### **New Jersey Board of Nursing**

# Regular Board Meeting July 15, 2003

A meeting of the New Jersey State Board of Nursing was held on July 15, 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, Karen Rodriguez 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; Sharon M. Joyce, Assistant Attorney General (for discussion on CRNA - Petition for Rulemaking); Deputy Attorney(s) General: Darlene Lapola and Victoria Manning.

#### NOT PRESENT

Board Member(s): 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 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 July 15, 2003 Regular Open Board Meeting Agenda.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE REGULAR BOARD MEETING AGENDA OF JULY 15, 2003 WITH AMENDMENTS (ADDITION OF DISCIPLINARY MATTER - REINSTATEMENT APPLICATION OF ELIZABETH McGEE, AND THE ADDITION TO "OLD BUSINESS" - 2. CRNA - PETITION FOR RULEMAKING). THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Board Meeting of June 17, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY

## SYLVIA C. EDGE, VOTED TO TABLE THE MINUTES OF THE REGULAR BOARD MEETING OF JUNE 17, 2003. THE MOTION CARRIED.

#### REPORT OF THE BOARD PRESIDENT – MARIS LOWN:

#### M. Lown reported.

- The Division of Consumer Affairs hosted a reception for the Board of Nursing and staff to commend staff for the extraordinarily smooth 2003 license renewal process. There was discussion about the work of the staff and restructuring of the Board by George Hebert, Acting Executive Director.
- A meeting of the Search Committee was coordinated by the Division of Consumer Affairs for 1
  p.m. today. Resumes of the applicants were sent out to Board members for review and there will
  be an evaluation during the meeting to decide which applicants will be asked to come in for an
  interview during the month of August.
- The Colleagues in Caring Articulation Bulletin and Brochures were completed and copies were distributed to Board members. The brochure explains the entire Articulation Model. It was sent to all nursing schools and hospitals in the state.

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

#### George J. Hebert reported.

- Multistate Licensure Compact:
  - 1. Compact Regulations will be discussed later in the meeting.
  - 2. Computer Data staff is refining the database that will be used for the compact.
- Disciplinary Actions Online Work was completed on the database to check for accuracy.
   Test runs will be done.
- Licensure by endorsement regulations were published in the New Jersey Register on July 10, 2003.
- Public comments were reviewed at the July 8, 2003 Regulatory Committee Meeting concerning the proposed SANE regulations.
- CRNA The Regulatory Committee has reviewed the petition for rulemaking and will be suggesting to the Board its recommendations.
- NCSBN has invited the Boards to visit the test centers.
- 92% of those eligible for license renewal for the expiration date of May 2003 completed their renewal applications. Calls are continuing to come in from nurses who have realized that their licenses are no longer active.
- The Division of Consumer Affairs has approved the appearance of three additional board members to attend the 2003 NCSBN Annual Meeting on August 5-8, 2003 to be held in Alexandria, VA.
- G. Hebert requested approvals for:
  - 3. Nelson Tuazon August 19-20, 2003 Has been invited to attend a workshop on patient safety, sponsored by the Department of Health and Senior Services in Princeton, NJ.
    - 2.) George J. Hebert October 17, 2003 Has been invited to give a presentation at the

NJSNA 42nd Annual Meeting in Trenton, NJ.

3.) George J. Hebert – May 19, 2004 - Has been invited to give a presentation at the New Jersey Hospital Association in Princeton, NJ.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE APPEARANCES REQUESTED BY THE ACTING EXECUTIVE DIRECTOR AND BOARD MEMBER. THE MOTION CARRIED.

#### **COMMUNICATION:**

Letter from Carolyn Torre of NJSNA regarding the physical therapists law and epidural catheters.

#### APPEARANCES:

Darlene Kane, Budget Analyst, Division of Consumer Affairs, discussed the with the Board the Budget Report for the last three years.

A Board of Nursing expenditure report was distributed among the board members.

#### **COMMITTEE MINUTES:**

#### 1. BUDGET & FINANCE:

No minutes.

