

**NEW JERSEY STATE BOARD OF NURSING  
MINUTES  
OPEN BUSINESS MEETING  
JUNE 17, 2008**

A meeting of the New Jersey State Board of Nursing was held on June 17, 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 9:40 a.m.

**ROLL CALL**

**BOARD MEMBERS PRESENT:**

Saundra Austin-Benn Leo-Felix Jurado  
Irma Bojazi Patricia Murphy  
Marietta Cahill Karen Rodriguez  
Avery Hart Constance Wilson  
Joni Jones

**ALSO PRESENT:**

George J. Hebert, Executive Director  
Margaret Howard, Field Representative  
Mary Peterson,  
Darlene Lapola, Deputy Attorney General

**BOARD MEMBER(S) EXCUSED ABSENCE:**

Noreen D'Angelo

**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 June 17, 2008: Reading and Approval with amendments:

Add under Committee Reports: Legislation Committee

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Saundra Austin-Benn, voted to approve the Regular Open Board Meeting Agenda of June 17, 2008 as amended. The motion carried.

**MINUTES:**

Open Business Meeting Minutes of May 20, 2008: Reading and Approval:

After discussion the Board, upon a motion made by Marietta Cahill and duly seconded by Constance Wilson, voted to approve the Regular Open Board Meeting Minutes of May 20, 2008. The motion carried.

## **REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:**

Leo-Felix Jurado reported:

International Centre on Nurse Migration – ICNM News:

The United Kingdom is transitioning to a migration point-based system and making entry more difficult for nurses, as nursing is not considered a scarce skill. Budget deficits in Ireland have led to an recruitment embargo. There is a concern about 1,500 graduating new nurses finding employment. The Irish Nurses Organization is negotiating with the government to ensure jobs.

Highlights from the Global Health Workforce Alliance Global Forum on Human Resources for Health, Kampala, Uganda, March 2-7, 2008. The purpose of the agenda is to guide the initial steps in a coordinated global, regional and national response to the worldwide shortage and maldistribution of health workers, moving towards universal access to quality health care and improved health outcomes. It calls for action around six interrelated strategies:

1. Building coherent national and global leadership for health workforce solutions.
2. Ensuring capacity for an informed response based on evidence and joint learning.
3. Scaling up health worker education and training.
4. Retaining an effective, responsive and equitably distributed health workforce.
5. Managing the pressures of the international health workforce market and its impact on migration.
6. Securing additional and more productive investment in the health workforce.

The Executive Board of the World Health Organization (WHO) held its 122nd session in Geneva from January 21-26, 2008. The purpose of the meeting was to discuss International Migration. The report noted progress in a number of areas including:

1. Improvement in quantitative and qualitative data on migratory flows of health workers
2. Establishment of the Africa Health Workforce Observatory to promote evidence-based policy options for health workforce development;
3. Research on health worker migration from sub-Saharan Africa;
4. Compilation of a minimum data set on migration; and
5. Appraisal of codes of practice on international recruitment of health workers and development of guiding principles for a global code, etc.

The Academy of Health releases its report on international nurse recruitment. The report focuses on Year 1 of its project International Recruitment of Nurses to the United States: Toward a Consensus on Ethical Standards of Practice. The Academy of Health came up with the Year 1 project that provides guiding principles for ethical recruitment of internationally educated nurses.

Retrogression continues in the USA. Retrogression means that there are no available working visas for immigrant nurses. Though several bills have been circulated, Congress has thus far failed to enact immigration legislation in the US. With continuing retrogression, nurses and other health care workers have little or no opportunity to enter the US on an occupational visa.

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

George J. Hebert reported:

Introduced Mary Peterson, a new nurse member of the Board of Nursing Staff. Ms Peterson is coming from the Enforcement Bureau within the Division of Consumer Affairs and will be overseeing the Disciplinary Section of the Board.

William Ditto and Susan McDermott are scheduled to attend today's meeting to discuss the delegation of nursing tasks to CHHAs including medication administration.

