U.S. DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

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NATIONAL ADVISORY COMMITTEE ON

INSTITUTIONAL QUALITY AND INTEGRITY

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MEETING

+ + + + +

THURSDAY

FEBRUARY 27, 2020

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The advisory committee met in the Virginia Ballroom of the Embassy Suites by Hilton Alexandria Old Town, 1900 Diagonal Road, Alexandria, Virginia, at 8:30 a.m., Arthur E. Keiser, Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT:

DR. ARTHUR E. KEISER, Chair,

Chancellor and CEO, Keiser University

DR. KATHLEEN SULLIVAN ALIOTO,

Strategic Advisor, Fundraiser, and Consultant

DR. RONNIE L. BOOTH, President Emeritus,

Tri-County Technical College

DR. WALLACE E. BOSTON, President,

American Public University System, Inc.

MS. AMANDA DELEKTA, Student Member,

Michigan State University College of Law

DR. JILL DERBY, Senior Consultant, Association of Governing Boards of Universities and Colleges

DR. DAVID A. EUBANKS, Assistant Vice President for Assessment and Institutional Effectiveness, Furman University

DR. PAUL J. LeBLANC, President,

Southern New Hampshire University

DR. D. MICHAEL LINDSAY, President,

Gordon College

MR. RICHARD F. O'DONNELL, Founder and CEO

Skills Fund

DR. MARY ELLEN PETRISKO, Education Consultant

DR. CLAUDE O. PRESSNELL, JR., President, Tennessee Independent Colleges and Universities Association

DR. STEVEN VanAUSDLE, President Emeritus,

Walla Walla Community College

MR. RALPH WOLFF, President, The Quality Assurance Commons for Higher and Postsecondary Education

DEPARTMENT OF EDUCATION STAFF PRESENT:

GEORGE ALAN SMITH, NACIQI Acting Executive Director, Designated Federal Official

HERMAN BOUNDS, Director, Accreditation Group

DONNA MANGOLD, Office of General Counsel

ANGELA SIERRA, Office of General Counsel

ELIZABETH DAGGETT, Staff Analyst

NICOLE S. HARRIS, Staff Analyst

CHARITY HELTON, Staff Analyst

JASS HOLT, Staff Member

VALERIE LEFOR, Staff Analyst

STEPHANIE McKISSIC, Staff Analyst

KARMON SIMMS-COATES, Staff Analyst

MICHAEL STEIN, Staff Analyst

ACCREDITATION AGENCY REPRESENTATIVES PRESENT:

Pennsylvania State Board of Career and Technical Education

BETH MARSHALL, Pennsylvania State Board of Career and Technical Education

National Nurse Practitioner Residency and Fellowship Training Consortium (NNPRFTC)

KERRY BAMRICK, MBA, NNPRFTC Executive Director

LUCIEN CAPONE III, J.D., Accreditation Consultant

MARGARET FLINTER, Ph.D., Chair, NNPRFTC Board of Directors

DoQUYEN HUYNH, DNP, Chair, NNPRFTC Accreditation Commission

MARK MASSELLI, President and CEO, Community Health Center Inc.

Association for Biblical Higher Education, Commission on Accreditation (ABHE)

KEVIN HESTER, Ph.D., Chair

RONALD KROLL, Ed.D., Director

SHANE WOOD, Ph.D., Associate Director

Maryland Board of Nursing

MICHAEL CONTI, J.D., Maryland Office of the Attorney General

KAREN E.B. EVANS, MSN, RN-BC, Executive Director

SHEILA GREEN, Ph.D.

PATRICIA KENNEDY, Ph.D.

New York State Board of Regents, State Education Department, Office of the Professions (Public Postsecondary Vocational Education, Practical Nursing)

RENEE GECSEDI, MS, RN, Associate in Nursing Education

PUBLIC COMMENTERS:

BERNARD FRYSHMAN, Executive Director, Association of Advanced Rabbinical and Talmudic Schools

CRAIG KENNEDY, President and CEO, Medicaid Health Plans of America

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P-R-O-C-E-E-D-I-N-G-S

8:31 a.m.

MR. SMITH: Good morning, everyone. Good morning, and welcome. This is the meeting of the National Advisory Committee on Institutional Quality and Integrity, also known as NACIQI. My name is George Alan Smith, and I'm the Acting Executive Director and Designated Federal Official of NACIQI.

As many of you know, NACIQI was established by Section 114 of the Higher Education Act of 1969 as amended, or HEA, and is also governed by provisions of the Federal Advisory Committee Act as amended, or FACA, which sets forth standards for the formation and use of advisory committees.

Sections 101(c) and 487(c)(4) of the HEA and Section 801(6) of the Public Health Service Act require the Secretary to publish lists of state approval agencies, nationally‑recognized accrediting agencies, and state approval and accrediting agencies for programs of nurse education that the Secretary determines to be reliable authorities as to the quality of education provided by the institutions and programs they accredit.

Eligibility of the educational institutions and programs for participating and various federal programs requires accreditation by an agency listed by the Secretary.

As provided in HEA Section 114, NACIQI advises the Secretary in the discharge of these functions and is also authorized to provide advice regarding the process of eligibility and certification of institutions of higher education for participation in the federal student aid programs authorized under Title IV of the HEA.

In addition to these charges, NACIQI authorizes academic graduate degrees from federal agencies and institutions. This authorization was provided by letter from the Office of Management and Budget in 1954. And this letter is available on the NACIQI website along with all the other records related to NACIQI's deliberations.

Thank you for coming today, and with that, I am happy to hand this off to our Chairman, Arthur Keiser.

CHAIR KEISER: Well, good morning, everyone. Welcome to our February meeting. It is going to be, hopefully, a rapid meeting but one where we have a thorough look at the different agencies.

We do have a lot of new members today. I'd like, if you would, have each of the members introduce themselves. And let me just, since you guys are new, you push the button when you want to speak. And when it's red, it's working. And what we want to make sure is that when, we don't want to hear your private conversations. So turn them off after you finish speaking.

MS. JONES: I want to hear their private conversations.

(Laughter.)

CHAIR KEISER: Well, then leave them on. It's perfect, Diane's in charge. So we're really lucky to have Diane here with us. But do you want to start with Claude?

MR. PRESSNELL: Yes, Claude Pressnell, I serve as the president of the Tennessee Independent Colleges and Universities. I'm a Senate member.

MS. PETRISKO: Mary Ellen Petrisko, educational consultant, previously president of the WASC Senior College and University Commission.

MS. DERBY: Jill Derby, senior consultant with the Association of Governing Boards of Universities and Colleges.

DR. EUBANKS: David Eubanks, I work at Furman University doing institutional research.

MS. ALIOTO: Hi, Kathleen Sullivan Alioto, former dean at City College of San Francisco, and fundraiser for Early Childhood Education Today.

MS. DELEKTA: I'll speak up. I'm Amanda Delekta, I am a student at Michigan State University College of Law, and I'm anxious to give the student perspective.

MR. BOOTH: Ronnie Booth, president emeritus, Tri‑County Technical College.

MR. VANAUSDLE: Steve VanAusdle, president emeritus, Walla Walla Community College out in Washington State.

MR. LINDSAY: Hi, I'm Michael Lindsay. I serve as the president of Gordon College in Boston.

MR. WOLFF: Good morning, Ralph Wolff, president, Quality Assurance Commons.

MR. BOSTON: Good morning, Wally Boston, president, American Public University System.

MR. O'DONNELL: Rick O'Donnell, founder and CEO, Skills Fund.

MR. LEBLANC: Paul LeBlanc, president of the Southern New Hampshire University.

MS. SIERRA: Angela Sierra, from the Department of Education, Office of the General Counsel.

MS. MANGOLD: Donna Mangold, Department of Education, general counsel.

MS. JONES: Diane Jones, delegated the duties of the Undersecretary of the Department.

MR. BOUNDS: Herman Bounds, Director of the Accreditation Group at the Department.

CHAIR KEISER: And I'm Art Keiser, Chancellor of Keiser University in Florida. Just to let you know, if you do not press the button, you know we can hear you, maybe the transcribers may not be able to hear you, and all the records are transcribed. And it's important that they understand what you have said.

So again, today's meeting will be a good one, and I'll talk a little bit later about the process. But first, I'd like to introduce our guest speaker, Diane Auer Jones. Diane is the Principal Deputy Under Secretary delegated the duties of the Under Secretary at the U.S. Department of Education.

Diane has a diverse background in higher education, having spent the first ten years of her career serving as a biology professor at the Community College of Baltimore County and later working at Princeton University and Career Education Corporation.

Diane also has an extensive background in science and education policy, having worked at the National Science Foundation and for the U.S. House of Representatives' Committee on Science, and for the White House Office of Science and Technology Policy.

She served as the Assistant Secretary for Postsecondary Education at the Department of Education during the George W. Bush administration.

Prior to rejoining the Department of Education, she served as the senior policy advisor to the Secretary of Labor and focused on workforce development issues, including the expansion of apprenticeships in the United States. Please welcome with me Diane Auer Jones.

(Applause.)

MS. JONES: Thanks so much. Thanks for joining us today everybody. We're looking forward to this meeting. I want to welcome back continuing members. We appreciate your continuing service to the NACIQI and to the Secretary.

And welcome to the new members as well. We are really excited to have such a great group of experts and people who think about higher education from various perspectives.

I think the one thing that everybody around this table has in common is an interest in providing opportunities for students and making sure that students have the outcomes that they deserve to have as a result of their investment and their hard work to complete a higher education program.

I'm happy to say that last time I stood before you, sat before you I guess, I'm not standing, we were still in the process of negotiated rulemaking. We had released our notice of proposed rulemaking. And I think we may have even been in the public comment period.

We have now completed that process, and we have published our final rules. The final rule did not differ substantially from the proposed rule. There were a few tweaks and corrections that we had to make. So I'm going to go through some of the highlights of that regulation.

But this is not new information. Those of you who were here last time, it'll sound like I'm repeating much of the same thing, and I am. Because the final rule was very much like the proposed rule.

I think that if somebody were to ask me what the driving force was behind our accreditation rulemaking, I would say mission‑driven accountability. We have a strong belief that the reason that American higher education is the best in the world is because of its diversity.

We have a diversity of institutions that provide all kinds of different opportunities for students, and students have the opportunity to pick the institution whose mission aligns with their goals.

We think it's important that there are a diversity of missions. And therefore, we think it's important that those institutions are evaluated based upon that mission. But the idea of one size fits all standards is just not consistent with a system that prides itself on its diversity.

So we are moving to a system which, frankly, I think was a system where we should have always been which is that we respect the mission of institutions, and we hold them accountable to those missions. They make promises to students, and they have to fulfill those promises, but we do not require two institutions to make the same promise.

So mission-driven accountability, and you'll see that throughout the regulation, and in particular we call out religious mission, faith‑based mission. We think far too often faith-based institutions have felt constrained or have felt that they were being second-guessed because of their faith-based mission.

A statute in the 2008 HEOA particularly calls out religious mission as something to protect, and we have followed in that pathway to say in our regulations that all missions are to be protected, but in particular faith-based missions perhaps need additional attention.

The most controversial change in our new regulations is we have eliminated the artificial distinction between regional and national accreditors. The statute refers to nationally‑recognized accreditors and, indeed, that's what we have. We have institutional accreditors, we have programmatic accreditors, and we have some accreditors who do both. We call them specialized accreditors.

But there is no difference between a regional and a national accreditor. We hold them all to the same standards and, frankly, all of them are working nationally.

And I want to congratulate WASC for being the first of the accreditors formerly known as regional accreditors to step forward and say, you know what, we see good reason to accredit a main institution in a state that was not part of our traditional service area. So kudos to WASC.

There were people, when we did rulemaking, who said, oh, you're just doing this so that people can pick the easier accreditor. I don't think anybody would call WASC the easier accreditor. I think what people call WASC is an innovative accreditor.

And there are people who seek accreditation from WASC because of that commitment to innovation. And we have several representatives of WASC sitting, well, not current representative, but we have people around this table who know well how innovative WASC has been. So congratulations to WASC, and hopefully there will be more to come.

The distinction was artificial, and yet it was problematic for students. Far too many students heard that their credits couldn't transfer, because they were coming from a nationally accredited institution. That was a myth.

Our regulations never prevented it. And frankly, there were no regional accreditors that prevented their member institutions from accepting credits from a nationally accredited school. And in fact, there were not regional accreditors that prohibited their members from accepting some number of credits from a non-accredited entity.

But the mythology took on a life of its own, and people truly came to believe that they couldn't accept transfer credits from a nationally accredited institution, that they couldn't admit to a graduate program, somebody whose undergraduate degree was from a nationally accredited institution.

And we had state licensure boards that perhaps, well, I won't comment on why they adopted this, but adopted rules that said you can only sit for licensure exams if you have graduated from a regionally accredited institution.

I'm happy to tell you that two branches of the Armed Services have already revised their regulations so that they no longer recognize the difference between a regional and a nationally accredited institution.

And they simply say that the individual has to be participating in education at a nationally-recognized institution in order to participate in TA and other funding from the Department of Defense. So we have two branches of the military that have changed their policy. And our rules don't even go into effect until July 1, 2020.

We have a letter that will be going out to states in the next day, or two, or three. We are sending letters to all of the states to alert them to these changes in our regulations, including that if they have policies that refer to regionally accredited institutions as defined by the Department of Ed, they need to take a hard look at those policies, because there is no longer such a thing.

We cannot compel a state to change its legislation or its policy, but it's pretty hard if they point to us for a definition, and that definition doesn't exist.

We are also notifying the states of changes in our state authorization rules. Under our new regulations, an institution that provides distance learning has to be able to tell students that either the state in which the institution is located, or the state in which the student is located, must have a complaint process but not both. That is a new development in our regs, and we are making sure that states are aware of that.

Our new regulations also reaffirm that NC-SARA does indeed meet the requirements of state authorization. And in this letter to states, we are reminding them that if they are an NC-SARA state, and they are dealing with an NC-SARA school, they may not layer additional requirements with regard to distance education.

Should they want to do that, they should leave NC-SARA. Should they be dealing with a non-NC-SARA institution, the world is theirs. But when they are an NC-SARA state dealing with an NC-SARA institution, they may not layer additional requirements. Because if they did, there would be no need for a reciprocity agreement.

The whole point of a reciprocity agreement is that I have a driver's license from Maryland, and I can drive in Virginia without having to go and take an additional test in Virginia.

In our new regulations, we make clear that while the traditional faculty governance model is a governance model, it is not the governance model. We heard all too often, and particularly from community college presidents, that they really wanted the CTE programs to be on the credit-bearing side of the house so students could participate in Title IV.

But they found their faculty governance process was too slow. They could not keep pace with changes in certain industries, and therefore, they were forced to offer these programs on the non-credit side. That's a tragedy that those students could not participate in Title IV or gain credit for their hard work.

And so we've recognized that for programs such as those it may well be the case that the institution wants a different governance model that's more reliant on industry standards or industry advisors to make those decisions.

We would not expect, you know, Boeing to make decisions about the philosophy program at an institution, and we're not so sure the philosophy faculty should be making decisions about the, whatever, flight mechanics program at the institution.

We have made clear that transfer of credit we're serious about. We cannot compel an institution to accept transfer of credit, nor would we try. But we do think that institutions owe it to students to explain why they are not accepting transfer of credit. And we're tired of hearing, because our faculty are smarter, because what we know is that faculty oftentimes teach at more than one institution. And in fact, sometimes students have the same faculty member at both institutions.

And so if it is the case that an institution doesn't want to accept transfer credits, that's fine. But you have to be able to explain to the student why. That explanation should involve an evaluation of the student's competencies, of the syllabus, of the materials, of the work that they have produced.

Or an institution could just say we do things differently here. We have a core curriculum that is unique, and therefore we're not going to accept any transfer credits from any other institution. That's okay too, as long as students know going in.

What we cannot have is institutions that say they accept transfer credits, students enroll, and it's not until the end of the first or second semester that they get notification that only some of their credits are actually being accepted toward the degree.

We owe it to students to give them a fighting chance to prove to us that they have the competency. If they don't, then don't give them the transfer credit. But if they do, let's reward them for their hard work.

But we have changed the requirements in our new regulations, and I will remind you that these are not in effect now. So we will be reviewing agencies today based on the current regs. So I don't want to create confusion.

But we know that there will be time to transition into these new regs, and we're already getting calls. I think Bill and I have talked a few times already. As people are looking at their standards, they're calling for our help, and we're happy to give it.

Our substantial compliance regulations changed. There are many more things now that the accreditor can do without sending it to their decision-making body. We believe accreditors have qualified staff. We've seen it, we know it, and there are some lower risk decisions that they should be able to make without bumping it up to their decision-making body.

And this frees up time for the decision-making body to work on the hard stuff, the challenged institutions, the challenges that we see for students. So it clears away some of the clutter of low risk decisions and gives the decision-making body more time to focus on the hard things. Which is not to suggest that I don't think the staff can't handle the hard things, it's just that when you come to these hard issues, the diversity of perspectives can be very helpful.

We know that teach‑outs are difficult, and we know that more are coming. And what we really want to encourage institutions is to make the decision early enough that you can work with the students, engage in an orderly teach-out, and help those students find a pathway forward.

That does not mean that the student is denied their opportunity for a closed school loan discharge. Obviously they continue to have it. And our new regs are frankly more generous in giving students greater opportunities for closed school loan discharge.

But we do think students are best served when they have an orderly teach-out opportunity. And the faculty who they know and trust can help them find a new pathway forward. And I have seen lots and lots of teach-outs. And I have never seen a teach-out where the faculty were not committed to helping those students get to a new place. We want to give faculty that opportunity.

We are focused on advancing innovation but within safe zones. You know, for institutions that have a strong record and that have good ideas, we want them to be able to innovate with everybody in agreement that it might not work.

And if it doesn't, we'll all raise our hands and say maybe that didn't work. But we will not point our fingers. We will simply say we agreed to this, we tried it, it's not working so well, and we will agree to discontinue.

We will place more scrutiny on credential inflation. If something has always been at the associate's degree level, and now all of a sudden somebody decides, oh, you need a bachelor's degree to do that, okay, but we want to hear from employers that that bachelor's degree is not only required but salaries are going to be increased to reflect the higher degree credentials.

Credential inflation is unfair to students, it prevents opportunities for low income students, and it is not right. If there is a justification for the credential inflation, then okay. If employers are saying no, it really does take a higher level of expertise to function in this role, okay. But it cannot just be exclusionary practices, or wouldn't it be nice if people had a bachelor's degree instead of an associate's, or a master's instead of bachelor's.

And we also recognize in regs what all of us have always known, which is that pre-accreditation is an accredited status. But students who are enrolled at non-profit institutions can participate in Title IV at a pre-accredited institution or a pre-accredited program.

And therefore, even if that institution or program does not become fully accredited for the period of time that the students attended a pre-accredited institution, those credits are being awarded from an accredited institution. And their transcript should be duly marked.

Why are we doing that? Because you cannot allow a student to use their Title IV eligibility and then after the fact say, oh, sorry, those credits don't count. If we are going to allow them to tap into Title IV, we have to protect them to ensure that those credits can transfer even if the institution does not become fully accredited.

And I think accreditors have always taken pre-accreditation seriously and issue it only if they're pretty darn sure that that program or institution is well down the path to being accredited.

So at a high level, those I think are the key components of our new regulations. I want to talk about three other -- actually two other things. And I'll try to do this quickly so we can move on.

One is, there was a question that came up yesterday about the pilot. We think the pilot was really interesting. And we think if the NACIQI wants to continue to have a subcommittee that meets to talk about student achievement, that's fine. But we are not interested as a department in asking NACIQI to continue the pilot.

And we think it's inappropriate for the pilot to drive questions that come to an agency who sits before us during the recognition process. That amounts to us placing new requirements in front of an agency as they come before this body. And that's not appropriate.

So if the subcommittee wants to continue looking at student achievement, that's fine. And if there are agencies that want to participate, we'll have to check with Karen to make sure we're following FACA rules. And that's fine as well.

But we cannot add new questions, or new requirements, or new bright‑line standards to an agency coming before us when those standards are not in our regulations. So we want to make clear that NACIQI certainly can continue to have those conversations, but we cannot bring new questions or new demands to agencies as they sit before this body.

And finally, the last thing is culture. I hope that you're already noticing there is a culture change going on. We do believe that the Triad is a collaborative group and that students are better served when we're all working together.

A few weeks ago, we held the first Triad event that the Department has hosted in many, many years where we brought states, accreditors, and the Department together to talk about some of shared challenges. And as you might imagine, a lot of that conversation was around financial stability and teach-outs.

And one of the things we discovered is that everybody feels compelled to do more about financial stability. And what became obvious to us is that schools were pretty soon going to be facing a new set of standards from their state, a new set of standards from us, potentially, and a new set of standards from their accreditor. And that's not fair to institutions.

And so we agreed to work together to create a subcommittee to figure out can we better share data so that schools don't have to send three different sets of data based on three different sets of standards to three different organizations.

We do believe that when we collaborate we can identify problems earlier and we can work together to solve them. And along those lines, this too is a collegial process. We are all equals at this table in a mission to serve students. Staff, NACIQI members, and accreditors are all professionals who have committed to the improvement of higher education and to providing opportunities for students. We sit at this table as equals. There are no gotcha moments.

It is appropriate if a member has found something in documents that is troubling to raise it. But this is not about a gotcha moment. This is about a conversation to make sure that accreditors and we are serving students well.

This is also not about the latest Twitter feed. When we sit at this table, we are all reviewing the same set of documents which is the petition, the staff report, and any subsequent documents provided by the agency. This is not a place to debate the merits of the most recent news article.

