

**NEW JERSEY
STATE BOARD OF NURSING**

**REGULAR OPEN BOARD MEETING
October 21, 2003**

A meeting of the New Jersey State Board of Nursing was held on October 21, 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, Veronica McGreevey, 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; Deputy Attorney(s) General: Darlene Lapola and Victoria Manning, Deputy Attorney General Linda Rinaldi appeared for the limited purpose of reporting on the proposed Sexual Assault Nurse Examiner Program.

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 Meetings 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 October 21, 2003 Regular Board Meeting Agenda.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE REGULAR BOARD MEETING AGENDA OF OCTOBER 21, 2003. THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Board Meeting of September 16, 2003.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING OF SEPTEMBER 16, 2003. THE MOTION CARRIED.

A reading and approval of the executive session minutes for the Regular Board Meeting of September 16, 2003.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE EXECUTIVE SESSION MINUTES OF THE REGULAR BOARD MEETING OF SEPTEMBER 16, 2003. THE MOTION CARRIED.

REPORT OF THE BOARD PRESIDENT - MARIS LOWN:

Maris Lown reported:

The Search Committee will be meeting this afternoon to continue with interviews for the position of Executive Director of the New Jersey Board of Nursing.

Maris Lown and George Hebert recognized Barbara Byers, Administrative Analyst, New Jersey Board of Nursing for her hard work and dedication to the Board.

REPORT OF THE ACTING EXECUTIVE DIRECTOR:

George Hebert reported:

Michelle Carroll, Supervisor, of the Homemaker Home Health Aide Department will be reporting to George Hebert and will continue to work from the 7th floor. New Jersey Certified Homemaker Home Health Aides are in the process of completing their certification renewal. The certification renewal deadline is November 30, 2003. The communication specialists from the Board of Nursing are assisting with telephone calls.

The Governor's Advisory Council for Nursing will be meeting three days in October, 2003 to review input from experts in nursing education and practice from across the country. A written report is expected to be forthcoming in March 2004.

Dr. Geri Dixon requested that the Board share in follow up research with the New Jersey Collaborating Center for Nursing as follows:

The Board mail a survey tool to Registered Professional Nurses and Licensed Practical Nurses scheduled for licensure renewal in 2004, replicating and expanding the study previously completed with 20,000 nurses regarding demographics, education, and work satisfaction in New Jersey. The request is for the Board to provide the survey mailing. The Collaborating Center for Nursing will fund the printing of the survey tool and analyze the data.

The Board provide the Collaborating Center for Nursing with a CD containing the licensees' names to participate in the study. This information would otherwise be available through OPRA (the Open Public Records Act).

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO COLLABORATE WITH DR. DIXON FOR DATA COLLECTION ON THE REASON WHY NURSES DO NOT RENEW THEIR NURSING LICENSES. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO COLLABORATE WITH THE COLLABORATIVE CENTER FOR NURSING IN DATA COLLECTION TO REPLICATE AND EXPAND THE PREVIOUS SURVEY. THE MOTION CARRIED.

Criminal History Background Checks will be performed for all applicants for initial licensure by examination, endorsement, and for reinstatements effective November 23, 2003. The process will be as follows:

Individuals will submit their applications.

Once all requirements for applications are met, L2K will print a letter with an individual's identification number, that will be batched and forwarded to the Board of Nursing. The letters will inform the applicants that they are now required to be fingerprinted.

In New Jersey they will be given information regarding how to contact Sagem Morpho (state vendor), and if out-of-state the nurses will be sent fingerprint cards to be brought to their local police for processing and return to Sagem Morpho.

The Board staff will print and mail the letters.

In New Jersey, the applicants will be directed to make an appointment with Sagem Morpho. They will go to the facility, pay a fee of \$73.00 to have their prints scanned. A Federal and State criminal history background check will be conducted. The State check will have a flagging mechanism whereby any arrests or convictions subsequent to that check will be reported to the Board of Nursing.

Nurses residing out-of-State will go to their local police station for finger printing. These prints will need to be forwarded to Sagem Morpho where they will be scanned.

South Dakota State University College of Nursing: (January 1, 2002 - December 31-2002 enrolled 125 RNs and 81 LPNs into its refresher course. New Jersey: 10 RNs, 18 LPNs.

Barbara Byers has been invited to be a member of the Advisory Council on Competency Based Practice for the Collaborating Center for Nursing.

The Proposed Regulations for the Massage, Bodywork and Somatic Therapy Certification were printed in the New Jersey Register on October 20, 2003. The comment period will end on December 30, 2003.

COMMITTEE MINUTES:

1. BUDGET & FINANCE:

No report.

2. NURSING EDUCATION:

Leo-Felix Jurado reported.

