

# Board of Nursing

July 17, 2001

## Regular Open Board Meeting

A meeting of the New Jersey State Board of Nursing was held on July 17, 2001 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, President, called the meeting to order at 9:30 a.m.

### ROLL CALL

#### PRESENT

Board Members: Sylvia C. Edge, Richard Freda, Ronald H. Carr, Denise Link, Maris Lown, Virginia McKenney, Dr. Muriel M. Shore, and Margaret Kirchhoff.

#### ALSO PRESENT

Deputy Attorney(s) General: Gus Lembo, Kathryn Schwed, Kathy Rohr, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Harriet Johnson, Assistant Executive Director, Susan Kelly, Paralegal Nurse Specialist, Joanne Cole, Director, Intervention Program, George Hebert, Deputy Executive Director, Charles Manning, Regulatory Analyst, Division of Consumer Affairs, and Bernadette Dudek, Representative from the Director's Office, Division of Consumer Affairs.

#### NOT PRESENT

Board Members: Noreen D'Angelo, Leo-Felix Jurado, Karen Rodriguez, Eileen Toughill, and Nelson Tuazon.

#### A QUORUM WAS DECLARED PRESENT

In accordance with Chapter 231 of P.L. 1975, more commonly referred to as the Sunshine Law, adequate notice of this meeting was provided by mailing on January 2, 2001. A schedule of all 2001 Regular Open Board Meetings to be held during 2001 was provided to the Office of the Secretary of State, Star Ledger, Trenton Times, The New York Times, Camden Courier Post, and The Philadelphia Inquirer. The schedule has also been posted on the Bulletin Board at the New Jersey State Board of Nursing Office.

Approval of the July 17, 2001 Regular Board Meeting Agenda.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE, AND DULY SECONDED, VOTED FOR THE APPROVAL OF THE JULY 17, 2001 REGULAR BOARD MEETING AGENDA.**

**THE MOTION CARRIED.**

Approval for Addendum to the July 17, 2001 Regular Board Meeting Agenda.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE, AND DULY SECONDED, VOTED TO APPROVE THE ADDENDUM TO THE JULY 17, 2001 REGULAR BOARD MEETING AGENDA.**

**THE MOTION CARRIED.**

A reading and approval of the minutes for the Regular Open Business Meeting of June 19, 2001.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE, AND DULY SECONDED, VOTED FOR APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JUNE 19, 2001.**

**THE MOTION CARRIED.**

## **MARIS A. LOWN - REPORT OF THE PRESIDENT**

M. Lown recognized and congratulated P. Polansky, Executive Director on four years with the New Jersey Board of Nursing.

## **PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR**

P. Polansky reported. New Jersey State Board of Nursing Annual Meeting will be held at Greystone Manor, Freehold, NJ on December 7, 2001. There will be a guest speaker, Albert Wu, MD, MPH, Associate Professor of Health Policy and Management and Medicine, Johns Hopkins University.

\* New Jersey Board of Nursing Meeting Schedule(s) for the year 2002.

\* E-mail dated May 8, 2001 from Lolly Merced re: website posting of rule proposals.

\* Teleconference on Diabetes Mellitus: The Disease that is Treatable & Beatable, on Friday, September 28, 2001, at the New Jersey Hospital Association in Princeton, NJ.

\* Michela M. Perrone, Ph.D., of MMP Associates is scheduled to attend the NJ Board of Nursing Regular Open Business Meeting on October 16, 2001, regarding follow up of the April 17, 2001 Board of Nursing Annual Retreat.

\* Memo dated March 26, 2001 from Darlene Kane, Budget Analyst re: FY2001 Budget Report (1st half).

\* Letter dated June 19, 2001 from Debra DeFrancesco, Chief Centralized Licensing re: Renewal Status Report - Nursing.

\* As of July 12, 2001 the total number of Certified Homemaker- Home Health Aides in New Jersey are 34,778. A total of 15,865 have been cleared through the Criminal History Background Check Procedure with an additional 6,195 applications in process. In May, 29,000 Criminal History Background Check packets were mailed. A total of 2,967 applications have been returned. There were 1,100 returned for failing to answer question 7 about criminal history.

