

# **Board of Nursing**

**September 19, 2000**

## **Regular Open Board Meeting**

A meeting of the New Jersey State Board of Nursing was held on September 19, 2000 in the Hudson 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**

Present were Board Members: Eileen Helbig Toughill, M. Catherine Dulio, Richard C. Freda, Denise Link, Maris A. Lown, Virginia McKenney, Leo-Felix Jurado, Karen Rodriguez, Dr. Muriel M. Shore, Nelson Tuazon and Noreen D'Angelo.

#### **ALSO PRESENT**

Deputy Attorney(s) General: Gus Lembo, Kathryn Schwed, Kathy Rohr, Lynn Dennis, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, George Hebert, Deputy Executive Director, Harriet L. Johnson, Assistant Executive Director, Barbara Byers, Administrative Analyst, Kathryn Schneider, Assistant Executive Director, Massage, Bodywork & Somatic Therapy, Nancy Moree, Paralegal, Joanne Cole, Intervention Program Coordinator, New Jersey State Board of Nursing.

#### **NOT PRESENT**

Board Member: Elizabeth English

### **A QUORUM WAS PRESENT FOR THE ENTIRE MEETING**

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, 2000. A schedule of all 2000 Regular Open Board Meetings to be held during 2000 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.

### **MINUTES:**

Approval of the minutes of the Regular Open Meeting of July 18, 2000.

**THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO APPROVE THE MINUTES OF JULY 18, 2000.**

**THE MOTION CARRIED.**

M. Lown requested to amend the agenda to place Homemaker Home Health Aide Training Program as number five (5) under Unfinished Business.

**THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO APPROVE THE AGENDA WITH THE ADDITION.**

## **THE MOTION CARRIED.**

### **MARIS A. LOWN - REPORT OF THE PRESIDENT**

M. Lown welcomed three new Board of Nursing staff members: (1.) George Hebert, MA, BSN, RN, Executive Deputy Director; (2.) Joanne P. Cole, RN, C., Intervention Program Coordinator; and (3.) Nancy Moree, Paralegal. M. Lown reported the Board of Nursing Workshop/Retreat is scheduled for April 17, 2001. M. Lown reported that written notification was sent to all Board Members regarding of their various committee assignments. M. Lown presented her Annual President's Report for the 1999-2000 year.

#### **General**

A Mission-Vision Statement was developed and adopted by the Board.

The 2000 Annual Meeting will be held at the Ramada Inn, East Windsor on December 8, 2000. Dr. Betty Ferrell, a national expert on Pain Management and End-of- Life Care will be the keynote speaker. Over 350 individuals attended the Annual Meeting, held in December.

Joan Farrell-Monaghan and Phoebe Andes completed their terms on the Board. Dr. Susan Reinhard, Judith Godsey-Wehnau, and Mario Guidice resigned from the Board. Noreen D'Angelo, Denise Link, Eileen Helbig Toughill, and Leo-Felix Jurado were appointed to the Board. Dr. Muriel Shore was elected Secretary-Treasurer. Margaret Bennett has resigned as Executive Deputy Director. George Hebert has been hired as Executive Deputy Director. The renewal date for RN's and LPN's was permanently extended to May 31st .

A bill was signed that amended the Uniform Enforcement Act. The License Verification Line is operational and includes a licensee's name, address of record, license status, date of expiration, and the date of the last status change. The new L-2000 licensing system will be operational November, 2000.

A -3105, requiring the State Board of Nursing to regulate Unlicensed Assistive Personnel and the Commissioner of Health and Senior Services to adopt regulation governing their use by health care facilities was signed into law. Bills were signed mandating criminal background checks for all certified Homemaker-Home Health Aides and Certified Nurse Aides under the Department of Health and Senior Services. This affects approximately 54,000 individuals. Patricia Polansky received awards from the Organization of Nurse Executives and the Association of Health Care Executives.

Patricia Polansky, Noreen D'Angelo and Maris Lown attended the National Council of State Boards of Nursing Annual Meeting. The Board of Nursing continues to be represented on the Colleagues in Caring Steering Committee.

#### **Practice Committee**

The Action Plan was revised for the coming year.

Nelson Tuazon was appointed Chair effective 9/00. Two community members. Dorothy Carolina and Lynn Flynn are in the second year of their two-year appointment.

Revisions to Subchapter 7, Certification of Advanced Practice Nurses were approved by the Board for publication as proposed rules.

The Board approved the Long-Term module and the Home Care module from the Core Curriculum.

The Curriculum for Unlicensed Assistive Personnel was incorporated into Department of Health Regulations.

The Personal Assistants Services Program proposal has been under discussion. The Committee is finalizing a proposal to bring to the Board.

Dr. Susan Reinhard, under the auspices of the Center for Health Policy, convened a Summit on Consumer Directed Care. Five individuals from the board attended.

A program on End-of-Life and Pain Management was held in Eatontown with 383 in attendance.

End-of-Life and Pain Management materials were mailed by the City of Hope to health care agencies, health care service firms, and nursing programs in the state. Schools of nursing were asked to evaluate their curricula for inclusion of this content.