#### 2. NURSING EDUCATION:

L. Jurado reported.

The committee met on July 8, 2003 to discuss the following issues:

#### **Harrison Career Institute: Grievance Procedure**

<u>Informational:</u> The Committee reviewed the Grievance Procedure for the Practical Nursing Program at Harrison Career Institute. The Committee requests that the Grievance Procedure be amended and submitted to the New Jersey Board of Nursing Education Committee by August 15, 2003. The Committee requests that the revised Grievance Procedure:

- a. Be clear for student use, and
- b. Outline a process for student grievance at the Nursing Program level.

#### Assembly Bill 3687

<u>Informational:</u> The Committee reviewed Bill A3687 with the following recommendations:

- a. Non-support of Bill A3687 because:
- 1. Accelerated Nursing Education Programs are already in place for New Jersey residents with non-nursing professional preparation, and
- 2. Nursing education programs should not be legislated due to the large number of programs available

and accessible in New Jersey.

b. The Board staff will create a list of these Accelerated Nursing Educations

Programs including program length and the non-nursing profession acceptable for program admission.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED NOT TO SUPPORT ASSEMBLY BILL 3687 AND TO SENT IT BACK TO THE LEGISLATIVE COMMITTEE FOR FURTHER REVIEW. THE MOTION CARRIED.

Kean University Proposed Plan to Implement Revisions to the RN-BSN Curriculum Effective September 2003

The Committee commends Kean University for a comprehensive, well-designed curriculum revision. the nursing program credit allocation has been decreased from 132 to 125 credits.

The committee recommends that several objectives be written in measurable terms.

THE BOARD UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE KEAN UNIVERSITY PROPOSED PLAN TO IMPLEMENT REVISIONS TO THE RN-BSN CURRICULUM EFFECTIVE SEPTEMBER 2003. THE MOTION CARRIED.

Career Central Institute Certified Pediatric Teachers Guide and Profile Packet

<u>Informational:</u> Career Central Institute requested Board approval of a curriculum to prepare certified Pediatric Technicians to care for chronically ill children not requiring skilled nursing services.

The Committee recommends that Career Central Institute be apprised that the Board of Nursing certifies Homemaker Home Health Aides, and a UAP curriculum which includes the CHHHA module may be obtained from the Board.

The Committee recommends Board denial of approval of the Career Central Institute curriculum to prepare Certified Pediatric Technicians since the Board certifies CHHHAs.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO DENY APPROVAL OF CAREER CENTRAL INSTITUTE CURRICULUM TO PREPARE CERTIFIED PEDIATRIC TECHNICIANS SINCE THE BOARD CERTIFIES CHHAS. THE MOTION CARRIED.

#### **New Program Evaluation Tool**

<u>Informational:</u> The Committee agreed to forward to George Hebert comments on the Revised Program Evaluation Tool.Correspondence

<u>Informational:</u> The following communication was reviewed as informational:

c. News Release - CGFNS

The CGFNS Exam Center opened in Monterrey, Mexico.

- b. June 3, 2003 Jennifer Butin, Director of CCNE, Action Notification
- c. NCSBN: Facts about Alternate Item Formats and the NCLEX Examinations.

The Committee requested that:

- 4. The NCSBN information be placed on the board of Nursing website, and
- 5. George Hebert send a letter to New Jersey Deans and Directors apprising them of the NCSBN information.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY MARGARET M. KIRCHHOFF, VOTED TO APPROVE THE EDUCATION COMMITTEE MEETING MINUTES OF JULY 8, 2003. THE MOTION CARRIED.

#### 3. LEGISLATIVE REVIEW PANEL:

R. Carr reported.

The committee met on July 15, 2003 to discuss the following bills:

**Assembly Bill 3687** – M. Shore was asked by the OAG office to comment on this bill. This bill requires the commission on higher education to develop an accelerated Bachelor of Science degree in nursing program for foreign medical school graduates.

Institutions should be free to develop programs, which they view as part of their mission.

The committee believes that this legislation is unnecessary because there are already programs in place for this issue.

