

Board of Nursing

February 15, 2000

Regular Open Board Meeting

A meeting of the New Jersey State Board of Nursing was held on February 15, 2000 in the Hudson 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

Present were Board Members: Phoebe C. Andes, Charles Cohen, Noreen D'Angelo, Elizabeth English, Richard Freda, Maris A. Lown, Virginia McKenney, Joan Farrell Monaghan, Dr. Muriel Shore.

ALSO PRESENT

Deputy Attorney General, Gus Lembo, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Margaret Bennett, Deputy Executive Director, Harriet L. Johnson,

Assistant Executive Director, Barbara Byers, Administrative Analyst, Kathryn Schneider, Professional Staff, Home Health Division, New Jersey State Board of Nursing.

NOT PRESENT

Board Members: Judith Godsey-Wehnau, M. Catherine Dulio, Karen Rodriguez, 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 3, 2000. A schedule of all 2000 Regular Open Board Meetings to be held during 2000 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.

M. Lown would like to amend the agenda to include certain NCLEX exam reports under New Business.

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED TO PLACED NCLEX EXAM REPORTS UNDER NEW BUSINESS.

A reading and approval of the minutes for the Regular Open Meeting of November 16, 1999.

THE BOARD, UPON A MOTION MADE BY VIRGINIA MCKENNEY AND DULY SECONDED, VOTED FOR APPROVAL OF THE NOVEMBER 16, 1999 REGULAR OPEN BOARD MEETING MINUTES.

MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. The president attended a Steering Committee meeting for Colleagues In Caring. It was their Annual Survey Visit, representatives from the National Office also attended this meeting. Each of the Steering Committee members gave a report, and there was discussion regarding health care in general, and the direction that Colleagues In Caring grant was heading in. Also, discussion pertaining to continue the work of this group and the

Board of Nursing will be participating in the future directions as we are very involved in the data collection effort.

M. Lown congratulated the Executive Director, Patricia A. Polansky, on the award she received from the Organization of Nurse Executives. P. Polansky was recognized at their Annual Dinner in January, 2000.

PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky updated the board on Massage and Somatic Therapy Board. Received letters late in January, 2000, confirmations of the appointment of all the members of the new committee. C. Manning, Regulatory Analyst, and J. Brown, Deputy Attorney General who have been assigned by the Division to us for that group. K. Schneider will be heading that up, and we will be conducting a transition plan in a year. A fact sheet has been developed, which contains daily Massage and Somatic Therapy incoming telephone calls requesting information on regulations. L. Vaughters has been keeping a daily data base. Sometime between February or March, 2000 a meeting for the first time will actual be conveyed of the committee.

M. Lown, M. Bennett, B. Byers, and P. Polansky met for entire day to create an educational master plan, which believe is off to a good start in Education. As M. Bennett transitions into accepting responsibility and being the professional in the office for the Educational and NCLEX portion of the office.

A-3105 Vandervalk Bill did pass the Senate was discussed at the Legislative Review Panel meeting this morning. P. Polansky reported. N. D'Angelo attended the meeting yesterday. (Vandervalk) - Requires the State Board of Nursing to regulate Unlicensed Assistive Personnel and Commissioner of Health and Senior Services to adopt regulations governing their use by health care facilities. The Legislative Review Panel agreed this morning to have a separate and distinct meeting on that.

Our Annual Meeting is scheduled for December 8, 2000, at The National Conference Center at the Ramada Inn, East Windsor, New Jersey. Outstanding speaker who is Dr. Betty Ferrell on Pain Management and End-of-Life Care issues, which is both, timely and education, practice issue, and certainly for students or another.

CDS and DEA in works. G. Lembo notified the Board that the Drug Enforcement Administration in Washington, D.C. has official approved on February 11, 2000 APNs in New Jersey to have DEA numbers and there will be an extended period through June 1, 2000. Now processing the applications.

P. Polansky would like to commend K. Schneider, K. Schwed, G. Lembo, S. Joyce, J. Brown, V. Herring and staff for the incredible work effort regarding Criminal Background Check.

Special attention to #8 in your communication packet under the Board of Medical Examiners "Physician Training for a New Century", very important issues in there that those of you as board members need to pay particular attention to.

