

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
NOVEMBER 15, 2005**

A meeting of the New Jersey State Board of Nursing was held on November 15, 2005 in the Monmouth Conference Room, 7th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, Board President, called the meeting to order at 9:30 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

George J. Hebert, Executive Director
Barbara Byers, Administrative Analyst
Karen Moosvi, Assistant Executive Director
Kathryn Schwed, Deputy Attorney General
Paula Alvarez, Deputy Attorney General
Darlene Lapola, Deputy Attorney General
Charles Manning, Regulatory Analyst
(Re: Discussion of the Massage, Bodywork and Somatic Therapy Regulations)

BOARD MEMBER(S) EXCUSED ABSENCE:

Leo-Felix Jurado
Nelson Tuazon

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 3, 2005. A schedule of all 2005 Regular Open Board Meetings to be held during 2005 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.

Open Regular Board Meeting Agenda of November 15, 2005: Reading and Approval with amendments:

Nomination Committee – under committee reports.
Disciplinary Matters – add to the closed session.

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Margaret Kirchhoff, voted to approve the Regular Board Meeting Agenda of November 15, 2005 as amended. The motion carried.

Open Regular Board Meeting Minutes of October 18, 2005: Reading and Approval.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Noreen D'Angelo,

voted to table the Regular Board Meeting Minutes of October 18, 2005. The motion carried.

REPORT OF THE BOARD PRESIDENT – MARIS A. LOWN:

Maris Lown reported that:

President Lown continues to serve on the following committees: The Leadership & Governor Task Force for National Council of State Boards of Nursing and The Item Review Subcommittee. George J. Hebert has been nominated as a DON for the New Jersey Institute for Nursing.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported that:

The Board of Nursing Annual Meeting will be held on December 2, 2005 at the Woodbridge Hilton. Rosemary Gibson author of “the Wall of Silence” will be the guest speaker for this event.

Updated: On November 7, 2005 at NJR 4179(a), amendments were proposed to N.J.A.C. 13:37-1.2, Application for establishment of a new program in nursing, that would require the initial accreditation application fee to be submitted with the application for initiation of a nursing program. The public comment period ends on January 6, 2006.

The renewal period for the Certified Homemaker Home Health Aides is still in process with an eighty-five percent certification renewal rate. Michelle Carroll, Director of the Homemaker Home Health Aide Department and staff have done an excellent job of notifying applicants of the renewal deadline. Criminal history background checks are now required for all health care practitioners. The Division of Consumer Affairs sent out a notice to registered nurses whose licenses expire in 2007 informing them of the requirement of N.J.S.A. 45:1-30 et seq. wherein they shall complete a criminal history background check in order to renew their licenses effective with the biennial renewal cycle of 2007.

CORRESPONDENCE:

1. Letter from Frederick DeClement, MD, Vice President for Medical Affairs and Sharon Rosetti, RN, Chief Clinical Officer, Kessler Memorial Hospital, regarding Job Placement Advisors/Resources for persons displaced by Hurricane Katrina. 2. E-mail from George J. Hebert regarding “Using Criminal Background Checks to Inform in the Licensure Decision-Making.” October 10, 2005 introduction letter from Jacqueline C. Stocking, RN, MSN, CEN, CFRN, FP-C, NRIEMT-P President-Elect, Air & Surface Transport Nurses Association regarding the services of their organization. October 19, 2005, September 14, 2005, August 10, 2005 and July 13, 2005 Board of Medical Examiners Minutes. October 21, 2005 e-mail from American Association on Colleges of Nursing regarding Commission on Collegiate Nursing Education Moves to Consider for Accreditation; Only Practice Doctorates with the DNP Degree Title. November 2, 2005 e-mail from Wendy Johnson, COA Secretary, AANA/COA regarding COA Nurse Anesthesia Report of Actions on Nurse Anesthesia Educational Programs.

COMMITTEE REPORTS:

NOMINATION COMMITTEE: - Virginia McKenney, Chairperson

Virginia McKenney reported that:

The committee met and recommended that Maris Lown and Muriel M. Shore continue in their respective positions for the Board of Nursing.

After discussion the Board, upon a motion made by Virginia McKenney and duly seconded by Sylvia C. Edge, voted that Maris Lown continue as Board President. The motion carried.

After discussion the Board, upon a motion made by Virginia McKenney and duly seconded by Ronald H. Carr, voted that Muriel M. Shore continue as Board Secretary/Treasurer. The motion carried.

