A meeting of the New Jersey State Board of Nursing was held on September 16, 2008 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Leo-Felix Jurado, Board President, called the meeting to order at 9:40 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Saundra Austin-Benn Joni Jones
Irma Bojazi Leo-Felix Jurado
Marietta Cahill Patricia Murphy
Noreen D’Angelo Karen Rodriguez
Avery Hart Constance Wilson

ALSO PRESENT:

George J. Hebert, Executive Director
Mary Peterson, Supervisor, Disciplinary Section
Darlene Lapola, Deputy Attorney General
Charles Manning, Regulatory Analyst (to discuss regulation changes)
Susan Carboni, Deputy Attorney General
Olga Bradford, Deputy Attorney General (to discuss nursing programs)
Jodi Krugman, Deputy Attorney General (to discuss the hearing)

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 26, 2007. A schedule of all 2008 Regular Open Board Meetings to be held during 2008 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 June 17, 2008: Reading and Approval with amendments:

The following issues will be addressed after old business:

Karen Cole, RN, CRNA – Motion for interlocutory review.
Raymond W. Beyerle, LPN – Hearing on an order to show cause
Lorie Hentges, RN – Hearing on an order to show cause

After discussion the Board, upon a motion made by Saundra Austin-Benn and duly seconded by Constance Wilson, voted to approve the Regular Open Board Meeting Agenda of September 16, 2008, 2008 as amended. The motion carried.

MINUTES:

Open Business Meeting Minutes of June 17, 2008: Reading and Approval:
After discussion the Board, upon a motion made by Irma Bojazi and duly seconded by Marietta Cahill, voted to approve the Regular Open Board Meeting Minutes of June 17, 2008. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported:

President Jurado and George J. Hebert attend the 2008 NCSBN Annual Meeting - NCSBN met August 5-8, 2008 in Nashville, TN to consider pertinent association business with its member boards of nursing. Highlights included:

- There was an election of new directors to the Board of Directors and members of the Leadership Succession Committee. Laura Rodes, Executive Director, West Virginia Board of Nursing is the new President of the National Council.
- There was an approval of the Nebraska Board of Advanced Practices Registered Nurses as a new member board.
- There was an approval of the Nursing College of British Columbia as an Associate Member. The NCSBN has designed the ability for boards of nursing outside of the country to become associate members. They will enjoy the same benefits and privileges as the rest of the boards of nursing in the US, but they will not be able to hold office or vote.
- There was an adoption of the revised APRN Model Act and Rules.
- Reassess the Uniform Core Licensure Requirements for currency and relevance in today’s regulatory arena and report findings and recommendations to the 2009 Delegate Assembly.
- There was also an approval of Associate Member annual fee of $1,500.
- September 9, 2008 President Jurado met with Botswana Department of Health from Africa, at UMDNJ, Newark, NJ to discuss the functions of the Board of Nursing.

After discussion, the Board upon a motion made by Saundra Austin-Benn and duly seconded by Noreen D’Angelo, voted to approve the appearance of the Board President. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert reported:

The Board is preparing for the 2008 renewal for the massage, bodywork and somatic therapists. All certificants will have the option to either renew online or they can call to request a paper renewal. The letters advising them of this process will be mailed out at the end of September 2008.

Staffing issues continue to be problematic for the Board. George J. Hebert and Mary Peterson are the two professional staff nurses at the Board of Nursing at this time. There is on going discussions with the Division Director about the need for additional staffing. We are being advised that the hiring freeze remains in place for the Division at this time. However, there is some discussion on the hiring of individuals as potential consultants who would be focused on assisting the Board with reviewing medical malpractice cases and new nursing program applications.

Meetings – as a result of inadequate staffing, the Board will focus on the Discipline Meeting and the Regular Board Meeting instead of having subcommittee meetings. Information that would normally be discussed at the subcommittee meetings will be discussed at the Regular Board Meeting for review and comments. The Alternative to Discipline Meeting will continue to meet directly following the Board
meeting. The Massage, Bodywork and Somatic Therapy Examining Committee will continue to meet on the last Wednesday of every month.

