

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
MARCH 18, 2008**

A meeting of the New Jersey State Board of Nursing was held on March 18, 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 9:10 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Irma Bojazi Leo-Felix Jurado
Noreen D'Angelo Patricia Ann Murphy
Avery Hart Constance Wilson

ALSO PRESENT:

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

BOARD MEMBER(S) EXCUSED ABSENCE:

Marietta Cahill
Karen Rodriguez

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 March 18, 2008: Reading and Approval with additions:

To add under honoring past board members – Dr. Muriel M. Shore and Cecilia West

To add under correspondence: 3) Andrea Cline seeking endorsement into New Jersey. The scheduling of an investigative inquiry for April 4, 2008.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Noreen D'Angelo, voted to approve the Regular Open Board Meeting Agenda of March 18, 2008 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of February 19, 2008: Reading and Approval with amendments:

Corrections of typographical errors.

After discussion the Board, upon a motion made by Patricia Murphy and duly seconded by Irma Bojazi, voted to approve the Regular Open Board Meeting Minutes of February 19, 2008 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported:

Update on Board Members - For the past two years there has been a significant turnover of Board members due to resignations, and new appointments by the Governor. President Jurado recognized and honored the following past members of the Board of Nursing, Virginia McKenney, Mary Sibley, Dr. Muriel M. Shore, Nelson Tuazon, Sara Torres, Cecilia West, and Margaret Kirchhoff.

Virginia McKenney and Margaret Kirchhoff were in attendance.

President Jurado reported on the 2008 NCSBN Mid-year meeting in Chicago, IL: The theme of the conference was “Orchestrating the Future of Regulatory Excellence”, which included:

A leadership day meetings for Executive Officers and Board Presidents. Emily Moss, Master facilitator of the Vital Smarte Organization presented a communication workshop aimed at improving organizational effectiveness through effective communication. NCSBN program updates were provided. For example, The Transition to Practice reported on the work that has been done over the past five years the evidence based transition to practice model

Continued Competence – was another topic that was explored, the question that was raised what strategies the Boards of Nursing to ensure nursing competence are using.

External Stakeholders that have endorsed the need for continued competence are the Institute of Medicine, the PEW Commission, Joint Commission of the Accreditation of Hospitals and the International Council of Nurses along with many others. In 2005 a nationwide survey, inclusive of 1003 telephone interviews yielded the following results: 89% of the respondents stated that nurses should be periodically required to demonstrate competence. 66% of the respondents stated they believed that nurses in their state are required to periodically demonstrate competence in order to renew their license.

The 2007 AARP Study suggest that continued competence is already being addressed within nursing. However, there is no universally accepted definition of continued competence for nurses. Some suggested ways of assuring continued competence might be by way of Continuing Education, Peer Review/Performance Appraisals, Certification Exams, Patient Surveys, Portfolio/Self-Reflection or Simulations where for example, nurses can demonstrate how to start an IV, care for a patient with a chest tube, or perform some other nursing activity.

NCSBN is searching for methods to test continued competence that are administratively feasible, publicly credible, professional acceptable, psychometrically sound, legally defensible, and economically feasible.

TERCAP – Taxonomy of Error: Root Cause Analysis and Practice-responsibility was discussed. This is a data collection instrument to identify the root cause(s) of nursing practice breakdown. The TERCAP Instrument was designed as an intake instrument to prospectively capture data from boards about its actionable cases. It creates an opportunity for consistent, comprehensive data collection and future analysis in the aggregate of the submitted data.

Why should Boards of Nursing use TERCAP? Because the boards are better able to proactively protect the

health, safety and welfare of the public.

There are 8 practice breakdown categories:

Safe Medication Administration

Documentation

Attentiveness/Surveillance

Clinical Reasoning

Prevention

Intervention

Interpretation of Authorized Provider's Orders

Professional Responsibility/Patient Advocacy

Data will be submitted electronically via a secure portal on NCSBN's Web site. Boards of nursing throughout the USA are encouraged to submit TERCAP information so that Boards of Nursing can access that information confidentially as well as look at the data throughout the USA. New Jersey has begun to collect this data.

