

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING**

JUNE 15, 2004

A meeting of the New Jersey State Board of Nursing was held on June 15, 2004 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Muriel M. Shore, Secretary/Treasurer called the meeting to order at 9:30 a.m.

ROLL CALL

PRESENT

Board Members: Noreen D'Angelo, Leo-Felix Jurado, Virginia McKenney, Veronica McGreevey, Sylvia C. Edge, Cecilia West, Margaret M. Kirchhoff, Muriel M. Shore, Ronald H. Carr and Karen Rodriguez.

ALSO PRESENT

George J. Hebert, Acting Executive Director, New Jersey Board of Nursing; Barbara Byers, Administrative Analyst, Charles Manning, Regulatory Analyst, Division of Consumer Affairs; Deputy Attorney General: Darlene Lapola.

NOT PRESENT

Board Member(s): Maris Lown and Nelson Tuazon.

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, 2004. A schedule of all 2004 Regular Open Board Meetings to be held during 2004 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.

Muriel M. Shore, Secretary/Treasurer will be chairing the meeting due to the absence of the Board President, Maris Lown.

The minutes for the Regular Board Meeting of May 18, 2004 have been tabled until the Regular Board Meeting of July 20, 2004.

REPORT OF THE BOARD PRESIDENT – MARIS LOWN:

No report.

REPORT OF THE ACTING EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

Renewal Report:

From January to May 2004 the Board has handled 23,307 interactions regarding issues surrounding the applications for licensure. This year by May 28, there were 88% of eligible licensees renewed and last year there was 86%. At this time last year the Board had 89% renewed and this year 91% renewed. The Board has been experiencing problems with the verification line, but the problem is being worked on by the Division of Consumer Affairs.

June 9, 2004: SANE/SART Council Met. SANE due for implementation on July 15, 2004 (Linda Rinaldi is planning on delivering the completed applications on the 15th of July.), Sex Crime Officers: Annual Workshop is scheduled for November 17, 18 and 19 with segments focusing on white slavery, high tech crimes to be held at the Egg Harbor Clarion Hotel.

Diane Billings Workshop – Will set up a meeting with her to discuss online nursing education. IV Advisory Guidelines was referred to the Practice Committee for their review.

JCAHO Regulations for background checks for all health care employees engaged in patient care delivery, implications for all health related boards where students come in direct contact with patient care.

The Board is looking to hire two individuals to fill the professional staff positions. 1) Education Section: Must have a master in nursing education 2) Disciplinary Section: Must be a mastered prepared person with experience in practice and regulation.

Program Attendance:

May 27, 2004 Meeting at the Division of Disability Services with Dr. Susan Reinhardt to discuss delegation of nursing activities to UAPs (Noreen D'Angelo, Nelson Tuazon, Leo Jurado, Cecilia West, Sylvia Edge, Maris Lown, Barbara Byers and George Hebert.)

THE BOARD, UPON A MOTION MADE BY KAREN M. RODRIQUEZ AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO APPROVE THE APPEARANCES OF THE ACTING EXECUTIVE DIRECTOR, BOARD MEMBERS AND STAFF TO ATTEND A MEETING TO DISCUSS THE DELEGATION OF NURSING. THE MOTION CARRIED.

June 11, 2004 George Hebert: NCSBN Workshop on UAP certification in Houston, TX

August 3-6, 2004 George Hebert and Maris Lown to attend the NCSBN Annual Meeting in Kansas City, MO.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE APPEARANCES OF THE BOARD PRESIDENT AND ACTING EXECUTIVE DIRECTOR. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY VIRGINIA MCKENNEY AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO APPROVE THE REPORT OF THE ACTING EXECUTIVE DIRECTOR. THE MOTION CARRIED.

COMMUNICATIONS: FYI purposes.

News Release – NCSBN Selects First Three Countries to offer NCLEX Abroad. Letter dated May 25, 2004 from Donna Dorsey in reference to a letter sent by Maris Lown, Board President regarding VisaScreen immigration requirements.

COMMITTEE REPORTS:

1. BUDGET & FINANCE:

No report.

