

**NEW JERSEY STATE BOARD OF NURSING  
MINUTES  
REGULAR OPEN BOARD MEETING  
MAY 17, 2005**

A meeting of the New Jersey State Board of Nursing was held on May 17, 2005 in the Monmouth Conference Room, 7th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, Board President called the meeting to order at 9:30 a.m.

**ROLL CALL**

**BOARD MEMBERS PRESENT:**

Noreen D'Angelo  
Virginia McKenney  
Sylvia C. Edge  
Ronald H. Carr  
Leo-Felix Jurado  
Muriel M. Shore  
Margaret M. Kirchhoff  
Nelson Tuazon  
Maris A. Lown  
Cecilia West

**ALSO PRESENT:**

George J. Hebert, Executive Director, New Jersey Board of Nursing  
Barbara Byers, Administrative Analyst  
Carol Onajide, Education Program Development Specialist  
Darlene Lapola, Deputy Attorney General  
Paula Alvarez, Deputy Attorney General  
Charles Manning, Regulatory Analyst

**BOARD MEMBER (S) NOT PRESENT:**

Karen Rodriguez  
Veronica McGreevey

**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 3, 2005. A schedule of all 2005 Regular Open Board Meetings to be held during 2005 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 May 17, 2005 Regular Board Meeting Agenda with an addition: Letter dated April 21, 2005 from Barbara Wright to be added under correspondence. After Discussion, The Board Upon A Motion Made By Muriel M. Shore And Duly Seconded By Nelson Tuazon, Voted To Approve The Regular Board Meeting Agenda Of May 4, 2005 With An Addition. The Motion Carried.

A reading and approval of the Open Regular Board Meeting Minutes of March 15, 2005.

After Discussion, The Board Upon A Motion Made By Nelson Tuazon And Duly Seconded By Cecilia West,

Voted To Approve The Regular Board Meeting Minutes Of March 15, 2005. The Motion Carried.

Board Member: Ronald H. Carr Abstained.

Board Member: Sylvia C. Edge was not present for the above Motions.

### **REPORT OF THE BOARD PRESIDENT – MARIS LOWN:**

Maris Lown reported:

Maris Lown serves on the Item Review Subcommittee and the Leadership and Governor Task Force for the National Council of State Boards of Nursing (NCSBN). NCSBN will be funding three representatives from the Board to attend the Annual meeting. Maris Lown, George Hebert and Muriel M. Shore will be attending the NCSBN Annual Meeting held in Washington, DC on August 2-5, 2005.

### **REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:**

George Hebert reported:

Kimberly Ricketts has been appointed Acting Director for the Division of Consumer Affairs. May 3, 2005 Acting Governor Richard Codey signed into law Senate Bill 1445 and Senate Bill 1804. Carol Onajide, MS, RN, APN,C, has been hired into the position of the Education Program Development Specialist. The Board is in the process of recruiting for the position in the disciplinary section. Walk-ins for renewal will begin on May 17, 2005. Massage Bodywork and Somatic Therapy certification process is up and running and 31 individuals have been certified out of 110 applications. Approval for appearance for Maris Lown on June 20-21, 2005 to attend the NCSBN Leadership and Governor Task Force meeting.

After Discussion, The Board Upon A Motion Made By Muriel M. Shore And Duly Seconded By Nelson Tuazon, Voted To Approve The Appearance Of The Board President. The Motion Carried.

Board Member: Sylvia C. Edge was not present for the Motion.

### **CORRESPONDENCES:**

Letter dated March 11, 2005 from the National Association of School Nurses re: proposed legislation pertaining to diabetic caregivers in schools. After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Nelson Tuazon, Voted To Refer This Letter To The Practice Committee For Further Discussion. The Motion Carried.

Memo dated April 20, 2005 from Burt Liebman re: the First Quarter Legislation Report for January - March 2005. The Board commented that the format was user friendly and requested additional elements of the Board's position.

News Release May 2, 2005 from the Acting Governor re: the signing of the Cullen Bill.

Board of Physical Therapy Examiners minutes from the February 15, 2005 meeting and proposed amendments to the rules.