APRN Update: The current recommendation is that APRNs will be regulated at the role (CNP, CNS, CNM, CRNA) and population focus (adult/gerontology, across-the-life span) level. Specialty competencies (oncology, palliative care, etc.) can be obtained beyond the role and population focuses and will not be subject to the requirements for licensure.

For regulatory purposes, an individual that wants to be an APN must have graduated from an accredited program that prepares advanced practice nurses, the program must include advanced health/physical assessment, advanced physiology and pathophysiology and advanced pharmacology. They will be educated in the core role as CNP, CNM, CNS, CRNA, with a population core foci. They must have all 3 levels assessed by a psychometrically sound and defensible method. This can be done by national certification.

NCSBN is working on legislative language to change the Model Practice Act that includes the discussion of prescriptive authority, autonomous practice, the use of the Dr. title, recognition at role and population focus level.

European Boards of Nursing update: Boards that were discussed included Ireland, The United Kingdom, and Portugal. Regulatory models were discussed. Issues that were presenting particular challenges were the fact that Portugal introduced a BSN entry requirement 3 years ago. The E.U. is trying to introduce a BSN model but it is experiencing difficulty because there are countries still educating RNs using a vocational model.

Upcoming programs: April 7, 2008, the 2008 TERCAP Forum, Chicago, IL. May 19-21, 2008, the 2008 NCSBN Investigative Attorney Workshop in Savannah, Georgia. Jan 12-14, 2009, the 2009 NCSBN Annual Conference of the Institute of Regulatory Excellence Fellowship Program, Charleston, South Carolina.

The Texas Collaborative – the Institute of Medicine called on the National Council of State Boards of Nursing to develop and design standardized processes to better distinguish human error from reckless and intentional misconduct. MD Anderson Cancer Center heads up the Healthcare Alliance for Safety Partnership (HASP), which was developed in partnership with the Texas Board of Nursing and the Institute for Patient Safety at MD Anderson. This is an example of how leaders can collaborate to create a culture of safety and fairness to our nurses.

In their organization, creating a nonpunitive, fair, and just system does not mean doing away with individual accountability. Instead it emphasizes acceptance of personal and professional accountability of one's practice actions and accountability for actively engaging in activities that will improve the processes of care. This is described as the just culture of practice milieu, as one in which managers talk to staff about risk factors to safety and contributing factors to error. Nurses are taught to recognize safety risks and report them. In a safe haven atmosphere surrounding reporting, incident reports may increase but are viewed as learning experiences and trend that will provide opportunities to address latent safety problems.

Seeking approval: April 4, 2008 invited to speak at the NJSNA Nursing Convention, to provide a Board of Nursing update.

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

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

Staffing updates - staffing continues to be difficult due to budgetary constraints, positions are not being filled as staff is leaving.

The Practice committee will only meet when necessary.

Attendance at NCSBN meetings is important in order to be kept abreast of the changes regarding national trends in nursing regulations. George Hebert was denied attendance to the NCSBN Mid-year meeting by the Director's office due to budgetary constraints.

Representatives from the Director's office and the Office of the Attorney General were invited to this meeting to discuss those issues, but they were not available to attend. Arrangement will be made to have a separate meeting to discuss Board staffing issues, board membership, and attendance at local and national meetings by Board members and staff in order to conduct the business of the Board.

Agenda Builder – a software package intended to facilitate Board meetings was approved for implementation. It would computerize the development of board meeting agendas along with providing electronic copies of all of the documents that are associated with the meetings. A meeting is scheduled for March 19, 2008 to discuss this issue with the Office of the Attorney General to determine if the Agenda Builder will be approved or denied for use by the Board of Nursing.

