

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
JANUARY 18, 2005**

A meeting of the New Jersey State Board of Nursing was held on January 18, 2005 in the Essex Conference Room, 7th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, Board President called the meeting to order at 9:35 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Ronald H. Carr
Noreen D'Angelo
Sylvia C. Edge
Leo-Felix Jurado
Maris A. Lown
Virginia McKenney
Karen Rodriguez
Muriel M. Shore
Nelson Tuazon
Cecilia West

ALSO PRESENT

George J. Hebert, Executive Director, New Jersey Board of Nursing; Barbara Byers, Administrative Analyst and Deputy Attorneys General: Ginger Provost and Darlene Lapola.

Charles Manning, Regulatory Analyst attended the meeting for discussion of the Massage Lubricant Rule.

NOT PRESENT

Board Member(s): Veronica McGreevey and Margaret M. Kirchhoff,

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 3, 2005. A schedule of all 2005 Regular Open Board Meetings to be held during 2005 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.

A reading and approval of the January 18, 2005 Regular Board Meeting Agenda with the following amendments:

Closed Session will begin at the conclusion of the Open Session.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE REGULAR BOARD MEETING AGENDA OF JANUARY 18, 2005. THE MOTION CARRIED.

A reading and approval of the Open Regular Board Meeting Minutes of November 16, 2004.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY MURIEL M. SHORE AND DULY

SECONDED BY NELSON TUAZON, VOTED TO TABLE THE REGULAR BOARD MEETING MINUTES OF NOVEMBER 16, 2004 UNTIL THE NEXT REGULAR BOARD MEETING. THE MOTION CARRIED.

REPORT OF THE BOARD PRESIDENT – MARIS LOWN:

Maris Lown reported:

Maris Lown and George Hebert met to discuss committee reform and guidelines regarding Advisory Panel Members, who are appointed to the committee for two years. Advisory Panel Members are not voting members of the committee, because the decision making is the responsibility of the Board Members.

Advisory Panel Members for the Practice Committee are Richard Ridge and Karen Strutzer-Tremiel. Advisory Panel Members for the Education Committee are Louise DeBlois, Kathy Pavalkis and Susan Salmond.

The Educational Rules will be published during the month of January 2005. The Board is in the process of hiring more staff and this issue will be discussed in detail during Executive Session of the January 18, 2005 meeting. Maris Lown is participating in a task force for NCSBN, to revamp the organization. Maris Lown has been working on the bylaws of NCSBN regarding the licensing examination. Muriel Shore, Maris Lown and George Hebert attended a meeting with the Assistant to the Attorney General and representatives from the NJSNA regarding the CRNA issue. The Board is seeking a speaker for the Annual Meeting on the Globalization of Nursing.

Maris Lown and George Hebert will be bringing information to the Board regarding the Massage, Bodywork and Somatic Therapy Examining Committee reporting mechanism. The Clinical Nurse Leader – The Board has asked Dr. Phyllis Hansel from Seton Hall University to speak with the Board about Clinical Nurse Leader proposed by the American Association of Colleges in Nursing. The attendance for all Board Members has been updated in the Board Manuals. Board Members: Ronald Carr, Muriel Shore and Virginia McKenney have 100% attendance for the Regular Board Meetings of 2004. Board Members: Ronald Carr and Virginia McKenney have 100% attendance for the Disciplinary Meetings of 2004. In the list of correspondences there was a letter from Josephine Sienkiewicz, Director of Education & Clinical Practice, Home Health Assembly of NJ regarding the progress and work on Delegation of Medication Administration by Registered Nurses to Unlicensed Assistive Personnel. This issue has been tabled and referred to the Regulation Committee for more information.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

