

DEPARTMENT OF HEALTH  
FLORIDA BOARD OF NURSING  
CREDENTIALS COMMITTEE MEETING

Hyatt Regency  
East Coast Line Drive  
Jacksonville, Florida 32202

Friday, October 11, 2007

**In Re: Excelsior College**

**BOARD OF NURSING MEMBERS PRESENT:**

ANDREA LEWIS, R.N., Chair, Credentials Committee  
VICKY STONE-GALE, A.R.N.P. Member, Chair, Board of  
Nursing  
DR. PATRICIA DITTMAN, R.N.  
DR. JESSIE COLIN, R.N., Vice Chair, Board of Nursing  
DR. CLAYDELL HORNE, R.N.  
LAVIGNE ANN KIRKPATRICK, R.N.  
MARY JANE HERRERA, L.P.N.  
RITA MUNOZ, L.P.N.  
MARIA KOLB, L.P.N.  
BARBARA KEMP, Consumer Member  
STEPHEN BOWEN, Consumer Member

**OFFICE OF THE ATTORNEY GENERAL:**

LEE ANN GUSTAFSON, ESQUIRE, Board Counsel

**STAFF PRESENT:**

RICK GARCIA, M.S., R.N., C.C.M., Executive Director  
ANTHONY JUSEVITCH, Program Operations Administrator  
DON OLMSTEAD, Operations Analyst II  
WILLIAM SPOONER, Regulatory Supervisor/Consultant

**PROSECUTION SERVICES:**

WILLIAM MILLER, ESQUIRE  
MEGAN BLANCHO, ESQUIRE  
SHENIKA HARRIS, ESQUIRE  
ANNIE POWELL, Staff

**EDUCATION UNIT:**

GRACE JOHNSON, M.A., M.S.N, R.N., Director  
KEATREDGE LIGHTFOOT  
VICKIE BOYD

**ALSO PRESENT:**

JOSEPH PORTER, ESQUIRE, for Excelsior College  
BRIDGET NETTLETON, Ph.D., R.N., Dean, Excelsior College

(Whereupon, the proceedings were called to order by the Chairman, after which the following occurred:)

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MS. LEWIS: Do you want to introduce yourselves since you weren't here previously? Okay. Beginning on my left then?

MR. BOWEN: Stephen Bowen, consumer member, Tallahassee, Florida.

MS. KIRKPATRICK: Lavigne Kirkpatrick, R.N., Naples.

MS. HERERRA: Mary Jane Herrera, L.P.N., member LaBelle.

MS. KEMP: Barbara Kemp, consumer member, Tallahassee.

MS. MUNOZ: Rita Munoz, L.P.N. member, Miami.

DR. DITTMAN: Patricia Dittman, R.N., Board member from Fort Lauderdale.

MS. LEWIS: I'm Andrea Lewis. I'm the Chair of the Credentials Committee. To my right?

MS. KOLB: Maria Kolb, L.P.N., Jacksonville.

MS. STONE-GALE: Vicky Stone-Gale, A.R.N.P., Fort Lauderdale.

DR. HORNE: Claydell Horne, R.N., member Live Oak.

DR. COLIN: Jessie Colin, R.N., member Fort Lauderdale and I'm Chair of the education

committee. 1

2 MS. GUSTAFSON: For just one moment before  
3 you actually start the discussion, I would like to  
4 make sure that -

5 DR. COLIN: I don't think your mic is on.

6 MS. GUSTAFSON: Oh. Okay. Before the actual  
7 discussion starts, I'd like to make sure that Ms.  
8 Bragg is set up so that we have perhaps the first  
9 time in a long time an exact record of what the  
10 committee and the combined committees are going to  
11 recommend to the Board.

12 MS. LEWIS: While she's setting up, the  
13 documentation begins on page 14,048.

14 (Whereupon, a short break was taken.)

15 MS. GUSTAFSON: I'd like to give the Board  
16 members an overview of this portion of the  
17 Credentials Committee's agenda, and I'm going to  
18 give a little history, what I know of it.

19 Somewhere around 1994, and I don't know when  
20 the school was developed, but there was an  
21 institution called Regents College. Regents  
22 College was an online college in New York, and one  
23 of the programs they offered was an R.N. bridge  
24 program, and they offered that bridge program to  
25 people with health care backgrounds. The Board of  
Nursing did not want to approve Regents College

1 because it was online and I wasn't here at the  
2 time the decision was made, but it was a fairly  
3 unique program at the time.

4 A settlement was entered into in a  
5 litigation case in which the Board of Nursing  
6 agreed at that time that it would allow people to  
7 apply for a license in Florida as an RN. under  
8 that bridge program if they had been previously  
9 educated as a practical nurse. Those were the  
10 only people that were allowed to sit for the tests  
11 in Florida. That went on for a long time. In  
12 around 2002, the Florida Statutes broadened the  
13 avenue by which someone could get an endorsement  
14 into Florida, which said that if you were licensed  
15 in another state and you worked there for two of  
16 the previous three years and didn't have any  
17 complaints, that's all you needed to show in order  
18 to be licensed in Florida.

19 Subsequent to that, when Dr. Coble was the  
20 executive director of the Board of Nursing, he met  
21 - and this is the information I have been  
22 provided; I don't have any proof of any of these  
23 facts and I'm certainly not insinuating that  
24 they're not true - met with representatives with  
25 what is now Excelsior University. It's a  
university?

MR. PORTER: College, Excelsior College.

2 MS. GUSTAFSON: Okay. And advised them that  
3 persons who graduated from the RN bridge program  
4 could get licensed in Florida regardless of their  
5 previous health care education. My understanding  
6 from the documents that have been provided by  
7 Excelsior College, that includes people who have  
8 backgrounds in respiratory therapy, people who  
9 have backgrounds in paramedic and EMT training, as  
10 well as people who have practical nurse  
11 backgrounds, and it is online. They have a two-  
12 day clinical skills examination. I will advise  
13 you that Grace Johnson told me at a meeting over  
14 at the Department of Health at the Board of  
15 Nursing office that you used to review those  
16 examinations for accreditation; is that correct?

17 MS. JOHNSON: No, I was the clinical examiner  
18 for one year.

19 A VOICE: It's not working.

20 MR. GARCIA: Ms. Johnson, if you could try  
21 that again, the mic should be on now.

22 MS. JOHNSON: I was clinical examiner -  
23 for one year.

24 MS. GUSTAFSON: Oh, Okay.

25 MS. JOHNSON: - I was clinical examiner for  
one year in Columbus, Ohio for the Mid-west

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MS. GUSTAFSON: Okay. But you have some familiarity with that examination process?

MS. JOHNSON: Okay.

MS. GUSTAFSON: When Mr. Garcia became executive director of the Board, the only information that we had in writing was that only LPN's who graduated from the Excelsior Bridge program could be licensed in Florida and sit for the NCLEX exam.