"Communication Packet" - includes: 1.) **National Council of State Boards of Nursing, Inc. Newsletter to the Member Boards - General Information:** a.) Volume 19 Number 23- November 12, 1999. B.) Volume 19 Number 25 - December 10, 1999. 2.) **National Council of State Boards of Nursing, Inc.** January 6, 2000 - **Re: "Partnership Plan" To Increase Nominations.** 3.) **National Council of State Boards of Nursing, Inc.** - January 3, 2000 - **Staff Announcement.** 4.) **New Jersey State Nurses Association - Attention All APNS who Prescribe!** Prescribing Protocol Standards Proposed. 5.) **The New Jersey Board of Nursing Report: Meeting of Board of Directors, New Jersey State Nurses Association** - November 30, 1999. 6.) **Personal Assistance Services Program** Proposed Consumer Certification Policy. 7.) **The Healthcare Integrity and Protection Data Bank (HIPDB)** Opens November 22, 1999 - Volume 19 Number 24. 8.) **Board of Medical Examiners (BOME)**

1.) Termination of Licensee-Patient Relationship, N.J.A.C. 13:35-6.22 2.) **Physician Prescribing and Dispensing Vitamin and Nutritional Supplements, N.J.A.C. 13:35-7.1.7.2.7.5.7.7.** 3.) **New Business - Legislation Review Requests.** 4.) **Academy of Ophthalmology Second Petition for Rulemaking** - Management of Surgical Care. 5.) **Cosmetics Surgery Referral Arrangement** - Status Report only. 6.) **Permanent Cosmetics Department of Health**

Steering Committee Proposal. 7.) Bioethics Committee - Status Update. 8.) New Business: Physician Training for a New Century - Informal Conference. 9.) ONE/NJ Annual Professional Recognition Award. 10.) Salemcare Chosen for National Study. 11.) FYI - Board appointed Harriet Johnson for the New Jersey Board of Nursing as National Council's Alternate Representative to the National Coordinating Council for Medication Errors Reporting and Prevention. 12.) The Collaborative Connection Newsletter of the NJ Colleagues In Caring - Volume 4(1), November, 1999. 13.) Colleagues In Caring Newsletter - Fall 1999 - Regional Collaboratives for Nursing Work Force Development. 14.) Article from *Market Outlook 2000* - "Health Care Inflation - DÉJÀ VU All Over Again". 15.) United States Bankruptcy Court for the Western District of Pennsylvania. 16.) Article from *The Record* - June 29, 1999 - "Hackensack Nurse Files Whistle-Blower Suit" - By Agnes Hooper Gottlieb. 17.) Commission on Graduates of Foreign Nursing Schools International Commission on Healthcare Professions — For Immediate Release - New Members and Officers Elected to CGFNS Board of Trustees. 18.) Article from *The Wall Street Journal* Wednesday, January 5, 2000 - "Nurse Practitioners' Patients Fare Well In Study". 19.) Article from *Harford Business Ledger* "Doctor Burns Contracts, Slams HMOs".

On December 17, 1999 Wisconsin signed their Interstate Compact.

Juvenile Justice Regulations will be published in the New Jersey Register on February 22, 2000.

On Friday, January 28, 2000 attended a meeting with the Educational and LPN Educators to discuss regulations. Great attendance and comments as well.

Followed through regarding your salary for the Board. Process still awaits in the Governor's hands.

P. Polansky seek approval for the following: 1.) Retroactively attendance for P. Polansky at the Quality Patient Care Advisory Committee, special meeting held with the President of the New Jersey Hospital Association for the purpose of input on the staffing crisis in New Jersey on February 3, 2000. 2.) For P. Polansky to attend the National Council State Boards of Nursing Executive Officer Mid-Year Meeting being held in Chicago, on February 24 - February 25, 2000, and G. Lembo, Deputy Attorney General to join P. Polansky on Saturday, February 26, 2000 for a special meeting on Multistate Regulation. 3.) P. Polansky to address the American Massage Therapy Association NJ Chapter in Somerville, and K. Schneider, Eulalia Rodriguez one of the staff members to be in attendance on February 27, 2000. 4.) P. Polansky to give greetings and a update to the LPN Association Convention 2000, at the Four Points Hotel Sheraton, Cherry Hill on April 10, 2000. 5.) P. Polansky, Executive Director to attend the Area IV Meeting, US Virgin Islands, on April 6, 7, 8, 2000. 6.) B. Byers on March 8, 2000 on Delegation on Selective Nursing Task at the Essex County Hospital Center Center. 7.) M. Lown, President, K. Schneider, and P. Polansky to split up three days of the New Jersey State Nurses Association, April 5, 6, and 7, 2000. 8.) P. Polansky as a Commencement Speaker for Englewood Hospital on May 24, 2000.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL SHORE AND DULY SECONDED, VOTED FOR APPROVAL OF SPEAKING ENGAGEMENTS AND ATTENDANCE AT THE PROFESSIONAL MEETINGS AS RECOMMENDED BY THE EXECUTIVE DIRECTOR.

