

# **NEW JERSEY STATE BOARD OF NURSING**

## **MINUTES**

### **REGULAR BOARD MEETING**

**October 17, 2000**

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

#### **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, 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.

#### **AGENDA**

M. Lown requested to amend the agenda to add 78 cases of Homemaker Home Health Criminal History Background Check under Executive Session.

**THE BOARD, UPON A MOTION MADE BY DENISE G. LINK AND DULY SECONDED, VOTED TO APPROVE THE AGENDA WITH THE ADDITION.**

**THE MOTION CARRIED.**

## **MINUTES**

Approval of the minutes of the Regular Open Meeting of September 19, 2000.

**THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO APPROVE THE MINUTES OF SEPTEMBER 19, 2000.**

**THE MOTION CARRIED.**

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

M. Lown reported. Attended a Colleagues In Caring Steering Committee meeting held on October 12, 2000 at the Labor Education Center, New Brunswick, New Jersey. This group is moving forward with its goals. Their main focus is the implementation of the Helene Fuld Grant. The focus of that grant is articulation. There will be an evaluation of the current articulation model, and there will also be three additional grants that will be awarded throughout the full grant period.

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

P. Polansky reported. The Colleagues of Caring Annual Conference is scheduled for October 31, 2000.

- "Special Handouts" - P. Polansky attended the University of Pennsylvania Nightingales' Song Exhibition and Award Ceremony at the Philadelphia Museum of Art. Bayada Nurses sponsored the program materials. An original reprint of the first copy of The American Journal of Nursing was shared with the Board.
- "Communication Packet" - includes: 1.) National Council State Board of Nursing September Newsletter - Council Connector. 2.) Stories - JCAHO to use HCFA'S 'One-Hour' Restraint Rule. 3.) Article from: Asbury Park Press - "Shortage of Nurses is to Blame" - dated August 16, 2000. 4.) Articles from: USA Today - "Firms Crack Down: Don't Dial and Drive" - dated September 26, 2000. 2.) Cover Story - "Questioning MINUTES -3- OCTOBER 17, 2000 PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR: (CONT'D) Mammography". 5.) Article from the Internet: 1.) Tribune - "Nursing Mistakes Kill, Injure Thousands" - dated September 10, 2000. 6.) New Jersey State Board of Medical Examiners (BOME): Election of Officers. Old Business: 1.) Presentation by Professor McIntyre PRIM-E (Professional Renewal In Medicine [through] Ethics). New Business: 1.) Department of Health and Senior Services Office of Managed Care - Implementation of the Health Care Quality Act Health Maintenance Organization Rules. 2.) Readoption of N.J.S.A. 13:45C Duty to Cooperate Regulation. 3.) Certified Nurse Midwife Recommendation for Creation of a Task Force. Statement Concerning Annual Notice of Public Meetings. New Business: 1.) C-11 Supply for Implantable Infusion Pumps. 2.) Task Force to Improve Physician Reporting. 3.) Certified Nurse Midwife - Proposed Amendment to N.J.A.C. 13:35-2A.11 Prescriptive Authorization.
- Joanne Coles' twelve year old nephew will be appearing on the TODAY show on October 20, 2000 being a leukemia survivor and chosen out of 10,000 plus entrants in essay contest on "How Harry Potter books changed my life."
- Article from Crain's New York Business - "Nurses on Battlefield" 1199 aims to woo locals after being spurned by association; Bronx-Lebanon vote is first test. The first battle is being waged at Bronx-Lebanon Hospital Center, where 600 nurses will vote next month

on whether to replace the New York State Nurses Association with 1199 New York. New York State Nurses Association says that 1199 New York is hovering around other hospitals for signs of interest. The disquiet threatens to unleash a bitter interunion fight throughout the region. Rebuffed in its efforts to bring the State Nurses Association under its wing, the state's most powerful health care workers union has launched a drive to take over nurses locals. Dennis Rivera, the politically connected president of 1199 New York and president of its part, the Service Employees International Union New York State Council, denies that he is targeting the nurses association and says that he was invited into Bronx-Lebanon by dissatisfied nurses.