Colleges today are quite creative, and I believe academics clearly fall within their purview. Perhaps as a special demonstration project, the State may want to fund the development of such a program with an outcomes assessment.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY CECILIA WEST, VOTED ACCEPT THE POSITION RECOMMENDED BY DR. MURIEL M. SHORE. THE MOTION CARRIED.

**Assembly Bill 3778** - establishes Quality Home Care Councils. This will be a organization that will be run by the State of New Jersey and will supervise CHHHAs. The Council will be made up of nine (9) people that will be appointed by the Governor. It will provide more choices for consumers to decide on the CHHHAs that they want to care for them.

The Committee had concerns that there are already agencies that supervises CHHHAs.

Consumers already had the choice of rejecting CHHHAs that they do not want to care for them under the existing method. Criminal background checks must be done on all CHHHAs including family members who become qualified to function as a CHHHA based on this law. It raises OPRA issues as to what the Board of Nursing will have to provide on a demand basis. The Committee feels by giving the consumer more to choose, it eliminates the professional over view that presently exists.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED NOT TO SUPPORT ASSEMBLY BILL 3778. THE MOTION CARRIED.

**Assembly Bill 3782 - "New Jersey Medical Service Corps Act."** 

This bill was introduced and referred to the Assembly Health and Human Services Committee on June

12, 2003. It is an Act establishing the New Jersey Medical Service Corps supplementing Titles 26 and 45 of the Revised Statutes and Title 2A of the New Jersey Statutes. The Committee supports A3782 with the following recommendations:

- a. Uninsured consumers be afforded the same legal protections for medical errors as citizens who have health insurance coverage.
- b. Add the word "negligence" to willful misconduct in the language of the law for consumers to have access to litigate medical errors.
- c. A monetary appropriation should be provided for A3782.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY DR. MURIEL M. SHORE, VOTED TO SUPPORT ASSEMBLY BILL 3782 WITH ADDITIONAL VERBIAGE AS IT RELATES TO NEGLIGENCE AND WHERE THIS ORGANIZATION WILL BE HOUSED. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE REPORT OF THE LEGISLATIVE REVIEW PANEL. THE MOTION CARRIED.

#### 4. NURSING PRACTICE:

Nelson Tuazon reported.

**Assembly Bill 3676 -** The committee met on June 17, 2003 to discuss the following issues:

The committee was asked to review Assembly Bill 3676 which establishes minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

The Committee agreed to support A3676 with the following suggestions:

- Allow for flexibility in patient care hours during different shifts on various nursing units.
- Include all licensed nurses in staffing ratios.
- Reconsider the necessity of bargaining units approving patient care delivery systems.

THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED BY KAREN RODRIGUEZ, VOTED TO REFER ASSEMBLY BILL 3676 TO THE PRACTICE COMMITTEE AND LEGISLATIVE COMMITTEE TO RE-REVIEW IN VIEW OF THE INFORMATION PRESENTED BY NELSON TUAZON. THE MOTION CARRIED.

**Licensure by Endorsement: R.N. Application** 

Ms. Karen Jean McClellan passed her initial licensing examination in Canada, and was endorsed into North Carolina and Connecticut without taking NCLEX-RN. Ms. McClellan has worked as a registered nurse in the United States for ten years.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO FELIX JURADO, VOTED TO GRANT KAREN JEAN MCLELLAN PERMISSION TO TAKE THE NCLEX-RN WITHOUT TAKING THE CGFNS EXAM BASED ON THE BOARD'S PROPOSED RULE TO REPEAL N.J.A.C. 13:37-2.3 (a) 2-4, THE CGFNS PREDICTOR EXAMINATION. THE MOTION CARRIED.

#### 2003 Committee Planning Flow Sheet

The Committee reviewed its 2003 Planning Flow Sheet. The LPN practice issues will be clustered together. The Committee refined the tool by removing: a) Nurses Implementing Clarification of Existing Orders received by a pharmacist from a physician and b) Non-Punitive Standardized Medication Error Reporting. Completed issues will be retained for one year on a separate sheet attached to the Planning Flow Sheet.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO APPROVE THE 2003 NURSING PRACTICE COMMITTEE PLANNING FLOW SHEET AS REVISED. THE MOTION CARRIED.

