



**New Jersey State Board of Nursing Minutes
Regular Open Board Meeting
July 16, 2002**

A meeting of the New Jersey State Board of Nursing was held on July 16, 2002 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey, Maris A. Lown, President, called the meeting to order at 9:30 a.m.

ROLL CALL

PRESENT

Board Members:

Noreen D'Angelo, Ronald H. Carr, Sylvia C. Edge, Veronica McGreevey, Margaret M. Kirchhoff, Cecilia West, Maris A. Lown, Virginia McKenney, Karen Rodriguez, Muriel M. Shore and Nelson Tuazon.

ALSO PRESENT

Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Barbara Byers, Administrative Analyst, George Hebert, Deputy Executive Director, Joanne Cole, Director Intervention Program, Charles Manning, Regulatory Analyst, Deputy Attorney(s): General: Gus Lembo and Darlene Lapola.

NOT PRESENT

Board Member:

Leo-Felix Jurado

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, 2002. A schedule of all 2002 Regular Open Board Meeting to be held during 2002 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.

Approval of the July 16, 2002 Regular Open Board Meeting Agenda.

THE BOARD, UPON A MOTION MADE BY KAREN M. RODRIGUEZ AND DULY SECONDED, VOTED FOR THE APPROVAL OF THE JULY 16, 2002 REGULAR OPEN BOARD MEETING AGENDA.

THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Open Business Meeting of June 18, 2002.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED, VOTED FOR THE APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JUNE 18, 2002.

THE MOTION CARRIED.

MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. M. Lown continues to serve on the Colleagues and Caring Steering Committee, the last meeting is this July. In August, 2002 M. Lown will be attending the the NCSBN Annual Meeting in Long Beach, CA.

PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky reported. P. Polansky recognized and congratulated Karen Rodriguez, Board Member for being chosen as LPN of the Year.

- Committee appointment letters will be going out.
- Notified - Approval denied - To attend the NCSBN Annual Meeting in Long Beach, CA.
- List of RNs, LPNs and HHAs without licenses since the walkin center closed, total 2,603.
- Model Rules meeting with C. Manning, B. Byers, G. Hebert, J. Cole and P. Polansky on July 11, 2002.
- Nurse Executive Constituency Group Meeting - June 10, 2002.
- Master Calendar for Board and Committee Meeting for 2003 was distributed.
- Powerpoint Presentation re: 2002 Renewal L2000. (handouts were distributed)

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE DULY SECONDED, VOTED THAT THE NEW JERSEY BOARD OF NURSING HEREBY AFFIRMS THE URGENT NEED TO HAVE ALL QUALIFIED NURSING PERSONNEL AVAILABLE FOR WORK AT THIS TIME OF SEVERE SHORTAGE. WITH DUE CONSIDERATION OF ITS RESPONSIBILITIES AS A PROFESSIONAL REGULATORY BOARD TO PROTECT THE HEALTH AND SAFETY OF THE CITIZENS OF NEW JERSEY, THE NEW JERSEY BOARD OF NURSING HEREBY COMMENDS THE STAFF OF THE BOARD OF NURSING AND ITS EXECUTIVE DIRECTOR, PATRICIA A. POLANSKY, FOR THEIR EXTRAORDINARY EFFORTS IN SUPPORT OF THE 2002 LICENSING RENEWAL PROCESS.

FURTHER, THE NEW JERSEY BOARD OF NURSING VIGOROUSLY ADVOCATES THAT ALL NECESSARY STEPS BE TAKEN TO ENSURE THAT THE LICENSING 2000 SYSTEM IS FULLY OPERATIONAL, FUNCTIONAL AND CAPABLE OF PROCESSING ALL RENEWAL APPLICATIONS IN AN ACCURATE AND TIMELY MANNER.

THE MOTION CARRIED.

- "Handouts/Pass Arounds" - 1.) Thank you card from Kathy Rohr. 2.) Holistic Nursing Practice - vol. 16. 3.) Parish Nursing - Stories of Service and Care. 4.) In Touch Newsletter. 5.) Article in The Boston Globe - Hospitals Wrestle with Nursing Gap. 6.) Email dated July 3, 2002 from Renee Scaletta re: Call for 2003 Committee Nominations - "Extended Deadline." 7.) Commission on Graduates of Foreign Nursing Schools Celebrating 25 years. 8.) Letter dated July 3, 2002 from Delia Garcia re: A letter from Greg Karr, Director of Operations, Loving Care Agency commenting on the shortage of nurses. 9.) Email dated July 10, 2002 from "NJ - Lincs Health Alert Newtwork" Mosquito Summary Reports for July 10, 2002.
- "Communication Packet" - 1.) Memo dated June 27, 2002 from August Lembo, DAG re: Article in The New Law Journal - "Nurse's Summary Testimony Allowed As Explanatory Evidence AT Trial." 2.) Bush Signs

Bioterrorism Bill as Dems Unveil RX Proposal. 3.) O'Leary details JCAHO's Goals, Future Activities. 4.) Disaster Preparedness Aid Approved For 25 Cities.

