

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
MAY 15, 2007**

A meeting of the New Jersey State Board of Nursing was held on May 15, 2007 in the Monmouth Conference Room, 7th Floor, 124 Halsey Street, Newark, New Jersey. Leo-Felix Jurado, Board President, called the meeting to order at 9:30 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D'Angelo Irma Lupia
Marietta Cahill Virginia McKenney
Ronald H. Carr Karen Rodriguez
Leo-Felix Jurado

ALSO PRESENT:

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

BOARD MEMBER(S) EXCUSED ABSENCE:

Patricia Ann Murphy Nelson Tuazon
Mary Sibley Constance Wilson
Sara Torres

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 27, 2006. A schedule of all 2007 Regular Open Board Meetings to be held during 2007 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 May 15, 2007: Reading and Approval with amendments:

To add under New Business – Tennessee Board of Nursing Support Letter

After discussion the Board, upon a motion made by Karen Rodriguez and duly seconded by Irma Lupia, voted to approve the Open Business Meeting Agenda of May 15, 2007 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of April 24, 2007: Reading and Approval with corrections:

Pg. # 3 – Correct second bullet to state: Continued competency for nurses. NCSBN is continuing to develop a framework to ensure continued competence for nursing. At this time, Boards of Nursing have many different approaches in licensing continued competence. Some States require continuing education hours, other States require practice hours and others require both, continuing education and practice hours.

Pg. # 4- Correct wording in motion to state: The Board approved the appearance of Barbara Byers.

Pg. # 7 – (a) Correct wording in motion to state: The Board voted to refer establishing a timeframe for applications to be reviewed for new nursing programs to the Regulation Committee for further review.

Pg. #8 - Correct wording in motion to state: The Board voted to approve Part I of the preliminary application for the establishment of a new Practical Nursing Program; Grace Vocational Nursing School is granted permission to pursue development of Part II of application process.

Pg. #10 – Under new business: #1 change wording to state: The Board uses the NJDHSS’s website to verify the licenses of the agencies to make sure the agencies are licensed to operate a business in New Jersey.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Noreen D’Angelo, voted to approve the Open Business Meeting Minutes of April 24, 2007 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported that:

Seeking Approval for:

May 7, 2007 – Leo-Felix Jurado has been invited to speak and Irma Lupia – will attend the Robert Wood Johnson Medical Center for Nurses Day Program.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded Ronald H. Carr, voted to approve the appearance of the Board President and Board Member. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert as follows:

Nursing Licensing Renewal Update:

A comparison for the last 4 years regarding the renewal process:

May 11, 2007

RN

Renewals Completed: 42,305
Renewals Outstanding: 18,937

LPN

Renewals Completed: 6,255
Renewals Outstanding: 5,523

May 12, 2006

Renewals Completed: 52,114

Renewals Outstanding: 17,096

May 13, 2005

Renewals Completed: 62,637

Renewals Outstanding: 4,939

May 14, 2004

Renewals Completed: 55,326

Renewals Outstanding: 12,661

Paper renewal forms will be mailed out on request only.

A letter went out to the Nurse Administrators reminding them that the expiration date of May 31, 2007 is approaching and to encourage their staff to renew on time and online.

On May 21, 2007 the renewal walk in period will begin at the Trenton and Newark locations.

Board Statistics for April 2007:

Nursing License/Certificate April Calendar

Year to date Fiscal

Year to date

Applications Received 1546 4924 11214

Applications Processed 954 4110 10927

Requests for Reinstatement 168 683 2250

Reinstatement Requests Approved 142 624 2036

Licenses Issued 951 4072 10848

MBST License/Certificate April Calendar

Year to date Fiscal

Year to date

Applications Received 55 190 959

Applications Processed 81 228 455

Requests for Reinstatement 0 0 0

Reinstatement Requests Approved 0 0 0

Licenses Issued 81 228 455

Massage Certification – There is pending legislation that if approved will mandate certification of individuals who wish to perform massage, bodywork and somatic therapy in the State of New Jersey.

