

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
JANUARY 15, 2008**

A meeting of the New Jersey State Board of Nursing was held on January 15, 2008 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Leo-Felix Jurado, Board President, called the meeting to order at 9:40 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D'Angelo Patricia Ann Murphy
Marietta Cahill Constance Wilson
Avery Hart
Leo-Felix Jurado
Irma Bojazi

ALSO PRESENT:

George J. Hebert, Executive Director
Carol Dunning, Education Program Development Specialist II
Margaret Howard, Field Representative
Michele Carroll, Manager, CHHA Unit
Darlene Lapola, Deputy Attorney General
Charles Manning, Regulatory Analyst (limited purpose)

BOARD MEMBER(S) ABSENCE:

Shivani Nath
Karen Rodriguez

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 November 26, 2007. A schedule of all 2008 Regular Open Board Meetings to be held during 2008 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.

AGENDA:

Open Regular Board Meeting Agenda of January 15, 2008: Reading and Approval

After discussion the Board, upon a motion made by Irma Bojazi and duly seconded by Noreen D'Angelo, voted to approve the Regular Open Board Meeting Agenda of January 15, 2008. The motion carried.

ANNOUNCEMENTS:

RECOGNITION OF BOARD MEMBERS AND STAFF:

Past Board member Ronald H. Carr was recognized for his work as Committee Chair for the Legislation Committee. Ronald H. Carr served on the Board from 2001 to 2007.

Mrs. Barbara Byers retired from the Board after 25 years of service. Mrs. Barbara Byers was recognized for her work as an Administrative Analyst for the Board of Nursing. During her tenure with the Board Mrs. Byers performed nursing program evaluations and more recently she served as Professional Staff for the Regulation and Education Committees.

MINUTES:

Open Business Meeting Minutes of November 20, 2007: Reading and Approval with corrections:

Page 2. – President’s report should state - Nursing News – “Kaiser Seeks Higher Level of Acute Care”. Kaiser Permanente is hoping to improve the quality of care in the Northern California hospitals by changing the educational requirements of its nursing staff. The recent decision will remove all licensed vocational nurses (LVNs) from the HMO’s acute hospitals and will replace them with registered nurses (RNs). Education programs have been designed for the LPN to study to become RNs or for them to go into other professions as obstetric technicians or respiratory care, etc. Email dated November 14, 2007 from APN-FORUM/NJ regarding an AANP SmartBrief. Mayo Clinic opens a small-scale medical clinic. The Albert Lea, Minnesota Mall is the site of a new Mayo Clinic project. A nurse practitioner has been hired to provide health care and counseling to mall clientele. The focus of the service will be to treat common ailments and provide follow-up referral as needed. Reuters Health – Disease Management Program Improves Care of Heart Disease Patients. Specialist nurse-led disease management programs for people with coronary heart disease and heart failure result in improved care and quality of life. Dr. Kamiesh Khunti from the University of Leicester, UK stated that patients with coronary heart disease showed significant improvements in quality of life evaluations after 12 months of participation in disease management compared with patients in the control group.

After discussion the Board, upon a motion made by Marietta Cahill and duly seconded by Constance Wilson, voted to approve the Regular Open Board Meeting Minutes of November 20, 2007 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado presented the 2007 Annual Report

(The 2007 Annual Report is attached to January 15, 2008 minutes)

After discussion the Board, upon a motion made by Noreen D’Angelo and duly seconded by Irma Bojazi, voted to approve the annual report of the Board President. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert as follows:

Renewal – Those who renewed late during December were charged the usual late fee in addition to the renewal fee. Communication between the CHHA Unit and the Home Care Industry has made this renewal period a smooth process.

The Office of the Attorney General requested the Board review a question imposed by the Juvenile Justice Commission regarding Medication Administration by a Supervisor.

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Patricia Murphy, voted to refer the Medication Administration question to the Regulation Committee for further review and discussion. The motion carried.

George J. Hebert received information from several facilities regarding their ethics policies. Institutions are being required to send information on its ethics policies to all regulatory bodies.

Seeking approvals:

February 1, 2008, Leo-Felix Jurado and Patricia Murphy to attend the LPN Educators Meeting. February 6, 2008, Constance Wilson has been invited to speak at the EO Hughes to discuss the LPN Scope of Practice. February 21, 2008, Michelle Carroll and Linda Adamkowski to attend the Home Health Service Association Educational Program for Temporary Service Companies and Home Care Agencies

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Marietta Cahill, voted to approve the appearances. The motion carried.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Irma Bojazi, voted to approve the report of the Executive Director. The motion carried.

