



**New Jersey State Board of Nursing Minutes
Regular Open Board Meeting
September 24, 2002**

A meeting of the New Jersey State Board of Nursing was held on September 24, 2002 in the Hudson Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey, Maris Lown, President, called the meeting to order at 9:30 a.m.

ROLL CALL

PRESENT

Board Members: Noreen D'Angelo, Ronald H. Carr, Leo-Felix Jurado, Sylvia C. Edge, Veronica McGreevey, Margaret M. Kirchhoff, Cecilia West, Maris A. Lown, Virginia McKenney, Karen Rodriguez, Muriel M. Shore and Nelson Tuazon.

ALSO PRESENT

Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Barbara Byers, Administrative Analyst, George Hebert, Deputy Executive Director, Charles Manning, Regulatory Analyst, Deputy Attorney(s): General: Darlene Lapola and Victoria Manning.

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, 2002. A schedule of all 2002 Regular Open Board Meeting to be held during 2002 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.

Approval of the Addendum to the September 24, 2002 Regular Open Board Meeting Agenda.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE ADDENDUM TO THE SEPTEMBER 24, 2002 REGULAR OPEN BOARD MEETING AGENDA.

THE MOTION CARRIED.

A reading and approval of the minutes for the Regular Open Business Minutes of July 16, 2002.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED FOR THE APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JULY 16, 2002.

THE MOTION CARRIED.

MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. M. Lown attended the National Council of State Boards of Nursing Annual Meeting in Long Beach, CA and continues to serve on the Colleagues and Caring Committee. This is the 100th Anniversary of the New Jersey Board of Nursing. M. Lown delivered the President's Report for 2001-2002. (See attached)

PATRICIA A . POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky reported. P. Polansky recognized and congratulated the following staff members for their hard work and dedication to the New Jersey Board of Nursing: Valarie Herring, Joanne Cole, George Hebert, Mary Wilson, Ethel Evans, Tykilah Ellerbe, Devita Brown, Latasha Marks, Diane Scott, Sameerah Bond, Felipa Ventura, Theresa Williams, Gregoria Marerro, Sylvia Bishop, Kario Wiltshire, Tahanee Rabb, Gladys Quarshie, Tania Alfonso, Ivelisse Feliciano, Sunaray Hargrove, Theresa Henderson and Naomi Monroe.

- Certificate of Appreciation to Maris Lown, Patricia Polansky and Kathryn Schwed from National Council of State Boards of Nursing, Inc.
- Board of Nursing - Home Care Department Initial Certification Report as of August 29, 2002:

June, 2002

- 1.) Number of Home Health Training Eligibility Lists received :97
- 2.) Number of Home Health Aides Approved to work: 427
- 3.) Number of Home Health Aides Disapproved from Eligibility Lists: 70

July, 2002

- 1.) Number of Home Health Training Eligibility Lists received: 114
- 2.) Number of Home Health Aides Approved to work: 585
- 3.) Number of Home Health Aides Disapproved from Eligibility Lists: 61

August, 2002

- 1.) Number of Home Health Training Eligibility Lists received: 122
- 2.) Number of Home Health Aides Approved to work: 593
- 3.) Number of Home Health Aides Disapproved from Eligibility Lists: 80

- Effective September 3, 2002 Sharon Joyce will be returning to the Division of Law as an Assistant Attorney General for Administrative Agency Advice.
- Memo dated August 6, 2002 from August Lembo re: Article in The Caldwell Progress on August 1, 2002 - Naming Ronald Carr, Board Member as The New President of the ARC in Essex county. (Located in the communication packet)
- Memo re: Staff changes at the Board of Nursing.
- Email dated August 7, 2002 from Cathy Cardea re: The Nursing Shortage. (Located in the communication packet)
- Email dated September 13, 2002 from Reni Erdos re: New Division Employees.
- Formalized orientation for new Board Members completed.
- Community Members/ Rules for BON standing committees.

