A meeting of the New Jersey State Board of Nursing was held on February 17, 2009 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Dr. Patricia A. Murphy, Board President called the meeting to order at 9:30 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:
Saundra Austin-Benn Leo-Felix Jurado
Noreen D’Angelo Patricia Murphy
Avery Hart Karen Rodriguez
Joni Jones Constance Wilson

ALSO PRESENT:
George J. Hebert, Executive Director
Darlene Lapola, Deputy Attorney General
Diane Scott, Administrative Staff
Charles Manning, Regulatory Analyst (to discuss regulation changes)

BOARD MEMBERS NOT PRESENT:
Irma Bojazi
Marietta Cahill

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, 2008. A schedule of all 2009 Regular Open Board Meetings to be held during 2009 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 February 17, 2009: Reading and Approval with amendments:

The presentation of the 2008 Annual Report will be conducted after the approval of the December 5, 2008 open Board minutes by Leo-Felix Jurado, Board Member.

After discussion the Board, upon a motion made by Joni Jones and duly seconded by Karen Rodriguez, voted to approve the Regular Open Board Meeting Agenda of February 17, 2009 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of December 5, 2008: Reading and Approval:

After discussion the Board, upon a motion made by Noreen D’Angelo and duly seconded by Connie Wilson, voted to approve the Regular Open Board Meeting Minutes of December 5, 2008. The motion carried.
Attached for review.

After discussion the Board, upon a motion made by Noreen D’Angelo and duly seconded by Joni Jones, voted to approve 2008 Board of Nursing Annual Report. The motion carried.

REPORT OF THE BOARD PRESIDENT – DR. PATRICIA A. MURPHY:

Dr. Patricia A. Murphy reported:

Information was provided to the nursing students that were in attendance to go to the Board of Nursing Website to learn more about the statutes and regulations and Board procedures.

Under the umbrella of the Board, there are certified home health aides, advanced practice nurses, registered nurses, licensed practical nurses, massage, bodywork, and somatic therapist, and the sexual assault nurse examiners.

The Board has five committees that meet regularly throughout the year and they include the Regulation, Education, Practice, Alternative to Discipline and the Nominating Committees. The Regular Board meeting is conducted every other month, the Disciplinary Meeting is conducted every month.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

The Board was requested to review the following bill:

Update:

Senate Bill 621, dedicates a portion of the nurse licensing fee to support the Collaborating Center for Nursing. The bill states that 5% of the revenue from licensure fees is to go toward the Collaborating Center for Nursing.

The Board reviewed Senate Bill 621 on March 18, 2008 and voted not to support this bill, because the Board feels it should not be funding other initiatives using licensing fees.

Darlene Kane, Budget Analyst, Administration and Charles Manning, Regulatory Analyst, Administration, Division of Consumer Affairs, was asked to appear before the Board to address its concerns regarding the language in the bill. Ms. Kane discussed the Board’s budget and how Senate Bill 621 will negatively affect the budget if it is approved by the Governor. Mr. Manning provided details about how the Division will communicate with the Governor’s counsel about the inadequate information provided to the legislature regarding the Board of Nursing’s revenue.

Burt Liebman, Chief of Legislative and Regulatory Affairs, Director’s Office, Division of Consumer Affairs, provided details on the process of the Senate and Assembly used to review and pass this bill. Mr. Liebman confirmed that the Division has been communicating with the Governor’s counsel on the issue of Senate Bill 621.

After discussion the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Karen Rodriguez, voted to reaffirm its previous decision of March 18, 2008 to not support Senate Bill 621 with the current language. The motion carried.

Lynn M. Mertz, Ph.D., Deputy Director, New Jersey Chamber of Commerce Foundation gave a detailed presentation on the New Jersey Nursing Initiative. The Nursing Initiative is sponsored by the Robert Wood
The Nursing Initiative will address the constant cycle of the nursing shortage, more importantly the lack of qualified appropriately educated faculty. The Nursing Initiative has committed to making New Jersey the preferred destination for nursing students, nurses and nurse faculty. The plan is to collaborate to leverage resources and to develop creative strategies to increase nurse education and faculty capacity.

The plan is to recruit highly qualified diverse applicants into Master’s and Doctoral programs and then into faculty roles. In turn full-time Master’s and Doctoral nursing students receive tuition and fees plus stipends of $50,000 per year for the length of their program.

A request from the Rutgers Center for State Health Policy to have Board members participate in a nurse delegation survey. The purpose of the survey is to look at the evolution of differences of impressions, assessments, and opinions.