CORRESPONDENCE:

December 12, 2007 BOME Open Board Agenda and October 10, 2007 BOME Minutes. 2. December 28, 2007, letter from Senator Joseph F. Vitale to Honorable Lucille E. Davy, New Jersey Department of Education regarding Licensed Practical Nurses (LPNs) administering medication to students in a school setting. 3. Charting Nursing's Future – A Publication of the Robert Wood Johnson Foundation. Robert Wood Johnson Foundation – “A Summary of the Impact of Reforms to the Hospital Inpatient Prospective Payment System (IPPS) on Nursing Services”. Application for Establishment of a New Program in Nursing: Provisional Accreditation, Proposed Amendments: N.J.A.C. 13:37-1.2 and 1.3. South Jersey Healthcare became entirely smoke and tobacco free, on its grounds and buildings beginning on January 1, 2008. The Board directed that a letter be sent to South Jersey Healthcare acknowledging its initiatives for a smoke free environment.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

Constance Wilson reported: Session I of the November 27, 2007 Meeting Report:

1. Correspondence:

November 13, 2007 - Letter from Matthew Bennett, NCLEX Administration Co-ordinator, National Council of the State Boards of Nursing.

Re: FYI: Change of roles: Alma Meyer will be the person to contact regarding program codes.

b. November 14, 2007 – Letter from Ms. Bonnie R. Gagliardi, RN.

Re: Requests Board's permission to be LPN instructor

c. November 15, 2007 - Faxed letter from Evelyn Gaskin-Bell, Registrar, University of Phoenix.

Re: FYI: Certification letter regarding Ms. Gagliardi's MSN education. The Committee reviewed the request from Ms. Bonnie R. Gagliardi, RN, and the information submitted by the University of Phoenix. Ms. Gagliardi has a Bachelors Degree in History, which she received in 1978, and later became a RN in 1991 with an Associate Degree. Ms. Gagliardi attending a MSN program at the University of Phoenix, and wants to teach in a LPN program, however, she does not have a BSN. Based on its review, the Committee decided: The documentation indicates that Ms. Gagliardi does not meet the educational requirements as per N.J.A.C. 13:37-1.7. She does not have a BSN or a MSN. Ms. Gagliardi may not be faculty in a practical nursing program.

New Jersey Commission on Higher Education

RE: FYI: Met on October 26, 2007 and November 16, 2007. The agendas for the meetings were provided to the Board.

NLN Faculty Development Bulletin - October 30, 2007

RE: FYI: NLN calendar of events regarding workshops and the Nurse Education Certification Program. For further information contact: www.nln.org/facultydevelopment

Centennial Area Health Education Center

RE: FYI: 19th annual Nurse Educators Conference in the Rockies, July 17-19, 2008. For further information go to www.cahec.org

Discussion:

New Deans and Directors Orientation

The assignments and orientation packet were provided for review prior to the orientation meeting with the new deans and directors.

Out-of-State/Online Programs/Correspondence Courses

- Recently the licensing department received an application and a transcript from Rochville University. This program was listed on the Texas Education Coordinating Board Web site as an institution whose degrees are illegal in Texas. <http://www.theccb.state.tx.us/AAR/PrivateInstitutions/noTX.cfm>

Staff will contact NCSBN for more information regarding the above.

The Committee reviewed information from the North Carolina Board of Nursing Web site regarding online programs. Discussion Ensued: The Committee requested staff to further investigate what other states are doing regarding licensure of applicants from online programs. Staff will contact NCSBN.

Applicable statutes and regulations: The Statutes regarding licensure requirements are N.J.S.A. 45:11-26 and 11-27 and the Regulations N.J.A.C. 13:37- 2.2 and 2.3.:

Follow-up regarding Moratorium.

DAG Bradford will explore the process to implement a moratorium on LPN programs.

Staff has contacted NCSBN and the Committee will review information regarding moratoriums and a LPN Education Action Plan at its next meeting as time allows.

3. Lincoln Technical Institute (LTI)

Site visits were made to Lincoln Technical Institue's LPN programs in Edison on December 11, 2007 and Paramus on January 10, 2007. LTI is "fully" accredited. They had requested approval to open schools at these two sites during the July Board meeting. The sites are appropriate and classes will be small. The programs have received Section J's from the DOE/DOL.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Patricia Murphy, voted to approve the Lincoln Technical School LPN program sites in Edison and Paramus. With the following directive:

Directive

Submit copies of signed clinical contracts, which are in compliance with regulation N.J.A.C 13:37-1.10.