On February 11, 2000 the Drug Enforcement Administration (DEA) in Washington, DC approved advanced practice nurses (APN's) in New Jersey having DEA numbers.

June 1, 2000 was the deadline for APN's to obtain their DEA numbers and updated prescription pads. A fact sheet and guidelines for APN's is on the web site.

APN Joint Protocols Regulations were adopted in collaboration with the Board of Medical Examiners and the Division of Consumer Affairs. They are posted on the web site.

The Decision Making Model Algorithms for Determining Scope of Nursing Practice that were developed, were mailed to employers, schools, state agencies, and nursing interest groups. They are on the web site.

A Program on Medication Administration was presented to the Board by Meridian Health System, Riverview Medical Center. ID tag regulations were adopted.

The Board continues to monitor the Board of Medical Examiners proposed regulations concerning the "supervision requirement" of CRNA's by physicians.

### **Education Committee**

An Action Plan was created.

Sr. Janet Lehman is in the second year of a two-year appointment as a community member.

George Hebert has resigned as a community member.

Marlene Dey and Judith Matthews were appointed to two-year terms as community members.

The draft revisions of the educational regulations were presented to professional nurse educators at an off-site meeting in November.

The draft revisions of the educational regulations were presented to practical nurse educators at an off-site meeting in January.

In January 2002, a new vendor NCS-Pearson PLS will assume responsibility for the NCLEX examination.

An Orientation Manual for new Deans and Directors was developed.

Orientation programs for the newly appointed Nursing Program administrators at Atlantic Cape Community College, Seton Hall University, and Fairleigh Dickinson University were conducted.

There was a meeting with the Program Development Specialist from the Department of Education to discuss NCLEX results for Practical Nurse Programs that are conducted in vocational schools.

The Board approved initial accreditation of the Thomas Jefferson University BSN nursing program. A new format for reporting accreditation surveys was developed and presented to the Board. Curriculum revision proposals were reviewed for the following programs:

Mountainside Hospital School of Nursing  
Gloucester County Community College  
Capitol Health System School of Nursing  
Union County College Practical Nursing Program

Five programs were removed from conditional accreditation and one program was removed from probation.

Five programs were placed on conditional accreditation and one program was placed on probation.

The Annual Report was revised.

Nursing Program Graduate data are as follows:

RN 1668  
LPN 644  
AND 755  
DIP 457  
BSN 306  
RN-BSN 390  
LPN-AND 91  
LPN-DIP 59  
MSN 218

### **Legislative Review Panel**

The committee reviewed approximately 57 bills. Recommendations from the Board are sent through the Division of Consumer Affairs Legislative Liaison.

### **Massage, Bodywork, and Somatic Therapy Examining Committee**

Members of the Committee were appointed by the Governor. An information fact sheet is posted on the web site. Kathy Schneider will be the Assistant Executive Director of the Committee.

Kathy Rohr will be the Deputy Attorney General assigned to the Committee.

The Committee is working on developing regulations.

### **Intervention Program Task Force**

The Final Report of the Committee was accepted with a recommendation to hire staff and initiate the program. Joanne Cole was selected to head the Intervention Program. The Committee is now working with the staff to develop and launch the program.

### **Regulatory Review Task Force**

The charge to the committee of reviewing all regulations is nearing completion. The committee is currently working on delegation.

A community member, Ronald Carr, has been appointed to this committee.

The DAG assigned to the Task Force created a flow sheet tracking all regulatory revision work.

Sunset revisions were adopted.

Sexual Assault Nurse Examiner Training requirements were approved.

There was legislative action mandating criminal background checks for all new and existing Homemaker-Home Health Aides.

The Board approved for publication as a proposed regulation one that would allow endorsement of Advanced Practice Nurses who are certified in another state but who do not hold the MSN, to practice in New Jersey within a designated time period, provided they obtain the MSN in that time period.

### **Appearances**

Representatives from the Department of Health and Senior Services.

The Concerned Black Nurses of America, Inc. Southern New Jersey.

Representatives from the Philippines Nurses Association of New Jersey.

Representatives from The American Red Cross.

Representatives from Meridian, Riverview Medical Center of New Jersey.

Representatives from the Commission on Graduates of Foreign Nursing Schools.

### **Future Considerations**

Continuing to move toward MSR.

Implementing the Intervention Program.

Creating a model for addressing discipline issues related to practice.

Collaborating with Colleagues in Caring in data collection.

Evaluating an Outcomes Model for the Board of Nursing.

Implementing an approach to the accreditation of nursing program that utilizes specialized accreditation self-study reports.

Expanding input for the Practice Committee.

Increasing the use of technology for Board members.

M. Lown extended her heartfelt thanks to the members of the Board who give so generously of their time and expertise - a visionary group, committed to consumer protection and regulation that acknowledges the rapid pace of change.

On behalf of the Board, M. Lown acknowledged and extended deepest appreciation for the extensive and committed work of the staff. The Board office operates in a seamless manner as it works to protect the public and operationalize the mission and vision.