S621 – Revises the appointment process for members of NJ Collaborating Center for Nursing Board and dedicates a portion of nurse licensing fees to support the center.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Irma Bojazi, voted for non-support of S621, because the Board should not be funding other initiatives using licensing fees. The loss of 5% of Board revenues will force the Board to raise fees again. This places an unfair burden on nurses. The motion carried.

S1233 – Establishes minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Patricia Murphy, voted to support S1233, because this bill would help promote nursing in a positive light, given the years of working understaffed. The motion carried.

CORRESPONDENCE:

February 19, 2008, memo from Karen J. Wells, Supervisor, Administrative Rules Unit, Department of Corrections regarding Proposed Amendments at N.J.A.C. 10A: 16-3.9, 3.13 and 3.17, Dental Screening, Preventive Dentistry and Dental Records. February 26, 2008, NCSBN and APRN Consensus Work Group – Drafts APRN Model Act/Rules and Regulations Letter from Andrea Cline seeking licensure by endorsement into New Jersey. Ms. Cline is licensed as a RN in Massachusetts. Ms. Cline obtained a Bachelor's Degree in Science and went to complete 1 year of a 2 year Masters program preparing individuals to practice as an APN in Massachusetts. After completing the first year, Ms. Cline was given an opportunity to sit for the NCLEX-RN, which she passed and has been working as a RN for the past 5 years. Ms. Cline did not complete the nursing

program has no diploma or degree from a nursing program.

Based on the regulations for New Jersey, individuals seeking licensure need to have graduated from a nursing program.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Patricia Murphy directed staff to further investigate the educational background of Ms. Cline. The motion carried.

April 4, 2008 Investigative Inquiry – 4 cases need to be reviewed

NEW BUSINESS:

Charles Manning discussed the following issue:

Application for establishment of a new program in nursing. Provisional accreditation. Adopted Amendments: N.J.A.C. 13:37-1.2 and 1.3

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

After discussion, the Board upon a motion made by Patricia Murphy and Irma Bojazi, voted to approve the amendments to N.J.A.C. 13:37-1.2 and 1.3. The motion carried.

Fee Schedule – Alternative to Discipline surcharge. Adopted Amendments: N.J.A.C. 13:37-5.5.

The Board received no comments on this issue.

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

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

Carol Dunning reported: Session I of the February 26, 2008 Meeting Report:

Session I Correspondence:

a. January 15, 2008, Letter from Florence Brown, MSN, RN, APN, C, School Director, Best Care Training Institute.

Re: FYI: New Program Director, Lisa Cassidy, MSN, RN, APN, C

b. January 10, 2008 – Email from National Council of State Boards of Nursing, Inc.

Re: Education Network Call Minutes. Which included information regarding Evaluation of foreign transcripts. (NJ uses CGFNS)

Fraudulent nursing programs

Identifying fraudulent documentation

February 1, 2008 – Email from Diane Billings, EdD, RN, FAAN, Manager, Academy of Nursing Education, NLN Academy of Nursing.

Re: NLN Academy of Nursing Education Application.

Web site: www.nln.org/excellence/academy/index.htm.

January 31, 2008 – Brochure from North Arkansas Partnership for Health Education, Boot Camp for Nurse Educators

University of Delaware – Outline of the lectures on the RN Refresher Course CD-ROMs. For further information

the Web site is <http://www.udel.edu/DSP>

NLN Faculty Development Bulletin regarding the Calendar of Events.
www.nln.org/facultydevelopment/Bulletin/vol6no3.htm

Rutgers The State University of New Jersey
Re: FYI: New Jersey Collaborating Center for New Jersey – RN 2006 Data Report.

Rutgers The State University of New Jersey
Re: FYI: New Jersey Collaborating Center for New Jersey – Report on NJ LPN Schools: 2006.

Regarding g & h above, Geri Dickson has offered to provide an overview of the RN and LPN data to the Board.

February 13, 2008 - Letter from Patricia L. Truitt, RN
Re: Self-Study LPN Refresher Course
Staff will review the submitted materials and present an overview at the next available committee meeting.