Staffing issues continue to be problematic for the Board. Carol Hanse resigned her position as the Professional Staff Member responsible for supervising the Examination Section as well as staffing the Education Committee with the Board effective May 30, 2008. Due to budgetary constraints, the Board is unable to fill her position. Mr. Hebert requested that the Board cancel the Education Committee Meetings until September 2008.

APN Regulations were adopted on June 16, 2008. Copies were distributed upon a request.

The US Department of Labor, Employment and Training in collaboration with the Robert Wood Johnson Foundation are convening a meeting in Washington on June 26-27, 2008 to explore strategies that has been used to enhance nursing education.

Kimberly Ricketts, a former Director of the Division of Consumer Affairs, has been appointed by the Governor as the Commissioner of the Department of Children and Family Services.

June 11, 2008 memo from Anne Milgram, Attorney General regarding appointment of David Szuchman as the Director, Division of Consumer Affairs.

Update on the SAVE Program – Mr. Hebert and staff participated in a Webinar with the Department of Home Land Security to discuss immigration. The staff will be able to go online to access immigration information on foreign applicants. This process will ensure that foreign applicants are eligible to receive licensure benefits. The Board of Nursing will be the first to utilize this service at the Division.

Update Renewal 2008 – as of June 13, 2008 87.99 % of all of the APNs, RPNs, and LPN have renewed his or her license. The report also provided information from previous renewal statistics to compare the difference in renewing online and by paper renewal. 88% of RPNs have renewed their licenses, 85% of LPNs have renewed their licenses, 94% of APNs have renewed their licenses, and 94% of FNs have renewed their licenses.

The Board is in the late renewal period. Nurses are now required to pay a late fee in order to renew their licenses. For those nurses who have not renewed their licenses by the end of June 2008 they will be administratively terminated by July 1, 2008 and at that point, nurses will be required to go through the reinstatement process.

## **CORRESPONDENCE:**

May 21, 2008, letter from Margaret Erickson, PhD, RN, CNS, AHN-BC, Executive Director, AHNNC, regarding certification for Holistic Nursing. May 21, 2008, letter from Linda Mather, Ed.D, President, Forums Institute regarding the opening of a new location. June 11, 2008 Open Agenda of the Board of Medical Examiners and March 19, 2008 Board of Medical Examiners minutes.

## **COMMITTEE REPORTS:**

### **1. EDUCATION COMMITTEE: -**

Patricia Murphy reported: Session I of the May 27, 2008 Meeting Report:

Session I Correspondence:

April 15, 2008 – Lincoln Technical Institute  
FYI Letter from Gary Altman, Director, Division of One-Stop Coordination and Support regarding change to Mt. Laurel with administrative closeout of Deptford.

April 21, 2008 Centennial Area Health Education Center  
Re: FYI: 19th Annual Nurse Educators Conference in the Rockies, July 17, 18, 19, 2008, Breckenridge, Colorado

www.cahec.org

May 13, 2008 – Letter from Marlys Bohn, PhD, RN, Nursing Student Services Dept. Head  
Continuing Nursing Education Coordinator, South Dakota State University.

Re: FYI: Dr. Linda Kropenke has resigned and Marlys Bohn will be overseeing the Refresher Courses for inactive nurses.

May 16, 2008- NLN Immersion Experience June 8-13, 2008.  
[www.nln.org/facultydevelopment/immersion/index.htm](http://www.nln.org/facultydevelopment/immersion/index.htm).

Review of additional material

a. Mountainside Hospital School of Nursing

Staff will send a letter requesting additional information, which will include hard copies of the following:

Student Guidebook

A list of the Program Outcomes (not the results as listed on the Web site)

Faculty Plans for the 2008-2009 school year.

Follow-up regarding the activity sheet for Holly Davis

The appeals process if revised.

Capital Health School of Nursing

Capital Health School of Nursing submitted further materials and has been contacted regarding further documentation on the Levels of Achievement as noted in the Systematic Plan of Evaluation.

Discussion

Action Plan

Copies of the Action Plan will be submitted to the Regulation Committee to review while working on regulations regarding a moratorium on new LPN nursing programs

Mandatory Continuing Education Audit

A draft of the materials for the Continuing Education Audit was reviewed by the Committee.