A special word of appreciation to the Executive Director, Patricia Polansky who effectively manages accelerating change and excels in positioning the Board for future challenges. Patricia Polansky's versatility and energy are the gold standard for executive leadership. The President completed her report. Board Member Muriel Shore praised the President for her leadership in achieving the important work of the Board.

M. Lown is seeking approval to speak at the Ocean County College Pining Ceremony in December, 2000.

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

**FOR APPROVAL FOR MARIS A. LOWN, PRESIDENT OF THE BOARD OF NURSING TO SPEAK AT THE PINING CEREMONY AT OCEAN COUNTY COLLEGE IN DECEMBER, 2000.**

**PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR**

P. Polansky reported. M. Lown, N. D'Angelo and P. Polansky attended the National Council of State Boards of Nursing Annual Meeting, Minneapolis, Minnesota from August 8-12, 2000.

The next National Council of State Boards of Nursing Annual Meeting is scheduled for August 6-11, 2001 in Pittsburgh, Pennsylvania.

National Council of State Boards of Nursing initiated teleconference calls regarding the August Delegate Assembly for recommendations and questions related to the Board of Directors recommended increase to the NCLEX Candidate Fee.

National Council of State Boards of Nursing has recommended three candidates for the national JCAHO Professional/Technical Advisory Committee: (1.) Arizona, (2.) California, and (3.) New York.

Regarding NURSUS the new electronic verification system: this system will become the national system once everyone is connected. The Board of Nursing has a contract with National Council of State Boards of Nursing for the NURSUS system. There will be fees associated with this yet to be determined.

Margaret Howard received a Meritorious Service Award at the National Council of State Boards of Nursing luncheon and the Arkansas State Board of Nursing received the Member Board Award for this year.

DEA Status Report - Registrations issued to date: 561, and an additional 68 registrations pending.

UAP Task Force final meeting was held on August 16, 2000. There was discussion on three major issues: (1.) UAP Task Force: Completion of Mission. (2.) Review of the UAP Core Curriculum Education Packet, and (3.) UAP Core Curriculum Evaluation.

The Board of Nursing has received a favorable preliminary decision regarding board members receiving payment in terms of half a days pay for preparation of reading materials.

Memorandum from Mark Herr, Director, Division of Consumer Affairs, regarding personnel reassignments at the Division of Consumer Affairs, effective August 1, 2000:(1.) Lois Johnson, new Executive Director of the Board of Pharmacy and Lee Gladstein, Director of Pharmacy. (2.) Kevin Earle, new Executive Director of the Board of Dentistry, and (3.) Agnes Clark moved to become the new Executive Director of the Board of Accountancy.

A report detailing the total number of Registered Nurses and Licensed Practical Nurses Graduated from Schools in 1998-1999 was distributed to Board of Nursing members.

Agency/School List for Homemaker-Home Health Care Courses for 2000 will be placed on the web page.

Kathy Schneider has reported a total of 7, 115 Homemaker-Home Health Aide applicants for the year of 1998, 4,852 for the year 1999, and 2, 231 year to date - September, 2000.

E-mail from Francine Widrich, Print Production, Division of Consumer Affairs regarding Board of Nursing minutes once they are approved and the Massage, Bodywork and Somatic Therapy Committee minutes likewise will be posted on the web site.

Also now on the Internet are the newly adopted Standards for Joint Protocols between Nurses and Collaborating Physicians.

The Board of Nursing faxed to Geraldine Moon, Vice President of Hospital Operations of New Jersey Hospital Association the Deletion of N.J.A.C. 13:37-2, regarding Graduate Nurses from the Board's regulations. This

information will be published in the Hospital Association's Newsletter.

Nursing Practice Committee will be discussing their new schedule for 2001.

New Jersey Board of Nursing Calendar Meeting Schedule for the Year 2001, Telephone Directory, Know Your Board Update, and the Division of Consumer Affairs New Jersey State Board of Nursing Information Packet for the year 2001 were distributed to all Board Members.

Special attention to several items in your "communication packet": (1.) The article from Business News on the "The Nurses Respond" regarding the CRNA issue; (2.) The correspondence from Gregg Meyer, Director, Center for Quality Measurement and Improvement, Department of Health, regarding the National Summit on Medical Errors and Patient Safety Research and Testimony; (3.) Article from Modern Healthcare entitled "A Matter of Control", and (4.) Article on "Massachusetts, Maine Nurses to Vote on Disaffiliation".

FYI - Resumes of Joanne Cole, new Intervention Program Coordinator, and George Hebert, new Deputy Executive Director.

Self-stamped 8 \_ x 11 white/green envelopes were distributed to Board Members, for Board Members updated resumes to be returned to the Board office.

Mutual Recognition Update - There are currently twelve (12) states who are actually compact states; Mississippi, Nebraska, and South Dakota are ready. As of now twenty-three (23) states have no plans to move in that direction.