\* FYI: Health Research and Educational Trust of New Jersey: Nursing Transitions at the National Level-Staffing, Outcomes and Politics.

\* "Handouts/Pass arounds" - 1.) Summary of Monies. 2.) Brochures: Harmonizing Care, Cost and Quality, from The Forum on Health Care Leadership. 3.) Newslink. 4.) New Book from Silence to Voice is honored by American Journal of Nursing. 5.) 2000 Nursing & Patient Services Annual report - Robert Wood Johnson University Medical Center. 6.) Notice of Proposal - FYI. 7.) Information re: Nursing Shortage. 8.) Medical Errors packet.

\* "Communication Packet" - 1.) Patient@s Safety and Bill of Rights. 2.) E-mail dated June 15, 2001 from Jerry Schranz re: HCFA Gets a New Name. 3.) ASHRM provides help with new JHACO Safety Standards. 4.) Gov. Jesse Venture has signed a bill (S.F. 560). 5.) "Mound of Paperwork is Growing for Nurses". 6.) Nebraska Creates Nursing Student Loan Program. 7.) Oregon Association of Hospitals and Health Systems. 8.) Stories: AHA Poll Finds Workforce Shortage Hurts Hospitals. 9.) Emergency Department Law: June 2001 Issue. 10.) Coalition for Affordable Quality Healthcare Announce New Healthcare Web Site. 11.) HHS Study Confirms The Relationship Between Patient Outcomes And Nurse Staffing. 12.) Five Nurses Are Running For Office In New Jersey. 13.) Number of RN Graduates Declines. 14.) Today in E-Health Business.

\* "Information Salad" - 1.) Feature Story: Women and Smoking: The U.S. Surgeon General's Report. 2.) Mothers Influence The Milk-drinking Habits of Their Daughters. 3.) Study: Risks Increase With Labor Following C-Section. 4.) Abiomed's AbiocoR Implanted Replaceable Heart. 5.) State Employees To Be Offered Long-Term Care Coverage. 6.) JAMA: Folic Acid Fortification Reduces Rates of Birth Defects. 7.) Jogging Shorts. 8.) Word Puzzle.

\* P. Polansky seeks approval for: 1.) K. Schwed - August 22-23, 2001 - HPIP of Va. re: Alternative to Discipline Program. 2.) J. Cole - October 9-15, 2001 - National Consortium of Chemical Dependency Nurses Meeting, San Antonio, Texas - re: Latest Treatment. 3.) J. Cole, S. Kelly, and N. Monroe - October 17, 2001 - Institute for Nursing, Trenton, NJ - re: Impaired Practice Inservice.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED TO APPROVE THE APPEARANCES OF THE BOARD STAFF.**

**THE MOTION CARRIED.**

## **COMMITTEE REPORTS:**

### **1. BUDGET & FINANCE COMMITTEE:**

No report.

### **2. EDUCATION COMMITTEE:**

No report.

### **3. LEGISLATIVE REVIEW PANEL:**

J. Cole reported. The Legislative Review Panel reviewed the following:

\* **Assembly Bill 3716** - Sponsor: Doria, Joseph V./Vandervalk, Charlotte. Introduced June 25, 2001. This bill establishes Nursing Student Support Program; appropriates \$5 million. **Position - Support with Amendments.** Comment(s): 1.) Will this include post graduate degrees? 2.) What will be the requirements? 3.) Will there be a geographic distribution so that the state will cover any new nurses who like to take advantage of this offer? 4.) How are the candidates collected? 5.) Is the \$5million for one year or consecutive years? 6.) Will this be an on going project? 7.) Can they send this information to high schools for recruitment purposes?

\* **Senate Bill 1810** - Sponsor: Bucco, Anthony R. Introduced June 21, 2001. This bill allows certain individuals licensed out-of-state to serve at events sponsored by certain organizations for a limited period. **Position - Monitor for more information.** Comment(s): 1.) Contact Sen. Bucco@s office for more information regarding event 2.) Is it intended for one event?

