

**NEW JERSEY  
STATE BOARD OF NURSING**

**MINUTES  
REGULAR OPEN BOARD MEETING**

**MARCH 16, 2004**

A meeting of the New Jersey State Board of Nursing was held on March 16, 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, Leo-Felix Jurado, Virginia McKenney, Maris Lown, Veronica McGreevey, Nelson Tuazon, Sylvia C. Edge, Cecilia West, Margaret M. Kirchoff, 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 and Ginger Provost.

**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 March 16, 2004 Regular Board Meeting Agenda as amended. The open forum will be moved to after the appearances.

THE BOARD, UPON A MOTION MADE BY VERONICA MCGREEVEY AND DULY SECONDED BY SYLVIA EDGE, VOTED TO APPROVE THE REGULAR BOARD MEETING AGENDA OF MARCH 16, 2004 AS AMENDED. THE MOTION CARRIED.

The February 17, 2004 Regular and Executive Session Minutes were tabled until the regular monthly meeting of May 18, 2004.

**REPORT OF THE BOARD PRESIDENT - MARIS LOWN:**

Maris Lown reported:

The Board of Nursing Annual Workshop Retreat is scheduled for Tuesday, April 20, 2004 at the Woodbridge Hilton. Joe Bucolo will be the facilitator for this event.

The Search Committee continues to progress and is in the process of interviewing additional candidates for the position of Executive Director.

Maris Lown continues to serve on the Item Review Subcommittee for the National Council of State Boards of Nursing (NCSBN).

Maris Lown and George Hebert attended the NCSBN Mid-Year Meeting in Chicago, IL. One of the many topics of the meeting was focused on Global Nursing. This issue is focused in trying to create a standard of practice that will be applicable for every country.

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

George J. Hebert reported:

Updated information on Licensure for 2004 in January there were 232 licenses issued and in February there were 357.

2004 Renewal - generating renewal applications has begun.

Website - revised application forms that were approved by the Division of Consumer Affairs has been posted to the website for individuals seeking RN and LPN licensure by examination and endorsement. The Board will be working on additional certification applications for APNs, SANE and Massage Bodywork and Somatic Therapists.

Continuing discussions with Joe Bucolo the guest speaker for the Workshop Retreat.

Update on the Nurse Compact - the rationale is in the process of being completed and will be submitted to the Office of The Attorney General. Information Technology is continuing to work with NCSBN and the Nursys system so that it will be compatible with the Board's system.

Requests for attendance:

Deputy Attorneys General: Darlene Lapola and Kathryn Schwed to attend a Roundtable Discussion at the New Jersey Hospital Association in Princeton, NJ on March 25, 2004. Maris Lown to attend a meeting on April 25, 2004 at Fairleigh Dickinson University.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE APPEARANCES OF THE BOARD PRESIDENT AND DEPUTY ATTORNEYS GENERAL. THE MOTION CARRIED.

## **OPEN FORUM:**

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

Josephine Sienkiewicz, Home Health Assembly of NJ - wanted to know if the Workshop Retreat was open to the public. She also requested information regarding the Home Health Aide renewal.

## **COMMITTEE MINUTES:**

## **BUDGET & FINANCE:**

No report.

## **2. NURSING EDUCATION:**

### **Leo-Felix Jurado reported:**

The committee met on March 9, 2004 to discuss the following issues:

#### **Seton Hall University:**

This school's NCLEX results were presented to the Board at its February 17, 2004, meeting. At that meeting, the information reviewed by the Board indicated that Seton Hall University's first time test takers had failed to pass by 80%, therefore, the Board, on February 17th, voted to retain Seton Hall University on conditional accreditation.

At its March 5, 2004, Disciplinary meeting, the Board was advised that it had relied upon erroneous information relative to Seton Hall University's pass rate at its February meeting. The correct data was reviewed by the Board, which revealed that Seton Hall University **did in fact** meet the 80% first time taker pass rate requirement with a score of 80.33%. The Board at its March 5, 2004, meeting, rescinded its prior motion of February and voted instead to restore Seton Hall University to accreditation status.

The correction of this error will appear in the minutes of the March 5, 2004, disciplinary meeting and in the public session minutes of today's meeting. Additionally, a footnote will be added to the February 17, 2004, minutes, which contains the erroneous information, to indicate that action was made in error and refer readers to the March minutes, which will contain the correct Board action.

Again, on behalf of the Board, I would like to apologize to Seton Hall for this error and any imposition this may have caused.