Notification from NCSBN, that Seoul, Korea will no longer be an NCLEX administration site until further notice.

CORRESPONDENCE:

Memo from BryanLGH Health System regarding “Information under the Deficit Reduction Act”. March 2, 2007, memo from Karen J. Wells, Supervisor, Administrative Rules Unit regarding Proposed Amendments at N.J.A.C. 10A: 16-1.3 and 10A: 16-11.1 and proposed new rules at N.J.A.C. 10A: 16-15, which is existing N.J.A.C. 10A: 16.11 sets forth rules regarding involuntary psychotropic medications.

March 2, 2007, memo from Karen J. Wells, Supervisor, Administrative Rules Unit regarding Proposed Amendments at N.J.A.C. 10A: 1-2.2 and 10A: 16-11.1 and 4.6; 10A: 10-3.4, 4.2, 6.3 and 6.4; and 10A: 31-1.3, has been deleted and replaced with the new name, U.S. Immigration and Customs Enforcement.

March 19, 2007, memo from Karen J. Wells, Supervisor, Administrative Rules Unit regarding Proposed Amendments at N.J.A.C. 10A: 1-2.2 and 10A: 4-1.3 and 9.13 Definitions; Opportunity to Call a Witness (es) and Present Evidence.

March 19, 2007, memo from Karen J. Wells, Supervisor, Administrative Rules Unit regarding Proposed Amendments at N.J.A.C. 10A: 1-2.2, 2.8, 10.1, 10.3 and 10.4; and 10A: 16-1.4 and 2.20 and Proposed New Rule at N.J.A.C. 10A: 1-10.2 Definitions; Forms; Research; Medical Research or Experimentation Prohibited.

April 11, 2007, Agenda and May 9, 2007 Minutes from the Board of Medical Examiners.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: - Sara Torres, Chairman

Carol Onajide reported: Session I of the April 24, 2007 Meeting Report:

Correspondence:

February 12, 2007 – Letter from Mr. Juan Jimenez, Director, Continental Language Services & Education Consultants.

Re: Request for consideration as Foreign Nurses Education evaluator.

A follow-up letter was sent by staff regarding the present regulations.

b. March 23, 2007 – Emailed letter from Carol Wells, MBA, BS, RN Re: FYI: Disapproval of regulations regarding the education requirements of nursing faculty. The Education Committee reviewed the email and at this time no change regarding the educational requirements for generic nursing programs is planned. Staff will send follow-up correspondence to Ms. Wells.

March 23, 2007 – Letter from Grace G. Newsome, EdD, APRN, BC, FNP, Chair, National League for Nursing Accrediting Commission, Inc.

Re: FYI: Summary of actions taken by the NLNAC during its February meeting.

April 02, 2007 - Letter from Michelle L. Foley, RN, C, MA, Director, Nursing Education, Charles E. Gregory School of Nursing

Re: FYI: Notification of accreditation by NLNAC

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted since Charles E. Gregory School of Nursing is closing and has received re-accreditation via the NLNAC, the accreditation status via the Board of Nursing will be extended till school closure. The motion carried.

April 04, 2007 – Letter from Patricia A. Castaldi, MSN, RN, Director, Practical Nursing Program, Union County College Re: FYI: Notification of accreditation by NLNAC

April 16, 2007 – Email from Sandra Kearns, MSN, RN, CNE, Chief Nursing Officer, Nursing & Allied Health Program, Ocean County College

Re: Education requirement for Nursing Lab staff personnel.

Follow-up correspondence was sent to Ms. Kearns regarding faculty regulations.

NCSBN Research Brief

Re: FYI: Volume 26 / December 2006

2007 NCLEX Re: FYI: RN Detailed Test Plan

CNE Net

Re: FYI: Refresher Course.

