

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
JUNE 21, 2005**

A meeting of the New Jersey State Board of Nursing was held on June 21, 2005 in the Hudson Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Muriel M. Shore, Board Secretary/Treasurer called the meeting to order at 9:35 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D' Angelo
Ronald H. Carr
Sylvia C. Edge
Muriel M. Shore
Leo-Felix Jurado
Nelson Tuazon
Margaret M. Kirchhoff
Cecilia West
Virginia McKenney
Karen Rodriguez

ALSO PRESENT:

George J. Hebert, Executive Director, New Jersey Board of Nursing
Barbara Byers, Administrative Analyst
Carol Onajide, Education Program Development Specialist
Darlene Lapola, Deputy Attorney General
Paula Alvarez, Deputy Attorney General
Charles Manning, Regulatory Analyst

BOARD MEMBER (S) NOT PRESENT:

Maris A. Lown
Veronica McGreevey

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 3, 2005. A schedule of all 2005 Regular Open Board Meetings to be held during 2005 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 21, 2005 Regular Board Meeting Agenda with amendments:

Massage Regulations
Renewal of Licensure

After discussion, the Board upon a motion made by Nelson Tuazon and duly seconded by Karen Rodriguez voted to approve the Regular Board Meeting Agenda of June 21, 2005 as amended. The motion carried.

A reading and approval of the Open Regular Board Meeting Minutes of May 17, 2005.

After discussion, the Board upon a motion made by Nelson Tuazon and duly seconded by Karen Rodriguez, voted to approve the Regular Board Meeting Minutes of May 17, 2005. The motion carried.

ANNOUNCEMENTS:

Virginia McKenney, Board Member is celebrating her 80th birthday today. Nelson Tuazon, Board Member has been appointed the new Nurse Executive for East Orange General Hospital.

REPORT OF THE BOARD PRESIDENT – MARIS LOWN:

No report.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported:

2005 Renewal update – as of June 17, 2005, 98.7% of licensee who were eligible for renewal did get renewed. Of those, 31% renewed online and 59% sent in their renewal forms.

May 2005, Monthly Statistics – There were 3,400 interactions associated with applications that were received. There were 12,000 inquiries and emails handled by the Board Staff.

The Board has hired 4 summer interns to work in the following areas: the examination section, the advanced practice section the communication section, and the disciplinary section of the Board.

Board staff are continuing to meet with Division staff to work on procedures to be used for implementation of the Multistate Nurse Licensing Compact.

Approval for attendance – Maris Lown and George Hebert to attend a meeting with the representatives from the Nurse Collaborative and the National League for Nurses to discuss data collection for schools of nursing looking at numbers of admissions, graduations and initial licensure performance.

After discussion, the Board upon a motion made by Nelson Tuazon and duly seconded by Ronald H. Carr, voted to approve the appearances of the Board President and Executive Director for the above meeting. The motion carried.

CORRESPONDENCES:

Letter dated May 17, 2005 from Kimberly S. Ricketts, introducing herself as the newly appointed Acting Director of the Division of Consumer Affairs.

Board of Physical Therapy Examiners agenda and minutes for March 22, 2005.

Board of Medical Examiners minutes for June 8, 2005.

Article – The Line Between Life and Death by Gary Kalkut and Nancy Neverloff Dubler.

Article from www.amednews.com – Nurses move to doctorate in primary care by Myrle Croasdale.

COMMITTEE REPORTS:

1. BUDGET & FINANCE: - Muriel M. Shore, Chairperson

No report.

2. EDUCATION COMMITTEE: - Leo-Felix Jurado, Chairman

Leo- Felix Jurado reported: May 31, 2005 meeting.

The Education Committee meetings will be structured as follows:

Session I – Open session items will be discussed in the presence of community members. Session II – New Program Applications for Part I and Part II will not be discussed in the presence of community members.

Session III – Disciplinary matters.

Correspondence:

1. N.J.A.C. 13:37-2.3 (b) Application requirements: professional and practical nurses

The Board upon a motion made by Leo-Felix Jurado and duly seconded by Nelson Tuazon, voted to direct the Regulation Committee to write regulation to modify N.J.A.C. 13:37-2.2(b): the successful completion of a professional nursing program to allow the candidate to sit for the National Licensure Examination for Practical Nurses (NCLEX-PN). This provides an alternative for RN educated nurses to take the PN exam. The motion carried.