DR. COLIN: Say that one more time slow.

MS. KEMP: Yeah, please.

MS. GUSTAFSON: The only written information that we could find regarding Excelsior College was the old settlement agreement, which said that you could only sit for NCLEX in Florida for RN if you were an LPN background. Then you could come to Florida. You could do the Excelsior online RN bridge program and get permission to sit for the NCLEX in Florida.

So, the Board office started not approving people who didn't have a PN background. Then, of course, Mr. Porter, who's the attorney for the college contacted me and provided me some information that the representatives of Excelsior had met with Dr. Coble sometime in 2003. So, I

1 asked Mr. Garcia to look through all the minutes  
2 from all the meetings in 2003 to see if the Board  
3 had discussed the issue and advised Dr. Coble that  
4 he could approve those applications because as you  
5 all know, most of the applications that come into  
6 the Board of Nursing office you never see. They  
7 meet all the requirements, they don't have any  
8 criminal history, there's no problem; they get  
9 ratified by the Board as a list. You only see the  
10 applications with problems.

11 So, we couldn't find anything in the minutes  
12 that mentioned that. I talked to Mr. Tellechea  
13 who was the Board attorney at that time; he did  
14 not remember anything about it. I asked the Board  
15 members if anybody remembered anything about it at  
16 the last Board meeting, and nobody did.  
17 Unfortunately, Dr. Dittman was not here at that  
18 time, but she was on the Board back in 2003. I  
19 was speaking to her and she said there was a  
20 discussion about this issue.

21 The problem and the reason that Mr. Porter  
22 and Ms. Nettleton -

23 MR. PORTER: Dr. Nettleton.

24 MS. GUSTAFSON: - Dr. Nettleton are here is  
25 that based on Dr. Coble's information supplied to  
Excelsior, numerous Florida health care educated

1 people have enrolled in the RN bridge program at  
2 Excelsior, and they were being told, we're sorry,  
3 they're not going to be able to sit for the NCLEX  
4 in Florida because the Board has never approved  
5 this, and I can't find any proof that the Board  
6 changed its position, which the Board is free to  
7 do.

8 Dr. Dittman remembers the discussion about  
9 that and you can either at this point have Mr.  
10 Porter make a presentation or have Dr. Dittman  
11 explain what she recalls about the discussions  
12 with the previous Board.

13 DR. DITTMAN: Good morning. You're lucky I'm  
14 old and I've been here a while. We did have a  
15 discussion. Unfortunately, it was 2003 and I know  
16 I remember pretty good, but it's a lot, it's a big  
17 stretch to remember any of the individual issues.

18 I don't even know what the vote was. Obviously,  
19 it had to be - you know, I can't give you those  
20 kinds of specifics, but I was surprised that we  
21 didn't have a recording of it because I remember  
22 it being an extensive conversation because the  
23 culture of the Board at that time was, we didn't  
24 take this very lightly, and it opened up a lot of  
25 people to be open to taking the NCLEX that  
wouldn't have been prior, but I believe in the end

1 result that we did approve that, but I don't have  
2 a percentage and I don't know what it was.  
3 Unfortunately, that's all I can tell you.

4 MS. GUSTAFSON: You recollected it was  
5 approved to allow people who did not have PN's to  
6 sit for the NCLEX in Florida after they went  
7 through the RN bridge program?

8 DR. DITTMAN: After they went through the  
9 RN's program successfully.

10 MS. GUSTAFSON: So, now it might be  
11 appropriate to hear from Mr. Porter and -

12 MR. Garcia: Mr. Jusevitch has some  
13 information that I think we need to put on the  
14 record.

15 MR. JUSEVITCH: I'm sorry. My recollection  
16 was that the only way you could get licensed in  
17 Florida if you were not an LPN and you went  
18 through the Excelsior program is that you would  
19 have to take the NCLEX in another state and then  
20 endorse into Florida because that is very clear in  
21 the settlement. The settlement is very clear  
22 about applicants who are not LPN's being allowed  
23 to take the NCLEX in the state of Florida.

24 DR. DITTMAN: Settlement. What are you  
25 referring to?

MS. GUSTAFSON: That is the settlement

agreement from the 1994 litigation.

2 MS. LEWIS: I have a question, too, for Dr.  
3 Dittman when you finish.

4 MR. JUSEVITCH: That is how I remember it and  
5 that is how I handled the business when I was in  
6 the position with the Board to handle that.

7 DR. DITTMAN: And we have had people, correct  
8 me if I'm wrong, say, go to Georgia, you know, and  
9 get their license there and then endorse into  
10 Florida. Historically, we've had that, correct?

11 MR. JUSEVITCH: Yes.

12 DR. DITTMAN: And we've approved that.

13 MS. LEWIS: And my question for Dr. Dittman,  
14 just to clarify, your recollection was PN's? Was  
15 that what you -

16 DR. DITTMAN: No, anyone.

17 MS. LEWIS: Anyone. It was anyone, not just  
18 the PN's. Okay. I just wanted to make sure I was  
19 clear.

20 DR. DITTMAN: But Toby is correct on that  
21 about the endorsement from another state.

22 MS. LEWIS: Okay. So, now we will -

23 COURT REPORTER: Shall I swear them in?

24 MS. LEWIS: Yes, that would be great.

25 MS. GUSTAFSON: Well, you don't have to swear  
Mr. Porter in; he's an attorney.

WHEREUPON,

1

BRIDGET NETTLETON,

2  
3 a witness herein, after having been first duly sworn to  
4 tell the truth, the whole truth, was examined and  
5 testified as follows, to-wit:

6 MS. GUSTAFSON: Unless, Mr. Porter, you're  
7 going to testify as to facts.

8 MR. PORTER: I guess I'd first like to say  
9 thank you very, very much for the opportunity to  
10 meet with you this morning. We know that you have  
11 a very full schedule of important business and we  
12 really do appreciate the opportunity to have some  
13 dialogue with you about this issue.

14 My name is Joseph Porter. I'm the vice-  
15 president for legal affairs and general counsel  
16 for Excelsior College. To my right, I guess the  
17 left from where you're looking, is Dr. Bridget  
18 Nettleton. She is the dean of Excelsior College's  
19 School of Nursing. I think that your counsel did  
20 a very fine job of explaining what happened  
21 historically in this situation. What we're hoping  
22 to do in our discussion with you today is to sort  
23 of build upon the information which I conveyed to  
24 you in my letter from August 24<sup>th</sup> about the  
25 situation that we're currently in. We had, of  
course, understood what the terms of the

settlement were, from the mid-1990's and have been  
observing that.

