

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
MAY 20, 2008**

A meeting of the New Jersey State Board of Nursing was held on May 20, 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 9:35 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Saundra Austin-Benn
Joni Jones
Irma Bojazi
Leo-Felix Jurado
Marietta Cahill
Patricia Murphy
Noreen D'Angelo
Constance Wilson

ALSO PRESENT:

George J. Hebert, Executive Director
Carol Hanse, Education Program Development Specialist II
Margaret Howard, Field Representative
Susan Carboni, Deputy Attorney General
Meagan Cordoma, Deputy Attorney General
Charles Manning, Regulatory Analyst (limited purpose)

BOARD MEMBER(S) EXCUSED ABSENCE:

Avery Hart
Karen Rodriguez

BOARD MEMBER ABSENCE:

Shavani 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 May 20, 2008: Reading and Approval with amendments:

Add under new business: Cost associated with Board orders. Number 2 of new business: the matter of Irene Ebo, CHHA will be addressed after open forum. Add under appearance: Darlene Kane, Budget Analyst to discuss the 2007 Budget.

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 May 20, 2008 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of March 18, 2008: Reading and Approval with amendments:

Pge 14 – Mitigation Hearing of Christian Rufner, RN – The wording will be corrected by the DAGs Lapola and Carboni.

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

Open Business Meeting Minutes of April 15, 2008: Reading and Approval with amendments:

Pge 2 – bullet #1 correct spelling of NCLEX.

Pge 5 – letter g correct wording to say “The course was reviewed”.

Pge 11 – letter a to state “once those changes are adopted, an APN who renews his/her license late will pay only one late renewal fee, the RN late renewal fee, of \$50.00”.

After discussion the Board, upon a motion made by Noreen D’Angelo and duly seconded by Marietta Cahill, voted to approve the Regular Open Board Meeting Minutes of April 15, 2008 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported:

The Board of Nursing has two new Board Members- Sandra Austin-Benn and Joni Jones.

The following issues were discussed at the May 9, 2008 NCSBN Board of Directors meetings:

According to the AHA News, the “Veteran’s Administration has launched a traveling nurse program for their institutions to offset staffing shortages and improve quality of care” by allowing nurses to travel from state to state in their facilities”.

An issue going on in Texas where chiropractors are going to school to seek licensure as advanced practice nurses to obtain the authority to prescribe.

Texas has also been dealing with a media issue regarding their criminal background checks that they are in the process of completing on all licensees.

The Convenient Care Association is looking into regulatory barriers to implementation of the minute clinics and is having discussions at the federal level regarding licensure issues.

The NCSBN Disaster Preparedness Committee has completed their charge. All Hazards Preparedness Guidelines were developed for boards of nursing that will be coming out to Boards of Nursing shortly. They also recommended development of a Wiki to allow Boards of Nursing to communicate regarding their plans. NCSBN will host emergency plans on its server as a backup for member boards.

The NCSBN Faculty Qualifications Committee also completes their charge. NCSBN approved bringing the recommended changes to the Education Model Rules to the Delegate Assembly for member boards.

The APRN Committee Report and their recommended model act and rules were approved to bring to the Delegate Assembly for a vote. As you will recall, a few years ago the Delegate Assembly requested that the APRN Vision Paper be brought back to the Delegate Assembly for vote. Since that time, there have been a couple of new groups formed which include stakeholders from advanced practice education, certification bodies, accreditors as well as boards of nursing. The stakeholder-groups, as you recall, were not happy with the vision paper and boards of nursing were not happy with the stakeholders’ white paper. Therefore, the two groups got

together with representatives from each of the groups to develop a consensus paper that includes those items about which the groups reached consensus.

Seeking approvals: May 6, 2008 – President Jurado spoke at the Nurses Day at Newton Memorial Hospital. May 14, 2008 – President Jurado spoke at the NJ Nurse Recruiters Association meeting to provide Board of Nursing updates.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Noreen D'Angelo, voted to approve the appearances of the Board President. The motion carried.

The Board reviewed the following bills:

S999 – Establishes nursing student support programs. Position - The Board supports the idea, but not the bill. The Board is concerned that there is no appropriation provided. S620 – Requires newly licensed registered professional nurse to attain baccalaureate degree in nursing within 10 years of initial licensure. Position – The Board voted to support this bill.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

Renewal 2008 – 71% of registered nurses have renewed their license. 60% of licensed practical nurses have renewed their licenses. 80% of advanced practice nurses have renewed their licenses. 75% of forensic nurses have renewed their licenses. Communication will go out to the Stakeholders regarding nurses who have not renewed to go online to renew their licenses in order to expedite the process.