There is a process where members can raise concerns about contemporary events, and there's a process by which staff can review it. But it is not fair for accreditors to come to the table and to basically have a question out of the blue that has nothing to do with the documents that any of us have reviewed.

If there's a concern, we can raise it, we can look at it, and NACIQI can come back to it after everybody has had a chance to investigate the concern or the claim. And we can and will do it. But this is not the opportunity to sit at this table and figure out what the latest headline was, because the latest headline is not in the documents that anybody at this table has had time to review or investigate.

So we want to focus on the documents in front of us and use other processes to adequately address concerns which means researching them to make sure that they are valid concerns.

And so there is a culture shift. We do want to work collegially and collaboratively. And we think that when we all come together and figure out how best to face the challenges we all have, we all are facing the same challenges, enrollments are down, and schools are going to close, and let's figure out how to work together to identify it earlier and to work with those students earlier so that they can have the best possible outcomes.

So again, thanks so much for being here to all the members of NACIQI, thanks to all of you who are participating today as accreditors, and thanks to all of you who are here to either observe or deliver public comments, or potentially write a story for Inside Higher Ed. I don't know who's here among the press group, but again, thanks so much for being here and thanks for giving me this opportunity to address the group.

CHAIR KEISER: Thank you, Diane. We do have one commenter, Bernie, Bernard Fryshman has requested to provide a comment.

MR. FRYSHMAN: Good morning, my name is Bernard Fryshman. I am the executive director of the Association of Advanced Rabbinical and Talmudic Schools Accrediting Commission. And I've been coming to this session since 1973, so I'm beginning to understand the process.

(Laughter.)

MR. FRYSHMAN: I have three basic comments. And I hope that will take me within the three minute limit. I appreciate very much the changes in the regulations. On the whole, I think, it's a major improvement, and I think we'll all benefit from it. But at the same time, there is a reality gap. And that reality gap has to be transcended, I believe, particularly by members of NACIQI.

The drum beats of criticism of accreditation that one hears in the news media, by foundations, think tanks, legislators, journalists is based on a lack of familiarity with what really takes place.

Some of you around the table are very familiar, some of you are perhaps not. And I just came here to urge everyone to take the opportunity to become intimately and personally familiar with what takes place in accreditation.

That would mean perhaps joining teams, being invited to decision-making meetings, having informal meetings with some of the accreditors, all of us. I believe we're good colleagues.

I believe you would get a very different picture of the nature of the accreditor and accreditation if there were conversations across a coffee table rather than across this gap, this table where the accreditor appears as a penitent rather than as a colleague.

The other thing I wanted to suggest is that in carrying out experimental programs we have to take into account that a failed experiment doesn't mean broken test tubes. Sometimes it means broken careers. We're dealing not with inanimate objects, we're dealing with real people, students.

And we try new things. We want to try new things, but we have to remember that the people who are participants in these new approaches are real human beings. And at the very least, we should have some element of informed consent by students before inviting them to participate in experimental educational programs.

That's basically, those are the three elements that I wanted to present to this body, and I thank you very much for this opportunity to comment.

CHAIR KEISER: Thank you, Bernie. And you were under three minutes. That's really good. Ralph, you had a question?

MR. WOLFF: Thank you. Let me move this. I did have a question, Diane, for you I raised yesterday. I want to talk about the pilot. So thanks for raising it.

But I want to say also thanks for the overview. It was very helpful. And I too think many of the changes are actually going to make our work clearer and easier.

And so I do want to talk about the pilot, because I went back and realized there's an archive, right. We looked at the review yesterday and found in February -- we started the pilot in '16, and in February 2017 there was a review of the pilot.

It had been, my understanding, reviewed by the staff as acceptable. And there was a vote of 11 to 3, it's in the record, to continue it to remove the word pilot and to make it part of the Federal Register.

You've raised issues about how do we avoid this becoming quasi‑regulatory. And so it may be we need to find a way to approach it rather than, I mean, I don't want to use the word pilot anymore, but I'll say from my standpoint, I found a direct correlation to the interaction, substantive and directly related to our responsibilities.

And I've looked up under 602.16 on student achievement, on 19 on monitoring, particularly with risk assessment and enforcement, consistency of enforcement. And with the issue today of colleges closing or likely to close, I think it's quite relevant to us how are accreditors preparing for that, what kind of financial reporting.

That doesn't always come out in the review. So I'd like to request that there be a way in which we dialogue with you or the staff about how do we address these issues that I think are quite relevant to our role but not get into what you're suggesting which is creating a new set of regulatory requirements.

I never saw them as much as requirements but informing us in a way to do our job more effectively. So we ought to find a way to do that. But I'm deeply concerned about the protection of students as you are and how all of the accreditors are addressing what is likely to be a very tumultuous time.

So you suggested maybe a subcommittee, but I'd like to invite that there be some way we try to square the circle, if you will, responding to that and deciding what could be put in the Federal Register.

MS. JONES: Sure. So, you know, in reference to student achievement, obviously student achievement is important. But our regs make it quite clear that student achievement is based on the institution's determination of how they will measure student achievement.

And so we do expect this body to hold accreditors accountable for making sure that institutions are being held accountable for meeting their institutional student achievement standards as they develop them.

And I think staff have worked to put together a list of about 15 or 20 questions that we think are appropriate to be asked under our current authority about student achievement.

There are ways you can ask your accreditors, you know, how do you evaluate a student achievement standard? How do you know that it's an appropriate standard, you know? How does an institution demonstrate to you, you know, we have some institutions that are, you know, evaluating a person's ability to play the piano, or to perform in a theatrical production, or to interpret, you know, Greek translations.

And I'm not sure all of that can be a pen and paper task. There are different ways you evaluate. And so I would expect an accreditor to say, you know, the school evaluates this way, and this is why we believe that's appropriate for that institution, and this is how we know that the school is actually adhering to their model.

So there are a number of questions that you can and should ask about student achievement and financial stability. And that's well within the realm of the charge of this committee.

In terms of the pilot, you know, certainly NACIQI is welcome at any time to make a recommendation to the Secretary. But I must emphasize that it is the Secretary's decision whether or not she wishes to continue something.

And so when NACIQI votes to present a recommendation to the Secretary, we will gladly accept it and review it, and we think it's really important. But it is advice to the Secretary. And it will be the Secretary who decides whether or not to continue something.

So we look forward to, you know, hearing, I know there's another subcommittee that's working on issues, I think, with regard to governance. We look forward to the report from that subcommittee as well.

Any advice that NACIQI chooses to make available to the Secretary is welcome. But it is advice. And the Secretary will make a decision about whether or not to accept that advice or go in a different direction.

CHAIR KEISER: Kathleen?

MS. ALIOTO: Kathleen Alioto. Well, in the interest of collaboration, I thought that your presentation was excellent. But not to, once again, beat a horse to death or whatever that expression is, as Ralph has pointed out, the pilot study was voted on by this committee.

And in law we do advise the Secretary, and we do advise the Secretary with respect to the eligibility and certification process for institutions of higher education under Title IV together with recommendations for improvements in such process. So that's exactly what we were trying to do.

But I have a few questions about the Section 602.1 in the regulations, and I don't, the new regulations, and I don't know. You say that they haven't really changed after you went through the shared governance.

I know that yesterday we were shown where some of the language has changed with the new regulations, and we'll get those new regulations in the summer?

MS. JONES: I think the point I was trying to make is that the final regulation was very similar to the notice of proposed rulemaking, the proposed regulation. Indeed, there is language different in the final rule than the current regulations. But my point was that when we put out the NPRM that was very similar to what was in the final regulation.

Yes, I believe that George has both statute and regs for you. We did not distribute them yesterday, because we don't want to confuse people about the standards under which they are making decisions today.

Those final regulations are on our website. I invite everybody in this room to review them. We also have three webinars that we have produced -- the royal we, I had nothing to do with it. Linda Hoppe and her wonderful team, and Herman's team did the work. There are three webinars on our website that talk about the accreditation regulations. I encourage you to view them and, if you have questions, to reach out to us. And certainly, as we get closer to the implementation of those regs, we will do additional training for NACIQI.

We also think, you know, we produced our new handbook last year, the handbook that clarifies what we expect an agency to provide as part of their petition. We will update the handbook to align with the new regulations as they go into implementation.

And we think that the new handbook also provides helpful guidance to everybody about, you know, how many of these do we want to see, and in what form do we want to see that? And is it in your petition, or are we going to see it on your site visits?

So we're trying to be much more clear so that we can have consistency in decision-making. And hopefully, the handbook will be helpful. We know it's a time of transition, we know we'll have to do a lot of training, we know we'll have, you know, issues along the way that we'll have to deal with. And we'll deal with them together.

But, yes, the new regs are on our website, we do have the webinars on our website, and we will have the new handbook to align to those regs as they move toward implementation.

MS. ALIOTO: Could you share with us the scheduled implementation that you're talking about?

MS. JONES: Sure. So it's a little bit tricky. The regs go into effect on July 1, 2020. However, accreditation is a process, and that process takes more than a year. And in fact, under our new regs the process takes two years.

We're giving accreditors a longer review period not to make the work harder, but to give them time to make changes in policies. But our review of their policy shows that there's something wrong, or missing, or outdated.

Because it's not fair to say you have to change your policy and then not give you time to change the policy. And then when you come before us say, well, you can't prove to us you've implemented your new policy. Well of course not, because you changed it two weeks ago.

We also make clear in our regs that if you haven't had the opportunity to implement a new policy you are not out of compliance. You are in compliance if you have the policy. And then as you implement it, you have to provide evidence to us.

So I've completely lost my train of thought. Oh, so implementation --‑

MS. ALIOTO: The time table.

MS. JONES: The time table, now for agencies, I think Herman and his team have sent letters out to agencies that will be up for review in two years, and Herman will correct me if I'm wrong, to let them know now is the time to send your policies to us.

And so I don't think there will be an agency before you under review under the new standards until 2021. Is that correct, Herman, because of the phase‑in period?

Anybody who wants to come in under the new handbook, or under the new regs should talk to Herman. Certainly we can accommodate that. But we don't think it's fair to yank the rug out from underneath the people who are already down the pathway of their recognition review.

So we want that to be a collaborative process as well. But I believe it'll be in 2021 that you will see your first agency. That you'll review under the new regulations and the new, new handbook.

CHAIR KEISER: Jill, Ralph, and then Claude.

MS. DERBY: Yes, thank you. Your summary has been very helpful here in terms of what's ahead with the new regulations.

I wanted to follow‑up about the pilot program. Because I'm still not clear. I for one felt very good about it, that we were rising to the occasion, the new demands, and asking appropriate questions. So I'm not sure where they weren't appropriate, given how you evaluate student achievement.

Questions all within that realm seem to me appropriate for NACIQI members. So I'm not sure what the distinction is in terms of what wasn't appropriate before.

MS. JONES: So I think the part that wasn't appropriate is, and again, I observed only a few meetings where the pilot was in place, but I did hear from many accreditors who came before this body and were subjected to review under the pilot.

My understanding is that, while the questions are appropriate, it is appropriate to ask about student achievement, that there was pressure that accreditors felt to adopt a particular kind of student achievement, quantitative, whereas many accreditors have qualitative measures. And many accreditors felt pushed toward embracing or adopting a bright‑line standard, a one size fits all standard.

Now, if that was not the case, you know, a good time for NACIQI to clarify that that was not the intent. Obviously, you do need to ask questions about student achievement, but it is not based on what you believe to be appropriate student achievement. It's based on whether or not the agency and the institution is adhering to what they believe is appropriate student achievement.

And it may be that that is the significant difference, is that our regulations require institutions and agencies to develop their own standards for student achievement. And we, and you, and our staff are to make sure that they adhere to those standards. And I believe, under the pilot, people felt pressured to adopt somebody else's standards for student achievement.

So I think that is, and frankly, there were far too many times in my, you know, very limited time back at the Department, where when I was issuing the letter as the SDO and was reviewing the transcript, frankly, you read in my SDO letter that there was quite a bit of time taken up talking about the pilot that I could not use that information in making my decision. Because it was referencing standards that are, A, not in our regs and, B, were not in the policies and procedures of that agency.

So absolutely it's appropriate to ask questions. You should, it's your charge. But it's based on what the institution and the agency have adopted as their student achievement standard as opposed to what you may believe should be their standard for student achievement.

CHAIR KEISER: Ralph?

MR. WOLFF: Thanks. It was never our intent, nor my experience that we were imposing a standard. But it does seem to me we were publishing in the federal regs a set of questions that I can understand how anyone might have seen that we were creating a new set of regulatory frames.

So I do think it would be really helpful to say what's within our ‑‑ it sounds to me what you are saying is we can ask these questions, but to require it, we were asking accreditors to really make a presentation in response to a set of questions that were not in the regs. And they were procedural.

So I think that, it may be that there is a way, and I hate to say another subcommittee, but a way in which we can address it without running afoul of creating a quasi‑regulatory approach.

MS. JONES: Absolutely, and I think, you know, Herman and George, I'm not sure whether we've introduced that paper, but we as a team sat around the table and, you know, we as a department team, we spent, I think, a whole day, pretty much of a day, really talking about this issue and talking about the new regs, and preparing for this meeting. You know, we take this very seriously.

And we came up with a list, I think, of 10, or 12, or 13 questions that we will share with this body to say these are the kinds of questions that are appropriate.

We are not limiting you to those questions, but I think what we are trying to show is the distinction between asking an agency how did you come up with that standard, how do you evaluate that standard? How, when you go to an institution, do you make sure they're adhering to their standard as opposed to tell me if your graduation rate meets this threshold? Tell me if our retention rate meets this threshold.

Because for some institutions, gradation and retention rate is actually not what they promised students. In fact, there are some institutions that actually require students to be readmitted as juniors, the idea being that if you're not a contributor to the learning community, you're not welcome to continue into your junior and senior and senior year. And every student that goes to a school like that knows it.

And so of course their retention rate is going to reflect that. That's part of the mission of that institution. That's not a negative outcome. That's their mission. So I think that's the difference.

And we have many institutions and many accrediting agencies where qualitative standards are absolutely appropriate. And I think they felt as though there was limited confidence in qualitative measures and a push to quantitative.

You know, I'm not a very good pianist, but my first major in college was piano. And I don't know how you would put a quantitative measure on it except for, you know, like, how many times did I play a sharp when it was a flat? I don't know.

But there are plenty of programs that exist in the world that are best measured through qualitative measures. And we think agencies and institutions should be permitted to move in that direction.

MR. WOLFF: I had another question, but I just want to respond by saying there were a lot of agencies, particularly professional and specialized, that do set bright‑lines, not ours. And our inquiries largely, how do you validate them, and how do you know they remain current?

But I don't know of any instance in which we, in my five‑plus years on the commission, on NACIQI have ever imposed or said that --‑

MS. JONES: Well, I can tell you that accreditors may feel differently. Because I think there were plenty of accreditors who came before this body and said, and I'm making these numbers up but, you know, our licensure pass rate is 50 percent, and this body hammered them and said why not 60?

And the agency felt like if they didn't come back with 60 that they were not going to get recognized. And then they came back with 60, and they were badgered, why not 70? That is inappropriate, number one.

Number two, I know we all have an interest in looking at licensure pass rates. More and more licensing agencies are not releasing that information to accreditors or institutions because of privacy concerns.

So there are agencies that may have those standards now that will have to abandon them, because everybody's concerned about student privacy. You may not be able to get them. I know of many programs that have told us we cannot get licensure pass rates for our students anymore. We don't know what they are.

We have also seen agencies that have particular pass rates, but they may have an institution among them, let's just say it's nursing, you know, and the hospital closes. You know, back in the '80s and '90s that happened a lot.

Well, if all of a sudden the hospital closes, of course the institution isn't going to meet the job placement rate. And there has to be a combination of that. And we felt that we had seen too many examples where there was not accommodation.

So it may not have been intentional on the part of NACIQI, and more than, you know, at least a third of the people around this table and maybe more were not participants in those conversations.

But I think if you talk to accreditors in the room, I think they will tell you that the pressure was real, and that they oftentimes felt compelled to inflate their standards to a point where, frankly, what was happening is people who want to be nurses can't get into nursing programs. Because the agency can't afford to have a student who maybe doesn't, you know, pass the license exam the first time through.

And, you know, we have a nursing shortage in the country. We have community colleges with five‑year waiting lists for people who want to get into nursing programs. And what we've heard from nursing accreditors is we can't afford to let them in because, my God, if our licensure pass rate goes below 75 percent or whatever it is, we will lose our recognition. That is not in anybody's best interest. So that's the kind of thing that we're talking about.

MR. WOLFF: So I wanted to ask about the new regs. So if we can set that aside, you mentioned --‑

MR. PRESSNELL: Ralph, could we stay on this? My question is --‑

MR. WOLFF: Sure.

MR. PRESSNELL: ‑‑ directly, if that's okay, then we could come back --‑

MR. WOLFF: Absolutely.

MR. PRESSNELL: ‑‑ just because I ‑‑

(Simultaneous speaking.)

CHAIR KEISER: I think we need to tie it up, because Diane's got a schedule.

MR. PRESSNELL: Yeah. Just, I want to really have some clarification on this, because obviously I think mission‑driven evaluation is appropriate. I think that each institution needs to set their own criteria for how they measure success.

To me, a common denominator has always been that the institutions be able to take those students and have them complete. Am I hearing from you that an institution could have a mission that is not based on them completing a program? I mean ‑‑

MS. JONES: Yes. Yes, you're hearing that from me.

MR. PRESSNELL: Wow, okay.

MS. JONES: Many community colleges have talked to us about the many students, in fact, in some instances the majority of students who have no interest in completing a credential, they want to complete two classes. They want to come back and do something different. They want to advance in their job. They have no interest in completing a credential, and yet the community college makes a huge contribution to those students.

It is perfectly appropriate to have accountability that looks at how are you serving those students. And that may have nothing to do with completion of the credential.

MR. PRESSNELL: And I do understand that. And I apologize for interrupting you. And I think part of the problem is the Title IV regulations. But you have to be a degree‑seeking student in order to get Title IV aid. And some people come in, only one or two classes. And they're going to mark that that's who they are and that's what they want to do. So therefore, you end up measuring against that.

I think there are some exceptional cases, but I guess I was under the impression, at least at the four‑year institutions' graduate level programs, that the goal is for them to successfully complete the program. And I just appreciate that clarification.

MS. JONES: I mean, obviously for people who signed up for a degree program, the goal is to enable them to complete. But they have to do some work too, right. The goal is for the student to work hard and achieve and attain the skills they need to obtain to graduate. So if the goal of the institution is completion, then obviously that should be something that they are measured against.

I think the example I was given is, you know, I can think of a particular institution, and there are selective institutions that have a graduation rate that looks low for a selective institution. And it looks low because students who are enrolled there have to be readmitted as juniors.

And so that is one of those oddities. It might only be one or two institutions that do it, but in that case, you know, you would look at, well, of the people readmitted as juniors, what percentage of them complete?

Because the goal of that institution is you get a chance for two years to prove that you could be a contributor to the learning community. You come back to us and we tell you whether you can continue as a junior. And if we bring you in as a junior, yes, you should complete.

But there may be attrition. And not just because the school says you're not part of the learning community, but because the student realizes this is just not the right place for me.

So again, it's not to say that we think the school shouldn't shoot toward completion, but the school has a very different way of getting there. And they should be allowed that autonomy as long as they are honest with students. Hey, you ought to know that just because you get in as a freshman does not mean you're going to get in again as a junior, as long as it's clear to the student.

But again, we want to recognize that in particular with community colleges. And I need to go back and check the regs, because, and my team around here can tell me whether I'm right or wrong. I think the statute refers to the program, not the student. I'm looking at Lynn. We have to go back and look.

I think the way the Title IV statute is written is that to participate in Title IV the program must be a Title IV eligible program. I do not know that the student, the students may believe they need to be degree seeking. Schools may have told them that. And indeed, our regs might say that. I have to go back and look, but I don't think so.

I think we would use the program length to determine the 150 percent eligibility for Pell Grants. But I have to go back and look. I'm embarrassed I don't know the answer to the question, but I don't. So I'm not going to lie. But I think it's the program, not the student. But we will look. And before this day ends, we will have somebody that gets back to you with an answer.

CHAIR KEISER: Final question, Ralph, final.

MR. WOLFF: Thank you. I wanted to, you mentioned yesterday, I don't think you did it in this morning's summary, but about a monitoring report. And I just wondered if you could say, because I think, as I understood you, that it would be initiated not be NACIQI, or through formal action, but by the staff.

So I'm just saying if you could be a little more detailed about it, if you, during a period before recognition, would we know that there had been a monitoring report? Would we receive a copy? I'm just trying to say it's something new, and how will we relate to the monitoring report?

MS. JONES: Sure. So the monitoring report is spelled out clearly in our new regs. So right now, we have a situation that is very black and white. You're in compliance or you're not. But any of us who have dealt with higher ed or accreditation know that there are all kinds of shades of gray.

And sometimes there are shades of gray, because the agency is accommodating students. And I gave an example in our training yesterday of there was a programmatic accreditor that has very strict limits on faculty to teacher ratios and program sizes.

But when we had a large closure and 1,200 clinical doctoral students needed a place to go, we went to that accreditor and said if we write you a permission slip that says there's a reasonable reason to deviate from your rules, can you permit institutions willing to accept those students to indeed accept them? And absolutely, the answer was it's in the best interest of students.

