

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
JUNE 19, 2007**

A meeting of the New Jersey State Board of Nursing was held on June 19, 2007 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:

Noreen D'Angelo Virginia McKenney
Marietta Cahill Karen Rodriguez
Avery Hart Sara Torres
Leo-Felix Jurado Constance Wilson

ALSO PRESENT:

George J. Hebert, Executive Director
Barbara Byers, Administrative Analyst
Kathryn Schwed, Deputy Attorney General
Susan Carboni, Deputy Attorney General

BOARD MEMBER(S) EXCUSED ABSENCE:

Irma Lupia Shivani Nath
Patricia Ann Murphy Mary Sibley

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 27, 2006. A schedule of all 2007 Regular Open Board Meetings to be held during 2007 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.

ANNOUNCEMENT:

President Jurado welcomed Avery Hart, New Board Member and announced that Shivani Nath was appointed as a Public Member. Karen Rodriguez has been reappointed to the Board of Nursing for another term. Nelson Tuazon has resigned his position as a Board Member and Ronald Carr's term as a Board Member has expired.

AGENDA:

Open Regular Board Meeting Agenda of June 19, 2007: Reading and Approval with amendments:

To add under Old Business – Darlene Kane will address the Board on the revised Budget Report. To add under Committee Reports – Legislation Committee.

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 June 19, 2007 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of May 15, 2007: Reading and Approval with corrections:

Pg. # 3 – Under request approvals for attendance – Leo-Felix Jurado was a Speaker at Robert Wood Johnson Medical Center for Nurses Day.

Pg. # 4- Revise third bullet to state: Seoul, Korea will no longer be an NCLEX administration site until further notice.

Pg. # 8 – (a) Capitalize the first word in the first directive under Clarification/Revision.

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 May 15, 2007 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported that:

The July 17, 2007 Regular Board Meeting has been rescheduled for Friday, July 6, 2007.

Request for attendance – August 6-10, 2007 George J. Hebert and Leo-Felix Jurado to attend the 2007 NCSBN Annual Meeting to be held in Chicago, IL.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Marietta Cahill, voted to approve the appearance of the Executive Director and Board President. The motion carried.

On May 24, 2007 Leo-Felix Jurado, Patricia Murphy, George Hebert and Barbara Byers met with representatives from the Board of Medical Examiners Executive Committee. The purpose of the meeting was to establish contact with BME in an attempt to explore opportunities for ongoing dialogue about issues that are of common interest or concern. The issue that prompted this meeting was a review by the BON of the proposed BME Corporate Practice Rules. Portions of the document needed some clarification. Issues of concern specifically were related to: language used to refer to non-physician health care providers; a requirement of physicians entering any medical practice partnership venture with a non-physician to be 51% owner and language that did not permit peer review by anyone other than a physician. Each of the concerns was discussed. The language in question was already under review. As for the 51% ownership, it was explained that this was required so physicians would ultimately be responsible for all of the health care provider practices that occurred within the practice. Finally, it was suggested the current trend of multi-discipline peer review was admittedly overlooked.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert as follows:

Monthly Statistics

25-May-07

| License Type | Completed | MyLicense OnLine | Outstanding | Paper | MyLicense OnLine | Total |
|--------------------------------|-----------|------------------|-------------|-------|------------------|--------|
| 2602 - Registered Prof. Nurse | 49078 | 46833 | 12131 | 3.67% | 76.51% | 80.18% |
| 2603 - Advanced Practice Nurse | 1713 | 0 | 216 | 88.8% | 0.0% | 88.8% |

| | | | | | | |
|---------------------------------|-------|-------|-------|--------|--------|--------|
| 2604 - Licensed Practical Nurse | 7884 | 6985 | 2852 | 8.37% | 65.06% | 73.44% |
| 2623 - Forensic Nurse-CSA | 99 | 0 | 10 | 90.83% | 0.0% | 90.83% |
| Total | 58774 | 53818 | 15209 | 6.7% | 72.74% | 79.44% |