February 19, 2008 – NLN Faculty Development Bulletin
www.nln.org/facultydevelopment/Bulletin/vol6no4.htm

Discussion

Action Plan (Related to changes for moratorium): Discussion began and further discussion will take place at the next available meeting.

Moratorium – Being reviewed by the Division of Law.

Potential Comparison Study of programs that have poor NCLEX results with those that have good results.
Discussion deferred to the next available meeting.

Re-accreditation: Capital Health System

The Committee reviewed the self-study submission from Capital Health System and requested further revisions/clarifications.

Review of applicant's CGFNS report. The committee reviewed the CGFNS report regarding Ms. Simmons. The staff requested additional information from the applicant and CGFNS, which were received and the applicant was made eligible to take NCLEX.

Re-Accreditation Schedule for RN and LPN programs A draft of a flow sheet was disseminated for review and comment. The flow sheet was further revised and will be reviewed at the next Education Meeting.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Irma Bojazi, voted to approve Session I of the Education Committee Report of February 26, 2008. The motion carried.

Carol Dunning reported: Session II of the February 26, 2008 Meeting Report:

Discussion

Dover Business College has two sites with different program codes. Since some of the students from the Dover site used the Clifton codes and vice versa. The average will be reported for both sites. Program Code change forms have been sent to the school, since the school is reviewing whether to have one or two codes.

New Program Applications (Appearances)

Sanford Brown Institute – LPN (Part I) The Committee met with representatives from Sanford Brown Institute

and reviewed the Part I application submission. The Committee requested minimal clarification, which was submitted.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Noreen D'Angelo, voted to approve Part I of the preliminary application for the establishment of a new practical nursing program; and Sanford Brown Institute is to be granted permission to pursue development of Part II of the application process. The motion carried.

Georgian Court University – BSN (Part I)

The Committee met with representatives from Georgian Court University and reviewed Part I of the application submission to begin a generic BSN program.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Avery Hart, voted to approve Part I of the preliminary application for the establishment of a new Generic BSN program; and Georgian Court University is to be granted permission to pursue development of Part II of the application process. The motion carried.

New Program Applications: (Site Visits and Documentation)

AVTech Institute of Technology (Licensed Practical Nursing Program)

The Education Committee reviewed Part II of the initial application to begin a practical nursing program. In addition the Committee reviewed the site visit report which included a visit to a clinical site, East Orange General Hospital. The school plans to admit 40 students per year when provisionally accredited. In addition the school has received the Section J from the New Jersey Department of Education and obtained the clinical agreements in specialty areas.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Noreen D'Angelo, voted that the preliminary application of AVTech Institute of Technology for the establishment of a new practical nursing program be granted provisional accreditation. The motion carried.

Metropolitan Learning Institute NJ (Licensed Practical Nursing Program)

The Education Committee reviewed Part II of the initial application to begin a practical nursing program. In addition the Committee reviewed the site visit report which included a joint site visit with the DOE and DOL. Furthermore a visit was made to a clinical site, Broadway House in Newark. The school had originally planned to have more than (40) forty students, however it has decided to limit the number of students to (40) forty and presented a letter regarding this to the Board.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Constance Wilson voted that the preliminary application of Metropolitan Learning Institute NJ for the establishment of a new practical nursing program be granted provisional accreditation. The motion carried.

Seton Hall University Generic MSN

The Committee reviewed two submissions from Seton Hall University addressing some of the Committee's request for clarifications/revisions as discussed at the January 22, 2008 meeting. Since all of the requested clarifications/revisions were not submitted the Committee has asked staff to contact the program chair and review the requested revisions. Additional revisions have been received and will be reviewed at the next Education Meeting.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Irma Bojazi, voted to approve Session II of the Education Committee Report of February 26, 2008. The motion carried.

REGULATION COMMITTEE:

Irma Bojazi reported:

The Regulation Committee will meet on March 25, 2008.

PRACTICE COMMITTEE:

Correspondence:

a. January 9, 2008, letter from Kimberly S. Ricketts, Administrator, Department of Law and Public Safety to George J. Hebert, Executive Director, regarding Medication Administration by Juvenile Justice Personnel.