- Guest Speakers who are to appear before the board will give presentations during the lunch break throughout 2002-2003.
- Education - Disciplinary sessions will take place during the first 15 minutes of each meeting.
- Off-site Meetings

CAM - Friday, September 27, 2002 - NJHA, Princeton, NJ
 LPN Summit - Friday, October 11, 2002 - MVCC, Freehold, NJ

- Revised Calender for BON meetings in 2003.
- New and easier access Web site address - www.ncsbn.org click on New Jersey and it will take you to the Board of Nursing website.
- Annual Board Attendance totals and percentages - Information sheet was distributed.
- Email dated July 23, 2002 from Joanne Cole, of ONE/NJ re: ONE/NJ List: Senate Addresses Nursing Shortage.
- "Handouts/Pass Arounds" - 1.) Humor Infusion. 2.) The Business Book form The 2002 NCSBN Annual Meeting. 3.) Upcoming meetings for NJSNA Executive Board. 4.) Article: Hospital Tackles VISA Delays. 5.) NCSBN 2002 Annual Meeting Evaluations. 6.) Nurse Executive Resource Manual.
- "Communication Packet" - 1.) The Fallout from Short Staffing. 2.) Article from The Progress dated August 1, 2002 "Carr named President of ARC".. 3.) Email dated August 7, 2002 from Cathy Cardea re: Nursing Shortage. 4.) Stories. 5.) Standing The Test of Time.
- P. Polansky seeks approval for: 1.) Patricia Polansky - September 19, 2002 - Attended The ONE/NJ Annual legislative Day in Trenton, NJ. 2.) Barbara Byers - October 1, 2002 Invited to attend a Home Health Aide Committee meeting at the Princeton Junction Office. 3.) Patricia Polansky - October 1, 2002 - Invited by The Forums Institute for Public Policy to participate in a Health Policy Forum on "Medical Malpractice" Crisis at Thomas Edison State College in Trenton, NJ. 4.) Patricia Polansky - October 3-4, 2002 - To attend the NCSBN-PR&E Committee meeting in Chicago, IL. 5.) Deborah Overholt, MBW&ST Committee Member - October 4& 5, 2002 - To attend the Building Bridges of Integration for Traditional Chinese Medicine Conference for continuing education at the Sheraton meadowlands in East Rutherford, NJ. 6.) Patricia Polansky - October 17, 2002 Invited as a speaker at the NJSNA Annual Health Policy Workshop in Trenton, NJ. 7.) Darlene Lapola - Oct, 2002 - To attend FARB in Colorado Springs, CO. 8.) Patricia Polansky - October 24-25, 2002 - To attend the NCSBN Foreign Nurse Issue Committee Meeting in Chicago, IL. 9.) Patricia Polansky - November 12, 2002 - Invited as a speaker to the NCSBN PR&E Patient Safety Summit in San Francisco.

THE BOARD, UPON A MOTION MADE BY MURIEL M SHORE AND DULY SECONDED, VOTED TO APPROVE THE APPEARANCES OF THE EXECUTIVE DIRECTOR, COMMITTEE MEMBER AND STAFF.

THE MOTION CARRIED.

Communication:

1. Homemaker-Home Health Aide Training Program - Adopted Amendment: N.J.A.C. 13:37-14.4.

2. Massage, Bodywork and Somatic Therapy Examining Committee Certification Fee.

3. Letter dated July 31, 2002 from Michael Sniffen, Interim President & CEO Bon Secours & Canterbury Partnership for Care re: St. Francis School of Nursing.

APPEARANCES:

1. Robert Campanelli, Ethics Officer and The Records Custodian for the Open Public Records (OPRA) along with Steven Flansman, DAG. Mr. Campanelli gave a detail presentation regarding the policy and procedures for OPRA.

2. Darlene, Budget Analyst, Division of Consumer Affairs, discussed with the Board the Massage, Bodywork & Somatic Therapy Certification Fees.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE MASSAGE, BODYWORK & SOMATIC THERAPY CERTIFICATION FEES.

THE MOTION CARRIED.

C. Manning discussed with the Board the following issues:

1. SANE Regulations

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE SANE REGULATIONS WITH REVISIONS.

THE MOTION CARRIED.

2. Education Regulations

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO ACCEPT THE CHANGES AS OUTLINE TO THE EDUCATION REGULATIONS.

THE MOTION CARRIED.

COMMITTEE REPORTS:

1. BUDGET & FINANCE COMMITTEE:

No report.

2. EDUCATION COMMITTEE:

L. Jurado reported. The committee met on September 10, 2002 to discuss the following:

Issue: HoHokus School of Business and Medical Sciences PN Proposal

Informational:

Their proposal was reviewed by the Education Committee and it was found to need further work on the following areas:

a. (5 yr. Budget/ 5 yr. Enrollment Section) Specific 5 year enrollment numbers that are being proposed and relate them to the proposed faculty and budget implications.

b. (Program Outline Section) A description of how credits are defined and allocated in the proposed program.