18-Jun-07

| License Type | Completed | MyLicense OnLine | Outstanding | Paper | MyLicense OnLine | Total |
|---------------------------------|-----------|------------------|-------------|--------|------------------|--------|
| 2602 - Registered Prof. Nurse | 54782 | 52073 | 6320 | 4.43% | 85.22% | 89.66% |
| 2603 - Advanced Practice Nurse | 1834 | 0 | 71 | 96.27% | 0.0% | 96.27% |
| 2604 - Licensed Practical Nurse | 9319 | 8294 | 1400 | 9.56% | 77.38% | 86.94% |
| 2623 - Forensic Nurse-CSA | 109 | 0 | 0 | 100.0% | 0.0% | 100.0% |
| Total | 66044 | 60367 | 7791 | 7.69% | 81.76% | 89.45% |

The Alternative to Discipline Committee, members of the Board and the Division met with representatives of the Recovery and Monitoring Program to discuss the contract agreement. Once the contract agreement is completed they will meet to work on the regulations.

Kathryn Schwed, Deputy Attorney General is retiring on June 29, 2007 after 29 years of service.

Request for attendance – June 26-28, 2007, George J. Hebert to attend the NCSBN Executive Officer Seminar which will be held in Lake Tahoe, Nevada.

After discuss the Board, upon a motion made by Sara Torres and duly seconded by Noreen D'Angelo, voted to approve the appearance of the Executive Director. The motion carried.

CORRESPONDENCE:

May, 2007 Letter from Barbara L. Nicholas, DHL, MS, RN, FAAN, Commission on Graduates of Foreign Nursing Schools regarding the nursing shortage.

May 20, 207 E-mail from Geri L. Dickson, RN, Ph.D, Executive Director, New Jersey Collaborating Center for Nursing regarding Senate Bill 2651 – Revises appointment process for members of New Jersey Collaborating Center for Nursing Board and dedicates portion of nurse licensing fee to support center.

June 13, 2007 Open Agenda and May 13, 2007 Board of Medical Examiner Minutes.

The American Journal for Nurse Practitioners – The Pearson Report; “A National Overview of Nurse Practitioner Legislation and Healthcare Issues”.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: - Sara Torres, Chairman

Sara Torres reported: Session I of the May 22, 2007 Meeting Report:

Correspondence: Correspondence:

April 18, 2007 – Letter from Wendy Blume, Ed.D, Dean, Math, Science & Health Careers, Camden County College

Re: FYI: Director for LPN Program. The school is in the process of obtaining a new director.

b. Leader and Leader – Spring 2007

Re: FYI: Quality and Safety Education for Nurses

18th Annual Nurse Educators Conference

Re: FYI: Conference in the Rockies July 18-21, 2007

Advance for nurses – No Shortcuts

Re: FYI: Changes in who may be licensed as a LPN in New York

2. Curriculum changes:

Bloomfield College

The Committee reviewed the college's philosophy and curriculum changes. Bloomfield College would like to begin the new curriculum fall 2007. This curriculum would require course changes, and different scheduling of courses. It would promote critical thinking and increase clinical hours. Based on its review the Committee makes the following recommendation:

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson, voted to approve the Bloomfield College BSN Program change in curriculum and philosophy. The motion carried.

Discussion: Regulations

a. N.J.A.C. 13:37-1.8: Additions to curriculum

PP Depression

Genetic Testing / Genome & Nursing Practice

Discussion focused on whether or not these topics should be included in N.J.A.C. 13:37-1.8 to be included in all nursing programs. Discussion also included whether the Board should be prescriptive or informative. The Committee recommends that a letter be sent to the schools of nursing regarding topics that are on the horizon such as genetic testing/genome and nursing practice and that the schools be referred to the Board's Web site for further information regarding PP Depression screening and other "hot topics." Drafts of a letter/newsletter were developed and will be reviewed by the Committee.

b. N.J.A.C. 13:37-1.11 (a) 6 Individual liability insurance

The Committee discussed concerns that have been brought to its attention regarding student nurse liability insurance. Some schools were unaware of this regulation and have aggregate policies with 1 million/3 million coverage for students up to an aggregate of 5 million for the entire group of students. Others have the 1 million/3 million for each individual student with the aggregate up to 3 million multiplied by the total number of students. For example if there are 100 students the yearly aggregate would be 300 million. Others have required students to purchase their own insurance and then the clinical instructors have to keep records of coverage and sometimes students purchase it prior to starting clinical and then have to purchase another policy for the last weeks of

clinical. Based on review of the above the Committee will meet with Mr. Manning, Regulatory Analyst regarding this matter.