And so you may say that while that would be an accreditor in substantial compliance, because they did have this one time where they deviated from their regs, and oh, my gosh, for such a good reason, do any of us want to fault them?

It could be that you're in substantial compliance but, you know, your policy talks about, you know, wet signatures. And instead your practice has been you've allowed electronic signatures. You're in compliance, but maybe you have to update your protocol.

But it's kind of silly to have a compliance report and have to come back to this body when all you really need to do is either change your policy to match the practice you already have, or change the practice to make sure it's adhering to the policy you already have, and it's a little thing. So we have now said substantial compliance is the standard. If you are substantially compliant, you are compliant.

Now, it may be that this body and I, as the SDO, think that, you know, it's a departure enough that it requires a compliance report, that we're going to say you've got to come back to us in 12 months to make sure you're in compliance.

But if it's something minor, and perhaps we already see that the practice is in place, you just need to tweak, you know, your written policy, there's no reason to delay recognition and to waste this body's time with a compliance report that comes to you on a small thing.

Therefore, we have a new tool called the monitoring report. You can recommend it, I can require it, staff can recommend it. And the difference is that it's for the little stuff that we want to make sure gets done but doesn't rise to the level that it should take this body's time.

Yes, monitoring reports will be made available, they will be public. No, they will not come to this body for formal review. However, if this body sees a monitoring report and has concerns, as in any other case where you have a concern, you can share it with staff. We can have, you know, a conversation. We can discuss it.

And it could be that this body would, at a future meeting, make a recommendation that there should be a compliance report. So there's a process, there's due process involved. You always have the opportunity to make recommendations.

But the monitoring report, it's really for those little things just to make sure everybody's in communication, that this little thing is important. Fix it. We don't want it to become a big thing. But it's a little thing. And that's really the purpose of the monitoring report.

MR. WOLFF: Thank you.

CHAIR KEISER: Do you have time for one more question?

MS. JONES: I do. I mean, I'm going to sit here until 11:00 ‑‑

CHAIR KEISER: ‑‑ Kathleen?

MS. JONES: ‑‑ but I don't want to, you know, I really have work to do.

MS. ALIOTO: I think these are some important questions in terms of our ongoing relationship, NACIQI's ongoing relationship with the Department.

And in terms of this shades of gray monitoring report, where will it be made public? If it's not going to be made public on the agenda for us, where will it, will it be in the --

MS. JONES: The Department's website.

MS. ALIOTO: In the Department's website. So we can go and see what's happening with these different institutions?

MS. JONES: Herman, you want to, yes.

MR. BOUNDS: So we've talked about several places. One is on the Department's website. One could be in the public document area where you're already, you know, where the final staff reports are located. So there are several places that we can post those so that everybody can see them.

MS. ALIOTO: Well personally, I would like to see that as a member of NACIQI. But I can go on the website certainly.

But I have one more question in terms of the regs themselves, when we start right off with 602.1. And it would appear that anyone could become an accrediting agency from the language.

For an applicant for initial recognition, the agency must provide a letter written to it by at least one institution or program attesting that, should the accreditor become recognized, the institution or program would rely on the agency's accreditation to participate in Title IV. It seems like ‑‑

MS. JONES: So that's like gatekeeping. That refers to the gatekeeping roll.

So we did go to the table with a different proposal. But we ended up with a NPRM and a consensus reg that said no, you have to have two years of experience, and you have to have accredited at least one institution or program before you can come to us.

What you're talking about is the gate‑keeping role. So we have this challenge where sure, we all talked about anybody could become a new accreditor, but how on earth could you actually do that if you needed institutions to abandon accreditation with the accreditor that was recognized and join forces with a new accreditor that hadn't yet been recognized. That would almost be malpractice to your students.

And so what we have allowed in our new regs is the opportunity for a new accreditor to come for review to accredit institutions without requiring an institution to abandon its current accreditation until that new accreditor is established and proven.

So the idea is that to meet the gatekeeping function, and again this is for institutional accreditors. If an institutional accreditor is not meeting anybody's gatekeeping function but could, it needs to able to show the staff there is at least one institution that would like to use us as their gatekeeper. But, they're not going to do it until we're well established.

And I believe our new regs require that by the time they come back for renewal of recognition, at least one school has to actually have designated them as a gatekeeper. So it gives a new accreditor five years to prove to its members, five years to prove to us.

Oftentimes, you'll see a new accreditor get recognized for only two years. So maybe they've been back to the Department one more time before a school abandons its current accreditor and moves to a new one.

The other thing our new regulations do is it allows for dual accreditation for the same purpose. It may be that somebody wants to be accredited by one accreditor, because other schools in the area are accredited by it. And they may want to be accredited by a second accreditor, because it really focuses on the mission, and they want to prove adherence to the mission.

We are allowing dual accreditation. Again, that doesn't mean the school can flip flop, it doesn't mean that if you're in trouble with one you race to the other. It means that for legitimate reasons you can be dual accredited.

And one legitimate reason is there's a new accreditor in town, we like them, we think they may be our gatekeeper in the future. But we want them to have a little bit of history behind them before we jump ship.

And so it does not allow just anybody to become an accreditor. Ask anybody who's become an accreditor how hard it is. It is still hard. It still requires two years. It still requires that you have to have accredited an institution or a program.

But this letter takes care of the gatekeeping issue that for all practical purposes actually did prevent new accreditors from evolving.

Our great members of General Counsel, Donna and Angela, pulled the regs up. And indeed, you were right, and I was wrong. The regs do reference a regular student. So that is something we have to think about.

And so how do we communicate this? Yes, so they must be enrolled in an eligible program. And they can't get AGIS to take random courses. So you're right, this is something we're going to have to figure out. Because students are going to misrepresent the truth to get access to Title IV. So I don't have an answer, but I think that's something we're going to figure out.

MR. PRESSNELL: And I totally agree. When I was on the Advisory Committee for Student Financial Aid eons ago, we recommended a change to that. Because I don't think it's fair to the community colleges --

MS. JONES: Right.

MR. PRESSNELL: ‑‑ largely so, because they can't categorize their students who are not degree seeking with those students who truly are degree seeking, because if they check the not over here they're not going to get aid.

MS. JONES: So I'm just making this up, and my lawyers might think this is wrong. But I could imagine a scenario in which a school said, you know, we're going to count, as a degree seeking student, a student who has, and I'm making this up, you know, completed these three core courses or completed, you know, these three gen eds, right.

And that is how you would separate. Because somebody who's coming for three classes isn't going to take, you know, this is just something off the top of my head that we have to think about.

MR. PRESSNELL: Well, here's another idea, is that what if a plan of study actually only includes three courses for the specific purpose of increasing competencies in that area? So that would be an institutionally approved, I don't know. Now I know we're off track, but anyway.

MS. JONES: So I think that's a really good question. We'll take it back. My guess is that the statute talks about a regular student. And so it will require a statutory change. And so, yes, so we have this issue where students are compelled to misrepresent the truth so they can get Title IV.

I don't know that we can change that without a statutory or regulatory change. So taking all of that into account, is there some way that we could measure those students as they progress through, so that the community college gets credit for doing exactly what the student wanted done?

Maybe it's a student survey. I don't know the answer. I guess what I'm saying is we're opening up the opportunity to look differently. But I'm glad you raised that point. And you are correct that it is not just about the program, it's about a regular student. So we've got something to, we have things to work on. So thanks for raising that issue.

CHAIR KEISER: Thank you, Diane. Thank you for your passion. Thank you for your support of NACIQI not only this time but before when you were with the Bush Administration. We really appreciate it.

We will now move to the consent agenda, and we have three institutions that are on the consent agenda. I'm going to deviate a little from the practice. But first, I want to ask is there anybody from the public that has a comment on the three institutions which are the Oklahoma Department of Career and Technology Education, the renewal of recognition for the Kansas State Board of Nursing, and the renewal of recognition from the Pennsylvania State Board of Career and Technical Education? Is there any third party comment? I do not have that.

I'm going to ask for some comments from the committee and from the primary readers, first on the Oklahoma Department of Career and Technology Education. I know there are some small questions that need to be discussed or asked. Kathleen?

MS. ALIOTO: Hi, I had a tiny question. In the report, it indicates, the executive summary, what the Oklahoma Board of Career and Technology Education is.

And I wondered with the, in our collaborative spirit with the new presentations that are made to us, if we could have an indication of -- the scope of the agencies that we are dealing with. Because in this, it just indicates what it is, and its procedure for 29 technology center districts encompassing 58 campuses across the state.

And Wikipedia gives a paragraph that's a little bit more descriptive. And I'd like us to be able to have that kind of one paragraph in the executive summary of what the agencies are that we're looking at.

So I don't want to hold it because of something that's really just a housekeeping thing, but I'd like the Department to be thinking about that in the future. So that's my feeling about Oklahoma. But the other one ‑‑

CHAIR KEISER: Let's just wait to see if there are any comments on Oklahoma. I think those are good --‑

MR. BOUNDS: So, one thing I wanted to say is that most state agencies, whether their nursing or vocational, they don't have a traditional scope of recognition like you see written, 4A, recognize the crediting agency.

If you look at 1A, Kansas State Board of Nursing, there is no traditional scope.

Oklahoma is a little different because they, you know, about all you can say --- and they're here, so they can talk with themselves.

But they have authority over the career and technical schools in their state that are not overseeing on the State Board of Regents. That's about as much as we normally say.

And I just wanted to let you know that traditionally state agencies don't have a scope of recognition that you would see for a normal accrediting, not a normal, but for one of the 53 recognized accrediting agencies.

DR. ALIOTO: Yes, I noticed that with Kansas.

MR. BOUNDS: Yes, there is none.

DR. ALIOTO: It doesn't. Their website is more a question of certification than it is anything else.

CHAIR KEISER: Can we move from one school to the next?

DR. ALIOTO: Okay.

CHAIR KEISER: And you're also one of the primary readers on Kansas, so you have some comments?

DR. ALIOTO: Yes. Well, with Kansas, it's something that is actually quite interesting in terms of Diane's presentation and that is this question of whether an applicant for licensure, who is a graduate of the school of professional, practical nursing, located outside the state meets the requirements.

And I know this whole thing about transferring credits from institutions and how it's handled by accrediting agencies. And I certainly support the push towards allowing students to transfer of credits to another institution and urging accrediting agencies to do that, but it's very tricky when you come down to it. And Kansas State is indicating what the problem is.

So I'd like a question, clarify, Herman, if you could, or George, I'm not sure who would clarify this, what is the Department saying?

Is the Department saying that credits should be allowed to transfer for students?

I'm a little confused about it. If you're coming up with ‑‑

CHAIR KEISER: I think, Diane ‑‑

DR. ALIOTO: ‑‑ policy ‑‑

CHAIR KEISER: Diane, I think it's in the future regs. And I think the concept was, it should be the institutions that make the decisions, and it should not be based on whether it's regional or national, but on the caliber and quality of the work that the student performed in prior institutions.

So, I think this is a little beyond the scope of where we are today, because I don't think we have regulations on that. Is that correct, Herman?

MR. BOUNDS: Yes.

CHAIR KEISER: But I think it's important that we, for now, I think not necessarily this meeting or the next, but the one after, that will be something that the Committee is going to need to look at.

DR. ALIOTO: Yes. I think it's a very important question. And I remember how City College struggled with that. And for the benefit of students I think we should ‑‑

CHAIR KEISER: All institutions struggle with that.

DR. ALIOTO: Yes.

CHAIR KEISER: The third was Pennsylvania. And, Ralph, you had a comment?

MR. WOLFF: Actually, I didn't want to take it off the consent agenda, but I did have a couple of questions of the agency. And there is a way just to ask it as, will not affect the support for the recommendation.

CHAIR KEISER: Are there representatives of the agency here?

If you'd like to come on up and Ralph will ask a question. Otherwise we pull you off the consent agenda and you will get normal treatment.

(Laughter.)

MR. WOLFF: It will be much worse. You might want to introduce yourself first and then ‑‑

MS. MARSHALL: Sure. My name is Beth Marshall and I work for the Department of Education in the Bureau of Career and Technical Education. I am the accreditation coordinator.

MR. WOLFF: Well, thank you for being here and answering. I had two questions. And following up on what Kathleen was saying and Diane's comments earlier.

Given that you offer certificate programs and vocational, voc tech schools and high schools, the big issue is dual credits. So I'm really curious to know, are credits that are earned in certificate programs that you certify, or accredit, accepted by the community colleges or other institutions?

MS. MARSHALL: Our authority is for non‑degree granting career and technical centers. So we do not accredit for any type of degrees.

MR. WOLFF: No, I understand. They're not degrees but there are, one of the big issues is dual credit, high school dual credit that are not necessarily degree program courses that are accepted by community or four‑year schools and/or the stack-ability of credentials that come out of certificates.

And similar to what Kathleen has been describing, if we're interested in, that learning should be recognized however it is achieved and recognized by other educational entities ‑‑

MS. MARSHALL: Yes.

MR. WOLFF: ‑‑ what happens to the credits or certificates?

MS. MARSHALL: We do have some CTCs that have a local agreement with a community college or a trade school that they look at the scope in sequence of the program.

And they will look at that, and they will look at the completion, what it takes to complete those programs. And they will articulate into a postsecondary.

I'm not quite sure how many credits they have, it's a local kind of thing. But we do have career and technical centers that do have local agreements with their career, with their community colleges. For those students to be able to transfer over from a certificate to maybe an associated degree. Yes.

MR. WOLFF: Yes, it's not a standard, just as ‑‑

MS. MARSHALL: Yes.

MR. WOLFF: ‑‑ an inquiry, and certainly hoping, but what I understand you're saying is locally organized and setup ‑‑

MS. MARSHALL: Yes, we definitely encourage it, but it is a local thing that they do. Because every career and technical center is different. Every region has a different need. So, it depends on how that can flow through the process.

MR. WOLFF: And the second question I had is, I know it's not part of the regs that you all are responsible for, their different for your type of agency, but I am curious about completion rates.

Do you, if you have a lot of different certificate programs, but do you track completion rates?

There are a lot of, there are three and a half, what is it, seven and a half million jobs ‑‑

MS. MARSHALL: Yes.

MR. WOLFF: ‑‑ open in the country, and a lot of them are in the voc tech area ‑‑

MS. MARSHALL: Yes.

MR. WOLFF: ‑‑ and so I'm just wondering how you look at them?

MS. MARSHALL: There is a big push right now for the career and technical centers, which we're very excited about. But yes, I do, at the department, look at completion rates.

We look at that on the onsite visits, we look at that during the annual reports. We look at their documentation for completion and placement.

We also look at the gainful employment to make sure of any default rates. If they've dipped or anything like that.

We ask our career and technical centers to do surveys of the students. It is very difficult to get the surveys back, obviously.

So we're trying different ways, not paper but maybe electronic, to get surveys back. Given if they're employed and where they were employed by.

We also have very, very good relationships with our business and industry as a current technical center. Many of them sit on the advisory committees.

Many of our students are recruited and have employment before they even complete the program. There's such a need out there, mainly for like welding, CDL drivers, things like that. And they get out before they even complete the program.

We also ask, as part of our criteria or our policies, for the schools to survey the employers that have hired the students. And when they survey the employers they ask them about the student. Were they, did they have the needs or the skills necessary for the basic job that you hired them for, what are some improvements that we can make within our programs.

So I look at is as check and balance. Our point is to get these students through, the adults through the program.

But if they didn't have the basic training needs that those employers need, then what was the point. Because those employers are going to have to retrain them all over again.

So I really think our relationship with business and industry is really the key to our success because our career and technical centers obviously offer on the secondary side, and they transition to the adult side. So that relationship is as strong. And it really helps with our placement and completion.

Completion as in the students are learning what they need now and current and not old news. And also, that the employers know that they have, their workforce is going to be supplied by qualified students coming through the process.

MR. WOLFF: I just was going to say, thank you for the thorough presentation.

MS. MARSHALL: Sure.

MR. WOLFF: Not on your response here ‑‑

MS. MARSHALL: Sorry.

MR. WOLFF: ‑‑ but in looking at your presentation and the materials you submitted, they were very thorough.

MS. MARSHALL: Thank you.

MR. WOLFF: So, I'm done. Thank you.

CHAIR KEISER: Does anyone want to pull any of the agencies that are on the consent agenda, off the consent agenda?

Seeing none, if we would have a motion to approve the consent agenda?

MR. WOLFF: So moved.

CHAIR KEISER: Ralph.

DR. DERBY: Second.

CHAIR KEISER: Second, Jill. Any further discussion?

Sensing none, all in favor of the motion signify by raising your hand? All those opposed? Motion carries. We'll take a 12 minute break.

(Whereupon, the above‑entitled matter went off the record at 9:52 a.m. and resumed at 10:06 a.m.)

CHAIR KEISER: Okay. We now move into the review of certain agencies for recognition of accreditation -- for their recognition requirements.

We have a process, and I will explain the process so when we go through the, each of the different agencies you'll see that we follow a standard procedure.

The first step is that the primary readers, who are members of the NACIQI, introduce the agency's application.

The second, we then have, we invite the Department Staff to provide a briefing.

The third is then we invite the agency representatives to provide comments. Third, the questions from the NACIQI are then, usually the first set of questions are from the primary and secondary reader, and then from the rest of the committee and followed by a response from the agency.

We then ask for third‑party comments, and the agency responds to the third‑party comments. At which point we final the process with the Department Staff, which responds to the agency's and third‑party comments. And then the Committee has a discussion, and we vote on the recognition.

The first agency that we have before us is the initial recognition for the National Nurse Practitioner Residency and Fellowship Training Consortium. Which is the longest title I think we have.

(Laughter.)

CHAIR KEISER: Are there any recusals? This is a new agency, I don't know how we can have a recusal, but if there are.

I don't think we have many recusals on any of the agencies we have up before us today but if you are, we talked about it yesterday for the Committee, if you are in any way associated with this agency or have, if you're before it, let's say if you are a, if it is a programmatic agency, and my understanding is correct, that if you have business before the Commission or you have challenges with the Commission you would need to recuse yourself. If they're your institutional accreditor you have to recuse yourself.

So, with that, I will introduce our primary readers, Jill Derby and Claude Pressnell.

DR. DERBY: This is the National Nurse Practitioner Residency Fellowship Training Consortium, and I'm going to use the acronym of NNPRFTC. It's a fairly long agency title.

This is the first time I've been assigned one that is initial recognition, and I must say that I've enjoyed working with this. And they come with a very clean proposal.

So no history, but let me say something about this agency, by way of context and background.

The number of post‑graduate nurse practitioner, post‑graduate training programs through the United States has increased every year since the first primary care post-graduate nurse practitioner training program was established in 2007.

So, let me tell you that the NNPRFTC National Programmatic Accreditation includes post-graduate training programs following the completion of a master's degree in nursing of doctor or nursing practice.

So it's post-graduate and the participants must have had a master's degree and have passed their licensure.

So, this program provides 12 months of full‑time, structured, intensive education and training in the service-delivery setting, supporting the transition from academic preparation to clinical practice in a nurse practitioner, both in primary care and in specialty areas.

So all trainees must be graduates of an accredited educational program that qualifies the individual to become board certified upon passing their national certification exam as a nurse practitioner. And licensed by the state of practice. Or license eligible as an advance practice registered nurse.

So, that's a bit of context and background. And I look forward to hearing from the agency itself and to our staff.

MS. LEFOR: Good morning, Mr. Chair, and Members of the Committee. For the record, my name is Valerie Lefor, and I am providing a summary of the review of the petition for initial recognition for the National Nurse Practitioner Residency and Fellowship Training Consortium or the Consortium.

The Consortium is seeking recognition as a specialized programmatic non‑HEA agency. The Consortium initially contacted the Department in 2014 to learn about the process. And formally began steps to apply for official recognition process within the accreditation group in 2016.

The staff recommendation to the senior department official is to grant the Agency initial recognition for a period of five years.

The requested scope of recognition for their agency is the accreditation of nurse practitioner, NP, postgraduate residency and fellowship training programs in the United States. The recognition also extends to the Agency's appeals panel.

This recommendation is based on our review of the Agency's petition and its supporting documentation, as well as an observation of six accreditation activities by the Agency. Including four accreditation commission meetings and two site visits.

The Department received 18 third‑party comments that reflected positive opinions of the Agency and has had zero complaints.

Our review of the Agency's petition found that the Agency is in compliance with the Secretary's criteria for recognition. So therefore, as I stated earlier, the Staff is recommending to the senior department official to grant the Agency initial recognition for a period of five years. Thank you.

CHAIR KEISER: Any questions of the Staff? Thank you, Valerie.

I call members of the Agency to please come forward and introduce yourselves. And remember to push the button to speak and turn the button off when you are finished.

MS. BAMRICK: Good morning, Chairperson Keiser, Principle Deputy Undersecretary, Members of NACIQI, Members of the Department and others who are here today.

Please let me introduce myself. My name is Kerry Bamrick and I am the executive director of the National Nurse Practitioner Residency and Fellowship Training Consortium, which we will simply refer to as the Consortium throughout today's presentation.

I am joined by several of my colleagues at the table, whom I will have introduce themselves in just a moment. Following the introductions I will provide a brief overview of the Consortium and invite our accreditation commission chair, Dr. Quyen Huynh, to provide her comments regarding our accreditation commission and accreditation activities.

I will then turn it over to Mr. Mark Masselli, the president and CEO of the parent organization, to share his remarks regarding the relationship between the parent organization and the Consortium.

So now I will invite the representatives to introduce themselves, starting with the far left and moving forward.

MR. CAPONE: Good morning, it's a pleasure to be here. My name is Lucien Capone. I'm here in my capacity as an accreditation consultant to the Consortium.