Criminal History Background Check requirements – due to the Cullen bill all health care professionals are required to submit to a criminal history background check. The Board began with the registered nurses and this year will start with licensed practice nurses. The registered nurses are required to have gone through the process prior to renewing their licenses. As of May 15, 2008 several thousands nurses have not gone through the criminal history background check process. The Board along with the Division allowed the nurses who expire this year to renew their licenses prior to completing the criminal history background process.

Announcement – Carol Hanse will be resigning her position at the Board of Nursing effective May 30, 2008. The Board has a new professional staff member who will be transferring from the Enforcement Bureau, Mary Peterson, who will be joining the Discipline section of the Board. Ms. Peterson is a nurse and is currently enrolled in a Masters in Nursing Program at Monmouth University.

Issue of concern – New insurance coverage through NJ Plus for employees at the Division of Consumer Affairs has access to nurses. Mr. Hebert contacted the designated NJ Plus nursing personnel to obtain more information about their role responsibilities. The concern is that these nurses are not licensed in the State of New Jersey. A major issue of concern is that these nurses are engaged in data collection and determination of severity of conditions and providing recommendation for follow up which constitutes nursing care. Mr. Hebert requested feedback from the Board to determine whether or not as Board Members they perceived this phenomenon as an issue of concern, namely to have non NJ licensed nurses who are employed by national health schemes, who are performing nursing assessments and diagnosing actual or potential health deviations and advise NJ citizens regarding suggestions for follow-up care.

The Board is in receipt of an application from a graduate of a Philippine practical nursing program. The program is not approved by the Philippine BON. The applicant followed the application for foreign graduates and had a CGFNS evaluation. This issue was brought to the Board previously and it was referred to the DAG of the Education Committee for review.

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Patricia Murphy, voted to deny application for licensure. The motion carried.

William Ditto and Susan McDermott will meet with the Board on June 17, 2008 to discuss Delegation of nursing tasks to CHHA which includes Medication Administration.

Seeking Approvals – May 30, 2008, President Jurado has been invited to speak at Holy Name Hospital to address the graduating students. June 12, 2008, Margaret Howard has been invited to Christ Hospital to address the nursing students.

After discussion, the Board upon a motion made by Sandra Austin-Benn and duly seconded by Constance Wilson, voted to approve the appearances of the Board President and Staff. The motion carried.

CORRESPONDENCE:

1. April 21, 2008, New Jersey Register – Fee Schedule, Adopted Amendments: N.J.A.C. 13:37-5.5. 2. Letter from Carol Lieber, President, BPW, USA, South Ocean County inviting the Board to participate in “Women Helping Women Celebration to be held on Friday, September 26, 2008 at the Ocean Acres Country Club in Manahawkin, NJ.

APPEARANCE:

Darlene Kane, Budget Analyst met with the Board to discuss the third quarter Budget Report. Ms. Kane provided a detailed overview of the cost associated with running the daily operations of the Board of Nursing.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

Patricia Murphy reported: Session I of the May 6, 2008 Meeting Report:

Session I Correspondence:

March 3, 2008 – Letter from Barbara L. Nichols, DHL, MS, RN, FAAN, Chief Executive Officer, CGFNS (Commission on Graduates of Foreign Nursing Schools) Re: CGFNS presents its 2007 Annual Report, Global Credibility.

March 26, 2008 – FYI: Educational Resources Incorporated (ERI)
Re: FYI: LPN review course for NCLEX

April 1, 2008 – FYI: NLN Faculty Development Bulletin, Vol. 6/ No. 7
www.nln.org/facultydevelopment/Bulletin/vol6no7.htm

April 29, 2008 –FYI: NLN Faculty Development Bulletin, Vol. 6/No. 9
www.nln.org/facultydevelopment/Bulletin/vol6no9.htm

April 15, 2008 – FYI: NLN Faculty Development Bulletin Vol. 6/No. 08
www.nln.org/facultydevelopment/Bulletin/vol6no8.htm

March 28, 2008 – Letter from Sharon J. Tanner, EdD, RN, Executive Director, National League for Nursing Accrediting Commission, Inc. (NLNAC)

Re: FYI: Summary of actions taken by the NLNAC during its meeting on February 20 – 21, 2008. Christ Hospital was granted continuing accreditation through Fall 2015.