2. Renewal of Accreditation: Additional Submissions

St. Francis Medical Center The Education Committee has reviewed all the submissions from St. Francis Medical Center.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Irma Lupia, voted to approve renewal of accreditation for 8 years for St. Frances Medical Center RN Program. The motion carried.

The College of New Jersey

The Committee has reviewed all the submissions from The College of New Jersey.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted to approve renewal of accreditation for 8 years for The College of New Jersey RN Program. The motion carried.

3. Additional Submissions

a. Burlington County College

Submitted additional material (as requested) regarding notification that complaints may be submitted to the New Jersey Board of Nursing.

Discussion

The Committee discussed licensure by Examination concerns.

a. The Philippine nurses who took the June 2006 licensure exam are ineligible for VisaScreen via CGFNS, however, they are eligible to take NCLEX-RN if they meet the education requirements.

b. Staff reported sending out more re-testing applications since the change in NCLEX-RN this month.

c. Review of a LPN application, CGFNS report and transcripts of a foreign graduate to determine eligibility for licensure.

Carol Onajide reported: Session II of the April 24, 2007 Meeting Report:

Correspondence:

March 20, 2007 – C: Letter from Kingsley Omeh to Mrs. Sandi, Director, Merit Technical Institute

Re: FYI: Thank you letter

Review of Self Study Report for Initial Accreditation

a. Lincoln Technical Institute -

The Committee reviewed the Self-Study Report submitted by Lincoln Technical Institute (LTI) and a site visit was made on May 10, 2007.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Marietta Cahill, voted to approve accreditation for the Lincoln Technical Institute Practical Nursing Program with the following directives:

Regulations Directives

N.J.A.C. 13:37-1.5 (h) The faculty shall develop any additional policies on grading or educational requirements

for graduation, which the faculty deems necessary. (i) The faculty, in collaboration with the program administrator, shall construct, implement, teach and evaluate the curriculum. The administrator shall maintain records that indicate the curriculum has been evaluated pursuant to the Systematic Plan for Program Evaluation. Submit plans to improve NCLEX results, for examples curriculum changes, test plans, NCLEX preparation plans. N.J.A.C. 13:37-1.11 (a) 8 Distribute information about the school to students..... When changes are made because of the above directive, please provide evidence regarding how the students were notified. Provide an updated Student Handbook with the revised appeals policy, changed grading (G.P.A. 2.5) and any other revisions when it is printed for example, financial aid, (possibly liability insurance), etc.

New Program Applications

a. Allcare Health Institute, Inc.- Pt I

The Committee met with representatives from Allcare Health Institute and reviewed Part I of the school's application to begin a LPN program. Based on its review the Committee requires further clarification/revision:

Regulation Clarification/Revision

NJAC 13:37-1.2 (a) 5 Curricula vitae for all faculty and consultants responsible for the development and administration of the program; and Clarify the name and licensure status of Mr. Odemefi

b. Camden County College- Pt II

The Committee met with representatives from Camden County College, reviewed Parts I and II of the college's application to begin a LPN program and made a site visit.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted to grant Provisional Accreditation to Camden County College with the following directive:

Regulation Directive

N.J.A.C. 13:37-1.4 (a) 3 A program administrator who meets the requirements of N.J.A.C. 13:37- 1.6 and has direct authority for the fiscal and academic administration of the program. The administrator shall be responsible to the governing body of the sponsoring institution; Please submit the CV of the Program Administrator prior to beginning the program.

c. Com-Tec Institute – Pt II

The Committee met with representatives from Com-Tec Institute and reviewed Part II of the school's application to begin a LPN program. Based on its review the Committee requires further clarification regarding plagiarism. The school submitted the same Part II as a school that was previously reviewed. The previous submission was copyrighted and staff have contacted the other school regarding the above.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Karen Rodriguez, voted to approve Sessions I and II of the Education Committee Report.