2. NURSING EDUCATION:

Leo-Felix Jurado reported.

The committee met on June 14, 2004 to discuss the following issues:

1. Rutgers, The State University (Newark) (Self-Study Report)

Rutgers, The State University (Camden) (Self-Study Report)

The committee will provide feedback regarding the self-study reports once it has received more information from the universities.

2. Application from Ocean County College to run an online basic nursing education program. This issue will be reviewed in July 2004.

3. Oshkosh Wisconsin Online Program - asking permission to run an online nursing education program in New Jersey, requiring preceptorship. The committee will hold on a decision until after the workshop.

4. Kaplan College Online Program – requesting information on what kind of requirements they need to meet in order to establish a program in New Jersey. The committee will hold on a decision until after the workshop.

5. The committee received an action plan from Bloomfield College. Bloomfield College was placed on conditional accreditation from the last review in March 2004. They provided their action plan to improve their NCLEX pass rate. The committee has requested that they submit an updated action plan in September 2004.

6. Representatives from America Health Care, Inc. appeared before the committee to discuss establishing a LPN program. The committee has requested that America Health Care, Inc. submit refinement of the first phase of their LPN application.

7. HoHoKus: requesting permission to establish a satellite program on another campus. The committee requested more information regarding the number of graduates that passed the NCLEX, along with a self-study report to show that the nursing program is in compliance with the requirements.

The committee recommends that the Board support the N.J.A.C. 13:37-1.2 before permitting HoHoKus to expand the program to another campus.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO DENY HOHOKUS LPN PROGRAM TO EXPAND THE PROGRAM TO ANOTHER CAMPUS UNTIL IT MEETS N.J.A.C. 13:37-1.2. THE MOTION CARRIED.

The New Education Regulations allows the committee to waive onsite visits for accreditation renewals.

For a school to be accredited, it must submit a self-study report by the nursing program to the Board along with the site survey report from the accrediting agency. The committee will review the report to determine compliance with the regulations and make a recommendation to the Board.

The following schools have been granted a full eight-year re-accreditation:

Atlantic Cape Community College

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO GRANT ACCREDITATION TO ATLANTIC CAPE COMMUNITY COLLEGE FOR THE PERIOD OF JUNE 15, 2004 THROUGH JUNE 15, 2012. THE MOTION CARRIED.

Fairleigh Dickinson University

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO GRANT ACCREDITATION TO FAIRLEIGH DICKINSON UNIVERSITY FOR THE PERIOD OF JUNE 15, 2004 THROUGH JUNE 15, 2012. THE MOTION CARRIED.

Kean University

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO GRANT ACCREDITATION TO KEAN UNIVERSITY FOR THE PERIOD OF JUNE 15, 2004 THROUGH JUNE 15, 2012. THE MOTION CARRIED.

9. Correspondence:

Muhlenberg Regional Medical Center has a new name – Harold B. & Dorothy A. Snyder School A recent novel written by author Emilio Paletta titled “Never Say Uncle” it is dedicated to the elderly living in health care facilities. A response from the International University of Nursing regarding a request from Dr. Robert Ross to establish a nursing program in New Jersey. The committee informed Dr. Ross to follow the regulations to establish a nursing program.

THE BOARD, UPON A MOTION MADE BY VERONICA MCGREEVEY AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE EDUCATION COMMITTEE REPORT OF JUNE 14, 2004. THE MOTON CARRIED.

LEGISLATIVE REVIEW PANEL:

Ronald H. Carr reported.

The committee met on June 15, 2004 to discuss Assembly Bill 1834 which requires health care facilities to report certain information about their health care staff to their respective professional boards or DHSS.

The committee responded to this bill on February 6, 2004 and was asked to comment again on June 8, 2004.

The committee supported Assembly Bill 1834 with the following amendments:

There is tracking for the healthcare providers and that tracking is not identified as to what is to be done with the information, once it has been reported. It appears that there will further burden on the staffing and the increase cost have not been calculated. The committee strongly recommends that all of the issues that we identified back on February 6, 2004 be resubmitted with the exception that they did address one or two of the items that were deleted. One of the issues that were cited by the committee on February 6, 2004 was the inclusion of health service firms, which was addressed.