- P. Polansky discussed the renewal of nursing licenses for year 2001 based on the new Uniform Enforcement Act.
- The Board Members will receive a completed packet regarding new licensing information.
- The letters are to inform the nursing industry of procedures and important changes that were recently made to the Uniform Enforcement Act and signed into law on January 18, 2000. These changes affect **all** professional and occupational licenses and certificates regulated by the New Jersey Division of Consumer Affairs.
- All New Jersey licensed nurses (including Licensed Practical Nurses, Registered Nurses and Advanced Practice Nurses) and New Jersey Certified Homemaker-Home Health Aides should be aware **that failure to renew a license or a certificate within 30 days of its expiration date will result in the suspension of the license or the certificate without a hearing**. An individual who continues to practice with an expired license or certificate after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual. [N.J.S.A. 45:1-7.1b and N.J.S.A. 45:1-7.1C]
- The license expiration date for all New Jersey licensed nurses has been permanently changed to May 31st. **Therefore, those individuals who currently hold a license with an expiration date of March 31, 2001, hold a valid, current license until May 31, 2001.** The New Jersey Board of Nursing requests that all employers of nurses honor the license as valid through May 31, 2001.
- Effective June 1, 2001, a late fee will be **strictly imposed** for all New Jersey licensed nurses and effective July 1, 2001, a license that has not been renewed will be considered **suspended**. A licensee practicing with a **suspended** license is subject to legal sanctions.
- With regard to **Certified Homemaker-Home Health Aides**, be advised that the New Jersey Board of Nursing has permanently changed the biennial expiration date from March 31st of odd numbered years to November 30th of odd numbered years. **Therefore, those individuals who currently hold a certificate with an expiration date of March 31, 2001, hold a valid, current certificate until November 30, 2001.** The New Jersey Board of Nursing requests that all employers of Certified Homemaker-Home Health Aides honor the certificate as valid through November 30, 2001.
- Effective December 1, 2001, a late fee will be **strictly imposed** for all New Jersey Certified Homemaker-Home Health Aides and effective December 31, 2001, a certificate that has not been renewed will be considered **suspended**. A certificate holder practicing

with a **suspended** license is subject to legal sanctions.

- The New Jersey Board of Nursing is confident that this notification will help the nursing industry to develop and strictly enforce policies and procedures to ensure that your nurses and/or your Certified Homemaker-Home Health Aides are in possession of a current license and/or certificate before their scheduled expiration date. **All** licensees and certificate holders will be notified of this information by the end of February of 2001.
- A mass mailing will be distributed by the Division of Consumer Affairs to the nursing industry and Board licensees regarding the new renewal application, renewal application deadlines, and the implications on the Uniform Enforcement Act.
- P. Polansky and the Legislative Panel Review Committee recognized Ma'Lorie Lott, Administrative Support Staff for her excellent work.
- P. Polansky seeks approval for: (1.) M. Lown, P. Polansky, B. Byers and George Hebert to attend the LPN Educators Meeting to be held at Monmouth County Career Center, Freehold, New Jersey - October 20, 2000. (2.) M. Lown to attend Colleagues in Caring, Steering Committee Meeting at the Labor Ed Center, New Brunswick, New Jersey - October 12, 2000. (3.) B. Byers to attend the New Jersey Hospital Association, Princeton, New Jersey - "The Nursing Workforce Issues: Acting Now to Shape The Future" - October 31, 2000.

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

**THE MOTION CARRIED.**

- Update on the new licensing division-wide computer system will be installed late winter or February 2001. The Division of Consumer Affairs has expressed some concern that codes other than those listed, have been or are currently being utilized by the boards.