They brought me in, in 2018 to assist with preparing the petition for recognition. Just so you know, I've been involved with the accreditation since about 1996, having been a public member on four different accrediting bodies.

And I'm currently the chair of the accreditation commission of the Distance Education accreditation council, which I know you're familiar with.

And I've also spent 25 years as general counsel of campuses in the University of North Carolina system. Thank you.

DR. HUYNH: Good morning. My name is Quyen Huynh. I am the Chair of the Accreditation Commission of the National Nurse Practitioner Residency and Fellowship Training Consortium. Thank you so much for having us here today.

DR. FLINTER: Good morning. Thank you for having us. My name is Dr. Margaret Flinter. I am the Chairperson of the Board of Directors of the Consortium.

I also serve as the Senior Vice‑president and Clinical Director of the Parent Organization, the Community Health Center, Inc. By clinical training, I am a board‑certified family nurse practitioner.

And I have to note, if it isn't obvious, that I acquired laryngitis between Connecticut and Washington and I am doing my best. Thank you for the microphone.

MR. MASSELLI: Good morning. I am Mark Masselli, I'm President and CEO of Community Health Center, which is the parent organization. And I'm also a board member of the Consortium.

MS. BAMRICK: Thank you. But first I'd like to thank the Department Staff, the Committee and the primary readers for all the effort that they put into for preparing for today's meeting. We appreciate your time and effort.

And I know you've read a lot of material, and we thank you. So we will try to be diligent in preparing our opening remarks. And we'll certainly expand on anything you'd like to hear further during the discussion period.

It is my pleasure to give you a brief overview of the Consortium. And I remind the NACIQI Members, a packet of information was provided to you earlier today that you can review at your leisure.

The Consortium is setting the standard for post-graduate training for nurse practitioners. The Consortium exists to support new and ongoing post-graduate training programs for nurse practitioners in the achievement and maintenance of the highest standards of rigor and quality, consistent with achieving the goal of an expert healthcare workforce prepared to meet the needs of patients and the society, as a whole.

Our goal is twofold. To increase opportunities for novice nurse practitioners, to participate in a highly structured, qualified post-graduate training program and to provide programmatic accreditation to nurse practitioner, post-graduate training programs assuring adherence to these rigorous standards.

In this way, the Consortium is making a significant contribution to health and the healthcare of the public.

The concept of the Consortium began over a decade ago when a group of leaders and early supporters and the doctors of post-graduate NP training came together, informally, in 2010 to share their best practices around quality and rigor in their own programs.

The Consortium determined early on that formal accreditation was highly desirable in order to ensure that quality and rigor in the area of post-graduate training. And began the work in 2013 when a group of national experts established the Consortium's accreditation standards.

In 2015, the Consortium moved from that informal group of leaders to its own 501(c)(3) organization with an independent accreditation commission and began the accreditation activities and worked towards seeking U.S. DE recognition.

Today we are here to present our petition to become a U.S. DE federally recognized accreditor. The Consortium is seeking recognition as a specialized programmatic accrediting agency pursuant of 602.14(a)(ii).

The Consortium is not seeking recognition to accredit institutions under 602.14(a)(i) nor a Title 4 gatekeeper eligibility under 602.14(a)(iii).

I would now like to ask Quyen Huynh to briefly describe our accreditation commission and the activities and standards. Thank you.

DR. HUYNH: Thank you, Kerry. So, the accreditation commission is made up of national experts who are educators, practitioners and administrators, from across the country with diverse experience and nurse-practitioner education and practice.

The commission has ten members that include one public member and one ex officio nonvoting member.

The commission is an independent decision‑making body which makes all accreditation decisions and oversees and ensure the integrity of all accreditation activities.

We are seeking federal recognition for specialized programmatic accreditation, because this assures the public, the training programs, and the trainees themselves, that we follow nationally approved best practices to ensure quality and integrity in accreditation.

Federal recognition is also important, because it is required for eligibility by programs for non‑HEA federal funding.

Our standards are rigorous and are utilized to drive excellence in programmatic design and training. The eight standards are, mission; goals and objectives; curriculum; evaluation; program eligibility; administration; operation; staff and trainee services.

The programs that we accredit are 12 months or longer and are located in health care delivery institutions.

Trainees are fully integrated into the health care organization and receive continuous training to a model of high‑performance health care.

These accredited programs have core curricular components, which include precepting and mentoring by expert clinicians; selected specialty rotations; formal education sessions delivered by content experts; and progressive responsibilities in patient's care.

Since 2016, the Commission has accredited a total of nine programs located across the country from east coast to west coast and ranging from primary care to specialty and acute care.

Collectively, these nine programs had 207 trainees. Of them, 200 of them successfully completed their training. Which equates to 97 percent of completion rate.

So far as have not had any adverse or formal complaints. Once again, thank you for giving us the opportunity to meet with you today.

Back to you, Kerry.

MR. MASSELLI: Thank you, Kerry. My name is Mark Masselli, and I'm here this morning in my capacity as president and CEO of Community Health Center, which is the parent organization of the Consortium. I also serve as a Member of the Board of Directors on the Consortium.

I am not a member of the accreditation committee commission and not a decision maker. Nor involved in the decision‑making process regarding any aspect of accreditation.

And I want to assure the commission that the Board of Directors of the Community Health Center is fully committed to the work of the Consortium. And I want to put that in context.

I've served as president and CEO of CHC since it was founded in 1972, as a private non‑profit organization with a mission of ensuring access to high quality health care, particularly for those experiencing barriers to access to care.

CHC, like all health care providers, cannot be successful without a robust, expert, committed clinical staff. And you are likely well aware of the current and projected shortages for primary care physicians, and the importance that nurse practitioners play in our health care system.

Our organization has recognized the importance of nurse practitioners to primary care for more than 40 years, starting in 1980 when Dr. Flinter joined CHC as our first nurse practitioner.

In 2005, Dr. Flinter proposed to our board an innovative model of rigorous, formal post-graduate residency in fellowship training for new nurse practitioners. And we approved it based on the evidence of need and the benefit of such training.

CHC launched the first post-graduate nurse practitioner program in 2007 with four new nurse practitioners. Eighty‑six post-graduate nurse practitioner resident program --- eighty‑six individuals have completed the 12 month program.

And I might add, 100 percent successful completion rates. And many remain on our staff today.

We weren't the only ones recognizing the need for such programs. Dr. Flinter regularly convened nurse practitioner leaders from other programs across the country, like Dr. Huynh, for several years to share best practices and refine the program.

These leaders recognize the accreditation was an important step in the post-graduate training movement to ensure rigor and quality as the movement group.

The creation and incorporation of the Consortium as a separate, private non‑profit organization became a logical next step.

We created the corporation in 2015. And CHC, as its sponsoring entity, has worked to support its mission and to fulfill -- fully committed to continuing that support.

The Health Center, Community Health Center, provides financial support to the Consortium to address shortfalls in revenue in order to maintain solvency. This arrangement and understanding was memorialized in a memo of understanding entered in between CHC and the Consortium in 2019.

And I believe it's at Exhibit 144 to the petition for recognition. That MOU also expressly states that any support provided by the health center shall have no impact on the accreditation decisions of the Consortium, and the Consortium retains full responsibility and authority for such decisions without any contingency related in any way to the resources that CHC provides.

On behalf of the Board of the parent corporation and myself, I want to thank you for the important work you do and have done in preparing for this hearing. I very much appreciate the commitment of the U.S. DE and NACIQI and everyone involved in this process. Thank you.

MS. BAMRICK: Thank you, Dr. Quyen and Mr. Mark Masselli. I think we're able to answer any questions from the primary readers.

DR. DERBY: Well, thank you for what you've put together. We all know how important nurse practitioners are in our current health care system, and that's only growing in terms of its importance and need.

I had a question --- since this is initial recognition -- about, I know you gathered a group of 10 experts together to put together your standards. I believe there is six. If I have that correct, how did they do that?

DR. FLINTER: If my voice fails me I will then turn it over to Kerry or to Quyen. But thank you very much for the question.

You know, the development of post-graduate training model has been characterized by a very high level of collaboration and communication among many NP leaders across the country representing different sectors.

And all really supported by the recommendation of the institute of medicine and it's Future of Nursing report back in 2010, and then just recently in 2020.

In addition, the development of standards and an accreditation program was identified as a priority early on. We were very fortunate to gather together people, who -- I think I will perhaps read a few of the names and maybe describe the others, in the interest of time --- but they were a group that all had in common, they represented nurse practitioner education, or nurse practitioner practice, or both. And they were geographically diverse around the country.

People like Dr. Amy Barton from the University of Colorado, George Case, director of a nurse practitioner residency program in rural Maine, up in Bangor.

Several people who are leaders in the Veteran Affairs, Veteran's Health Administration System. Johnnie Guttery, Mary Dougherty and Kathy Rugen, all of who have been leaders in this from the beginning and really started right after the program in Connecticut and right down the road in West Haven, Connecticut.

Julie Stuckey, who joins us in the audience today from San Antonio, Texas, Our Lady of the Lake University, and a few others.

These people work tirelessly to make this happen. And in the process, we came together and also said, who is already doing accreditation and let's look at their standards.

This was a de novo innovation. There were no other programs before we started this work. So of course, there was no accreditation for this work.

But we did look at the accreditation standards, the approach to standards, how it was done by the Accreditation Council on Graduate Medical Education, the American Association of Colleges of Nursing.

We looked outside of nursing at the American Society of Hospital Pharmacists. We looked within nursing, the National Organization of Nurse Practitioner Faculty.

We looked at a program which had ceased crediting but had been very active for a while, RPA, which had accredited post-graduate physician assistant programs.

So we felt that we had looked as widely as we could before we came to the work of actually crafting the standards. Thank you.

DR. DERBY: Thank you.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yes, I've got a couple of questions. First of all, congratulations on a wonderful application. It was very well done.

And to have 18 third‑party comments, and they're all being put on positive. I was able to scan those. They were really well-written, well done. And they weren't a uniform letter, which is really nice, really nice, as well.

So I have a couple of questions. One deals with degree inflation that was talked about earlier today.

Nurse anesthetist, in particular, I see moving rapidly toward the DNP. And I see a lot of the different practices dealing with nurse practitioners moving to that DNP.

Give me your comments and your thoughts on that and where this is going and is degree, you know, the degree-acceleration inflation, is that a legitimate concern here or not?

MS. BAMRICK: I would say that the post-graduate trainings that are attending the programs, we're seeing an increasing number of DNP graduates pursuing the program.

For the first ten years, certainly a lot of master degree graduates. But I think over the last few years, DNP graduates are still seeing the need and want to pursue a post-graduate training program.

Particularly in primary care is where I've seen it the most where these DNP graduates are pursuing opportunities as the post-graduate training.

DR. PRESSNELL: Right.

DR. HUYNH: I would ‑‑

DR. PRESSNELL: Go ahead.

DR. HUYNH: I would also like to add that what we are accrediting, we're accrediting programs that confer certificates of completion and not degrees. We are not accrediting for degrees.

Furthermore, the work that we're doing is really the bridge to practice. Bridging that education to clinical practice, allowing the students to move from the novice to the, through the whole continuum of being able to provide confident and competent health care for diverse patient populations.

DR. PRESSNELL: Right. I may have been misunderstood. I wasn't really talking about particularly what you were going to be doing; I was talking more broadly about the environment of degree inflation within the nurse practitioner practice.

DR. FLINTER: So, I think this would be in the category of my opinion.

DR. PRESSNELL: Yes. Well, and ‑‑

DR. FLINTER: I will offer the opinion. I have followed the development of the DNP degrees, since Dr. Mundingre first started proposing it I think in 1999 or 2000. I think it has evolved. I think it's been very beneficial to the individuals and to the society that they care for.

There are an increased number of clinical hours in the DNP program for those pursuing a clinical focus. And in particular, we have noticed -- because we are also so focused on making sure that nurse practitioners can really be effective in building, leading, practicing and high‑performance health care systems --- the focus of the DNP programs, on quality improvement, rigorous quality improvement, making things better, improving health outcomes for patients, has been very positive. So I will offer that up as my opinion.

DR. PRESSNELL: So that leads actually to my other question. I can see how the work that you're doing could actually assist in the scope of practice. And I think that nurse practitioners are key to bolstering our ever‑changing health care needs that are out there but particularly in the rural areas.

And I know each state handles scope of practice slightly different, but do you think that your organization will actually increase the confidence of primary physicians and scope of practice for nurse practitioners?

DR. FLINTER: That's another opinion. Quyen, why don't you take it.

DR. HUYNH: The answer is, absolutely. The work that we are doing is really, as you mentioned, increasing the competent and confidence of these nurse practitioners to provide timely care.

And a lot of these programs that we are accrediting in underserved areas, rural areas.

And more and more programs are popping up in those regions, because there is such a shortage in primary care and is hurting the people who need it the most. Those are the ones who are underserved in rural sections.

So, the work that we're doing is really helping to close that gap to serve our patients.

MS. BAMRICK: I'd say up until last year there were no external federal funding. And HRSA announced that ANE, NPR, Advance Nursing Education, Nurse Practitioner Residency Program, with a priority on rural health.

So 36 programs were awarded those grants. Twenty‑eight of them were Track 1, which were to implement new programs, and the majority of those were in rural communities.

CHAIR KEISER: Kathleen.

DR. ALIOTO: You've certainly made an incredible presentation to us. Thank you. As I understand it, you're for graduate, it's all graduate work. But in terms of ‑‑

DR. FLINTER: Post. Post-graduate.

DR. ALIOTO: Post-graduate.

DR. FLINTER: Post masters or a doctorate.

DR. ALIOTO: I mean post-doctorate.

DR. FLINTER: Right. But in terms of the continuum that you talk about, do you talk with any students when they're just beginning or nursing practitioners or anything of that, any people of that category?

DR. FLINTER: Remember, these programs, and thank you for that question, it's an important one, are all taking place in a service delivery institution. A community health center, a veteran affairs hospital, a nurse managed health center, a hospital and health system.

Those organizations all, much like our own organization, have students of the different clinical disciplines at all levels. I think it's safe to say, I think Dr. Huynh would agree with me, from medical assistants, to registered nurses, to a master's degree, nurse practitioners, students and on up, the service delivery institution is trying to make its contribution and play its part.

So having a post-graduate program located in such an institution targets a different group of people. But we are all committed to the continuum.

And not just in nursing, this is equally true of pharmacists, dentists, physicians, and everybody else on the health care team.

MS. BAMRICK: And I would just add that the nursing programs are reaching out to those post-graduate residency and fellowship training programs to present to their students and their soon-to-be graduating students.

I often receive calls from nursing programs wanting to know if a national list exists of all these post-graduate training programs so it could be provided to their soon-to-be graduating students.

So we are reaching out to the students while they're in their programs, to let them know about this opportunity.

DR. ALIOTO: And this is a field that is so diverse. Do you have any of the numbers on that, of the different nationalities or different racial-ethnic groups?

DR. HUYNH: You know, that's a really good question. And I think that we've had a hard time tracking everybody, but Dr. Flinter, do you know the exact, there are some more numbers.

DR. FLINTER: I'm not going to be able to quote it, but we are asking all accredited programs to share that information with us on their annual reports. I have not summarized it for this presentation.

But I will tell you, one of the very exciting things that we are seeing is representation in the applicants and in the accepted, the accepted candidates that are representative to the patient populations served by their organizations.

And so, from Hawaii, with Native Hawaiian Islanders. I think, Quyen, you've had a good representation in the Pacific Northwest of very diverse people.

And I think that Mr. Masselli and I will certainly say that when interviewing candidates -- this is not for the Consortium but for the program -- some of our proudest moments is to hear an extremely talented graduate of a masters or doctoral program, tell us that he or she got their care in a community health center as a child and made the decision that they were going to be one of those people.

So we're seeing that, I think, multi‑generational impact now.

DR. ALIOTO: Thank you. And this is a little tricky, I'm not sure if I'm supposed to be asking this anymore with these new regulations.

But in terms of the opium crisis that is strangling our nation, are your institutions helping to educate these angels, I think of nurses as angels ‑‑

DR. HUYNH: Yes.

DR. ALIOTO: ‑‑ in how families and people who are suffering?

DR. HUYNH: Yes. Well, thank you for that question. And I'll remind my husband that I too am an angel.

(Laughter.)

DR. HUYNH: So, that leads us directly to Accreditation Standards 2 and 3. Standard 2, which is the curriculum.

And under this competency domain we require the programs, and I'm going to quote, to demonstrate knowledge of established and evolving biopsycho‑social, clinical and epidemiological sciences for the provision of evidence‑based patient care.

So whether it's opioid crisis or COVID‑19 or the Zika virus, anything new, our standards are created to ensure that the programs address all current appropriate public health and population‑based issues.

DR. ALIOTO: Thank you.

MS. BAMRICK: I think, but specific to your question regarding opioid and training the post-graduate residency fellows, I would say, absolutely. All of our accredited, all of the programs that we have accredited have implemented some form of opioid or substance abuse training into their program.

Beginning in July 2016, when the x‑license the waiver to prescribe opioids became available to nurse practitioners, we soon saw programs implementing the MAT 24‑hour training as a requirement as part of that 12 month residency and fellowship. Of the 200 graduates of our nine accredited programs, 64 of them have an x‑waiver.

In addition to participation in Project Echo, a case‑based distance learning platform where they are hearing about pain management, a lot of the didactics throughout the post-graduate training programs incorporate substance abuse in opioids.

So absolutely, we are addressing the nation's most pressing needs and opioids is certainly one of them. And the programs are doing a really great job training those post-graduate training residents and fellows.

CHAIR KEISER: And I could remind the members if, I would like, look to me and I'll recognize you as soon as I can.

(Laughter.)

CHAIR KEISER: Jill is next and then Ralph.

DR. DERBY: Of the nine programs that you're currently accrediting, are they all 100 percent residential or what percent is residential?

I know there's a concern about programs that are mostly online in distance ed, but it seems to me, I know you use the term residential, does that mean that they are there for that training period?

MS. BAMRICK: Yes.

DR. HUYNH: Yes.

MS. BAMRICK: And there is actually no distance learning or online training within these 12 month postgraduate training programs. They are in person, hands on. And they are physically at the service delivery institution when they are in those programs.

And for some programs it means trainees are traveling cross-country and living and working in that community for a year or longer, should they decide to stay after the experience.

DR. HUYNH: We look into this very carefully during site visits. We do interview the trainees, we interview the staff. We ask about their process for learning and their curriculum. So this has been clarified and proven through site visits.

CHAIR KEISER: Ralph, then I have a question. Anybody else?

MR. WOLFF: Thank you. Your work sounds really fabulous. And I'm curious, you started with, you said, I count eight but you said nine that you've accredited.

I would think every nurse practitioner, well, in the medical field everyone is required to do a residency, right? So do you see this becoming a normative expectation for graduates and scaling?

I mean, do you see that you will be growing or will there be competition?

But it would seem like that you're just starting and that the need for this will be significant to have, really, across the whole country.

MS. BAMRICK: Okay, I would put this in the category of my opinion. I don't think that it should be a requirement, that all graduates have to do a post-graduate training program.

But we have seen the number of applicants increase across all of the programs, including those that we haven't accredited. We've also seen the number of programs increase.

So our best estimate, and I mention that there is no national definitive list, but our best estimate is over 120 programs. And those include post-graduate trainee residency and fellowship programs in primary care, acute care, specialty care.

That number is certainly growing. So the number of trainees, graduates applying to these post-graduate residency and fellowship programs is increasing and the number of sponsoring organizations who want to implement a post-graduate residency or fellowship program is increasing.

MR. MASSELLI: And I think your observations are absolutely right, it is increasing. And oftentimes it's driven just by the nurse practitioner themselves, looking online, saying where can we do that, my residency, to be confident and competent, as Dr. Huynh mentioned. And are driving lots of the excitement about the residency programs.

CHAIR KEISER: I have, actually, a question. If you could describe the relationship between the commission and the community health centers and, was this driven by a need for community health centers to have, that are prepared practitioners?

MR. MASSELLI: Great question. Obviously Dr. Flinter has led part of the movement so we, internally, we understood the value of nurse practitioners, and then, as I just said, we heard from so many nurse practitioners who were saying, I don't want to be in a position where I ever do harm.

And for me, while I had a good training, I really didn't have the clinical experience and the guidance that will help. Sometimes they end up in a great practice with a great clinician, but so often its random.

So the health center decided to help sponsor more formalized opportunity for nurse practitioners and help create the Consortium.

CHAIR KEISER: And the community health center is a clinic, is it a hospital ‑‑

MR. MASSELLI: Yeah. It is a community health center. Ours is a private, not-for-profit. We care for about 150,000 patients, we have about 200 locations in Connecticut.

And we provide primary care. We'll do about six or 700,000 visits this year, so we're a large, really health center, but also a health system because we're engaged through our Weitzman Institute and Research, and also in educational programs like this.

CHAIR KEISER: Any other questions? Seeing none, thank you very, very much. We appreciate you being here before us.

DR. HUYNH: Thank you so much.

MS. BAMRICK: Thank you.

CHAIR KEISER: Are there any third‑party comments?

Yes there is. I'd like to call Craig Kennedy. Mr. Kennedy you have, or Dr. Kennedy, I'm not sure which one, but you have three minutes.

(Off record comments.)

CHAIR KEISER: You have three minutes. You can sit in the hot chair. Push the button. There you go.

MR. KENNEDY: Thank you very much, Chairman Keiser and Members of the National Advisory Council for letting me come before you, especially after the esteemed panel that I'm following, friends of mine.