The Home Health Care Council of New Jersey and New Jersey Association of Non-profit homes for the aging should be included in the reporting requirements. The bill also includes a new section directing the Commissioner of Health and Senior to establish a task force and the committee supports that idea. The task force is obligated to report back to the Governor and the Legislature within two years. There is no funding provided for the task force.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO SUPPORT ASSEMBLY BILL 1834 WITH AMENDMENTS. THE MOTION CARRIED.

4. NURSING PRACTICE:

Cecilia West reported.

The committee met on May 18, 2004 to discuss the following issues:

2004 Committee Planning Flow Sheet:

The Committee flow sheet was reviewed and approved with the addition of Maine Study of the Educational Requirements for Certified Nursing Assistants.

Correspondence

a. January 14, 2004 – Letter from John F. McGrail, M.D. Issue: Registered Professional Nurse's role in handing out sample psychotropic medications.

This issue remains in Committee. A letter will be sent to the Board of Pharmacy requesting their input on dispensing of drug samples.

December 11, 2003 – Letter from Joann Pietro, RN, JD, Wahrenberger & Pietro LLP, Counsellors at Law, Issue: Emergency Room Department Standing Orders.

This issue remains in Committee. A letter has been sent to the New Jersey Department of Health and Senior Services for their review and feedback. The Nursing Practice Committee will invite Joann Pietro, RN, JD, Wahrenberger & Pietro LLP, Counsellors at Law, and representatives from the nursing department of Lourdes Medical Center at Burlington County to the next available Nursing Practice Committee meeting.

February 4, 2004 – Letter from Penny J. Smalley, RN, Technology Concepts International, Issue: Whether Registered Nurses may use Easytouch laser device to administer analgesia medications

This issue remains in Committee. A letter will be sent to Penny Smalley requesting additional technical information on what is involved in operating the "Epiture Easytouch" laser device when providing laser assisted drug administration for pain relief.

April 12, 2004 – Letter from Janice Terlizzi, RN, MS, AOCN, Director of Oncology and Pain Management Services, Holy Name Hospital, Issue: Can RN's write on a prescription form?

This issue remains in Committee. A letter will be sent to the New Jersey Department of Health and Senior Services and the New Jersey Board of Medical Examiners requesting clarification on any regulations regarding RN's writing on prescription forms, when requested by the authorized prescriber and with the authorized prescriber signing the prescription.

April 15, 2004 – Letter from Maryann P. Kicenuik, Partner, Riker Danzig, Scherer, Hyland, Perretti LLP, Attorneys at Law, Issue: Can RN's order tests or administer medications within guidelines and protocols approved in advance by the medical staff?

This issue remains in Committee. A letter will be sent to the New Jersey Department of Health and Senior Services for clarification on their regulations regarding permissibility of Registered Nurses writing on prescription pads and on the requirements for implementing standing orders in hospital emergency departments.

April 8, 2004 – Letter from Cathy Johnson, Monmouth Medical Association, Issue: Can LPN's practicing under a medical doctor's supervision perform physical modalities?

THE BOARD, UPON A MOTION MADE CECILIA WEST AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO SEND A LETTER TO CATHY JOHNSON CLARIFYING THAT N.J.S.A. 45:11-23 PERMITS LEGALLY AUTHORIZED PHYSICIANS, DENTISTS OR OTHER AUTHORIZED PRESCRIBERS TO DELEGATE TASKS TO LICENSED PRACTICAL NURSES. MS. JOHNSON WILL ALSO BE GIVEN THE BOARD'S WEBSITE ADDRESS FOR THE BOARD OF NURSING ALGORITHM FOR DETERMINING SCOPE OF NURSING PRACTICE AND FOR MAKING DELEGATION DECISIONS. THE MOTION CARRIED.

April 28, 2004 – Letter from Tom L. McKibban, CRNA, MS, President, AANA, Issue: FYI, Pain Management Fellowships.

