

# **New Jersey Board of Nursing**

## **Regular Open Board Meeting Minutes May 20, 2003**

A meeting of the New Jersey State Board of Nursing was held on May 20, 2003 in the Hudson 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, Sylvia C. Edge, Maris Lown, Dr. Muriel M. Shore, Nelson Tuazon, Cecilia West, Ronald Carr and Margaret M. Kirchhoff.

### **ALSO PRESENT**

George J. Hebert, Acting Executive Director, New Jersey Board of Nursing, Charles Manning, Regulatory Analyst, Division of Consumer Affairs (for discussion of regulations), Deputy Attorney(s) General: Darlene Lapola and Victoria Manning.

### **NOT PRESENT**

**Board Member(s):** Karen Rodriguez, Veronica McGreevey and Virginia McKenney.

### **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, 2003. A schedule of all 2003 Regular Open Board Meeting to be held during 2003 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 20, 2003 Regular Open Board Meeting Agenda.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE MAY 20, 2003 REGULAR BOARD MEETING AGENDA. THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Board Meeting of February 18, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 18, 2003. THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Board Meeting of March 18, 2003.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO TABLE THE MINUTES OF THE REGULAR BOARD MEETING OF MARCH 18, 2003. THE MOTION CARRIED.

A reading and approval of the Executive Session Minutes of the Regular Board Meeting of March 18, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF MARCH 18, 2003. THE MOTION CARRIED.

A reading and approval of the Executive Session Minutes of the Regular Board Meeting of October 22, 2002, which shall, upon approval, become an addendum to the minutes of the Regular Board Meeting for that date.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF OCTOBER 22, 2002. THE MOTION CARRIED.

A reading and approval of the Executive Session Minutes of the Regular Board Meeting of November 19, 2002, upon approval, become an addendum to the minutes of the Regular Board Meeting for that date.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF NOVEMBER 19, 2002. THE MOTION CARRIED.

## **MARIS A. LOWN - REPORT OF THE PRESIDENT:**

### **M. Lown reported.**

- Discussed the procedures of recusals: If a Board Member has to recuse themselves from certain issues that will be discussed at Board meetings then Board Members are asked to identify that recusal prior to the meeting and inform the Deputy Attorneys General. The Board Members who are to recuse themselves must leave the room before the item is discussed and must wait until invited back into the meeting.
- Committee Reports will be eliminated and there will be detailed minutes from all committee meetings and then the minutes will be brought to the Board for approval.
- When the Board designates a function to the staff there will be a formal motion and it will be placed in the minutes so when staff are asked certain questions they will have the comfort of the Board's decision behind them and know that is an appropriate action for them.
- During the Regulatory Committee Report, Dr. Muriel M. Shore will discuss the regulations as Chair from the committee's perspective. Charles Manning, Regulatory Analyst, will walk through each detail of the regulations.
- The Education Workshop was held on April 24, 2003 in Eatontown, NJ where the New Education regulations were introduced to the community. Approximately 70 people attended the Workshop.