BUDGET & FINANCE: - Muriel M. Shore, Chairperson

There was no report.

EDUCATION COMMITTEE: - Leo-Felix Jurado, Chairman

Sylvia C. Edge reported: Session I of the October 27, 2005 Report

Correspondence:

FYI – Using Criminal Background Checks to Inform Licensure Decision-Making. An article from NCSBN was submitted for committee review regarding Criminal History Background Checks. The article provided extensive information. In summary the article provides input into decision making regarding licensure when the applicant has a positive criminal background history. The article states there are some wrong choices, which lead to criminal activities, which should disallow licensure. Others, given appropriate restitution, rehabilitation and time, may be suitable for licensure.

Sue Salmond, Community Advisory Panel, reported a concern that students are having multiple criminal history background checks. Clinical sites are requiring students to have criminal history background checks only by their approved vendor. Students may have a criminal history background check by the school and then need additional checks as required by the clinical sites. This is becoming a financial burden for students. The committee will make inquiries to relevant councils and organizations regarding this concern.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Cecilia West, voted to refer this issue to the Regulation Committee for further discussion. The motion carried.

Additional accreditation materials requested:

Burlington County College (additional materials submitted)

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Ronald H. Carr, voted that Burlington County College's additional accreditation self-study materials be accepted and that accreditation be renewed for a period of eight (8) years. The motion carried.

Session II of the October 27, 2005 Report

Correspondence:

September 19, 2005- letter from Anne Mc Soley, The Center for Allied Health & Nursing Education. Re: Request to open a satellite campus for the Practical Nursing Program in the Greater Camden Area. Discussion ensued. Salient points: The Center for Allied Health & Nursing Education has provisional accreditation. The original proposal did not request two sites.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Cecilia West, voted that the Center for Allied Health & Nursing Education must receive Board accreditation for its initial application prior to seeking approval for opening a satellite site. The motion carried.

Session II of the November 10, 2005 Report

School's Response to Board Directives:

Camden County College submitted responses to the Part I Proposal, Board Directives for Development of a new Practical Nursing Program.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Virginia McKenney, voted that the preliminary application of Camden County College, for the establishment of a new Practical Nursing program, be granted preliminary permission to pursue development of part II of their Practical Nursing Program application. The motion carried.

PRISM Education Group, Inc. submitted responses to the Part I Proposal, Board Directives for Development of a new Practical Nursing Program.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Ronald H. Carr, voted that the preliminary application of PRISM Education Group, Inc. for the establishment of a new Practical Nursing program be granted preliminary permission to pursue development of part II of their Practical Nursing program application. The motion carried.

Board on-site visit:

St. Peter's College, Part II Proposal for Development of a Generic Registered Nurse Program.

Sylvia Edge, Board Member, and Carol Onajide, Education Program Development Specialist, made an on-site visit. Documentation as requested by the Committee was available during the visit. All who were interviewed believed beginning a Generic BSN was in congruence with the mission of St. Peter's College and adequate resources have been allotted (refer to the on-site visit report.)

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Muriel M. Shore, voted that the preliminary application of St. Peter's College to develop a Generic BSN Program be granted provisional accreditation. The motion carried. Medix Vocational School, Part I Proposal for Development of a Practical Nursing Program.

The committee reviewed Part I of Medix Vocational School application to establish a practical nurse program on April 13, 2004. At which time there were concerns that the program had plagiarized parts of Union County College's materials. The school was notified that their proposal did not comply with the mandates of N.J.A.C. 13:37-1.2 (a) 1-6. Review of the present submission of Part I of the application demonstrates that it does not comply with the above regulations and there appears to be plagiarism of materials from Elgin Community College. When asked by the Committee where he obtained the information presented in the application, Dr. Mede reported he did research at the UMDNJ library to obtain information. The committee noted the following concerns:

N.J.A.C. 13:37-1.2 (a) 2, The philosophy, organizing framework, objectives and outcomes of the program in accordance with N.J.A.C. 13:37-1.5: The proposal contains a philosophy, threads, and objectives in the front pages of the proposal and another philosophy, different objectives and threads later in the proposal.

The Philosophy does not include the faculty's belief statement about humans and the teaching-learning process.

The outcomes require clarification as to how and when they will be achieved. How the components of the organizing framework are interrelated is unclear and were described as "abstract".