Discussed details of the 2008 NCSBN G4 report – number and percent passing of first time candidates of based on states.

Email from Bernie Gerard regarding the change of language on the Board’s website when individuals look for information about nurses. When looking at actions that have been taken against a licensee, information is confusing and misleading.

NCSBN has created a survey to allow Executive Directors of member boards to pose questions for feedback from other member boards. One of the issues that was looked at was NCLEX Nursing Program ID numbers and Nursing Education Program loss of Board approval. According to the survey there was no consensus or one single method used to assign program ID numbers to institutions with multiple campuses.

Seeking approval for George J. Hebert and Dr. Patricia Murphy to attend the 2009 NCSBN Mid-Year Meeting to be held on March 2-4, 2009 in Chicago, IL.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Saundra Austin-Benn, voted to approve the attendance of the George J. Hebert and Dr. Patricia Murphy. The motion carried.

February 2009 Licensing Statistics

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CORRESPONDENCE:

1. New Jersey Board of Nursing Continuing Education Adopted Amendment: N.J.A.C. 13:37-5.3.

2. January 2009 – Description of NCSBN’s Transition to Practice Model


4. January 29, 2009, memo from Donna Richardson, JD, RN, Director of Governmental Affairs and Professional Standards regarding Foreign Educated Practical Nurses


7. December 19, 2008, letter from Carol, P. Germain, RN, EdD, FAAN, Visiting Professor/Acting Chairperson, Rutgers-Camden School of Nursing regarding the changing of the admission policy.


9. December 15, 2008, letter from Patricia Gable Burke, RN, BSN, CWOCN, President, WOCNcb and Janice C. Colwell, RN, MS, CWOCN, FAAN, President, WOCN Society regarding care provided to patients with wounds in your state.


12. December 3, 2008 New Jersey State Board of Medical Examiners Agenda and Minutes.


COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

Leo-Felix Jurado reported: February 6, 2009 Committee Meeting

Session I Correspondence

Re: FYI: Report on Practical Schools of Nursing in Jamaica

* November 18, 2008- Bulletin from North Arkansas Partnership for Health and Education in Harrison, Arkansas

November 20, 2008 – Letter from New Jersey Commission on Higher Education
Re: Notification of its regular monthly meeting to be held on Friday,
November 21, 2008 at Mary G. Roebling Building in Trenton, NJ

Re: Seeking approval to name Susan Hall, Assistant Dean of Nursing and Allied Health as Administrator of Record.

December 23, 2008 – Letter from Doug Johnson, Campus Director, Prism Career Institute
Re: FYI: Notifying the Board that Lynne M. Valente, MSN/Ed, RN has been promoted to Director of the Practical Nursing Program effective October 6, 2008.

December 18, 2008 – Letter from Patricia L. Truitt, RN, Self-Study LPN Refresher Course.
Re: FYI: Discontinuing Self-Study LPN Refresher Course effective December 1, 2008.

January 2, 2009 – Letter from Boris Davidoff, PhD, President, Metropolitan Learning Institute.
Re: FYI: Notification that Eva Babekov, MSN, RN is currently the Director of the Practical Nursing Program since November 5, 2008.

2. Self Study Report

Warren County College

The Education Committee reviewed the self study material of Warren County Community College. Based on its review the Committee requests the following revisions/clarifications:

REGULATION REVISION/CLARIFICATION NJAC 13:37-1.4
Please submit a revised Organization Chart removing Student Services line of authority.

NJAC 13:37-1.7(d)
Please provide the faculty competency plan in the areas for professional growth for the current academic 2007-2008 school year.

NJAC 13:37-1.10
Please submit clinical agreements that are in compliance with N.J.A.C.13:37-1.10

NJAC 13:37-1.11
The name and address of the NLNC needs to be made available on your school website

Staff will notify school of recommended changes and will arrange a site visit.

Review of additional material

Holy Name Hospital School of Nursing (LPN) – Self Study

The Committee reviewed the additional materials submitted by Holy Name Hospital School of Nursing-LPN. A site visit will be planned and conducted by George Hebert, Executive Director and Michelle O’Neal, Public Advisory Panel Member.

Staff will arrange a site visit.

Mountainside Hospital School of Nursing - Self Study
The Committee reviewed Mountainside Hospital School of Nursing revisions/clarification.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Connie Wilson voted to grant Mountainside Hospital School of Nursing re-accreditation for eight (8) years. The motion carried.