In the early 2000's, we became aware that  
some of our students who were not LPN's had indeed  
become licensed in the state of Florida, and our  
dean of nursing, Dr. Nettleton, contacted Dr.  
Coble who was executive director of the Board at  
that time, asked to sit down and meet with him to  
discuss this. They indeed did that. As a result  
of that discussion, Dr. Coble indicated to Dr.  
Nettleton that there was a severe nursing shortage  
in the state of Florida and that based upon that  
and his comfort level with the program at  
Excelsior College - it was Regents College at that  
time. Just on the name change, we've been Regents  
College since 1971. In 1998, the program had  
grown so large that the Board of Regents decided  
that it would be more appropriate for the college  
to be independently chartered, and so it split off  
from the state of New York, became an  
independently chartered institution, and as part  
of the transition to being an independent and  
private institution, it had to change the name  
from Regents College to Excelsior College, and so  
that's what happened there.

But, the upshot of the deal is as a result

of Dr. Nettleton's conversations with Dr. Coble,  
he indicated that because of the nursing shortage  
and his comfort level with the program that he  
would be willing to find that graduates of  
Excelsior College's associate degree in nursing  
program would be academically and otherwise  
qualified for licensure as RN's in the state of  
Florida. Whether they were an LPN going into that  
program or whether they were not an LPN coming  
into that program, I think that you're correct  
about your recollection about the way that that  
occurred for the folks who weren't LPN's. For the  
folks who weren't LPN's, they would have had to  
taken an passed the NCLEX, been licensed in  
another state and then they would endorse into  
Florida based upon that, but they would not have  
been required to serve out this two year  
experience requirement in the other state. That  
was the state of affairs from 2003, at least,  
until the summer of this year when Dr. Coble  
retired or left the Board and Mr. Garcia came on  
board. Mr. Garcia contacted the college and  
articulated to us that this licensing practice,  
from everything that he could see was not  
consistent with the settlement from the mid-1990's  
and didn't believe that he had the ability to move

these people forward.

2           We have been communicating back and forth  
3 since that time in an effort to try to help the  
4 Board understand the situation that we're kind of  
5 in now. The vast majority of people in Florida  
6 who are in our associate degree in nursing program  
7 are indeed LPN's. It's only a very small minority  
8 of them that are not LPN's, and the reason that  
9 the college admitted them to the program was based  
10 upon the conversation that Dr. Nettleton had with  
11 Dr. Coble and our understanding that those folks  
12 would be eligible for licensure.

13           We, of course, also tell all of our students  
14 that you need to understand that Excelsior College  
15 is not the licensing authority; it's you the Board  
16 of Nursing that makes those determinations and  
17 that it's your prerogative to make decisions and  
18 the legislature also to make changes in the  
19 licensing standards and that they need to be aware  
20 that that can happen. But at the point that we  
21 admitted them to the college, it was under the  
22 understanding that we had with Dr. Coble that they  
23 would be eligible for licensure. Indeed, we also  
24 said to those students that it would make sense  
25 for you to also contact the Board of Nursing, try  
to get information that you're reassured that

you'll be eligible for licensure, at least as things stand at this moment in time.

A number of our students have told us that they indeed did that, that they contacted the Board and were basically given information that they would be eligible for licensure. So, as things currently stand right now, as you can see from the information at the end of my letter, we've tried to provide you with a pie chart with some information about the current group of students, there are about a 194 students who are currently enrolled in our program who are not LPN's who are at various stages of completing a program. Some of them are at a very early stage and have barely done any work at all. Some of them have contacted us and have been concerned and asked if they could withdraw and get their money back, and we've said yes. We let them withdraw and we've given them their money back because we want to deal with them responsibly.

Others are at a very advanced state. They're 90 percent of the way completed through the program, and so they are particularly concerned that they've invested a considerable amount of time and effort in getting to the place where they're about to complete their program and

want to seek licensure in the state of Florida.

2 Many of those students are also being happily  
3 supported by their employers here in the state of  
4 Florida, who are health care people, hospitals.  
5 They're working as health care professionals in  
6 these hospitals and they're saying as an employer  
7 I stood behind this person and supported them, as  
8 they went forward through their studies. And now,  
9 of course, they're very chagrined at the  
10 possibility that they might not be able to get  
11 licensed.

12 So, we're kind of in this place where we  
13 have these 194 students, and I can tell you and  
14 Dr. Nettleton would tell you, too, we have a 35  
15 year history of success. We feel very proud of  
16 the work that the college does and very  
17 comfortable with the competencies that the people  
18 have. Our graduates have historically passed the  
19 national exam at the same rate or several  
20 percentage points above the national average and  
21 have been successfully placed in hospitals and  
22 health care facilities in every one of the fifty  
23 states of the United States and in a variety of  
24 other settings outside of the United States.

25 We feel a profound sense of responsibility  
for these 194 students and we're very concerned

1 about the situation that they're in and the burden  
2 that it would place on them to not be able to get  
3 licensed at this time; and certainly to be  
4 required to actually practice for two additional  
5 years in another jurisdiction for many of them, as  
6 they told us, would present a great hardship on a  
7 personal and human level.

8 I guess I would just also emphasize that the  
9 college has not gone out of its way to advertise  
10 to bring students in who weren't LPN's. These  
11 were people who came to us in the normal course of  
12 events, and then we would look very carefully to  
13 see if they had other relevant health care  
14 experiences that we thought would position them to  
15 be ultimately successful in the program. If we  
16 didn't feel that that were the case, we wouldn't  
17 have admitted them to the program in the first  
18 place.

19 So, now they're in and we are here to ask  
20 you to please consider the situation that these  
21 students are in. We are asking you for basically  
22 some consideration as to whether you can find a  
23 way for that group of students to give them some  
24 reasonable period of time to complete their  
25 program and get licensed in the state of Florida  
without having to do that additional two years on

1 the endorsement fees. I guess beyond that we're  
2 asking that you would take a very careful look at  
3 each one of these individuals as they apply to you  
4 for a license. I mean, they're folks who live in  
5 Florida, they're working here in Florida, and they  
6 want to work as nurses here in Florida. They're  
7 going to be coming to you with applications for  
8 licensure.

9           You know, we've looked at them carefully;  
10 we've talked to a lot of these students. A lot of  
11 them have very substantial health care experience  
12 and I think you would find that they would be  
13 folks that you would be proud to license as  
14 nurses. So, that's what our request is to you.  
15 We respect your responsibility, your important  
16 responsibility, to make sure that the folks who  
17 get licensed in the state are safe to practice.  
18 We have already committed to Mr. Garcia that based  
19 upon the information that we have now that we will  
20 not admit folks to our program who are not LPN's  
21 going forward because we respect your authority in  
22 that area now that we understand that this is the  
23 situation.

24           So, if there are questions that I can answer  
25 or that Dr. Nettleton can answer, we would be very  
happy to do that.

MS. LEWIS: Okay. Thank you, Mr. Porter.