- There was misinformation circulating on various websites about changes in the NCLEX licensing examination. It will be addressed in committee. A letter went out from National Council of State Boards of Nursing regarding the changes in NCLEX. It is integrating pilot non-multiple choice questions into the exam. Some of the questions maybe touch screen, or fill in the blank questions and a variation of multiple choice.
- Dr. Muriel M. Shore, as Chair of the Education Committee, shared details of the meeting held on April 8, 2003. Dr. Shore along with the Regulatory Committee met with Susan Garland, Managing Director and Executive Director of the New Jersey Board of Physical Therapy, and Carmen Rodriguez, DAG, to discuss Public Law 2003, Chapter 18, an act concerning the practice of physical therapy. Ms. Garland reported to the Committee that the Board of Physical Therapy is drafting regulations to implement this law to ensure that the public has direct access to physical therapist services. Direct access eliminates the need for a prescription and a written referral in certain circumstances for the physical therapists. The physical therapist may diagnose and create a plan of physical therapy care based on his or her assessment for a thirty (30) day period. If the treatment plan goals are not met within 30 days, the physical therapist is required to refer the client back his or her primary healthcare provider. The client will have ongoing consultations with their primary healthcare provider. As to motor vehicle accidents, the act states that physical therapy treatment shall not be reimbursable as medical expense benefits unless rendered by a licensed physical therapist pursuant to a referral from a licensed physician, dentist, podiatrist or chiropractor within their scope of practice. A prescription and written referral are required. This act also eliminated the requirement for temporary licenses for physical therapist. It was also reported that as of January 1, 2003, physical therapist are required to have a masters degree in physical therapy. Dr. Shore stated that the Board requested that advanced practice nurses be included in the regulations as a "provider." The Board of Physical Therapy will return to the Committee at a later date to discuss this request. The issue of whether there can be reimbursement to an advanced practice nurse regarding referrals will be discussed in the future. The Committee has been added to the Board of Physical Therapy's distribution list regarding any further modifications of its regulations.
- M. Lown, on behalf of the Search Committee, explained the status of the search to fill the Executive Director position for the Board. The deadline for submission of resumes was May 19, 2003. There is a total of fifteen (15) resumes to be considered for the position. Twelve (12) of the fifteen (15) resumes were received in response to the advertisement placed in the New York Times newspaper. The Search Committee will be setting up meeting dates to review the resumes.
- M. Lown, M. Shore, G. Hebert, a BME representative, along with Deputy Attorneys General met with the CRNAs and their attorneys to discuss the rule petition received by the Board from the CRNAs who are requesting recognition of CRNAs as APNs via regulation.
- All the committee chairs participated in a conference call to try and formulate a consistent process for committees to become more efficient and effective as they work together.
- The National Council of State Boards of Nursing 2003 Annual Meeting will be meeting from August 5 - 8, 2003 in Alexandria, Virginia. NCSBN is also celebrating 25 years of nursing regulations and the celebratory events will culminate in a gala on Friday night, August 8, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO REQUEST APPROVAL FOR THE BOARD PRESIDENT, ACTING EXECUTIVE DIRECTOR AND INTERESTED BOARD MEMBERS TO ATTEND THE NCSBN 2003

ANNUAL MEETING FROM AUGUST 5-8, 2003 TO BE HELD IN ALEXANDRIA, VIRGINIA. THE MOTION CARRIED.

- M. Lown complimented George Hebert and Board staff for a job well done during this shortage of staff members.

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

### **G. Hebert reported.**

- The five new hourly personnel will be introduced at the June 17, 2003 Regular Board Meeting.
- The Board is in the last weeks of license renewal for 2003. Approximately 14,000 nurses have not renewed to date. This figure represents an estimated 10 % of those licensees eligible for renewal. The Board mailed out postcard notices in February 2003. A list of individuals who had incorrect addresses was posted on the BON website in April and has been updated periodically since then. Beginning next week, the Board will begin to fax renewal notices to individuals who have either not received a renewal form or for those who have lost their renewal forms. Renewal forms will be made available on the Board's website during the last week of May.
- Employers are encouraged to check the various nursing directories on the Board's website and to call the telephone verification number to verify licensing status of employees.
- The Governor's Advisory Council continues to meet to discuss the development of a plan to address the nursing shortage.
- The Access-A-Med Group has been in contact with Board staff to review a new Pediatric Technician course that they are requesting be considered for certification at a UAP level.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO VOTED TO REFER THE PEDIATRIC TECHNICIAN ISSUE TO THE REGULATORY COMMITTEE FOR REVIEW. THE MOTION CARRIED.

- Approval is sought for Devita Brown, Paralegal in the Disciplinary Section, to attend the National Council of State Boards of Nursing's workshop for disciplinary personnel from June 16-19, 2003 in San Antonio, Texas.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY DR. MURIEL M. SHORE, VOTED FOR APPROVAL OF DEVITA BROWN TO ATTEND THE NCSBN 2003 BOARD INVESTIGATOR & ATTORNEY SUMMIT FOR DISCIPLINARY PERSONNEL FROM JUNE 16-19, 2003 IN SAN ANTONIO, TEXAS, AND MARIS LOWN AND GEORGE HEBERT TO ATTEND THE NCSBN 2003 ANNUAL MEETING FROM AUGUST 5-8, 2003 IN ALEXANDRIA VIRGINIA. THE MOTION CARRIED.

