

Board of Nursing

June 20, 2000

Regular Open Board Meeting

A meeting of the New Jersey State Board of Nursing was held on June 20, 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 Freda, Maris A. Lown, Virginia McKenney, Dr. Muriel Shore.

ALSO PRESENT

Deputy Attorney General: Gus Lembo, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Margaret Bennett, Deputy Executive Director, Kathryn Schneider, Assistant Executive Director, Massage, Bodywork & Somatic Therapy, New Jersey State Board of Nursing.

NOT PRESENT

Board Members: Elizabeth English, Joan Farrell Monaghan, Phoebe C. Andes, Karen Rodriguez, and Nelson Tuazon.

A QUORUM WAS NOT 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.

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A reading and approval of the minutes for the Regular Open Meeting of May 16, 2000.

THE BOARD, UPON A MOTION MADE BY M. CATHERINE DULIO AND DULY SECONDED, VOTED FOR APPROVE OF THE MINUTES OF THE REGULAR OPEN BOARD MEETING OF MAY 16, 2000.

THE MOTION TO BE RATIFIED.

MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. M. Lown announced that the vacancies on the Board have been filled. Judith Godsey-Wehnau has been replaced by Eileen Helbig Toughill. Phoebe C. Andes whose term has expired has been replaced by Leo-Felix Jurado, and Joan Farrell-Monaghan whose term has also expired has been replaced by Denise Link. Reappointed to the Board were: Richard Freda and Dr. Muriel Shore.

M. Lown, N. D'Angelo, B. Byers, P. Polansky, and G. Lembo attended the Summit Meeting on Consumer Directed Care and Nurse Delegation held at the Center for Health Policy in New Brunswick on June 6, 2000. This meeting was based on the personal care assistant program/issues that have come before the Board regarding unlicensed individuals

working as personal care assistants. A variety of speakers also attended this meeting, there were representatives from the states of New York and Oregon, researchers working with the federal government and HCFA and the New Jersey Department of Health and Senior Services who discussed consumer directed care issues and nurse delegation from a state and national perspective.

M. Lown requested to amend the agenda to place Closed Session under Unfinished Business.

THE BOARD, UPON A MOTION MADE BY MURIEL SHORE AND DULY SECONDED, VOTED FOR REORDERING OF AGENDA TO MOVE CLOSED SESSION AFTER UNFINISHED BUSINESS.

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THE MOTION TO BE RATIFIED.

PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky reported. P. Polansky introduced new staff at the Board of Nursing.

Rona Wade, Tykilah Ellerbe, Administrative Support staff and Lashauna Williamson, assisting in the Homemaker-Home Health Aide and Criminal Background Check department.

P. Polansky recognized the Pain Management & Licensing 2000 Renewal Staff which included: MaryAnn Esposito, Ethel Evans, Annie Oliver, Wazir Hussain, Diane Kiernan, Ma'Lorie Lott, Valerie Herring, Ivette Castillo, and Kayon Wiltshire for their outstanding work performance.

At the third Massage, Bodywork and Somatic Therapy Examining Committee meeting M. Lown and J. Farrell-Monaghan attended to be introduced and meet with the Massage, Bodywork and Somatic Therapy Examining Committee members.

FYI - The Home Health Assembly of New Jersey article on the PPS Regulations for Home Care is included in the communication packet.

In September of 1999, K. Schneider invited a small task group to collaborate and design the first "information sheet" for the homemaker-home health aides. The following group included home care nurses, homemaker-home health aides and the Board of Nursing staff: Rosemary Ryan, Helen Coleman, Sally Buonomo, Melissa Tucker, Valerie Herring, and Kathy Schneider. Margaret Post, a nursing student from Ramapo College, worked with K. Schneider, and completed the "Information 2000" Newsletter. A mailing to individual homemaker-home health aides commenced the week of June 16, 2000. K. Schneider was congratulated on the printing of the first Newsletter.

Update on the new certification cycle for Certified Homemaker-Home Health Aides. The new verification cycle will be from 9/1 to 11/30 in the renewal year. The issue of splitting the group has not yet been decided and will be dependent on the new computer system soon to be installed.

Criminal Background History legislation was signed by the Governor and 29,209 Certified Homemaker-Home Health Aides have been updated as of this week. A letter to approximately 25,000 individuals will be mailed out regarding the new procedures for Criminal Background Checks on existing Certified Homemaker Home Health Aides of which there are 29,209. Approximately 688 out of state packets are currently being prepared for mailing.