Patricia Murphy Wilson reported: Session II of the May 27, 2008 Meeting Report:

Session II Correspondence:

May 12, 2008 – Letter from Hippolyte Bayoro, MPA, MHA, School Administrator, Allcare Health Institute Inc.  
RE: FYI: Apology letter and a request to the committee to provide another opportunity to begin a practical nursing program.

Following the Board Meeting on May 20, 2008 a letter was sent to Mr. Bayoro regarding the Board's decision to deny the school's application to begin a practical nursing program and that the school may not submit a new application to start a practical nursing program for 5 years.

Dover Business College

March 25, 2008 – Letter from Maria Luisa deRoma-Ragaza, MSN, RN, Practical Nursing Chair, Dover Business College

Re: Dover – NCLEX Code Numbers

April 18, 2008 – Email from Timothy D. Luing, President, Dover Business College.

Re: 2007 NCLEX Test Takers

The Education Committee conducted an extensive review and discussion regarding: Documentation submitted

from Dover Business College

## Regulations

Minutes from July 19, 2005, when the program received provisional accreditation which stated: A two-day site visit was conducted on July 7, 2005 at the Paramus Campus and July 8, 2005 at the Dover Campus. After discussion, The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Cecilia West, voted that the preliminary application for Dover Business College, for the establishment of a new practical nursing program be approved and that the Dover Business College be granted provisional accreditation. The motion carried.

### Definition of class

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted that Dover Business College (both campuses) will be treated as one program as per the July 19, 2005 minutes. Secondly “class” as per N.J.A.C. 13:37-1.3 will be defined as all the graduates from a nursing program who are first-time NCLEX test takers during a one-year period of time extending from January 1 through December 31 (as reported in the G4 – Jurisdiction Program Summary of All First Time Candidates Educated In Jurisdiction of Licensure). The motion carried.

## New Program Application (Appearances)

### Success School of Practical Nursing – LPN- (Part I)

The Committee met with a representative from Success School of Practical Nursing LPN Program (Success) and reviewed Part I of the application. Based on its review the Committee requests that Success submit a new complete Part I application with inclusion of the following revisions/clarifications:

## Regulations Concerns

N.J.A.C. 13:37-1.2 (a) 2 The philosophy, organizing framework, objectives and outcomes of the program in accordance with N.J.A.C. 13:37-1.5. Please include the 5 required definitions. The definition for “teaching-learning” was not included. The Philosophy and Program Objectives do not reflect Orem. Please revise and integrate Orem throughout. Submit measurable Program Outcomes. Please clarify p. 5 in which “independent” is utilized. N.J.A.C. 13:37-1.2 (a) 3 Evidence of financial resources adequate for the planning, implementation and continuation of the program, including a projected five year budget; The budget should be based on a maximum number of students of 40 for the first 4 years pursuant to N.J.A.C. 13:37-1.2 (e) 1. The number of students to be admitted to each of the first four graduating classes after establishment of the program. Licensed practical nurse programs shall not admit more than 40 students per calendar year; Explore the steps needed to receive approval from the New Jersey Department of Labor and Workforce and the Department of Education.

## Revisions/Clarifications

### - Tech School (Brooks Alternative Technical School) LPN Part I

The Committee reviewed the materials submitted by BA Tech School and requests BA Tech to revise the table of organization and clarify information regarding the advisory committee to include membership and why persons would be elected to this committee.

### - Com-Tec – LPN Part I

The Committee reviewed the materials submitted by Com-Tec and had concerns since this program had previously submitted another schools material and now the program had included (2) two persons who did not meet regulations to be faculty. In addition, Program Objective # 2 requires revision. The Budget also requires revision: It does not show the breakdown of faculty salaries and requires clarification regarding the investment. The Budget does not reflect a maximum of 40 students for the first 4 classes (years) and an evening program was included. The application should be for one program with a maximum of 40 students per year. The Committee

requests the program re-submit a complete revised Part I application. Staff will send a letter to the program regarding the above.

After discussion, the Board upon a motion made by Sandra Austin-Benn and duly seconded by Joni Jones, voted to approve Sessions I and II of the May 27, 2008 of the Education Committee Reports. The motion carried.