- c. (Program Outline Section) Identify the rationale for a difference of 1 credit between the Day and Evening Divisions.
- d. (Program Outline Section) Descriptions for the following Medical Terminology courses M121, M122 and M123 that differentiate one course from the other.
- e. (Program Outcome Section) The Program Outcomes need to be stated in measurable terms.

Issue: Rutgers The State University

Informational:

The Education Committee of the Board received and reviewed the Rutgers University College of Nursing Revised Syllabi in August 2002 in response to the following January 16, 2001 Board of Nursing Motion:

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO ACCEPT THE PROPOSED CHANGES FOR ALL 2001, WITH THE FOLLOWING RECOMMENDATIONS: 1.) THAT ALL COURSES BE DEVELOPED USING THE SAME TEMPLATE/FORMAT, AND 2.) THAT A FINAL DRAFT OF ALL COURSE EVALUATIONS AND FINAL CHANGES BE SUBMITTED TO THE BOARD OF NURSING BEFORE THE FALL 2001 SEMESTER BEGINS. INCLUDING SYLLABI/BLEUPRINT OF ALL OUTCOME/PRE-REQUIREMENT AND CO-REQUIREMENT OF ALL COURSES.

THE MOTION CARRIED.

Although all requirements of the motion were met, there was concern that not all syllabi have credits identified i.e. 705:223; not all course objectives are written in measurable terms i.e. 205:202 - 4), 705:321 - 6), 705:410 - 6), and not all courses were numbered i.e. Health and Illness of Adults.

Issue: Union County College

Informational:

The Committee identified that Ms. Castaldi should be commended on the high quality of the Phase II Proposal for a new practical nursing program curriculum. The Education Committee felt that it met all of the requirements outline in N.J.A.C. 13:37-1.

Based on the comprehensive proposal and in consideration of the February 26, 2002 Board of Nursing Action, which states:

THAT PROBATIONARY STATUS OF THE UNION COUNTY COLLEGE (UCC) NURSING PROGRAM CONTINUE UNTIL THE LAST STUDENT CURRENTLY ENROLLED IN THE PROGRAM HAS COMPLETED THE PROGRAM BUT NO LATER THAN DECEMBER 31, 2003. FURTHER MOVE THAT THE BOARD INVITES UCC TO MAKE A COMPLETELY NEW APPLICATION FOR ESTABLISHMENT OF A TOTAL REORGANIZATION OF THE EXISTING PROGRAM PURSUANT TO THE REQUIREMENTS OF N.J.A.C. 13:37-1.1 NOTWITHSTANDING ITS CONTINUING INABILITY TO MEET THE BOARD'S STANDARDS FOR ACCREDITATION, UCC IS URGED TO BUILD NEW FOUNDATIONS FOR ITS PROGRAM IN ORDER TO RE-ENTER THE NURSING EDUCATION COMMUNITY. FURTHER, THE BOARD OFFERS ITS SUPPORT AND EXPERTISE TO ASSIST UCC IN MAKING A FRESH START IN THE DEVELOPMENT OF A REORGANIZED PROGRAM.

FURTHER, MOVE THAT ACCREDITATION OF THE UCC PROGRAM SHALL BE WITHDRAWN EFFECTIVE UPON TERMINATION OF THE PROBATIONARY STATUS, BUT NO LATER THAN DECEMBER 31, 2003, UNLESS PROVISIONAL APPROVAL OF A NEW OR REORGANIZED PROGRAM HAS BEEN GRANTED PRIOR TO THAT DATE.

The following additional considerations were made at the April 16, 2002 Board of Nursing Meeting:

THEREFORE, UNION COUNTY COLLEGE AND ...SHALL ALSO BE RETURNED TO CONDITIONAL ACCREDITATION STATUS, THEREBY PERMITTING THE ADMISSION OF NEW STUDENTS. SINCE UNION COLLEGE HAS BEEN ON PROBATION STATUS FOR A LONGER PERIOD OF TIME AND HAS A RECORD DISCLOSING HISTORICAL DEFICIENCIES, UNION COUNTY COLLEGE SHALL BE REQUIRED TO PROCEED, CONSISTENT WITH THE BOARD'S DECISION ON FEBRUARY 26, 2002, WITH THE SUBMISSION OF A TOTALLY REDESIGNED CURRICULUM.

THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO PROVIDE PROVISIONAL APPROVAL FOR THE NEW PRACTICAL NURSE PROGRAM AT UNION COUNTY COLLEGE WITH NO DISRUPTION IN THEIR TO ADMIT STUDENTS.

THE MOTION CARRIED.

THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO APPROVE THE EDUCATION COMMITTEE REPORT.

THE MOTION CARRIED.

3. LEGISLATIVE REVIEW PANEL:

P. Polansky reported. The Legislative Review Panel reviewed the following bills:

- **Assembly Bill 2658** - Sponsors: Conaway, Herbert Jr./Mckeeon, John F. Introduced September 9, 2002. This bill is a "New Jersey Patient Safety Act"; makes self-critical analysis by health care facility privileged information. **Position - Oppose.** Comment(s): 1.) The public has the right to know. 2.) Limits public access to information.
- **Assembly Bill 2487** - Sponsors: Weinberg, Loretta/Johnson, Gordon M. Introduced June 17, 2002. This bill revises statutory mental health coverage requirements. **Position - Support.** Comment(s): 1.) Recognition that mental health diagnoses are illnesses. 2.) Agree with updates of diagnostics included. 3.) Disparities with co-pay, should be good legislation and this will "raise the bar." 4.) Areas of concern to be added: Legal issues affecting prosecution and concern for severely escalation costs (insurance).
- **Assembly Bill 2552** - Sponsor: Barnes, Peter J. Introduced June 20, 2002. This bill bars expungement for possession of CDS with intent to distribute. **Position - Table.** Comment(s): 1.) Table: needs to be looked at for legal ramifications. 2.) Add page 3 on other sheet.
- **Assembly Bill 2568** - Sponsor: Asselta, Nicholas. Introduced June 24, 2002. This bill requires medical malpractice liability insurers to offer policy deductibles and prohibits premium increases for medical malpractice liability claims unless resulting in settlements, judgements or awards. **Position - Neutral.** Comment(s): 1.) Up to the Medical Board. 2.) See page 2 of 3rd item "d" stating purpose of the bill.
- **Assembly Bill 2569** - Sponsor: Asselta, Nicholas. Introduced June 24, 2002. This bill modifies statute of limitations for medical malpractice liability actions. **Position - Oppose.** Comment(s): 1.) Difficult to ascertain if A2569, A2570 and S1668 are more restrictive or less restrictive. 2.) Term "reasonable person" very ambiguous. Note: DAG stated the "reasonable person standard" would be utilized. 3.) Very narrowing from the consumer perspective. 4.) Does reduce the statute of limitations.
- **Assembly Bill 2477** - Sponsors: McKeon, John F./Weinberg, Loretta. Introduced June 17, 2002. This bill establishes registry of stroke cases in the state. **Position - Support with Amendments.** Comment(s): 1.) Stroke is the 3rd leading cause of death. The Board of Nursing supports the idea of coordinating data on studies as a registry. 2.) Prohibitive: does not apply an appropriation (Cancer registry currently costs \$1.6 million). 3.) State agency vs. academic approach is very questionable. 4.) How prevention and control and risk factors are

correlated would cause better analysis however, might be better placed elsewhere. 5.) Define what needs to be done; perhaps partnering with an academic or separate research institution. 6.) Format for reporting, "penalty for not reporting," how prevention and control measures are developed of great import to this bill.

- **Senate Bill 1673** - Sponsor: Bucco, Anthony R. Introduced June 20, 2002. This bill establishes moratorium until July 1, 2003 on cancellation and nonrenewal of medical malpractice liability insurance and prohibits premium increases during that time. **Position - Oppose.** Comment(s): 1.) Bill leaves much to be desired. 2.) Does not address issue of liability to those dropped - what they would pay? 3.) Very restrictive overall. 4.) A "fluff bill."
- **Assembly Bill 2557** - Sponsors: Impreveduto, Anthony/Moran, Jeffrey W. Introduced June 24, 2002. This bill revises statutes regarding physical therapists and physical therapist assistants. **Position - Monitor for more information.** Comment(s): 1.) Positive approach in increase of education. 2.) Approximately 35 other states have similar legislation to "evaluate and treat." 3.) Extremely capable professional group. 4.) Issue of "medical necessity" is compromised for monitoring and evaluating progress. 5.) Data overall supports safe care. 6.) What is BME's view of this? Query them. 7.) Prior to 1/1/03 only Bachelors. 8.) Treating physician should write for P.T.
- **Assembly Bill 2576** - Sponsors: Bodine, Francis L./Munoz, Eric. Introduced June 24, 2002. This bill provides that the amount of damages to be award in medical malpractice cases would be determined by a judge of workers' compensation. **Position - Oppose in WCB.** Comment(s): 1.) Take out medical malpractice and simply state "malpractice". 2.) Workmen's compensation piece is hard to evaluate to then determine if this approach is ultimately positive for consumers. 3.) Could possibly reduce costs. 4.) Malpractice dollar cost amounts drain. 5.) With thought that the WCB independent party be an adjudicator perhaps WCB is not the appropriate group. 6.) Encourage an independent group/body - evaluate the amounts.
- **AR. 143** - Sponsor: Asselta, Nicholas. Introduced June 24, 2002. This bill assembles a task force on Medical Malpractice Insurance. **Position - Support.** Comment(s): 1.) Include nursing profession in this issue. 2.) Simple resolution - major issue needs to be looked at very seriously.