P. Polansky complimented the Division of Consumer Affairs. The Board of Nursing is now receiving legislative information and session results on a frequent and timely basis.

As of May 26, 2000, 94% of the renewal applications had been processed and new certificates/licenses mailed. .

P. Polansky received notification from Francine Widrich, Print Production, Division of Consumer Affairs, that the Nursing Fact Sheet for Advanced Practice Nurses is now on the Internet site.

As per the Board's request, June Levy, Budget Officer, Division of Consumer Affairs will appear before the Board at its July regular open business meeting to discuss the FY2000 Budget Report for the first half of the fiscal year.

"Communication Packet" - includes: 1.) **National Council of State Boards of Nursing, Inc. Newsletter to the Member Boards - General Information** - Volume 20 Number 9 - April 28, 2000. 2.) **Article from SANE News Newsletter** - Volume 1, Issue 9 - February/March 2000 - "Microscopy: A Standard for Rape Evidentiary Exams". 3.) **Notice: "Preventing Errors Using Medical Products" Interactive Satellite Video-Conference Planned for Wednesday, June 21, 2000 - Sponsored by AHA's American Society for Health Care Risk Management and the FDA.** 4.) **Regulatory Update - Physician Supervision of CRNAs Eliminated by HCFA.** 5.) **Article from: 1.) The Record - "Nurse With Hepatitis C Sues Bergen Hospitals"-Dated 5/10/00 - and "Nurse: Suing Two Hospitals" - Dated 5/10/00. 2.) The Star-Ledger - "Nurses on Front Lines of Workplace Violence" - Dated 4/17/00. 6.) **New Jersey State Board of Medical Examiners (BOME): Old Business: 1.) Limitations on Prescribing, Administering or Dispensing Drugs for the Treatment of Obesity N.J.A.C. 13:35-7.5A. 2.) Provision of A Chaperone During Physical Examinations. New Business: Directives Applicable to Disciplined Medical Board Licensees and Notice of Reporting Practices.****

Informational: 1.) Surgical and Anesthesia Standards in Physicians' Offices - Alternative Credentials. 2.) PRIM-E (Professional Renewal In Medicine [through] Ethics.

"Information Salad" - feature stories: 1.) **Nurses on Front Lines of Workplace Violence.** 2.) **New data on HRT and Breast Cancer.** 3.) **School Nurses Learn Signs of Child Abuse.** 4.) **Memo: Outraged by BORN ruling.** 5.) **CIO Survey Confirms There's Much**

Work to be Done. 6.) C-Sections Performed Too Early In Labor. 7.) An Ode To Home Care, Josephine Sienkiewicz. 8.) DISEASE DICTIONARY 9.) Opposing Voices. 10.) The Three Dimensions of the Medicare PPS HHRG Case Mix Classifications. 11.) Jogging Shorts. 12.) Words To Live By.....

December 8, 2000 Board of Nursing Annual Meeting will be located at the National Conference Center at the Ramada Inn, East Windsor, New Jersey, with guest speaker Betty Farrell, national expert on Pain Management.

P. Polansky seeks approval for: 1.) P. Polansky, M. Lown, and N. D'Angelo to attend the National Council State Boards of Nursing 2000 Annual Meeting in Minneapolis, MN. August 8-12, 2000. 2.) P. Polansky to attend the CLEAR 20TH Annual Conference, Miami, Florida, September 14-16, 2000. 3.) P. Polansky speaking engagement to attend the Fall, 2000 Legislative Conference in Trenton, October 4, 2000, and 4.) P. Polansky to attend the FARB (Federation of Associations of Regulatory Boards), St. Petersburg, Florida - February 16-18, 2001.

THE BOARD, UPON A MOTION MADE BY M. CATHERINE DULIO AND DULY SECONDED, VOTED FOR THE FOLLOWING APPEARANCES: 1.) P. POLANSKY, M. LOWN, AND N. D'ANGELO TO ATTEND THE NATIONAL COUNCIL STATE BOARDS OF NURSING 2000 ANNUAL MEETING IN MINNEAPOLIS, MN. AUGUST 8-12, 2000. 2.) P. POLANSKY TO ATTEND THE CLEAR 20TH ANNUAL CONFERENCE, MIAMI, FLORIDA, SEPTEMBER 14-16, 2000. 3.) P. POLANSKY SPEECH ENGAGEMENT TO ATTEND THE FALL, 2000 LEGISLATIVE CONFERENCE IN TRENTON, OCTOBER 4, 2000, AND 4.) P. POLANSKY TO ATTEND THE FARB (FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS), ST. PETERSBURG, FLORIDA - FEBRUARY 16-18, 2001.