Board of Medical Examiners minutes from the April 13, 2005 and May 11, 2005 meetings.

Letter dated April 21, 2005 from Barbara Wright on behalf of Seton Hall University College of Nursing re: the Board of Nursing website.

### **APPEARANCE:**

The Budget & Finance Committee met with Darlene Kane on April 11, 2005 to discuss the proposed budget.

Darlene Kane, Budget Analyst, from the Division of Consumer Affairs met with the Board at today's meeting to discuss the budget and a need for a license fee increase.

The Board of Nursing is required by statute to be self-supporting, as all the professional licensing boards within the Division of Consumer Affairs are. It is mandated that fees should be established to the extent necessary to defray all operating costs of the Board, but not fixed at a level that will raise amounts in excess of the amount estimated to be required.

The Board discussed the need for a increase because of new legislative mandates, ie., expansion of criminal history background checks for all health care professionals in accordance with S1804 and creation of impairment program pursuant to S1445.

After Discussion, The Board Upon A Motion Made By Noreen D'Angelo And Duly Seconded By Muriel M. Shore, Voted To Adopt The Fee Increase As Recommended By Darlene Kane. The Motion Carried.

### **COMMITTEE REPORTS:**

1. BUDGET & FINANCE: - Muriel M. Shore, Chairperson

No additional information to add.

2. EDUCATION COMMITTEE: - Leo-Felix Jurado, Chairman

Leo- Felix Jurado reported: March 29, 2005 meeting.

The Education Committee meetings will be distinguished as follows:

Part I – Open session items will allow community members present for discussion.

Part II – Open session items the community members will not be present for discussion. Closed session – exclusively for Board members because possible or pending disciplinary matters. February 17, 2005 – Letter from Sister Claire Tynan, EdD, RN, Senior Vice President/NHN, Director, Holy Name Hospital School of Nursing. Re: FYI, notification Holy Name Hospital School of Nursing Licensed Practical Nursing program has never sought NLNAC Accreditation.

February 23, 2005 – Letter from Rafael Castilla, MD, Dean of Academics, HoHoKus School of Business and Medical Sciences. Re: Requesting approval for the implementation of a curriculum change for the day and evening LPN programs.

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Cecilia West, Voted To Approve That HoHoKus School Of Business And Medical Sciences Be Granted Approval to Implement Curriculum Revisions For The Day And Evening LPN Programs. The Motion Carried.

Our Lady of Lourdes School of Nursing - Accreditation Self Study Review (Submitted additional materials requested)

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Sylvia C. Edge, Voted That Our Lady Of Lourdes School Of Nursing Additional Accreditation Self-Study Review Materials Be Accepted And That Accreditation Is Renewed For A Period Of Eight Years. The Motion Carried.

Cumberland County Community College additional accreditation self study review materials has been reviewed and accepted.

Rutgers, The State University of New Jersey (Camden Campus)

Rutgers, The State University of New Jersey (Camden Campus) additional accreditation self study review materials has been reviewed and accepted.

f) Raritan Valley Community College

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Sylvia C. Edge, Voted In Accordance With N.J.A.C. 13:37-1.7 (D) Maintaining Accreditation: Faculty Qualifications. The Board Voted That Raritan Valley Community College Faculty Shall Develop An Individual Plan To Maintain Competency In The Theoretical And Practice Areas Directly Related To Their Areas Of Teaching Responsibility. These Plans Shall Be Approved By The Program Administrator And A Copy Mailed To The Education Committee. The Motion Carried.

g) Mercer County Community College

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Cecilia West, Voted In Accordance With N.J.A.C. 13:37-1.13 Renewing Accreditation, That Mercer County Community College Additional Accreditation Self-Study Review Materials Be Accepted And That Accreditation Be Renewed For Mercer County College For A Period Of Eight Years With The Following Directives:

In accordance with N.J.A.C. 13:37-1.7 (d) Maintaining Accreditation: faculty qualifications. Mercer County Community College faculty shall develop an individual plan to maintain competency in the theoretical and practice areas directly related to their areas of teaching responsibility. These plans shall be approved by the program administrator and a copy mailed to the Education Committee, and Submit article 21 from their faculty agreement. The Motion Carried.