The Division of Consumer Affairs has established a proposed standard set of newly proposed status codes and their meaning. Please note full implementation has not taken place at this time. License status codes are as follows:

**A**= "Active" - license or permit in good standing

**L** ="Late" - license or permit renewal up to 30 days past due

**EX**= "Expired" - license or permit renewal beyond 30 days past due OR any other instance where the license will not be renewed

**X**="Revoked"

**D** ="Deceased"

**S** ="Suspended"

**V** ="Voluntary Surrender"

**IN** ="Inactive" - license or permit issued and renewable that

does not allow active practice of the profession

**T** = "Temporary" - indicates a time-limited license or permit to practice under certain conditions, i.e., awaiting board approval

**R** = "Retired" - essentially identical to Inactive, allows for boards which have both paid and unpaid Inactive and Retired licensee categories

**NV** = "Superceded" - null and void

- P. Polansky reported that there are approximately 32,000 currently Certified Homemaker- Home Health Aides for Criminal History Background Checks.
- K. Schneider introduced the Homemaker-Home Health Aide Department Staff: (1.) Tania Alfonso, (2.) Keisha Clair, (3.) Sylvia Davis, (4.) Maryann Esposito, (5.) Theresa Henderson, (6.) Soledad Matos, (7.) Gladys Quarshie, (8.) Virginia White, (9.) Lashauna Williamson, (10.) Beryl Hutchinson, Paralegal Staff, (11.) Valarie Herring, Licensing Supervisor, and (12.) Kathryn Schneider, Assistant Executive Director. They presented an annual departmental update to the Board.
- A "homemaker-home health aide" is defined in statute 13:37-14.2, "means a person who is employed by a Home Care Service Agency and who, under supervision of a registered professional nurse, follows a delegated nursing regimen or performs tasks which are delegated consistent with the provisions of N.J.A.C. 13:37-6.2."
- A Homemaker-Home Health Aide certificate is a "dependent" certificate. This means that the homemaker-home health aide must be supervised and delegated to by a registered professional nurses at all times.
- A homemaker-home health aide may **not** work independently in a home setting.
- Homemaker-Home Health Aide applicants for the years 1998, 1999 and YTD 2000 update in **1998**: Total - 7, 115, in **1999**: Total - 4,852, and in **2000** as of September: Total YTD - 3,605.
- Homemaker-Home Health Aide Endorsement Applicants in **1998** - Total - 275, in **1999** - Total - 80, and in **2000** - Total YTD - 42.
- Homemaker-Home Health Aide Renewals and Duplicates:
  - Total Renewals: 665 (1998), 4,498\* (1999), and 450 YTD (2000)
  - Total Duplicates: 376 (1998), 276 (1999), and 262 YTD (2000)

\* Renewal Year for Certificate

- Criminal History Review Unit Statistics from May 11, 1999- September 28, 2000. Total applications processed: 6,178.
- Qualified Applicants 4,959 Criminal History Background Checks completed: Applicants qualified after Board of Nursing review 153.

Criminal History Background Checks completed: Applicants disqualified after Board of Nursing review: 167. 10% of all applicants have a criminal history background.

- "Information Salad" - feature stories: 1.) Oncology Today: Ovarian Cancer. 2.) Catheters Confusion. 3.) The Most Effective Ways to Raise Infants. 4.) Is It Okay For Doctors To Give Out Drug Samples? 5.) Healthy Diet May Halt Breast Cancer. 6.) Italian Scientist Make Important Breast Cancer Discovery. 7.) Brace Yourself For Computer-Aligned, Metal-Free Orthodontics. 8.) Jogging Shorts.
- A summary of monies collected and processed at the Board of Nursing was passed around for informational purposes.

## **COMMITTEE REPORTS:**

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

M. Shore reported. Joanne Cole, Intervention Program Coordinator, is still being oriented. When that period is complete an Intervention Program Task Force Committee meeting will be scheduled. P. Polansky reported that J. Cole will be visiting several programs on the East Coast in early 2001.

### **2. BUDGET & FINANCE COMMITTEE:**

No report.

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

M. Lown reported. The Education Committee met on October 10, 2000.

Issue: Union County College School of Practical Nursing

#### **Informational:**

- Union County College School of Practical Nursing submitted their September update as requested. They responded to areas of concern addressed at the last Board Meeting and have provided revisions which reflect a closer review of their curriculum materials. NCLEX results reviewed for period January 1, 2000 through August 31, 2000. There is a record of 36 students having taken the examination (in New Jersey) with 22 (61.1%) of those students having passed. It is noted that in October 2000, 47 students will complete the program and 12 are expected to be taking the examination out of state.

