

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
MARCH 21, 2006**

A meeting of the New Jersey State Board of Nursing was held on March 21, 2006 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Nelson Tuazon, Board President, called the meeting to order at 9:35 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D'Angelo Mary Sibley
Ronald H. Carr Sara Torres
Leo-Felix Jurado Nelson Tuazon
Irma Lupia Constance Wilson
Virginia McKenney
Patricia Ann Murphy

ALSO PRESENT:

George J. Hebert, Executive Director
Barbara Byers, Administrative Analyst
Carol Onajide, Education Program Development Specialist
Darlene Lapola, Deputy Attorney General
Kathryn Schwed, Deputy Attorney General (for limited purposes)
Charles Manning, Regular Analyst, (for limited purposes)
Michele Carroll, Manager, (for limited purpose)

BOARD MEMBER(S) EXCUSED ABSENCE:

Marietta Cahill
Karen Rodriguez

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 November 21, 2005. A schedule of all 2006 Regular Open Board Meetings to be held during 2006 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:

Open Regular Board Meeting Agenda of March 21, 2006: Reading and Approval After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Ronald H. Carr, voted to approve the Regular Board Meeting Agenda of March 21, 2006. The motion carried.

MINUTES:

Open Regular Board Meeting Minutes of February 21, 2006: Reading and Approval with amendments:

Typographical errors

After discussion the Board, upon a motion made by Noreen D'Angelo and duly seconded by Ronald H. Carr, voted to approve the Regular Board Meeting Minutes of February 21, 2006 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – NELSON TUAZON:

Update on the criminal history background check procedure; George Hebert is working with the Division of Consumer Affairs and Sagem Morpho, Inc., to provide information on the Board's Web site regarding the fingerprinting process. Fee Schedule; notices went out on Monday, March 13, 2006 to inform the nursing community that the increase will effect the 2006 renewal period. Budget Deficit: the Board of Nursing will be reviewing its operating expenses and to improve productivity, decreases in expenses are required. The Annual Workshop will be held in the Morris room, and the meeting will focus on the work of the committees, presentations given by representatives from the Alternative to Discipline Program. Patricia Ann Murphy and Sara Torres, Board Members have been appointed to the Alternative Discipline Committee. A letter was sent to NJSNA requesting information on its nominations to the Committee. Susan Reinhard, Professor & Co-Director, Rutgers Center for State Health Policy has invited Board Members to attend a meeting on health policy perspectives on April 6, 2006 at Westin Princeton at Forrestal Village, Princeton, NJ. Nelson Tuazon and Irma Lupia have been invited to be guest speakers for the Philippine Nurses Association.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Noreen D'Angelo, voted to approve the appearances of Board Members. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported that:

A brief summary of the monthly report regarding applications for the newly licensed nurses, inactive nurses and reinstated nurses. The fee increase was published in the New Jersey Register, which will effect the 2006 renewal process. Renewal 2006 – Letters went out March 17, 2006 providing nurses with instructions on how to renew their licenses online. Licensees who do not have access to the internet can call the IVR system to request a paper renewal be mailed to them. George Hebert thanked the Board staff for their efforts in the way they have been handling the high volume of phone calls regarding the renewal. The Board received numerous complaints from nurses regarding the fee for fingerprinting. The fees are broken down as follows: \$14.00 for Sagem Morpho, \$33.00 for federal and \$31.00 for state. A check in the total amount of \$78.00 to be paid to Sagem Morpho, Inc. Seeking approval to attend the following events: March 6-8, 2006 – Carol Onajide to attend the NLNAC Observation in New York City. March 29, 2006 – Constance Wilson to attend the LPN Forum sponsored by the New Jersey State Nurses Association. April 3, 2006 – George Hebert to attend the TriCouncil meeting at NJHA.

The Board upon a motion made by Noreen D'Angelo and duly seconded by Irma Lupia, voted to approve the appearances of the Executive Director, Board Member and Staff. The motion carried.