Discussion

Moratorium (Acceptance of New Application for Practical Nursing Programs)

The Committee reviewed the Notice of Moratorium on the Acceptance of New Applications for Practical Nursing Programs which will be published on March 15, 2009.

Lincoln Technical Institute – Three (3) sites with one (1) program code

The Committee reviewed National Council State Board of Nursing “NCSBN” survey results in which 36 States responded to the inquiry “NCLEX Nursing Program ID Numbers”. This survey was launched to seek guidance on Nursing Program that has multiple locations. Should Nursing Program have one NCLEX Program Code or should a Nursing Programs with multiple locations have a NCLEX Program Code for each location. The committee decided to table this discussion until the next Education Meeting.

5. Curriculum Changes

Salem Community College (LPN) Revision/Clarifications

The Committee reviewed the curriculum changes that Salem Community College (LPN) submitted. The new curriculum would replace Mathematics for Nursing (MAT 115) and Skills for Nursing (SCO 107) with Introduction to Nursing (HLH 134) and Nursing Mathematics (HLH 130) which are prerequisites for the practical nursing program. The HLH prefix is currently used for all practical nursing and health core related courses. Curriculum changes will be implemented Fall 2009.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Connie Wilson voted to approve the Salem Community College (LPN) Nursing Program curriculum change pursuant to N.J.A.C 13:37-1.16. The motion carried.

Mercer County Community College

The Committee reviewed Mercer County Community College proposed curriculum changes. Mercer County Community College is preparing the following curriculum changes:

Change to an evidence based conceptual mode
Provide a “live” version and an online version of the new modular curriculum.
Inclusion of simulated learning as a part of the curriculum.

Staff will send letter advising the school that the following new law requirements need to identify Organ donation, Postpartum depression, Genomics.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Saundra Austin-Benn voted to approve the Mercer County Community College (LPN) Nursing Program curriculum change pursuant to N.J.A.C 13:37-1.16. The motion carried.

Session II – February 6, 2009 Committee Meeting

1. 2008 National Council Licensure Examination for Registered Nurses and Licensed Practical Nurses – G4
Summary of all first time candidates - Year to Date: 01/01/08 – 12/31/08
The Committee reviewed the 2008 NCLEX results which will be reported to the Board prior to dissemination to the nursing programs.

NCLEX-RN Results:

There were 2787 first time test takers in NJ of which 2471 passed (88.66%). The national pass rate was 86.73%. Three (3) RN programs achieved 100% passing, Bloomfield College-BS (N=20), Felician College-ADN (N=1) and New Jersey City University-Fast Track-BS (N=1).

NCLEX-PN Results:

There were 1692 first time test takers in NJ of which 1343 passed (79.37%). The national pass rate was 85.62%.

Six (6) LPN programs achieved 100% passing, Salem County College (N=41), Universal Training Institute (N=2), and Hudson County Community College (N=4) the other three (3) Camden County Technical (N=23), Hudson County Vocational Technical (N=1), and Hunterdon County Program (N=1), are not under the jurisdiction of the Board pursuant to N.J.A.C. 13:37-1.1(c) 6.

A list of the NCLEX (2008) results for Registered Nurse and Licensed Practical Nurse Schools will be posted on the Board of Nursing Website.

The following LPN programs did not achieve the required 75%:

America Health Care Inc. (37.04%),
Caribbean Training Education Center (26.67%),
Center for Advanced Training and Studies (50.00%),
Hohokus Hackensack School of Business and Medical Science (71.84%),
Micro Tech Training Center (33.33%),
and Southern New Jersey Technical School (59.55%).

NCLEX Results regarding schools on provisional accreditation:

Caribbean Training Education Center-(CTEC) – (Licensed Practical Nurse Program)

Center for Advanced Training and Studies – (CATS)

Caribbean Training Education Center also known as the Center for Advanced Training and Studies, Practical Nursing program has provisional accreditation. The Committee reviewed the Regulations and the NCLEX results of Caribbean Training Education Center known as Center for Advanced Training and Studies provided below:

Caribbean Training Center – (CTEC)

also known as
Center for Advanced Training and Studies – (CATS)

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<td>2007</td>
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<tr>
<td>2008</td>
<td>(CTEC) 26.67 CTEC/CATS combined scores 29.41</td>
</tr>
<tr>
<td>2008</td>
<td>(CATS) 50.00</td>
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Applicable Regulations
N.J.A.C. 13:37-1.3 (b) A nursing program that has been granted provisional accreditation shall not be granted accreditation until:

1. The first class has graduated;

2. Seventy-five percent of students from the first or second graduating class, who have taken the licensing examination, pass the examination the first time it is taken by the student; and

