

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
FEBRUARY 19, 2008**

A meeting of the New Jersey State Board of Nursing was held on February 19, 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 9:15 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Irma Bojazi Karen Rodriguez
Marietta Cahill Constance Wilson
Avery Hart
Leo-Felix Jurado
Patricia Ann Murphy

ALSO PRESENT:

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

BOARD MEMBER(S) EXCUSED ABSENCE:

Noreen D'Angelo

BOARD MEMBER ABSENCE:

Shivani Nath

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 February 19, 2008: Reading and Approval with additions:

To add under correspondence: 1) An NCSBN Nominations Brochure for the 2008 recruitment campaign. 2) Thank you letter from Mrs. Barbara Byers, former professional staff member of the Board of Nursing.

After discussion the Board, upon a motion made by Karen Rodriguez and duly seconded by Constance Wilson, voted to approve the Regular Open Board Meeting Agenda of February 19, 2008 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of January 15, 2008: Reading and Approval:

After discussion the Board, upon a motion made by Marietta Cahill and duly seconded by Avery Hart, voted to approve the Regular Open Board Meeting Minutes of January 15, 2008. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported:

February 12, 2008 President Jurado participated in a teleconference with the NCSBN Education Committee to discuss the following issues:

There are a few Boards of Nursing allowing students in the RN programs to sit for the LPN exam. Students in the RN programs must complete the first year of the RN program that corresponds with the LPN curriculum, and then they are eligible to take the LPN exam. Moratorium for LPN programs. Many states are facing an increasing number of LPN programs and questioning the legalities of a moratorium.

An article in Reuters – “Doctors group backs marijuana for medical use”. A leading U.S. doctors group has endorsed using marijuana for medical purposes, urging the government to roll back a prohibition on using it to treat patients and supporting studies into its medical applications. The American College of Physicians, the second-largest doctors group in the United States, issued a policy statement on medical marijuana this week after it was approved by its governing body. The group cited evidence that marijuana is valuable in treating severe weight loss associated with AIDS, and nausea and vomiting associated with chemotherapy in cancer patients.

ICAN – “I Care About Nursing” Nurses volunteer for school activities, mentoring and tutoring, career fair and community event participation, and behind the scenes support.

ICAN provides volunteers with age appropriate and knowledge appropriate materials, scripts, guides, and training. These materials provide tremendous support to volunteers when they encourage children and adults to consider nursing and when they encourage those in the profession to go further in their careers.

Originally ICAN was based Atlantic City Medical Center. ICAN is now under the oversight of New Jersey Collaborating Center for Nursing, and its executive officer Geri Dickson, RN, PhD. She says the statewide ICAN program continues to address the nursing shortage by training enthusiastic nurse volunteers who, in turn, educate and recruit the next generation of nurses.

NCSBN Board of Directors meeting – 1) The NCSBN is working with a group called Academy Health on ethical recruitment of nurses. 2) ANA has announced that it is formally disaffiliating with its union arm. 3) In Arizona, respiratory licensing will now be under the Board of Nursing.

New York State – “Legislation that increase patient care in operating rooms passes Assembly”. Legislation passed the Assembly Tuesday requiring a registered nurse circulator to be present in the operating room during surgery. This bill provides an extra measure of safety for patients by staffing every operating room with a licensed RN who has invaluable nursing skills and judgment. The circulating nurse manages the nursing care within the OR by overseeing the surgical team to ensure each member performs in sync.

Seeking Approval: March 3-5, 2008, George J. Hebert and Leo-Felix Jurado to attend the 2008 NCSBN Mid-Year Meeting to be held in Chicago, IL.

After discussion the Board, upon a motion made by Avery Hart and duly seconded by Irma Bojazi, voted to approve the appearance of the Board President and Staff. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

Senate Bill 755 – “New Jersey Hero Act organ donation; appropriate \$80,000 to MVC from General Fund. This bill would require nursing programs to put this issue into their curriculum and to require all licensed nurses to take an additional continue education units.” LPN Programs - The Board discussed how would this legislation affect Vocational LPN program. Vocational nursing programs report to the Department of Education and are not approved by the Board of Nursing.

The Board directed that a letter be sent to the Department of Education requesting a meeting to discuss the requirements of Senate Bill 755.