The Center for Allied Health and Nursing Education (Loving Care Agency), (Proposed LPN Program) - The committee requested and received the following:

Program Outcomes,  
Program Objectives,  
Philosophy and Organizational Framework,  
Definition of Health, Humans, Environment, Nursing, Teaching and Learning and  
A copy of Certificate from the Department of Education

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE PHASE I OF THE LPN APPLICATION FOR THE CENTER FOR ALLIED HEALTH AND NURSING EDUCATION (LOVING CARE AGENCY) THE MOTION CARRIED.**

Muhlenberg Regional Medical Center School of Nursing (Proposed curriculum revision)

They are requesting approval from the Board of Nursing for the curriculum revisions.

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE CURRICULUM REVISIONS FOR MUHLENBERG REGIONAL MEDICAL CENTER SCHOOL OF NURSING. THE MOTION CARRIED.**

**BOARD MEMBERS: NELSON TUAZON AND VERONICA MCGREEVEY RECUSED THEMSELVES FROM THE PROCEEDINGS.**

#### **Bloomfield College Self Study Review:**

This issue has been deferred until the next available Education Committee meeting.

**Salem Community College:**

This issue has been deferred until the next available Education Committee meeting.

**Correspondence:**

All Correspondence has been deferred until the next available Education Committee Meeting.

**Micro Tech LPN Program:**

The records indicated that 80% of the first graduating class that took the NCLEX @PN failed to pass according to N.J.A.C.13:37-1 .3, specifically the pass rate of this school was 76.92%.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO RETAIN MICRO TECH LPN PROGRAM ON PROVISIONAL ACCREDITATION AS A RESULT OF THEIR NCLEX SCORES.

THE PROGRAM MAY ONLY REMAIN ON PROVISIONAL ACCREDITATION STATUS FOR NO MORE THAN TWO (2) YEARS FROM THE DATE OF THE FIRST GRADUATING CLASS. THE PROGRAM THAT HAS NOT MET THE REQUIREMENTS OF N.J.A.C. 13:37-1.3(b) IN THAT TWO-YEAR PERIOD SHALL CEASE ADMITTING STUDENTS AND SHALL BE PLACED ON PROBATION UNTIL THE LAST STUDENT GRADUATES. ONCE THE LAST STUDENT HAS LEFT THE PROGRAM, THE PROGRAM SHALL LOSE ITS PROBATIONAL ACCREDITATION. THE PROGRAM THAT HAS LOST PROVISIONAL ACCREDITATION PURSUANT TO SUBSECTION MAY REAPPLY FOR ACCREDITATION PURSUANT TO N.J.A.C. 13:37-1.2.

THE REQUEST OF MICRO TECH SUBMITTING A SELF-STUDY REPORT HAS BEEN DELAYED AS REQUIRED BY N.J.A.C. 13:37-1.3(b-3) FOR ACCREDITATION UNTIL 80% OF ITS GRADUATES PASS.THE MOTION CARRIED.

**Comtrain Institute:**

The Committee reviewed Comtrain Institute application to initiate a LPN program.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX AND DULY BY SYLVIA C. EDGE, VOTED TO DENY COMTRAIN INSTITUTE'S APPLICATION TO ESTABLISH A NEW LPN PROGRAM BASED ON ITS REVIEW OF THE PROGRAM'S FIRST TWO (2) SUBMISSIONS. THIS DENIAL IS BASED ON THE SCHOOL'S FAILURE TO MEET THE PROVISIONS OF N.J.A.C. 13:37-1.2, A1-6.

THE BOARD FURTHER RECOMMENDS THAT STUDENTS CURRENTLY IN THE PROGRAM SHOULD BE INFORMED OF THE DECISION OF THE BOARD IN WRITING. FINALLY, THE EDUCATION COMMITTEE WILL REVIEW THE SCHOOL'S NEW APPLICATION, SUBMITTED ON MONDAY, MARCH 8, 2004, AT THE NEXT AVAILABLE EDUCATION COMMITTEE MEETING, AND MAKE A NEW RECOMMENDATION SUBSEQUENT TO ITS CONSIDERATION OF THE NEW SUBMISSION. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO GO INTO CLOSED SESSION AT THE END OF THE MEETING TO DISCUSS A COMPLAINT AGAINST A NURSING PROGRAM AND TO DISCUSS PERSONNEL MATTERS. THE MOTION CARRIED.