2. REGULATION COMMITTEE:

Irma Lupia reported on:

Old Business:

N.J.A.C. 13:37-5.3, Continuing Education:

At the March 25, 2007 Regulation Committee Meeting, Margaret Bush, President of the New Jersey School Nurses Association presented concerns of New Jersey school nurses regarding their use of professional

development hours, completed for compliance with the New Jersey Department of Education's regulations to comply with the New Jersey Board of Nursing's Continuing Education Regulations, N.J.A.C. 13:37-5.3.

The Committee discussed amendments to N.J.A.C. 13:37-5.3, Continuing Education, permitting school nurses to use continuing education course or program related to nursing which they completed to comply with the requirements of a State or Federal agency. One continuing education hour will be granted for each 60 minutes of course or program attendance.

N.J.A.C. 13:37-6.4, Identification Tags:

The Board discussed and approved amendments to N.J.A.C. 13:37-6.4, Identification tags, which recognize N.J.S.A. 34:8-79, wherein an exemption to N.J.A.C. 13:37-6.4 shall not apply when a nurse or certified homemaker-home health aide is providing home-based services for a health care service firm which requires the staff to wear an identification tag pursuant to N.J.S.A. 34:8-79.

N.J.A.C. 13:37-5.2, Biennial License Renewal:

The Committee reviewed and approved amendments to N.J.A.C. 13:37-5.2, Biennial license renewal, which require a nurse refresher course for reinstatement or reactivation of a nursing license, either administratively expired or on the inactive status, for more than five years. The nurse refresher course will consist of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7.

N.J.A.C. 13:37-2.3, Application requirements; graduates of foreign nursing programs:

The Committee discussed proposed amendments to N.J.A.C. 13:37-2.3, which involves the World Evaluation Services (WES) as a valid transcript evaluation service and the International English Language Testing System (IELTS) examination as a valid English proficiency examination. This agenda item will be discussed further at the next available Committee Meeting.

N.J.A.C. 13:37-1.2, Application for establishment of a new program in nursing:

The Committee discussed amendments to N.J.A.C. 13:37-1.2, which will require nursing programs educating Registered Professional Nursing students and Practical Nursing students to limit student admission to 40 students in each class per calendar year while the schools are on provisional accreditation. This agenda item will be discussed further at the next available Committee Meeting.

6. Subchapter 10. Alternative to Discipline Monitoring Program:

The Committee discussed revisions made in Subchapter 10, Alternative to Discipline Program. Amendments in this proposal regulation will be reviewed at the next available Committee Meeting.

Correspondence:

Letter from Todd Slawsky, Ed.M., Training Coordinator of "Answers" Rutgers, The State University of New Jersey, requesting that "Answers" be reviewed and approved as a provider of professional development credits for school nurses.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Ronald H. Carr, voted to send a letter to Todd Slawsky apprising him that the New Jersey Board of Nursing does not approve providers to offer continuing education programs. The motion carried.

Letter received from Jesus P. Osorio sent to The Office of the Governor, The Honorable Governor Jon Corzine, and referred by Acting Director Stephen Nolan, questioning Laws that govern the welfare, treatment and interests of nurses in the work place.

After discussion the Board upon a motion made by Irma Lupia and duly seconded by Ronald H. Carr voted to refer this issue to Barbara Corney, Constituent Services in the Division of Consumer Affairs, because the Board of Nursing does not have regulations pertaining to labor relations issues. The motion carried.

E-mail received from Jane O'Donnell, MSN, RN, APN, C, Director of Educational Services, Kimball Medical Center, questioning the definition of a new seminar or lecture presented to professional nurses and the number of contact hours the presenter will receive for compliance with N.J.A.C. 13:37-5.3.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Ronald H. Carr, voted to send a response to Jane O'Donnell clarifying N.J.A.C. 13:37-5.3(d)9, wherein a new seminar or program is presented once for credit. After the first presentation, the program or seminar is no longer considered new. The motion carried.