THE BOARD, UPON A MOTION MADE BY RONALD CARR AND DULY SECONDED, VOTED TO APPROVE THE RECOMMENDATIONS OF THE LEGISLATIVE REVIEW PANEL.

THE MOTION CARRIED.

4. NURSING PRACTICE COMMITTEE:

N. Tuazon reported. The Nursing Practice Committee met on July 16, 2002 to discuss the following:

Issue: Guest Appearances, Consumer Self-Directed Care

Informational: Michael Nuskey, Program Administrator, Personal Assistance Services Program, State Office of Disability Services, Department of Human Services, provided an update on The Personal Assistance Service Program. As of January 1, 2002, 12 of 21 counties are participating in this program. Some counties need to recruit Registered Nurses. Increasing the fee paid to RN's for completing the nursing assessment and permitting three (3) years of clinical experience in lieu of the Baccalaureate Degree in Nursing have helped in recruiting nurse assessors. Mr. Nuskey also indicated that he will contact the New Jersey State Nurses Association for assistance in recruiting nurse assessors.

There was a question on whether Certified Homemaker Home Health Aides (CHHA's) can work as Personal Care Assistants and administer medication per the PASP guidelines. The Committee stated that CHHA's may work as Personal Care Assistants and administer medications per the PASP guidelines. When working as a Personal Care Assistant, the aide would not be functioning in the role of a CHHA. Mr. Nuskey reported that the Personal Assistance Services Program is functioning well in the 12 counties.

Cheryl MacDougall, Supervisor of Policy and Quality Enhancement Unit, New Jersey Department of Health and

Senior Services, discussed the Caregiving Assistance Program (CAP) and Jersey Assistance Program (JACC). Training for the Care Coordinators has been completed. The programs are being closely monitored for quality in implementation. Several counties have several possible clients.

Issue: Medical Discharge Summaries

Informational: A letter has been forwarded to the New Jersey Board of Medical Examiners for clarification on this issue.

Issue: RN Removal of Epidural Catheters

Informational: The New Jersey Board of Medical Examiners has been requested to clarify whether this Board has any regulation which would prohibit RN's from removing epidural catheters.

THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE NURSING PRACTICE COMMITTEE REPORT.

THE MOTION CARRIED.

5. REGULATORY COMMITTEE:

M. Shore reported. The Regulatory Committee met on September 10, 2002 to discuss the following:

Issue: Committee Regulations Flow Sheet 2002

Informational: The committee's Regulations Flow Sheet is attached and outlines the regulatory issues which the committee is addressing during 2002.

Issue: N.J.A.C., Subchapter 7, Certification of Advanced Practice Nurses

Informational: The Committee discussed the proposed revised regulations for Subchapter 7, and the National Council of State Boards of Nursing's report on content areas of clinical specialty certification for Advanced Practice Nurses.

The Committee discussed CRNA's becoming APN's and the inactive status for APN's. These APN issues will be discussed further at the October 8, 2002 Committee meeting.

Issue: SANE Regulations

Informational: The Committee discussed the clinical education component of the SANE regulations.

OPEN FORUM:

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

UNFINISHED BUSINESS:

No report.

NEW BUSINESS:

1. NCLEX Examination Contract Renewal.

THE BOARD, UPON A MOTION MADE BY CECILIA WEST AND DULY SECONDED, VOTED TO

APPROVE THE NCLEX EXAMINATION CONTRACT RENEWAL AGREEMENT.

THE MOTION CARRIED.

There is a posting of the minutes on our website:

www.state.nj.us/lps/ca/home.htm

ADJOURNMENT:

On September 24, 2002 the Regular Open Business Board Meeting was adjourned at 12:30 p.m. The next Regular Open Business Meeting will be on October 22, 2002.

Respectfully submitted,

Dr. Muriel M. Shore
Secretary/Treasurer

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