2 Before we hear from Dr. Nettleton, Board counsel  
3 has a question.

4 MS. GUSTAFSON: I just wanted to find out,  
5 the people that were omitted that weren't PN's,  
6 were they advised that they would have to go to  
7 Georgia and take the exam, get licensed and then  
8 endorse in?

9 MR. PORTER: It's my understanding that they  
10 were advised that the route to licensure for them  
11 would be by endorsement in another jurisdiction  
12 and passing the NCLEX, getting license in the  
13 other jurisdiction, and then they would be able to  
14 come here by endorsement, yes.

15 MS. LEWIS: Dr. Nettleton?

16 DR. NETTLETON: I would be happy to respond  
17 to any questions. I would just reiterate that I  
18 appreciate Dr. Ditmeyer - I'm not sure I'm saying  
19 your name -

20 DR. DITTMAN: DITTMAN.

21 DR. NETTLETON: Okay. Thank you for your  
22 recall because as you're reflecting the situation  
23 that was my understanding after meeting with Dr.  
24 Coble that are non-LPN's once they completed our  
25 registered nurse program could be considered for  
licensure in Florida after a process for

endorsement that they sought licensure, passed the  
2 NCLEX, got licensed in another state and then you  
3 would consider them for endorsement. But I would  
4 be happy to respond to any questions.

5 The only other comment I would make would be  
6 we're not really truly an online program. We're  
7 an assessment-based program, so students must  
8 complete a series of examinations to earn credit.

9 They're very rigorous theory examinations, and  
10 then the clinical exam is a two-and-a-half day  
11 very rigorous clinical examination that focuses on  
12 beginning RN practice competencies.

13 MS. LEWIS: Thank you. Are there questions  
14 or comments from committee members?

15 MS. KEMP: I have a question.

16 MS. LEWIS: Ms. Kemp?

17 MS. KEMP: This may be a stupid question to  
18 most of you sitting here, but I am a member of the  
19 Credentials Committee, so I'm going to have to  
20 vote on this. The LPN training and the way that -  
21 I've read all this. I really regret these 194  
22 people are Floridians in this situation, I can  
23 tell you that. But the respiratory therapy, I  
24 understand some of them are respiratory  
25 therapists, physical therapists, EMT's, maybe not  
physical therapy but EMT's, and I need some of the

1 people like Dr. Dittman, Dr. Horne, you all are  
2 involved in education and you need to enlighten a  
3 consumer, tell me, is that education of those  
4 other professions substantially equivalent to the  
5 LPN?

6 DR. DITTMAN: No.

7 DR. NETTLETON: Would I be able to respond to  
8 that?

9 MS. KEMP: I need someone, maybe Rick can do  
10 it, Mr. Garcia, but I need someone who's involved  
11 in the training and education of the individuals.

12 Does it meet the equivalent so that I can feel  
13 comfortable saying, okay, or am I - I take this  
14 job too seriously sometimes probably, but I just  
15 need to know that those - I mean, I worked in the  
16 Department. You all know that. I helped with  
17 licensing of respiratory therapists and their  
18 training was totally different than an LPN's, I  
19 thought.

20 MR. GARCIA: I appreciate the vote of  
21 confidence, but I would really prefer to defer to  
22 an educator actively engaged, either Dr. Horne or  
23 Dr. Colin or Dr. Dittman, I think, would be most  
24 appropriate.

25 MS. KEMP: Well, Dr. Colin, too. I know all  
three of you and if you all could help me,

enlighten me on this, I would feel a little bit  
more comfortable.

DR. NETTLETON: And I would really like the  
opportunity to comment when you're finished.

MS. LEWIS: Right. Dr. Horne, Dr. Colin, Dr.  
Dittman?

DR. HORNE: I would say that the education is  
not comparable to the LPN program. However, I  
would say that there are components of some of  
those programs that are different but could  
translate and make it easier for some of these  
people, like a respiratory therapist, somebody who  
had been in the military, in the health field,  
that they could learn some of the material and  
translate easier than somebody just off the  
street. But is it comparable? No.

DR. DITTMAN: I would like to have go along  
with what Dr. Horne said. The biggest difference  
is scope of practice. That's the number one thing  
that will be different. I mean, anatomy is  
anatomy is anatomy, but when you have a  
respiratory therapist, for instance, their focus  
is cardiorespiratory for the most part, and they  
don't have that whole holistic approach to the  
patient.

MS. LEWIS: Jessie?

DR. COLIN: And I would agree with Dr. Dittman and Dr. Horne. It is not comparable, but again, you can translate much easier, you can transfer the knowledge from one area to the next, but with respiratory, you know, you're limited to what your curriculum is and our scope of practice is very different from the RN to the LPN, very different than another health care professional. It's not the same scope of practice.

MS. KEMP: Now, I'll ask the same three of you another question then. If they enter into this program, into the RN program as a respiratory therapist or another health care provider that goes in there, during that RN training are they going to get the things they need clinically and educationally to practice as a nurse and the scope of practice of the nurse because it is very different.

DR. COLIN: But they don't have clinical experience, you know. I mean, the LPN's do have that clinical component.

MS. KEMP: But if you're going into that RN program, are they going to get any of that?

DR. NETTLETON: If I could respond to that, in response to your concern, this health care background is criteria for acceptance as admission

1 to the program.1 They then have a whole program of  
2 study that they must complete that does encompass  
3 the RN competencies, the RN scope of practice, and  
4 the rigorous clinical exam at the end verifies  
5 that beginning RN level of clinical competency.  
6 So, students learn in a variety of ways, but they  
7 have to be able to pass the examinations, both the  
8 theory and the clinical. So, it's not a matter of  
9 comparability between PN education and respiratory  
10 therapy education. It's as a beginning step to  
11 get enrolled in the program, to be admitted to the  
12 program, you have to have that background and then  
13 we build on that.

14 MS. KEMP: I understand that.

15 DR. COLIN: But evidently we recognize that  
16 there was some kind of a deficiency because that's  
17 why they had to enter from another state and  
18 having worked for the two years, which then helps  
19 to build and provide them with the necessary  
20 clinical expertise that you're looking for before  
21 they would come to Florida.

22 MS. GUSTAFSON: The arrangement that was made  
23 with the school and Dr. Coble was that they would  
24 not have to work for two years. They just had to  
25 be endorsed in.

DR. COLIN: No, I understand that. I know.

1 MR. PORTER: And if I could just build one  
2 little tiny piece of additional information, and I  
3 may have said it before, so forgive me. But we  
4 have nurses who've been qualified for licensure in  
5 all fifty states of the United States, so not only  
6 New York state but all the other states. That was  
7 an agreement that we were able to reach because  
8 our students were able to become licensed in these  
9 other states and come to Florida and get endorsed  
10 in. So, virtually New York state which has I  
11 think a rigorous process analogous to yours makes  
12 the determination that when these people complete  
13 the program, they are qualified for licensure and  
14 they are licensed immediately, and so if that  
15 helps you.

