

**NEW JERSEY
STATE BOARD OF NURSING**

**MINUTES
REGULAR OPEN BOARD MEETING**

FEBRUARY 17, 2004

A meeting of the New Jersey State Board of Nursing was held on February 17, 2004 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Maris Lown, Board President, called the meeting to order at 9:30 a.m.

ROLL CALL

PRESENT

Board Members: Noreen D'Angelo, Virginia McKenney, Maris Lown, Veronica McGreevey, Nelson Tuazon, Sylvia C. Edge, Cecilia West, Margaret M. Kirchhoff, Muriel M. Shore, Karen Rodriguez and Ronald H. Carr.

ALSO PRESENT

George J. Hebert, Acting Executive Director, New Jersey Board of Nursing; Barbara Byers, Administrative Analyst; Deputy Attorney(s) General: Darlene Lapola.

NOT PRESENT

Board Member(s): Leo-Felix Jurado

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, 2004. A schedule of all 2004 Regular Open Board Meetings to be held during 2004 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 February 17, 2004 Regular Board Meeting Agenda.

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 FEBRUARY 17, 2004. THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Board Meeting of January 20, 2004.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 20, 2004. THE MOTION CARRIED.

A reading and approval of the executive session minutes for the Regular Board Meeting of January 20, 2004.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY RONALD CARR, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 20, 2004. THE MOTION CARRIED.

REPORT OF THE BOARD PRESIDENT - MARIS LOWN:

Maris Lown reported:

The Search Committee continues to review resumes received regarding the Executive Director's position and will get back to the Board at a later date.

Maris Lown received an email from NCSBN regarding a comparison of the Puerto Rican Licensing Examination to the New Jersey Licensing Examination.

Maris Lown spoke with Kathy Apple, NCSBN regarding the New Licensing requirements for immigrants. Citizenship and Immigration Services have recently implemented the requirements for visa screening for nurses already licensed and practicing in the United States, who are here on a temporary visa.

REPORT OF THE ACTING EXECUTIVE DIRECTOR - GEORGE J. HEBERT:

George J. Hebert reported:

Renewal 2004 - post card reminders went out notifying licensees of the renewal date for this year.

Preparations are being made for the Board Annual Workshop. Maris Lown and George Hebert spoke with Joe Bucolo, who will be doing a presentation for the event.

Requests for attendance:

Darlene Lapola - March 3, 2004 - Fourth Annual Immigration Conference, Newark, NJ.

Maris Lown - April 1, 2004 - Invited to participate in a Nursing Forum at Palisades General.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO APPROVE THE APPEARANCES OF THE BOARD PRESIDENT AND DEPUTY ATTORNEY GENERAL. THE MOTION CARRIED.

COMMITTEE MINUTES:

BUDGET & FINANCE:

No report.

NURSING EDUCATION: 1

Sylvia C. Edge reported:

The committee met on February 17, 2004 to discuss the following issues:

New Community Workforce Development Center - proposed program changes.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY MURIEL M. SHORE, VOTED TO APPROVE THE NEW COMMUNITY PROGRAM CHANGES. THE MOTION CARRIED.

Muhlenberg Regional Medical Center - proposed curriculum revisions. The committee requested additional information. Board Member(s): Nelson Tuazon and Veronica McGreevey recused themselves from the proceedings.

Ocean County College - proposed curriculum revisions. The committee reviewed information regarding the curriculum revisions and the plan to offer online courses at the college.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE OCEAN COUNTY COLLEGE PROPOSED CURRICULUM REVISIONS. THE MOTION CARRIED.

Best Care Training Institute - submitted additional information for a LPN program. They identified the LPN Director and faculty of the program.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO APPROVE THE BEST CARE TRAINING INSTITUTE LPN PROGRAM. THE MOTION CARRIED.

3. LEGISLATIVE REVIEW PANEL:

Ronald H. Carr reported:

The committee was given the following bills to review. They were further discussed at the February 6, 2004 Disciplinary Meeting:

Assembly Bill 1834 - Requires health care facilities to report certain information about their health care staff to their respective professional boards or DHSS. The Board supported this bill with amendments.