The Board received a resignation from Board Member Shavani Nath.

At the June 17, 2008 Regular Board Meeting Susan Brennan McDermott, RN, Project Manager and William A. B. Ditto, MSW, Project Director, Division of Disability Services, New Jersey Department of Human Services gave a detailed presentation on the New Jersey Nurse Delegation Pilot Project. The Board is being asked to support the pilot project. After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Joni Jones, voted to send a letter of support for the implementation of the Pilot Project. The motion carried.

Seeking Approval for George J. Hebert to attend the following meetings:

September 20, 2008 – American Academy of Nurse Practitioners Annual Region 2 Invitational Leadership Meeting which will be held at the Renaissance Westchester Hotel, White Plains, NY.

October 16, 2008 – NJSNA Congress on Policy and Practice; invited to speak at the Nurses in Trenton event to be held at the State House.

October 17, 2008 – Meeting with New Jersey Association of Certified Registered Nurse Anesthetists in Trenton, NJ.

October 27, 2008 – The Home Care Association of NJ is sponsoring the Health Care Service Firm Regulations in Iselin, NJ.

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Marietta Cahill, voted to approve the appearances of the Executive Director. The motion carried.

CORRESPONDENCE:

April 1, 2008 – June 30, 2008, Second Quarter Legislative Affairs Report

June 30, 2008, letter from Joanne P. Robinson, PhD, APRN, BC, Associate Professor, Chairperson and Carol P. Germin, RN, EdD, FAAN, Visiting Professor, Acting Chairperson, Rutgers, Department of Nursing, Camden, NJ regarding the appointment of Bonnie Jerome D Emilia, RN, MPH, PhD to its staff

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Patricia Murphy, voted to deny the request for waiver to permit Bonnie Jerome D. Emilia, RN, MPH, PhD to teach the Generic Program at the Rutgers Camden School of Nursing. The motion carried.

After discussion, the Board upon a motion made by Noreen D’Angelo and duly seconded by Irma Bojazi, voted to refer this matter to the Regulation Committee for further discussion regarding faculty requirement. The motion carried.

July 3, 2008, CGFNS Language Proficiency Report – Applicant Sandra Jugmohan

After discussion, the Board upon a motion made by Constance Wilson and duly seconded by Irma Bojazi, voted to deny licensure for Sandra Jugmohan. The motion carried.

July 8, 2008, letter from Janet K. Noles, PhD, RN, FNP-BC, FAANP, Dean and Associate Professor, Patty Hanks Shelton School of Nursing, regarding the Alternative Entry – Rapid Mobility program.

The Board directed that a letter be sent to Dr. Noles informing her that the Board of Nursing does not have any jurisdiction over schools outside of the State. However the faculty member that will be supervising will need to be licensed in the State of New Jersey.
July 30, 2008, letter from Sharon J. Tanner, EdD, RN, Executive Director, NLNAC regarding actions taken at its July 9-10, 2008 meeting.

August 1, 2008, letter from Rev. Msgr. Ronald J. Rozniak, Chairman and CEO, Cathedral Healthcare System regarding the transfer of ownership of Saint Michael’s Medical Center to a subsidiary of Catholic Health East.

August 11, 2008, Acting Governor Codey Signs New Jersey Hero Act

August 13, 2008 Board of Medical Examiners Agenda, with June 11, 2008 Board of Medical Examiners minutes.


COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: -

George J. Hebert reported:

The Education Committee has not met since May 27, 2008. Since that time there was a request made by the Center for Allied Health Nursing Education Program for a site. The Center is proposing to open a new site in Ewing, NJ. Mr. Hebert conducted a site visit on July 23, 2008.