16 MS. LEWIS: As the Chair, I have a concern.  
17 I was not on the Board at the time in 2003, but I  
18 have a concern regarding the clinical component of  
19 the training from the non-LPN backgrounds. I just  
20 feel that they may or may not get that in the  
21 program if they do not have anything to build upon  
22 because they were non-LPN background going into  
23 it. But I may be - that's just my opinion. I  
24 have concerns because a respiratory therapist is  
25 not going to look at that patient holistically the  
same way that you receive your training in a

nursing program, in a traditional nursing program,  
whether it be online two year or four year.

MR. PORTER: I obviously respect that  
opinion. I guess I would point out since we've  
talked about respiratory therapists for quite a  
while that in the group of 194 students about 40  
percent of them are paramedics. About 19 percent  
of them are military corpsman. About 10 percent  
of them are foreign-educated physicians. About 11  
percent are people who have completed 50 percent  
of a traditional AD program, so there's a variety  
of different kinds of backgrounds and, as Dr.  
Nettleton has already said, the clinical  
competency is something that is addressed in  
Excelsior's program, as well, and has been found  
satisfactory by virtually all the other states of  
the United States, as well, just as background; I  
respect what you're saying.

DR. COLIN: I have to tell you based on my  
experience with my - and I was going to say, I  
wasn't going to muddy the waters and talk about  
physicians, foreign physicians who have come into  
nursing. My own experience as an educator has not  
been very good with physicians who have come into  
the profession because, unfortunately, because  
they think they're physicians and they are very

1 physiologically oriented, they don't look at the  
2 patient. Nurses, we look at patients. We take  
3 care of the total person, the family, the  
4 environment, and they don't have that piece. So,  
5 I'm glad you brought it up so I don't have to  
6 muddy the water, but I can address it.

7 So, some of these other professions are in  
8 the field, but their scope of practice is very,  
9 very different from nursing.

10 DR. NETTLETON: If I could just, you know, we  
11 certainly going forward will respect the Board's  
12 decision to be desirous of LPN only as going  
13 through the Excelsior program. It's really just  
14 this small group of students of 194 that we feel  
15 entered the program in good faith, and we want to  
16 do whatever we can to help them complete the  
17 program and be eligible for licensure through the  
18 endorsement, as we were under the impression we  
19 would be allowed to do so.

20 MR. PORTER: I guess the other piece of it  
21 would be to state what may be obvious already is  
22 the total cohort is 194 people. At this moment in  
23 time, we don't know what number of them may or may  
24 not necessarily apply for licensure here  
25 ultimately. So, it could be 194, it might be 100,  
it might be 94. Don't necessarily know. It could

1 be 10. So, I'm not sure. So, I guess I'm just  
2 trying to give you the sense that 194 is the  
3 biggest the group could possibly be. There's a  
4 great likelihood that the group will be somewhat  
5 smaller than that and it would happen over the  
6 course of time, depending on where people are in  
7 the state of their current studies.

8 MS. LEWIS: Mr. Garcia?

9 MR. GARCIA: Thank you, Ms. Lewis.

10 Dr. Nettleton, a question for you. If you  
11 could just clarify so that we have an  
12 understanding because Mr. Porter made a statement,  
13 but I'd like to hear it from you. Excelsior  
14 College's approval in the state of New York comes  
15 from?

16 DR. NETTLETON: The New York State Education  
17 Department and the Office of the Professions.

18 MR. GARCIA: So, it's the Board of Regents?  
19 The state -

20 MR. PORTER: The institution is chartered by  
21 the Board of Regents and -

22 MR. GARCIA: Mr. Porter, I appreciate it, but  
23 I would like to - you're an officer of the court,  
24 so I would like to get it in the form of testimony  
25 from Dr. Nettleton, please.

DR. NETTLETON: The Board of Regents is the

1 over-arching governing body for all educational  
2 institutions in the state of New York, so we come  
3 under the umbrella of the Board of Regents, but we  
4 are approved as an approved nursing education  
5 program by the New York State Education Department  
6 and the Office of the Professions.

7 MR. GARCIA: Ms. Lewis, if I may, one follow-  
8 up. So, the New York State Board of Nursing does  
9 not regulate the program?

10 DR. NETTLETON: Correct. It's the New York  
11 State Department of Education.

12 MS. LEWIS: And as a new program, it would  
13 not be reviewed by the Board of Nursing, either?

14 DR. NETTLETON: No. There are  
15 representatives in the Office of Profession in the  
16 State Education Department that do the review of  
17 the program and we are in constant communication  
18 with them in regards to any program or curricular  
19 changes. They do site visits and in concert with  
20 the National League for Nursing Accrediting  
21 Commission because we have that accreditation, as  
22 well.

23 MR. PORTER: If I could just add one brief  
24 point to all of that, which is accurate, I was the  
25 deputy counsel of the New York State Education  
Department for over a decade, and I represented

1 the Office of the Professions. I was their  
2 counsel, so I can say that the Board of Nursing in  
3 New York and the boards for the other forty-seven  
4 professions are part of the education department,  
5 and they are part of the administrative structure.

6 The education department is the sort of the  
7 administrative arm of the Board of Regents, so  
8 they are all sort of interlinked as a unified  
9 body. But, you're correct that the Board of  
10 Nursing isn't an independent body. It is a  
11 dependent body that is a part of the education  
12 department, which does approve the program.

13 MR. GARCIA: I just want to provide clarity  
14 for the committee members because your statement  
15 was that it was approved, and I just wanted  
16 clarity to understand that it's not approved by  
17 the New York State Board of Nursing, but the Board  
18 of Regents. There is a difference there. The  
19 comparability statement that you made towards our  
20 approval is inaccurate.

21 MR. PORTER: I'm not sure that it's  
22 inaccurate to the extent that based upon the legal  
23 structure of licensure and approval and chartering  
24 of programs, that is the structure in New York  
25 state. So, I would have to disagree that -- it's  
accurate.

1 MS. LEWIS: Do other committee members or  
2 Board members have any comments they want to make  
3 at this time? Questions? Dr. Horne.

4 DR. HORNE: If a student was in their first  
5 semester of your program and progressed  
6 reasonably, when would they finish?

7 DR. NETTLETON: I believe you're asking about  
8 the average time of completion because it's pretty  
9 self-paced, and I would say approximately two  
10 years to two to three years because most of them  
11 are working adults managing family and work  
12 responsibility, so I would say on average our  
13 associate degree students finish in two to three  
14 years.

15 MS. LEWIS: Ms. Kemp, did you have another  
16 question? Comment?

17 MS. KEMP: I'm thinking about these 194  
18 people that entered into a program and were told -  
19 given some very incorrect information because the  
20 Board didn't give them that information that -

21 MS. GUSTAFSON: Well, I don't think they were  
22 given incorrect information. I think they were  
23 given correct information based on the available  
24 evidence at the time. Unfortunately, this Board  
25 doesn't agree with that policy.