## **COMMUNICATIONS:**

1. New Release dated April 14, 2003 from NCSBN re: Nurse Licensure Compact adds two more states (Virginia and New Mexico).
2. Letter dated April 14, 2003 from Carolyn Tuella, Chairperson, Bloomfield College re: thank you letter to the Board for recognizing the Nursing Education Executives in the state.

3. Letter dated March 31, 2003 from William Isele, Ombudsman for the Institutionalized Elderly re: the closing of Cliffside Health Care Center.

4. Letter dated January 30, 2003 from Geraldine Moon, Senior Vice President, Hospital Operations, NJHA re: the Board publicly opposing the Nurse Specialty Education Bills. M. Lown informed the Board that a letter will be written by staff and approved by the DAGs thanking them for their input.

## **COMMITTEE REPORTS:**

### **1. BUDGET & FINANCE:**

#### **M. Shore reported.**

\* The committee met with Darlene Kane, Budget Analyst, on April 14, 2003 to discuss the following issues:

a. The rules for budgeting within the state.

b. Understanding of the budget process. Understanding where the sources of revenue are coming from. Understanding the actual expenditures.

c. The Committee asked whether or not funds generated by the Board of Nursing could be used for other purposes other than those that support nursing. The answer was no.

d. The Committee asked whether any moneys left over at the end of year could be carried over to next year. The answer was yes.

e. Status of vacancies as it applies to the hiring freeze. The issue is that the needs of the Board are always subject to the Executive Director communicating to the people in personnel about those needs and formulating a plan.

f. The budget cycle is from July 1 to June 30. Be mindful that licensure renewal is on a biennial basis. Thus, the Board does not generate the same amount of revenue every year.

g. Expenditures for the Board include: salaries, the use of the Enforcement Bureau, Data Processing Equipment, Office of the Director of the Division of Consumer Affairs and the Division of Law.

h. The committee closely looked at the number of BON vacancies which have been filled by the hiring of five individuals.

i. The committee thought Darlene Kane was very thorough and suggested the Board invite Darlene Kane to the next Board meeting.

j. Darlene Kane suggested that if the Committee indicates there is a need to hire more staff, then this is the best time to do it.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY NELSON TUAZON, VOTED TO INVITE DARLENE KANE TO THE NEXT REGULAR BOARD MEETING OF JUNE 17, 2003 TO REVIEW THE BUDGET FOR THE PAST THREE (3) YEARS.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE BUDGET & FINANCE COMMITTEE REPORT. THE

MOTION CARRIED.

## **2. EDUCATION COMMITTEE:**

**L. Jurado reported. The committee met on May 13, 2003 to discuss the following issues:**

\* Best Care Training Institute - The committee reviewed Part 1 of the Best Care Training Institute application for the development of a practical nurse program. The committee suggested this matter be treated under the new regulations.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO GRANT BEST CARE TRAINING INSTITUTE PERMISSION TO PROCEED WITH THE DEVELOPMENT OF THE PROPOSED PROGRAM WITH THE FOLLOWING RECOMMENDATIONS THAT, IN ADDITION TO MEETING THE REQUIREMENTS OF THE N.J.A.C. 13:37 SUBCHAPTER 1, THEY PROVIDE THE COMMITTEE WITH:

- a. A DESCRIPTION OF THE NURSING FRAMEWORK THAT WILL BE USED TO CONSTRUCT THE CURRICULUM.
- b. MEASURABLE PROGRAM OUTCOMES.
- c. A LETTER AND DOCUMENTATION FROM THE FINANCE OFFICER IDENTIFYING THAT THE INSTITUTION WILL BE ABLE TO SUPPORT A PRACTICAL NURSE PROGRAM.

THE MOTION CARRIED. DR. SHORE RECUSED HERSELF.