Union County College

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Cecilia West, Voted To Approve The Curriculum Revisions For Union County College. The Motion Carried.

**MARCH 29, 2005 - PART II OF THE EDUCATION COMMITTEE REPORT**

Caribbean Training Education Center, Part II Proposal for Development of a New Practical Nursing Program, (N.J.A.C. 13:37-1.2). The Education Committee directed a site visit be conducted at the Caribbean Training Education Center.

**APRIL 28, 2005 - PART I OF THE EDUCATION COMMITTEE REPORT**

New Nursing Program Tracking Flow Sheet

Bergen County Community College

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Ronald H. Carr, Voted That Accreditation Be Renewed For Bergen Community College For A Period Of Eight Years With The Following Directive:

Provide A Copy Of A Sample Contract That Demonstrates Compliance With N.J.A.C. 13:37-1.10 (b) 1-6, By September 1, 2005.

The Motion Carried.

Accreditation Self-Study Review (Initial Review)

Essex County College Accreditation Self Study Review Report

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Sylvia C. Edge, voted That Accreditation Be Renewed For Essex County College For A Period Of Eight Years With The Following Directive:

Describe the license verification process being used in accordance with N.J.A.C. 13:37-1.7 (b) 1, faculty members shall have current licensure in New Jersey as a registered professional nurse; Submit copy of contract containing notice of termination of agreement in accordance with N.J.A.C. 13:37-1.10 (b) 2, notice of termination of the

agreement by either party at least 120 days prior to termination; and

Address areas of recommendations from NLNAC regarding the following areas:

Clarify the definition of graduation rate;

Define program satisfaction; and Refine satisfaction surveys to reflect the definition of program satisfaction.

The Motion Carried.

Board Member: Muriel M. Shore recused herself from the proceedings regarding Essex County College School of Nursing

Muhlenberg Regional Medical Center Harold B. & Dorothy A. Snyder School

The committee reviewed and accepted Muhlenberg Regional Medical Center Harold B. & Dorothy A. Snyder School additional accreditation self-study review materials that was submitted.

St. Francis Medical Center School of Nursing

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Ronald H. Carr, Voted To Approve St. Frances Medical Center School Of Nursing Curriculum Revisions.

## **APRIL 28, 2005 - PART II OF THE EDUCATION COMMITTEE REPORT**

New Program Application Appearance

Dover Business College, Part II Proposal for Development of a New Practical Nursing Program, (N.J.A.C. 13:37-1.2). The Education Committee will be conducting a site visit at the Dover Business College.

Comtrain Institute, Part I Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2).

The Education Committee reviewed part I of Comtrain Institute proposal for development of a new practical nursing program and directed Comtrain Institute to revise their application per the following Education Committee observations and resubmit their application as soon as possible. If received in time the Committee would review the materials to determine if a recommendation to approve part I of the application would be made at the next available Board meeting.

The Committee observations included the following:

1. Program Objectives do not reflect Orem;
2. Objectives are not written in outcome language;
3. Remove the need analysis;
4. How many students and how much revenue per student is there over 5 years; and

The Table of Organization needs to reflect the program placement within the context of the organization.

The additional information was submitted and reviewed by the committee.

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Cecilia West, Voted To Approve Part I Of Comtrain Institute's New Program Application And Be Allowed To Pursue The Development Of Part II For The Development Of A New Practical Nurse Program. The Motion Carried.

Warren County Community College

The Education Committee reviewed and accepted Parts I and II of Warren County Community College application for the development of a new registered nursing program. On May 13, 2005 the Committee conducted a site visit.

After Discussion, The Board Upon A Motion Made By Leo-Felix Jurado And Duly Seconded By Cecilia West, Voted To Approve That Warren County Community

College Be Granted Provisional Accreditation With The Provision That The Two Directives Be Met Within The Next 60 Days.

Directives: N.J.A.C. 13:37-1.10 (b) 2 and 5: The contacts will need to be revised to reflect the required 120 day notice of termination and the joint annual evaluation of the effectiveness of the clinical experiences, with input from the students. N.J.A.C. 13:37-(e) 9: Although new acquisitions have been ordered and received, the Library's nursing holdings need to be current, so a clear mechanism needs to be included in the Systematic Plan for Program Evaluation to assure currency.