March 31, 2008- Bulletin from NOCA (National Organization for Competency Assurance)

Re: FYI: Save the date for NOCA 2008 Annual Educational Conference, Spanning the Credentialing Industry. November 19-22. www.noca.org

March 28, 2008 – Letter from Susan W. Salmond, Ed.D., R.N., Interim Dean, UMDNJ School of Nursing.
Re: March 13, 2008 meeting of the Middle States Commission on Higher Education, that UMDNJ was removed from probation and accredited.

April 16, 2008 – Letter from Anne Wendt, PhD, RN, CAE, Director, NCLEX Examination Department, NCSBN (National Council of State Boards of Nursing).

Re: FYI: Public updated on research performed by the NCLEX Examination Department. A complimentary copy of the 2006-2007 RN Continuous Practice Analysis for your review.

Re: FYI: Public updated on research performed by the NCLEX Examination Department. A complimentary copy of the 2006 LPN/VN Practice Analysis: Comparability of Survey Administration Methods for the nursing board.

April 21, 2008 – Bulletin- American Association of Colleges of Nursing

Re: FYI: The CNL (Clinical Nurse Leader) Bulletin Spring/Summer 2008 www.aacn.nche.edu

April 25, 2008 – E-mail from Shari J. Lynn, RN, MSN, Instructor, John Hopkins School of Nursing.

Re: Request permission from the board to place a few students in facilities in New Jersey to complete their clinical practice.

The Committee reviewed the documentation from John Hopkins School of Nursing regarding using preceptors in New Jersey for undergraduate BSN students during clinical practicum via the Long Distance USA Placement Program. The preceptors will be responsible for evaluating the students and faculty from John Hopkins will provide “faculty guidance.” Based on its review the Committee makes the following recommendation:

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve that students may be placed in a New Jersey clinical site with a preceptor, however if faculty from John Hopkins plan to come into New Jersey to be involved with the educational process they must obtain a RN license in New Jersey. The motion carried.

March 31, 2008 - Essex County Vocational School of Practical Nursing

Re: A nursing student from America Health Care used the wrong school code. Staff notified NCSBN. The results of the above schools however, remain the same because this student was not a first time test taker.

April 30, 2008 – Letter from Patricia A. Castaldi, MSN, RN, Director, Practical Nursing, Union County College

Re: FYI: Expansion of the practical nursing program will be offering evening/weekend courses in Fall 2008. The curriculum remains the same so no Board action is required.

April 30, 2008 – Letter from Joanne P. Robinson, PhD, APRN, BC., Associate Professor, and Carol Germain, EdD, RN, FAAN, Acting Chairperson, Rutgers Camden, The State University of New Jersey.

Re: FYI: Initial planning phases of changing admission policy for students in the generic baccalaureate program. The Education Program Development Specialist II reviewed N.J.A.C. 13:37-1.16 Changes to a nursing program with Dr. Germain.

Review of additional material

Mountainside Hospital School of Nursing deferred

Discussion

Action Plan – deferred

Moratorium – update

After further discussion with the DAG who had submitted the Board’s decision regarding a moratorium to the Division of Law, the Committee makes the following recommendation regarding a moratorium on new practical nursing programs.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted that the regulations be promulgated regarding the moratorium via the Regulatory Committee. The motion carried.

Patricia Murphy Wilson reported: Session II of the May 6, 2008 Meeting Report:

New Program Applications (Appearances)

Georgian Court University - Part II (Generic RN-BSN)

The Committee reviewed Part II of the application submission of Georgian Court University to begin a generic BSN program. The Committee also met with representatives from Georgian Court University and Meridian Health. A site visit was made on May 8, 2008.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to grant Provisional Accreditation for Georgian Court University Generic BSN Program pursuant to N.J.A.C. 13:37-1.2 (f) 1. The motion carried.

Allcare Health Institute - Part II (LPN)

The Committee reviewed Allcare Health Institute's application submission to begin a practical nursing program and met with representatives from the program. In addition, two consultants who were hired after the submission of the application were in attendance. Based on its review the Committee noted that components of the application were plagiarized from the web site of another nursing program, which had copyrighted the information. Staff will contact that school regarding the above.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Sandra Austin-Penn, voted that Pursuant to N.J.A.C. 13:37-1. 2 (f) 3 deny permission for Allcare Health Institute to establish a practical nursing program. In addition, since this is the second time that Allcare submitted a plagiarized application the Committee recommends that the school not be allowed to submit an application for a minimum of 5 years. The motion carried.