Constance Wilson reported: Session II of the November 27, 2007 Meeting Report:

Correspondence:

a. October 16, 2007 – Letter from Dr. Boris Davidoff, CEO, CFO, Metropolitan Learning Institute.

Re: Requesting information regarding the Boards position on number of students accepted during provisional accreditation.

Dr. Davidoff is concerned regarding the number of students. The program planned for day classes of 30-30-30-30 (4 classes per year), and evening classes of 20-20-20-20 (3-4 classes per year), with a maximum # of 200 students. A regulation has been proposed to limit the number of students to 40 students per year during provisional accreditation. The Committee strongly encourages the program to maintain the number of students at 40 per year during provisional accreditation. Staff sent a letter to the program regarding this. A joint site visit with DOL and DOE is planned for 1/28/08

b. October 24, 2007 – Letter from Michelle O’Neal, MSN, RN, Director of Nursing, Salem Community College. Re: FYI: College plans to temporarily house LPN the program at the PSE&G Building in Salem City, due to renovations at the campus.

c. October 25, 2007 – Letter from Winnie Kamunge, Merit Technical Institute.

Re: FYI: notification of Ms. Danie R. Sandi death, and new program administrator, Mrs. Annie Weber, MSN, RN. A letter of sympathy was sent.

Self-Study Report

a. Salem Community College – Initial Accreditation

The Education Committee reviewed the initial self-study submission from Salem Community College (SCC). Based on its review, further revision/clarification is Required.

New Program Application

a. The Marie Allied Health and Technology Institute - Part I

The Education Committee reviewed the Part I application submission from The Marie Allied Health and Technology Institute. Based on its review, further revision/clarification was required which was received and reviewed by the Committee.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Irma Bojazi, voted to approve Part I of the preliminary application for the establishment of a new LPN program; Marie Allied Health and Technology Institute is granted permission to pursue development of Part II of the application process. The motion carried.

After discussion the Board, upon a motion made by Noreen D’Angelo and duly seconded by Irma Bojazi, voted to approve Sessions I and II of the Education Committee Report of November 27, 2007. The motion carried.

2. PRACTICE COMMITTEE:

Patricia Murphy reported on:

Appearance:

Thelma Hill, LPN, Laurie Stillwell, LPN, Kimball Medical Center Co-Chairs of LPN Forum, New Jersey State Nurses Association

The Committee welcomed Ms. Thelma Hill, L.P.N., and Ms. Laurie Stillwell, L.P.N., to discuss their questions about Board of Nursing requirements concerning Licensed Practical Nurse Scope of Practice, N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks to LPNs, and the Algorithm for Determining Scope of Practice and for Making Delegation Decisions.

The Committee recommended that a letter be sent to, Deanna Sperling, MAS, RN, CNA, BC, Vice President of Nursing, and Jane O’Donnell, MSN, APN, RN, BC, Director of Nursing Education, at Kimball Medical Center inviting them to speak with Barbara J. Byers, Administrative Analyst, or George J. Hebert, Executive Director,

regarding any questions that they may have about either N.J.S.A. 45:11-23, Definitions of Nursing, N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks, and the Algorithm for Determining Scope of Practice and for Making Delegation Decisions.

The Committee also recommended that Ms. Sperling and Ms. O'Donnell be invited to the next available Practice Committee Meeting scheduled for March 11, 2008 to discuss any questions or concerns about N.J.S.A. 45:11-23, N.J.A.C. 13:37-6.2, and the Algorithm for Determining Scope of Practice and for Making Delegation Decisions.

Correspondence:

a. October 4, 2007, E-mail from Carolyn Torre, Director of Practice, NJSNA to George J. Hebert, Executive Director and Leo Felix Jurado, President of the Board of Nursing, regarding clarification of LPN issues in New Jersey.

The issue raised in this e-mail was whether Registered Nurses could delegate medication administration to Licensed Practical Nurses in school settings.

The Committee recommended that a written response be sent to La Coyya Weathington, Office of Program Support Services, New Jersey Department of Education, and Carolyn Torre, Director of Practice, New Jersey State Nurses Association, clarifying that in accordance with the provisions of N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks, the Registered Professional Nurse may delegate to Licensed Practical Nurses the task of medication administration. The New Jersey Board of Nursing has no regulations, which would prohibit Licensed Practical Nurses from administering medications.

b. October 16, 2007, Letter from Thelma Hill, LPN and Laurie Stillwell,

LPN, Kimball Medical Center, and Co-Chairs of LPN Forum of the New Jersey State Nurses Association, seeking clarification on LPNs Scope of Practice, delegation of selected nursing tasks, and the Algorithm for Determining Scope of Practice and for Making Delegation Decisions.