March 11, 2004 – Letter from Roe Bruseo, Practice Administrator Hematology-Oncology Associates sj, P.A., Virtua Memorial Hospital, Burlington County, Issue: Can APN's perform bone marrow aspirations, biopsies and lumbar punctures, and are these procedures included in the "scope of APN licensure?"

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY NOREEN D'ANGLEO, VOTED IN ACCORDANCE WITH N.J.S.A. 45:11-49(A), AUTHORITY OF NURSE PRACTITIONER/CLINICAL NURSE SPECIALIST TO PERFORM TASKS, ORDER MEDICATIONS OR DEVICES, OR MAKE PRESCRIPTION; STANDARDS OF JOINT PROTOCOLS, A LETTER BE SENT TO ROE BRUSEO CONFIRMING THAT "IN ADDITION TO ALL OTHER TASKS WHICH A REGISTERED PROFESSIONAL NURSE MAY, BY LAW, PERFORM, AN ADVANCED PRACTICE NURSE MAY MANAGE SPECIFIC COMMON DEVIATIONS FROM WELLNESS AND STABILIZED LONG-TERM ILLNESSES BY: (1) INITIATING LABORATORY AND OTHER DIAGNOSTIC TESTS; AND (2) PRESCRIBING OR ORDERING MEDICATIONS AND DEVICES, AS AUTHORIZED BY SUBSECTIONS B AND C. OF THIS SECTION." THE APN MUST BE PROPERLY EDUCATED, CERTIFIED, AND COMPETENT TO IMPLEMENT THE PRACTICE AS INCLUDED IN THE JOINT WRITTEN PROTOCOLS WITH THE COLLABORATING PHYSICIAN. THE MOTION CARRIED.

May 3, 2004- email from Michele Tracy, Corrections Officer, Issue: Medical Practice in County Jail.

The Committee has referred this issue to the Disciplinary Department of the New Jersey Board of Nursing for investigation.

April 21, 2004 – email from Ask Consumer Affairs, Issue: LPN in ambulatory surgical facility: scope of practice.

Are LPN's within their scope of practice permitted to directly care for patients in pacu after having received conscious sedation or epidural? Are LPN's practicing within their scope of practice when adding epinephrine to lidocaine for local injection? Are LPN's permitted to act as a circulating nurse without the supervision of a RN? If a nurse is aware of such practices, are they obligated to report such occurrences?

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY NOREEN D'ANGLEO, VOTED TO SEND A WRITTEN RESPONSE TO THE LICENSEE CLARIFYING THAT IN ACCORDANCE WITH N.J.A.C. 13:37 –6.2, DELEGATION OF SELECTED NURSING TASKS, RNS MAY DELEGATE SELECTED NURSING TASKS TO LPNS SUCH AS THOSE NOTED IS 1. AND 2. ABOVE. REGISTERED PROFESSIONAL NURSES ARE RESPONSIBLE FOR THE NATURE AND QUALITY OF ALL NURSING CARE INCLUDING THE ASSESSMENT OF THE NURSING NEEDS, THE PLAN OF NURSING CARE, THE IMPLEMENTATION, AND THE MONITORING AND EVALUATION OF THE PLAN (N.J.A.C. 13:37-6.2(A)). IN ACCORDANCE WITH N.J.A.C. 13:37-6.2(A), THE CIRCULATING NURSE MUST BE A REGISTERED PROFESSIONAL NURSE.

IN ACCORDANCE WITH N.J.A.C. 13:37-5.8, MANDATES THAT A LICENSEE SHALL REPORT TO THE BOARD ANY INCIDENT OR SERIES OF INCIDENTS WHICH THE LICENSEE OR CERTIFICANT, IN GOOD FAITH, BELIEVES IS IN VIOLATION OF THE NURSE PRACTICE ACT, N.J.S.A. 45:11-23, THIS CHAPTER OR N.J.A.C. 13:45C. THE MOTION CARRIED.

February 5, 2004 – Email from Michelle Weaks, RN, BSN, Issue: Emergency Room Medication Dispensing Question.

This issue be referred to the New Jersey Department of Health and Senior Services since nurses cannot dispense medications to patients discharged from hospital Emergency Rooms.

