

New Jersey Board of Nursing

Regular Board Meeting

June 17, 2003

A meeting of the New Jersey State Board of Nursing was held on June 17, 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, Virginia McKenney, Sylvia C. Edge, Maris Lown, Dr. Muriel M. Shore, Nelson Tuazon, Cecilia West, Margaret M. Kirchhoff, Veronica McGreevey and Ronald H. Carr.

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, (for the limited purpose of discussing Old Business), Deputy Attorney(s) General: Darlene Lapola and Victoria Manning.

NOT PRESENT

Board Member(s): Karen Rodriguez.

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 June 17, 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 JUNE 17, 2003 REGULAR BOARD MEETING AGENDA WITH AMENDMENTS (REMOVAL OF ITEM #1 AND REFERRAL OF ITEM #2 TO THE REGULATORY COMMITTEE). THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

A reading and approval of the minutes for the Regular Board Meeting of March 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

MARCH 18, 2003. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

A reading and approval of the minutes for the Regular Board Meeting of May 20, 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 MAY 20, 2003. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

A reading and approval of the Executive Session Minutes for the Regular Board Meeting of May 20, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES FOR THE REGULAR BOARD MEETING OF MAY 20, 2003. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

OLD BUSINESS:

1. Charles Manning discussed with the Board the following issues:

a) Medication Administration by UAPs.

b) Two(2) Adoptions:

- SANE Rules
- Sexual Harassment Rules

The Regulatory Committee will discuss these issues further and bring back to the Board at a later date.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX M. JURADO AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO SEND THE ISSUES BACK TO THE REGULATORY COMMITTEE FOR FURTHER REVIEW. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

c) 13:37-9.2 Issuance of a license by a Compact Party State - this issue will be discussed at the July 15, 2003 Regular Board Meeting.

2. George Hebert - Minutes from the April 15, 2003 Board of Nursing Annual Workshop/Retreat which was held at the Woodbridge Hilton in Iselin, NJ:

- The purpose of the Retreat was to follow up on issues affecting the LPN scope of practice that were raised at the LPN Summit that was held at Monmouth County Vocational Technical Instituted during the Fall 2002.
- At the conclusion of the retreat, the Board recommended the following:

a) That the Draft Delegation Regulations go back to the Regulatory Committee to be reviewed for clarity, to reflect that all delegation is fact sensitive, and to incorporate definitions of supervision, delegation and assessment. This should be done in light of the compact.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX M. JURADO AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO SEND THE DRAFT DELEGATION REGULATIONS BACK TO

THE REGULATORY COMMITTEE FOR FURTHER REVIEW. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

b) Reiterate that the Board supports the current licensure regulations N.J.A.C. 13:37-2 et seq. requiring the LPN applicant to have completed a Board approved Practical Nurse program in order to be eligible for licensure by examination and/or endorsement.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO SUPPORT THE CURRENT LICENSURE REGULATIONS N.J.A.C. 13:37-2. THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

The Minutes for The Board of Nursing Annual Workshop Retreat of April 15, 2003 were approved.

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 BOARD OF NURSING WORKSHOP RETREAT OF APRIL 15, 2003, AS AMENDED (ADDING CECILIA WEST AS A BOARD MEMBER IN ATTENDANCE). THE MOTION CARRIED. NELSON TUAZON WAS NOT PRESENT.

MARIS A. LOWN - BOARD PRESIDENT REPORT:

M. Lown reported.

- A presentation was made on May 5, 2003 to the Division of Consumer Affairs by representatives from the RAMP program. RAMP explained its objectives and program. The Board is open to learning about other programs.
- M. Lown met with a journalist at Advance magazine at the request of the Division to discuss intervention.
- The Search Committee will meet in July to discuss the applicants who have applied for the Executive Director position.
- M. Lown shared information regarding the approval of Board Members to attend the 25th Anniversary Gala of the National Council of State Boards of Nursing which is to be held on August 8, 2003 in Alexandria, Virginia.