N.J.A.C. 13:37-4.2 (b) Eligibility Requirements

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Nelson Tuazon, voted to direct the Regulation Committee to write regulation to modify N.J.A.C. 13:37-4.2 (b) so that LPNs who have completed a RN program outside of New Jersey will be endorsed into New Jersey. The motion carried.

Both motions were opposed by Board Members: Ronald H. Carr and Muriel M. Shore.

Motion applicable to endorsement provision opposed by Sylvia C. Edge.

2. CGFNS NEWS

Re: FYI, Credentials Certification Deadline of July 26, 2005, approaching for Trade NAFTA Healthcare Professionals Working in U.S.

3. CGFNS NEWS

Re: FYI, CGFNS Opens Exam Center in Abuja, Nigeria for September 21, 2005 Exam.

4. Email from George Hebert, Executive Director

Re: Question from Iris Arbeitman, RN, EdD, Director, Monmouth County Vocational School District.

George Hebert, Executive Director informed the Committee that Ms. Arbeitman has an individual who graduated from her practical nursing program a number of years ago. This person maintained her PN license over the years, but hasn't worked in nursing for more than 5 years. This former student/LPN is requesting from Ms.

Arbeitman to enroll in Ms. Arbeitman Practical Nursing Program and retake the exam.

The Committee directed George Hebert, Executive Director to notify Ms. Arbeitman that the Board of Nursing has no regulations that addresses this issue. The

Committee recommends Ms. Arbeitman refer to Monmouth County Vocational School District admissions policy.

Approval for requests of Curriculum Revisions:

1. UMDNJ-School of Nursing

The Board upon a motion made by Leo-Felix Jurado and duly seconded by Sylvia C. Edge, voted to approve the UMDNJ-School of Nursing Curriculum revisions. The motion carried.

New Program Application Appearance

1. Salem Community College, Part II Proposal for Development of a Registered Nursing Mobility Program.

The Committee reviewed part II of Salem Community College proposal for development of a RN mobility program and directed Salem Community College to revise their application per the following Education Committee observations and resubmit their application as soon as possible. If received in time the Committee would review the materials to determine if a recommendation to approve part II of the application would be made at the next available Board meeting.

The Committee observations included the following:

Revise Program Outcomes;

Revise 5 year budget;

Revise Table of Organization;

Submit a program evaluation plan that meets N.J.A.C. 13:37-1.2 (e) 9

Resubmit N.J.A.C. 13:37-1.2 (a) 1–6.

2. America Health Care Inc., Part II Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2).

The Committee reviewed part II of America Health Care Inc. proposal for development of a new practical nursing program and directed America Health Care Inc. to revise their application per the following Education Committee observations and resubmit their application as soon as possible. If received in time the Committee would review the materials to determine if a recommendation to approve part II of the application would be made at the next available Board meeting.

The Committee requested the following be submitted:

1. A new flyer;

2. An appeals policy for any disciplinary matter, N.J.A.C. 13:37-1.11 (5) A plan for increases in faculty commensurate with increased student enrollment; A curriculum plan, including course objectives for all nursing courses, N.J.A.C 13:37-1.2 (e) 7; and A written Systematic Plan for Program Evaluation, N.J.A.C. 13:37-1.2 (e) 9

A site visit will be scheduled for America Health and the committee will bring back their findings at a later date.

3. A site visit was conducted at Merit Technical Institute to make sure that the new location was in compliance with the regulations. The committee set forth the following directives:

N.J.A.C. 13:37-1.2 (a) 2, The philosophy, organizing framework, objectives and outcome of the program in accordance with N.J.A.C. 13:37-1.5 N.J.A.C. 13:37-1.2(e) 8, A written statement describing the support staff N.J.A.C. 13:37-1.5 (i), The faculty, in collaboration with the program administrator, shall construct, implement, teach and evaluate the curriculum. The administrator shall maintain records that indicate the curriculum has been evaluated pursuant to the Systematic Plan for Program Evaluation. N.J.A.C. 13:37-1.7 (b) 1) Have current licensure in New Jersey as a registered professional nurse. 4) For faculty in licensed practical nursing programs that began their current employment position after September 1, 1981, hold a bachelor's degree with a major in nursing. N.J.A.C. 13:37-1.10 (b) 2, Notice of termination of the agreement by either party at least 120 days prior to termination.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Nelson Tuazon, voted to send a letter to Merit Technical Institute identifying the recommended directives. The motion carried.