CORRESPONDENCE:

February 8, 2006 Board of Medical Examiners Minutes. February 8, 2006 E-mail from Patti Lucarelli, RN, MSN, CPNP, Child Care Health Consultant Coordinator, Child Care Resources regarding a thank you letter to the Board on the issue of "Medication in Child Care". February 28, 2006, News Release from the New Jersey Commission on Higher Education Appoints New Executive Director and Adds Two New Members. Letter from Nurses & Midwives' Council for Ghana regarding the appointment of new Registrar/Chief Executive for the Nurses and Midwives Council for Ghana: Ms. Veronica Darko.

COMMITTEE REPORTS:

1. BUDGET & FINANCE: -

There was no report.

2. EDUCATION COMMITTEE: - Leo-Felix Jurado, Chairman

Leo-Felix Jurado reported: Session I of the February 28, 2006 Report

Correspondence:

February 2, 2006 – Letter from Henny Kaufman, RN, Dover Business College Re: FYI, notification that Jill Loeb, RN, was appointed Chairperson of Practical Nursing Program at Dover Business College on December 19, 2005.

William Paterson University – Flyer

Re: FYI, William Paterson University Nurse Refresher Program, Fall 2006

February 8, 2006 – Email from Rebecca Keaton, Florida Board of Nursing Re: FYI, remedial and refresher courses in Florida. Florida requires remedial courses after a student fails NCLEX three times before NCLEX may be retaken. A remedial course in Florida is required to have 80 didactic hours and 96 clinical hours. New Jersey also requires a review course if an applicant fails NCLEX three times however; New Jersey requires the review courses to be 30 hours long.

Seton Hall University College of Nursing

Re: FYI, SHU beginning a new PhD program in nursing in April 2006.

UMDNJ – SON

Re: New MSN and Post-Master's Certificate programs in child-adolescent psychiatric and mental health. Upon clarification the graduates will be able to certify as Psychiatric/Mental Health APNs

(Pass Around)

CNEnet (Continuing Nursing Education Network)

Re: FYI, 2005 participant evaluations for the RN and LPN Refresher Courses offered by CNE-Net

Renewal of accreditation:

a. Mercer County Community College

Mercer County Community College (“Mercer”) submitted Article 21 as requested and provided the “Faculty Plan to Maintain Competency”. Mercer will be contacted to provide information regarding the professional activities that faculty completed in 2005.

b. Brookdale Community College

The Committee reviewed Brookdale Community College renewal of accreditation materials and requested additional materials, which were provided.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D'Angelo, voted that accreditation be renewed for Brookdale Community College Associate Degree Nursing Program for a period of eight (8) years. The motion carried.

Leo-Felix Jurado reported: Session II of the February 28, 2006 Report

Bill A 2231

The Committee reviewed this bill and submitted comments to the Legislative Committee.

Correspondence:

a. January 31, 2006 – Letter from Ramildo B. Tumanda

Re: Request for licensure in New Jersey as a LPN. Mr. Tumanda graduated from a RN program in the

Philippines and was licensed as a LPN in Nevada and Pennsylvania. He would like to become a LPN in New Jersey.

After review of his documentation the Committee noted that he is not eligible for licensure as a LPN in New Jersey pursuant to N.J.A.C. 13:37-4. 1 (b).

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Patricia Ann Murphy, voted that Mr. Ramildo B. Tumanda is not eligible for licensure in New Jersey as a LPN as per present regulations. The applicant will be notified that the Board proposed to change this regulation at its regular meeting on June 21, 2005, however, this proposal has not been adopted as of this time. The motion carried.

Mr. Charles Manning, Regulatory Analyst, presented a proposal from the Regulation Committee to include Criminal History Background Checks as a requirement for licensure in the curriculum of nursing schools. This proposal would be N.J.A.C. 13:37-1.8 (h). Discussion ensued. The Committee is not adverse to this proposal.