The Board Meeting was turned over to Muriel M. Shore, Secretary/Treasurer of the Board of Nursing.

**3. LEGISLATIVE REVIEW PANEL:**

## **Ronald H. Carr reported:**

The committee received Assembly Bill 50 for consideration from the Office of the Attorney General (OAG). "This is a New Jersey Medical Care Access and Responsibility and Patients First Act"

The committee indicated to the OAG that we were looking to hold on a decision until information has been received regarding the bill.

The committee is concerned regarding two issues in the legislation:

1. The legislation is legal in nature and has an emphasis relative to the medical profession, doctors, etc at a liability standpoint. As an example in the bill they establish a 33-member committee of which a nurse holds one seat.
2. The legislation establishes a two-year limitation on when a legal action can be taken after the discovery of an incident or affect of a potential malpractice issue. That does not apply to minors of 12 years of age or less, however any other malpractice issues is limited to two years and this legislation maybe insufficient at this point in time.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO RATIFY THE POSTION TAKEN ON ASSEMBLY 50. THE MOTION CARRIED.

## **NURSING PRACTICE:**

### **Nelson Tuazon reported:**

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

#### **2003 Committee Planning Flow Sheet:**

The Committee reviewed the planning flow sheet.

#### **LPN Scope of Practice**

##### **Informational:**

The Board agreed to discuss LPN Scope of Practice Issues at the BON Workshop Retreat on April 20, 2004

#### **Correspondence**

##### **Informational:**

- a. FYI Necessary knowledge written by Tony Fong for Modern Healthcare Issue: Senators craft a bill to create federal nurse database accessible to all employers.

FYI New Jersey State Board of Physical Therapy Examiners Public Session Minutes, November 25, 2003, Issue: (D) New Jersey Register Review, Board of Nursing Proposed New Rules: N.J.A.C. 13:37-16 and Proposed Amendment: N.J.A.C. 13:37-5.5.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO APPROVED THE MINUTES OF THE NURSING EDUCATION COMMITTEE MEETING OF FEBRUARY 17, 2004. THE MOTION CARRIED.

## **5. REGULATORY COMMITTEE:**

**Muriel M. Shore reported:**

The committee met on March 9, 2004 to discuss the following issues:

**Committee Regulations Flow Sheet:**

The Committee Regulations Flow Sheet was reviewed and updated.

**Medication Delegation Rule:**

This issue was discussed by the committee and will be recommended to the full Board for approval at a later date.

**Continuing Education:**

The committee discussed the Continuing Education Rule and there were a few outstanding issues that needed to be addressed. It will then be recommended to the full Board for approval at a later date.

**Mandatory Reporting: Guidelines for Reporting**

Deputy Attorney Kathryn Schwed was invited to the meeting to share her expertise with the committee on the issues related to mandatory reporting. The committee discussed the following; reporting of others and responsibilities of the chief nurse. Discussion on the issue will be continued. The committee will be provided a copy of the Department of Health and Senior Services licensing standards related to mandatory reporting, a copy of the Board of Medical Examiners mandatory reporting requirements and a copy of the Federal Health Care Quality Act.

**Verification Requirement for Licensure by Endorsement in New Jersey**

The Acting Executive Director updated the committee on the verification form.

**Correspondence:**

February 12, 2004 - Letter from Carolyn T. Torre, R.N., M.A., A.P.N., C., New Jersey State Nurses Association (NJSNA), Issue: Concerns about the language of the Draft APN Regulations

The Acting Executive Director will send a letter to Ms. Torre advising her to submit her comments upon the publication of the proposal in the Registry and within the comment period.

THE BOARD, UPON A MOTION MADE BY VERONICA MCGREEVEY AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE MINUTES OF THE REGULATORY COMMITTEE MEETING OF MARCH 20, 2004. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO GO INTO CLOSED SESSION FOR THE DISCUSSION OF A COMPLAINT AGAINST A NURSING PROGRAM AND PERSONNEL MATTERS. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY RONALD H. CARR, VOTED TO GO INTO OPEN SESSION. THE MOTION CARRIED.

**ADJOURNMENT:**

On March 16, 2004 the Regular Open Business Board Meeting was adjourned at 12:00 p.m. The next Regular Open Business Meeting will be held on May 18, 2004.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF MARCH 16, 2004. THE MOTION CARRIED.

Respectfully Submitted,

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Muriel M. Shore  
Secretary/Treasurer

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