Update on Massage, Bodywork and Somatic Therapy Committee. There are twenty-nine (29) states plus the District of Columbia that have some kind of regulation. The current President, Barbara Benson is the President Elect for newly formed National Alliance of State Massage Therapy Boards.

P. Polansky seeks pre-approval for: (1.) George Hebert to attend the Annual Conference on Innovative Education for the New Century, October 26-29, 2000, St. Louis, Missouri. (2.) Gus Lembo, Deputy Attorney General, to attend the 2000 New Jersey Nursing Law in October, 2000. (3.) Barbara Byers to attend the New Jersey Hospital Association, Princeton, N.J. 6th Annual Healthcare Policy Workshop on "Legislative and Regulatory Update for Registered Nurses in New Jersey", and (4.) Patricia Polansky as speaker for follow up at Cross County University in Orlando, Florida January 19-22, 2001 with National Council of State Boards of Nursing on Delegation and separately on the Mandatory Overtime Bill.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR.**

**THE MOTION CARRIED.**

P. Polansky welcomed Sylvia Bishop, Administrative Support Staff, Kerline Supersaude, Licensing/Bookkeeper, Sylvia Davis, Tania Alfonso, and Soledad Mattos for Criminal Background Check.

P. Polansky seeks approval for Kathy Schneider and Barbara Byers to attend the Home Health Assembly meeting on October 5, 2000.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED FOR APPROVAL OF THE SPEAKING ENGAGEMENT FOR BARBARA BYERS AND KATHY SCHNEIDER.**

**THE MOTION CARRIED.**

"Communication Packet" - includes: 1.) American Health Consultants - May 2000 Volume 8, Number 5 Newsletter "Hospital Case Management". 2.) FYI - Steering Committee Members - Re: Fuld Health Trust Accepted Proposal for Educational Mobility for LPNs and RNs. 3.) Article from: Business News - "The Nurses Respond" dated July 18, 2000.

4.) Modern Healthcare - "Healthcare Compensation Rises" - dated July 17, 2000. 5.) FYI - from Tony Miragliotta, Deputy Director, Division of Consumer Affairs - "Legally Speaking - Malpractice May Not Be Your Biggest Legal Risk". 6.) Newspaper Articles from: (1.) The Star-Ledger - (a.) "Pool of Home Health Workers is Shrinking" - July 19, 2000. (b.) "17% of Central Jersey Nursing Homes Violated Rules" - July 7, 2000. (c.) "Training Offered for Health Aides" - April 17, 2000. (d.) "Benjamin Epstein, 87, Newark Educator" - July 14, 2000. (2.) Suburban News (Central Edition) - "Become Certified as a Home Health Aide" - February 23, 2000. 3.) Suburban News (Zone 2) - "Wyckoff Residents May Benefit from Nursing Care" - June 14, 2000. 4.) Gloucester County Times - (a.) "Back on Track?" - February 3, 2000. 5.) Today - "Home Aide Class Offered" - June 1, 2000. (b.) "ONE Aide Class Offered" - June 1, 2000. 6.) Citizen - "Home Health Aide Training" - March 15, 2000. 7.) Daily Record - (a.) "Hospital Feel Pinch of Nursing Shortage" - July 3, 2000. (b.) "Jewish Vocational Health Care in Crisis" - February 24, 2000. (c.) "Nurses Hold Reunion". (d.) "On Home Health Care In Crisis" - January 24, 2000. (e.) "Home Care Victory" - March 20, 2000. 8.) News Report - (a.) "College Nursing Department More Transfer-Friendly" - January 27, 2000. (b.) "After 30 Years, Nursing Program Celebrating Success" - May 18, 2000. 9.) Courier-Post - (a.) "Eliminating A Weak Link at Gloucester County College" - February 3, 2000. (b.) "Proud of GCC's Nursing Program Turnaround". - February 24, 2000. 10.) Philadelphia Inquirer - "Doctor To Be Guest at Rutgers-Camden" - April 6, 2000. 7.) New Jersey State Board of Medical Examiners (BOME): Old Business: 1.) Statutory Initiative Physician Training in a New Century. New Business: 1.) Bioethics Committee Report. 2.) Request from National Center for Competency Testing - Medical Assistants. 8.) Organization of Nurse Executives (ONE/NJ) Position Paper Patients First Legislation. 9.) Article from: American Journal for Nursing - August 2000 - Volume 100, No. 8 - Art of Nursing "The Nightingale's Song". 10.) Article from: Modern Healthcare - August 14, 2000, Week In Healthcare "A Matter of Control". "Information Salad" - feature stories: 1.) What Will Happen To Alternative Medicine? 2.) Regional N.J. System to Merge with Competitor. 3.) Medibuy Strikes E-Commerce Deal Again. 4.) Struggling to Remain Independent. 5.) Whose Pill Is Sweetest? 6.) Style Points. 7.) Impact of the Pharmaceutical & Medical Technology Industry in New Jersey's Cure Corridor. 8.) Home Health Agency Prospective Payment System. 9.) Jogging Shorts.