#### LPN Scope of Practice: Board Workshop Follow-up

The Committee reviewed the minutes of the New Jersey Board of Nursing Retreat of April 15, 2003. The Committee plans to continue review of the LPN Scope of Practice Issues after receiving further input from Deputy Attorney General Darlene Lapola and the Regulatory Committee on the Board's proposed revised delegation regulations (N.J.A.C. 13:37-6.2).

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEOFELIX JURADO, VOTED TO APPROVE THE RECOMMENDATIONS OF THE NURSING PRACTICE COMMITTEE THAT CLARIFICATION OF THE LPN'S ROLE AS FOLLOWS: THE LPN "ASSIGNS" TASKS AND THE RN "DELEGATES" SELECTED NURSING TASKS TO LPN'S AND UAP'S. THE MOTION CARRIED.

Review Regarding Medication Aide Training Curriculum, New Jersey Department of Corrections

Charles Manning and Barbara Byers reviewed with the Committee several Medication Aide Training Programs which the Board approved including:

- a) the New Jersey Juvenile Justice Commission Curriculum,
- b) the New Jersey Juvenile Detention Association's revised Curriculum, and
- c) the curriculum for registered nurse delegation of over-the-counter medication to non-licensed child care workers in Pediatric Transitional Homes licensed by the New Jersey Department of Health and Senior Services.

The Committee requested that the Board's Professional staff review and summarize the Medication Aide Training Curriculum of the New Jersey Department of Corrections, and share the summary with Deputy Attorney General Olga Bradford for discussion at the next available Committee meeting.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEOFELIX JURADO, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE MEETING MINUTES. THE MOTION CARRIED.

#### 5. REGULATORY:

C. West reported.

The committee met on July 8, 2003 to discuss the following issues:

The committee minutes of June 10, 2003 were revised as follows:

- 2. The educational preparation of CRNA's: line 2- educate APN's.
- 4. Grand fathering of non-masters prepared CRNA's: line 1- "The Committee agreed to draft regulations..."
- 7. Conscious Sedation, i.e. Dentist Office: line 1- "Pursuant to the regulations of the New Jersey Board of Medical Examiners, a CRNA may administer conscious sedation..."
- 11. Regulatory Requirements Governing Supervision, i.e., Board of Medical Examiners, New Jersey Department of Health and Senior Services: line 2- "Pursuant to the regulations of the New Jersey Board of Medical Examiners, supervision of CRNA's administering general and regional anesthesia in an office..."

#### **Committee Regulations Flow Sheet:**

The Committee Regulations Flow Sheet was not altered.

#### **Issue: Advanced Practice Nursing:**

Informational: CRNA/APN Regulations

- 1., 2. The Committee reviewed a report of the American Association of Certified Nurse Anesthetists (AAA) which provided demographic data for all States on the highest level of education achieved by CRNA's certified by AAA. It was noted that the data did not account for CRNAs who were retired or not working. New Jersey CRNA data included a total of 246 CRNA's with the following educational preparation levels:
  - a. Diploma/Certificate in Anesthesia: 74 (30.1%)
  - b. Baccalaureate in Nursing or other field: 68 (27.6%)
  - c. Master's in Nursing, Anesthesia, or other field: 103 (41.9%)
  - d. Doctorate and/or JD 1 (.4%)

The Committee reviewed a regulatory proposal of the Board in response to the New Jersey Association of Certified Registered Nurse Anesthetists regarding the Association's Petition to the New Jersey Board of Nursing for Rulemaking: CRNA's applying for Advance Practice Nurse Certification.

#### Review of Public Comments on Proposed Regulations: Sexual Assault Nurse Examiners (SANE)

Informational: Appearance:

Linda Ranald, Deputy Attorney General

Prosecutors & Police Bureau

New Jersey Division of Criminal Justice

The Committee welcomed Linda Ranald, Deputy Attorney General, New Jersey Division of Criminal Justice, to provide input regarding the public comments for the Sexual Assault Nurse Examiners Proposed Regulations. **Public Comments:** The Committee reviewed and formulated responses to some of the public comments submitted to the Board pertaining to proposed regulations regarding Sexual Assault Nurse Examiners (SANE). The Committee will continue to review the remaining public comments at the next available committee meeting.