After discussion, the Board upon a motion made by Avery Hart and duly seconded by Marietta Cahill, voted to support the concept of the bill, but not the legislatively required inclusion of this material in the nursing schools’ curriculum, and also oppose the section of the legislation that requires all licensed nurses to take additional CEU beyond what the Board requires. The motion carried.

Staffing shortage – Due to budgetary constraints the Board continues to lose staff. The Board is unable to hire replacements. There is two professional staff positions vacant, administrative staff position available and two office clerks that are out on maternity leave.

2008 Renewal – Information on the renewal process was mailed out to the Stakeholders requesting that the directors of nursing speak with his or her staff to notify the Board of any address or name changes. The renewal notices will be mailed out during the month of March to nurses whose licenses expire on May 31, 2008.

2008 is the first renewal for random audit of the nurses’ continuing education. Nurses are required to complete 30 continuing education contact hours every biennial period.

CORRESPONDENCE:

January 2, 2008, memo from Karen J. Wells, Supervisor, Administrative Rules Unit, Department of Corrections regarding Proposed Amendments at N.J.A.C. 10A: 4-5.1 and 10A: 31-1.3 and 21.5, the prohibition of the possession or use an electronic communication device by persons confined to a State correctional facility or a county correctional facility and the related sanctions. January 2, 2008, memo from Karen J. Wells, Supervisor, Administrative Rules Unit, Department of Corrections regarding Proposed Readoption with amendment(s) at N.J.A.C. 10A: 5 Closed Custody Units. January 16, 2008, letter from Yvonne M. Burgess, RN, MSN, APN, C, President, New Jersey Council of Associate Degree Nursing Programs, expressing appreciation for the outstanding service received from the Board of Nursing with the licensure process for its nursing graduates. January 17, 2008, letter from Emmaline Woodson, MS, RN, Chair, Committee on Nominations, NCSBN regarding the start of the 2008 recruitment campaign. January 18, 2008, letter from Yvonne, M. Burgess, RN, MSN, APN, C, Dean of Nursing and Allied Health, Gloucester County College, expressing appreciation for the outstanding service received from the Board of Nursing with the licensure process for its nursing graduates. January 30, 2008, thank you letter from Barbara Byers, RN, MA, EdM, Mrs. Barbara Byers, former professional staff member of the Board of Nursing and she wanted to thank the Board Members for the retirement gift. News Release – “Robert Wood Johnson Foundation Launches National Program to Build Next Generation of Academic Nurse Leaders”.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

Constance Wilson reported: Session I of the January 22, 2008 Meeting Report:

Session I Correspondence:

November 27, 2007- Letter from Judith Mathews, Dean, Muhlenberg Snyder School of Nursing. Re: FYI: Board of Director of Solaris Health System voted to place Muhlenberg Regional Medical Center for sale due to financial

reasons.

November 2007 – Letter from Susan W. Salmond, EdD, RN, Interim Dean, UMDNJ School of Nursing.
Re: FYI: 15th Anniversary report celebrating UMDNJ history and accomplishments.

c. December 12, 2007 – Email from Stephanie Woods, MSN, CRNP, Neonatal Nurse Practitioner Program Faculty, University of Alabama.
Re: Indirect clinical supervision for a Neonatal Nurse Practitioner student

The Committee reviewed the email from Ms. Woods. Based on present regulation the Board of Nursing does not have jurisdiction over upper division nursing programs, however if Ms. Woods plans to come into New Jersey and be involved with any student supervision and patient care, licensure in New Jersey will be required. Staff notified Ms Woods.

December 27, 2007 – Letter from Ellen Boddie, RN, MS, MSN, Director, New Community Corporation (NCC)
Re: Request the Board of Nursing to review proposed program changes. The Committee reviewed the proposed changes. The school will be notified that if the proposal will lengthen the course of study or lead to major changes as noted in N.J.A.C. 13:37-1.16 Board approval will be necessary after detailed plans/policies are submitted for review.

January 02, 2008 – Letter from Karin Tollefson, Idaho Nurse Refresher Program Coordinator.
Re: FYI: Increase in charges for RN and LPN Refresher Program and updated brochures.
www.nurserefresher.org

November 20, 2007 - NLN News Release
Re: FYI: California Community College System Approves NLN's Pre-Admission Exam.