A summary of monies collected and processed at the Board of Nursing was passed around for informational purposes. "Hand Outs" - 1.) Monmouth University Master of Business Administration "Concentration In Healthcare Management" Newsletter. 2.) National Council of State Boards of Nursing, Inc. "Charting the Course for Nursing Regulation" The 2000 NCSBN Annual Meeting, Minneapolis, Minnesota - August 8-12, 2000 - The Business Book. 3.) ONE/NJ Newsletter - Summer 2000 - "One/NJ Represented at Legislative Hearing". 4.) Thank you note from Joyce Brown, Deputy Attorney General, to the Board.

## **COMMUNICATION:**

### **LETTER DATED JULY 31, 2000 FROM NANCIA A. COUGHLIN, LNHA, THE HEALTH CENTER AT BLOOMINGDALE, BLOOMINGDALE, N.J.**

Regarding the board's change in regulation Subchapter Three of N.J.A.C. 13:37 pertaining to graduate nurses and graduate practical nurses, which does not allow them to work until they are licensed.

### **LETTER DATED JULY 28, 2000 FROM BRUCE H. LONDON, ADMINISTRATOR OF THE WANAQUE CENTER FOR NURSING & REHABILITATION, HASKELL, N.J.**

Expressing concern regarding the New Jersey Board of Nursing's decision regarding Subchapter Three of N.J.A.C. 13:37.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED TO DEVELOP A RESPONSE REGARDING BOARD'S DECISION NOT TO RESCIND SUBCHAPTER THREE OF N.J.A.C. 13:37.**

**THE MOTION CARRIED.**

**LETTER DATED AUGUST 3, 2000 FROM PAMELA G. WATSON, PROFESSOR & CHAIR OF THOMAS JEFFERSON UNIVERSITY COLLEGE OF HEALTH PROFESSIONS, PHILADELPHIA, PA.**



Thanking the Board of Nursing for informing Thomas Jefferson University Nursing Education Program of receiving initial accreditation for its RN-BSN program.

## **COMMITTEE REPORTS:**

### **INTERVENTION PROGRAM TASK FORCE COMMITTEE:**

M. Shore reported. Joanne Cole, Intervention Program Coordinator, is being orientated. When that period is completed an Intervention Program Task Force Committee meeting will be scheduled.

### **BUDGET & FINANCE COMMITTEE:**

June (Levy) Lukasiuk, Budget Officer, Division of Consumer Affairs will be present under Appearance.

### **3. EDUCATION COMMITTEE:**

N. Tuazon reported. The Education Committee met on July 19, 2000.

Issue: Union County College School of Practical Nursing

#### **Informational:**

Union County College School of Practical Nursing sent a written request to the Board's Education Committee asking that the Committee provide recommendations to the program.

#### **Recommendation(s):**

Director exercise leadership and guide faculty through an evaluation of the program and indicated changes.

Consultation be sought that is level specific and appropriate to the needs of the program.

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO APPROVE THE FOLLOWING RECOMMENDATIONS: 1.) THE DIRECTOR EXERCISE LEADERSHIP AND GUIDE FACULTY THROUGH AN EVALUATION OF THE PROGRAM AND INDICATED CHANGES, AND 2.) CONSULTATION BE SOUGHT THAT IS LEVEL SPECIFIC AND APPROPRIATE TO THE NEEDS OF THE PROGRAM.**

### **THE MOTION CARRIED.**

M. Lown reported. The Education Committee met on September 12, 2000 to discuss/review Union County College Practical Nursing Program Progress Report to be submitted to the Education Committee at the New Jersey Board of Nursing July 19, 2000 Regular Business Meeting.

Issue: Union County College Practical Nursing Program

#### **Informational:**

Union County College Practical Nursing Progress Report was received at the Board's office on September 6, 2000 for Education Committee review.

#### **Comment(s):**

The philosophy addresses the metaconcepts of health, nursing, wellness, and client.

Program objectives address terminal competencies. Course objectives demonstrate progression across the curriculum and reflect the program objectives. Course descriptions reflect course content. A report was submitted detailing

statistics related to NCLEX.

The philosophy needs grammatical corrections, e.g. the last sentence in the first paragraph lacks clarity. The credit allocations on pp. 9 and 10 do not accurately reflect a 1:1 for lecture and a 1:3 for laboratory.

Issue: RN and LPN Nurse Refresher Course

Informational:

When a registered nurse or a licensed practical nurse, who has had a break in practice or a lapsed license and needs to complete a nurse refresher course, a nurse refresher course may not be accessible. In particular, the LPN community has had a difficult time finding an available LPN refresher course.

South Dakota State University offers a LPN and RN refresher course. The courses are anticipated to be on-line by the Internet in the fall of 2000. The courses will be accessible on an ongoing basis. These courses are currently being used by other State Boards of Nursing for reinstatement of lapsed licenses, including South Carolina, Maryland, Delaware, Nebraska, Iowa and Texas.

There are two components to the course: a theory component with a written examination and a clinical component. The written examinations are given under the supervision of a proctor and the clinical component is under the supervision of a registered nurse preceptor.