Thank you for allowing me to speak as a member of the public in support of the petition for federal recognition for the National Nurse Practitioner Residency and Fellowship Training Consortium as an accrediting organization. Yes, we do just call it the Consortium. I even get the letters confused when I'm writing it down.

So, my name is Craig Kennedy, and I've known the work of the Consortium quite well for five years. Since the start of it. Since it was first incorporated.

I served as a founding member of the board of directors. And did so up until the end of last year when I switched jobs and prevented me from staying and continuing in that role.

I can speak to the vision, the leadership, the commitment to rigor, the quality and the accreditation of post-graduate nurse practitioner residency and fellowship programs. Maybe not as well as the people who just did, but I know them very well. And also the way the organization pursues all aspects of its operation.

As a public member of the board, I learned a great deal about both post-graduate training for nurse practitioners and about accreditation. Including how to say it because it took me a little bit to get all the t's together. You guys are good at it.

But especially about the value being separate and independent, accrediting commission. Perhaps also importantly, my personal and professional experience informed my role as a member, as a director on the consortium, and about this petition in particular, because they were going through the process while I was on the Board.

While I am not a provider in any way shape or form, I do have a master's degree in public health and I also served in several different roles in Congress early in my career. Both a legislative director, senior legislative assistant, all around health care policy.

I also was a vice‑president of the National Association of Community Health Centers, which has Community Health Center, Inc., as one of its members.

And then I was also the executive director of the Association of Clinicians for the Underserved. And I currently serve as the president and CEO of the Medicaid Health Plans of America. So health care related folks. So, speaking to the need around the country.

In all these positions there was a constant theme, was the pressing need for excellent high quality and accessible health care providers. In particular, the primary care providers in rural and underserved communities.

And these are located all across the country. I mean, not to be fooled, I think everybody here knows where they are, but they're all across the country.

The issue of an expertly prepared, confident and robust workforce goes right to this address, to addressing the need of access to primary care in this country.

And personally, as somebody who comes from a very rural part of America, I know firsthand the challenges of access to health care. And that's why I've taken on the roles that I've had ‑‑

CHAIR KEISER: I know the three minutes is ‑‑

MR. KENNEDY: And I three?

CHAIR KEISER: ‑‑ very short ‑‑

MR. KENNEDY: Oh, did I go past it?

CHAIR KEISER: ‑‑ but if you could just wrap up?

MR. KENNEDY: I will. Is there a time? See, in Congress they give you a little block.

CHAIR KEISER: I got one right here.

MR. WOLFF: Dang it.

(Laughter.)

MR. KENNEDY: Okay, I will wrap up by saying that I believe the Consortium has a unique and very important role to play as an accrediting organization and that I hope that the members of this body will recommend that the consortia for federal recognition as an accrediting organization going forward.

CHAIR KEISER: Thank you very much.

MR. KENNEDY: So I strongly support the application.

CHAIR KEISER: Does the Agency want to comment? I didn't think so.

(Laughter.)

CHAIR KEISER: Okay. Department staff. I think it was Valerie.

MS. LEFLOR: Just one really quick comment. So I just wanted to respond, based on my own observation, to something about, Claude, you had mentioned.

And that was about the increase in the confidence. So when I was able to go with the Agency out on a site visit, I sat with the students and heard the conversation and the Agency interact with the students.

And they had expressed, you know, that the program had been so valuable for them because it had given those extra hours of clinical experience and exposure to a specialty.

And so, I know it's anecdotal, but it was my own observation. I heard it directly from the trainee. And there were other people in the room that were shaking their heads, saying they had had that same experience.

And so I just wanted to offer that so something that I did observe during this process.

CHAIR KEISER: Any questions to the staff? Thank you, Valerie. Would the primary reader and the secondary reader like to make a motion?

DR. DERBY: Yes, I move that the -- okay, let me get -- I know there's very specific language here. I may need help with it. I'm looking for that particular -- per Agency's in full compliance.

I move that NACIQI recommend that the senior department officials accept the recommendation as stated by our recommendation for approval for the five years.

That was rough.

CHAIR KEISER: Is there a second?

DR. PRESSNELL: Second.

CHAIR KEISER: Second by Claude. Now's the time for discussion for the new staff members. Is there any discussion? Wow. It's a quiet group.

Hearing none, all in favor of the motion, signify by raising your hand. All those opposed? Congratulations, folks. Irregular for a first time through, yes.

Okay, we will go to the second --

DR. DERBY: Yes --

CHAIR KEISER: -- Agency? Okay, the Agency is for expansion of scope of the Association for Biblical Higher Education, Commission on Accreditation. Correct.

Would you like -- Claude, are you going to do the introduction? Or Ralph?

DR. PRESSNELL: I'll do it.

CHAIR KEISER: Okay.

DR. PRESSNELL: Yes, that'll be fine. So, yeah, it says, noted the Agency is the Association for Biblical Higher Education. The agency is an institutional accreditor. It has 111 accredited and 12 pre-accredited institutions here in the United States.

As well, beyond our authority, they are also an accreditor in Canada. So they have quite a bit of experience there as well.

The Secretary's recognition of the Agency enables its accredited institutions to be eligible for Title IV, so they are a gatekeeper. ABHE appeared on the first list of recognized accrediting agencies in 1952.

So we went from an initial recognition to one that's been here for -- since 1952. The Agency added distance education to its scope in 2007. And the Agency had been periodically reviewed and continued recognition has been granted after each review.

ABHE was last reviewed for renewal and recognition at the Spring 2017 NACIQI meeting, and at that time, both department staff and NACIQI recommended to the senior department official to continue the Agency's recognition for a period of five years.

So their current scope of recognition is the accreditation and pre-accreditation at the undergraduate level of institutions of Biblical Higher Education in the United States offering both campus-based and distance education programs.

The action item before us today is an expansion of scope so that the Agency is seeking to expand to recognize and include graduate certificates and master's degrees.

So since the Agency's last review, the department has received no complaints and no third party comments. So at this time, Mr. Chairman, we'd like to call on Dr. Nicole Harris for a staff briefing.

DR. HARRIS: Good morning, Mr. Chair and members of the Committee. Again, my name is Dr. Nicole S. Harris, and I will be presenting information regarding the expansion of scope petition submitted by the Association for Biblical Higher Education, also referred to as the Agency.

The staff recommendation to the senior department official is to recommend approval of the Agency's request for an expansion of scope to include the accreditation of graduate certificates and master's degrees and continue the Agency's recognition as a nationally recognized accrediting agency at this time and require the Agency to come into compliance within 12 months with the criterion noted within the petition and submit a compliance report due 30 days thereafter that demonstrates the Agency's compliance.

The staff recommendation is based upon my review of the Agency's expansion of scope petition, supporting documentation, observations of two site visits in October and November of 2019 as well as observations of a virtual and onsite commission meeting of the Agency in June 2019 and February 2020.

The requested scope of the Agency, as mentioned before, seeks to include the offering of graduate certificates and master's degrees including the accreditation of educational programs offered via distance education.

Based upon the review of the response to the draft analysis, supporting documentation, observations and follow-up communication with the Agency, department staff has identified one remaining issue included in the final staff report pertaining to 602.15(a)(ii), competency of representatives.

The Agency still needs to provide documentation demonstrating the training of all appeal panel members, which is a decision making body of the Agency, on distance education pursuant to the criteria which requires competent and knowledgeable individuals qualified by education and experience in their own right and trained by the Agency on their responsibilities, as appropriate, for their roles regarding the Agency's standards, policies and procedures to conduct its onsite evaluations, apply or establish its policies and make its accreditation and free accreditation decisions including, if applicable, to the scopes, their responsibilities regarding distance education and correspondence education.

This concludes my presentation. There are agency representatives here today. And we will be happy to respond to the Committee's questions. Thank you.

CHAIR KEISER: Any questions for staff? Claude?

DR. PRESSNELL: Yes. Thank you very much, Nicole. I appreciate that. So just to bring a little bit more clarity to the 6015-82, is this a -- my understanding, as I was reading through it, it appeared that it was someone who was on the Appeals Committee who is a public member who just had not gone through the training on distance education, but however, sat in in an authority on the Appeals Committee prior to getting that training.

Is that right?

DR. HARRIS: Correct.

DR. PRESSNELL: So, is there any new news, from your perspective, on -- has that member gone through the training? Or do you --

DR. HARRIS: Not that I'm aware of at this time.

CHAIR KEISER: Okay.

DR. HARRIS: But the Agency will be able to speak to that.

CHAIR KEISER: Will, I see. I just wanted to clarify that I had that correct. So, thank you.

DR. HARRIS: Correct. That is correct.

CHAIR KEISER: Claude, I think this will be fixed in the next, as the new rules come in, because this would seem to be that the Agency, at least according to the staff report, would be in substantial compliance. So --

DR. PRESSNELL: Totally so.

CHAIR KEISER: Okay.

DR. PRESSNELL: Totally agree.

CHAIR KEISER: This is one of those things that, it just always irked me. But I'm really glad that the Department has fixed that.

DR. PRESSNELL: Totally agree.

CHAIR KEISER: Ralph?

DR. WOLFF: Yes, we might call that a micro issue. I do have a question. I'm just trying to understand the nature of the application, the expansion of scope. Everything seemed fine and, apart from that one issue.

But they, and I want to ask the representatives this, but they -- their institutions have already been offering graduate programs. And so I'm just trying to understand why the expansion of scope now as I understand that these programs, or the institutions that already they've been reviewing graduate programs.

So I'm trying to -- is it a new, how new is this. But it seems to me it's not that the institutions are -- there are new programs to the institution, but they're just requesting the ability to be recognized at the graduate level. Have I got that right?

DR. HARRIS: Right, you're correct. They are already recognized by CHEA, and they just have not included in our recognition, as the U.S. Department of Education doesn't include graduate level certificates or master's programs.

And they have been accrediting this and they have 14 years of experience demonstrating that they've accredited it. But we, as the Department, has not recognized them for this type of accreditation.

DR. WOLFF: Thank you.

DR. PRESSNELL: One last question. And so this expansion, it explicitly says master's degrees, not graduate programs. So what about the doctorate of ministry or DM or something like that? Would they have to come back for that or --

DR. HARRIS: Yes, doctorate degrees are not included in this request for expansion. And so --

DR. PRESSNELL: Ask the Agency?

CHAIR KEISER: Any other questions, staff? No? Thank you, Nicole. We can now call the representatives of the Agencies to come before us.

DR. ALIOTO: I just wanted to thank Nicole for giving her usual excellent analysis and presentation. You really do set a good standard for us.

DR. HARRIS: Thank you.

DR. ALIOTO: And -- thank you. I also wanted -- I'm kind of curious about how you do long distance training or educating of biblical studies. And, I mean, it's so tricky, it would seem to me and in terms, particularly in terms of the master's program.

DR. HARRIS: I think the Agency will be better able to answer that question because they will discuss -- they included their curriculum requirements, and they'll explain to you how they conduct those.

I observed a site visit where they did ask the question and reviewed documentation of students that were distant educators. But they'd be able to give you additional information on their specific curriculum requirements.

DR. ALIOTO: Okay. And the other point that I had brought up in terms of the two agencies I was dealing with is in the scope. If you can give us one paragraph about what the -- in the future, what these agencies do so it's kind of an easier task for some of us.

DR. HARRIS: I think this scope does define their -- they accredit biblical colleges and institutions offering programs for instruction and distance education.

DR. ALIOTO: But to give some kind of scope in terms of the numbers of people and numbers of programs that we're talking about.

DR. HARRIS: Yes, I think Claude mentioned that they have a hundred and -- I included that they have the 111 accredited and 12 pre-accredited institutions at this time. And they accredit within the United States and Canada.

CHAIR KEISER: Thank you, Nicole. Will the Agency representatives please come forward? Introduce yourselves.

DR. KROLL: Good morning, and thank you for the opportunity to meet with you here today. My name is Ronald Kroll. I'm the director of the Commission on Accreditation at the Association for Biblical Higher Education.

With me this morning, on my right, is Dr. Shane Wood, the associate director and on my left is Dr. Kevin Hester, the chair of our Commission on Accreditation.

As noted, we are seeking expansion of scope to include graduate certificates and master's degrees. We've been accrediting graduate programs since 2005 and have held CHEA recognition for those programs since 2007.

Currently, 77 institutions are accredited or our seeking accreditation with ABHE at the graduate level.

Our reason for seeking an expansion of scope is to better serve the institutions that we currently accredit. While many or at least some religious institutions do not seek Title IV access for graduate studies, many states, foundations, and other organizations use accreditation by an agency recognized by the U.S. Department of Education as a condition of state authorization for other requirement for participation in a program.

Historically, CHEA recognition provided what we needed with that regard. But things have been changing over the years in that particular sense. In recent years, scope of recognition has limited ABHE institutions from offering graduate degrees in areas directly related to their approved undergraduate programs.

We believe U.S. DE recognition for graduate certificates and master's degrees is an essential step in our mission to provide accreditation for institutions of biblical higher education.

I wish to thank Dr. Nicole Harris for her careful analysis of ABHE's petition for expansion of scope. The staff report identifies one area where additional information is requested through a compliance report after one year.

The concern related to the fact that only four of the five members of a 2018 appeal panel were certified as having completed ABHE's distance education training.

We're pleased that, in the past seven years, we've had only one appeal that we could offer as an example. And it was for an undergraduate institution that did not offer any distance education.

ABHE currently maintains a pool of potential appeal panelists and selects from that pool qualified individuals to serve when an appeal arises.

Customized training is then provided to the appeal panel at the time of selection. This allows us to focus the training on issues germane to the standards and policies referenced in the Commission's action that led to the appeal.

In the 2018 example, training and distance education was not considered an essential factor since the institution did not offer any distance education.

Our plan in responding to this concern is to require documentation on distance education training for all appeal panelists regardless of whether or not the institution being reviewed offers distance education.

We feel we can easily demonstrate this with the 12 months allotted for implementation and document it in writing within the 30 days subsequent for a response, especially since our training is all available online in a just‑in‑time video format.

With that information before you, I welcome any questions you may have for us.

CHAIR KEISER: Questions for the recovery readers?

DR. PRESSNELL: Yes, just one. Thank you for just head-on directly addressing that issue. We do believe it's a minor issue. And I can't believe it's going to take 12 months. It's not going to take 12 months. You may have already done it. I don't know.

But thank you for addressing that concern and it definitely was not a significant issue. I was concerned, though, or not concerned. I did have a question. Are you accrediting programs at the doctorate level? And why was that not a part of the request of expansion of scope?

DR. KROLL: We do. We've been accrediting programs at the doctorate level since 2005 as well. And our CHEA recognition includes doctoral degrees. We had elected not to pursue that at this particular time. Some of the advice that we received is to do that incrementally. It was more appropriate.

Our primary need with regard to federal recognition is at the master's level. So in that sense, we decided at another time that we would seek to do the expansion for doctoral degrees.

DR. PRESSNELL: Okay, thank you. The other question is more of a landscape question. We -- you heard this morning, we were talking about the fragility of a lot of our campuses across the nation.

And I'm wondering, could you give us a sense of the health of your member institutions and are there some at risk and what might be those causes and so forth? Just kind of give us your view. I would appreciate that.

DR. KROLL: We're probably not unusual in comparison to other agencies and the challenges that they face with institutions experiencing financial challenges.

We do have some institutions that we would consider at risk. And we have a process for monitoring them, not only through annual reports to identify financial indicators. But also, you know, we review audits on an annual basis. That comes up as part of team reviews.

And there's a handful of institutions that we have some regular feedback from them just about every year with regard to that.

We do have institutions that are currently on sanction because of financial issues. And that is a process by which we are requiring, you know, recovery plans from the institutions to demonstrate that they can come back into the financial compliance with our standards in that regard.

You know, we do require a teach‑out so that if an institution does find itself in financial straits, then there are solutions if they are not able to recover those situations. We also, you know, routinely recommend alternatives, advisory to them with regard to alternatives they may wish to seek.

In some cases, that's a merger. In some cases, that is some affiliation with another institution whereby they are not trying to attempt as much scope as what they are doing at that particular point and allow other institutions to take over some of those responsibilities.

DR. PRESSNELL: Okay, thank you. One last question and then Ralph. How many of your institutions are -- hold dual institutional accreditation versus you're the sole institutional accreditor?

DR. KROLL: Yeah, I think we have about 15 institutions that we are -- we and a regional accreditor are the dual accreditors and four or five institutions that another national accrediting association is an accreditor for.

Kevin, you may want to speak to that because he is an executive at one of our institutions that is dually accredited.

DR. HESTER: I'd just say that the numbers of institutions that are dually accredited aren't large. My institution has found the Association for Biblical Higher Education a wonderful opportunity, especially to provide some development from an administrative level for our younger administrators and faculty members.

It also plugs them in -- it's easier to get on an accreditation team with the focus of the Association for Biblical Higher Education and to really integrate faculty members, administrators, staff persons into an overall awareness of the accreditation process.

So that engagement in the process really allows for our institution to see significant growth and maturity.

CHAIR KEISER: Ralph?

DR. WOLFF: First, I want to agree with Claude that your introduction was really helpful about the why, so that answers my question there.

And I also want to congratulate you. I think you picked very good materials, reading through your reports and also it's very thorough.

And so, frankly, I have no issues. I'm curious about the acceptance of degrees and credits. So I would assume, with joint accreditation, that's not at all a problem.

But I am curious to know, for your accredited institutions, I would assume that typically graduates go on into church-related fields, but not everyone. So I'm just curious to know the acceptance of degrees from your accredited institutions that may not be dually accredited, particularly if they want to go on to graduate study or credit transfer.

DR. WOOD: Thank you for the question. While we have no specific hard data on how many specifically. You know, part of it depends on the type of institution that they are going to attend as well as the type of program that they're going to enter, leaving our graduate programs, perhaps, into a doctoral program.

If their focal point was a Master's of Arts in a specific biblical language or biblical field, like most programs, they probably have some success, some limited. Most of them are doctoral ministry programs.

Inside of ABHE, that's where many of our students will attend. That has -- that's not come to us as though that has been a problem.

DR. KROLL: I'm an example of one of those people who went to a bible college that was not accredited by a regional accrediting agency. And then I went on for my master's degree, was provisionally admitted into the institution through a pilot program.

And there were a series of folks that were part of that. The two people who were the top students in that pilot program were both graduates of bible colleges.

So the institution changed its policy based on the fact that they were evaluating institutions on the condition of their outcomes and their basis of knowledge.

So it does vary considerably as to how institutions handle that. We are very appreciative of the change in the distinction between national and regional because many of our institutions, you know, they're graduating students who have comparable understanding and proficiency and do very well at graduate work at other institutions.

DR. WOLFF: Thank you. I have one other question, and that is we all talk about the $1.5 trillion in debt, but a lot of that is at the graduate level, that people have. It's cumulative.

Not -- so I'm curious to know, for your graduate programs, are students accessing -- because you said earlier, they may not be accessing loan programs. So how are they financing it and how are you dealing with the issue?

And will this open up loan programs for your students for financial aid? And I'm just trying to wonder how they're paying for all the education if you don't have access.

DR. KROLL: Yes. Certainly, yes. It will open up loan programs. In particular there are some foundations that provide grants and other type of things to support students in that sense.

It's not unusual for one of our institutions to be somewhere between 40 percent donations and 60 percent tuition to 60 percent donations and 40 percent tuition.

So in that particular sense, you know, we're not relying very heavily on tuition in driving the economic engine that runs most of these institutions.

DR. WOLFF: Thank you. Appreciate your comments.

DR. KROLL: Certainly. You're welcome.

CHAIR KEISER: Any other questions? I have a question. Will you disclose to the students that the master's program is recognized by the Department of Education, but your doctoral programs would not at an institution that's not regionally accredited?

DR. KROLL: Yes.

CHAIR KEISER: Otherly accredited?

DR. KROLL: Yes, we will. Yeah, in fact, we have specific language that is already in our manuals with regard to distinctions in our recognition. You know, for example, we do have institutions that offer correspondence education, but we specifically have a statement that says that that is not a part of our scope.

DR. EUBANKS: Good morning. Thank you.

DR. KROLL: Good morning.

DR. EUBANKS: We heard this morning about the need to take into account that institutions have a diversity of missions and that this has a consequence of placing the students in the position of needing to be an informed consumer.

So the student needs to understand what the mission of the institutions are. And I know your Standard 1 covers that. My question is, when institutions declare their goals and talk about how well they're achieving those, is that communicated to the prospective students during recruiting and advertised in a way that they can easily find it on websites for example?

DR. KROLL: Okay. We do have an expectation that those things will be made available to the student. That's part of their public disclosure type of activities, that way. So Standard 1 requires that the objectives of the institution as well as the mission be made known to the institution.

Programs are required to have program objectives which are also identified. And then in Standard 2 as we talk about assessments and planning, that the outcomes relating to those are to be disclosed to students and prospective students through their publications.

DR. EUBANKS: Thank you.

CHAIR KEISER: Kathleen?

DR. ALIOTO: When I looked at the -- your members, your 110 is it, a hundred-and -- I didn't see any Catholic institutions. Is it -- I did see Baptist, but is it any particular religious denominations we're talking about here?

DR. KROLL: Membership in ABHE relates to a tenant of faith, and that tenant of faith is derived from the National Association of Evangelicals.

DR. ALIOTO: I see.

DR. KROLL: So institutions that are - - can subscribe to that particular tenant of faith are welcome to pursue accreditation with the Association for Biblical Higher Education.