December 4, 2007 – Email notification received from National Council of State Boards of Nursing, Inc.
Re: FYI: November 13, 2007 Education Network Call Minutes regarding online programs. (Review deferred to next available Committee meeting.)

December 12, 2007 - New Jersey Commission on Higher Education
Re: FYI: Regular monthly meeting, December 14, 2007.

January 8, 2008 – Email notification from NLN Faculty Development Bulletin
Re: FYI: Certification Program.

December 21, 2007 - West Virginia State Board of Examiners for LPNs
Re: FYI: LPN News

December 10, 2007 – National league for Nursing Accrediting Commission, Inc. www.nlnac.org
Re: FYI: NLNAC, Inc. – Report to Constituents 2007

December 5, 2007 – Brochure from Health Care Compliance Association's, New Orleans, LA.
Re: FYI: 12th Annual Compliance Institute, April 13-16, 2008, www.compliance-institute.org

January 9, 2008 – Brochure from North Arkansas College, Branson, MO.
Re: FYI: 8th Annual Nurse Educator Institute, April 8-11, 2008.

Discussion

NCLEX Results

The Committee reviewed the 2007 NCLEX results.

NCLEX-RN Results:

There were 2711 first time test takers in NJ of which 2366 passed (87.25%).
The national average was 85.47%.

Two (2) RN programs achieved 100% passing, Warren County College -ADN and Bayonne Medical Center - DPL. One (1) nursing program, Seton Hall University – BSN (71.03%), did not meet the required 75% pass rate.

A list of the NCLEX (2007) results for Registered Nurse and Licensed Practical Nurse Schools will be posted on the Board of Nursing Web site.

NCLEX-PN Results:

There were 1733 first time test takers in NJ of which 1374 passed (79.28%).
The national average was 87.25 %.

Five (5) LPN programs achieved 100% passing, Salem County College, and Union County College, the other three Camden County Technical, Monmouth County Vocational School District, Somerset County Technical Institute, are not under the jurisdiction of the Board pursuant to N.J.A.C. 13:37-1.1(c) 6.

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

America Health Care Inc., Caribbean Training Education Center, Dover Business College, New Community Corporation, Pinelands School of PN and Allied Health Inc., Southern New Jersey Technical School, The Center for Allied Health & Nursing Education.

Moratorium – update

Olga Bradford reported a memorandum regarding the moratorium has been sent to the Section Chiefs in the Division of Law.

Re-accreditation

The Committee reviewed the additional submissions from Holy Name Hospital RN and LPN programs and requested further revisions/clarifications.

Constance Wilson reported: Session II of the January 22, 2008 Meeting Report:

Correspondence:

a. December 20, 2007 – Letter from Sue Ranzman, Chief Academic Officer, Dover Business College.
Re: FYI: New Chair, Maria Luisa de Roma-Ragaza, MSN, RN, BSN.

b. December 21, 2007 – Letter from Nancy Bonner, Director, School of Nursing, Bayonne Medical Center School of Nursing
Re: FYI: Appointed to the position of Director as of December 21, 2008

c. December 28, 2007 – Letter from Nancy Bonner, RNC, MSN, Director, Bayonne Medical Center School of Nursing
Re: FYI: Ownership of the Bayonne Medical Center will be transferred to “IJKG Opco, LLC, t/a Bayonne Medical Center

d. January 02, 2008 – Letter from Dorothy M. Letizia, Ed.D, MSN, RN, Our Lady of Lourdes School of Nursing
Re: New Dean, Anne McGinley, Ph.D., RN, APN, C

Self-Study – Additional Submissions

Essex County College (LPN)

The Committee reviewed the submissions from Essex County College and requested additional revisions/clarifications.

Salem Community College (RN)

The Committee reviewed the submissions from Salem Community College and requested further revisions/clarifications:

New Program Appearances

AVTech—Part II (PN)

The Committee reviewed the Part II Application Submission from AV Tech and requested minimal clarifications/revisions, which were submitted. A site visit was conducted on February 15, 2008 and the site visit report will be reviewed at the next available Committee meeting.

Seton Hall University Part II (Generic MSN CNL)

The Committee reviewed the Part II Application Submission from Seton Hall and requested further clarifications/revisions.