Guest: Robert Montalbano, Juvenile Justice Commission, Director of community Programs, Brenda Manicelli, RN, Juvenile Justice Commission, Quality Assurance Specialist

The Committee welcomed Mr. Robert Montalbano, and Ms. Brenda Menicelli, RN, State of New Jersey, Department of Law and Public Safety, New Jersey Juvenile Justice, to discuss their concerns about the Board's decision made on February 20, 2001, concerning Medication Administration by Juvenile Justice Personnel.

The Committee along with Noreen D'Angelo, RN, MS, Committee Member, who participated in the discussion via conference telephone call, Mr. Montalbano, and Ms. Menicelli, discussed the Medication Administration Curriculum for Supervisory Personnel. After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Noreen D'Angelo, directed that a written response be sent to Mr. Montalbano, and Ms. Menicelli, affirming that JJC personnel may, upon successful completion of the Juvenile Justice Commission's ("JJC") Medication Administration Course, and the Board requirements (listed below), administer medications to residents of residential group centers ("RGC") consistent with the Board's prior decision in this matter. Additionally, advise the Juvenile Justice Commission personnel that the Board of Nursing solely makes decisions on delegations of the RN; therefore, the Board does not make recommendations concerning job titles, or job descriptions.

The Board requires that a time frame be developed for re-certification to update supervisory personnel who completed the medication administration course, and an emphasis be placed on the patient's five rights throughout the course and on the course handout. The motion carried.

b JJC contacts for Medication Administration question.

This issue was discussed above item #3.a.

c FYI previous Board's minutes decisions concerning Medication Administration.

d FYI Medication Administration by Unlicensed Assistive Personnel (UAP) reports from different State Boards.

e March 4, 2008, e-mail from Pamela L. McCue, RN, MS, Director, Nurse Registration and Nursing Education, RI, Department of Health to George J. Hebert, MA, RN, Executive Director, concerning RN Administration of Nitrous Oxide.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Noreen D'Angelo, directed that a letter be sent to Ms. McCue advising her that the New Jersey Board of Nursing has an Algorithm for Determining Scope of Practice and for Making Delegation Decisions since the Board of Nursing does not have a list of nursing tasks to be performed by Registered Professional Nurses and Licensed Practical Nurses. The motion carried.

f FYI Registered Nurses Administration of Nitrous Oxide.

g March 7, 2008, e-mail from Louise Gabriele, RN, BC, MSN, Director of Health Services, Bloomfield College,

concerning a Registered Nurse taking telephone orders from an Advanced Practice Nurse with prescriptive privileges.

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Noreen D'Angelo, directed that a letter be sent to Ms. Gabriele, advising her that an RN can take telephone orders from an Advanced Practice Nurse since their credentials give Advanced Practice Nurses prescriptive rights. Prescriptive practice is permitted contingent upon a collaborating agreement with a physician and hospital/agency credentialing protocols as required by the applicable statutes and regulations. The motion carried.

h March 10, 2008, e-mail from Carol Reeves, RN, CSN., concerning RNs dispensing Frisium in the United States.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Constance Wilson directed that a letter be sent to Ms. Reeves advising her that RNs are supposed to be educated to administer medication; therefore, there is no prohibition in the Board of Nursing's statutes preventing RNs from performing that particular task. In addition, refer Ms. Reeves to the New Jersey Board of Nursing's Algorithm for Determining Scope of Practice and for Making Delegation Decisions for further analysis of her question. The motion carried.

I February 26, 2008, e-mail with a question about an student with hepatitis B can still be a nursing student.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Constance Wilson, directed that a letter be sent to the inquirer advising him/her that the Board of Nursing does not have any policy that violates the disability act. The Board's regulations do not discriminate against disabled students or employees. However, the potential student needs to be aware that an issue relative to his/her medical condition with the school or future employer may arise. The motion carried.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Irma Bojazi, voted to approve the Practice Committee Report of March 11, 2008. The motion carried.