E-mail received from Patrick Mahan, Executive Director, National Association for Practical Nurse Education and Service, Inc.(NAPNES), questioning whether Continuing Education programs offered by NAPNES will be accepted by the New Jersey Board of Nursing for compliance with N.J.A.C. 13:37-5.3.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Ronald H. Carr, voted to send a response to Patrick Mahan clarifying that NAPNES must comply with N.J.A.C. 13:37-5.3(d)1., wherein the credentialing agency is accredited by the National Commission for Certifying agencies. The motion carried.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Noreen D'Angelo, voted to approve the Regulation Committee Report of April 24, 2007. The motion carried.

NEW BUSINESS:

Charles Manning discussed the following issues:

N.J.A.C. 13:37-6.4, Identification Tags:

The Board reviewed the proposal of amendments to Board identification tag regulations, N.J.A.C. 13:37-6.4 and 14.13, that recognize that nurses and certified homemaker home health aides are not eligible for an exemption to identification tag requirements if they are required to wear an identification tag pursuant to N.J.S.A. 34:8-79.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Ronald H. Carr, voted to approve the proposed amendments to N.J.A.C. 13:37-6.4, Identification Tags. The motion carried.

N.J.A.C. 13:37-5.3, Continuing Education:

The Board reviewed the proposal of amendments to N.J.A.C. 13:37-5.3 to recognize that nursing courses completed in order to satisfy the continuing education requirements of another State agency or Federal agency count towards Board continuing education requirements.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Ronald H. Carr, voted to approve the proposed amendments to N.J.A.C. 13:37-5.3, Continuing Education. The motion carried.

N.J.A.C. 13:37-5.2, Biennial License Renewal

The Board reviewed the proposal of amendments to N.J.A.C. 13:37-5.2 to require licensees to complete a nurse refresher course as a prerequisite of reinstatement or reactivation of a license that has been administratively suspended or inactive for more than five years.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Marietta Cahill, voted to approve the proposed amendments to N.J.A.C. 13:37-5.2, Biennial License Renewal. The motion carried.

The Advanced Practice Nurse Regulations will be printed in the New Jersey Registrar on May 21, 2007.

Tennessee Board of Nursing Support Letter

There was a recent amendment passed by the Tennessee House Government Operations Committee that would prohibit nurse educators from serving on the Tennessee Board of Nursing.

Faith A. Fields, MSN, RN, President, Board of Directors, National Council of State Boards of Nursing, sent a support letter of retaining nurse educators as members eligible to serve on the Tennessee Board of Nursing.

A discussion ensued and the New Jersey Board of Nursing decided to send a support letter to retain nurse educators to serve on the Tennessee Board of Nursing.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Irma Lupia, voted to send a letter to Governor Phil Bredesen in support of nurse educators to serve on the Tennessee Board of Nursing. The motion carried.

OPEN FORUM:

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

Carolyn Torre, Director of Practice, New Jersey State Nurses Association, commented on the continuing education proposed amendments and lapsed licenses.

Linda DeLamar, President, New Jersey Association of Nurse Anesthetists commented on the advanced practice nurse regulations and how nurses are suppose to show proof of education if the nursing school is closed.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Karen Rodriguez, voted to go into closed session to discuss complaints against nursing programs. The motion carried.

After discussion the Board, upon a motion made Ronald H. Carr and duly seconded by Irma Lupia, voted to go into open session. The motion carried.

ADJOURNMENT:

On May 15, 2007 the Regular Open Board Meeting was adjourned at 12:30 p.m. The next Open Business Meeting will be held on June 19, 2007.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded Ronald H. Carr, voted to adjourn the Regular Open Board meeting of May 15, 2007 at 12:30 p.m. The motion carried.

Respectfully Submitted,

Noreen D'Angelo
Board Secretary/Treasurer