MS. LEWIS: And as I recall from reviewing

1 the Excelsior materials, there is also information  
2 in there about making sure that they pursued  
3 finding out any details with the respective board  
4 of the state that they were considering to license  
5 in or practice in.

6 DR. DITTMAN: It was personal ownership of.

7 MS. LEWIS: Right, and they had a  
8 responsibility to check it out individually and  
9 they did.

10 DR. DITTMAN: As any good consumer of  
11 anything should do, you know.

12 DR. NETTLETON: Students report to us that  
13 they were at that time told that they could seek  
14 licensure through endorsement.

15 MS. STONE-DALE: Madam Chair?

16 MS. LEWIS: I'm sorry. Ms. Stone-gale.

17 MS. STONE-GALE: I have a question for Board  
18 staff. So, in the past we have went ahead and  
19 granted licensure to these graduates of this AND  
20 program that had LPN status or that did not have  
21 LPN status?

22 MR. JUSEVITCH: Applicants that had LPN  
23 status and completed the Excelsior program would  
24 have been eligible for licensure in the state of  
25 Florida by exam. That has always been very clear.

MS. STONE-GALE: And we have licensed them in

the past? 1

2 MR. JUSEVITCH: Yes. There have been  
3 applicants who have been licensed in the State of  
4 Florida that were not LPN's that finished this  
5 program that have licenses in other states by  
6 taking the NCLEX.

7 MS. STONE-GALE: Okay. So, they weren't  
8 endorsed. They actually took -

9 MR. JUSEVITCH: No, they were endorsed from  
10 other states based on the fact that they had taken  
11 the NCLEX and passed.

12 MS. STONE-GALE: All right.

13 MS. LEWIS: Dr. Horn?

14 DR. HORNE: To further clarify this, they  
15 were endorsed into Florida but they did not have  
16 to wait the three years with the two years of  
17 practice?

18 MR. JUSEVITCH: That's correct.

19 MS. KEMP: So, I'm asking you what's wrong  
20 with that?

21 MR. JUSEVITCH: I believe that question would  
22 be for Ms. Gustafson. There has been a - the  
23 interpretation of the law is a little different.

24 MS. GUSTAFSON: Actually, I have a number of  
25 legal-type comments to make at this point.

MS. KEMP: Good.

MS. GUSTAFSON: Every board, every time you  
2 have a new group of people, the Board interprets  
3 the statutes and the rules. That changes over  
4 time sometimes. It can change over time. It  
5 appears that at some point because Dr. Coble and  
6 the Board decided that people who weren't LPN's,  
7 RN's from Excelsior who weren't first PN's could  
8 endorse into Florida. I have no understanding of  
9 how that fits anywhere in your statutory scheme.  
10 It is not a person who meets the educational - who  
11 has established that they have a substantially  
12 similar education to an approved program in  
13 Florida because it doesn't have the clinical hours  
14 in the traditional sense. I'm not criticizing  
15 your program.

16 DR. NETTLETON: Thank you.

17 MS. GUSTAFSON: It's not someone who is if  
18 they're licensed in another state and the  
19 licensure requirements of the state in which they  
20 are licensed meet the requirements of Florida at  
21 the time they were licensed, that issue has not  
22 been addressed, and that's on an individual level,  
23 also. Or, they can be licensed in another state  
24 and of the last three years before that practice  
25 for two years without complaint. Those are  
endorsement applications. I'm not sure where this

1 scheme fits into your statute, but I also have to  
2 tell you that when you consider an application,  
3 you are supposed to apply the law, meaning the  
4 statutes and the rules and your interpretation of  
5 them in effect at the time the application is  
6 considered.

7           With regard to these 194 people, there is an  
8 avenue that I believe is possible for them that  
9 would have nothing to do with some kind of tricky  
10 endorsement. It would have to do with they could  
11 sit for the NCLEX of Florida. The educational  
12 requirements in Florida are established by the  
13 Board by rule. The Board may waive a rule if  
14 there is a showing of substantial hardship and the  
15 purpose of the statute is met by granting the  
16 waiver of variance. What appears to be the  
17 problem here is that the graduates of Excelsior's  
18 RN program, their bridge program, don't have the  
19 clinical hours that you look for in all these  
20 applications. The Board might consider on an  
21 individual basis, and it's going to have to be a  
22 decision that's made at the time the people apply,  
23 unless you want to go forward with the - if you  
24 want to keep going with the policy that was  
25 already expressed in 2003, to advise those  
graduates to apply for examination in Florida and

1 file a petition, for variance from the educational  
2 rules concerning the clinical hours. That would  
3 be a method of at least applying for and meeting  
4 the requirements of the statute in the way they're  
5 actually written and the Board could grant those  
6 variances in these circumstances.

7 I would never, ever normally advise the  
8 Board to waive any educational requirement. This  
9 is kind of an extraordinary circumstance that  
10 comes out of lack of historical knowledge of what  
11 had happened three or four years ago. So, unless  
12 you want to vote to continue with the policy  
13 instituted by Dr. Coble, and it sounds like you  
14 don't, I think that you need to make a  
15 recommendation to the Board that that policy  
16 instituted by Dr. Coble be officially reversed  
17 because this Board so far hasn't voted to reverse  
18 that policy, and if you decide to reverse the  
19 policy, then when these people graduate and come  
20 to Florida and apply for licensure, they can file  
21 their request for variance of the rule by  
22 demonstrating that they have shown clinical skills  
23 appropriate, and that would be the test.

24 If I had to go to a DOAH hearing, it would  
25 have to be on a substantially similar, whether  
that program provides people with the same

1 clinical skills, So, depending on what you want  
2 to do with Dr. Coble, I will call it Dr. Coble's  
3 policy just to keep it clear which one we're  
4 talking about. Unless you want to keep that  
5 going, that would be my recommendation to the  
6 Board.

7 Now, you don't have to agree with it or  
8 grant any of those waivers or variances,  
9 variances, but that would be my recommendation.

10 MS. LEWIS: Dr. Dittman?

11 DR. DITTMAN: I have a question of process,  
12 just so that when I'm voting I know that what I'm  
13 voting for. The issue would be then as say in May  
14 I finish this Excelsior program and now I want to  
15 work in Florida, I'm going to apply - I'm going to  
16 do an application and a waiver, right? A waiver  
17 saying that this extraordinary education issue  
18 happened; who is approving that? Do they all come  
19 back to the Board?

20 MS. GUSTAFSON: Yes.

21 DR. DITTMAN: And that would come to what  
22 committee?

23 MS. GUSTAFSON: Credentials. Well, actually,  
24 no. Petition for Waiver or Variance would go to  
25 the full board.

MS. LEWIS: Dr. Horne?