Assembly Bill 1913 @ Establishes Health Care Professional Regulation Study Commission and requires certain State professional licensing boards to take certain actions. The Board decided not to support this bill for the following reasons:

1. The bill does not clearly state the purpose nor the intent of the legislation
2. The bill does not identify the associated cost of this study commission. Does not identify how it will be funded. The bill does not provide an appropriation of money to support this study.
3. The bill does not identify the criteria that would be used by the study commission and determine if the Board should be transferred. It does not identify to what extent the oversight of the Board will be strengthened if a transfer did occur.
4. The bill does not identify how the cost of the transfer would impact the State budget. Does not identify a cost saving. There is concern that a transfer would increase cost to the taxpayers and the licensees.
5. Composition of the study commission is troubling. It is too limited and the committee is heavily created with professional organizational representatives. There is no representation from the Division of Consumer Affairs, yet the commissioner of the DHSS is the ex-official member. There is no representation from any of the professional boards, without their input the study commission will not be able to fully understand and evaluate their functions and how they currently operate under the current structure.

We recommend that a member from each of the professional boards be appointed to the study commission and that the Division of Consumer Affairs be a ex-official member.

7. There is concern that the UMDNJ is being given a seat in lieu of other potential candidates.

There is concern that the NJHA, which only represents hospitals is being afforded a seat while other non-hospital health care facilities are being excluded.

There is concern that if this is to be an independent study, free of bias, then why would the commissioner of the DHSS be designated as the chairperson of the study commission. This appears to be improper and self-serving.

There is concern that the public would be better served by maintaining these boards in the Division of Consumer Affairs, since the major focus is on consumer protection, rather than placing them in the DHSS. The DHSS primarily focus is on licensing hospitals and other agencies.

There are civil liberty implications.

There is concern that the power over disciplinary matters would be placed under the office of the Administrative Law.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO APPROVE THE REPORT OF THE LEGISLATIVE REVIEW PANEL. THE MOTION CARRIED. BOARD MEMBER NOREEN D'ANGELO ABSTAINED FROM ASSEMBLY BILL 1913.

4. NURSING PRACTICE:

Cecilia West reported:

The committee met on January 20, 2004 to discuss the following issues:

2003 Committee reviewed the planning flow sheet.

LPN Scope of Practice

Informational:

The committee will invite LPN Board Members: Margaret Kirchhoff and Karen Rodriguez to attend the next available Practice Committee Meeting to discuss the LPN Scope of Practice issues.

Correspondence

Informational:

a. November 26, 2003, Email from Barbara Byers Issue: Question regarding delegation of medication administration

The Committee requested that a letter be sent to Kristin Seifert in response to her question.

b. December 4, 2003, Letter from Anna D. Lee, M.D., Director of Board Certified Physical Medicine and Rehabilitation, Cherry Hill Pain and Rehab Institute, Issue: Permissibility of delegating Intramuscular Stimulation (IMS) Procedure to licensed and supervised nurses.

The Committee requested that a letter be re-sent to Anna Lee from the Board of Nursing accompanying a previous letter from the Board of Medical Examiners (BME). A copy of each letter will be forwarded to the BME.

October 20, 2003, Letter from Jacqueline Drumhiller, R.N., Medical Case Manager, Twenty-One Century Plus, Inc., Issue: The Department of Developmental Disabilities has asked for an opinion regarding a nursing organization training unlicensed personnel in administering peg tube feedings. The Committee requested that a

letter be sent to Jacqueline Drumhiller.

d. November 28, 2003, Letter from Benjamin H. Underwood, CEO/Managing Director, Talbott Recovery Campus, Issue: Introducing Talbott at Anchor unit, FYI.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY RONALD H. CARR, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE MEETING MINUTES OF JANUARY 20, 2004. THE MOTION CARRIED.

5. REGULATORY COMMITTEE:

Muriel Shore reported:

The committee met on February 10, 2004 to discuss the following issues:

Committee Regulations Flow Sheet:

The Committee Regulations Flow Sheet was reviewed by the committee

Medication Delegation Rule:

This issue was discussed by the committee, and will be recommended to the full Board on March 16, 2004 for approval.

Continuing Education:

This issue was discussed by the committee, and will be recommended to the full Board on March 16, 2004 for approval.

Mandatory Reporting: Guidelines for Reporting

The Committee will address this at the March meeting. Deputy Attorney General Kathryn Schwed will be invited to participate in the discussion.

Correspondence:

December 17, 2003 @ Letter from Alma L. Saravia, Esq, Flaster Freenberg Attorneys at Law, Issue: FYI New Jersey Association of Nurse anesthetists v. Board of Medical Examiners.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO APPROVE THE REGULATORY COMMITTEE MEETING MINUTES OF FEBRUARY 10, 2004 THE MOTION CARRIED.