This correspondence was addressed under the appearance of Ms. Thelma Hill, L.P.N., and Ms. Laurie Stillwell, L.P.N., before the Nursing Practice Committee on December 11, 2007.

c. November 5, 2007, E-mail from Barbara J. Byers, Administrative Analyst, to Constance M. Wilson, LPN, concerning LPN Practice issues.

This issue was addressed under the appearance of Ms. Thelma Hill, L.P.N. and Ms. Laurie Stillwell, L.P.N.

d. August 27, 2007, E-mail from Linda A. Rinaldi, Deputy Attorney General, to Charles Manning, Regulatory Analyst, regarding LPNs practicing physical therapy modalities without being licensed as a physical therapist, as well as the Board's interpretation on this issue.

On March 14, 2006, the Committee discussed the role of Licensed Practical Nurses caring for patients receiving physical therapy. On March 21, 2006, the Board of Nursing decided that the Algorithm for Determining Scope of Practice and for Making Delegation Decisions will be used as a decision making tool by Registered Professional Nurses delegating selected nursing tasks to Licensed Practical Nurses providing nursing care to patients receiving physical therapy. The Committee concurs that the Board's decision of March 21, 2006 be re-affirmed.

The Committee recommended that a written response be sent to Linda Rinaldi, Deputy Attorney General, confirming the Board's decision of March 21, 2006.

e. October 5, 2007, Memorandum from Charles A. Janousek, Liaison to the Professional Boards, to George J. Hebert, questioning whether physical therapy modalities are within LPNs Scope of Practice.

The Committee discussed the memorandum from Charles A. Janousek. The Committee recommends that a letter

be sent to Mr. Janousek clarifying that nurses cannot present themselves as physical therapists. However, nurses who are properly educated and credentialed may follow the provisions of N.J.A.C13: 37-6.2, Delegation of Selected Nursing Tasks, and the Algorithm for Determining Scope of Practice and for Making Delegation Decisions, when providing care and delegating selected nursing tasks to Licensed Practical Nurses providing nursing care to patients receiving physical therapy.

f. November 29, 2007, E-mail from Debora Welk, LPN, to Barbara Byers, concerning LPNs credentialing and participation in Registered Professional Nurse's Organizations.

The Committee carefully reviewed comments received from Ms. Debora Welk, L.P.N., regarding credentialing of Licensed Practical Nurses, Licensed Practical Nurses challenging the NCLEX-RN licensing examination, and participation of Licensed Practical Nurses in Professional Nursing organizations.

The Committee recommended that a response be sent to Debora Welk regarding her concerns of LPN credentialing.

g. November 7, 2007, E-mail from Gayle Walker - Cillo RN, MSN/Ed, CEN, Emergency Department Clinician, Morristown Memorial Hospital, concerning Nurses Scope of Practice

The Committee reviewed Ms. Gayle Walker – Cillo's question of whether standing orders and implementation of written protocols are within the scope of nursing practice in Emergency Departments of hospitals prior to patients being examined by the Emergency Room Physician. Karen Rodriguez circulated a letter from Linda L. Lawrence, M.D., FACEP, President, American College of Emergency Physicians; Tom Scaletta, M.D., FAAEM, President, American Academy of Emergency Medicine, and Donna L. Mason, R.N., M.S., CEN, President, Emergency Nurses Association addressed to Dennis S. O'Leary, M.D.; President of the Joint Commission, and Robert A. Wise, M.D., Vice President of the Joint Commission's Division of Standards and Survey Methods, expressing concerns about interpretation of Standard MM.3.20 EP1.

"Protocols can be initiated by a registered nurse once the protocol is ordered by a licensed independent practitioner. Initiation of a protocol which includes a medical intervention (i.e. decision to administer a medication) requires an order by an independent licensed practitioner."

The emergency care leaders expressed concern that the standard of the Joint Commission should be re-considered and further discussed because the practice does not allow nurses to independently initiate advanced treatment protocols (as approved by State Board of Nursing Regulations); It not only affects the emergency departments (EDs) ability to deliver timely care, but will also potentially delay care throughout the acute hospital settings (ie, labor and delivery, intensive care, cardiology/elementary). (The letter is attached dated November 29, 2007). The Committee asked Karen Rodriguez to provide updates on the discussion of MM.3.20 EP1.