GEORGE HEBERT - ACTING EXECUTIVE DIRECTOR REPORT:

G. Hebert reported.

- Update information on the Compact - New Jersey Board of Nursing and National Council of State Boards of Nursing are working together gathering data on nurses to be put in the database.
- Update on License Renewal 2003 - G. Hebert stated that the percentage completed as of expiration date May 31, 2003 is coming along and about 85% have been renewed.
- Darlene Kane, Budget Analyst will be at the next Regular Board meeting to discuss the budget for the last three years.

Communications:

1. Follow up letter dated May 23, 2003 from Carolyn Torre, RN, MA, APN, C., Director of Practice,

NJSNA re: The new Physical Therapy, PL 2003, c. 18 and Epidural Catheter.

Presentation Appearances:

A brief summary of the responsibilities of the new employees of the NJ Board of Nursing:

1. Communication Specialists:

- Ray Yee - to assist RNs, LPNs and APNs who calls in requesting assistance in renewals, change of address and applications for licensure.
- Virginia Nieves - responsible for assisting nurses with questions regarding examinations, endorsements, verifications and licensing.
- Gerard Tobia - responsible for problem solving and answering questions regarding licensing, endorsements and data entry.

2. Licensing Section:

- Grace DeYonge - responsible for processing renewals applications and clinical letters for nurses who need to take refresher courses.

3. Examination Section:

- Telisa Chambers - responsible for processing applications for examinations.

COMMITTEE MINUTES:

1. BUDGET & FINANCE:

No report.

2. NURSING EDUCATION:

S. Edge reported.

The committee met on June 10, 2003 to discuss the following issues:

- Nursing Education Regulations: Education Summit Follow-up - an evaluation was reviewed with an overall performance noted at 4.5 on a scale of 1 to 5.
- NCLEX - M. Lown reported that the alternative format questions would begin to count at some point late in the fall 2003.
- Essex County College Preliminary application to begin an LPN Program

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY LEO-FELIX M. JURADO, VOTED TO APPROVE THAT ESSEX COUNTY COLLEGE BE GRANTED 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 THE FOLLOWING INFORMATION:

- 1.) THE FACULTY TENURE AND PROMOTION POLICIES.
- 2.) THE RN PROGRAM COMPETENCIES.
- 3.) A PERFORMANCE INDICATOR FOR PROGRAM OUTCOME #5.

THE MOTION CARRIED.

- Merit Technical Institute Preliminary Application to begin an LPN Program

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY LEO-FELIX M. JURADO, VOTED TO APPROVE THAT MERIT TECHNICAL INSTITUTE BE GRANTED 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 THE FOLLOWING INFORMATION:

- 1.) REFINE 1B PROGRAM OBJECTIVES AND 3A WRITTEN ORGANIZATIONAL AND ADMINISTRATIVE PLAN.
- 2.) CV FOR ROSEMARIE STITER.
- 3.) A LETTER FROM CEO REFLECTING FISCAL SOUNDNESS OF PROPOSED PROGRAM.

THE MOTION CARRIED.

- New Program Evaluation Tool - The tool will be emailed to the Board members of the committee for their review and approval before implementation.
- The committee minutes for June 10, 2003 were approved.

THE BOARD, UPON A MOTION MADE BY SYLVIA C. EDGE AND DULY SECONDED BY LEO-FELIX M. JURADO, VOTED TO APPROVE THE NURSING EDUCATION MINUTES OF JUNE 10, 2003. THE MOTION CARRIED.

3. LEGISLATIVE REVIEW PANEL:

R. Carr reported.

The Panel met on June 17, 2003:

- The Panel minutes of May 20, 2003 were approved.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED TO APPROVE THE MINUTE OF THE LEGISLATIVE REVIEW PANEL OF MAY 20, 2003. THE MOTION CARRIED.