The Center for Allied Health Practical Nursing Program has been in existence since 2003 in Hackettstown, NJ. The Center for Allied Health is fully accredited, but the NCLEX pass rates have been declining. In 2005 the pass rate was 82.35%, in 2006 the pass rate was 78.26%, and in 2007 the pass rate was 73.42% and for the first second quarter of 2008 the pass rate was 74.53%

Representatives from the Center for Allied Health appeared before the Board to discuss areas of weakness and how they are focused on improving the program.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Patricia Murphy, voted to deny the expansion of the Center for Allied Health Nursing Education Program until the 2008 NCLEX are available for review. The motion carried.

2. REGULATION COMMITTEE: -


Committee Regulation Flow Sheet:

The Flow Sheet was reviewed and approved by the Committee after discussion of some rule proposals that the Board voted on more than a year ago and are still under review by the Division of Law and the Office of the Attorney General. Darlene Lapola, DAG will find out the status of same and report it to the Board at its next available meeting.

Old Business:

NCSBN APRN, Joint Dialogue:

This issue was on the Committee’s agenda for informational purpose.

Foreign School Evaluation Service, N.J.A.C. 13:37-2.3:
The Committee reviewed draft amendments to N.J.A.C. 13:37-2.3 that would permit applicants who graduate from a foreign nursing program to complete the International English Language Testing System (IELTS) or the Test of English in International Communications (TOEIC) examinations for English proficiency in addition to the Test of English as a Foreign Language (TOEFL) examination. The Committee also discussed requiring that an English proficiency examination be completed within the two years previous to submission of an application.

The Committee approved the recognition of IELTS and TOEIC and requested that Chuck Manning review CGFNS standards to determine if an expiration date should be imposed on English proficiency examination results.

The Committee refers the amendments to N.J.A.C. 13:37-2.3 to the Board for review at its next available meeting.

New Homeland Security Rules:
This issue was on the Committee’s agenda for informational purpose.

Review of Public Comments for amendments to N.J.A.C. 13:37-5.3, Continuing Education:

The Committee reviewed and discussed comments received from the public and proposed responses to the comments regarding amendments to N.J.A.C. 13:37-5.3, Continuing Education.

Charles Manning will present a summary of the public’s comments and responses to the comments regarding amendments to N.J.A.C. 13:37-5.3, and recommend adoption at the next available Regular Board Meeting.

New Business:

Foreign Nursing Program Approval Mechanism, N.J.A.C. 13:37-2.3:

The Committee considered a Board suggested amendment to N.J.A.C. 13:37-2.3 that would require a nursing education program offered in another country to have approval from the Board of Nursing in that country. After discussion, the Committee asked Charles Manning to draft amendments to N.J.A.C. 13:37-2.3 that would require that a nursing education program offered in another country be designed to prepare a graduate to practice as a nurse in that country.

Charles Manning will bring a draft of these amendments to the Committee’s next meeting.

Quality Improvement Plan for LPN Education During the Moratorium:

The Committee discussed the Board approved moratorium on applications for practical nursing programs. Charles Manning will draft a notice of moratorium which will incorporate standards from the Quality Improvement Plan for LPN Education During the Moratorium. Mr. Manning will bring this notice of moratorium to the Education Committee for review.

Application for Establishing of a New Program in Nursing, N.J.A.C. 13:37-1.2 and 1.3:

The Committee reviewed the adopted amendments to N.J.A.C. 13:37-1.2 and 1.3 on April 21, 2008, which require that Practical Nursing Programs, while on provisional Accreditation, limit their student admissions to no more than 40 students in each class per calendar year.

Faculty Qualifications, N.J.A.C. 13:37-1.7:

After the Committee’s discussion on Faculty Qualifications, the Committee agreed to table this issue until
the next available Regulation Committee Meeting for further discussion.

Student Liability Insurance, N.J.A.C. 13:37-1.11:

The Committee discussed Student Liability Insurance changes to N.J.A.C. 13:37-1.11, which was referred to the Education Committee for review and comment. After the Committee’s review, Student Liability Insurance changes will be presented to the Board.