The Committee recommends that the Board of Nursing support emergency nursing care of patients.

h. July 26, 2007, Letter from John D. Fanburg to George Hebert, questioning whether a nurse who is employed by a physician owned medical practice may independently authorize prescription refills.

The Committee discussed Mr. John D. Fanburg's question. The Committee recommends that written clarification be sent to Mr. John D. Fanburg clarifying N.J.A.C. 13:37-7.6, Prescriptive practice, "Each nurse practitioner/clinical nurse specialist shall prescribe/order medications and devices in conformity with the provisions of this subchapter, N.J.S.A. 45:11-45 et seq. (especially N.J.S.A 45:11-49) and jointly developed protocols.

FYI, APRN Joint Dialogue Group Conference Call Minutes. j. FYI, December 4, 2007, E-mail from LaCoyya Weathington, Office of Program Support Services, New Jersey Department of Education.

Re: Training Standards for the Administration of Epinephrine via Auto- Injectors in accordance with New Jersey P.L. 2007 , c. 57. These standards are intended to provide guidelines for training school personnel who have

volunteered to receive such training in the administration of epinephrine to students in New Jersey schools.

k. November 27, 2007, E-mail from Darlene Lapola, Deputy Attorney General, to Barbara Byers, Administrative Analyst, concerning an e-mail from Kevin R. Jespersen, Deputy Attorney General.

Re: Inquiry from Doug Doyle, Esq., questioning whether Licensed Practical Nurses may administer “intense light pulse” therapy.

The Committee reviewed the e-mail and an article regarding Intense Pulse Light Therapy (IPL). The article stated that “IPL systems work on the same principles as lasers in that light energy is absorbed into particular target cells with color (chromophores) in the skin. The light energy is converted to heat energy, which causes damage to the specific target area.”

The Board of Nursing does not have regulations regarding administration of intense pulse light. On November 16, 2004, the Board of Nursing discussed this issue and made a motion to refer the issue to the New Jersey Board of Medical Examiners concerning the use of medical light-emitting devices (Lasers).

Consistent with the Board’s decisions of November 16, 2004, the Committee recommends that Mr. Doug Doyle’s question be forwarded to the New Jersey Board of Medical Examiners for review and comments.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve the recommendations of the Practice Committee. The motion carried.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve the Practice Committee Report of December 11, 2007. The motion carried.

ANNOUNCEMENT:

Assembly Bill 4455 was signed by Governor Corzine which will require licensure in order to perform massage in the State of New Jersey. Governor Corzine would appoint a Board to draft regulations governing the practice of massage bodywork therapy. The Massage, Bodywork, and Somatic Therapy Examining Committee will continue function until the Board as been appointed.

2. The February 19, 2008 Regular Board meeting will begin at 9:00 a.m. followed by the Disciplinary Meeting.

OPEN FORUM:

Leo-Felix Jurado asked the public to share with the Board of Nursing any concerns, issues or questions:

Bernard Gerard, Vice President, Health Professional and Allied Employees of New Jersey, thanked Dr. Murphy for providing a recent copy of the Practice Committee Report while she was presenting. Mr. Gerard also commented on the timeline for the renewal cycle, he asked when will the renewal notices go out to the licensees.

Carolyn Torre, Director of Practice, NJSNA – commented on the proposal in the New Jersey Registrar regarding LPN programs. Ms. Torre commented on the Board’s decision to limit the amount of students to 40 in LPN programs. Ms. Torre also commented on the letter from Senator Vitale regarding LPNs providing care to students with special needs.

Josephine Sienkiewicz, RN, MSN, Director of Education and Clinical Practice, The Home Care Association of New Jersey provided information on the discussion of LPNs providing care to students with special needs. Ms. Sienkiewicz thanked George J. Hebert and Michelle Carroll for the hard work that went into the CHHA renewal process. Ms. Sienkiewicz invited George J. Hebert and Michelle Carroll to attend the Home Care Association Annual Meeting.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Patricia Murphy,

voted to go into closed session to discuss complaints against nursing programs. The motion carried.

ADJOURNMENT:

On January 15, 2008 the Regular Open Board Meeting was adjourned at 12:30 p.m. The next Open Business Meeting will be held on February 19, 2008.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded Irma Bojazi, voted to adjourn the Regular Open Board meeting of January 15, 2008 at 12:30 p.m. The motion carried.

Respectfully Submitted,

Patricia Murphy
Board Secretary/Treasurer