P. Polansky announced Barbara Byers and Valerie Herring twenty years of service with the Division of Consumer Affairs.

"Information Salad" - Feature Stories include: (1.) **Institute of Medicine Report, To Err is Human: Building a Safer Health System.** (2.) **Hospital Based Home Care.** (3.) **Four Strategies For Positioning Hospital-Based Home Care.** (4.) **JCAHO drops a survey rating.**(5.) **Health Benefits Vary Based On Location.** (6.) **Competencies Necessary for Nurses.** (7.) **Key Recommendations for Improved End-of-Life Care.** (8.) **National Council Launches.** (8.) **Pediatric Home Healthcare: Patients & Providers.** (9.) **Gandhi Tops List of Millennium Women.** (10.) **A Few Words to be Heard.**

A summary of monies collected and processed at the Board of Nursing was passed around for information purposes.

COMMUNICATION:

LETTER RECEIVED NOVEMBER 8, 1999 FROM ST. FRANCIS MEDICAL CENTER, SCHOOL OF NURSING, TRENTON, N.J.

With a request concerning their NCLEX results.

FYI-NOVEMBER 18, 1999 FROM THE OFFICE OF THE GOVERNOR

Copying us a resolution from the Ocean County Board of Health concerning Home Health Aide Week, which was November 14, 1999.

MEMORANDUM RECEIVED DECEMBER 7, 1999 FROM ANTHONY MIRAGLIOTTA, CHIEF OF REGULATORY AFFAIRS

Notice of the Adoption of the Regulation on Identification Tags.

LETTER RECEIVED JANUARY 1, 2000 FROM BON SECOURS NEW JERSEY

HEALTH SYSTEM, JERSEY CITY, N.J.

Informing us that St. Mary Hospital, St. Francis Hospital, The Franiscan Home and Rehabilitation Center are now members of the Bon Secours New Jersey Health System, Inc.

APPEARANCES:

M. Lown introduced and welcome Carol Hernandez, Chairperson at Capital Health System, Trenton, N.J. formally known as Helene Fuld in Trenton, N.J. and Nancy Murray, Acting Consultant to the Capital Health System, and currently Chairperson of Mercer County Community College.

Capital Health System:

C. Hernandez and N. Murray presented to the Board proposed curriculum revisions for Capital Health System School of Nursing Cooperative Program with Mercer County Community College at Capital Health System, Trenton, N.J.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL SHORE AND DULY SECONDED, VOTED FOR APPROVAL OF THE PROPOSED CURRICULUM REVISION SUBMITTED BY CAPITAL HEALTH SYSTEM SCHOOL OF NURSING.

State of New Jersey Department of Human Services, State Office on Disability Services:

Michael Nuskey, Program Administrator, Personal Assistance Services Program, State of New Jersey Department of Human Services, State Office on Disability Services, is seeking support from the Board of Nursing to draft regulatory language to exempt the Personal Assistance Services Program from the limits imposed by the Board's regulatory authority in general and the dictates of subchapter six and fourteen of N.J.A.C. 13:37 specifically.

C. Manning, Regulatory Analyst, Division of Consumer Affairs met with Deputy Director, A. Miragliotta and Executive Director, P. Polansky, New Jersey State Board of Nursing to discuss the Division's position on these requested amendments. The Deputy Director believes that no regulations are needed in response to the program developed by Human Services.

The tasks performed pursuant to the Personal Assistance Services Program are nursing tasks, as the term is commonly used by the Board. The regulatory issue here is therefore whether the Board will allow unlicensed personal assistants to provide nursing care, or stated a different way, whether the Board will take disciplinary action against a personal assistant working in the Personal Assistance Services Program. The Board has the power to discipline unlicensed personnel who provide nursing care. Pursuant to that disciplinary power the Board can decide, if the issue ever arises, that personal assistants who work pursuant to the Personal Assistance Services Program are not performing actions that

will merit discipline from the Board. The Board may inform Human Services of this decision at this time in what can be loosely compared to an informal preliminary judgement on its part.