- Harrison Career Institute - The committee reviewed the revised Grievance Procedure that Harrison Career Institute provided to the committee. The revision reflected reference to agencies outside of the institution. The committee requested the program to provide an Internal Grievance Procedure reflecting the internal processes providing students with due process.
- School of Nursing Accreditation: Modified Deeming Model - The committee created a structure for accrediting college, universities and colleges of nursing using the modified deeming model. See Attachments A, B and C.
- Nursing Education Regulations: Education Summit Follow-up - All program types were notified and despite a registration of 91+, only 72 were present. It was a comprehensive presentation of the new education regulations and the Modified Deeming Model presented by Maris Lown, President, Charles Manning, Regulatory Analyst, and Leo-Felix Jurado. The evaluation of the program was excellent and provided attendees with important information.
- APN Applicant Elaine Kunigonis - Ms. Kunigonis requested licensure as a advanced practice nurse in New Jersey. Upon review, the committee determined that Ms. Kunigonis obtained a masters in social work in 1991. She submitted a request for waiver of the masters degree in nursing requirement. She is a APN in Massachusetts and a Clinical Nurse Specialist in Adult Psychiatric in Indiana. After review of her credentials, work experience and references, the committee determined that Ms. Kunigonis does not meet the educational requirements for certification set forth in N.J.A.C. 13:37-7.2(a).

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY RONALD H. CARR, VOTED TO DENY MS. ELAINE KUNIGONIS@ REQUEST FOR A WAIVER OF THE MASTER IN NURSING REQUIREMENT FOR ADVANCED PRACTICE NURSE CERTIFICATION BY ENDORSEMENT IN NEW JERSEY. SHE DOES NOT MEET THE EDUCATIONAL REQUIREMENTS OF N.J.A.C. 13:37-7.2(a). THE MOTION CARRIED. DR. SHORE RECUSED

HERSELF.

- Felician College Division of Nursing and Allied Health Implementation of minor revision to the Generic BSN Curriculum - The committee reviewed the proposed revisions and agreed that the program revisions meet the requirement of the new education regulations. Board Members: Dr. Shore and Nelson Tuazon recused themselves from the discussion involving Felician College.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE PROPOSED CURRICULUM REVISIONS OF FELICIAN COLLEGE DIVISION OF NURSING AND ALLIED HEALTH PURSUANT TO THE NEW REGULATIONS. THE MOTION CARRIED. DR. SHORE AND NELSON TUAZON RECUSED THEMSELVES.

\* Nursing Education Committee Planning Flow Sheet - The flow sheet will be available for the Board at the June 17, 2003 regular Board meeting.

**\* Correspondence**

a. April 2003 - Facts About NCLEX Nurse Licensure Statistics: NCSBN Quarterly Statistics on NCLEX Volume, Pass Rates and Foreign-Educated Candidates (See attachment D).

b. April 24, 2003 - Dr. Paul Slifer, Corporate Director of Education and Compliance, Micro Tech Training Center, informed the Board of Ms. Kimberly Laurino, RN's resignation as Director of Nursing. Ms. Tracy Hollman, MSN, RN, FNP will replace her.

c. April 28, 2003 - JoAnn McElwee, Assistant to the Dean, Seton Hall University, submitted a Faculty Qualification form for Gloria J. McNeal.

d. January 30, 2003 - Geraldine Moon, Senior Vice President Hospital Operations, New Jersey Hospital Association. Mr. Hebert will send a letter of acknowledgment to Ms. Moon.

e. April 25, 2003 - Educational Testing Service suspension of testing in China due to SARS.

### **3. LEGISLATIVE REVIEW PANEL:**

**R. Carr reported.**

\* The members of the Legislative Committee met over the past few months to determine the process of the Legislative Committee handling specific request of various forms of legislation. A four (4) page document was distributed which outlines the process and purpose of the Legislative Committee in various scenarios and is summarized as follows:

**Regular Business of the committee**

The Office of the Attorney General will request the position of the Board on a given bill and convey the request to the Division of Consumer Affairs' Legislative Liaison Office, who in turn will send it to the Executive Director. It will be assigned to the Legislative Committee for review and recommendation for the Board. The Board's position is then conveyed to the Regulatory Analyst who prepares a bill analysis for the Office of the Attorney General.