The committee met on October 14, 2003 to discuss the following issues:

Crossroads Career Institute

Informational: The Education Committee reviewed Part I of the Application to Establish a Practical Nurse Program. Concern was identified regarding a lack of congruency between the instructional strategies and the Education Philosophy. Item 3 of the Curriculum Objectives should reflect the LPN Scope of Practice (N.J.S.A. 45:11-23 b) not the more global term of the profession.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THAT THE CROSSROADS CAREER INSTITUTE BE GRANTED PERMISSION TO PROCEED WITH PART II OF THE APPLICATION, PAYING ATTENTION TO ASSURING CONGRUENCY BETWEEN INSTRUCTIONAL STRATEGIES AND THE EDUCATIONAL PHILOSOPHY AND ADJUSTING CURRICULUM OBJECTIVE NUMBER 3 TO REFLECT LPN SCOPE OF PRACTICE (N.J.S.A. 45:11-23 b). THE MOTION CARRIED.

Essex County College, Proposal for LPN Program

Informational: The Committee reviewed the Essex County College, Proposal for Practical Nurse Program. Suggestions will be provided regarding concerns about the course objectives.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY

SYLVIA C. EDGE, VOTED TO APPROVE THE ESSEX COUNTY COLLEGE PROPOSAL TO ESTABLISH A PRACTICAL NURSE PROGRAM. THE MOTION CARRIED.

UMDNJ School of Nursing, Proposal for a Second Degree BSN Program

Informational: The Committee reviewed the UMDNJ School of Nursing Proposal for a Second Degree BSN Program. The Committee determined the proposed curriculum sufficiently different as to be considered a new curriculum.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE UMDNJ SCHOOL OF NURSING TO PROCEED TO PART II OF THE APPLICATION TO ESTABLISH A NEW PROFESSIONAL NURSE PROGRAM. THE MOTION CARRIED.

The Center for Allied Health and Nursing Education, Proposal for LPN Program

Informational: The Committee was informed that this agency has not been licensed by the New Jersey Department of Education to provide educational programming. The Committee will not consider the application until the agency is properly licensed by the New Jersey Department of Education.

School Accreditation Self Study Review

Informational: Mr. Hebert discussed the School Accreditation process that will be used to begin the Self-Study Review. A grid will be developed for the November 18 ,2003 Education Committee Meeting and reviews will begin thereafter.

RN Students in BSN Programs, who have had Board action taken against their nursing license with limited practice ability.

Informational: The Committee agreed that the schools should assume responsibility to check the Quarterly Reports that are sent out by the Board. The only other option would be to have the Disciplinary Actions available for distribution at the Regular Board Meeting on an ongoing basis.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY SYLVIA C. EDGE VOTED THAT THE BOARD OF NURSING MAIL INFORMATION TO NURSING PROGRAM DEANS AND DIRECTORS REGARDING RESPONSIBILITY TO REVIEW THE QUARTERLY DISCIPLINARY REPORTS REGARDING RNs. THE MOTION CARRIED.

Correspondence:

August 13, 2003 - Jennifer Butlin, CCNE Director

Re: Call for Third-Party Comments. The purpose of the memorandum is to notify accrediting agencies, appropriate state agencies, and other interested parties that the Commission on Collegiate Nursing Education (CCNE) is scheduled to review nursing programs during the fall of 2003. The College of New Jersey, Baccalaureate/Master Programs, are going to be among the programs reviewed.

September 18, 2003 - Gloria P. Craig, EdD, RN

Coordinator, Continuing Nursing Education

College of Nursing

South Dakota State University

Re: Advised the Boards of numbers of individuals who have returned to nursing by completing their nurse refresher courses.

September 29, 2003 - Anthony Miragliotta, Deputy Director

Division of Consumer Affairs / Directors Office

Re: "Surgical death rates are tied to level of nurses' education"

September 29, 2003 - Paula Bloom, MHA, MPH
Director of Compliance
MicroTECH Training Center
Re: LPN Curriculum change

September 22, 2003 - Michael Davie
Assistant Executive Director
New Community Home Health Services
Re: Effective November 1, 2003, New Community Home Health will officially merge into Care at Home, Inc.

f. September 29, 2003 - Barbara Warner, DNSc, RN, C.N.A.
Chairperson, Nursing & Allied Health Division
Atlantic Cape Community College
Re: Effective September 2, 2003, Atlantic Cape Community College faculty changes

September 19, 2003 - Jeanne Oswald
New Jersey Commission on Higher Education
Re: September 26, 2003 meeting, Agenda

September 30, 2003 - Anne Wendt, PhD, RN, CAE
NCLEX Content Manager
NCSBN
Re: Complimentary copy of the 2004 NCLEX-RN Test Plan

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY NELSON TUAZON, VOTED TO APPROVE THE AMENDED OPEN EDUCATION COMMITTEE MINUTES OF OCTOBER 14, 2003. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED TO DEFER CLOSED SESSION UNTIL THE END OF THE REGULAR BOARD MEETING FOR DISCUSSION OF THE EDUCATION COMMITTEE CLOSED SESSION MINUTES WHICH INCLUDES PENDING DISCIPLINARY MATTERS. THE MOTION CARRIED.