4. Additional Submission

St. Francis Medical Center School of Nursing

Submitted the requested documentation regarding continuing education for a part time faculty member.

Sara Torres reported: Session II of the May 22, 2007 Meeting Report:

Discussion:

a. Com-Tec Institute / Sierra Allied Health Academy

The Committee reviewed the letters from both of these schools regarding Com-Tec Institute's submission of Part II of Sierra Allied Health Academy's application. Com-Tec plans to withdraw its application.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson voted that Com-Tec Institute may withdraw its application to begin a LPN program in New Jersey. The motion carried.

New Program Applications: (Appearances)

a. Moe Shea Corporation – Part I

The Education Committee reviewed Moe Shea Corporation's Part I application submission and met with representatives from the program. Based on its review the submission requires extensive revisions. The Committee requested the school submit a new Part I application.

b. AVTECH Institute of Technology – Part I

The Education Committee reviewed AVTECH Institute of Technology Part I application submission and met with representatives from the program. Based on its review the Committee requested minor revisions, which were submitted.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson, voted to approve Part I of the preliminary application for the establishment of a new Licensed Practical Nursing program; AVTECH Institute of Technology is granted permission to pursue development of Part II of the application process. The motion carried.

c. MicroTech Training Center – Part II

The Education Committee reviewed MicroTech Training Center's Part I application submission and met with representatives from the program. Based on its review the Committee requested revision/clarification.

d. Allcare Health Institute

Clarification was requested regarding the licensure status of Mr. Odemefi. The school reported that this person has decided not to take the position, of Program Administrator.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson, voted to approve Part I of the preliminary application for the establishment of a new Licensed Practical Nursing program; Allcare Health Institute is granted permission to pursue development of Part II of the application process. The motion carried.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez,

voted to approve Sessions I and II of the Education Committee Report of May 22, 2007. The motion carried.

2. REGULATION COMMITTEE:

Noreen D'Angelo reported on:

Old Business:

1. Alternative to Discipline Monitoring Program:

The Committee discussed and modified the draft of Subchapter 10, Alternative to Discipline Monitoring Program. Charles Manning will complete the revisions, and forward the revised draft to the Alternative to Discipline Committee for Committee comments and approval.

2. N.J.A.C. 13:37-1.2 (e) and (b) Amendments, Application for establishment of a new program in nursing:

The Committee discussed amendments to N.J.A.C 13:37-1.2 which will require nursing programs educating Registered Professional Nursing students and Practical Nursing students to limit student admissions to 40 students in each class per calendar year while the schools are on provisional accreditation. This agenda item will be discussed further at the next available Committee Meeting.

N.J.A.C. 13:37-2.3, Application requirement; graduates of foreign nursing programs: The Committee discussed proposed amendments to N.J.A.C. 13:37-2.3, which involves the World Evaluation Services (WES) as a valid transcript evaluation service and the International English Language Testing System (IELTS) examination as a valid English proficiency examination. This agenda item will be discussed further at the next available Committee Meeting when additional information is available.

Subchapter 7., Advanced Practice Nursing:

The Committee discussed the Committee Flow Sheet regarding Advanced Practice Rule issues, and the "Self Prescribing" Rule Proposal for the New Jersey Board of Medical Examiners. The Committee will review and discuss the Advanced Practice Nursing issues further at the next available Committee Meeting.

N.J.A.C 13:37-1.2 (a) through (g) Amendments, Application for establishment of a new program in nursing:

The Committee reviewed and discussed amendments to N.J.A.C. 13:37-1.2 (a) through (g), application for establishment of a new program in nursing. The Committee discussed the approval process for new nursing programs. Charles Manning will complete revisions to this proposed amendment, N.J.A.C. 13:37-1.2 (a) through (g), for the next available Committee Meeting.

