So moved.

9 MS. COUGHLIN:

10 Second.

11 | CHAIR MALADY:

12 All those in favor? Opposed?

13 | Abstentions?

14 [The motion carried unanimously.]

15 | * * *

16 | Adjournment

17 CHAIR MALADY:

18 Do I have a motion to adjourn the
19 meeting?

20 DR. COUGHLIN:

21 So moved.

22 | CHAIR MALADY:

23 Do I have a second?

24 MS. HERTZLER:

25 Second.

1 CHAIR MALADY:

2 All those in favor?

3 [The motion carried unanimously.]

4 ***

5 [There being no further business, the State Board of
6 Nursing meeting adjourned at 11:55 a.m.]

7 ***

8

9 CERTIFICATE

10

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

16

17


18
19

Evan Bingaman,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

26

STATE BOARD OF NURSING
REFERENCE INDEX

March 15, 2021

TIME	AGENDA
9:12	Official Call to Order
9:13	Roll Call
9:14	Introductions
9:23	Approval of Minutes
9:24	Report of Commissioner
9:28	Report of Prosecutorial Division
9:39	Regulation Update
9:41	Pennsylvania Legislative Update
9:42	Report of Board Chairperson
9:45	Appointment - Nurse Board FY 2020-2021 Budget Review
9:56	Appointment - PNAP Annual Report
10:20	Report of Committees
10:24	Report of Board Members Who Attended a Meeting on Behalf of the Board
10:28	Report of Executive Secretary
10:36	Report of Board Counsel
10:41	Recess
10:46	Return to Open Session
10:46	Executive Session
11:33	Return to Open Session
11:33	Motions

STATE BOARD OF NURSING
REFERENCE INDEX
(Continued)

March 15, 2021

11:47 For the Board's Information
11:49 Report of Board Counsel (Continued)
11:55 Adjournment