Grace Vocational Technical School—Part II

The Committee reviewed the Part II Application Submission from Grace Vocational Technical School and requested resubmission of the application with clarifications/revisions.

NCLEX Results regarding schools on provisional accreditation:

America Health Care Inc. (LPN)

America Health Care Inc. PN program has provisional accreditation. Its first class graduated August 2006. The Committee reviewed the Regulations and the NCLEX results of America Health Care Inc., as noted below:

America Health Care Inc.

Year Results

2006 68.75%

2007 44.44%

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Marietta Cahill, directed that DAG Bradford prepare a POD placing America Health Care Inc. PN program on Probation pursuant to N.J.A.C. 13:37-1.3. The motion carried.

Dover Business College (LPN)

Dover Business College (LPN) has provisional accreditation and has graduated its first classes. The Clifton Campus NCLEX-PN results did not meet the required 75% for first time test takers. The Dover (Clifton) results were 70% while the Dover (Dover) results were 76.74%.

Staff contacted the school and discussed the results. It was noted that some of the Clifton students used the Dover NCLEX code and vice versa. The average of the two schools was calculated resulting in 74.60%

After discussion the Board, upon a motion made by Karen Rodriguez and duly seconded by Irma Bojazi, voted to approve Sessions I and II of the Education Committee Report of January 22, 2008. The motion carried.

REGULATION COMMITTEE:

Irma Bojazi reported: January 22, 2008 Meeting Report:

Review of Public Comments for amendments to N.J.A.C.13:37-5.2, 5.4 and 5.5, Adoption of Renewal Regulations:

The Committee reviewed and discussed comments received from the public and proposed responses to the comments regarding amendments to N.J.A.C., 13:37-5.2, 5.4 and 5.5, Adoption of Renewal Regulations.

Charles Manning will present a summary of the public's comments and responses to the comments regarding amendments to N.J.A.C.13: 37-5.2, 5.4 and 5.5, and recommend adoption at the next available Regular Board Meeting.

2. Alternative to Discipline Program Proposal N.J.A.C. 13 37-10:

The Committee finished its review of Subchapter 10. It will be sent to the Board for discussion after Board staff has reviewed the private letter agreement issued when a licensee enters the Alternative to Discipline Program in order to ensure that the letter agreement is in compliance with the rule.

3. Evaluation of Foreign Transcripts N.J.A.C. 13:37-2.3:

The Committee reviewed proposed changes to N.J.A.C. 13:37-2.3. The Committee requested that Board staff investigate the use of the IELTS examination by other State Boards of Nursing. The Committee will review this rulemaking at its next available meeting.

4. January 2008 Committee Agenda:

The Committee suggested re-arranging its meeting schedule as it has completed many of the regulatory initiatives on the Regulatory Flow Sheet. The Committee agreed to meet every other month. The present schedule will be kept in case there is a need to resume monthly meetings.

The revised Committee schedule will be as follows:

March 25, 2007, Hunterdon Conference Room, 9:00 a.m.

May 27, 2007, Hunterdon Conference Room, 9:00 a.m.

July 29, 2007, Somerset Conference Room, 9:00 a.m.

September 23, 2007, Hunterdon Conference Room, 9:00 a.m.

November 25, 2007, Hunterdon Conference Room, 9:00 a.m.

5. Review of Legislative Bill A4540:

The Committee discussed the fact that A4540 was introduced in the 2006-2007 Legislative Session and that the bill has not been introduced for the 2008-2009 session. If it is re-introduced, the Committee will review the bill at that time.

6. Umbilical Cord Donation:

This issue will be discussed at the next available Committee Meeting.

Adopted Amendments to N.J.A.C. 13:45B-15.1 and 15.4 Adopted New Rule to N.J.A.C. 13:45B-15-7, Homemaker-Home Health Aides:

This issue was on the Committee's agenda for informational purpose.

Medication Administration by Supervisors from Juvenile Justice:

The Committee reviewed and discussed Medication Administration by Supervisors from Juvenile Justice. The Committee agreed to refer this matter to the Practice Committee.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Marietta Cahill, voted to send a response letter to Kimberly S. Ricketts acknowledging her receipt of her January 28, 2008 letter regarding Medication Administration by Supervisors from Juvenile Justice, which was reviewed at the Regulation Committee Meeting on January 22, 2008, and referred to the Practice Committee for further review. The motion carried.