**Emergent Business of the committee:**

The Office of the Attorney General via the Legislative Liaison may request on short notice, a position

from the Board of Nursing on a legislative bill. In that event, the Executive Director of the Board will contact the Committee Chair and Regulatory Analyst to review the time frame and designate the Board member(s) to review the bill and formulate a Board position. Once the position is relayed to the Executive Director, the Executive Director will inform the Committee Chair and the Regulatory Analyst. The Regulatory Analyst will then prepare a bill analysis that is shared with the Legislative Liaison and the Office of the Attorney General.

#### **Requests made by sources other than the Office of the Attorney General:**

Bills that are received by the Board from sources other than the Office of the Attorney General may be from an entity or individual. The Board is not obligated to take a position. However, if the Board does take a position on such bills then it should be noted as such. Such bills are reviewed by the Executive Director and the Regulatory Analyst, and then shared with the Committee Chair and Board as informational with no further action required.

THE BOARD, UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE PROCEDURES OF THE LEGISLATIVE COMMITTEE. THE MOTION CARRIED.

\* The committee reviewed **Senate Bill 1224/Assembly Bill 1970** which are similar. The bills provide for finger printing of certain applicants or employees for criminal history records. The committee did not reach a final position and will request additional information regarding: 1.) OPRA/HIPPA implications. 2.) Cost issues for Board of Nursing staffing, cost consideration for individual licensees, and 3.) Clarification of how this data is going to be handled from a security perspective.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY NOREEN D@ANGELO VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE COMMITTEE. THE MOTION CARRIED.

#### **4. PRACTICE COMMITTEE:**

**N. Tuazon reported. The committee met on March 18, 2003 to discuss the following issues:**

**\*Guest Appearances:** Margaret Knight, RN, M.Ed, Executive Director, Cancer Treatment Program, Office of Cancer Control and Prevention, New Jersey Department of Health and Senior Services. Ms. Knight described the New Jersey Comprehensive Cancer Control Plan and Fact Sheet and reported that cancer ranks as the third leading cause for death of men in New Jersey and the fourth leading cause of death for women in New Jersey.

**\* RN Removal of Epidural Catheters** - The committee communicated with William Roeder, Executive Director of the New Jersey Board of Medical Examiners, through a default letter on whether or not the BME had concerns with properly prepared Registered Professional Nurses removing epidural catheters. The committee has not received feedback.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THAT PROPERLY PREPARED REGISTERED PROFESSIONAL NURSES MAY REMOVE EPIDURAL CATHETERS IN ACCORDANCE WITH FACILITY POLICIES AND PROCEDURES AND A WRITTEN ORDER FROM AN AUTHORIZED PRESCRIBER. THE MOTION CARRIED.

**\* N.J.A.C. 13:37-6.4(c), Identification Tags** - A request from Patricia Orzano, RN, APN, C, Director of Acute Behavioral Health Sciences, Hunterdon Medical Center, requested an exemption from the