4. The Committee conducted a site visit at Caribbean Training Education Center. The Committee will discuss their findings at a later date.

5. Pinelands School of Practical Nursing & Allied Health Inc., Part I Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2).

Board Members: Leo-Felix Jurado and Nelson Tuazon recused themselves from the proceeding regarding Pinelands School of Practical Nursing & Allied Health.

The Board, upon a motion made by Sylvia C. Edge and duly seconded by Cecilia West, voted that the preliminary application of Pinelands School of Practical Nursing & Allied Health Inc., for the establishment of a new practical nursing program be granted preliminary permission to pursue development of Part II of their practical nurse program application. The motion carried.

The Board, upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to approve Session I of the Education Committee Report of May 31, 2005. The motion carried.

3. LEGISLATION COMMITTEE: - Ronald H. Carr, Chairman

The committee met on June 21, 2005 to discuss the following bills:

Assembly Bill 4138 – Provides immunity for certain volunteer health care professionals and nonprofit clinics. The Board reviewed this bill at a previous meeting. Position – Non-support: It will be very difficult to administer.

The Board, upon a motion made by Ronald H. Carr and duly seconded by Noreen D'Angelo, voted to ratify its decision regarding A4138 and not to support. The motion carried.

Assembly Bill 4080 – Cap noneconomic damages in medical malpractice actions arising from emergency care at \$250,000. Position – Non-support: This bill does not address the concerns about higher malpractice rates for all health care professionals. This bill should not include physical disabilities or impairment as noneconomic damages. Professionals acting within their scope of employment in a licensed health care facility should be required to provide proper care and be liable for malpractice. This bill only addresses emergency services in a license health care facility.

The Board, upon a motion made by Ronald H. Carr and duly seconded by Noreen D'Angelo, voted not to support A4080. The motion did not carry, because it failed to be ratified.

The Board, upon a motion made by Cecilia West and duly seconded by Sylvia C. Edge, voted to approve the report of the Legislation Committee of June 21, 2005. The motion carried.

PRACTICE COMMITTEE: - Cecilia West, Chairperson

The committee met on June 7, 2005 to discuss the following issue:

1. Advanced Practice Nurse – Board of Physical Therapy

The committee discussed concerns relating to the APN's and the Board of Physical Therapy's proposed regulations that were published in the New Jersey Register. The APNs were not included in the language of their regulations. Mr. Hebert has drafted a letter for the Board of Physical Therapy with the Board of Nursing's comments on this issue.

Role of the Registered Professional Nurse in Removing Triple Lumen Catheters and Chest Tubes

The committee decided to group these two (2) issues with the epidural catheter issue. Upon further research, it was determined that a decision had not been made on the role of nurses in removing epidural catheters. These issues will be placed on the next available Practice Committee Meeting agenda.

3. Updated Prescription Blanks for Advanced Practice Nurses

The Committee discussed the updated prescription blanks for Advanced Practice Nurses wherein the requirements for reissue, dosage change, and N.J.S.A. 45: 11-49c(1)(b) was removed from the prescription blanks. The Committee expressed concern about the need for clear communication to be sent to Advanced Practice Nurses regarding implementation of the new law for prescription of controlled dangerous substances because the proposed amendments in Subchapter 7 have not been promulgated. This issue will be reviewed further.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Sylvia C. Edge, directed the Board staff to send a letter to licensed APNs regarding the use of the new prescription blanks under the current regulations that Advanced Practice Nurses may use either the old or the updated prescription blank when prescribing controlled dangerous substances, and must denote the reason for the prescription as either: (a) Reissue, or (b) Dosage, or (c) N.J.S.A. 45:11-49 c (1) (b). The motion carried.

4. April 1, 2005 – E-mails from Anthony Miragliotta, Sandra Dick and Robert Elker Re: Question on whether APN's are permitted to order or maintain stock supplies of controlled dangerous substances.