- Assembly Bill 3536 - An Act concerning identification requirements for hospital staff. The OAG requested a rapid response from the Board regarding this bill. Nelson Tuazon was the assigned reviewer. The recommendation was made for the Board to support this bill with the following comment(s): 1.) The information that is being identified is important for the public to have access to. 2.) The information will benefit everyone from patients, to family/visitors, co-workers, and a host of others since the identification tags will clearly identify care providers, their status and this will potentially eliminate fraud. The committee is recommending to support the recommendation with the inclusion of a third comment: 3.) The identification tag should be visible and legible.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY

VIRGINIA MCKENNEY, VOTED TO SUPPORT ASSEMBLY BILL 3536 WITH RATIFICATIONS. THE MOTION CARRIED.

- Assembly Bill 3524 - Senior Citizen Fall Prevention Program. The OAG requested a rapid response from the Board regarding the bill. Dr. Shore was the assigned reviewer. The recommendation was made for the Board to support the bill with the following comment(s): 1.) Although the concept is a good one, the role ascribed to the Board of Nursing does not fall within the activities of the Board, namely recruitment and development of educational programs. It was noted that nurses who provide home based care are currently performing the home environmental assessments. 2.) The committee is recommending a neutral position for the above reasons.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED TO RATIFY THE POSITION RECOMMENDED FOR ASSEMBLY BILL 3524. THE MOTION CARRIED.

- Assembly Bill 3676 - Establishes minimum registered professional nurse staffing standards for hospital and ambulatory surgery facilities and certain DHS facilities. The OAG requested a routine response from the Board regarding the bill. Comment(s): 1.) Although the Board supports the concept of consumer protection through patient safety, there needs to be a system to ensure patient safety. 2.) The current bill questions the Harvard Study and Failure to Rescue study findings. 3.) This bill is to be distributed to the Board with a request for feedback to be sent to Ronald H. Carr, Chairperson and George Hebert.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY NOREEN D'ANGELO, VOTED TO SEND ASSEMBLY BILL 3676 TO THE PRACTICE COMMITTEE FOR FURTHER REVIEW. THE MOTION CARRIED.

- Assembly Bill 3687 - Requires the Commission on Higher Education to develop an accelerated Bachelor of Science in nursing degree program for foreign medical school graduates. The OAG requested a routine response from the Board regarding the bill.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY RONALD H. CARR VOTED TO REFER ASSEMBLY BILL 3687 TO THE EDUCATION COMMITTEE FOR FURTHER REVIEW. THE MOTION CARRIED.

- Assembly Bill 3778 - Establishes Quality Home Care Councils; appropriate \$1.5 million Health and Human Services. The bill reviewed was requested by an organization other than the OAG. Comment(s): 1.) This bill establishes a \$10.00 an hour minimum charge. 2.) It imposes on the Board, conditions that are unusual ex: the Board of Nursing will bear the cost of investigations on potential CHHAs. 3.) It involves the establishment of family members qualifying as CHHAs so they can service relatives.

The committee is recommending that this bill be place on hold for further information.

THE BOARD, UPON A MOTION MADE BY VIRGINIA MCKENNEY AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE REPORT OF THE LEGISLATIVE REVIEW PANEL. THE MOTION CARRIED.

4. NURSING PRACTICE:

N. Tuazon reported.

The committee met on May 20, 2003 to discuss the following issues:

- 2003 Committee Planning Flow Sheet - It was identified that the LPN Scope of practice and Roles of LPNs in physical therapy were issues on the Flow Sheet that are scope of practice issues. It was determined that these issues should be addressed along with information from the Board's Annual Workshop.
- The Role of LPNs in Physical Therapy - Background information was requested to facilitate discussion. The requested information will be provided for the June Practice Committee meeting.
- Nurses Implementing Clarification of Existing Orders Received by a Pharmacist from a Physician - The discussion of this issue focused on the definition of the word "clarification." The BON and BOP statutes and regulations will be reviewed for any clarifying language and will be brought to the June Practice Committee meeting.
- Respiratory Therapy - The Board of Respiratory Therapy will be contacted for an update on its issues of concern.
- The committee received various correspondence which is used for informational purposes only.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY DR. MURIEL M. SHORE, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE MINUTES OF MAY20, 2003. THE MOTION CARRIED.