It is noted that a variety of computerized testing programs have been purchased and installed on campus computers for student use.

A letter was received from Dr. Brown dated September 28, 2000 indicating that Dr. Maureen McGarry, PhD, RN, NCC, Dean of Nursing, Community College of Rhode Island has been hired as a Curriculum Consultant for the program.

### **4. LEGISLATIVE REVIEW PANEL**

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

- **Senate Bill 1106** - Sponsor: Littell & Bucco. Introduced March 16, 2000. This bill

reduces minimum population necessary to receive public health priority funding to \$20,000. **Position - Neutral.** Comment(s): 1.) Support the concept of increasing public health funding as needed. 2.) This bill does not provide enough data to determine why the decrease in the special needs population figure. 3.) The Legislative Review Panel questions if there will be inequities in the counties.

- **Senate Bill 914** - Sponsor: Allen. Introduced February 7, 2000. This bill mandates health insurance coverage for Lyme disease vaccination. **Position - Monitor for more information.** Comment(s): 1.) Concern over increase in healthcare vs. providing a preventative treatment that in the long run would be cost effective.
- **Senate Bill 607** - Sponsor: Quigley & Felice. Pre-filed for introduction in the 2000 session. This bill establishes Division of Managed Care in the Department of Health and Senior Services. **Position - Monitor for more information.** Comment(s): 1.) Will confer with representatives from the Department of Health and Senior Services.
- **Assembly Bill 2762** - Sponsor: Malone, III & Wolfe. Introduced September 25, 2000. This bill appropriates \$1,400,000 to Department of Health and Senior Services for grants to certain geriatric assessment centers. **Position - Monitor for more information.** Comment(s): 1.) Will confer with representatives from the Department of Health and Senior Services.
- **Senate Bill 603** - Sponsor: Inverso & Allen. Pre-field for introduction in the 2000 session. This bill provides that information about location of a shelter for victims of domestic violence shall not be a public record. **Position - Support.** Comment(s): 1.) Domestic Violence victims require confidentiality not only for themselves and their children, but also for the shelter's location to be truly effective and safe.
- **Senate Bill 472** - Sponsor: Singer & Bark. Pre-filed for introduction in the 2000 session. This bill is for a supplemental appropriation of \$2 million to the Department of Health and Senior Services to expand Respite Care for the Elderly Program. **Position - Support.** Comment(s): 1.) Respite programs certainly save the healthcare system money and provide much needed "respite" for caregivers. 2.) Note that the bill's fiscal year would need to be adjusted.
- **Assembly Bill 2257** - Sponsor: Geist & Heck. Introduced March 2, 2000. This bill is for a supplemental appropriation of \$750,000 to the Department of Health and Senior Services to promote women's awareness about heart disease and stroke. **Position - Support.** Comment(s): 1.) Support efforts for promoting women's health. 2.) Noted that the bill's fiscal year would need to be adjusted if adopted.
- This was an emergency bill response. **Senate Bill 1653** - Sponsor: Turner. Introduced September 25, 2000. This bill requires all EMTs to be trained and certified to perform cardiac defibrillation. **Position - Support.** Comment(s): 1.) Concern over funding - not mentioned in the bill - appears to be an unfunded mandate for municipalities. 2.) The Board would not want to jeopardize losing EMTs secondary to the cost of this additional training - this training is optional currently for certification in cardiac defibrillation.

**THE BOARD, UPON A MOTION MADE BY RICHARD C. FREDA AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE REVIEW PANEL.**

**THE MOTION CARRIED.**

## **5. NURSING PRACTICE COMMITTEE:**

B. Byers reported on two issues from the Nursing Practice Committee meeting of October 6, 2000.

- Issue: Guest Presentation, "Perspectives on Nursing Practice"

On October 6, 2000, Dr. Barbara Bohny, Chair of the Congress on Nursing Practice of the New Jersey State Nurses Association, provided the first practice committee's new format presentation to the Board's Nursing Practice Committee on "Perspectives on Nursing Practice." Dr. Bohny addressed nursing practice concerns emanating from the nursing staff shortage and several advanced nursing practice issues having a regulatory perspective.