We do not have denominational distinctives that identify with that. So we do have institutions from a variety of different denominations. But the cornerstone of what they're saying is that, you know, we, you know, we affirm that we are in agreement on certain tenants of what the Bible says, and that's in our tenants of faith.

DR. ALIOTO: Well, it would seem that what you're stating is what the Catholic Church teaches as well. So I was curious if anyone had --

DR. KROLL: We would welcome any institution that, you know, has an agreement with that tenants of faith.

So that's the litmus test for us as opposed to denominational affiliations. So we do have institution -- we have an Eastern Orthodox institution that is a part of ABHE.

And we have institutions that are Presbyterian, Baptist. A lot of non-denominational churches will then have institutions that are affiliated with us.

So there's no -- you know, there's no provision that way as long as they're in agreement with those key tenants of faith that come from the National Association of Evangelicals.

CHAIR KEISER: Any further questions? Well, thank you very, very much. Call the staff, Nicole, back. There were no third party comments. Correct?

DR. HARRIS: I have no additional information to provide.

CHAIR KEISER: Questions for staff? Additional questions? Ralph?

DR. WOLFF: It's really not for staff. I think it's more for Herman. Is it possible to request a monitoring report? I mean, is there -- I'm just trying to say, is there any way to avoid the issue of it being non-compliance, 12 months, and all of that if this is just such a simple issue and to avoid the situation that the new regs are trying?

I mean, is there a way in which that can be applied by us in our recommendations?

DR. BOUNDS: Yes. Unfortunately we can't apply the new regs until the date that they become effective. So, no, sir.

CHAIR KEISER: Good try, Ralph. Thank you, Nicole. I'd recognize a motion by the primary or secondary reader.

DR. PRESSNELL: Yes.

CHAIR KEISER: Todd?

DR. PRESSNELL: I would ‑‑ and this is going to mirror Nicole's language, but recommend approval of the Agency's request for an expansion of scope to include accreditation of graduate certificates and master's degrees, continue the Agency's recognition as a nationally-recognized accrediting agency at this time and require that the Agency come into compliance within 12 months based on the criterion noted in the -- which is 602.15(a)(ii) and that report be due 30 days thereafter.

CHAIR KEISER: Is there a second? Second, Ralph. Any further discussion? Wow, this a -- this is much easier.

All in favor of the motion, raise your hands. All opposed? Motion carries. Thank you, and congratulations.

Well, because we're ahead of schedule, we're going to see if the Maryland Board of Nursing is available to be prepared. The readers are Paul LeBlanc and Steven VanAusdle. And Nicole, again, you're the staff person, so if you'd come forward. And, Paul or Steve, would you like to introduce the Agency?

DR. LeBLANC: We will --

CHAIR KEISER: Turn on your mic, please.

DR. LeBLANC: We will now have the Maryland Board of Nursing before us. This is a petition for continued recognition. This is a state agency, not a traditional accrediting agency.

In this case, for approval of nurse education programs, they had their initial recognition in 1985. Here's our 41 nursing programs.

Just as a reminder, the Maryland Board of Nursing, as will be true for the agency that comes after, you do not -- are not a gatekeeper for Title IV funds, but for our PRSA funds. Correct? Right.

So -- I'm sorry. So these are not for -- this agency is for state -- this is a state agency for nurse education programs. These are programs that do not have access to Title IV funding but do have access to federal PRSA funding targeted for nursing programs. Nicole?

DR. HARRIS: Again, good morning, Mr. Chair and members of the Committee. My name is Dr. Nicole S. Harris, and I will be presenting information regarding the renewal petition submitted by the Maryland Board of Nursing, also referred to as the Agency.

The staff recommendation to the senior department official is to continue the Maryland Board of Nursing's recognition as a state approval agency for nurse education at this time and require the Agency to come into compliance within 12 months with the criteria noted within the petition and submit a compliance report due 30 days thereafter that demonstrates the Agency's compliance.

The staff recommendation is based upon my review of the Agency's renewal petition and supporting documentation as well as observations of an agency site visit in Columbia, Maryland October 2019 and the open session only of the Agency's board meeting in December 2019.

Based upon the review of the response to the draft staff analysis, supporting documentation, observations and follow-up communication with the Agency, Department staff has identified three remaining issues that have been included in the final staff report pertaining to Question 3a, which requires the Agency to use experienced and qualified examiners to visit schools in nursing to examine educational objectives, programs, administrative practices, services and facilities and to prepare written reports and recommendations for the use of the reviewing body and calls, as such, examinations to be conducted under conditions that assure an impartial and objective judgment.

The Agency still needs to provide the practice and education committee report describing Question 2 of the petition for the decision letter provided as evidence to demonstrate the application of its full review of the approval process which included the aforementioned committee that consists of agency staff, board members and the attorneys of the Board who are responsible for the review and reporting of the evaluation survey reports and submission of recommendations to the full board for a nursing education program.

Question 3d, which requires the Agency to enforce a well-defined set of standards regarding a school's ethical practices including recruitment and advertising, the Agency still needs to provide evidence of the execution of the provided action plan, application and review of the Maryland Board of Nursing's newly created standard in regards to this requirement, regulation and policy and including recruitment and advertising.

I'm sorry, the ethical practices including recruitment and advertising, a completed self-study pursuant to the newly created Code of Maryland regulations and guidelines, a survey report, practice and education committee report, and the Board decision letter from the same institution to demonstrate this enforcement.

Question 3g, which requires the Agency to make initial and periodic onsite inspections of each School of Nursing accredited. The Agency still needs to provide the corrective action plan formulated to address the delinquencies in completing the required site visits within the five-year required period to demonstrate compliance with the Code of Maryland regulations requirement and evidence of the execution of this action plan.

Also, the Agency needs to clarify the discrepancy surrounding the number of approved nursing education programs identified by the Agency within the petition responses to the Department and the actual number of approved nursing education programs documented by the screenshot of the Agency website and the site schedule provided as evidence.

And finally, the Agency needs to demonstrate initial and periodic onsite inspections of each School of Nursing it accredits and approves.

This concludes my presentation. There are agency representatives here today and we'll be happy to respond to the Committee's questions.

CHAIR KEISER: Questions from the primary and secondary readers?

DR. LeBLANC: Nicole, could you clarify your comment on the Code of Maryland Regulations as part of 3g? This came up in a 2015 review, and if I read the report correctly, they were out of compliance in 2015, momentarily came back into compliance and have fallen back out of compliance on the site. Is that correct? DR. HARRIS: That's actually 3d, but you're correct.

DR. LeBLANC: 3d, sorry.

DR. HARRIS: Yes, and in -- actually it goes back to 2011. They were out of compliance. They came into compliance, and in the 2015 petition, they provided a documentation of the inclusion of ethical practices including recruitment and advertising.

And within the annual report, they demonstrated that they had submitted an email including this information that was required in the -- in our requirements here at the Department.

However, in following up with their review for this petition, they didn't demonstrate that they continued that practice nor had that practice been included in the annual report that was submitted, and this information was not document, moving forward, after the 2015 submission.

DR. LeBLANC: And one other question Nicole. Well, this is an organization that has a pretty broad scope of activity outside of what we're talking about today. So they do licensing. They license quite a lot of nurses and approvals.

Do you have a sense of how many people -- I think it's a 74-person staff, and we can ask the Agency -- how many people work on accreditation?

DR. HARRIS: Based on their response to the petition, they have two people listed or designated as the site evaluators for the state, and they have the executive director who sometimes accompanies the site visits. But they have two designated site visit evaluators.

DR. LeBLANC: Okay, thank you.

DR. HARRIS: Mm-hmm.

CHAIR KEISER: Any other questions? I do have a question. So the primary purpose for them seeking accreditation, it's not Title IV, but for other funding mechanisms for nursing?

DR. HARRIS: Right. So they ‑‑ the majority of their nursing programs are accredited by ASEN or CC&E. But they do have two programs that now are accredited by those two entities that are recognized by the Department. So their approval is utilized for their -- their recognition is utilized for their approval.

CHAIR KEISER: So they go through all of this for two institutions?

DR. HARRIS: Well, two institutions and also they have access to federal funds -- not Title IV, but also federal funding outside of non-HEA federal funding.

DR. LeBLANC: PRSA funding I mentioned earlier.

CHAIR KEISER: Thank you, Nicole. I call the Agency representatives to come forward please. Welcome. Please introduce yourselves as you find a seat.

MS. EVANS: Good morning, Mr. Chairman. Good morning, Committee members. My name's Karen Evans. I'm the executive director for the Board of Nursing. On my left is Dr. Green. She's one of our education consultants.

On my right is Dr. Kennedy. She is the director of the Education and Exam Department. And to her right is Michael Conti. He's our Board counsel for the Maryland Board of Nursing.

And thank you for allowing us to be here. Thank you to the readers as well as Dr. Harris for her guidance during this time.

So I have been with the Board of Nursing for the past two and a half years. So this is my first time through this process, so if you can just bear with me, I would appreciate it.

So one of the areas that I would like to review is for number 3g. I recognize that the Department has limited staff, so one of the areas that I've done is I am in the process of hiring another full time education consultant to assist Dr. Kennedy and Dr. Green as well as a part time education consultant.

So we're in the process of ‑‑ we're recruiting right now. We're just waiting for the post to come down so that we can start the interview process.

This will help out with the site visits. We also fixed a problem that Dr. Harris brought to our attention. There was an error on our website which caused the inconsistency with the number of programs.

So we do have 41 nursing programs. So that has been corrected, it's already been corrected on our website. As far as the concern with the 3a, the practice and education committee, that particular committee was formed by the Board since my arrival.

And that committee is there to just vet any questions or concerns prior to it going to the Board. We do have a transcript of the meeting, and that transcript is really just so that we have to go back to. We don't necessarily do minutes to that particular meeting, and the Committee itself does not provide a report to the Board.

Each of the various departments that come to the Practice and Education Committee provide their own report to the Board. So if that's what you would like to see, we definitely would be able to provide you with those memos for that.

And as far as 3d which, from my understanding, from 2011 and 2015, was a concern. We are already in the process of formulating ‑‑ we've already started a plan for us to come up to standard with that.

It will require us to put that in regulations. We did submit the length of time that that would take. It would be anywhere from eight months to two years, just because of the legislation process in Maryland.

But we definitely feel that we will be able to come into compliance with the recommendations. And does anybody else ‑‑ you don't have anything?

CHAIR KEISER: Well, thank you. I guess ‑‑ further comments?

MS. EVANS: Oh, I do have one more thing to say. I want you to know that I take all of these things very seriously. The main purpose for me being hired at the Board of Nursing is to clean up process that has not been cleaned up for a while.

So it's a lot of things that I'm cleaning up, but I do take this seriously. We're here for Maryland to have this for those programs that don't have national accreditation as well as those that may need accreditation in the future.

So we want to be able to offer that opportunity to our state nursing programs. Thank you.

CHAIR KEISER: Questions by the primary readers? Paul?

DR. LeBLANC: Ms. Evans, thank you. Thank you all for being here. I appreciate your last comment because it feels like a forthright acknowledgment of what, frankly, I was trying to gently frame in my own head, which is this has not felt like a very good process.

We're seeing things come up that have come up in the past, momentary compliance falling back into non‑compliance. So I appreciate your frank comment about your essential task.

Could you ‑‑ I was going to ask you, obviously, about ‑‑ we have three major items that were flagged by the staff. And these are the Practice and Education Committee and the lack of a report.

I'm still a little confused, then, about what its role is because ‑‑ could you just say what it does? Because you just described a moment ago that things go to the Board anyway, those reports go.

MS. EVANS: Yes.

DR. LeBLANC: So what does the review committee do?

MS. EVANS: Really, it's really to vet and answer questions, see if items are ready to go to the Board, see if we need to send it back because it's not Board‑ready. Just want to make sure that proper vetting has been done prior to submitting items to the Board.

DR. LeBLANC: Do they routinely send things back as not ready?

MS. EVANS: Yes.

DR. LeBLANC: Who sits on that committee?

MS. EVANS: We have three Board members. All of them are in education. The Board ‑‑ we have an RN, BSN educator. We have an LPN educator and we have a practice nurse on that committee as well as ‑‑ we have Board counsel. I sit on that committee as well as the education team, licensure team and certification team.

DR. LeBLANC: Can you give me a sense of how often things get kicked back? And is this ‑‑ would you describe ‑‑ I don't want to lead the witness here, but ‑‑

MS. EVANS: No, that's okay.

DR. LeBLANC: Is this a formal step in the process? Or is this a kind of informal feedback mechanism?

MS. EVANS: It's informal. But it's ‑‑ I feel that it's warranted. Again, I'm trying to get process in place and making sure that everything gets done and it gets completed correctly.

DR. LeBLANC: Mm‑hmm. So having the Board receive well‑done, complete, detailed reports seems like an inherently good thing.

MS. EVANS: Mm‑hmm.

DR. LeBLANC: Is it ‑‑ does the fact that you have Board members who will eventually hear the report vetting the report, privilege their role vis‑a‑vis their fellow Board members?

Does this ‑‑ I'm just thinking about this notion of, if we were counseling someone coming before NACIQI, we wouldn't play that role prior to them coming.

MS. EVANS: Well, it helps out because they're part of the committee. If there's any questions, the Board members are really just sitting on the Board, so if there's any further information that other Board members are asking a question about, they're able to answer those particular questions.

And this isn't the only committee that we have like that. We have other committees for discipline and other departments there at the Board of Nursing.

This process has worked out really well. And we meet once a month.

DR. LeBLANC: Okay. So ‑‑

MS. EVANS: And more if needed.

DR. LeBLANC: ‑‑ under the sort of ‑‑ the staff flagged this ‑‑ and so the Agency must provide a Practice and Education Committee report for the decision letter. You don't have a report, but I think I heard you say they don't produce a ‑‑ they don't produce their own report.

MS. EVANS: No, each department produces their own report.

DR. LeBLANC: Right.

MS. EVANS: But the Practice and Education itself does not.

DR. LeBLANC: And there are no minutes of that meeting, of the deliberations or documentation of that?

MS. EVANS: We do. We have transcripts.

DR. LeBLANC: You have transcripts of the PEC?

MS. EVANS: Yes.

DR. LeBLANC: Yeah. Okay. Thank you. That's helpful. Can I go to ‑‑ let me go to the item on the 3d around the ethical reporting, et cetera. Can you say a little bit about how ‑‑ so this came up in 2011, as Nicole said.

In 2015, you fell out of compliance. You have a new plan to comply. Did you say this will take 12 to 18 months in order to be in place?

MS. EVANS: Mike, do you want to describe that process?

MR. CONTI: Good morning. My name is Michael Conti. I'm an assistant attorney general and counsel to the Board. I just want to help out in terms of describing the timeframe for the adoption of regulation.

So our understanding of this criteria would require the Board to promulgate new regulations put in place regulations that would meet this criteria.

In order to put those regulations in place, of course, we need to start drafting them. We do ‑‑ and preliminary research and draft those regulations.

They then need to go up through the Maryland Department of Health for internal review and approvals. They then need to go down to a joint committee of the Legislature for their review and approval.

And then, of course, they go through a publication and a public comment period followed by additional publications and finally final adoption.

We did include as one of the examples, one of the exhibits, the internal Maryland Department of Health policy related to the promulgation of regulations. And as it lays out, the timeframe is approximately four to six months to get final publication.

The one caveat is that the Maryland, the Joint Commission of the Legislature doesn't meet during the legislative session, which isn't over until April of this year, early April of this year.

So that's the earliest point at which we could get it before that committee. But of course, we have to go through those preliminary review and approval phases.

So given that timeframe, the estimate of 12 to 18 months was put in there for actual passage of the regulation, education of the various institutions that would then have to comply with that regulation and then implementation and verification of it.

DR. LeBLANC: Thank you. Ms. Evans, can you talk a little bit about ‑‑ I was taking a look at the org chart, and I think you have 74 staff. I think you have something ‑‑

MS. EVANS: Yes.

DR. LeBLANC: At the time, maybe 14 positions open. Is it in fact two people who are assigned to accreditation? You do ‑‑ I know Steve's going to ask you about site visits in moment.

This will probably pertain as well. Just clarify ‑‑ just staffing for this work. And you're ‑‑ I think I heard you say you're looking for a third or a new person, an additional person.

MS. EVANS: Two.

DR. LeBLANC: Two additional people?

MS. EVANS: Yes.

DR. LeBLANC: And how many do you currently have?

MS. EVANS: We have Dr. Kennedy and Dr. Green and then we have a staff member, Ms. Ward, who assists in the area as well.

DR. LeBLANC: Yeah, and they're ‑‑

MS. EVANS: But as far as the site visits, it's Dr. Green and ‑‑ Dr. Kennedy and Dr. Green.

DR. LeBLANC: Okay. Okay, thank you. Steve, I know you had a question or questions.

DR. VanAUSDLE: Well, thank you for being forthright with -- and addressing the criteria that concerned us all very much about you. Your assistant attorney general just answered one of my questions.

It seems like you're caught between the Code of Maryland and our standards. And to be able to meet our standards, the Code of Maryland's going to have to change, right?

What if it doesn't? Or will it? Are you pretty confident that ‑‑ have you had the discussions where you see a clear path forward there so you can become compliant?

MS. EVANS: Yes.

DR. VanAUSDLE: That's the answer we wanted to hear at this time.

MS. EVANS: No. No, yes, and I'm sorry I hesitated, but I, you know, I just wanted to make sure that I heard you correctly. But, yes, our goal is to be compliant at all times.

DR. VanAUSDLE: Okay.

MS. EVANS: So next time we come before you, you will not have any of these problems at all. I am very serious about what I do, and I'm very serious about getting the Board of Nursing where it needs to be.

DR. VanAUSDLE: It would have been nice to have somebody from the Legislature here hearing this report so they'd see how important it really is to us.

Relative to the accreditation process, I shared some of the concerns that Paul has brought forward in terms of what you described as a process, and especially as it related to the education and ‑‑ committee that you work with.

A very critical part of that process is site visits. And you came right forward. First thing you said was that we're behind and we're going to staff up and we're going to catch up.

MS. EVANS: Yes.

DR. VanAUSDLE: And I got a sense that you're in the process of developing a plan to do that very thing.

MS. EVANS: Yes, we've almost completed our plan already.

DR. VanAUSDLE: It just seems like that is a critical thing that is going to ‑‑ I mean, you're going to have to do a lot of training with your new staff and get right on that.

And I think, as you do that, it would help, in the long‑term, to go through a process of accreditation from self‑study so we could see, and I think we kind of asked for that in here, over this 12‑month period of time so we can see how the ethics component gets integrated into all the overview of the nursing programs, so we can see how you're using a very limited staff to accomplish so much here and to really clarify what you say about the role of the Practice and Education Committee as opposed to what is happening.

Because it's ‑‑ I heard a different thing than what I read in that regard. So that would be very helpful ‑‑

MS. EVANS: Sure.

DR. VanAUSDLE: ‑‑ for us in this whole process.

MS. EVANS: Absolutely. Again, we have already started on our action plan. We've already blocked out what schools we need to visit and the timeframe we need to visit with them.

We've ‑‑ I've also educated the team and myself as well through the National Council of State Boards of Nursing. They have a variety of classes, and one of them is education consulting 1 and consulting 2.

And that provides us to upgrade what we're doing right now and to make sure that we have better process in place, better procedures in place as well as they also have provided some guidance as to how we can maintain tracking systems to like ‑‑ and auditing tools.

DR. VanAUSDLE: So just so we are on a common ground on the site visit and site inspections ‑‑

MS. EVANS: Sure.

DR. VanAUSDLE: ‑‑ you use two different terms in there ‑‑ let's you and I go on a site visit for a minute.

MS. EVANS: Okay.

DR. VanAUSDLE: What are we going to do when we arrive at the institution, and ultimately what's the report going to look like? And who does it go to?

MS. EVANS: Okay. Sheila?

DR. GREEN: Good morning. My name is Dr. Sheila Green, and I'm one of the education consultants at the Maryland Board of Nursing.

Before we go to the site to visit, first of all, we have some information about ‑‑ we receive the information six weeks ahead of time about their self‑study so that we have time to review the self‑study.

We also review with the identified individuals who are in charge of the programs, the chair usually or the dean of the respective program, in order to make them aware of what we will need to be reviewing when we get ‑‑ we arrive at the site.

And that's done by email communications and verbal discussions by phone, if need be. We are, as I said, we receive the site, the self‑study. We review it. And then when we go to the site, we have information that we're specifically looking for in the COMAR requirements.

We start with COMAR 10.27.03. We start with looking at the philosophy and objectives of the program usually found in the curriculum information that's onsite.

We also correlate that with what they have in their catalogues, what's in their student handbooks as additional reference resources. We look at their curriculum minutes in order to identify what's happening with curriculum design, redesign or status quo and then does that correlate with what has been articulated in the self‑study.

We're also looking at diversity threads. Diversity is one of the threads. The other one is ethical standards and practice as a part of curriculum development as well as design and implementation.

Some schools choose to maintain ethics courses as part of their curriculum. Others use it to identify ethics as a thread throughout the curriculum. And either way would be acceptable as long as we can see that information and that it meets the COMAR requirement.

So we bring our nurse practice side with us. We've critiqued the information before we get there and then we're seeking validation and confirmation of the information.

When we go out to site visits, both to classroom simulation labs as well as to clinical sites, we try to combine our visits at the same time that the accreditation tools may be coming for re‑accreditation within a particular program to avoid duplicating services within the schools that we're visiting.

DR. VanAUSDLE: Is that a five‑year cycle or a ten?