Outside of the particulars of this issue two questions arise that should be considered by the Board. Why would it want to abdicate any of its regulatory power in the way requested by

Human Services? In essence the request from Human Services was that the board ignore any tasks performed by a personal assistant and, in its regulations, state that it has no power over people who are performing nursing tasks.

The second issue deals with comments that P. Polansky, and B. Byers made while discussing these amendments that we should have a regulation that would prevent future Boards from taking action against these programs. Any regulation that is passed by this Board will not hamper future Boards, they could repeal any rule and take action as they see fit. More importantly it is inappropriate for this Board to try to hamper actions by a future Board.

COMMITTEE REPORTS:

INTERVENTION PROGRAM TASK FORCE COMMITTEE:

M. Lown reported. The Executive Director will appoint an individual to direct this effort to serve on this committee. Once this individual is on board, to then reconvened the Intervention Program Task Force Committee to discuss your concerns or any issues that might be related to this change.

P. Polansky reported. A letter requesting an official written documentation from the Deputy Director, A. Miragliotta, Division of Consumer Affairs and Administrative Law will be sent out for follow-up regarding the individual to serve on Intervention Program Task Force Committee. Secondly, since the program has been approved and the Division is notified, that the Board has approval to hire both that person and staff, that would benefit the committee.

BUDGET & FINANCE COMMITTEE:

No report.

EDUCATION COMMITTEE

M. Lown reported. The Education Committee meeting meets monthly or when ever needed. We invite your curriculum proposal or any other business you need to bring before the committee and the Board related to education. We have materials to help guide you in this process: Curriculum Handbook, A Handbook for the Deans and Directors, we are also now bringing in newly appointed deans and directors for an afternoon orientation to the Board. So that, they are clear how they connect to the regulatory process.

Recently received NCLEX results days ago, and have motions related to these NCLEX results

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED TO AMEND THE AGENDA.

CUMBERLAND COUNTY COLLEGE DEPARTMENT OF NURSING - REMOVAL OF CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT CUMBERLAND COUNTY COLLEGE DEPARTMENT OF NURSING TO BE REMOVED FROM CONDITIONAL ACCREDITATION DUE TO THE PROGRAM ACHIEVEMENT OF 94.3% PASSING RATE ON THE NATIONAL COUNCIL LICENSING EXAMINATION.

ST. FRANCIS HOSPITAL SCHOOL OF NURSING, JERSEY CITY, NJ - REMOVAL OF CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT ST. FRANCIS HOSPITAL SCHOOL OF NURSING, JERSEY CITY, NJ BE REMOVED FROM CONDITIONAL ACCREDITATION DUE TO THE PROGRAM ACHIEVEMENT OF 91.7% PASSING RATE ON THE NATIONAL COUNCIL LICENSING EXAMINATION.

ST. FRANCIS MEDICAL CENTER SCHOOL FO NURSING, TRENTON, N.J. - REMOVAL OF CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT ST. FRANCIS MEDICAL CENTER SCHOOL OF NURSING, TRENTON, N.J. BE REMOVED FORM CONDITIONAL ACCREDITATION DUE TO THE PROGRAM ACHIEVEMENT OF 91.7% PASSING RATE ON THE NATIONAL COUNCIL LICENSING EXAMINATION.

CHRIST HOSPITAL SCHOOL OF NURSING, JERSEY CITY, N.J. - REMOVAL OF CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT CHRIST HOSPITAL SCHOOL OF NURSING, JERSEY CITY, N.J. BE REMOVED FROM CONDITIONAL ACCREDITATION DUE TO THE PROGRAM ACHIEVEMENT OF 93.1% PASSING RATE ON THE NATIONAL COUNCIL LICENSING EXAMINATION.

BURLINGTON COUNTY COLLEGE, DEPARTMENT OF NURSING - REMOVAL OF CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT BURLINGTON COUNTY COLLEGE, DEPARTMENT OF NURSING BE REMOVED FROM CONDITIONAL ACCREDITATION DUE TO THE PROGRAM ACHIEVEMENT OF 86.4% PASSING RATE ON THE NATIONAL COUNCIL LICENSING EXAMINATION.



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