The Motion Carried.

Board Member: Sylvia C. Edge recused herself from the proceedings.

After Discussion, The Board upon A Motion Made by Nelson Tuazon and Duly Seconded by Ronald H. Carr, voted to approve the March 29, 2005 and April 28, 2005 reports of the Education Committee. The Motion Carried.

**LEGISLATION COMMITTEE:** Ronald H. Carr, Chairman

The committee met on May 17, 2005 to discuss the following bill:

Assembly Bill 4030 – Permits registered nurses to make determination and pronouncement of death in any setting where death occurs. The committee supports this bill.

After Discussion, The Board Upon a motion made by Ronald H. Carr and duly seconded by Virginia McKenney, voted to support Assembly Bill 4030. The Motion Carried.

**PRACTICE COMMITTEE:** Cecilia West, Chairperson

APN Issue: Follow-up on a letter to the Board of Physical Therapy regarding proposed regulations:

After Discussion, The Board upon a motion made by Cecilia West and duly seconded by Noreen D'Angelo voted to write a letter commenting on the Board of Physical Therapy amended regulations requesting that APN's specifically be included in the proposed regulations, N.J.A.C. 13:39 A-2.1 Definitions, "Written request or direction of a plenary licensed physician, or a dentist, or a podiatrist or chiropractor, or an Advanced Practice Nurse to the extent that the treatment prescribed is within the scope of his or her practice, or such other care practitioner authorized to request and direct treatment..." A request will be made to be placed on the distribution list for the Physical Therapy Board. The Motion Carried.

March 7, 2005 – E-mail from Merny Schwartz, PhD, Managing Partner, MHSP, Inc., Issue: Physician Collaborators for NPs.

After Discussion, The Board upon a motion made by Cecilia West and duly seconded by Noreen D'Angelo, voted that a letter be sent to Dr. Merny Schwartz, clarifying that each Advanced Practice Nurse shall prescribe/order medications and devices in conformity with the provisions of Subchapter 7, N.J.S.A. 45:11-45 et seq; (especially N.J.S.A. 45:11-29) and jointly developed protocols which are reviewed, updated and signed at least annually by the Advanced Practice Nurse and his/her collaborating physician. For Advanced Practice Nurses who are not prescribing/ordering medications and devices, a joint written protocol is not required. The Motion Carried.

E-mail inquiry for discussion, Issue: APN's issuing CDS medications when discharging patients from the hospital.

After Discussion, the Board upon a motion made by Cecilia West and duly seconded by Noreen D'Angelo voted that a written response be sent to the author of the e-mail clarifying that consistent with the provisions of N.J.S.A. 45:11-49, Advanced Practice Nurses may prescribe controlled dangerous substances. Advanced Practice Nurses who, upon patient discharge, continue or reissue an order or prescription for a controlled dangerous substance originally ordered or prescribed by the collaborating physician is considered to be reissuing the controlled dangerous substance order. The controlled dangerous substance order or prescription shall be written in accordance with the joint written protocols developed in agreement between the collaborating physician and the Advanced Practice Nurse. The Motion Carried.

After Discussion, The Board upon a motion made by Leo-Felix Jurado and duly seconded by Sylvia C. Edge, voted to approve the report of the Practice Committee meeting of March 15, 2005. The Motion Carried.

REGULATION COMMITTEE: Muriel M. Shore, Chairperson

March 29, 2005 Report:

Muriel M. Shore expressed concerns regarding the status of the Mandatory Reporting Regulations, which were approved by the Board in September 2004. The regulations have not moved out of the Division of Law. The committee worked to develop the regulations on an expedited basis. A letter was sent to DAG Sandra Dick by the President of the Board to see what can be done to move these regulations on a more timely basis.

Review of Sunset Comments

The Committee reviewed the sunset comments and drafted responses to these comments for the Board's approval.

Dispensing of Medications

The Committee reviewed the Pharmacy Board regulations and the Board of Medical Examiners regulations regarding dispensing of medications.