DR. GREEN: That's the challenge that we're recognizing now, is that we, of course, operate on a five‑year requirement in accordance with our COMAR. But we also have programs right now, there are seven in total, that are in ten‑year cycles and some a little bit longer.

And so we are needing to bring those particular schools in compliance. All the ones that have been scheduled, and we have a grid that shows us when their scheduling is ‑‑ when their next accreditation visit is. And we make sure that we are there as a part of our five‑year visit.

But what we have found in our quality improvement review is that we have some programs that may have been accredited at an earlier time period and have longer ten‑year period cycles that now supersede our five‑year requirement.

Those are the ones we will be bringing into compliance as well as continuing forward with the ones that are already in compliance. So we have a toolkit that we use to review materials. For new individuals that will be coming onboard, we'll be providing an orientation.

Also, we'll go out with them on the site visits to make sure that whatever is necessary that they need to understand, what materials do I review in order to accomplish what I need in order to answer the question for COMAR, in addition to how they review the self‑study reports that they receive so that they will have a comprehensive overview of what the expectations are as well as an orientation to the entire process.

DR. VanAUSDLE: So we've got to catch up and keep up.

DR. GREEN: That is correct.

DR. VanAUSDLE: We're got to ‑‑ and then when we get back, are we going to need to meet with the Attorney General to discuss bringing the Code of Maryland in line with the expectations and standards of the Department of Education?

DR. GREEN: And that is ‑‑ yes, we will. That is something, of course, that Attorney Conti has identified that we need to do.

Again, in historical times in our review of 2015 report, this -- the area for 3.d regarding ethics and practices, the interpretation ‑‑ it's difficult to understand the interpretation because I wasn't here in 2015.

But that because we review ethical materials, we'd look at it in the context of the curriculum and the design and processes, that they have been meeting the COMAR standard.

But we have been given guidance that perhaps what we really need to have is a definitive policy within COMAR that we use as a reference point also.

DR. VanAUSDLE: I think that's right.

DR. GREEN: Is that your understanding as well?

DR. VanAUSDLE: Yes, that's what ‑‑

DR. GREEN: Okay.

DR. VanAUSDLE: ‑‑ I think we need to see ‑‑

DR. GREEN: Okay.

DR. VanAUSDLE: ‑‑ to ensure, you know, compliance going forward.

DR. GREEN: Okay.

DR. VanAUSDLE: And get it straightened out.

DR. GREEN: Yes.

DR. VanAUSDLE: So ‑‑

DR. KENNEDY: I would like to add something about ethics. Ethics is another part of COMAR, the Nurse Practice Act. And we also, in addition to the curriculum and what's written, we also verify the teaching of ethics as well as the teaching about the elderly with faculty, with all levels of students and often with the administration and -- as well as with the dean and the director of the school.

DR. VanAUSDLE: What was really pointed out, the ethics needs to be considered in terms of your recruiting and marketing of programs as well. Is that something we're going to check on our site visit? Everybody ‑‑

DR. GREEN: We do that now, in terms of what is provided in their catalogues as well as what is presented to students at the ‑‑ prior to enrollment in the nursing program as well as while they are matriculating the program to ensure that they have what they need to know about financial aid, other kinds of responsibilities as well as ethical requirements in advertising as well as in recruitment, yes.

We do meet with students. We -- during the time of the visit, and we meet with them separately from faculty. We meet with students not only in the academic setting but in the clinical setting, without other faculty present so that we can get a candid review of what students are provided or what they understand and what they still need to know.

We also look at what committees students are able to be a part of in the nursing programs and if they actually have nursing student representation so that their needs are being met not only through the academic arena but also through input into the processes within the nursing department or the nursing education program.

DR. VanAUSDLE: So we're going to do the minimum required site visits. If we have a problem on one of the campuses, are we willing to go do an inspection?

DR. GREEN: Oh, we do that now.

DR. VanAUSDLE: You do that now? That's good.

DR. GREEN: We do that now with our schools that are not in compliance. We have several ‑‑ not several, but some significant ones that we are following. That was one of the ‑‑ two of the exhibits that we provided, submitted to you so that you could see how we were following the COMAR regs as it relates to the particular school and how we are looking at their successful re‑engagement into compliance or if they're continuing on that, what I call, road to being removed from the approval list based on the COMAR regulatory requirements.

So we follow them very closely.

DR. VanAUSDLE: Well, I just want to appreciate your comment on ethics and what you're doing and how it's integrated into the classroom as well. It seems like it's being taken pretty seriously.

Mr. Chairman, that concludes my remarks.

CHAIR KEISER: Okay. Any further questions? Paul? Claude, and then I have a ‑‑

DR. LeBLANC: So can you remind us, how many schools are out of the five‑year visit schedule now? How many are ‑‑ have not been visited?

DR. GREEN: Out of the 41, there are seven that have not been ‑‑ they are approved programs. Their NCLEX scores are ‑‑ exceed the required minimum standard for Maryland.

They also are providing us annual reports that give us updates on their progress. The issue that we found in those particular schools had to do with our being out of compliance because we try to mirror or match up the time when our regulatory body goes out with the accreditation group.

And what we have found is we can't depend on that because some schools have ten‑year accreditation periods, which means we have two five‑year periods that we have to accommodate.

DR. LeBLANC: Are those ‑‑

DR. GREEN: So that correction, now, will be made for those seven programs. And then once that's completed, everybody is in compliance.

DR. LeBLANC: Are they currently scheduled?

DR. GREEN: They are being ‑‑ they're in the process of being scheduled now because we have to match our schedules with the ‑‑ and that's not ‑‑ we need to look at the schools' schedules first and then we move forward from there.

DR. LeBLANC: So I was going to ask you ‑‑ and I'm going to sort of borrow from your metaphor at the start. This is not yet a house in order. What are your biggest challenges in bringing order to this house?

MS. EVANS: I only can speak to the time that I've been there.

DR. LeBLANC: I'm really talking about your challenge as a leader of this organization. MS. EVANS: Challenge as a leader is prior to me coming on the Board, the lack of accountability. And I'm holding the staff accountable, which some are not very happy with, but we have a job to do.

And we have to ‑‑ at the end of the day, our major role is to protect the public. And we protect them in a variety of ways. One is through licensure.

And before licensure, making sure the nursing programs provide what the students need, then licensure, then disciplinary process. So those are the major arenas for us to protect the public.

So for me, letting go staff that ‑‑ well, I shouldn't say I let them go, they let themselves go because they're not doing the work. So they made the decision to leave.

And working in the state, it's very difficult to remove individuals because of the union and every ‑‑ so you understand what I'm speaking about.

But I am working diligently on ‑‑ my goal is to make the Board of Nursing the best board in Maryland. But I'm working diligently to improve the process at the Board of Nursing.

That's why I'm collaborating with the National Council of State Boards of Nursing, that's why part of the orientation to the new staff will also be those two classes I've taken on the education consultant 1 and 2, because they do go over site visits, tracking mechanisms and a few other items.

So whatever you need from us, as far as reports, I know you had requested reports, I don't have a problem doing that. We've already started building some tools in tracking items, and audit tools right now.

Our counsel, Board Counsel Mike, is working on helping us with the regulatory piece and walking us through that. Well, I should say he's walking me through that. So whatever we need to do, I'm willing to do because this will not happen again, under my watch.

DR. LeBLANC: Thank you.

CHAIR KEISER: Claude --

DR. PRESSNELL: Yeah, so ‑‑

CHAIR KEISER: Amanda, and then me. Claude first.

DR. PRESSNELL: Yeah, so I have two questions.

MS. EVANS: Yes.

DR. PRESSNELL: One is it appears to me ‑‑ well, not all accreditors have to go through a legislative process like you just described.

It appears to me that you will not be able to become compliant in 12 months based on your testimony. So is this true? And does it just pertain to 3d?

MS. EVANS: Just 3d. Everything else will be in compliance.

DR. PRESSNELL: Okay, and so I would ask what our latitude is on that. And Herman, do you have some advice? Oh, you can't. So I want to ‑‑ that's important, you know.

The second is do you accredit programs that are both regionally and nationally ‑‑ part of institutions that are both regionally and nationally accredited or just regionally accredited?

MS. EVANS: Both.

DR. PRESSNELL: Okay.

CHAIR KEISER: Amanda?

MS. DELEKTA: Changing gears a little bit, I'm interested in the discrepancy of the number of institutions that were listed in the petition and that were on your website.

I'm happy to hear that you've corrected the error, but I'm curious as to how long that error existed on your website, and if the incorrect list could be in circulation by another organization or students could be misinformed.

MS. EVANS: I'm not sure how long it was on there.

MS. DELEKTA: Okay.

MS. EVANS: So what was the second part of your question? Can anybody else have that?

MS. DELEKTA: Yeah, could another organization ‑‑

MS. EVANS: Possibly. It was one school. The school was placed under a master's ‑‑ it was placed both under baccalaureate and master's degree track. So it has removed ‑‑ the master's degree track has been removed.

MS. DELEKTA: Okay.

MS. EVANS: So if they contacted the school, the school would definitely, would have told them that they only have the baccalaureate pre‑licensure program only.

MS. DELEKTA: Thank you.

MS. EVANS: You're welcome.

DR. GREEN: I guess the other thing is that if a potential student seeking clarification, they would be directed to our department as well, education department, that we could talk with them one‑on‑one if there was need for clarity.

But the one school that was identified as a master's entry program was not a master's of baccalaureate entry, and that has been corrected. It was only the one program. It was identified in more than one place on the website. Okay?

CHAIR KEISER: I have a couple questions and ‑‑ or Steve, do you want to go first since you're one of the primary readers?

DR. VanAUSDLE: This kind of went back to Paul's questioning you in terms of your capacity to move forward. Did I read accurately -- you had like 13 open positions in the State Board of Nursing? So is it possible for you to fill a couple more of those, if you need to, to get caught up on the sites and do some of this?

MS. EVANS: Well, let me update you.

DR. VanAUSDLE: Oh.

MS. EVANS: So ‑‑

DR. VanAUSDLE: I never ‑‑

MS. EVANS: ‑‑ since that, we currently only have two positions open. I've hired ‑‑

DR. VanAUSDLE: Right.

MS. EVANS: ‑‑ a lot of individuals, yes.

DR. VanAUSDLE: But the report said you had 13 positions open on the State Board of Nursing, if I read it right.

MS. EVANS: When this report was ‑‑

DR. VanAUSDLE: Yeah.

MS. EVANS: Yes.

DR. VanAUSDLE: Then, not now?

MS. EVANS: Not now.

DR. VanAUSDLE: Okay.

MS. EVANS: Yes.

CHAIR KEISER: I have a couple questions.

MS. EVANS: Sure.

CHAIR KEISER: You've been recognized since 1985. You've come back almost every time, every five years. I don't think, if I remember correctly, that the rules that are required for you to follow have changed since that time.

Why do you need legislative changes in order to meet the standards that we have?

MS. EVANS: You want to go for that?

DR. WOLFF: I'm new to this process as well. I'm not sure what was presented, historically, in terms of compliance with that particular criteria.

But as we asked questions during this process, it was clarified for us that we needed official regulations or rules that could then be enforced.

It sounds to me, and I think the hope is that we'll simply be codifying what already occurs, to a large extent.

CHAIR KEISER: So you've been out of compliance with your laws in the State of Maryland since 1985?

MS. EVANS: No. No, there has never been an actual regulatory provision in our COMAR that matches up with this particular criteria.

What it sounds, to me, though, is that the practice actually occurs. They are going out and they're verifying by way of the catalogue and other things that the institutions do have these ethical practices and follow these ethical practices.

But there isn't a provision in the COMAR that would reflect that as a requirement for approval in Maryland.

CHAIR KEISER: But from a federal perspective, those are requirements for us. I would assume that you would follow those whether you needed to follow them under Maryland regulations or not.

DR. WOLFF: And I think what I'm hearing is that in the past they have followed it, but again, it was pointed out that we should have an actual provision in the COMAR that mirrors or reflects that particular criteria.

CHAIR KEISER: But we would not have to wait for regulations or statutory authority before you can come into compliance.

MS. EVANS: Oh, okay, I guess because ‑‑

DR. WOLFF: I mean, I don't know. I mean, it's up to NACIQI, to be honest with you. But I think that ‑‑

CHAIR KEISER: Well under our, the recommendation, you'd have to be in compliance within 12 months.

DR. WOLFF: Right.

MS. EVANS: Right.

CHAIR KEISER: And you feel you could go through the legislature, get the statutes, go through the process for proposed rule-making in 12 months?

DR. WOLFF: I think that's possible, yes.

CHAIR KEISER: Good. Second question I have, and if you had a school ‑‑ again, we're the accreditor of accreditors ‑‑ and you had a school that submitted an application, and in the application, it missed every standard but one, what would you do with that school?

MS. EVANS: It missed every standard but one?

CHAIR KEISER: Right.

MS. EVANS: We would not accredit them. If it missed every standard?

CHAIR KEISER: According to my report here, the only one you met was requires each School of Nursing accredited to follow the clearly defined refund policies governing all fees, tuition paid by students. Everything else, you did not meet. Am I correct, Nicole, on that? In the initial application?

DR. HARRIS: In the initial, yes.

DR. GREEN: In the initial application, the report was written thinking that the expectations of NACIQI were in congruence with what had been represented to NACIQI in 2015, okay.

So that the report, the initial report did not adequately answer the questions according to the guidance provided to us by Dr. Harris, which meant we had to step back to rethink and regroup and redefine to make sure we provided the information that was articulating what NACIQI required and also what we are doing to bring them all into alignment.

CHAIR KEISER: But that brings me back to my original question. You have rules for nursing schools, and you have processes that you go through. And if an institution missed all but one of the standards required for recognition, you would not recognize that.

And if you did not understand what the rules were or the standards were, and our staff felt that you didn't meet these standards, it creates a real dilemma for us, does it not?

DR. GREEN: Hopefully in the subsequent submission that we provided, that that clarified the information that was requested by NACIQI.

CHAIR KEISER: But in the second, you know, the second go at it, you missed three ‑‑

DR. GREEN: This is the 12/6 submission.

CHAIR KEISER: The sixth?

DR. GREEN: The December 6th submission, yes.

CHAIR KEISER: Right, but again, you still missed three, some which are extraordinarily important, such as team visits, doing the jobs that we expect from agencies. Yet, it's still not complete.

So then we hear now the issue of legislation required which would put it beyond. Help me understand why we ‑‑ we think that you should meet these requirements in 12 months.

MS. EVANS: Well, I'm determined to meet the requirements in 12 months. We've already started working on them. And if you would like to have a month‑to‑month status report, I have no problem providing you with that so that you can see that we're really serious about the ‑‑ I mean, receiving the renewal recognition from NACIQI.

CHAIR KEISER: Any further questions?

DR. KENNEDY: I would like to make a comment. I wrote the ethics part for the previous accreditation visit. And I thought that the requirement to put it in the chapter that deals with education was because, as a nurse, I know ethics is extremely important, and my dissertation was on ethics.

But if I were not the person doing that study, then there's a possibility ethics may not be as important to someone else. That's why I thought you were ‑‑‑ the requirement was to legislate it, to put it, literally, in the section on curriculum because it's in the Nurse Practice Act, and that's what I use.

I don't just deal with that section on nursing education. I deal with other parts of the Nurse Practice Act that has to do with regulations. But if I were not there or if Dr. Green was not there, then there's a possibility that some of that content could be missed because it's not as important as ‑‑ let me say, too, and I don't mean to demean our med‑surg people.

But they are sticklers for people being sick and getting them well. And sometimes, when they run out of time, the thing that's important ‑‑ it's not as important to them in terms of ethics.

CHAIR KEISER: Well, I certainly think, for nursing, for nurses, ethics are critical and are important and are, you know, a basis of nursing education.

However, the question we're talking about is not nurses having ethical practices. It's that the schools have ethical practices. That was the question that you missed in terms of meeting the requirements. But, Steve?

DR. VanAUSDLE: Mr. Chairman, I think you raised a real good question that we can use to clarify expectations here so when you leave here we know what track we're on.

You're sitting here before us to meet the standards for accreditation of the Department of Education of the United States.

MS. EVANS: Yes.

DR. VanAUSDLE: And you're moving forward with that.

MS. EVANS: Yes.

DR. VanAUSDLE: We're not waiting for the Code of Maryland to be changed, but we see it to bring alignment so there's not conflict, that we need to move forward with legislative change to try to get as close of alignment as possible.

MS. EVANS: Yes.

DR. VanAUSDLE: In no way should that slow you down in meeting our standards. Is that a correct assumption?

MS. EVANS: Correct, it's not going to slow us down.

DR. VanAUSDLE: Okay.

MS. EVANS: It's not going to slow us. In fact, we've already started.

DR. VanAUSDLE: I know you have.

CHAIR KEISER: Any further questions? Thank you, ladies.

MS. EVANS: Thank you.

CHAIR KEISER: Nicole? Welcome ‑‑ back.

DR. HARRIS: Hello.

CHAIR KEISER: Comments on the presentation?

DR. HARRIS: I'm sorry.

CHAIR KEISER: Do you have any comments on the presentation?

DR. HARRIS: I just have two comments. I'm just ‑‑ it's really brief. In my research and my analysis, I look at previous work that had been done.

For ethical practices, including recruitment and advertising, I just want to be clear. They had come into compliance in years past. I even mentioned and provided to them the citings in the COMAR or their code of regulations from years past.

Appendix U, that was used in 2011, I acknowledged what they had done in years past, but they did not include it in their current petition, so I cannot rely on information that is not still current if it's not provided and explained in the narrative by the agency.

So I just wanted to make it clear that I understand they have ethical requirements in the curriculum, but they ‑‑ and our Secretary's requirement for nurse approval requires them to have a standard or, in their case, a regulation that speaks to that.

Herman, did you have something to add?

DR. BOUNDS: Yes, I just wanted to add onto what Nicole said. In 2011 ‑‑ I got to the Department in 2012. In 2011, if you look at criteria 3d, they reference a COMAR 13b.02.02. As part of the review, I went back to look that up. I think I Googled it. And while that COMAR didn't specifically say ethical practices, the requirements of that COMAR would have ensured ethical practices.

So I can understand why, at that time, the staff analysts gave them a pass on that particular criteria. Of course, when I did the review in 2012, I think it was a compliance report.

But I just want to clarify, in 2015, I think Nicole talked about there was a ‑‑ they provided an email saying that they were going to provide, require that ethical practices be reviewed as part of a ‑‑ as part of one of their requirements to be included in their annual report.

So that's why, in those two instances, of course, the analysts at the time said that looks okay. It's just kind of like the inconsistency for us.

This time, none of that was, you know, none of that information was provided. Nicole, correct me if I'm misspeaking.

DR. HARRIS: No, you're correct.

DR. BOUNDS: But none of that information was required. And again, as far as our review ‑‑ and I don't know what the authority of the Board is. It could be board policy that this is required.

It could be Maryland state law that this is required. We just needed a concrete, somehow, some reference to say that the ethical practice review would be relative to the recruiting and enrollment and those type things.

So we don't know what their rulemaking process is or who has the final authority, but we just needed some sort of authority to go back to to say, yes, this is, you know, this is what they're doing.

And so I hope that's a kind of a brief history on how the petitions have been reviewed in the past.

CHAIR KEISER: I just have a question for you, Herman. So this says that they have to be in compliance in 12 months. Is that an absolute? Because I really didn't feel too comfortable that the process, as briefly outlined for changing Maryland Regulations could actually happen in 12 months.

DR. BOUNDS: Yeah, that's what's required. We give them 12 months. We can't give them any more than 12 months. I think I need to double‑check the regs, but I think our attorneys are looking through that.

At the end of that 12 months, we have an option for an extension for good cause if they were to give, if they were to make significant progress. But I think all we can give them is 12 months, yeah.

So, yeah, it's all we can give them. And the SDO can only give 12, so we would then have to see how they have progressed during that 12‑month period, if they appeared before the Committee again.

CHAIR KEISER: Any other comments or questions for the staff?

DR. EUBANKS: Yeah, so Renee, is it possible that this is the result of confusion about what needs to be shown vis‑a‑vis ethics and that the documentation actually exists and could be demonstrated, as it was in 2015, but just simply wasn't produced?

Or is there some substantive new challenge to the actual compliance?

DR. HARRIS: From my ‑‑ I've had a couple of conference calls with the Agency, with myself and Herman, to explain and interpret what is required. So I can't speak to that.

But what I can speak to is the fact that I will work with them to get what's required for coming forward with their regulation. I can't speak ‑‑ I only can speak to what was analyzed in previous years.

So I have that information, but ‑‑ and I have my explanation I gave them and the clarification I provided. But outside of that, I would have to work with them and see what they provide to provide additional assistance.

CHAIR KEISER: Any other questions for Nicole? Thank you. Is there a motion, Paul, or Steve?

DR. LeBLANC: Yeah, I'll make the motion. Before I do so, I want to so recognize what a heavy lift this is for the Agency. The motion's in front of you on the screen as well.

Because, as I'm hearing this, they'll need to document the role of the practice and education committee. They'll need to get five ‑‑ excuse me, seven visits completed in the next 12 months. And they're going to have to move forward with COMAR which, I agree with Wally, it seems like a heavy lift.

I do appreciate Ms. Evans' resolve and her forthrightness in this which allows me to make a motion to continue the Maryland Board of Nursing's recognition as a state approval agency for nurse education at this time, require the Agency to come into compliance within 12 months with the criteria listed below, the three items we've been discussing, and submit a compliance report due 30 days thereafter that demonstrates the Agency's compliance.

CHAIR KEISER: Discussion, Kathleen?