Fee Schedule Adopted Amendment, N.J.A.C. 13:37-5.5:

The Committee reviewed the adopted amendments to N.J.A.C. 13:37-5.5 on April 21, 2008, which requires a $5 surcharge fee by the Board in connection with licensure of professional and practical nurses. This amended rule is immediately in effect for all new applicants for licensure, and those professional and practical nurses renewing their licenses.

Advanced Practice Nurse (APN) Adopted Regulations, N.J.A.C. 13:37-7.1:

The Committee reviewed the adopted amendments to N.J.A.C. 13:37-7.1 regarding Advanced Practice Nurses application for certification.

Reinstatement Forensic Nurses and Advanced Practice Nurses:

After the Committee’s discussion on Reinstatement of Forensic Nurses and Advanced Practice Nurses, the Committee agreed to table this issue until its next available Committee meeting for further discussion.

The Committee directed that staff search for information on Reinstatement of Forensic Nurses and Advanced Practice Nurses. This issue will be discussed further at the next available Committee Meeting.

Correspondence:

July 9, 2008, letter from Carolyn T. Torre’s, Director of Regulatory Affairs, New Jersey State Nurses Association to George J. Hebert, Executive Director concerning the language of responses to comments which accompanied the June 16, 2008 publication in the New Jersey Register of adopted Advanced Practice (APN) regulations.

The Committee discussed Ms. Torre letter and agreed that this issue be discussed before the full Board at its September 16, 2008 meeting.

FYI, May 7, 2008, e-mail from Margaret Steinbach, MSN, ARNP, Vice President, Advanced Practitioner Program, Pediatrix Medical Group concerning Nurse Practitioner Title Changes.

This issue was on the Committee’s agenda for informational purposes.

May 19, 2008, e-mail from Irene Borsuk, APN, Hunterdon Medical Center concerning new regulations for certification.

The Committee reviewed Ms. Borsuk’s letter which questioned whether the adopted amendments to N.J.A.C. 13:37-7 will require currently certified advanced practice nurses to obtain national certification in order to renew Board certification.

After discussion, the Board upon a motion made by Irma Bojazi and Noreen D’Angelo, voted to send a letter to Ms. Borsuk that points out that the adopted amendments to N.J.A.C. 13:37-7.7 do not require Advanced Practice Nurses who were certified prior to June 16, 2008 to hold national certification in order to renew Board certification. The motion carried.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Constance
Wilson, voted to approve the Regulation Committee Report of July 29, 2008. The motion carried.

NEW BUSINESS:

Charles Manning, Regulatory Analyst discussed the following issues:

1. Massage, Bodywork and Somatic Therapy educational requirements proposal

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to promulgate for proposal amendments to N.J.A.C. 13:37-16.4, 16.7 and 16.11 recommended by the Massage, Bodywork and Somatic Therapy Examining Committee. These amendments recognize that massage, bodywork and somatic therapy schools may be approved by the New Jersey Department of Education; the New Jersey Department Labor and Workforce Development; the New Jersey Commission on Higher Education; or an agency of another state with substantially similar requirements as those State agencies. The motion carried.

2. Continuing education courses adoption

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Avery Hart, voted to approve the comments received on proposed amendments to N.J.A.C. 13:37-5.3 and recommended responses to those comments as prepared by the Regulatory Committee. The Board voted to adopt the proposed changes to N.J.A.C. 13:37-5.3 without change. The motion carried.

3. Evaluation of foreign educated applicants proposal

After discussion, the Board upon a motion made by Saundra Austin-Benn and duly seconded by Marietta Cahill, voted to promulgate for proposal amendments to N.J.A.C. 13:37-2.3 that permit foreign educated nurses to take the International English Language Testing System (IELTS) and Test of English in International Communications (TOEIC) English proficiency examinations. The amendments also impose a two-year effective period for any passing score on an English proficiency examination. The motion carried.

OLD BUSINESS:

1. Responses to Comments regarding the APN Regulations.

Chuck Manning addressed concerns raised by members of the public that the published responses to comments received on the proposed amendments to N.J.A.C. 13:37-7 were not the same as the responses approved by the Board. Mr. Manning informed the Board that there was no substantive difference between the responses approved by the Board and the responses that were published in the New Jersey Register.