Delegation of Medication Administration

The Committee approved the proposed revisions to the Delegation of Medication Administration regulations and requested that the proposed revisions be presented at the next available Board meeting as a pre-proposal to encourage comments through public hearings.

April 26, 2005 Report:

Nursing Program Criminal History Background Checks

The Committee discussed whether or not the Board should require schools of nursing to perform criminal history background checks on students.

The Committee is in the process of acquiring more information from JCAHO. Further discussion on this issue will be continued at the next available Committee meeting.

CHHA Education Requirements Proposal

The Committee is seeking more information on this issue from a variety of sources. Further discussion on this issue will be continued at the next available Committee meeting.

Responsibility of Licensure

The Committee discussed N.J.A.C. 13:37-5.6 that sets forth standards for nurses who hold more than one license. The Committee decided that the existing rule adequately addresses such situations and that this rule need not be amended. The Committee recommends to the Board that this rule be deleted from the flow sheet.

After Discussion, The Board upon a motion made by Muriel M. Shore and duly seconded by Ronald H. Carr, voted to delete the issues of Responsibility of Licensure and Conflict of Interest from the Regulation Committee Flow Sheet. The Motion Carried.

After Discussion, The Board Upon a motion made by Leo-Felix Jurado and duly seconded by Ronald H. Carr, voted to approve the March 29, 2005 and April 26, 2005 Reports of the Regulation Committee. The Motion Carried.

### **NEW BUSINESS:**

Charles Manning discussed the following issues:

#### 1. Fee Schedule:

The Board discussed the proposed revisions to the Fee Schedule.

After Discussion, The Board Upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to approve the revisions in the Fee Schedule as recommended. The Motion Carried.

#### 2. Readoption of Board Regulations:

N.J.A.C. 13:37 Sunset Regulations.

The official comment period ended March 19, 2005, however, the Board received additional comments regarding the Sunset Regulations.

After Discussion, The Board Upon a motion made by Leo-Felix Jurado and duly seconded by Nelson Tuazon, voted to approve the Readoption of N.J.A.C. 13:37 Sunset Regulations to include the additional comments and Board responses. The Motion Carried.

#### 3. Delegation of the Administration of Medications:

The Board discussed the recommended revisions to NJAC 13:37-6.6 and 6.7.

After Discussion, The Board Upon a motion made by Nelson Tuazon and duly seconded by Cecilia West, voted to approve the Delegation of the Administration of Medications Rule with minor revisions and publish it as a pre-proposal to encourage public comments through public hearings. The Motion Carried.

Board Members Opposed: Margaret M. Kirchhoff, Noreen D'Angelo and Leo-Felix Jurado. The Motion Carried.

### **OPEN FORUM:**

Maris A. Lown 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, expressed concerns regarding the Delegation of the Administration of Medication Rule. Ms. Torre feels that there will be restrictions placed on nursing practice in the facilities that do not fall under the regulations.

Josephine Sienkiewicz, Director of Education and Clinical Practice of New Jersey Home Health Assembly, expressed appreciation for the work and dedication that went into the regulations. Ms. Sienkiewicz feels that nurses should have the final judgement in administration of medication.

Jean Allen Bestafka, Executive Director, Home Health Services and Staffing Association expressed concerns that nurses could not delegate to certified home health aides. Ms. Bestafka feels that this regulation will provide supervision to all that wish to administer medication. Barbara Tofani, New Jersey Hospital Association, expressed

comments regarding the Physical Therapy regulations and that some nurses are split regarding pronouncement of death. Ms. Tofani commented on the online renewal process and the problems that some nurses were encountering.

After Discussion, The Board Upon a motion made by Virginia McKenney and duly seconded by Ronald H. Carr, voted to go into Closed Session to discuss the following matters involving a violation of the Board's regulations. The Motion Carried.

After Discussion, 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 May 17, 2005 the Regular Open Business Board Meeting was adjourned at 2:40 p.m. The next Regular Open Business Meeting will be held on June 21, 2005.

AFTER DISCUSSION, THE BOARD UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY RONALD H. CARR, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF MAY 17, 2005. THE MOTION CARRIED.

Respectfully Submitted,

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Muriel M. Shore  
Secretary/Treasurer