#### **Correspondence:**

<u>Informational:</u> The following correspondence will be reviewed at the next available Committee Meeting:

- a. Carolyn Torre, RN, MA, APN, C. Director of Practice, NJSNA Letter confirming brief discussion regarding advanced practice certification categories with the members of the NJ Board of Nursing at its March 18, 2003, regular Board Meeting.
- b. John D. Fanburg Brach, Eichler, Rosenberg, Silver, Bernstein, Hammer & Gladstone A Professional Corporation Counselors at Law Notice of Receipt of Petition for Rule Making, Board of Nursing, Certification of Nurse Practitioners/Clinical Nurse Specialists N.J.A.C. 13:37-7
- c. Francis Gerbasi, CRNA, PhD Director of Accreditation and Education Council on Accreditation May 2003 meeting actions report
- d. FYI Nurse Practitioner Primary Care Competencies in Specialty Areas

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE REGULATORY COMMITTEE MEETING MINUTES OF JULY 8, 2003. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO ACCEPT IN PRINCIPAL THAT CRNA'S QUALIFIED UNDER THE BOARD'S REGULATIONS COULD APPLY FOR ADVANCED PRACTICE STATUS AND REFER BACK TO THE REGULATORY COMMITTEE TO CONTINUE TO DRAFT APPROPRIATE REGULATIONS. THE BOARD WILL NOT MOVE FORWARD ON THE PROPOSED REGULATIONS AS SET FORTH IN THE PETITION. THE MOTION CARRIED.

#### **OLD BUSINESS:**

**Multi-State Compact Regulations** - Charles Manning, Regulatory Analyst, reported that approximately 8 years ago the National Council of State Boards of Nursing initiated an effort to introduce into the profession, the process of multi state regulations in which nursing licenses will be mobile between states that are a part of the compact. The Board discussed the proposed regulations 13:37-9.1

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY VIRGINIA MCKENNEY, VOTED TO APPROVE THE MULTI-STATE COMPACT REGULATIONS WITH MODIFICATIONS OF DEFINITION OF HOME STATE. THE MOTION CARRIED.

**Disciplinary Matter:** Elizabeth McGee, RN has petitioned the Board to lift the restrictions from her license, which was suspended pursuant to a Final Consent Order for 2 years.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY NOREEN D'ANGELO VOTED TO APPROVE THE REINSTATEMENT OF LICENSURE FOR ELIZABETH MCGEE WITH CONDITIONS. THE MOTION CARRIED. MARGARET M. KIRCHHOFF RECUSED.

#### **OPEN FORUM:**

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

- Home Care Association of NJ
- NJ Nurse Association

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY NELSON TUAZON, VOTED TO GO INTO CLOSED SESSION TO DISCUSS A MATTER WHERE ADDITIONAL INFORMATION WAS SUBMITTED TO THE BOARD CONCERNING A PENDING INVESTIGATION. THE MOTION CARRIED.

Southern New Jersey Technical School

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY DR. MURIEL M. SHORE, VOTED TO REQUEST A PROGRESS REPORT REGARDING RECOMMENDATIONS BE SUBMITTED TO THE BOARD BY SOUTHERN NEW JERSEY TECHNICAL SCHOOL BY NOVEMBER 2003. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY CECILIA WEST, VOTED TO GO INTO CLOSED SESSION FOR LEGAL ADVICE REGARDING MATTER(S) THAT MAY BE THE SUBJECT OF LITIGATION. THE MOTION CARRIED.

#### **ADJOURNMENT:**

On July 15, 2003 the Regular Open Business Board Meeting was adjourned at 2:30p.m. The next Regular Open Business Meeting will be held on September 16, 2003.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED BY NELSON TUAZON, VOTED TO ADJOURN THE REGULAR BOARD MEETING OF JULY 15, 2003. THE MOTION CARRIED.

Respectfully Submitted,			
Dr. Muriel M. Shore Secretary/Treasurer			