(e) A program that does not meet the requirements of (b) above shall remain on provisional accreditation status. A program may remain on provisional accreditation status for no more than two years from the date the first class graduates. A program that has not met the requirements of (b) above in that two-year period shall cease to admit students and shall be placed on probation until the last student enrolled in the program graduates or otherwise leaves the program. Once the last student has left the program, the program shall lose its provisional accreditation. A program that has lost provisional accreditation pursuant to this subsection may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(f) A program, or an institution that offers a program, that does not provide its students an opportunity to complete their education and graduate as required by (e) above, may not reapply for accreditation for 10 years from the date the program ended.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Karen Rodriguez, voted that the DAG prepare a POD placing Caribbean Training Center-(CTEC) also known as the Center for Advanced Training and Studies-(CATS) Practical Nursing program on Probation pursuant to N.J.A.C. 13:37-1.3. The motion carried.

New Program Application (Appearances)

Sanford Brown Institute – LPN- (Part II)

The Committee reviewed Sanford Brown Institute Part II application submission. The Committee decided to postpone its review of Sanford Brown Institute Part II until the Nurse consultant involved in the program preparation can be present to discuss the application submission.

Health Promotion Information, LLC – (Phase I)

The Committee met with Health Promotion Information, LLC representative, and reviewed Part I application submission. Based on its review, the Committee recommends the school obtain assistance from a nursing education consultant for the development of the Phase I application for submission to the Board for its consideration.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Connie Wilson, voted that Part I application submission from Health Promotion Information, LLC be rejected. Health Promotion Information, LLC may resubmit a new Part I. The motion carried.

Revisions/Clarifications

BA Tech School (Brooks Alternative Technical School) LPN Part I The Committee reviewed the materials submitted by BA Tech School.

After discussion, the Board upon a motion made by Leo-Felix Jurado and duly seconded by Karen Rodriguez, voted to approve part I of the preliminary application for the establishment of a new Licensed Practical Nurse program; and BA Tech School is to be granted permission to pursue development of Part II of the application process. The motion carried.

After discussion, the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Karen
Rodriguez, voted to approve Sessions I and II of the February 6, 2009 Education Committee Meeting. The motion carried.

2. REGULATION COMMITTEE:

Noreen D’Angelo reported: January 20, 2009 Committee Meeting

Old Business:

N.J.A.C. 13:37-2.3, Graduates of Foreign Nursing Programs:

The Committee reviewed the proposed amendments to N.J.A.C. 13:37-2.3, graduates of foreign nursing programs. Under the proposed amendments, an applicant will be recognized in New Jersey if the nursing education program prepared the applicant to practice as a nurse in that country and the program is subject to oversight by a governmental health regulating entity in that country.

N.J.A.C. 13:37-6.1, Delegation and Supervision

The Committee discussed the issue of Registered Professional Nurse delegation and supervision of select nursing functions to LPNs and unlicensed assistive personnel. The Committee expressed concerns that regulations may be too restrictive as consumer health care requirements and nursing practices continue to change as nursing continues to evolve as a profession. Discussion ensued and concluded with a recommendation to continue the dialogue at the next scheduled meeting. Charles Manning, Regulatory Analyst, and DAG Darlene Lapola will bring additional information to the next meeting.

New Business:

N.J.A.C. 13:37-5.2, Biennial license renewal:

The Committee reviewed the amendments to N.J.A.C. 13:37-5.2, biennial license renewal, which would permit licensees who worked in another state while they were on administrative suspension or inactive status to reinstate or reactivate licensure without meeting the requirements of N.J.A.C. 13:37-5.2(f). N.J.A.C. 13:37-9.1-9.10, Forensic Nurse-Certified Sexual Assault The Committee reviewed and discussed a petition for rulemaking received on December 10, 2008, from Dr. Gayle A. Pearson, Assistant Dean, Rutgers College of Nursing. The petitioner is concerned about amendments that were made to regulation N.J.A.C. 12:37-9.1-9.10, Forensic Nurse-Certified Sexual Assault, which permits FN-CSAs to perform sexual assault examinations on children. The petitioner requests that the Board impose a moratorium on FN-CSAs performing sexual assault examinations on children until appropriate education and training standards for educators have been developed.

Charles Manning will file a notice of action which will give the Board 90 days to further deliberate.

Discussion:

Nursing Education Regulation Standards

This will be discussed at the 2009 Annual Workshop.