THE MOTION TO BE RATIFIED.

P. Polansky announced that at this year's annual meeting the board will formally honor and recognize Margaret Howard, professional staff and Board of Nursing and former New Jersey Board of Nursing former members who have recently served.

"Hand Outs" included: 1.) Seton Hall University Celebrates The 60th Anniversary of the College of Nursing. P.

Polansky congratulated Dr. Muriel Shore, Board Member, who was one of the honorees that evening. 2.) LPN/VN Forum Brochures.

COMMITTEE REPORTS:

INTERVENTION PROGRAM TASK FORCE COMMITTEE

No report.

BUDGET & FINANCE COMMITTEE

No report.

EDUCATION COMMITTEE

No report.

LEGISLATIVE REVIEW PANEL

K. Schneider reported.

The Legislative Review Panel reviewed **Assembly Bill 2567** - Sponsor: Charlotte Vandervalk. Introduced June 1, 2000. This bill concerns the ability of professional licensing boards to protect the public. **Position - Support.** Comment(s): (1.) Gives the Board discretion, in having found a violation or even beforehand a cause to require a person to undergo certain assessments/tests. (2.) Gives the Board greater authority to investigate unlicensed practice. (3.) Suggest that the bill address appropriations for these assessments/tests.

Assembly Bill 2043 - Sponsor: George F. Geist and Nicholas R. Felice. Introduced February 10, 2000. This bill requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse of elderly person to family member or guardian of elderly person.

Position - Support. Comment(s): (1.) The Legislative Review Panel suggests exploring the need to include the employer/facility in notification. (2.) Suggest that the report can not be used as evidence in a civil case.

Assembly Bill 2396 - Sponsor: Charlotte Vandervalk and Samuel D. Thompson. Introduced May 8, 2000. This bill "Medical Error Reduction Act". **Position - Monitor for more information.** Comment(s): (1.) Support the concept. (2.) Noted that the reporting requirements are optional not required. (3.) Will monitor for further development of this bill.

Assembly Bill 1756 - Sponsor: David W. Wolfe and John S. Wisniewski. Bill pre-filed for introduction in the 2000 session. This bill requires hepatitis B immunization for admission to kindergarten or first grade and sixth grade at a public or private school. **Position - Monitor for more information.** Comment(s): Will look to get additional information.

Assembly Bill 2229 - Sponsor: Loretta Weinberg and Anthony Impreveduto. Introduced March 20, 2000. This bill permits certain licensed individuals, when advertising, to use their legal names, maiden names or nicknames under certain circumstances. **Position - Support.**

Comment(s): Nicknames should not be included, individuals should license or register themselves by their legal name.

Assembly Bill 2432 - Sponsor: Steve Corodemus. Introduced May 22, 2000. This bill allows meeting notices of certain public bodies to be available on the Internet. **Position - Oppose.** Comment(s): Can post meetings now - not needed.

Senate Bill 1292 - Sponsor: Jack Sinagra and C. Louis Bassano. Introduced May 18, 2000. This bill permits disclosure of certain patient information by organized delivery systems for research purposes. **Position - Support.** Comment(s): (1.) Encourages research; improves and ensures confidentiality. (2.) Encourages aggregate data, looking at broader health trends. (3.) Prevents abuse by managed care.

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Assembly Bill 2405 - Sponsor: James W. Holzapfel. Introduced May 11, 2000. This bill revises the reporting requirements for certain flame burn injuries. **Position - Support.**

Comment(s): (1.) Amend to add that other bonafide health care providers report burn flame injuries. (2.) Include other appropriate agencies to receive report.

Senate Bill 1208 - Sponsor: Robert W. Singer and Joseph M. Kyrillos, Jr. Introduced May 4, 2000. This bill provides for licensure of physical therapists and physical therapist assistants. **Position - None.** Comment(s): Not ready to take a position on this yet. Plan to check with other boards and organizations.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED FOR ACCEPTANCE OF THE LEGISLATIVE REVIEW PANEL REPORT AS PRESENTED.

THE MOTION TO BE RATIFIED.

NURSING PRACTICE COMMITTEE

M. Lown reported. The Nursing Practice Committee met on June 20, 2000 with a report on the Pain Management and End-of-Life Care Program. The program attendance was 382. A program evaluation summary was distributed among the Board members.