2 DR. HORNE: Not being on the Credentials  
3 Committee, I won't make a motion, but I would  
4 support what our counsel has suggested we can do.

5 I would also, though, want to put a time limit on  
6 this and I would think that probably January 1,  
7 2010, would probably be a reasonable time element.

8 MS. GUSTAFSON: Time limit for what?

9 DR. HORNE: For these - these -

10 MS. KEMP: The 194.

11 MS. GUSTAFSON: Oh, I would think that part  
12 of the request for a variance from the rule would  
13 include that they were enrolled in the RN bridge  
14 program as of today.

15 DR. COLIN: Right. Instead of this being on  
16 the other end, it would be in -

17 SEVERAL VOICES: (Over-speaking.)

18 DR. HORNE: But I was thinking we don't want  
19 to draw this out forever and ever and ever. We  
20 want to get kind of done with it. So, students  
21 who are serious in the program and who move on  
22 through the program then, you know, we certainly  
23 would consider taking an exception for whichever  
24 way it would be easier to deal with.

25 MS. LEWIS: I have a question for -

DR. COLIN: I agree with Dr. Horn; we just  
want it to drag out because there are some people

1 who - I mean, life does happen and they may extend  
2 it, and you know, we're looking to put a structure  
3 on both ends.

4 MS. GUSTAFSON: And I understand what you're  
5 trying to do, but since you are going to be  
6 looking at these applications one at a time and if  
7 you start putting general conditions on it, then I  
8 get real nervous about non-rule policy. But I  
9 would think that since these people are enrolled  
10 in and have been admitted to the programs, I  
11 assume that all of them have finished one semester  
12 or are in their first semester, then that they  
13 would all be coming around sometime before 2010.

14 DR. HORNE: But not necessarily.

15 MS. GUSTAFSON: Not necessarily, but that  
16 would also go to the decision of whether or not to  
17 grant the variance.

18 MS. LEWIS: Dr. Dittman?

19 DR. DITTMAN: I would also, I think going  
20 along with Dr. Colin and Dr. Horne, the issue of  
21 making sure nobody slides through the cracks kind  
22 of thing. It's a set number of students. We  
23 probably should have that list, and as these  
24 people come, you know, click them off the list or  
25 whatever, so we know there is nobody saying, well,  
I really was in that group but, you know, and we

1 don't have anything to verify. So, I think a  
2 verification would be important.

3 DR. NETTLETON: We can provide to the Board a  
4 list of those 194 students that are affected and  
5 update that, too, as people drop out of the  
6 program and so forth. Yes, we can do that.

7 MR. GARCIA: If I may just address the  
8 public, if you're here for the 1:00 full board  
9 meeting, the Credentials Committee is still  
10 meeting. You're welcome to stay where you're at,  
11 but keep in mind that we will break for lunch and  
12 reconvene, so I just want to let you know that.  
13 So, if you could just not interrupt the current  
14 discussion that's going on, I'd appreciate it.

15 MR. GARCIA: I'm sorry, let's go back to the  
16 conversation you were just having. I'm not sure  
17 Ms. Gustafson heard it all, but I'm not sure the  
18 list would do us any good. Anybody who wants to  
19 apply for a variance and waiver is entitled to  
20 apply for a variance and waiver. We could not  
21 limit it to the people who are currently enrolled  
22 in the program.

23 DR. DITTMAN: But we could validate that that  
24 is all from the same issue; you know what I'm  
25 saying?

MR. JUSEVITCH: I don't think you would be

able to base any part of your decision on that  
list.

2  
3 DR. DITTMAN: You don't need that for your  
4 own purposes internally?

5 MR. PORTER: We can provide it to you and we  
6 would be happy to provide it to you if it would be  
7 of any assistance.

8 DR. COLIN: I think it would be great for us  
9 to know when the 194 goes through.

10 MS. LEWIS: Right. We have several other  
11 questions from -

12 MS. KIRKPATRICK: I have a quick question  
13 that's kind of in line with - we're kind of  
14 talking about two different things. The first  
15 thing really is what we're saying is a settlement  
16 agreement would be the thing that would be  
17 enforced, and do we have to do anything with that  
18 or is that automatically enforced then? It says  
19 only LPN's now will be in the course.

20 MS. GUSTAFSON: I think the Board is going to  
21 have to - if you want to abandon Dr. Coble's  
22 policy or if you disagree with Dr. Coble's policy,  
23 the Board is going to have to vote to stop  
24 applying that interpretation of the law.

25 MS. KIRKPATRICK: So, what I'm basically  
saying is the settlement agreement would then take

effect because the settlement agreement stated  
2 that only LPN's could be in the program. Then  
3 what the list is really determining or we have to  
4 have something established for the people that are  
5 presently in the program so we don't end up with  
6 200, 300, 400, 500; we do have to establish some  
7 kind of guidelines for the people that are  
8 presently in the program, that 194, whatever that  
9 number is, that we're going to do something with  
10 them, the variance, and then that the settlement  
11 agreement then from this point on will be that  
12 only LPN's will enter into the program.

13 MS. GUSTAFSON: That will be the Board policy  
14 or - excuse me. I don't like that word. That is  
15 the Board's interpretation of the requirements for  
16 licensure in the state of Florida.

17 MS. LEWIS: Dr. Horne, did you have another  
18 comment?

19 DR. HORNE: Right. I just wanted to say I  
20 think we do need the list and I think we do need  
21 to consider it because we don't want to open the  
22 floodgates for this. So, I think that, yes, I do  
23 agree that anybody can ask for an exception, but I  
24 think that it would be part of the Board's  
25 consideration as to their decision if they knew  
that it was because of this situation. You know,

1 the situation has been because of lack of  
2 communication apparently and, you know, I  
3 personally would like to say thank you for coming  
4 and thank you for not blaming. I think that both  
5 parties should go into this, and I think we will,  
6 not putting blame one place or the other,  
7 realizing that there was a communication or  
8 miscommunication and then asking you to absolutely  
9 in your admission policies to support our law and  
10 our rules.

11 DR. NETTLETON: We have done that already,  
12 but thank you, yes.

13 MR. PORTER: We certainly do agree with that  
14 and I appreciate that. I think that is a very  
15 gracious gesture. We completely agree with and  
16 we're happy to have this conversation with you. I  
17 think that that's a very responsible position.

18 MR. JUSEVITCH: My question is we only have  
19 two people in this entire room who were here only  
20 four years ago, and we don't remember the entire  
21 conversation. I guess my point with the list is,  
22 four years from now if somebody comes into this  
23 and requests a variance - I mean, a variance and  
24 waiver is covered under Chapter 120, and I don't  
25 think - go ahead, I'm sorry.

MS. GUSTAFSON: I'd like the court reporter

1 when she transcribes this to attach to it as  
2 Exhibit A the list of students that will be  
3 provided by Excelsior College.