- "Information Salad" - 1.) Nursing Wounds. 2.) Emergency Dept. Law. 3.) The Color of Nutrition.
- P. Polansky seeks approval for: 1.) Patricia Polansky - July 25, 2002 - To attend the Introduction to Environmental Health Exposure Training for Nurses in New Brunswick at UMDNJ for the Board of Nursing. 2.) Maris Lown - September 12, 2002 - Speech at Bloomfield College. 3.) George Hebert - September 23, 2002 - To attend the NCSBN 2002 NCLEX Invitation at the Disney's Coronado Springs Resort in Lake Buena Vista, Florida. 4.) Joanne Cole - September 25-28, 2002 - To attend the International Nurses Society on Addiction in San Antonio, TX. 5.) Patricia Polansky - November 13-15, 2002 To attend the Citizen Advocacy Center 2002 Annual Meeting at the Holiday Inn Golden Gateway in San Francisco, CA for the NCSBN.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED, VOTED TO APPROVE THE APPEARANCES OF THE BOARD PRESIDENT, EXECUTIVE DIRECTOR AND STAFF.

THE MOTION CARRIED.

Communication:

1. Letter dated June 4, 2002 from Cathleen M. McCormack, RN, MA, Director of Nursing Education, The Charles E. Gregory School of Nursing re: her retirement.

APPEARANCES:

1. Darlene Kane, Budget Analyst, Division of Consumer Affairs, discussed with the Board the Massage, Bodywork & Somatic Therapy Certification Fee. The Board will review this issue at their next meeting.
2. Kathy Logada, Community Educator, Women Aware, Inc., discussed with the Board issues on "Domestic Violence". Handouts were passed around re: services for abused women.

1. BUDGET & FINANCE COMMITTEE:

No report.

2. EDUCATION COMMITTEE:

S. Edge reported. The committee met on June 26, 2002 to discuss the Nursing Education Regulations.

THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO APPROVE THE NURSING EDUCATION REGULATION ADOPTED REPEALS AND NEW RULES: N.J.A.C. 13:37-1.1 TO 1.19.

THE MOTION CARRIED.

3. LEGISLATIVE REVIEW PANEL:

J. Cole reported. The Legislative Review Panel reviewed the following bills:

- **Assembly Bill 570** - Sponsors: Anthony Impreveduto/Joan M. Quigley. Introduced January 8, 2002. This bill enacts new law to regulate and license pharmacists. **Position - Oppose.** Comment(s): 1.) Pending meeting with BOME and Pharmacy Board. 2.) Does not address potential conflict of interest. 3.) Is there a credentialing process? 4.) Does the current curriculum support prescriptive powers for all Pharmacists? 5.) There is a potential for substitution of the Pharmacist for a Primary Care Provider. 6.) The bill does identify Public Health issues that need to be explored. 7.) Will there be an additional cost to the consumer?

- **Assembly Bill 2590** - Sponsor: Alex Decroce. Introduced June 27, 2002. This bill requires medical malpractice insurers to provide certain information to DOBI concerning physicians, podiatrists and nurses they insure. **Position - Neutral.** Comment(s): 1.) Why are nurses included since premiums are constant and low? 2.) Not enough information to understand impetus of bill.
- **Senate Bill 1711** - Sponsor: Joseph F. Vitale. Introduced June 27, 2002. This bill expands duties performed by advanced practice nurses. **Position - Support with Amendments.** Comment(s): Need to speak appropriate members of the nursing community to discuss amendment.
- **Senate Bill 1520** - Sponsor: John J. Matheussen. Introduced May 16, 2002. This bill requires all health insurers to cover alcohol and drug addiction treatment under same terms and conditions as for other diseases or illnesses. **Position - Neutral.** Comment(s): 1.) Support insurance coverage but check analysis of cost impact.
- **Senate Bill 1565** - Sponsors: Diane B. Allen/John J. Matheussen. Introduced May 30, 2002. This bill expands implied consent statute to include blood testing; permits use of reasonable force to obtain blood sample in certain cases. **Position - Oppose.** Comment(s): 1.) Not in favor of invasive procedure against a patient's will.
- **Senate Bill 1570** - Sponsor: Anthony R. Bucco. Introduced May 30, 2002. This bill reduces statute of limitations for medical malpractice liability actions to four years. **Position - Oppose.** Comment(s): 1.) Limits consumers rights to sue for malpractice.

THE BOARD, UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE REVIEW PANEL.

THE MOTION CARRIED.