Update: The Board has certified 146 Forensic Nurse - Certified Sexual Assault. Massage, Bodywork and Somatic Therapy certification process is up and running. Information is being entered in L2K by staff and the Committee Members will review the applications. NCSBN had a Policy Call regarding JCAHO's ruling that nursing students not be considered employees of health care facilities. George Hebert attended a meeting of Nurse Leader Stakeholders on December 16, 2004 at the American Nurses Association Headquarters regarding the titling of Advanced Practice Nurses. The Board is seeking to hire more Professional Staff members. Lorinda Inman, Executive Director Iowa Board of Nursing, which is a compact state will be coming to speak to the Board regarding the implementation of the Compact Regulations at the February 15, 2005 meeting. George Hebert congratulated Board Members: Leo-Felix Jurado and Sylvia Edge for receiving the Don and Diva awards. George Hebert thanked the Board Members for the Fruit Basket that was sent to the staff for Christmas. George Hebert seeks approvals for 1) Maris Lown, Muriel Shore and George Hebert who attended a January 4, 2005 meeting with the Assistant Attorney General, along with representatives from the NJSNA regarding the CRNA issue. 2) George Hebert and Maris Lown to attend the February 2, 2005 Criminal History Background Check Program sponsored by the New Jersey Hospital Association.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE APPEARANCES OF THE EXECUTIVE DIRECTOR, BOARD PRESIDENT AND BOARD MEMBER. THE MOTION CARRIED.

Correspondences:

Memo from Darlene Kane, Budget Officer regarding the Board of Nursing Overtime and Professional Licensing Fees. Changes the Face of Nursing: Presented at the NCSBN Annual Meeting, August 2004. New Jersey Lawyer – Board of Medical Examiners Validly Adopted Regulations Governing Use of Anesthesia. Proposed New Rules: N.J.A.C. 13:42A, Certified Psychoanalysts. Enrollment Increases at U.S. Nursing Schools are Moderating While Thousands of qualified Students are turned away. CDC Health Update: Influenza Vaccination. News Release: CGFNS Hosts Open Forum Sessions in India for Certification Program Qualifying Exam Participants. News Release: Department of Homeland Security Approves CGFNS to continue Certifying Foreign-Born Health Care Workers. Memo dated December 21, 2004 from William Roeder, Executive Director, Board of Medical Examiners regarding DYFS. Memo dated December 2, 2004 from Kevin Earle, Executive Director, Board of Chiropractic Examiners to George Hebert regarding Scott P. Huber, DC, RN. Letter dated September 16, 2004 from Josephine Sienkiewicz, Director of Education and Practice, NJ Home Care Association regarding Delegation of Medication Administration by Registered Nurse to Unlicensed Assistive Personnel. An article “American Trust Nurses Most, Ignore News of Killer Caretakers”. Letters regarding CRNAs. American Nurses Association – Report to the Constituent Assembly: APN issues.

COMMITTEE REPORTS:

BUDGET & FINANCE:

Muriel Shore reported:

The Budget Report for Fiscal Year 2004 was received and reviewed by Board Members. The Budget Committee will meet with Darlene Kane, Budget Analyst to get a better understanding of the budget and will bring back information to the Board at a later date.

The Board Members has asked George Hebert to prepare a break down report of cost regarding staff salaries and overtime pay.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE REPORT OF THE BUDGET & FINANCE COMMITTEE. THE MOTION CARRIED.

EDUCATION COMMITTEE:

Leo-Felix Jurado reported:

The Education and Regulation Committees will meet one week following the regular board meeting. Leo-Felix Jurado, Maris Lown and George Hebert met to streamline the work of the committee. The committee meeting format has been revised into two portions: Open Session will be from 12:30 p.m. to 2:00 p.m., which will consist of Committee Members and Advisory Panel Members and they will report on:

1. Renewal of accreditation for schools.
2. Open Correspondences will be reviewed.
3. Proposed curriculum changes.

Closed Session will be from 2:00 p.m. to 3:30 p.m., which will consist of Committee Members only and they will report on:

- New Program Applications.
- Closed Session Correspondence
- . Appearances.

Site Visit reports Muriel Shore will be joining the Education Committee. An orientation was provided on January 11, 2005 for the Advisory Panel Members.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE REPORT OF THE EDUCATION COMMITTEE. THE MOTION CARRIED.

LEGISLATION COMMITTEE:

Ronald Carr reported:

The committee was asked to review the following bills:

Assembly Bill 3501 – “Emergency Health Powers Act”. The Board voted to support A3501, provided that the A.P.N. is identified as a health care provider.