A reading and approval of the executive session minutes for the Regular Board Meeting of January 20, 2004.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY RONALD CARR, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 20, 2004. THE MOTION CARRIED.

The Board continued to discuss the Education Committee School results:

The following Nursing Programs were removed from Conditional Accreditation for having 80% or more of their graduates achieve passing grades in the licensing examination (N.J.A.C. 13:37-1.4(a)2 Old Version).

The College of NJ Nursing Program, Ewing, NJ

Bayonne Hospital SON, Bayonne, NJ
Capital Health System SON, Trenton, NJ
St. Francis Medical Center SON, Trenton, NJ
Charles E. Gregory SON, Perth Amboy, NJ
Salem Community College PN Program, Penns Grove, NJ

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO REMOVE THE ABOVE NURSING PROGRAMS FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION (N.J.A.C. 13:37-1.4(a)2 OLD VERSION). THE MOTION CARRIED.

The following Nursing Programs were retained on Conditional Accreditation for having less than 80% of their graduates fail to achieve passing grades in the licensing examination for the second year in a row (N.J.A.C. 13:37-1.4(a)2 Old Version).

Mercer County Community College, Trenton, NJ
Seton Hall University, South Orange, NJ

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO RETAIN THE ABOVE NURSING PROGRAMS ON CONDITIONAL ACCREDITATION FOR HAVING LESS THAN 80% OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION FOR THE SECOND YEAR IN A ROW (N.J.A.C. 13:37-1.4(a)2 OLD VERSION). THE MOTION CARRIED.

Bloomfield College RN Program

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO PLACE THE ABOVE NURSING PROGRAM ON CONDITIONAL ACCREDITATION FOR HAVING LESS THAN 80% OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION (N.J.A.C. 13:37-1.4(a)2 OLD VERSION). THE MOTION CARRIED.

Micro Tech Training Center, Jersey City, NJ

1) Request Micro Tech Technical Institute, whose first graduating class had less than 80 % of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4 through 1.11.Regulations adopted April 21, 2003.) Additionally, Micro Tech Technical Institute is required to create a remedial plan to address the failing rate. A copy of the plan will be due at the Board for the April 13, 2004 meeting of the Education Committee and progress reports will be required at three month intervals. A site visit should be conducted before the May meeting of the Education Committee of the Board.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY NELSON TUAZON, VOTED TO RETAIN THE ABOVE NURSING PROGRAM ON PROVISIONAL ACCREDITATION FOR HAVING LESS THAN 80% OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION (N.J.A.C. 13:37-1.4(a)2 OLD VERSION). THE MOTION CARRIED.

The following New Programs had 80% or more of their graduates achieve passing grades in the licensing examination, a self-study should be prepared and submitted to the Board that shows the nursing program is in compliance with the requirements of N.J.A.C. 13:37-1.4 through 1.11. (Regulations adopted April 21, 2003)

New Community Workforce Development Center, Newark, NJ
2. Southern New Jersey Technical Institute, Woodbury, NJ

OPEN FORUM:

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

1. CHHA - Inquiry regarding percentages of CHHA applications requested.
2. CRNA Rule Petition - Request for APN recognition. Correspondence referred to Regulatory Committee for review.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO GO INTO CLOSED SESSION FOR THE DISCUSSION OF A DISCIPLINARY MATTER ARISING FROM THE PRACTICE COMMITTEE. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO GO INTO OPEN SESSION. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY KAREN RODRIGUEZ AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF FEBRUARY 17, 2004. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY MURIEL M. SHORE, VOTED TO RECONVENE THE REGULAR BOARD MEETING OF FEBRUARY 17, 2004. THE MOTION CARRIED.

As a result of the Search Committee's commitment to present at least three (3) applicants for the position of Executive Director of the New Jersey Board of Nursing, the committee will review the existing applicant pool and submit additional names of applicants for the purpose of interviewing.

THE BOARD, UPON A MOTION MADE BY VERONICA MCGREEVEY AND DULY SECONDED BY RONALD H. CARR, VOTED TO APPROVE THE INTERVIEWING PROCESS OF ADDITIONAL APPLICANTS FOR THE POSITION OF THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING. THE MOTION CARRIED.

ADJOURNMENT:

On February 17, 2004 the Regular Open Business Board Meeting was adjourned at 12:00 p.m. The next Regular Open Business Meeting will be held on March 16, 2004.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF FEBRUARY 17, 2004. THE MOTION CARRIED.

Respectfully Submitted,

Muriel M. Shore
Secretary/Treasurer