requirements of N.J.A.C. 13:37-6.4 for nurses on the Psychiatric Nursing Unit for safety and confidentiality reasons. The nurses' name badges will reflect only their first names, licensure status, and certification. Nursing supervisors' badges will include their full names. A list of the names of nurses requesting exemption from this statute is attached as Attachment E.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO APPROVE AS REQUESTED BY PATRICIA ORZANO, RN, APN, C, DIRECTOR OF BEHAVIORAL HEALTH SCIENCES, HUNTERDON MEDICAL CENTER, AN EXEMPTION BE GRANTED FOR THE LIST OF NURSES ON THE PSYCHIATRIC NURSING UNIT, WHEREIN THEIR NAME BADGES WILL ONLY INCLUDE THEIR FIRST NAMES, LICENSURE TITLE, AND ANY APPROPRIATE CERTIFICATION. FOR NEW STAFF ON THE PSYCHIATRIC UNIT, BOARD CONSIDERATION FOR EXEMPTIONS WILL REQUIRE A WRITTEN REQUEST WITH THE NAMES OF NURSES REQUESTING EXEMPTION FROM N.J.A.C. 13:37 - 6.4. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY RONALD CARR, VOTED: (A) TO PERMIT THE BOARD OF NURSING PROFESSIONAL STAFF, TO APPROVE THE REQUESTS OF INDIVIDUAL NURSES FOR AN EXEMPTION FROM N.J.A.C. 13:37-6.4. THE WRITTEN REQUEST SHALL INCLUDE THE REASON FOR THE EXEMPTION AND THE TIME FRAME OF THE EXEMPTION, AND (B) TO APPROVE THAT THE NURSING PRACTICE COMMITTEE WILL REVIEW REQUESTS FOR EXEMPTIONS FROM N.J.A.C. 13:37-6.4 WHEN A FACILITY SUBMITS A REQUEST FOR A GROUP OF NURSES, OR THE PROFESSIONAL STAFF DEEMS IT APPROPRIATE TO SUBMIT THE REQUEST TO THE COMMITTEE DUE TO A VARIANCE FROM THE REQUIREMENTS SET FORTH IN N.J.A.C. 13:37-6.4. THE MOTION CARRIED.

\* **2003 Nursing Practice Committee Planning Flow Sheet** - The flow sheet is used to address, monitor and track nursing practice issues during 2003. The Committee recommended that the Board approve the additions recommended by the Community Representatives to the Nursing Practice Committee, to the Nursing Practice Committee Flow Sheet:

1. Emergency Preparedness and Nursing Practice Issues
2. Non-Punitive Standardized Medication Error Reporting
3. Palliative Care and Pain Control Monitoring

The Board welcomes input from all communities of interest as to issues such communities would like the Board to address. The Board will determine whether issues brought to the Board will be moved into committee.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO TABLE DISCUSSION ON THE 2003 NURSING PRACTICE COMMITTEE PLANNING FLOW SHEET UNTIL THE NEXT REGULAR BOARD MEETING. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY RONALD H. CARR, VOTED TO ACCEPT THE MINUTES OF THE PRACTICE COMMITTEE MEETING OF MARCH 18, 2003

## **5. REGULATORY COMMITTEE:**

**M. Shore reported. The committee met on May 13, 2003 to discuss the following issues:**

- There are a number of issues that the committee is looking at relative to Advanced Practice Nursing and will conclude the discussion and bring to the Board at a later date.

- N.J.A.C. 13:37, Subchapter 7 Proposed Changes - The committee will review at a later date, the proposed changes and the Notice of Petition for Rulemaking regarding N.J.A.C. 13:35-4A filed on April 9, 2003.
- CRNA/APN Regulations - M. Shore discussed information from the May 2, 2003 disciplinary meeting that Sharon Joyce, Assistant Attorney General, appeared at to discuss the CRNA's Notice of Petition for Rulemaking received by the Board. There was a 90 day time frame for the Board to study this issue and the need to have a inclusive approach because it has implications not only from the Regulatory Committee, Education Committee but from the Practice Committee as well. There will be more discussion on this matter at the next Regulatory Committee Meeting.
- APN's Legend Drug Medication Acquisition; Dispensing; Cost; Exceptions: Discussion will occur at a later date.
- Other APN rules (Chaperone, Billing, Scope of practice, Self-Prescribing, Advertising, Corporate Practice): The BME rules that address these issues will be distributed to the Committee members. Discussion will occur at a later date.
- N.J.A.C. 13:37-5.5 Fee Schedule, Inactive APN Certification Fee - Charles Manning, Regulatory Analyst, advised the Committee that there is no fee associated with an inactive status APN. There will be a discussion on this matter at a later date.
- Update of Licensure Compact - G. Hebert reported that work is continuing on the Compact. Board staff is currently engaged in reviewing and correcting the NURSUS data that is being shard. The procedure to implement the compact regulations is being discussed with the Department of Law, the Regulatory Analyst, and the Executive Director of MIS.
- Charles Manning discussed the Delegation of the Administration of Medication regulation. Mr. Manning suggested that the Board use the pre-proposal informational process for these regulations. This process will provide the information about this proposed regulation to the public and gives the Board of holding a hearing without the one year time frame. The down side to this process is that it extends the length of time to promulgate the regulation. Substantive language changes in the regulation was discussed and it was requested that Mr. Manning provide a copy of both versions of the proposed regulation to Board members for the next meeting.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY DR. MURIEL M. SHORE, VOTED TO TABLE THE DISCUSSION ON THE DELEGATION OF THE ADMINISTRATION OF MEDICATION UNTIL THE NEXT REGULAR BOARD MEETING. THE MOTION CARRIED.