Assembly Bill 3601 – Establishes “Health Care Professional Screening Task Force”. The Board voted not to support.

Assembly Bill 3461 – “Hospital Infection Reporting Act”. The Board voted to support. The Board discussed an email that was sent from Burt Lieberman regarding information on bills that are reviewed by the committee. The Board has requested quarterly reports of all the bills that were reviewed by the committee and the outcome of each bill.

AFTER DISCUSSION THE BOARD UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED TO APPROVE THE REPORT OF THE LEGISLATION COMMITTEE. THE MOTION CARRIED.

PRACTICE COMMITTEE:

Cecilia West reported:

The committee met on November 5, 2004 and the minutes and recommendations were already submitted to the Board for approval on November 16, 2004. The committee will be meeting at 1:00 p.m. on January 18, 2004 and there is an appearance with two nurses regarding the Delegation of Medication Administration to Children in New Jersey Childcare Facilities.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO APPROVE THE REPORT OF THE PRACTICE COMMITTEE. THE MOTION CARRIED.

REGULATION COMMITTEE:

Muriel M. Shore reported:

The committee flow sheet was reviewed. The committee will be meeting on January 25, 2005 and there are no recommendations at this time. The committee is working very hard to get outstanding issues moved along. The Deputy Attorneys General is reviewing the Mandatory Reporting Guidelines. Conditional Accreditation and Probation Rules will be going out for publication this month and the rules will be in effect the day it appears in the New Jersey Register.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE REPORT OF THE REGULATION COMMITTEE. THE MOTION CARRIED.

OPEN FORUM:

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

Josephine Sienkiewicz, Director of Education and Clinical Practice, NJ Home Care Association thanked the Board for sending their concerns back to the Regulation Committee for further review. The NJ Home Care Association has received a grant from the New Jersey Department of Health and Senior Services, office of Emergency Preparedness. The Association will be hosting a series of Emergency Preparedness and Bio-Terrorism Training for Home Care Agencies.

Barbara Tofani, New Jersey Hospital Association - spoke about primary verification of licensure. She is seeking clarification on the best source of verification of licensure.

Angela Richman, CRNA, New Jersey Association of Nurse Anesthetists – Thanked the Board for voting unanimously to intervene before the Supreme Court and for requesting amicus curiae. The NJANA has the support of the Labor Union and the New Jersey State Nurses Association to support their legal battle with the New Jersey Board of Medical Examiners.

Carolyn Torre, Director of Practice, New Jersey State Nurses Association, spoke on an insert from the Board of Nursing Newsletter dated 1994 regarding nurses taking orders from other licensed providers. Ms. Torre wanted to inform the Board that she was being asked questions regarding nurses taking orders from other licensed providers. That information can be found in the Board of Nursing Statutes.

Bernard Gerard, Vice President, Health Professionals and Allied Employees – Informed the Board that they would also be supporting the CRNA's in their brief to the Supreme Court.

NEW BUSINESS:

Charles Manning, Regulatory Analyst, Division of Consumer Affairs discussed with the Board:

Massage, Bodywork and Somatic Therapy Lubricant Rule and other rule modifications.

N.J.A.C.13:37-16.3 (c), Certification without education or examination. N.J.A.C.13:37-16.5 (b) 2, Certification without examination based on licensure in another State. N.J.A.C.13:37-16.8 (g), (h), (i) and (j), Infection Control Precautions.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO APPROVE THE REVISIONS TO THE MASSAGE, BODYWORK AND SOMATIC THERAPY LUBRICANT RULE AND OTHER RULE MODIFICATIONS. THE MOTION CARRIED.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO GO INTO CLOSED SESSION. THE MOTION CARRIED.

ADJOURNMENT:

On January 18, 2005 the Regular Open Business Board Meeting was adjourned at 12:20 p.m. The next Regular Open Business Meeting will be held on February 15, 2005.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO ADJOURN THE MEETING OF JANUARY 18, 2005. THE MOTION CARRIED.

Respectfully Submitted,

Muriel M. Shore
Secretary/Treasurer