3. LEGISLATIVE REVIEW PANEL:

Ronald H. Carr reported.

The committee met on October 21, 2003 to discuss the following issues:

Karen Rodriguez and Nelson Tuazon spoke to the committee regarding Nursing Staffing Ratios.

The committee will discuss in further detail the Nursing Staffing Ratio at its meeting in November 2003.

THE BOARD, UPON A MOTION MADE BY RONALD H. CARR AND DULY SECONDED BY MURIEL M. SHORE, VOTED TO APPROVE THE LEGISLATIVE REVIEW PANEL MINUTES OF SEPTEMBER 16, 2003 AND REPORT OF OCTOBER 21, 2003. THE MOTION CARRIED.

4. NURSING PRACTICE:

Nelson Tuazon reported

The committee met on September 16, 2003 to discuss the following issues:

Appearance: Carolyn Selick, Program Administrator Personal Assistance Services Program, State of New Jersey Department of Human Services, Division of Disability Services

2003 Committee Planning Flow Sheet:

The PASP reporting component of Consumer Self-Directed Care monitoring is complete.

The Committee Planning Flow Sheet was not altered.

LPN Scope of Practice:

Informational: In reviewing the LPN scope of practice issues, the Committee has requested that Deputy Attorney General Darlene Lapola provide legal counsel regarding proposed revisions in N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks.

UAP Curriculum Evaluation

Informational: To obtain feedback from the nursing community regarding the Board approved UAP Curriculum, Barbara Byers and George Hebert presented draft UAP Curriculum Evaluation Tools for Faculty Program Evaluation and Student Program Evaluation. These tools will be revised per Committee input, and pilot tested by Josephine I. Sienkiewitz, Director of Education and Clinical Practice, Home Health Assembly of New Jersey, Inc. The Committee recommends that an Employer Evaluation Tool be developed, and that student enrollment and completion data be requested for curriculum evaluation.

Assembly Bill 3676

Informational: Nelson Tuazon and Karen Rodriguez agreed to attend the Legislative Committee Meeting on October 21, 2003 to discuss A3676.

N.J.S.A. 45:11-23c. AHomemaker-home health aide

Informational: The Committee reviewed a letter from Carol Kientz, R.N., M.S., Executive Director of the Home Health Assembly, requesting Board clarification on whether hospice agencies are acceptable employers for renewal of Homemaker Home Health Aide certifications.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY VERONICA MCGREEVEY, VOTED IN ACCORDANCE WITH N.J.A.C. 13:37-14.5(a), TO APPROVE FOR THE PURPOSE OF HOMEMAKER HOME HEALTH AIDE CERTIFICATION RENEWAL THAT HOSPICE AGENCIES BE CONSIDERED AS HOME CARE AGENCIES. THE MOTION CARRIED.

Correspondence

Informational: July 7, 2003, Letter from Sari Kaplon, RN, Vice President, Patient Care Services, Saint Barnabas Medical Center, issue: Whether a foreign trained Physician, unlicensed in New Jersey or any other U.S. jurisdiction, can perform certain tasks without those being construed as the unlicensed practice of nursing.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO CONSIDER THESE INDIVIDUALS, WHO ARE NOT LICENSED AS PHYSICIANS NOR NURSES IN ANY U.S. JURISDICTION, AS UNLICENSED ASSISTIVE PERSONNEL, AND SUBJECT TO N.J.A.C. 13:37-6.2, DELEGATION OF SELECTED NURSING TASKS., AND THAT MS. SARI KAPLON'S LETTER BE REFERRED TO THE NEW JERSEY BOARD OF MEDICAL EXAMINERS BECAUSE THE BOARD OF NURSING DOES NOT REGULATE UNLICENSED INTERNATIONAL MEDICAL GRADUATES. THE MOTION CARRIED.

Informational: July 2, 2003, Letter from Anna D. Lee, M.D., Director of Board Certified Physical Medicine and

Rehabilitation, Cherry Hill Pain and Rehab Institute, issue: Permissibility of delegating Intramuscular Stimulation (IMS) Procedure to licensed and supervised nurses.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY CECILIA WEST, VOTED TO REFER DR. ANNA D. LEE'S LETTER TO THE NEW JERSEY BOARD OF MEDICAL EXAMINERS TO DETERMINE WHETHER THE BOARD HAS A POSITION ON INTRAMUSCULAR STIMULATION PROCEDURE (IMS). THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE MINUTES OF SEPTEMBER 16, 2003 AS AMENDED. THE MOTION CARRIED.