4 MS. LEWIS: That are enrolled as of today's  
5 date?

6 MS. GUSTAFSON: That are enrolled now and  
7 that aren't LPN's.

8 MS. LEWIS: Dr. Horne?

9 DR. HORNE: And could this recording somehow  
10 be separated as a copy so that if you want to go  
11 back and -

12 MS. GUSTAFSON: It's going to be transcribed.  
13 It's going to be scanned onto numerous websites  
14 and various computers. I'm going to have it  
15 tattooed on my leg.

16 DR. NETTLETON: And can we get a copy of  
17 that, too, please?

18 MS. LEWIS: So, are we ready for a motion?  
19 Do you have one, Ms, Kemp?

20 DR. COLIN: Can I just clarify something?  
21 The Credentials Committee is voting, correct?

22 MS. GUSTAFSON: At this point, yes.

23 MS. LEWIS: Okay, Ms. Kemp, do you have a  
24 motion?

25 MS. KEMP: I don't know how to word the  
motion, Lee Ann. I want to make a motion that

these 194 individuals - no.

2 MS. GUSTAFSON: Don't make that motion. The  
3 motion I think you want to make is if I understood  
4 from all of the intelligent comments you've been  
5 making today is that you would like the committee  
6 to vote to recommend to the Board that the policy  
7 or the interpretation of the law that we have been  
8 discussing that Dr. Coble was implementing not be  
9 in the current interpretations of the statutes by  
10 the Board?

11 MS. KEMP: Correct.

12 MS. STONE-GALE: So moved.

13 MS. LEWIS: Would you say that one more time,  
14 please?

15 MS. GUSTAFSON: Your motion is that the  
16 Credentials Committee recommend to the full board  
17 this afternoon that the interpretation of the  
18 licensing statutes and rules previously  
19 implemented by Dr. Coble with regard to the bridge  
20 candidates from Excelsior or any similar program  
21 be reversed, and the interpretation be of the law  
22 and statutes conformed -- the statutes and rules  
23 conformed to the previous interpretation that  
24 bridge graduates from Excelsior or other similar  
25 programs who are not LPN's will not be eligible  
for license in Florida without meeting one of the

endorsement requirements.

2 MS. LEWIS: I'll second that motion. Is  
3 there any further discussion?

4 MS. KEMP: Then those that ask for a variance

5 -

6 MS. GUSTAFSON: Not yet, not yet. Vote on  
7 it, please.

8 MS. LEWIS: Okay. So, I second, and  
9 Credential Committee members, raise your hand if  
10 you're in favor? Okay. The motion carries.

11 MS. KEMP: It's my second motion to take care  
12 of -

13 MS. GUSTAFSON: Your second - I think -

14 MS. KEMP: Or do we need a motion for that?

15 MS. GUSTAFSON: I don't think you need a  
16 motion. I think that the Credentials Committee's  
17 report to the Board shall include that the  
18 committee has received advice from Board counsel  
19 that the 194 current students of the RN bridge  
20 program at Excelsior University (sic) are being  
21 offered the opportunity to apply for a variance  
22 from the clinical hours requirements for RN  
23 licensure by examination in Florida when they  
24 apply for the NCLEX.

25 MS. KEMP: That's exactly what I said.

MS. LEWIS: Any other discussion? Do we need

1 any other board staff needing any other  
2 clarification? Okay. Thank you, everyone.

3 DR. NETTLETON: Thank you very much.

4 MR. PORTER: Thank you.

5 MS. LEWIS: Credential Committee is  
6 adjourned.

7 (Whereupon, this concludes the excerpted  
8 portion of the record.)

9 \* \* \* \* \*

10 (Whereupon, the Full Board meeting included  
11 a brief summary of the Credential Committee's vote  
12 regarding Excelsior College, to-wit:)

13 MS. LEWIS: The next item was the lengthy  
14 discussion regarding the Excelsior College, and we  
15 had from the college Joseph Potter, Esquire, and  
16 vice-president for legal and governmental affairs,  
17 and Dr. Nettleton, as well as the full board  
18 staff, even though it was a Credentials Committee  
19 item.

20 There was lengthy discussion and we did hear  
21 presentation from Dr. Nettleton and Mr. Potter,  
22 and a very good summary of his historic events  
23 from our Board counsel. After all of that  
24 discussion, I'm going to read what the committee  
25 recommends and I do ask that the Board counsel  
clarify if I left out any of the terminology

that's important to this issue.

2           The committee recommends to the Board with  
3 advice from counsel that the 194 current students  
4 have the opportunity to apply for a waiver or  
5 variance to the rules at the time they submit  
6 their application and that each application will  
7 be reviewed individually, and the 194 students  
8 that are currently in the program as of today's  
9 date would be the ones that this particular  
10 variance or waiver would apply to, so there's some  
11 time limits.

12           MS. GUSTAFSON: Right, but the most important  
13 issue I think for the Board to vote on is that the  
14 committee is recommending to the Board that you  
15 recede from the interpretation of Florida Statutes  
16 that permitted non-LPN bridge students in the  
17 Excelsior program to be licensed in Florida. Only  
18 LPN bridge students are eligible for licensure in  
19 Florida. The other students must meet one of the  
20 other avenues for licensure by endorsement. As a  
21 consequence of that, receding from that previous  
22 interpretation of the statutes, the dean of the  
23 nursing school and the attorney for the college  
24 were advised of the opportunity for the current  
25 non-LPN bridge to RN students in Excelsior will  
have the opportunity to submit a petition for

1 variance from the rule setting forth the  
2 requirements for an approved program when and if  
3 they successfully complete the RN bridge program  
4 at Excelsior College.

5 MS. STONE-GALE: So moved.

6 MR. BOWEN: Second

7 DR. COLIN: Second.

8 MS. STONE-GALE: All in favor? Opposed?  
9 Passes.

10 MS. LEWIS: That concludes my report. Thank  
11 you.

12 MS. GUSTAFSON: And I would like the Board's  
13 staff to order this portion of the transcript,  
14 this committee's report to attach to the  
15 committee's transcript for future reference.

16 (Whereupon, this concludes the excerpted  
17 portion of the record.)  
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C E R T I F I C A T E

THE STATE OF FLORIDA, )  
COUNTY OF WAKULLA, )

I, Suzette A. Bragg, Court Reporter and  
Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled  
and numbered cause was heard as herein above set out;  
that I was authorized to and did transcribe the  
proceedings of said matter, and that the foregoing and  
annexed pages, numbered 1 through 51, inclusive,  
comprise a true and correct transcription of the  
proceedings in said cause.

I FURTHER CERTIFY that I am not related to  
or employed by any of the parties or their counsel, nor  
have I any financial interest in the outcome of this  
action.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed my seal, this <sup>22ND</sup> day of  
October, 2007.

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SUZETTE A. BRAGG, Notary Public  
State of Florida at Large  
My Commission Expires: 2/21/2009

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