For nursing programs that have lost their accreditation, the question was raised regarding the length of time the school needed to wait before they could apply to re-establish the program that was terminated or a revised or completely different program?

The Committee discussed this issue and the Committee recommends that the Board staff seek additional information from National Council Board of Nursing.

The Essentials of Baccalaureate Education for Professional Nursing Practice.
This issue was on the Committee’s agenda for informational purpose.

After discussion, the Board, upon a motion made by Saundra Austin-Benn and duly seconded by Karen Rodriguez, voted to approve the January 20, 2009 Regulation Committee Meeting Report. The motion carried.

The following issues were discussed by Charles Manning, Regulatory Analyst

OLD BUSINESS: -

N.J.A.C. 13:37-2.3, Graduates of Foreign Nursing Programs:

The Board reviewed proposed changes to N.J.A.C. 13:37-2.3 that would require an applicant educated in another country to attend a nursing program that prepares him or her to practice as a nurse in that country. The changes would also require that the nursing program an applicant attended in another country, and the practice of nursing in that country, must be subject to oversight by a governmental health regulating entity in that country.

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Connie Wilson, voted to approve the changes to N.J.A.C. 13:37-2.3 and new rule N.J.A.C. 13:37-4.3 for proposal. The motion carried.

NEW BUSINESS:

N.J.A.C. 13:37-5.2, Biennial license renewal:

The Board reviewed proposed changes to N.J.A.C. 13:37-5.2 that would permit nurses who were administratively suspended or on inactive status to reinstate or reactivate licensure without meeting the requirements for initial licensure if they can show that they worked as a nurse in another state during the period of administrative suspension or inactive licensure.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Noreen D’Angelo, voted to approve the changes to N.J.A.C. 13:37-5.2 for proposal. The motion carried.

2. Dr. Gayle Pearson petition on N.J.A.C. 13:35-9, FN-CSA.

The Board reviewed a petition for rulemaking from Gayle A. Pearson, received on December 10, 2008, which requested that the Board amend N.J.A.C. 13:37-9.1 through 9.10 which governs the certification of forensic nurses - certified sexual assault (FN-CSAs). The petitioner contended that these regulations require two hours of additional training for FN-CSAs who will work with abused children and that this requirement is insufficient to prepare FN-CSAs to work with children and is inconsistent with International Association of Forensic Nurses standards. The petitioner requested that the Board impose a moratorium on FN-CSAs performing sexual assault examinations on children until appropriate education and training standards for educators have been developed. The petitioner also requested a public hearing before the Board.

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Connie Wilson, voted to not impose a moratorium on FN-CSAs performing sexual assault examinations as education and training standards for educators adequately prepare them to provide FN-CSA education programs. The rules were developed by the Board after consultation with the coordinators who run FN-CSA county programs which provided the Board with the expertise in forensic nursing provided it needed to revise the curriculum for FN-CSA programs and to permit FN-CSAs to work with children. The Board
also discussed the fact that FN-CSA curriculum does not include just two hours of training in pediatrics as the petitioner contended. Pediatric content is required throughout the 40 hours course. The Board decided to not provide a public hearing as it complied with the deadlines imposed by N.J.S.A. 52:14B-4 for responding to a petition for rulemaking. The motion carried.

OPEN FORUM:

Noreen D’Angelo asked the public to share with the Board of Nursing any concerns, issues or questions:

Linda DeLamar, President-Elect, New Jersey Association of Nurse Anesthetists – congratulated Dr. Patricia Murphy on her new position as Board President. Ms. DeLamar commented on the non-masters nurse anesthetists have to meet a 1600 hour requirement before being eligible as an APN. It is a big concern for the members of the CRNAs.

Bernard W. Gerard, Jr., Vice President, Health Professionals and Allied Employees of NJ. – commented on the 2009 renewal notices and has a date been set to send the notices out for those who are expiring this year. Mr. Gerard also commented on the Board of Nursing website regarding actions on a nurse’s license. The information that is being displayed on the website is misleading and should be clarified.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Saundra Austin-Benn, voted to go into closed session to discuss disciplinary matters and nursing programs. The motion carried.

ADJOURNMENT:

On February 17, 2009 the Regular Open Board Meeting was adjourned at 1:00 p.m. The Board of Nursing Workshop will be held on April 21, 2009.

After discussion the Board, upon a motion made by Joni Jones and duly seconded Saundra Austin-Benn, voted to adjourn the Regular Open Board meeting of February 17, 2009 at 1:00 p.m. The motion carried.

Respectfully Submitted,

Leo-Felix Jurado
Secretary/Treasurer