ANNOUNCEMENT:

President Jurado recognized the members that served on the Education Committee for the 2005-2007 term:

Kathleen Pavalkis
Susan Salmond
Louise DeBlois

New members of the Education Committee will serve from 2008-2010:

Roseminda Santee
Michelle O'Neal
Linda Ulack

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 commented on the proposed new rules of the Board of Medical Examiners and Board of Pharmacy regarding allowing licensed pharmacist to immunized patients. Public comments are due by May 2, 2008.

Carolyn Torre, Director of Practice, NJSNA – commented on the proposed new rules of the Board of Medical Examiners and Board of Pharmacy. Ms. Torre stated that patients can get immunized through their local pharmacist. Ms. Torre commented on a new regulation proposed by the division of mental health services, which is under the Department of Health and Senior Services on outpatient substance abuse clinics that did not add

APNs in the regulation. Ms. Torre is requesting that they add APN to the regulations. There is a new exam that has been approved by the commission that is composed of faculty of nursing schools in cooperation with the review boards.

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 and to deliberate on the mitigation hearing of Christian Rufner. The motion carried.

Open Resumed

MITIGATION HEARING: - Christian Rufner, RN

A Provisional Order of Discipline was filed on April 24, 2007, provisionally revoking Mr. Rufner's nursing license based upon his guilty plea in New York for second degree attempted rape on October 4, 2006, a crime of moral turpitude relating adversely to the nursing profession. Mr. Rufner arranged an appointment through an Internet site with an individual whom he believed to be an underage girl, for the purposes of engaging in sexual relations. The individual, however, was a law enforcement officer. Mr. Rufner was sentenced to 30 days imprisonment and ten years probation, and was required to register as a sex offender. He surrendered his nursing license on October 4, 2006. Mr. Rufner replied to the Provisional Order of Discipline, asking for consideration, and requesting a hearing. He did not contest the fact of the conviction. The hearing was for the purposes of demonstrating that mitigation of penalty imposed by the Board of Nursing was warranted.

The Board heard argument by Steven Kern, Esq., Mr. Rufner's counsel, and Prosecuting Deputy Attorney General Kay Ehrenkrantz. Testimony was heard from Jill Curlis, R.N., Mr. Rufner's former nursing supervisor during his employment at Deborah Heart & Lung Center; Dr. Jeffrey Allen, a psychologist specializing in treatment of sex offenders; and Mr. Rufner himself.

After discussion, the Board upon motion made by Patricia Murphy and Constance Wilson voted to go into closed session to deliberate. The motion carried.

Open session resumed.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Patricia Murphy, voted to suspend Mr. Rufner's license for a period of 5 years, 2 years active, 3 years stayed suspension to be served as probation. He will be given credit from the time of voluntary surrender of his license. However, converting from an active suspension to stay suspension is not to be automatic. The burden rests on Mr. Rufner to demonstrate that he poses no danger to patients, that he is fit to practice, that he has been rehabilitated, and that he has been compliant with his treatment plan. If Mr. Rufner severs the relationship with his current treatment providers, he must provide the Board with ample notice. Mr. Rufner must provide documentation at the end of the active suspension, and must make an appearance before the Board, if required by the Board. Costs are to be determined at a later time by documentation submitted by the State within 30 days, and with Mr. Rufner having the opportunity to submit a reply thereafter. An Order more fully setting forth the Board's decision and rationale will follow. The motion carried.

ADJOURNMENT:

On March 18, 2008 the Regular Open Board Meeting was adjourned at 3:30 p.m. The next Open Business Meeting will be held on April 15, 2008.

After discussion the Board, upon a motion made by Irma Bojazi and duly seconded Patricia Murphy, voted to adjourn the Regular Open Board meeting of March 18, 2008 at 3:30 p.m. The motion carried.

Respectfully Submitted,

Patricia Murphy
Board Secretary/Treasurer