## **2. LEGISLATION COMMITTEE: -**

The Committee reviewed the following bill:

S 1805 – This bill permits removal of State board, commission or independent authority member for failure to attend three consecutive meetings thereof without good cause.

The Board members discussed concerns regarding the issue of removing board members from unexcused absence from three board meeting. The removal of board members with unexcused absence should be automatic without a voting process. There is a need to maintain attendance at the meetings in order for the Board to have a quorum.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Marietta Cahill, voted to support to Senate Bill 1805 with comments. The motion carried.

### **ANNOUNCEMENT:**

Darlene Lapola, DAG graduated with a Masters in Business Administration from Rutgers University.

### **OPEN FORUM:**

Leo-Felix Jurado asked the public to share with the Board of Nursing any concerns, issues or questions:

Alma Sarivia, legal counsel for CRNAs – thanked the Board for the hard work that went into the APN regulations. The CRNAs can be certified as APN depending upon their education and training. Ms. Sarivia commented on the language in the regulations that relates to the APN and supervision of a physician.

Linda DeLamar, President, New Jersey Association of Nurse Anesthetists – Thanked the Board for the work that went into the APN regulations. Ms. DeLamar expressed concerns regarding the work hour requirement for the CRNAs to be certified as APNs and what would be an acceptable form of proof 1600 hours. Ms. DeLamar will seek assistance from legal counsel regarding writing a letter about the pharmacology requirement in regulations.

Carolyn Torre, Director of Practice, NJSNA – expressed concerns regarding S1805. Ms. Torre was delighted that the APN regulations were finally adopted. Ms. Torre expressed concerns regarding some of responses to the comments of the APN regulations.

Josephine Sienkwich , Thanked the Board for the presentation for the pilot program regarding Medication Administration regarding home health aides. Ms. Sienkwich thinks that program is a well thought-out plan.

The Board went into closed session to discuss complaints against nursing programs.

### **OPEN SESSION RESUMED:**

New Program Applications:

MicroTech Training Center – LPN- (Part I & II)

The Committee met with representatives from MicroTech Training Center regarding the application to begin a new practical nursing program. MicroTech has submitted several applications for review by the Education Program Development Specialist II and the Committee (November 3, 2006, February 13, 2007, March 20, 2007, May 22, 2007, May 31, 2007, June 5, 2007 and the present application from January 2008). The Committee

previously met with Microtech representatives on May 22, 2007, and reviewed the March 20, 2007 application submission. Based on its review, the Committee requested revision/clarification and directed the school to obtain assistance from a nursing education consultant to revise the curriculum. Review of the present submission dated June 5, 2007, indicates that the school has failed to provide an appropriate curriculum as directed.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to deny the application of MicroTech Training Center to pursue the development of a License Practical Nursing Program. The motion carried.

**APPEARANCE:**

Susan Brennan McDermott, RN, Project Manager and William A. B. Ditto, MSW, Project Director, Division of Disability Services, New Jersey Department of Human Services gave a detail presentation on the New Jersey Nurse Delegation Pilot Project.

The presentation focused on issues regarding delegation of medication administration to CHHAs in nursing home facilities and in home care. In New Jersey, after assessing a patient's condition and the competencies of unlicensed assistive personnel, nurses may "delegate selected nursing tasks" to unlicensed persons. There are no specific restrictions on the tasks that may be delegated, provided the task does not require the knowledge and judgment of a nurse.

Current rules regarding certified homemaker-home health aides prohibit them from administering medications (NJAC 13:37-14.3). The Board of Nursing has been asked to support the Pilot by allowing medication administration by CHHA'S solely for the purposes of the pilot study and to inform future regulatory changes.

**ADJOURNMENT:**

On June 17, 2008 the Regular Open Board Meeting was adjourned at 1:00 p.m. The next Open Business Meeting will be held on June 15, 2008.

After discussion the Board, upon a motion made by Sandra Austin-Benn and duly seconded Constance Wilson, voted to adjourn the Regular Open Board meeting of June 17, 2008 at 1:00 p.m. The motion carried.

Respectfully Submitted,

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Patricia Murphy  
Board Secretary/Treasurer