\* **Senate Bill 1811** - Sponsor: Sinagra, Jack. Introduced June 21, 2001. This bill is a Anesthesiologist Assistant Licensing Act. **Position - Monitor for more information.** Comment(s): 1.) The Committee requested formal written response by letter from CRNA and NJSNA. 2.) Disenfranchises group of licensees. 3.) MD's maybe looking for long term problems with the nursing shortage.

**THE BOARD, UPON A MOTION MADE BY RICHARD FREDA AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE REVIEW PANEL.**

**THE MOTION CARRIED.**

### **4. NURSING PRACTICE COMMITTEE:**

D. Link reported. The Nursing Practice Committee met on June 19, 2001 to discuss two issues.

**\* Issue: Medication Administration**

On June 19, 2001, John A. Calabria, Director of the Certificate of Need and Acute Care Licensure Program, and other representatives of the New Jersey Department of Health and Senior Services presented an update to the Nursing Practice Committee regarding registered nurse delegation of over-the-counter medications to non-licensed child care workers in Pediatric Community Transitional Homes (PCTH) licensed by the New Jersey Department of Health and Senior Services.

The presentation included:

1. A draft copy of Chapter 43D, the (PCTH) licensing standards permitting registered nurse delegation of over-the-counter medications; 8:43D-9.2
2. The Trainers Manual to educate child care workers, including the qualifications and the requirements for pediatric community transitional home trainers and trainees, for delegation of over-the-counter medication administration.

**THE BOARD, UPON A MOTION MADE BY DENISE LINK AND DULY SECONDED, VOTED TO APPROVE THE MEDICATION ADMINISTRATION TRAINING PROGRAM BASED ON COMPLIANCE WITH N.J.A.C. 13:37-6.2, DELEGATION OF SELECTED NURSING TASKS, FOR REGISTERED NURSE DELEGATION OF OVER-THE-COUNTER MEDICATION ADMINISTRATION TO CHILD CARE WORKERS IN PEDIATRIC COMMUNITY TRANSITIONAL HOMES LICENSED BY THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES.**

**THE MOTION CARRIED.**

**\* Issue: Consumer Self Directed Care**

The Caregiver Assistance Program (CAP), and Jersey Assistance for Community Caregiving Program (JACC) are programs that provide in-home services to seniors at risk of placement in a nursing facility. CAP is designed to supplement the assistance an individual receives from his/her natural support network of family, friends, and neighbors, as well as from community agencies and volunteer groups. JACC includes an array of services designed to supplement assistance given by the individual@s caregiver network of family, friends, and neighbors.

**THE BOARD, UPON A MOTION MADE BY DENISE LINK AND DULY SECONDED, VOTED BASED ON COMPLIANCE WITH N.J.A.C. 13:37-6.2, DELEGATION OF SELECTED NURSING TASKS, AND UPON THE IDENTICAL CONDITIONS, CIRCUMSTANCES, PRINCIPLES AND PREREQUISITES UPON WHICH THE BOARD OF NURSING APPROVED THE PERSONAL ASSISTANT SERVICE PROGRAM (@PASP@) ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES. THE BOARD GRANTED APPROVAL OF THE CAREGIVER ASSISTANCE PROGRAM (CAP), AND JERSEY ASSISTANCE FOR COMMUNITY CAREGIVING PROGRAM (JACC) FROM THE OFFICE OF WAIVER AND PROGRAM ADMINISTRATION, NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES, WHEREIN THE REGISTERED NURSE DELEGATES TO THE CONSUMER SELF DIRECTION OF HIS OR HER CARE CONSISTENT WITH THE GUIDELINES OF THE CAREGIVER ASSISTANCE PROGRAM AND THE JERSEY ASSISTANCE FOR COMMUNITY CAREGIVING PROGRAM.**

**THE MOTION CARRIED.**

**5. REGULATORY REVIEW TASK FORCE:**

C. Manning reported. N.J.A.C. 13:37-14, Homemaker-Home Health Aides.

The Board voted to promulgate for proposal amendments to N.J.A.C. 13:37-14, Homemaker-Home Health Aides. The proposed amendments will be printed in the New Jersey Register.