4. NURSING PRACTICE COMMITTEE:

C. West reported The Nursing Practice Committee met on June 18, 2002 to discuss the following:

Issue: Guest Appearance, Nursing Perspectives

Informational: Beth Lucas, R.N., Nursing Supervisor and Brenda Mancinelli, R.N., Nursing Supervisor, New Jersey Department of Law and Public Safety, New Jersey Juvenile Justice Commission, appeared before the Nursing Practice Committee to discuss implementation of the Medication Administration Course which the New Jersey Board of Nursing approved in 2001, for preparation of Juvenile Justice Officers to administer medications. A packet was distributed entitled "Board of Nursing Presentation: Outcome of the Medication Administration Course." The administration of the Juvenile Justice Commission supports the program. All officers (300-350) have completed the course. Within 90 days of newly hired officer assignments, they commence the medication administration educational program. There have been minimal medication variances, and remediation is offered immediately. A tracking system is in place for educational updates. Only one individual repeated the course and was dismissed because of significant medication variances. A medication variance and incident reporting system is in place. The Performance Assessment Review System (PARS) for officers' evaluations includes medication administration. The most common medication variances are medications not administered on schedule and a lack of documentation of medications administered. Advanced Practice Nurses (APN's) have assisted with the scheduling of medication administration reducing missed medications. Advanced Practice Nurses have also assisted in strengthening policies and procedures, thereby improving the continuity of care.

A recertification course for medication administration (4.5 hours) is prepared to be implemented annually with CPR recertification.

Issue: School Nurses Performing Advanced Audiological Screening

Informational: The committee received an inquiry from Deputy Attorneys General August Lembo and Kathryn

Schwed on whether "Advanced Audiological Screening," that included pure tone testing, tympanogram and acoustic reflex, is within the scope of practice of a Registered Professional Nurse. The original inquiry came from a Registered Professional School Nurse employed by the Middlesex County Educational Services Commission.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED, VOTED TO MOVE THAT THE REGISTERED PROFESSIONAL NURSES MAY PERFORM ADVANCED AUDIOLOGICAL SCREENING PROVIDING THEY ARE COMPETENT TO PERFORM THE SCREENING TEST AND HAVE PROPERLY FUNCTIONING EQUIPMENT TO PERFORM THE TEST.

THE MOTION CARRIED.

5. REGULATORY COMMITTEE:

M. Shore reported. The Regulatory Committee met on July 9, 2002 to discuss the following:

Issue: Committee Regulations Flow Sheet 2002

Informational: The committee updated the Regulations Flow Sheet which outlines the regulatory issues the committee will be addressing.

The committee's agenda for September 10, 2002 will focus on N.J.A.C., Subchapter 7, Advanced Nursing Practice regulation issues. A fifteen minute guest appearance is being scheduled to receive feedback on an inquiry made regarding N.J.A.C. 13:37-5.1, License requirement, as this regulation pertains to new nursing graduates.

Issue: N.J.A.C., Subchapter 7, Certification of Advanced Practice Nurses

Informational: On July 9, 2002, the Committee conducted a telephone conference call with Nancy Chornick, Professional Staff for the National Council of State Boards of Nursing Advanced Practice Registered Nurse Task Force. The committee discussed with Nancy Chornick the 2002 National Council of State Boards of Nursing Position Paper on Regulation of Advanced Practice Nursing and the APRN Certification Examination Review Program including:

Requirements for Accrediting Agencies and Criteria for APRN Certification Programs, and Implementation of NCSBN's APRN Certification Review Program. The NCSBN documents on Regulation of Advanced Practice Nursing will be further reviewed as part of the committee's discussion of Subchapter 7 at the September 10, 2002 committee meeting. In discussing the proposed regulations for Subchapter 7, the committee also reviewed the NCSBN Uniform Advanced Practice Registered Nurse Licensure/Authority to Practice Requirements.

Issue: N.J.A.C., Subchapter 1, Programs in Nursing Education

Informational: On July 9, 2002, the committee reviewed the public comments received on Subchapter 1 promulgated in the New Jersey Register on April 1, 2002. The proposed amendments in Subchapter 1 and the comments received from the public will be presented for Board discussion and action on July 16, 2002.

The Board notes a clarification with respect to the motion adopted at the meeting of the Board of Nursing on June 18, 2002, concerning whether an advanced practice nurse, practicing in a federal agency located in New Jersey, may establish a written collaborative practice agreement with other than New Jersey licensed physicians. Upon further advice of counsel, it is noted that this issue is one based primarily upon the terms of N.J.S.A. 45:11 - 23 (b) which defines nursing and excludes from that definition "nursing performed by employees or officers of the United States Government or any agency or services thereof while in the discharge of his or her official duties," rather than upon the principle of preemption.

OPEN FORUM:

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

UNFINISHED BUSINESS:

No report.

OLD BUSINESS:

No report.

NEW BUSINESS:

THE BOARD, UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED, VOTED TO GO INTO CLOSED SESSION.

THE MOTION CARRIED.

August Lembo - To discuss dispositions of cases.

THE BOARD, UPON A MOTION MADE BY KAREN M. RODRIGUEZ AND DULY SECONDED, VOTED TO BACK INTO OPEN SESSION.

THE MOTION CARRIED.

There is a posting of the minutes on our website:

www.state.nj.us/lps/ca/home.htm#nur6

ADJOURNMENT:

On July 16, 2002 the Regular Open Business Board Meeting was adjourned at 1:30 p.m. The next Regular Open Business Meeting will be on September 24, 2002.

Respectfully submitted,

Dr. Muriel M. Shore
Secretary/Treasurer

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