Site visits as part of initial accreditation process.

Additional materials were received from Salem Community College (ADN-RN) and a site visit was made on May 12, 2008.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve Accreditation for Salem Community College ADN-RN program pursuant to N.J.A.C. 13:37-1.3. In addition, since Salem Community College's LPN program renewed its accreditation March 2007, this accreditation will be extended so both programs will be due for renewal of accreditation May 20, 2016. The motion carried.

A site visit was made to the Essex County College Practical Nursing Program evening program on May 13, 2008 and on May 19, 2008 to meet with the President and Dean of Faculty.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Marietta Cahill, voted to grant Accreditation for Essex County College LPN Certificate Program pursuant to N.J.A.C. 13:37-1.3 for eight years from May 20, 2008 to May 20, 2016. The motion carried.

NEW BUSINESS:

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

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Marietta Cahill, voted to

approve amendments to N.J.A.C. 13:37-1.2 which limit a program applying for accreditation to one opportunity to revise an application. The amendments also prohibit a program that has been denied accreditation from reapplying for one year and require that applications include a copy of the written affiliation agreement with clinical agencies. The motion carried.

2. N.J.A.C. 13:37-9.5 FN-CSA Education programs

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve amendments to N.J.A.C. 13:37-9.5 which correct citations to the sections of FN-CSA education programs that non-nurses may teach. The motion carried.

3. Subchapter 10. Alternative Discipline Program

After discussion, the Board upon a motion made by Irma Bojazi and duly seconded by Sandra Austin-Benn, voted to approve the proposal of N.J.A.C. 13:37-10 to effectuate P.L. 2005, c. 82 (C. 45:11-24.10 et seq.), which established the Alternative to Discipline Program. The Program provides for the confidential oversight of impaired licensees while they are in treatment and monitoring of licensees who are in recovery. 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, NJSNA – requested a copy of the APN regulations. Questioned whether nurses can initiate orders for patients from out of state physicians. Ms. Torre commented on the APN regulations and how it will effect Clinical Nurse Specialists, because they are not nationally certified.

Linda DeLamar, President, New Jersey Association of Nurse Anesthetists – Welcomed the new board members and thanked the Board for the work that went to the APN regulations. Ms. DeLamar stated that she would be contacting the Board regarding nurses who will be grandfathered as APNs.

Bernard Gerard, Vice President, Health Professional Allied Employees of New Jersey – Welcomed the new board members. Mr. Gerard requested clarification on the amount of nurses who did not complete the criminal history background check process. Mr. Gerard questioned whether the Board will be sending out notices to nurses regarding the criminal history background check process. Ms. Gerard also requested a copy of the Alternative to Discipline regulations.

MOTION FOR CONSIDERATION:

IMO Irene Ebo, CHHA

The Board reviewed the materials relating to the Provisional and Final Orders of Discipline, dated January 23, 2008 and March 25, 2008, respectively, suspending Ms. Ebo's right to renew her certificate, and imposing investigative costs, based upon her failure to cooperate with a Board investigation.

After discussion, the Board upon a motion made by Noreen D'Angelo and duly seconded by Irma Bojazi voted to go into closed session to seek advice of counsel on the matter of Irene Ebo. The motion carried.

OPEN SESSION RESUMED:

IMO Irene Ebo, CHHA

After discussion, the Board upon a made by Noreen D'Angelo and duly seconded by Marietta Cahill, voted to withdraw the Provisional and Final Orders of Discipline, inasmuch as the Board's inquiries may have been misdirected, and Ms. Ebo was presently cooperating with the Board's investigation. The motion carried.

ADJOURNMENT:

On May 20, 2008 the Regular Open Board Meeting was adjourned at 2:00 p.m. The next Open Business Meeting will be held on June 17, 2008.

After discussion the Board, upon a motion made by Sandra Austin-Benn and duly seconded Irma Bojazi, voted to adjourn the Regular Open Board meeting of May 20, 2008 at 2:00 p.m. The motion carried.

Respectfully Submitted,

Patricia Murphy
Board Secretary/Treasurer