**THE BOARD, UPON A MOTION MADE BY DENISE LINK AND DULY SECONDED VOTED TO APPROVE N.J.A.C. 13:37-14, HOMEMAKER-HOME HEALTH AIDES REGULATIONS OF PURPOSED CHANGES.**

**THE MOTION CARRIED.**

**OPEN FORUM:**

M. Lown asked the public to share with the Board of Nursing any concerns, issues, or questions.

**UNFINISHED BUSINESS:**

No report.

**SCHOOL AND AGENCY SURVEYS:**

No report.

**NEW BUSINESS:**

**Patient Abandonment Statement:**

M. Lown reported.

The Board of Nursing has been asked to respond to inquiries for a position statement addressing the issue of 'patient abandonment.' The term 'patient abandonment' is not defined in the Board's enabling legislation or in its regulations. However patient abandonment issues are addressed by the Board of Nursing under 'professionals misconduct,'" one of the grounds for disciplinary action under the Uniform Enforcement Act ([NJSA 45:1-21 \(e\)](#) ). The Board considers each complaint based on individual circumstances and the facts of each situation as it pertains to the nurse who provides care as well as to the nurse supervisor/manager.

The Board only has the authority to take disciplinary action in specific cases based on its interpretation of what constitutes "professional misconduct." The Board's authority does not extend to employer-employee relationships such as staffing issues and mandatory overtime.

The Board encourages nurses and employers to be aware of the laws and regulations governing the practice of nursing in this State, including the grounds for discipline, and to report perceived violations of these laws and regulations to the Board. Conduct which is not actionable by the Board is most appropriately addressed by the employer or the nurse consistent with all applicable employment and labor laws, rules, and policies.

Both nurse managers/supervisors and nurses in direct patient care positions are accountable for providing safe nursing care to their patients. During crisis situations, periods of understaffing or limited numbers of well-qualified staff, it is essential that nurse managers/supervisors and nursing staff work within their respective roles to provide safe care to patients in a manner consistent with law. It is also paramount that nurse manager/supervisors and nursing staff strive to resolve conflicts in a constructive manner so that the best interests of patients are served.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED VOTED TO APPROVE THE POSITION STATEMENT REGARDING PATIENT ABANDONMENT.**

**THE MOTION CARRIED.**

**APPEARANCES:**

1. **Intervention Project for Nurses, Jacksonville Beach, Florida** - Barbara B. Taylor, MSH, ARNP, CAP, Clinical Manager gave an extensive and detailed presentation on "Assisting Nurses To Return To Practice". B. Taylor passed out handouts on "To Protect the Public from Impaired Practitioners and Assist the Practitioner Simultaneously".
2. Board Orientation: Session One: Charles Manning, Regulatory Analyst, Division of Consumer Affairs discussed and reviewed the following: 1.) Overview, Role of the State Boards. 2.) Role of Board Members in Regulatory Oversight. 3.) Regulatory Interface between the Board, the Executive Director of the Board, the New Jersey Department of Law, the Division of Consumer Affairs, and the Enforcement Bureau. 4.) Feedback.
3. Board Orientation: Session One: Wasir Hussain, Board of Nursing Bookkeeper discussed and reviewed the following: 1.) Documentation for Board Meetings and Travel Reimbursement.
4. Board Orientation: Session One: Deputy Attorney(s) General, Division of Law, August Lembo, Kathy Rohr, and Kathryn Schwed discussed and reviewed the following: 1.) Role of Deputy Attorney(s) General. 2.) Feed back.

There is a posting of the minutes on our website:

[www.state.nj.us/lps/ca/home.htm](http://www.state.nj.us/lps/ca/home.htm)

## **ADJOURNMENT:**

On July 17, 2001 the Regular Open Business Board Meeting was adjourned at 1:15 p.m.  
The next Regular Open Business Meeting will be on September 11, 2001.

Respectfully submitted,

Dr. Muriel M. Shore  
Secretary/Treasurer



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*Modified March 2002*