New Program Applications (Appearances)

a. Sphere of Health

The Committee reviewed the school's revised Part II Practical Nurse Program application. The present submission continues to require revision and there have been changes in Part I of the application, which was previously approved. Ms. Bontemps was encouraged to obtain a consultant to assist her with program development and the committee emphasized that there must be congruence between Part I and Part II of the application.

b. Metropolitan Learning Institute

The Committee reviewed the school's revised Part I application. The submission requires further revision.

Sierra Allied Health Academy

The Committee reviewed the school's revised Part I application. Their submission required further revision, which was submitted

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Virginia McKenney, voted to approve the preliminary application of Sierra Allied Health Academy 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.

Directives

The Center for Allied Health & Nursing Education

Committee reviewed the school's response to the January 25, 2006 Directive Letter and found that the school's response to be satisfactory.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Sara Torres, voted to accept the response from The Center for Allied Health & Nursing Education to the January 25, 2006 Directive Letter. The motion carried.

The Board upon a motion made by Irma Lupia and duly seconded by Noreen D'Angelo, voted to approve Sessions I and II of the Education Committee Report. The motion carried.

3. LEGISLATION COMMITTEE:

There was no report.

4. PRACTICE COMMITTEE:

Patricia Ann Murphy reported: The Committee met on February 28, 2006

1. Old Business:

Role of Licensed Practical Nurses in Physical Therapy:

The Committee discussed the role of Licensed Practical Nurses in caring for patients receiving physical therapy.

The Board, upon a motion made by Patricia Ann Murphy and duly seconded by Noreen D'Angelo, voted that the Algorithm for Determining Scope of Practice and for Making Delegation Decisions be used as a decision making tool by Registered Professional Nurses in delegating selected nursing tasks to Licensed Practical Nurses providing nursing care to patients receiving physical therapy. The motion carried.

2. Advanced Practice Nurses:

A letter will be drafted by the Board's professional staff which will be approved by the Practice Committee and the Board to request the inclusion of Advanced Practice Nurses where appropriate when regulations are being drafted by other regulatory Boards. This issue will remain in Committee for the next available Committee Meeting.

3. Administration of Diastat in the School Setting - Update:

This issue has been referred to the New Jersey Board of Medical Examiners. The Committee is awaiting feedback from the Board of Medical Examiners. The Committee will invite Marilyn Kent, Health Education Specialists, of the New Jersey Department of Education, to the next available Committee Meeting to provide feedback regarding standards of practice with medication administration such as diastat in school settings.

4. Follow-up on letter from Kevin Korsgaard regarding supervision and practice of Medical Assistants - Update:

This issue was referred to the New Jersey Board of Medical Examiners and awaits a response from the Board of Medical Examiners. The Committee will request from Kevin Korsgaard a copy of the Medical Assistant's job description for a clarification about the Medical Assistants dispensing medications. This issue remains in Committee.

5. Representation on Ad Hoc Committee for Propofol, New Jersey Board of Medical Examiners:

A letter has been sent to the New Jersey Board of Medical Examiners to request that the Board of Nursing have two (2) representatives to serve on the New Jersey Board of Medical Examiners Ad Hoc Committee for Propofol.

6. New Business:

2006 Planning and Work Flow Sheet for Practice Issues:

The Committee agreed on a revised format for the Committee Planning Flow Sheet (attached). Committee Members and community representatives agreed to bring practice issues for the 2006 Planning and Work Flow Sheet to the next available Committee Meeting.

7. Correspondence:

a. Response thank you letter dated February 17, 2006, from the New Jersey Department of Health & Human Services.