Correspondence:

Letter dated October 24, 2007 from Carol Hartigan, MA, RN from the American Association of Critical-Care Nurses (AACN) Certification Corporation seeking approval of the AACN Certification Corporation from the New Jersey Board of Nursing for Certification of Acute Care Nurse Practitioners.

After discussion, the Board upon a motion made by Irma Bojazi and Patricia Murphy, directed that a response letter be sent to Ms. Hartigan informing her that the Board is in the process of amending its Advanced Practice Nurse Regulations, N.J.A.C. 13:37-7, so that it will no longer approve specific areas of practice. When these new regulations are adopted, an Advanced Practice Nurse may practice in any area of specialization certified by a National Certifying Agency, which is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies. The motion carried.

January 3, 2008, letter from Betty Scharge, Licensed Practical Nurse, requesting to be granted a waiver for the continuing education requirement to renew her license due to a disability.

January 8, 2008, letter from Shirley A. McCloskey, Licensed Practical Nurse, requesting to be granted a waiver for the continuing education requirement to renew her license due to a disability.

January 11, 2008, letter from Carrie Penn, Registered Nurse, requesting to be granted a waiver for the continuing education requirement to renew her license due to a disability.

e. January 15, 2008, letter from Rebecca A. Logan, Licensed Practical Nurse, requesting to be granted a waiver for the continuing education requirements to renew her license due to a disability.

After discussion, the Board upon a motion made by Irma Bojazi and Patricia Murphy, voted that a letter be sent to Betty Scharge, LPN, Shirley A. McCloskey, LPN, Carrie Penn, RN, and Rebecca A. Logan, LPN, directing them to either place their New Jersey nursing license on the inactive status, or to comply with N.J.A.C. 13:37-5.3 which is a requirement to retain an active nursing license. The motion carried.

January 7, 2007, e-mail from Mary C. Smith, Registered Professional Nurse, seeking verification regarding the 30 contact hours that she received from the website are accredited in New Jersey and California as it is claimed.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Constance Wilson, voted that a response letter be sent to Ms. Smith informing her that the Board does not verify contact hours and referring her to N.J.A.C. 13:37-5.3.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Marietta Cahill, voted to approve the Regulation Committee Report of January 22, 2008. The motion carried.

NEW BUSINESS:

Charles Manning discussed the following issue:

Biennial License Renewal – Adopted Amendments: N.J.A.C. 13:37-5.2, 5.4 and 5.5

The Board reviewed and discussed the comments and responses on the proposed revised regulations.

After discussion, the Board upon a motion made by Irma Bojazi and Patricia Murphy, voted to approve the amendments to N.J.A.C. 13:37-5.2, 5.4 and 5.5. The motion carried.

OPEN FORUM:

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

Josephine Sienkiewicz, RN, MSN, Director of Education and Clinical Practice, The Home Care Association of New Jersey regarding the staffing shortage at the Board, Ms. Sienkiewicz offered to write a letter to the Division in support of hiring more staff for the Board.

Diane Logan, Kean University Nursing Student asked the Board whether the education she is receiving to obtain her degree could be used as continuing education.

Lydia Rivers, Kean University Nursing Student inquired about New Jersey becoming part of the Multi-State Licensure Compact.

Carolyn Torre, Director of Practice, NJSNA – expressed appreciation for the work of the Board. NJSNA has referred nurses who have expressed an interest in becoming a board member. Ms. Torre commented on the CEU requirements and whether or not hours obtained from CME would be accepted as part of the CEU requirement. Faculty members from schools are concerned that the Board does not share information that is obtained from the CHBC.

Sandra Degan – wanted to know when schools are placed on probation, what is the length of time and what is process to reinstate the school?

After discussion the Board, upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to go into closed session to discuss complaints against nursing programs. The motion carried.

ADJOURNMENT:

On February 19, 2008 the Regular Open Board Meeting was adjourned at 11:30 a.m. The next Open Business Meeting will be held on March 18, 2008.

After discussion the Board, upon a motion made by Irma Bojazi and duly seconded Marietta Cahill, voted to adjourn the Regular Open Board meeting of February 19, 2008 at 11:30 a.m. The motion carried.

Respectfully Submitted,

Patricia Murphy
Board Secretary/Treasurer