M. Shore continued the report. The committee met on April 8, 2003 to discuss the following issues:

- The committee received a letter from Dr. Arnold Byers, Vice-Chairman of the Department of Surgery, Hackensack University Medical Center, requesting clarification on whether a physician serving as chairman or vice-chairman of the Department of Surgery could serve as the collaborating physician developing chief protocols with advanced practice nurses for prescriptive authority in care of surgical patients. The committee recommended that a letter be sent to Dr. Byers indicating that in accordance with N.J.A.C. 13:37-6.3, Standards for joint protocols between advanced practice nurses and collaborating physicians, the Board's regulations do not preclude a hospital departmental chair or vice-chair from serving as a collaborating physician to APN's.

Proposal for Licensee Name and Address Changes - George Hebert and Barbara Byers shared with the Committee the draft Protocol for Board Operations regarding Licensee Name and Address Changes which follows:

- N.J.A.C. 13:37-5.7, Notification of Change and Address - A licensee or certificant shall notify the Board in writing of any changes of address from that registered with the Board and shown on the most recently issued licenses or certificates. Such notice shall be given no later than 30 days following the change of address. Service to the address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2.
- Licensee Name Changes - Licensee name changes require a written request submitted to the Board of Nursing with a copy of the licensee's marriage certificate, divorce decree, or court order.
- Replacement License - For name and address changes, the licensee will be issued a replacement license. The licensee is NOT required to submit the old license to the Board of Nursing, and is responsible for destroying their license with the old name and/or address.
- Proposed Amendment: N.J.A.C. 13:37-4.1 - This issue pertains to revisions in the regulations for licensure by endorsement, professional and practical nurses. This proposal will be discussed on June 10, 2003.
- Regulatory Committee Meeting Minutes of April 8, 2003 and May 14, 2003

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO ACCEPT THE REGULATORY COMMITTEE MEETING MINUTES OF APRIL 8, 2003 AND MAY 14, 2003. THE MOTION CARRIED.

## **OPEN FORUM:**

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

- A representative of NJSNA made statements regarding the Board's meeting with a representatives of the Board of Physical Therapy, and stated the Association's concerns regarding APNs in the proposed rules. She also addressed epidural removal issues and nurse license replacement procedures. The Board President asked NJSNA to submit a letter to the Board outlining the Association's concerns.
- A representative of the Home Health Care Association of New Jersey made statements regarding APNs and Medicare, delegation of medication and home health aides, and nurse license renewal issues.
- A representative of the New Jersey Association of Nurse Anesthetists requested that representatives of the Association be permitted to attend a Board committee meeting to discuss the CRNA's Petition for Rule Making. The Board staff will respond to the request in writing.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO GO INTO EXECUTIVE SESSION TO DISCUSS A MATTER INVOLVING A COMPLAINT FILED WITH THE BOARD. THE MOTION CARRIED.

Education Committee Minutes of May 13, 2003 -

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE EDUCATION COMMITTEE MINUTES OF MAY 13, 2003. THE MOTION CARRIED.

**ADJOURNMENT:**

On May 20, 2003 the Regular Open Business Board Meeting was adjourned at 2:00 p.m. The next Regular Open Business Meeting will be on June 17, 2003.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO ADJOURN THE MEETING. THE MOTION CARRIED.

There is a posting of the minutes on the Board of Nursing website:

[www.state.nj.us/lps/ca/medical.htm#nur6](http://www.state.nj.us/lps/ca/medical.htm#nur6)

Respectfully submitted,

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Dr. Muriel M. Shore  
Secretary/Treasurer

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