Correspondence:

a. A letter dated January 4, 2007 from Lydia Watson, Licensed Practical Nurse, requesting to be granted a waiver for the continuing education requirement to renew her license due to a disability. The Committee carefully reviewed and discussed the letter from Ms. Lydia Watson.

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Marietta Cahill, voted that in accordance with N.J.A.C. 13:37-5.3 Continuing Education, the Board directed that a letter be sent to Ms. Lydia Waltson, LPN, directing her to either place her New Jersey nursing license on the inactive status, or to comply with N.J.A.C. 13:37-5.3 which is a requirement to retain an active nursing license. The motion carried.

Senate Bill No. 2651 by Senator Joseph F. Vitale and Senator Loretta Weinberg. Senate Bill 2651 revises the appointment process for Board members of the New Jersey Collaborating Center for Nursing and dictates that a portion of the nurse licensing fees be granted to support the Center. The Committee reviewed and discussed Senate Bill 2651, and opposes this Bill with comments:

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted oppose Senate Bill 2651 with the following comments: The language of the Bill include a Memorandum of Understanding between the New Jersey Board of Nursing and the Collaborating Center for Nursing for implementation of the Law, and

2. The language of the Bill include the Executive Director of the New Jersey Board of Nursing in the decision making process regarding Board appointments for the New Jersey Collaborating Center.

Board Member: Constance Wilson recused herself from the proceeding.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Virginia McKenney, voted to approve the Regulation Committee Report of May 22, 2007. The motion carried.

3. LEGISLATION COMMITTEE:

The Committee reviewed the following bill:

Senate Bill 2716 – Establishes three-year Nurse Educator Pilot Program in the Division of Consumer Affairs.

A discussion ensued regarding Senate Bill 2716, which would allow nursing faculty who possess advanced degrees other than in nursing to work in New Jersey nursing programs.

The Committee thinks that it would be better to support nurses to acquire a masters in nursing.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Marietta Cahill, voted not to support Senate Bill 2716. The motion carried.

OPEN FORUM:

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

Josephine Sienkiewicz, RN, MSN, Director of Education and Clinical Practice, The Home Care Association of New Jersey inquired about the monthly statistics for the 2007 renewal. Ms. Sienkiewicz also wanted to know what the status would be for nurses who do not renew on time by July 1, 2007. Ms. Sienkiewicz inquired about some employers of CHHAs have not received the letters that needed to be filled out by the renewal period in November 2007.

Ruth Gage, RN, Institute for Nursing, inquired about the celebration for Kathryn Schwed, DAG.

Bernard Gerard, Vice President, Allied Health, requested a copy of the letter sent from Barbara L. Nichols, DHL, MS, RN, FAAN, CGFNS regarding the nursing shortage.

Linda DeLamar, President, New Jersey Association of Nurse Anesthetists commented on the meeting with representatives from the Board of Nursing and Board of Medical Examiners. Ms. DeLamar requested clarification on the continuing education requirement for nurses and if there would be any additional changes with the APN regulations.

APPEARANCES:

At the April 24, 2007 Business Meeting, Darlene Kane, Budget Analyst met with the Board to discuss the Fiscal Year 2007 Budget. A discussion ensued regarding the monies that are being distributed for Director/Administration Services.

Darlene Kane, Budget Analyst, Larry DeMarzo, Sharon Joyce, Assistant Attorney General met with the Board to discuss any issues regarding the Fiscal Year 2007 Budget.

A discussion ensued regarding the replacement of staff and allowing the Board to have an offsite meeting. Larry DeMarzo explained that approvals for any type of meeting and travel are processed through the Governor's office.

Sharon Joyce explained that the Division of Law is experiencing a loss of Deputies due to retirement and/or finding positions elsewhere.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Karen Rodriguez, voted to go into closed session to discuss complaints against nursing programs. The motion carried.

ADJOURNMENT:

On June 19, 2007 the Regular Open Board Meeting was adjourned at 1:30 p.m. The next Open Business Meeting will be held on July 6, 2007.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded Karen Rodriguez, voted to adjourn the Regular Open Board meeting of June 19, 2007 at 1:30 p.m. The motion carried.

Respectfully Submitted,

Noreen D'Angelo
Board Secretary/Treasurer