DR. ALIOTO: I just want to make sure that we get to ‑‑ if we voted yes, that we would, that it would not be something that would go into a report someplace, but that it would be ‑‑ come back to NACIQI because we seem to have this new system in which an agency is given 12 months plus 30 days.

And I would only want to vote for this if it were to come back to us because you have an unfortunate history here. And nursing is such a critical profession to the quality of life in our society that I don't think we should be fooling around about it.

CHAIR KEISER: Any further discussion?

DR. ALIOTO: I mean, can we have that? Can that be part of the motion?

DR. LeBLANC: Isn't that the process, Herman? Does it come back in a year? They have to come back before this committee.

DR. BOUNDS: They have to come back before the committee. It's a compliance report. They have to come back.

CHAIR KEISER: Any other discussion because I'd like to just make a comment. I really have a problem with an agency that would come before us and not meet any ‑‑ all but one of the standards or not meet any of the standards but one.

And then, say, mea culpa, make some changes and still not fix the problems. I have real serious doubt about the administrative capability of the Agency. And, but I don't vote, so have fun.

Okay, anything, any other comments? All in favor of the motion ‑‑ oh, David?

DR. EUBANKS: Just, since I'm new to the Committee, I'd like to hear a couple of other committee members speak as to how you're going to vote and why, just so I can get a context. This seems to be a difficult decision to me.

CHAIR KEISER: Jill?

DR. DERBY: Well, I'm going to reluctantly vote for it because the two primary readers have made the motion. But we've been assured that we will hear this in 12 months.

And I also have some skepticism, given the track record here, whether or not what needs to be corrected and whether or not this agency can come into compliance in really a relatively short period of time. But I'm willing to give them that opportunity.

But I wouldn't be, really, so generous in 12 months if, in fact, they aren't in full compliance.

CHAIR KEISER: Claude?

DR. PRESSNELL: Yeah, I'm going to, you know, vote in favor of the motion as well. I think it's impossible for them to come into compliance in 12 months. So if they're able to come into compliance in 12 months for everything except for 3d, which is the legislative process piece, then I'll have an enormous amount of confidence in light of what they have to do in 12 months.

Now, I would hope that the reviews that they make within this 12‑month period are high quality reviews. But, yeah, I'll vote because in 12 months we'll be able to re‑evaluate.

And if they're out of compliance with more than just 3d, then I think that's going to be problematic.

DR. WOLFF: Yeah, I appreciate the inquiry and the work and the questioning. Actually, when we talk about 12 months, we're talking about a longer period of time because, if I'm not mistaken, please correct me, it would be 12 months from the date of the senior department official's letter.

And then there's 30 days afterwards, then, would be scheduled so that it's possible this would be really more 18 months and not 12 months from today. So that does give them a little extra time. And we can see what can be done in good faith. So I would support the motion.

CHAIR KEISER: If I could vote, I would oppose the motion, to give you the opposite side of the view, David, because our recognition is continuous.

We assume that the commissions will stay in compliance as they go along. And since this agency's been recognized by this board since 1985, if they don't understand what our standards say, that's the issue.

And because they're a state, that makes it even harder for me to understand. But, Mary Ellen?

DR. PETRISKO: Thank you. Can you clarify what the ramifications would be if this motion were not approved today? And if this motion is approved today, but after the 12 or 18 months it is found, again, not to be compliant, what the ramifications would be at that point?

DR. BOUNDS: I'll take the latter first. So, again, from the date of the senior department official's decision, if the senior department official agreed with the recommendation of the readers and the recommendation of the staff, again, the Agency would have to submit their petition. Thirty days after the 12‑month period, we would start to look at that.

In the course of that review, if we felt that the Agency did not, continued not to meet our requirements, then staff would have to make a decision. We'd say ‑‑ we have to determine if significant effort had been made.

And we would either have to make a recommendation. An adverse recommendation would be to either withdraw their recommendation or limit, suspend or terminate. That would be our choices ‑‑ or to award or recommend that the Agency have an extension for good cause.

And that would be in line with our kind of evaluation of how far they have come. We have given extensions for good causes before when agencies have made significant progress toward achieving compliance.

To answer the first question, if ‑‑ you know, our recommendation is there. If NACIQI made a different recommendation, again, both of those would go to the SDO and she would have to decide what to do.

In the event that they lost their recognition, then, of course, I guess their approval and accreditation, ours, they wouldn't have those anymore. So then, you know, that would be another process for them. But they wouldn't have any access to federal funding or anything like that.

DR. ALIOTO: I'm just curious, with WASC coming and going to Maine, could WASC go after these schools now, with the new kind of regulations and ‑‑

CHAIR KEISER: The process is the process. This is not going after anything. It's just a matter of making a judgment on our recommendation.

DR. O'DONNELL: I just want to clarify, if for whatever reason their recognition was discontinued by the senior department official, no student would lose access to Title IV funds because of that. This recognition is only for other ‑‑

DR. BOUNDS: Yeah, that's why I said for other federal funds.

DR. O'DONNELL: In some cases, when we worry about renewing recognition, we worry about the impact on the students, which may have an impact on students, but not as much as losing Title IV funding.

DR. BOUNDS: Right, their recognition is for non‑HEA, Health and Human Services funds or other federal funds, which still could be important to them.

CHAIR KEISER: Steve?

DR. VanAUSDLE: Well, Mr. Chairman, I'm on the other side with you today. And I just want to say, I was wondering where I was going to be before we had the presentation because it wasn't all pretty. Paul, you and I talked about this. Let's get it right out there.

And I've read and reread sections of your report. There's some good things that are happening. But I think what has persuaded me to support this motion is that I am more confident now with your clear understanding of the expectation, number one, and, two, the attitude that, hey, we're already on it. This is a top priority; we're going to get it done.

And I think it's going to take both of those. But I encourage my colleagues to support this with clear understanding that we may have to extend at the end of 12 months if they're not quite, completely finished with the report.

And then I think. Mr. Chairman, we'll clearly know how critical your concern is here as well. And I'm staying optimistic on this one.

CHAIR KEISER: Well, the good news to your motion or your side of the story is I don't vote, so it's perfect. David, did that help you? Okay, are there any other comments, questions?

DR. EUBANKS: Thank you, yes.

CHAIR KEISER: Yes?

DR. BOOTH: I guess, for me, it would be I have some concerns, and it gets down to a fundamental issue and the State of Maryland has to decide if nursing's important to the State of Maryland.

And if it's important to the State of Maryland, Maryland's got to get onboard and do what's necessary. And it's sort of like being a faculty member. I never gave a student a grade, I just recorded what they earned.

So at some point, it'll be, you know, Maryland's going to record what Maryland earns. And I have some concerns, but I'm willing to vote in favor of it. But that 12 months, then it's ‑‑ it'll be time to put up or do what's necessary.

CHAIR KEISER: Okay, any further ‑‑ no comment, question? All in favor of the motion, signify by saying aye. (Chorus of ayes)

CHAIR KEISER: All opposed? One? Did I say signify? I keep doing that. Just ‑‑ so there's just one, so everybody else was in favor of the motion. I didn't say raise your hand. I'm supposed to.

We're going to take 45 minutes for lunch and be back here in 45 minutes, 1:15, and we'll finish up. We have one more agency and we have a committee report and then elections.

(Whereupon, the above‑entitled matter went off the record at 12:35 p.m. and resumed at 1:29 p.m.)

CHAIR KEISER: Okay, if you could take your seats, we have a quorum in the room. First, I want to apologize for giving us such a short lunch. It really didn't work out well, so my last mistake.

Second, my first mistake was at the beginning we did not introduce staff, partly because of the way this room is set up. Usually our staff is all by themselves, and it's easy to identify. So if we could, Nicole, if you could start and introduce yourself?

DR. HARRIS: Hi. I'm Dr. Nicole S. Harris. I'm an analyst with the Accreditation Group.

MS. LEFOR: Good afternoon, Valerie Lefor, Accreditation Group.

MR. STEIN: Mike Stein, Accreditation Group.

MS. DAGGETT: Elizabeth Daggett with the Accreditation Group.

MS. HOLT: Jass Holt with the Accreditation Group.

MS. MCKISSIC: Stephanie McKissic with the Accreditation Group.

MS. HELTON: I'm Charity Helton with the Accreditation Group. Any other staff?

CHAIR KEISER: I think we got everybody else. First of all, I do apologize. You guys are so important to us, and thank you for all your hard work, and we certainly obviously couldn't do it without you.

And next time we'll make sure, if the room is like this, we will make sure we have a big red sign out there so I can see you. Okay, we have one more agency to review, and that is the renewal of recognition for the New York State Board of Regents, State Education Department, Office of the Professions, Public Post-secondary Vocational Education, Practical Nursing.

The primary readers are Paul LeBlanc and Rick O'Donnell. And for the Department is Charity Helton. Paul or Rick -- Rick was here. Paul?

DR. LEBLANC: Here he comes. I can set the table. So this is New York State Board of Regents. This is another -- as was our last state approval agency, it's in the division of professional education in the Office of the Professions, part of the professional education program review. We are looking at a petition for continued recognition.

CHAIR KEISER: Charity, you're up.

MS. HELTON: Good afternoon, Mr. Chair and members of the Committee. My name is Charity Helton, and I'm providing a summary of the petition for renewal of recognition for the New York State Board of Regents in the area of vocational education.

The scope of recognition for the state's accreditation of education is limited to the field of practical nursing which consists of entry level licensed practical nursing programs of about one year in length.

The staff determination identified one outstanding issue related to the Agency's advisory board, which I will discuss in a moment.

The staff recommendation to the Senior Department Official is to continue the Agency's current recognition and require the Agency to come into compliance within 12 months and to submit a compliance report 30 days after the 12-month period that demonstrates the Agency's compliance with its bylaws and also with the Code of Federal Regulations 603.24(b)(I).

The staff analysis consisted of a review of the Agency's petition and supporting documentation. Also, staff observed a site visit in October of 2019, and staff observed the Agency's advisory board meeting in December of 2019. The Agency has not had any complaints or third party comments submitted to the Department since its last review.

The one outstanding issue for this petition is related to the Agency's advisory board. During the past review cycle, the Agency has had multiple vacancies on its advisory board and has not had student representation at advisory board meetings as required by the Agency's bylaws. Currently, the Agency has filled all of its vacancies on its advisory board except for the student representative, which is a non-voting position.

The State provided a narrative description and documentation to demonstrate its efforts to fill its advisory board vacancies and to address the longstanding vacancy in the student position. The State identified the short length of the licensed practical nursing programs as a barrier to appointing and maintaining a student representative.

At the December 2019 advisory board meeting, the advisory board considered several ways to ensure that a student representative was present at advisory board meetings. Ultimately, the advisory board voted to make the student representative at advisory board meetings a non-appointed position. In the State's response to the draft staff analysis, the State indicated that this additional flexibility regarding which student attended the meeting should make it easier to have a student representative at advisory board meetings in the future.

This concludes my report, and there is an Agency representative here today to respond to your questions.

CHAIR KEISER: Are there any questions for Charity?

DR. LEBLANC: Charity, if I could just make clear for our colleagues, this is for approval of non‑credit certificates based on clock hours, not credit hours.

MS. HELTON: That is correct. It is based on clock hours.

DR. LEBLANC: And these are short-term programs which will lead to subsequent conversation about the challenge in getting student representation. We'll let them talk about that.

And this is an organization that licensed 54 professional areas. This is one of 54 in which they do. So to just give a little bit of context to what this is. Thank you. And this is for practical nurse licensing.

MS. HELTON: That is correct.

CHAIR KEISER: I have a question. If -- would we be able to do what we do here? Is that once they were a student, they would be considered a student, even after they graduated? How do we interpret that? Because like Amanda will be graduated from law school, but she'll still have three more years left.

MS. HELTON: So the State has defined its limitations on what counts as a student representative. One of the things -- they discussed various ways to consider that. I believe their bylaws currently state that if somebody who graduate within two years of an LPN program, that they advise. But I would defer to the state on that to be precise.

CHAIR KEISER: But do we have a requirement?

MS. HELTON: Oh, no. We do not have a requirement that I'm aware of.

CHAIR KEISER: No further questions. I ask the Agency to come forward and introduce yourselves or self.

MS. GECSEDI: Good afternoon. My name Renee Gecsedi, and I am one of three associates in nursing education at the New York State Education Department.

The challenge that Charity put forth, I've been with the Department six years, and it has been a challenge to get a student representative to the committee. We had -- in the bylaws it had stated that the student would be appointed in the terms of a three-year terms with the option of a three-year term renewal.

At this last board meeting, we decided -- the Board decided that that was probably going to be too restrictive to these students. Our programs in New York State must meet minimally for nine months in a clock‑hour program.

So they're very short programs. Our meetings with the advisory board is always in June and in December, so the timing of when the students are completing their program or in the middle of, you know, mid-semester finals, if you will -- semester finals, I should say.

It's always been a challenge. So the Committee decided that we would put out a call again for a student representative, that we would not make it an appointed position, but rather that they would just participate and provide their feedback. And hopefully we can get the student representative. That's just been our biggest challenge.

CHAIR KEISER: Questions by the first or second readers?

MR. O'DONNELL: Thank you. So it's really just a question to brainstorm, but if it's that difficult, why not eliminate the student position and survey students or find other ways to get, you know, student input I think is very valuable. But if, for year after year, it's really not going to -- it's difficult to fill, why not just eliminate it and try other mechanisms to collect student feedback?

MS. GECSEDI: That's a good point. I will say that up until this current membership of the Board, they weren't as committed to the work of the Board. This new cohort that's with us now and the membership, they are very committed. And they were offering out all ways that we could perhaps get a student onboard.

As a matter of fact, about two weeks after the meeting in December, I actually had a phone call from somebody that might be able to fill that role.

CHAIR KEISER: Paul?

DR. LeBLANC: Yeah, I was going to say thank you. I want to compliment the work that you all did. This is really well done, tight, well organized. It was a pleasure to review.

MS. GECSEDI: Thank you.

DR. LeBLANC: I do have a question about your program evaluation because you do look at outcomes such as pass rates, completion, loan default, enrollments, et cetera. Could you talk a little bit about the -- so that's a question of transparency and performance.

What does accountability look like? What's the conversation look like when you see metrics? Do you have bright lines around some of these? And tell me, can you say a little bit about that conversation you have?

MS. GECSEDI: It's been an ongoing conversation in the Department. We look at a variety of metrics that the school produces and provides to us during our site visits. We look at admissions. We look at not just their pass rates, but we look at the outcomes. We look at graduation rates. We look at employment rates. I mean there's a variety.

DR. LEBLANC: Yeah, but you've had no denials of initial or re-registration for this reporting period. And that's -- that may be a good sign, that everyone's on top of their game. But I just want to ask you about that. So -- and there are no appeals obviously because of that. There's nothing to appeal. I'm curious about what that -- you said there's a lot of conversation.

What is the conversation?

MS. GECSEDI: The PN programs in New York State are in some ways a challenge because they are adult education in post-secondary -- in secondary ed schools. So secondary administrators don't necessarily understand the education for a professional licensed role. And that's been a challenge, lack of support from the administration to the nursing programs.

So those are the conversations that we're having internal to see how we can work better with the administrations of these schools. DR. LEBLANC: Do you have a range of outcomes, for example, on passage rates that would trigger that conversation with the school?

MS. GECSEDI: Well we set as a standard -- and this is, again, another conversation we've been having internally -- because we believe it's too low. But one of the metrics that we use obviously is the pass rates. And that's just one of many that we look at. And for as long as I know, it's been 75. And I do believe 75 is too low. I'd like to see that up a little bit higher.

So when we have schools that are performing below or having students pass below a 75 percent pass rate, those are triggers for us. You know, other triggers, I mean we look at everything from resources, I mean to faculty.

Faculty is another one because salaries in the secondary education. Getting nurses, unfortunately they can actually earn more in the hospital than teaching. So that becomes an issue.

DR. LEBLANC: Yeah. So could you tell me what happens when a passage rate comes in too low, and that's a trigger? What does that conversation look like? What does that intervention look like?

MS. GECSEDI: Well one time not passing it is one thing, but if we see a trend, then that's a conversation where we might go out and do -- and that's not a surprise site visit but a visit that we give them very little notice, and it's off the regular, to see what's going on, what's happening with the school.

If there's been lots of change in the nursing leadership there or nursing faculty, that's another trigger that we would -- if we get a lot of complaints, and we do get a fair amount of complaints, those are things that we would -- would trigger us to take a closer look at the program.

DR. LEBLANC: Would you do the same if you saw a pattern in loan default rates?

MS. GECSEDI: In loan default rates? Mm-hmm.

DR. LEBLANC: Is it fair to call these programs on-ramps into the profession for many of the people who complete the program?

MS. GECSEDI: For some. I wouldn't say the majority, to be honest with you, especially because of their being in the post-secondary arena -- I mean the vocational arena. I don't -- that's not typical.

DR. LEBLANC: Okay. Fair. Thank you.

MS. GECSEDI: Mm-hmm.

CHAIR KEISER: Rick, did you have a question? I'm sorry, Jill?

DR. DERBY: Just a follow‑up. You said you do get quite a few complaints. Is there a pattern there, particular complaints you --

MS. GECSEDI: No, I don't mean ‑‑ I mean we get complaints. We have about 1,400 total programs, RN and everything, so all in total we get a fair number of complaints. Not -- I wouldn't say -- right now, in our PN world, not many complaints here at all.

CHAIR KEISER: Any other questions? Well thank you very much.

MS. GECSEDI: Thank you very much.

CHAIR KEISER: Call Charity back. Charity, any comments? Do you have any comments?

MS. HELTON: Well I did want to, just for reference, refer to that statute that -- the exact language that calls for student representation states that the advisory board provides for representation from students. We generally leave it up to the Agency to determine how they -- how that will look. Sorry, could you say that in your microphone?

DR. LEBLANC: You're saying there's latitude?

MS. HELTON: There's certainly latitude.

DR. LEBLANC: Okay.

CHAIR KEISER: Any questions of the Committee to Charity? Thank you. Paul, Rick, do you have a motion?

DR. LEBLANC: Yep. The staff recommendation, I think, again, is in front of you, is to continue the Agency's recognition as a nationally recognized accrediting agency at this time, require the Agency to come into compliance within 12 months with the criteria listed below, and submit a compliance report due 30 days thereafter that demonstrates the Agency's compliance.

MR. O'DONNELL: Seconded.

CHAIR KEISER: Motion moves, motion and second. Discussion? Oh, wow. Seeing no discussion, all those in favor raise your hand. All those opposed, like sign. Motion passes. Congratulations, New York.

That's the end of our business agenda. We now have a report on the subcommittee on governance. Rick?

MR. O'DONNELL: Thank you. This will be brief. I thank you to my colleagues who are working on the subcommittee on governance and political interference. We have largely completed our study. We've held a number of phone calls and video calls. We've heard from several accrediting agencies and other stakeholders, and are now in the process of trying to see if we can craft a report to NACIQI that I hope is a consensus report. The subcommittee does not yet have consensus on everything, and so we may have some split recommendations.

But we will, over the next couple of weeks or month, will try and finalize our report, any recommendations to the full committee.

CHAIR KEISER: Great. Any questions of Rick? Sensing none, I would like to now, again, thank you for bearing with me over the last three years as this is my last official function as this Chair. So I will now turn the meeting over to George.

MR. SMITH: Yes. Thank you so much, Art, for your great service. Our next item of business is the election of a Chairperson and Vice Chairperson. Both offices serve three year terms. So at this time, nominations from the floor are open for our Chairperson. Yes, Ralph?

MR. WOLFF: If I'm not mistaken, Art is available to chair for one more year. Is that correct?

CHAIR KEISER: Certainly one more meeting.

MR. WOLFF: Oh, you -- because you go off and -- so the appointment would be for one year?

MR. SMITH: Yes, unless he's reappointed.

CHAIR KEISER: I thought the Chair was three years.

MR. SMITH: The Chair is three years, yes.

CHAIR KEISER: Yeah, I may be reappointed.

MR. SMITH: Right.

MR. WOLFF: You are -- I'm just ‑‑ are you eligible to be reappointed? If so, I would like to nominate Art for continuation.

MR. SMITH: Okay.

MR. WOLFF: I think he's done a good job.

MR. SMITH: Any other nominations for Chair? Okay. Hearing that there are no other nominations, I'll declare the nominations closed. And since there's only one nominee, the chairperson will -- Arthur Keiser is elected by acclamation. So congratulations.

(Applause.)

MR. SMITH: The floor is now open for nominations for a Vice Chairperson.

CHAIR KEISER: Am I allowed to do that?

MR. SMITH: Sure. You're a member.

CHAIR KEISER: I nominate Claude.

MR. SMITH: Okay.

CHAIR KEISER: To be Vice Chair.

MR. SMITH: Claude Pressnell. Any other nominations? Seeing there are none, then nominations are now closed. And since there was only one nomination, Claude is now elected by acclamation, so congratulations.

(Applause.)

MR. SMITH: I'll now -- oh, go ahead, Ralph.

MR. WOLFF: Is that for ‑‑ just to be clear, Claude's is for three years also, as with the Chairman?

MR. SMITH: Three years. They're both for three years.

MR. WOLFF: Okay. Thank you.

MR. SMITH: Thank you for that clarification. I'll now turn the meeting back over to our Chair.

CHAIR KEISER: Well this is my favorite part of the meeting. I entertain a motion to adjourn.

DR. PRESSNELL: So moved.

CHAIR KEISER: Is there a second? I'll second it. We are adjourned until July.

(Whereupon, the above‑entitled matter went off the record at 1:49 p.m.)