Re: The teaching of unlicensed personnel to administer medications to children in childcare centers. Ritamarie Giosa, RN, BSN, CCHCC, wrote a letter expressing appreciation to the Practice Committee and Board of

Nursing on resolving the question of whether Registered Professional Nurses are permitted to teach medication administration to unlicensed personnel in New Jersey Child Care Centers.

b. February 9, 2006 - Letter from Loretta M. Di Tocco, RN

Re: Requesting that she and all staff in behavioral health and prison systems be exempted from meeting the requirements of N.J.A.C. 13:37-6.4, Identification tags.

The Committee discussed Ms. Loretta M. Di Tocco's request that she be exempted from the requirement of placing her first name initial and full surname on her identification tag because of safety concerns. She requested to place only her first name on her identification badge.

The Board, upon a motion made by Patricia Ann Murphy and duly seconded by Constance Wilson, voted that Ms. Loretta M. Di Tocco, R.N., be permitted to place her full first name and her credential of Registered Nurse on her name tag, rather than her first name initial and full surname due to safety concerns. This exemption is granted only to Ms. Di Tocco because each nurse must request Board consideration for an exemption to N.J.A.C. 13:37-6.4, Identification tags. The motion carried.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Sara Torres, voted to approve the Practice Committee Report of March 14, 2006. The motion carried.

5. REGULATION COMMITTEE:

Sara Torres Reported: The Committee met on February 28, 2006

OLD BUSINESS:

1. Alternative to Discipline:

Karen Moosvi reported on the draft Alternative to Discipline Monitoring Program Proposal, the Purpose Statement, time line 2006, and Categories of Monitoring. The Committee discussed the following:

Proposed Time Line.

General Categories of Licensees.

III. Monitoring Process:

- a. Complete Confidentiality with Monitoring.
- b. Partial Confidentiality with Monitoring, and
- c. Ideal Monitoring Process.

IV. Legal Orders and Impact on Licensee:

- a. Traditional Discipline Model.
- b. New Discipline Model.
- c. Alternative to Discipline Model, and

Interim Observation Model.

V. Informal Conference Objectives, and

VI. Subchapter 10, Alternative to Discipline Program.

The Regulation Committee reviewed the draft proposed time line and discussed the appointment of Alternative to Discipline Committee Members. P.L. 2005, c. 82 (1) requires that two members of the Board be appointed by the President of the Board, at least one of whom shall be a Registered Professional Nurse; two Registered Professional Nurses must have expertise in addiction and be recommended by the New Jersey State Nurses Association who represent a designated intervention program; and one individual must be designated by the Commissioner of Health and Senior Services. The Committee agreed that the appointees should begin to meet monthly following the regular Board Meeting. Dr. Sara Torres indicated that she was interested in serving on the Alternative to Discipline Committee. The Committee also discussed having a Committee member with expertise in pain management, and agreed to ask Dr. Patricia Murphy, Board Member, to consider serving because she is an expert on pain management. The Committee requested that George J. Hebert, Executive Director, send a letter to the New Jersey State Nurses Association and the Commissioner of the New Jersey Department of Health and Senior services to obtain the names of individuals recommended to serve on the Alternative to Discipline Committee.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D'Angelo, voted to approve Subchapter 10, Alternative to Discipline Program

2. Criminal History Background Checks for Nursing Students in New Jersey:

The Committee reviewed N.J.A.C. 13:37-1.8, maintaining accreditation, curriculum organization and content adding (h): Every nursing education program shall inform students that a criminal history background check is a pre-requisite for licensure as a registered professional nurse and a licensed practical nurse.

3. Correspondence:

a. October 7, 2005 - Letter from Alma L. Saravia, Esq., Flaster/Greenberg, Attorneys at Law, a Professional Corporation.

Re: Proposed regulations of the Board of Nursing dated March 15, 2005 that recognizes all Certified Registered Nurse Anesthetists

("CRNAs") as Advanced Practice Nurses.

b. September 14, 2005 - Letter from Alma L. Saravia, Esq., Flaster/Greenberg, Attorney at Law, a Professional Corporation.