Issue: CDS and DEA Registrations for Advanced Practice Nurses

To date 846 New Jersey Advanced Practice Nurses have obtained their CDS registrations. The New Jersey Drug Enforcement Administration staff has reported that 323 DEA applications have

been approved and 75 DEA applications are pending. June 1, 2000 was the deadline for Advanced Practice Nurses to obtain their DEA numbers and updated prescription pads.

Issue: Supervision of Home Health Aides by Physical Therapists

The Physical Therapy Board voted at its April 25, 2000 meeting to rescind a previously adopted policy that physical therapists could supervise home health aides, due to the determination that the nursing board statutes state that a home health aide may only be supervised by a Registered Nurse.

Issue: National Association of the Boards of Pharmacy

Lee Gladstein, Executive Director of the New Jersey Board of Pharmacy, has been named the National Association of Boards of Pharmacy's 2000-2001 Honorary President.

Recommendation:

The Nursing Practice Committee recommends that a letter of congratulations be forwarded to Mr. Gladstein.

REGULATORY REVIEW TASK FORCE

M. Lown reported. The Regulatory Review Task Force continues its work. The June meeting has been canceled. These

meetings are open to the public.

UNFINISHED BUSINESS:

LICENSURE BY ENDORSEMENT - REGULATORY REVIEW

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on 13:37-4.1 Eligibility Requirements; Licensure by Endorsement pending for further discussion with the Deputy Attorney General, G. Lembo.

SUBCHAPTER 7 - UPDATE

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on N.J.A.C. 13:37-7.1 Application for Certification; N.J.A.C. 13:37-7.1(C) and 7.11 was reviewed with the Regulatory Review Task Force Committee. C. Manning will meet with Deputy Director, Tony Miragliotta, Division of Consumer Affairs for further review.

JOINT PROCOTOLS FOR ADVANCED PRACTICAL NURSES - UPDATE

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on the Standards for Joint Protocols between Advanced Practical Nurses and Collaborating Physicians, Adopted New Rules: N.J.A.C. 13:37-6.3 and 13:35-6.6. In register July 3, 2000 (60 day period after effective date).

EDUCATION REGULATIONS - UPDATE

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on 13:37-1.1 Application for establishment of a new program in nursing or reorganization of an existing program. Will require further review and discussion.

PETITION FOR RULEMAKING - UPDATE

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on the Notice of Receipt of Petition for Rulemaking, N.J.A.C. 13:37-3: Graduate Nurses.

On May 30, 2000, William R. Abrams, President, New Jersey Association of Health Care Facilities, requested that Maris Lown, President, New Jersey Board of Nursing, rescind the repeal of subchapter three of N.J.A.C. 13:37, which allowed graduates of nursing programs to work prior to passing the licensing examination. The subchapter was repealed in the Board's readoption of its rules, which became effective on February 7, 2000 when printed in 32 N.J.R. 450(a). The petitioner requested that the subchapter be amended so that a graduate of a nursing program could work for a 90 day period between graduation and receiving the results of the licensing examination. The petitioner requested this readoption and amendment believing that the deletion of subchapter three caused great hardship to nursing facilities as there is currently a shortage of nurses in this state. The petitioner also claimed that the deletion of subchapter three would specifically harm foreign nurses who apply for licensure in this state, and those facilities that depend on their services, because these applicants will have no income while they wait for the results of the licensing examination.

C. Manning recommended that the above mentioned petition be addressed at the next Regular Open Business Meeting due to lack of quorum.

MSR - UPDATE

No report.

SCHOOL AND AGENCY SURVEYS

No report.

APPEARANCE

AMERICAN RED CROSS

M. Lown introduced and welcomed Hanna Tracy, State Nurse Liason of New Jersey, Division of the American Red Cross.

NEW BUSINESS

No report.

OPEN FORUM

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

THE BOARD, UPON A MOTION MADE BY DR. MURIEL SHORE AND DULY SECONDED, VOTED TO GO INTO CLOSED SESSION.

THE MOTION TO BE RATIFIED.

ADJOURNMENT:

On June 20, 2000 the Regular Open Board Meeting was adjourned at 3:00 p.m. The next Regular Open Business Meeting will be held on July 18, 2000.

Respectfully submitted,

Maris A. Lown
President



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[Medical and Mental
Health Related Boards](#)

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Survey](#)

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Page](#)

[NJ Dept. of Law and Public
Safety Home Page](#)

[State of NJ Home Page](#)

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