April 23, 2004 – Letter from Alan L. Litvack, LNHA, Administrator, Avante at Red Bank, Nursing and Rehab Center, Issue: FYI, Bonnie Guida, RN, is the Director of Nurses at Avante at Red Bank and Lisa Murray, RN, is

now the Assistant Director of Nurses.

An acknowledgement letter will be mailed to Alan L. Litvack with the Board's web address FYI.

m. March 3, 2004 – Letter from Elaine Scherer, MA, BSN, RN, and Director of Magnet Recognition Program, American Nurses Credentialing Center, Issue: FYI, Notification of Application for Magnet Designation.

January 15, 2004 – Report from the Maine State Board of Nursing, Issue: A study of the educational requirements for Certified Nursing Assistants in Maine.

This issue will be added to the Nursing Practice Committee planning flow sheet.

March 26, 2004 – Memo from Janet S. Wyatt, PhD, RN, CRNP, Executive Director, The National Certification Board of Pediatric Nurse Practitioners and Nurses, Issue: FYI, Annual update: Information in support of their national certification program for Pediatric Nurse Practitioners.

Focus on the Future – FYI, The National Respite Conference & The New Jersey Conference on Caregiving, Wellness & Family Support, September 8-10, 2004.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE REPORT OF MAY 18, 2004. THE MOTION CARRIED.

5. REGULATORY COMMITTEE:

Muriel M. Shore reported.

The committee met on June 8, 2004 to discuss the following issues:

The committee has been working very diligently on the Mandatory Reporting Guidelines with the expertise of Kathryn Schwed, Deputy Attorney General with the Division of Law. This issue will be discussed further at the June 22, 2004 Regulatory Committee Meeting.

The committee is re-examing the priorities and continue to bring a more detailed flow sheet of the work that has been done by the committee.

The committee will also discuss the Criminal History Background Check for healthcare workers and the Educational Regulations for the Certified Home Health Aides along with the Intervention Bill that was introduced.

The Delegation Rule was approved by the Board, but was held back for more information.

Under the Sunset Regulations every agency is required to readopt its regulations every five years, to review them and make sure that they are still valid. In January 2005 nursing regulations will have to be readopted.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY RONALD H. CARR, VOTED TO APPROVE THE REGULATORY COMMITTEE REPORT OF JUNE 8, 2004. THE MOTION CARRIED.

OPEN FORUM:

Muriel M. Shore asked the public to share with the Board of Nursing any concerns, issues, or questions. Individuals who spoke:

Josephine Sienkiewicz, Director of Education & Clinical Practice of the Home Health Assembly of New Jersey.

Ms. Sienkiewicz shared with the Board that there are approximately 450 Health Care Firms that employs Certified Home Health Aides and Certified Nurses Aides. CHHAs and CNAs are required to go through two criminal history background checks before they are employed. Ms. Sienkiewicz stated that she was having trouble accessing the Board's website.

Carolyn Torre, Director of Practice for New Jersey State Nurses Association – stated that anyone could access the Board's website through a link from the NJSA's website. Ms. Torre expressed concerns regarding the dispensation of medication by a nurse and the regulations regarding what nurses can do.

NEW BUSINESS:

Charles Manning discussed with the Board the responses to the comments and revisions of the Adoption Notice for the Massage, Bodywork and Somatic Therapy.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE RESPONSES TO THE COMMENTS, ALONG WITH THE REVISIONS TO THE MASSAGE, BODYWORK AND SOMATIC THERAPY RULES.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO GO INTO CLOSED SESSION TO DISCUSS DISCIPLINARY MATTERS REGARDING NURSING PROGRAMS. THE MOTION CARRIED.

ADJOURNMENT:

On June 15, 2004 the Regular Open Business Board Meeting was adjourned at 12:10 p.m. The next Regular Open Business Meeting will be held on July 20, 2004.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY CECILIA WEST, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF JUNE 15, 2004. THE MOTION CARRIED.

Respectfully Submitted,

Muriel M. Shore
Secretary/Treasurer