OPEN FORUM:

Leo-Felix Jurado asked the public to share with the Board of Nursing any concerns, issues or questions:

Alma Saravia, legal counsel for CRNAs – commented on the language in the APN regulations. Ms. Saravia requested a letter from the Board clarifying its understanding of what APNs can do.

Carolyn Torre, Director of Practice, NJSNA – commented on the APN regulations and responses made by the Board. Ms. Torre informed the Board that she is retiring from NJSNA, but will continue to be a consultant. Ms. Torre suggested to the Board it would be easier for the public to follow along with what is being presented at the meeting if it is distributed.

Josephine Sienkiewicz - thanked the Board for supporting the pilot program regarding Medication Administration regarding home health aides. Ms. Sienkiewicz informed the Board that 20 agencies have already signed up for the pilot program. Ms. Sienkiewicz commented on the 2008 renewal for the massage,
Russell R. Lynn, MSN, CRNA, President, New Jersey Association of Nurse Anesthetists, Associate Program Director, University of Pennsylvania School of Nursing – thanked the Board for its work with the CRNA applicants seeking APN certification. Mr. Lynn informed the Board that there are approximately 650 people that need to complete the process.

Linda DeLamar, President-Elect, New Jersey Association of Nurse Anesthetists – made comments on the application process for the CRNAs.

NEW BUSINESS (con’td):

4. Karen Cole, R.N., C.R.N.A., sought interlocutory review of a Letter Order dated August 19, 2008 by the Hon. Jesse H. Strauss, A.L.J., denying Ms. Cole’s request for authorization to subpoena additional electronically stored information from Jersey City Medical Center. In a letter dated September 11, 2008, Ms. Cole was notified that Board President Leo-Felix Jurado, the President of the New Jersey State Board of Nursing, had considered this matter and declined on the Board’s behalf to review the Letter Order. On September 16, 2008, this matter was considered by the full Board.

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Avery Hart, voted to affirm President Leo-Felix Jurado’s determination, as set forth in the letter dated September 11, 2008. The motion carried.

HEARINGS:

1. Raymond W. Beyerle, LPN – order to show cause

After discussion, the Board upon a motion made by Saundra Austin-Benn and duly seconded by Karen Rodriguez, voted to go into closed session to discuss a settlement with Raymond W. Beyerle. The motion carried.

OPEN SESSION RESUMED:

After discussion, the Board upon a motion made by Patricia Murphy and duly seconded by Constance Wilson, voted to approve the interim agreement with Raymond W. Beyerle, LPN to cease and desist any kind of nursing practice and to surrender his license no later then 12:00 noon, September 18, 2008. The motion carried.

2. Lori Hentges, RN – order to show cause

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Irma Bojazi, voted to go into closed session to discuss the matter of Lori Hentges, RN. The motion carried.

OPEN SESSION RESUMED:

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Irma Bojazi, voted to authorize a subcommittee of the Board to hear the Order to Show Cause and after render a decision in the instant matter, which will be ratified at the next available Board meeting. The motion carried.

The Committee subsequently accepted an order of voluntary temporary suspension. The terms are more fully set forth in the filed order executed on September 19, 2008.

After discussion, the Board upon a motion made by Karen Rodriguez and duly seconded by Constance Wilson, voted to go into closed session to complete the closed session agenda items.
OPEN SESSION RESUMED:

ADJOURNMENT:

On September 16, 2008 the Regular Open Board Meeting was adjourned at 1:20 p.m. The next Open Business Meeting will be held on October 21, 2008.

After discussion the Board, upon a motion made by Marietta Cahill and duly seconded Irma Bojazi, voted to adjourn the Regular Open Board meeting of September 16, 2008 at 1:20 p.m. The motion carried.

Respectfully Submitted,

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Patricia Murphy
Board Secretary/Treasurer