The New Jersey Organization of Nurse Executives will be consulted about whether the nurse executives would be willing to provide clinical sites and preceptors.

The Practical Nurses Educators, the Licensed Practical Nurses Association of New Jersey and the Deans and Directors of the community colleges shall be consulted about whether they would be willing to provide the needed prospectors.

Recommendation(s):

South Dakota State University's nurse refresher courses will satisfy the New Jersey Board of Nursing's RN and LPN refresher course requirement.

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATION - SOUTH DAKOTA STATE UNIVERSITY'S NURSE REFRESHER COURSES WILL SATISFY THE NEW JERSEY BOARD OF NURSING'S RN AND LPN REFRESHER COURSE REQUIREMENT.**

**THE MOTION CARRIED.**

4. Issue: Revision of Nursing Education Regulations

Informational:

Chuck Manning, Regulatory Analyst, and the Board's Education Committee reviewed the proposed Nursing Education Regulations draft. Appropriate revisions were made to the existing document.

**LEGISLATIVE REVIEW PANEL**

K. Schneider reported. The Legislative Review Panel reviewed the following:

**Assembly Bill 2169** - Sponsor: Chatzidakis. Introduced March 2, 2000. This bill allows physicians to jointly negotiate with health benefits plans over contractual terms and conditions. **Position - Support with Amendments.** Comment(s): 1.) Want to also see that non-physician health care providers be included, i.e., P.A.s and A.P.N.s. 2.) The committee supports medical decisions being made by professional health care providers.

**Assembly Bill 1253** - Sponsor: Cottrell & Malone, III. Pre-filed for introduction in the 2000 session. Introduced May 25, 2000. This bill requires health insurers to offer coverage for hearing aides. **Position - Support.** Comment(s): 1.) Hearing is a necessary and fundamental sense for independence and individual autonomy.

**Assembly Bill 259** - Sponsor: Farragher & Arnone. Pre-filed for introduction in the 2000 session. This bill requires nurses and home health aides to be tested annually for tuberculosis. **Position - Neutral.** Comment(s): 1.) Gather additional information from the Department of Health & Senior Services and Regulated Business on their existing requirements.

**Assembly Bill 310** - Sponsor: Vandervalk & Thompson. Pre-filed for introduction in the 2000 session. This bill clarifies the law concerning the administration of the drug epinephrine to students. **Position - Support.** Comment(s): 1.) The bill is comprehensive and the rationale is warranted for the change to state "epinephrine" in the bill, in lieu of "epi-pen."

**Assembly Bill 2286** - Sponsor: Garcia. Introduced March 23, 2000. This bill prohibits a physician, dentist, clinic or hospital from denying access by parent or guardian of unmarried minor child to examination of that child. **Position - Oppose.** Comment(s): 1.) Intent is good; but not practical. 2.) This bill addresses a complex issue, not easily resolved with legislation.

**Assembly Bill 2581** - Sponsor: Quigley & Winberg. Introduced June 8, 2000. This bill requires dissemination of certain information about certain health care providers to the public. **Position - Neutral.** Comment(s): 1.) Want to get feedback from the Division of Consumer Affairs, Board of Medical Examiners, and the Dentistry Board.

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE REVIEW PANEL.**

**THE MOTION CARRIED.**

**PRACTICE COMMITTEE:**

N. Tuazon reported. The Nursing Practice Committee met September 8, 2000.

Issue: Nursing Practice Committee Meeting Calendar/Agenda

Informational:

The Nursing Practice Committee has endorsed the new committee meeting schedule and issues. The committee plans to hold at least three off-site committee meetings during 2001 and will invite nursing representatives to give 15 minute presentations at some committee meetings to extend to the nursing practice community an opportunity to be more involved in the discussion of key nursing issues. The issue themes are:

Perspectives on Nursing Practice  
Safe Patient Care  
Diabetes Management and Consumer Education  
Pain Management and End-of-Life Care, and  
The UAP Core Curriculum.

Issue: CDS and DEA Registrations for New Jersey APN's

Informational:

1. The New Jersey Drug Enforcement Office staff has reported that 607 DEA registration applications have been approved for issuance of DEA registrations. There are twenty-six DEA applications pending. A total of 942 CDS registrations have been issued by the Drug Control Unit of the New Jersey Division of Consumer Affairs.

2. Robert Elker, Investigating Supervisor of the Enforcement Bureau, has informed the Board Office that the Prescription Blank Unit Committee decided on July 24, 2000 that APN's may use their practice location address on their prescription pads, rather than their home addresses which are on the Board's licensee database. The address decision rests with the APN. Some APN's view the use of their home addresses as a safety concern.

Issue: Consumer Self-Directed Care

Informational:

1. This issue involves the New Jersey Department of Human Services, State Office on Disabilities, Proposed Program on Consumer Self-Directed Care. Deputy Attorney General, August Lembo will report on this issue.