The Board, upon a motion made by Cecilia West and duly seconded by Noreen D'Angelo, voted to approve the deletion from the Division of Consumer Affairs Drug Control Unit's Controlled Dangerous Substance Registration application the notation, "Advanced Practice Nurses may not purchase or maintain any stock supplies of any CDS medication." The Board does not have a regulation prohibiting Advanced Practice Nurses from ordering or maintaining a stock supply of controlled dangerous substances. The Board also recommends that the Addendum to the Application for Advanced Practice Nurse Registration Under New Jersey Controlled Dangerous Substance Act N.J.S.A. 24:21-1 et seq. be revised as follows: change Responsible Physician to Collaborating Physician per joint protocol agreement. The motion carried.

5. December 6, 2003—Letters from Patricia Fillippone, RN Issue: Medications dispensed without physician's orders

The Board, upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to send a letter to the Monmouth County Tuberculosis Clinic requesting a copy of their policy for medication. The motion carried.

6. April 28, 2005—E-mail from Monica Lozaga, RN, BSN, CCRN, CNRN, Nurse Manager Re: Staffing and Safe Patient Care

The Board's regulations cover faculty to student ratios for student clinical experiences in nursing education programs. The Board of Nursing does not regulate nurse manager's work duties.

The Board, upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to send a written response suggesting that staffing issues be brought to the New Jersey Department of Health and Senior Services. The motion carried.

7. April 19, 2005—E-mail from Rebecca Jones, King & Spalding LLP Re: Questions on the ability of nurses to prescribe or administer cosmetic injections such as collagen and Botox.

Question (1) – I understand that under a joint protocol, an Advanced Practice Nurse could prescribe cosmetic injections. Under such a joint protocol, could an APN purchase these products directly from a manufacturer or wholesaler to be administered to patients?

Committee response: Yes.

Question (2) – Does the Board have a policy on whether administering cosmetic injections could be included in the RN or LPN scope of practice (subject to appropriate training)?

Committee response: No, refer to the Algorithm for Determining Scope of Practice and N.J.S.A. 45:11-23, Definitions.

8. May 15, 2005 – Letter from Irene Allen, RN
Re: Microdermabrasion Procedure

Cecilia West and George Hebert will conduct more research on this issue and report the findings to the Committee.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Nelson Tuazon, voted to approve Session I of the Practice Committee Report of June 7, 2005. The motion carried.

5. REGULATION COMMITTEE: Muriel M. Shore, Chairperson

The Committee met on May 31, 2005 to discuss the following issues:

1. The Flow sheet was updated regarding replacing the title of “Mandatory Reporting Guidelines” with “Mandatory Reporting”

2. Alternative to Discipline Committee

The Committee reviewed P.L. 2005, c. 82 with Kathryn Schwed, Deputy Attorney General. The Committee invited Kathryn Schwed, DAG to attend the next available Committee meeting to begin drafting regulations to implement P.L. 2005, c. 82.

3. Discuss setting up a sub-committee for CHHA Education Requirements Proposal

The Committee discussed setting up a sub-committee for CHHA Education Requirements Proposal. The Committee will continue discussion on this issue at its next available Committee meeting.

4. Letter to Board of Physical Therapy regarding Amended Regulations and APN’s Prescribing Physical Therapy

The Board voted at its last meeting to suggest amendments to N.J.A.C. 13:39A-2.1. Upon review prior to sending this comment to the Physical Therapy Board, Board staff realized that the PT Board was proposing to delete N.J.A.C. 13:39A-2.1, and the correct citation for the Board of Nursing comment is N.J.A.C. 13:39A-2.5.

The Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted to suggest amendments be made to the Physical Therapy proposal N.J.A.C. 13:39A-2.5 Referral of patients and consultation standards for physical therapists (a) as follows: “A health care provider licensed as a dentist, podiatrist, physician, surgeon, advanced practice nurse, or other appropriate licensed health care provider. The motion carried.

5. Delegation of the Administration of Medications

The Committee discussed the nature of a pre-proposal and public hearing regarding this pre-proposal.

6. Status of Mandatory Reporting Regulations

The Committee would like to make note that a letter is being sent to Sandra Dick, Deputy Attorney General Section Chief requesting that mandatory reporting regulations be fast tracked so that the regulations can be put into effect as soon as possible.

7. Report from George Hebert regarding JCAHO requirements for criminal history background checks on student nurses

Mr. Hebert provided the Committee with a copy of requirements for criminal history background checks available on JCAHO’s website.