The organizing framework of Elgin Community College is described word for word in the proposal on pages 56 and 57.

Four pages of Definitions were in the proposal. These definitions are word for word, from the Elgin Community College Student Handbook of the Nursing Program's Policies and Procedures. There was no reference to Elgin Community College. In addition, under nursing roles in the definition, delegation is described as one of the functions of the "Manager of Care." LPNs do not delegate.

N.J.A.C. 13:37-1.2 (a) 3, Evidence of financial resources adequate for the planning, implementation and

continuation of the program, including a projected five year budget: The school had a loss of over \$40,000 in 2004, however, the practical nursing program is expected to have tuition revenue of two (2) million dollars the first year. The planned tuition cost is between \$6,000 to \$15,000. N.J.A.C. 13:37-1.2 (a) 4, A table of organization describing the lines of authority and the administrative structure of the program: The description of the table of organization on page 54 does not match the table on page 55.

N.J.A.C. 13:37-1.2 (a) 6, A letter from the chief executive officer which reflects that he or she has secured initial and continued financial support for the program: There is a letter from Dr. Mede which describes income of \$600,000 from a banquet hall in Irvington and that he believes his “years as a Businessman will help me operate the LPN Program with a wide range of qualified people.” Dr. Mede does not use the title of CEO to sign the letter.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Cecilia West, voted that Medix Vocational School be denied permission to establish a new practical nursing program pursuant to N.J.A.C. 13:37-1.2 (c) 3. The motion carried.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Noreen D’Angelo, voted to approve the reports of the Education Committee. The motion carried.

LEGISLATION COMMITTEE: - Ronald H. Carr, Chairman

There was no report.

PRACTICE COMMITTEE: - Cecilia West, Chairperson

Cecilia West reported: The next committee meeting will be held on December 13, 2005.

REGULATION COMMITTEE: Muriel M. Shore, Chairperson

Muriel M. Shore has resigned as Chair of the Regulation Committee.

OPEN FORUM:

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

Alma Saravia, Council for the New Jersey Association of Nurse Anesthetists, inquired about the proposed Advanced Practice Nurse (APN) regulations and provided comments about Assembly Bill 4445. Ms. Saravia stated that the Board of Medical Examiners’ regulations regarding conscious sedation are in effect.

Josephine Sienkiewicz, Director of Education and Clinical Practice of New Jersey Home Health Assembly, commented about the eighty-five percent of the home health aides that have been renewed and inquired about the thirty (30) day grace period after the renewal date for home health aides.

Carolyn Torre, Director of Practice, New Jersey State Nurses Association, inquired about the length of time it will take for the APN regulations to be processed and be published in the New Jersey Register.

REGULATION ISSUES:

Charles Manning discussed the following issues:

Mr. Manning informed the Board that the APN regulations are currently under review at the Division of Law.

Massage, Bodywork and Somatic Therapy Examining Committee Regulations:

The Board discussed the proposed amendments to: N.J.A.C. 13:37-5.5 that introduced a \$30.00 fee for verification of certification for endorsement and a \$25.00 fee for written verification of certification; N.J.A.C.

13:37-5.5 and N.J.A.C. 13:37-16 that correct citations to the fee schedule for massage, bodywork and somatic therapists; N.J.A.C. 13:37-16 that delete the requirement that applicants and certificants complete a Basic Life Support course and introduce a new requirement that applicants and certificants complete a Cardio-Pulmonary Resuscitation course; N.J.A.C. 13:37-16.7 that recognize that certificants may obtain initial education pursuant to N.J.A.C. 13:37-16.4; and N.J.A.C.13:37-16.9 that remove a repetition of the term "certified massage therapist."

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Cecilia West, voted to approve the revisions of the Massage, Bodywork and Somatic therapy Regulations. The motion carried.

After discussion the Board, upon a motion made by Sylvia C. Edge and duly seconded by Muriel M. Shore, voted to go into closed session for the purpose of discussing disciplinary matters. The motion carried.

ADJOURNMENT:

On November 15, 2005, the Executive Session Meeting was adjourned at 12:00 p.m. The next Regular Open Business Meeting will be held on January 24, 2006.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Karen Rodriguez, voted to adjourn the regular Board meeting of November 15, 2005 at 12:00 p.m. The motion carried.

Respectfully Submitted,

Muriel M. Shore
Board Secretary/Treasurer