5. REGULATORY:

M. Shore reported.

The committee met on June 10, 2003 to discuss the following issues:

- Committee Regulations Flow Sheet - The Committee reviewed the Regulations Flow Sheet and agreed to retain completed items for one year on a separate page of the Flow Sheet.
- The number of CRNA's currently certified in New Jersey - The professional staff will obtain from the American Association of Nurse Anesthetists (AANA) the number of New Jersey CRNA's currently certified by AANA, and the current educational requirement for CRNA's to take the national certification examination.

Sharon Joyce, Assistant Attorney General, emphasized patient safety in anesthesia administration and reviewed standards for three levels of anesthesia: a.) General, b) Regional and c) Conscious Sedation.

Issues raised included: a) At what levels of anesthesia will CRNA/APN's have prescriptive authority, b) The APN credentialing requirements for CRNA's and c) Grandfathering.

- The Educational Preparation of CRNA's - CRNA's applying for APN certification will be required to have completed a masters level program designed to educate APN's and a graduate level three credit pharmacology course relevant to anesthesiology (N.J.A.C. 13:37-7.2a., b., Educational Requirements for APN Certification).
- The Concept of Prescriptive Practice - Completion of a written joint protocol with a collaborating physician will be required, and will permit the anesthesiologist to write an Order on the patient's chart, where the CRNA/APN can implement the order.

Grandfathering of Non-Master Prepared CRNA's - Charles Manning agreed to draft regulations for CRNA/APN Certification including grandfathering of non-master prepared CRNA's. Grandfathering will include completion of a current graduate level three credit pharmacology course, and a clinical preceptorship of 350 hours.

- Titling: The certification title for CRNA/APN's will be Advanced Practice Nurse, A.P.N., C., with a clinical specialty in anesthesiology.
- Conscious Sedation, i.e. in Dentist Office - A CRNA may administer conscious sedation in an office, under the supervision of a physician privileged by a hospital or the Board of Medical Examiners to provide conscious sedation, and who completes at least 8 category I or II hours of continuing medical education in anesthesia services beginning July 1, 2004.

The CRNA may monitor a patient under conscious sedation in an office, under the supervision of a physician credentialed as noted above.

- Collaborating Physician Specialty Requirements - The collaborating physician would be selected consistent with the regulations for supervision of anesthesia administration by the Board of Medical Examiners and New Jersey Department of Health and Senior Services.
- National Council/Compact Recommendations - The APN is not addressed in the New Jersey licensure compact.
- CRNA National Certifying Organization Standards - George Hebert shared this information with the committee.
- Regulatory Requirements Governing Supervision, i.e., Board of Medical Examiners, New Jersey Department of Health and Senior Services - Supervision of CRNA's during conscious sedation administration is noted in agenda item 7. Supervision of CRNA's administering general and regional anesthesia in an office requires a practitioner privileged by a hospital or the Board of Medical Examiners to provide general and regional anesthesia. Effective July 1, 2004, the physician is required to complete 60 category I hours of continuing medical education in anesthesia every three years for general anesthesia and 8 category I continuing medical education hours every three years in anesthesia for regional anesthesia. In hospitals, general and regional anesthesia administered by CRNA's must be supervised by an anesthesiologist, or a physician who has been credentialed by medical staff bylaws to administer or supervise the administration of anesthesia. For dental cases only, CRNA supervision would be by a dentist who completed a medical education program in anesthesiology or oral and maxillofacial surgery.
- Correspondence - The committee received a letter from Carolyn Torre, RN, MA, APN, C, Director of Practice, NJSNA, confirming a brief discussion with members of the New Jersey Board of Nursing regarding advanced practice certification categories.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON ,VOTED TO APPROVE THE REGULATORY COMMITTEE MINUTES OF JUNE 10, 2003. THE MOTION CARRIED.

OPEN FORUM:

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

ADJOURNMENT:

On June 17, 2003 the Regular Board Open Business Board Meeting was adjourned at 11:05 a.m. The next Regular Open Business Meeting will be held on July 15, 2003.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY VIRGINIA MCKENNEY, 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

Respectfully Submitted,

Dr. Muriel M. Shore
Secretary/Treasurer