A synopsis of Dr. Bohny's presentation was reviewed. Dr. Muriel Shore requested that research on workplace issues be considered by the Nursing Practice Committee regarding the nursing shortage. M. Catherine Dulio questioned whether Licensed Practical Nursing issues are being addressed. Barbara Byers reported that representatives of the Licensed Practical Nurses Association of New Jersey and the Licensed Practical Nurse Educators Council have been invited to share their nursing issues with the committee on January 16, 2001.

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

The New Jersey Drug Enforcement Office staff has reported that 572 DEA registration applications have been approved for issuance of DEA registrations; this is the corrected number from the September 19, 2000 report. There are twenty-seven DEA applications pending. The applications pending lack some of the required documentation such as the CDS registration. A total of 966 CDS registrations have been issued by the Drug Control Unit of the New Jersey Division of Consumer Affairs.

## **6. REGULATORY REVIEW TASK FORCE:**

M. Lown reported. The Regulatory Review Task Force met on October 11, 2000.

- The Regulatory Review Task Force Committee is currently working on the Delegation subchapter, and the delegation of medication administration.
- At the Regulatory Review Task Force Committee meeting held on October 11, 2000 the Committee reviewed language related to delegation. C. Manning, Regulatory Analyst, will present to the Board an updated draft and report at the next Regular Board Meeting scheduled for November 21, 2000.

## **UNFINISHED BUSINESS:**

### **1. REGULATORY REVIEW-UPDATE: EDUCATION REGULATIONS:**

C. Manning reported. The Regulatory reviewed 13:37-1.1 Eligibility for Accreditation.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED FOR APPROVAL OF THE 13:37-1.1 ELIGIBILITY FOR ACCREDITATION FOR PUBLICATION OF THE EDUCATION REGULATIONS PROPOSAL AS AMENDED.**

## **THE MOTION CARRIED.**

### **APPEARANCES:**

1. Board Orientation: Session Two: Chuck Manning, Regulatory Analyst, Division of Consumer Affairs discussed and reviewed the following: 1.) The Role of the Regulatory Analyst. 2.) Approval Process. 3.) Board Regulations Update. 4.) N.J.A.C. 13:37-6.4 Identification Tags, and 5.) Feedback.
2. Board Orientation: Session Two: Edward Tumminello, Chief of the Enforcement Bureau, Division of Consumer Affairs discussed and reviewed the following: 1.) Role of the Enforcement Bureau in Consumer Protection. 2.) Relationship of the Board to the Enforcement Bureau. 3.) Investigators/Investigation, and 4.) Feedback.
3. Board Orientation: Session Two: June (Levy) Lukasiuk, Budget Officer, Division of Consumer Affairs discussed and reviewed the following: 1.) Office of Management and Budgets' Role in Governmental Finance. 2.) Division of Consumer Affairs and Administration's Role in the Board's Fee Structure, Budgeting, and Licensing Fees. 3.) How the Licensing Fees Support the Work of the Boards, and 4.) Process for Licensing Fee Increases.
4. Board Orientation: Session Two: Wasir Hussain, Board of Nursing Bookkeeper discussed and reviewed the following: 1.) Documentation for Board Meetings and Travel Reimbursement.

P. Polansky, Executive Director, New Jersey Board of Nursing distributed among the Board Members Overall Orientation Evaluations for Session One and Session Two to be completed and returned at the end of the presentation.

UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, THE BOARD VOTED TO GO INTO EXECUTIVE SESSION FOR HOMEMAKER-HOME HEALTH AIDE CRIMINAL HISTORY BACKGROUND CHECKS. THE MOTION CARRIED. UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, THE BOARD VOTED TO ADJOURN THE MEETING TO GO INTO EXECUTIVE SESSION AND RECONVENE AT 2:00 P.M.

THE MOTION CARRIED.

### **ADJOURNMENT:**

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

Respectfully submitted,

Maris A. Lown

President

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*Posted December 2000*