The Board has been presented with extensive information, including but not limited to, a letter, dated November 5, 1999, from Michael Nuskey, Administrator of the Program, and documents which accompanied that letter, as well as a document entitled "Initial Assessment Form" and "Reassessment Form." In addition, representatives of the Program have appeared before the full Board and also before the Board's Nursing Practice Committee. Representatives of the Board also attended a conference in New Brunswick at which representatives of other state agencies discussed various aspects of this type of self-directed care program.

Based upon the representations made to the Board by representatives of the program, it is recommended that the Board approve the proposed program. Based upon these representations and after a review of the law, it appears that this program should be approved. With respect to a person who is capable of self-care but for some disability which does not affect the patient's ability to observe and control the performance of designated nursing tasks, this program serves to enable such a person to be placed in the same position as a person who is fortunate enough to have family members who are able to give the disabled family member sufficient assistance so that he/she can stay at home rather than be forced to enter a residential institution.

Recommendation: Approval.

The attached proposed letter and the introduction to that letter set forth the conditions upon which it is recommended that the Board approve this program.

N. Tuazon reported. For the upcoming year 2001 all Nursing Practice Committee meetings will be held immediately following the Regular Open Business Meetings in the same conference room as the Board Meetings, excluding the April 6th and the off-site committee meetings.

#### **REGULATORY REVIEW TASK FORCE:**

C. Manning reported. The Regulatory Review Task Force reviewed several rules in Sunset and briefly discussed Chapter 27 newly adopted regulations, 13:37-6.3 Standards for Joint Protocols.

J. (Levy) Lukasiuk, Budget Officer, Division of Consumer Affairs proposed Board of Nursing 13:37-5.5 Fee Schedule changes.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED FOR APPROVAL OF THE 13:37-5.5 NEW JERSEY BOARD OF NURSING FEE SCHEDULE CHANGES REVIEW.**

**THE MOTION CARRIED.**

#### **NOMINATING COMMITTEE:**

N. Tuazon reported. The Nominating Committee recommends Dr. Muriel M. Shore for the position of Secretary/Treasurer for the New Jersey State Board of Nursing.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE DR. MURIEL M. SHORE FOR THE SECRETARY/TREASURER OF THE NEW JERSEY BOARD OF NURSING.**

**THE MOTION CARRIED.**

**APPEARANCES:**

June (Levy) Lukasiuk, Budget Officer, Division of Consumer Affairs gave a brief outline regarding the New Jersey Board of Nursing Fee review: 1.) Current fees and revenue. 2.) Projected fees; and 3.) Nursing fee review for one fiscal year.

2. Board Orientation: Session One: Tony Miragliotta, Deputy Director, Division of Consumer Affairs and Bob Campanelli, Ethics Liaison Officer, Division of Consumer Affairs discussed and reviewed the state's policies and procedures for new Board Members on: 1.) Division of Consumer Affairs organization and roles, 2.) Amendments to the Department of Law and Public Safety Code of Ethics, and 3.) The conflict of Interest Law (N.J.S.A. 52:13d-12 et.seq.).

Deputy Attorney(s) General: August Lembo, Kathy Rohr, Lynn Dennis, and Kathryn Schwed discussed their individual roles as Deputy Attorney(s) General for the Board of Nursing.

**UNFINISHED BUSINESS:**

**INTERVENTION PROGRAM COMMITTEE:**

No report.

**MSR - UPDATE:**

No report.

**CHAPTER 37-NEWLY ADOPTED REGULATIONS - REGULATORY REVIEW UPDATE:**

C. Manning reported. The Regulatory initiatives status report on the following regulations is as follows:

Advanced Practice rewrites of Subchapter 7 are being reviewed by the Division of Law.

Sexual Assault Nurse Examiner is being reviewed by the Chief of Regulatory Affairs.

Education rule, rewrites of Subchapter 1, revised by the Education Committee, will be presented at the next Regular Board Meeting, October 17, 2000.

Delegation - needs further review by the Regulatory Committee.

Endorsement - Subchapter 2 dealing with nurses who are licensed in another state is being reviewed by the Regulatory Committee.

Core Curriculum - based on the Homemaker-Home Health Aide, is being reviewed by the office of the Attorney General.

Sexual Misconduct - is being discussed by the Regulatory Committee.

Alternative to Discipline Task Force will be changed to the Intervention Program Committee - rules will be drafted with the Regulatory Committee.

Homemaker-Home Health Aide Subchapter - Subchapter 14 is being reviewed by the Deputy Director, and then goes

to the Committee for discussion.

C. Manning, Regulatory Analyst also presented the following regulatory initiatives that have not begun as a rule, but drafts were discussed with the Regulatory Committee:

- Assistance with self administration of medication
- Chaperon Rule
- Billing
- Chief Nurse Executive
- CRNA's
- Patient abandonment
- UEA changes
- Self Prescribing
- Advertising
- Corporate practice for APNs
- CE
- Reporting requirements
- Power of attorney
- Restructuring of fee schedule

#### 4. **PASP PROGRAM UPDATE:**

G. Lembo, Deputy Attorney General reported on the Personal Assistance Services Program ("PASP").

This issue has been discussed by the Board for approximately 9 months. This program, administered by the Department of Human Services, has come before the Board of Nursing to confirm compliance with the Statutes and Regulations administered by the Board of Nursing.