8. SANE

Charles Manning, Regulatory Analyst reported to the Committee a discussion he had with Linda Rinaldi, Deputy Attorney General who works with SANE coordinators regarding pediatric examinations. Mr. Manning reported that Ms. Rinaldi has discussed pediatric examinations with the coordinators and will get back to the Committee with suggested amendments to N.J.A.C. 13:37-9 that will permit FN-CASs to perform pediatric examinations including the curriculum for a pediatric course that FN-CASs would have to complete prior to performing such examinations.

9. APN-CDS

The prescription blank division released to the approved printers the change that will be implemented with the adoption of N.J.A.C. 13:37-7.8, which the Board has approved but which has not yet been proposed in the New Jersey Register. The Board has been advised that the new blanks are being printed. Mr. Hebert will discuss this issue with Deputy Director Miragliotta.

The Board, upon a motion made by Nelson Tuazon and duly seconded by Cecilia West, voted to approve the report of the Regulation Committee of May 31, 2005. The motion carried.

OPEN FORUM:

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

Alma Saravia, Council for the New Jersey Association of Nurse Anesthetist, gave a brief update on the argument before the NJ Supreme Court with Board of Medical Examiners (BME). Ms. Saravia argued that the Board of Nursing is the regulatory body for CRNAs and not the BME. The BME has no research justifying the regulation that will benefit patients. Ms. Saravia thanked the Board for their support and inquired about when will the regulations for the APNs be published.

Carolyn Torre, Director of Practice, New Jersey State Nurses Association, informed the Board that NJSNA is supporting the argument of the CRNAs and did attend the court proceedings. Ms. Torre talked about the CDS application and expressed concerns regarding the language in the Board of Physical Therapy Regulations. Ms. Torre asked if the Division of Consumer Affairs was going to do away with paperwork and convert to the use of computers in the Board meetings. Ms. Torre feels that individuals from the public should be given materials to better understand what is being presented at the Board meetings.

Josephine Sienkiewicz, Director of Education and Clinical Practice of New Jersey Home Health Assembly, inquired about the Compact Regulations for New Jersey and when will it be approved.

Barbara Tofani, New Jersey Hospital Association, commented about the LPN Education Requirements.

UNFINISHED BUSINESS:

Charles Manning discussed the following issues:

Massage, Bodywork and Somatic Therapy Regulations: (revisions)

N.J.A.C. 13:37-16.4, Application for certification

To combine the ethics course and law course into one course, covering both ethics and law. This course would have to be at least eight hours long. Voted to delete the required topics that must be included in the ethics course.

N.J.A.C. 13:37-16.5, Endorsement

Require that an applicant for licensure by endorsement submit proof of licensure or certification from every state in which the applicant was ever licensed or certified.

After Discussion, The Board Upon a motion made by Sylvia C. Edge and duly seconded by Noreen D'Angelo, voted to approve the revisions to the Massage, Bodywork and Somatic Therapy Regulations. The motion carried.

2. Renewal of Licensure: (revisions)

N.J.A.C. 13:37-5.2, Biennial License Renewal

To amend the 5.2 to implement N.J.S.A. 45:1-7.1, which sets forth standards for the renewal of licensure.

Licensees that do not renew licensure in a timely manner will be automatically suspended. A suspended licensee may be reinstated if he or she meets certain requirements, which includes retaking NCLEX if a licensee has been suspended for more than five years.

After Discussion, The Board Upon a motion made by Sylvia C. Edge and duly seconded by Cecilia West, voted to approve the revisions to N.J.A.C. 13:37-5.2, Biennial License Renewal. The Motion Carried.

After Discussion, The Board Upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to go into Closed Session to discuss complaints against nursing programs. The Motion Carried.

After Discussion of the closed session items, the Board Upon a motion made by Karen Rodriguez and duly seconded by Margaret Kirchhoff, voted to go into Open Session. The Motion Carried.

Muriel M. Shore shared with the Board information from the ANA Convention. One of the issues that were discussed was whether or not the ANA PAC should be making presidential endorsements.

ADJOURNMENT:

On June 21, 2005 the Regular Open Business Board Meeting was adjourned at 1:35 p.m. The next Regular Open Business Meeting will be held on July 19, 2005.

After discussion, the Board upon a motion made by Margaret Kirchhoff and duly seconded by Ronald H. Carr, voted to adjourn the regular board meeting of June 21, 2005 at 1:35 p.m. The motion carried.

Respectfully Submitted,

Muriel M. Shore
Secretary/Treasurer