5. REGULATORY REVIEW:

Muriel Shore reported.

The committee met on October 14, 2003 to discuss the following issues:

Committee Minutes:

The Committee Minutes of September 9, 2003 were approved with a revision in issue 5, Advanced Practice Nursing: CRNA/APN Rule Petition and Proposed Regulations. The Committee added the recommendation made to the Board to publish proposed regulations:

Granting CRNA's Advanced Practice Nurse Certification status in New Jersey if the CRNA's are credentialed with a Masters Degree in Nursing, and

Grandfathering CRNA's into the APN Certification status per the regulations if the CRNA's are credentialed with a Baccalaureate Degree in Nursing.

Committee Regulations Flow Sheet:

The Committee Regulations Flow Sheet was reviewed and issues were updated as follows:

Advanced Practice/CRNA was reviewed by the Committee and the Board,

APN Rules were reviewed by the Committee and the Board,

LPN Licensure Applicants Educated as RN's was reviewed by the Committee and the Board, and will be revisited discussing the Impact of the Licensure Compact on LPN Licensure by Endorsement, and

The Committee and the Board reviewed LPN Scope of Practice.

Delegation of Medication Administration:

Informational: President Maris Lown and the Committee Members discussed Delegation of Medication Administration. As the Committee had requested, Deputy Attorney General Darlene Lapola provided legal advice concerning the Committee's proposed regulations on Delegation of Selected Nursing Tasks and Delegation of Medication Administration. The Committee will recommend approval of the proposed regulations on Delegation of Medication Administration at the November 18, 2003 Regular Board of Nursing Meeting.

Delegation of Nursing Tasks, Proposed Amendments: N.J.A.C. 13:37-6.1, Proposed Repeal and New Rules: N.J.A.C. 13:37-6.2, Proposed New Rules: N.J.A.C. 13:37-6.3, 6.4 and 6.5, Proposed Recodifications: N.J.A.C.13:37-6.3 to 8.1 and N.J.A.C. 13:37-6.4 to 8.2

Informational: The Committee reviewed the Proposed Amendments for Delegation of Nursing Tasks, and

discussed revisions including the addition of definitions for accountable, responsible, outcomes and assignment. The Committee will review the revisions when finalized.

Correspondence:

Informational:

a. FYI, e-mail regarding foreign trained professionals.

b. New Jersey Department of Health and Senior Services Proposed Mandatory Overtime Rules, N.J.A.C.8:43E:

The Committee forwarded the proposed regulations to the Board for review, and will recommend that the Board send a letter supporting the proposed regulations to the New Jersey Department of Health and Senior Services.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY SYLVIA C. EDGE, VOTED TO SEND A LETTER SUPPORTING THE PROPOSED REGULATIONS TO THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES. THE MOTION CARRIED.

Charles Manning and Linda Rinaldi, Deputy Attorney General, Division of Criminal Justice, Trenton, New Jersey discussed with the Board the following issue:

"Review of comments and responses on proposed Sexual Assault Nurse Examiner Program, N.J.A.C. 13:37-9 and adoption of the proposed new rules."

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED BY CECILIA WEST, VOTED TO APPROVE THE COMMENTS AND RESPONSES ON PROPOSED N.J.A.C. 13:37-9 AND ADOPTED THE PROPOSED NEW RULES AND EDITORIAL CHANGE OF THE WORD "ELDERLY" TO "OLDER ADULT" WHICH WILL BE MADE IN THE DOCUMENT. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY MURIEL M. SHORE AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO APPROVE THE REGULATORY COMMITTEE MEETING MINUTES OF OCTOBER 14, 2003. THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING DISCIPLINARY MATTERS.

OPEN FORUM:

Maris Lown asked the public to share with the Board of Nursing any concerns, issues or questions. Individuals who spoke on the CRNA Petition for Rulemaking were:

Alma L. Saravia, Attorney for the New Jersey Association of Nurse Anesthetists
Carolyn Torre, Director of Practice of the New Jersey State Nurses Association

ADJOURNMENT:

On October 21, 2003 the Regular Open Business Board Meeting was adjourned at 12:30 p.m. The next Regular Open Business Meeting will be held on November 18, 2003.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED BY LEO-FELIX JURADO, VOTED TO AJOURN THE REGULAR BOARD MEETING OF OCTOBER 21, 2003. THE MOTION CARRIED.

Respectfully Submitted,

Muriel M. Shore, Ed.D.,R.N., C.N.A.A.
Secretary/Treasurer