The program enables disabled adults ("client") to pursue an independent lifestyle by providing funding to the individual so that he/she can hire a "personal assistant" to assist the client with his/her self-care.

Legal premise of the Board's approval of this program is that a nurse is involved in and delegates to the client the self-care (by that client) in order that the client may maintain his/her ability to self-direct his/her own care by choosing, training and supervising a personal assistant.

The premise is NOT that the conduct of the personal assistant constitutes an "exception" to the statutory definition of nursing. There is no exception that applies: a) This is not "gratuitous care by friends or members of the family" - the personal assistant is being paid for services rendered and is commonly not a "friend" or "member of the family"; b) This is not "incidental" care of the sick by a person employed primarily as a domestic or housekeeper; c) There are no other applicable exceptions.

**THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, THE BOARD VOTED TO APPROVE THE PROPOSED NURSING ASPECTS OF THIS CONSUMER SELF-DIRECTED CARE PROGRAM BASED UPON THE TERMS OF A LETTER OF APPROVAL WHICH SHALL BE ISSUED BY THE BOARD.**

#### **THE MOTION CARRIED.**

The Board has voted to approve the provision of nursing services by personal assistants through the PASP according to the details set forth in the program documents and according to the Board's understanding of the program. The Board emphasizes that while it understands that not all services provided by personal assistants through the PASP will be nursing services, some services, such as administration of medications, are nursing services. The Board understands that some services are needed pursuant to the direction of a licensed physician. These are nursing services which cannot be performed by personal assistants, except that there may be delegation of these services by a registered nurse. Delegation by the registered nurse to the client with minimal on-going supervision by the Registered Nurse may be

based on N.J.A.C. 13:37-6.2(c).

It is the Board's understanding that the PASP program will operate according to the following principles:

- a) The condition of the client.
- b) Education, skill and training of the personal assistant.
- c) Nature of the tasks and activities being delegated, and
- d) Supervision.

Pursuant to the Board's understanding of the conditions, circumstances, guidelines and safeguards, and also including, those recited in the Program Documents, issued by the PASP within the New Jersey State Office on Disability Services in the Department of Human Services, the Board has no objection at this time to the delegation by the registered nurse which will be occurring in this program. The Board would like to have an up-date and report of the implementation of this program semi-annually for three years in order that the Board may be assured that nursing delegation remains appropriate, including but not limited to determining the competency of the patient/client to perform self-care.

### **HOMEMAKER-HOME HEALTH AIDE TRAINING PROGRAMS:**

K. Rohr, Deputy Attorney General reported.

Board of Nursing staff, requests permission for Assisted Living residences/programs to conduct Homemaker-Home Health Aide training programs for their staff. The issue has been raised because the Board's current regulation (N.J.A.C. 13:37-14.4) provides that such programs may be conducted by licensed home health agencies or hospitals and approved educational institutions. Assisted Living Residence are not expressly authorized in the regulation to conduct training programs.

However, the Legislature expanded the definition of "home care services agency" effective May 6, 1999, to include "assisted living residences, comprehensive personal care homes, assisted living programs or alternate family care sponsor agencies" (N.J.S.A. 45:11-23(c)). Although the Board intends to propose a rule change to add these agencies to the regulation governing training programs, that amendment has not yet been achieved.

In view of the fact that it is clear that the Legislature intended to expand the range of agencies authorized to provide "home care," it is in the best interest of the public to permit agencies, such as Assisted Living Residences, to conduct training programs for their staff. The Board recommends this action, and it appears to be the correct policy, pending rule changes, providing that all authorized home care agencies comply with all other requirements pertaining to training programs.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, THE BOARD VOTED FOR APPROVAL TO EXTEND THE DEFINITION OF "HOME CARE SERVICES AGENCY".**

**THE MOTION CARRIED.**

### **OPEN FORUM:**

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

### **SCHOOL AND AGENCY SURVEYS:**

No report.

### **NEW BUSINESS:**

No report.

### **ADJOURNMENT:**

On September 19, 2000 the Regular Open Business Meeting was adjourned at 5:00 p.m. The next Regular Open Business Meeting will be held on October 17, 2000.

Respectfully submitted,

Dr. Muriel M. Shore  
Secretary/Treasurer



|                                  |  |                                 |  |   |                                       |
|----------------------------------|--|---------------------------------|--|---|---------------------------------------|
| <a href="#">Board of Nursing</a> | <a href="#">Medical and Mental Health Related Boards</a> | <a href="#">Feedback Survey</a> | <a href="#">Consumer Affairs Home Page</a> | <a href="#">NJ Dept. of Law and Public Safety Home Page</a> | <a href="#">State of NJ Home Page</a> |
|----------------------------------|--|---------------------------------|--|---|---------------------------------------|

*Modified March 2002*