Re: Proposed regulations of the Board of Nursing dated March 15, 2005 that recognizes all Certified Registered Nurse Anesthetists

("CRNAs") as Advanced Practice Nurses.

The Committee reviewed the correspondence and issues raised about the proposed revisions in Subchapter 7 for Certified Registered Nurse Anesthetists to become Advanced Practice Nurses.

The Board, upon a motion made by Sara Torres and duly seconded by Ronald H. Carr, voted to send a letter to Alma L. Saravia addressing each issue raised regarding revisions in Subchapter 7 for Certified Registered Nurse Anesthetists to become Advanced Practice Nurses. The motion carried.

Charles Manning, Regulatory Analyst, discussed the following issues:

4. Pediatric Sexual Assault Examinations and FN-CSA Curriculum proposal.

The Board, upon a motion made by Ronald H. Carr and duly seconded by Patricia Ann Murphy, voted to promulgate for proposal, amendments to N.J.A.C. 13:37-9.4, to allow all FN-CSAs to perform pediatric sexual assault examinations, and N.J.A.C. 13:37-9.5(c), to reorganize the topics in the curriculum. The motion carried.

5. Delegation and Supervision Proposal

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D'Angelo, voted to promulgate for proposal, amendments to N.J.A.C. 13:37-6.1 and 6.2, new rules N.J.A.C. 13:37-6.3, 6.4 and 6.5 and the proposed recodification of existing N.J.A.C. 13:37-6.3 to 8.1 and 13:37-6.4 to 8.2. This proposal revises standards for the delegation of nursing tasks to licensed practical nurses and Assistive Personnel. The motion carried.

6. N.J.A.C. 13:37-1.8, Nurse education programs

The Board, upon a motion made by Sara Torres and duly seconded by Noreen D'Angelo, voted to promulgate for proposal, an amendment to N.J.A.C. 13:37-1.8 to require nursing education programs to inform prospective students that a criminal history background check is a pre-requisite for licensure in New Jersey. The motion carried.

The Board upon a motion made by Irma Lupia and duly seconded by Constance Wilson, voted to approve the Regulation Committee Report. The motion carried.

OPEN FORUM:

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

Carolyn Torre, Director of Practice, New Jersey State Nurses Association questioned whether the online renewal process was for both RNs and APNs. Ms. Torre stated that using information to update the database is very limited when using the online renewal process. Ms. Torre also wanted to know when will the APN regulations be proposed.

Josephine Sienkiewicz, Director of Education and Clinical Practice, The Home Care Association of New Jersey, inquired about while renewing online the system showed her license issue date as 1888 and it did not allow her to edit information in her file. Ms. Sienkiewicz applauds the Board on the revisions to the Delegation Proposal.

Bernard Gerard, Vice President, HPAE, expressed concerns regarding the fingerprinting process.

Angela Richman, Executive Director, CRNA, informed the Board that she went through the fingerprinting process and it went smoothly. She stated that once an appointment is given to the individual, they must be on time.

Joyce Duarte, Philippine Nurse Association thanked the Board for approving the requests of Nelson Tuazon and Irma Lupia to attend the Conference.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Ronald H. Carr, voted to go into closed session for the purpose of discussing complaints against nursing programs. The motion carried.

Board Member: Dr. Sara Torres was not present for the vote.

The Board, upon a motion made by Ronald H. Carr and duly seconded by Constance Wilson, voted to go into open session. The motion carried.

Board Member: Dr. Sara Torres was not present for the vote.

ADJOURNMENT:

On March 21, 2006, the Regular Open Business Meeting was adjourned at 2:00 p.m. The next Regular Open Business Meeting will be held on May 16, 2006.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Irma Lupia, voted to adjourn the regular Board meeting of March 21, 2006 at 2:00 p.m. The motion carried.

Respectfully Submitted,

Noreen D'Angelo
Board Secretary/Treasurer