

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
JANUARY 24, 2006**

A meeting of the New Jersey State Board of Nursing was held on January 24, 2006 in the Hudson Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Nelson Tuazon, Board Member, called the meeting to order at 10:30 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

George J. Hebert, Executive Director
Karen Moosvi, Deputy Executive Director
Carol Onajide, Education Program Development Specialist
Darlene Lapola, Deputy Attorney General
Charles Manning, Regulatory Analyst (for limited purposes)

BOARD MEMBER(S) EXCUSED ABSENCE:

Mary Sibley

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. Introduction of the New Board Members: Acting Governor Richard Codey appointed six (6) members to the Board of Nursing, who have replaced six (6) outgoing Board members.

Appointees:

Marietta P. Cahill, CNM, MSN, RN
Irma M. Lupia, BSN, RN
Patricia Ann Murphy, PhD, APN
Mary Sibley, MBA, RN
Sara Torres, PhD, RN, FAAN
Constance M. Wilson, LPN

NOMINATION COMMITTEE:

Virginia McKenney reported:

The committee met to discuss electing a new president and secretary/treasurer.

The committee nominated Nelson Tuazon as the candidate for President and Noreen D'Angelo as the candidate for the Secretary/Treasure position of the Board of Nursing.

The Board, upon a motion made by Virginia McKenney and duly seconded by Ronald H. Carr, voted to approve the nominations of the Nomination Committee. The motion carried.

MINUTES:

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

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Constance Wilson, voted to approve the Regular Board Meeting Minutes of October 18, 2005. The motion carried.

Open Regular Board Meeting Minutes of November 15, 2005: Reading and Approval.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Virginia McKenney, voted to approve the Regular Board Meeting Minutes of November 15, 2005. The motion carried.

REPORT OF THE BOARD PRESIDENT – NELSON TUAZON:

Mr. Tuazon graciously accepted the position of the new Board President and welcomed the opportunity to conduct business for the Board.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported that:

The Board conducted an orientation for five (5) of the new Board members. Board of Nursing professional and Nursing staff was introduced to the full Board along with their responsibilities. New committee assignments were distributed to the Board members. Board members are assigned to a committee by their expertise. Criminal History Background Check update: legislation was signed into law requiring all healthcare professionals to submit to a criminal history background check. A notice went out informing the licensees to fill out a certification and authorization form and return it to the reporting unit for further information. Renewal for 2006, communication will be going out in February 2006. The Board is suggesting that licensees take advantage of the online renewal process to save time. A monthly report of licensees that is generated from L2K, will be discussed at each meeting to provide the Board members with updated information. The Annual Meeting evaluation was assessed at a 4.6 on a scale with one being poor and five being outstanding.

CORRESPONDENCE:

1. Letter dated November 15, 2005 from Marilyn Dahl, Deputy Commissioner, Department of Health and Senior Services regarding "Patient Safety Updates." E-mail dated December 2, 2005 from Andrew Hicks, National Council of State Boards of Nursing regarding "Nursing shortage blamed in part on lack of profs. Lawmakers investigate ways to rebuild numbers." E-mail dated December 5, 2005 from ANA Nursing World regarding "a memoriam to ANA past President Margretta Styles." 4. January 11, 2006 Board of Medical Examiners Minutes.

COMMITTEE REPORTS:

1. BUDGET & FINANCE: -

There was no report.

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

Leo-Felix Jurado reported: Session I of the December 20, 2005 Report

Correspondence:

November 17, 2005 – Letter from Kelly Miller-Martin, RN, MSN, MA, President & CEO, Consolidated Learning Services, Online Healthcare and Professional Education

Re: FYI, Online Medication Administration Review Course.

November 29, 2005 – Email from George Hebert

Re: FYI, Course Launch – Acclimation of International Nurses.

NEWS – Kathleen Rohrbaugh, CGFNS

Re: FYI, CGFNS designates Barbados and Jamaica as English exempt countries for the purpose of 212® Visa Certification.

ETS

Re: FYI, Next Generation TOEFL Launch Information.

November 4, 2005 – Letter from Madeline E. Lambrecht, EdD, RN, CT, Director, Division of Special Programs, Professor, School of Nursing, Co-coordinator, RN Refresher Course, University of Delaware

Re: FYI, RN Refresher Course offered in a distance learning format.

November 9, 2005 – Letter from Gloria P. Craig, EdD, RN, Coordinator, Continuing Nursing Education, College of Nursing, South Dakota State University

Re: FYI, The LPN and RN Refresher Courses offered by South Dakota University, College of Nursing was updated in 2004 and placed in WebCT, a course management system.

Educational Resources Incorporated

Re: FYI, Educational Resources, Inc. announces NCLEX preparation options for winter and spring graduates.

NCSBN

Re: FYI, Resource manual for licensure of international nurses (Pass Around)

DI Associates, Inc. presents – Donna Ignatavicius MS, RN, C, “Iggy”

Re: FYI, Boot Camp for New Nurse Educators, January 27-30, 2006, Hyatt Regency Albuquerque, New Mexico
6th Annual Nurse Educator Institute

Re: FYI, All about student success, April 18-21, 2006, Chateau on the Lake, Branson, Missouri

October 2005 - Leader to Leader

Re: FYI, Nursing regulation and education together

4. September 23, 2005 – Packet from Kristin A. Hellquist, Director of Policy and Government Relations, NCSBN

Re: FYI, Positions of the NCSBN Delegate Assembly and the Board of Directors

Retention of Records of Schools of Nursing

Future record retention plans include scanning schools of nursing files. The committee reviewed a draft of the components to be scanned for completeness and accepted the draft as written.

Renewal of Accreditation:

a. Helene Fuld School of Nursing

Helene Fuld School of Nursing was notified that only one copy of the self-study was received at the Board Administrative Office. The self-study was submitted prior to Dr. Saunders becoming the Dean of the program. After Dr. Saunder's review of the documents she asked for an extension to revise the report and an extension was given until March 2006.

b. Salem Community College

Salem Community College plans to apply for NLNAC certification of its nursing programs. Since at this time the school is not NLNAC accredited the school is unable to waive the site visit, however, Maris Lown conducted an on-site visit at Salem County Community College on June 30, 2005 as part of the school's application for a 1+1 program, LPN to RN program. Discussion ensued.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D'Angelo, voted that Salem Community College submit all required Self-study materials by April 2006. If concerns are identified, a site visit will be planned.

The Community Advisory Panel and Committee members will review the submissions from the schools who require renewal of accreditation based on the following schedule:

Renewal of Accreditation

Month of Review School

January 2006 Trinitas School of Nursing
February 2006 Brookdale Community College
March 2006 Passaic County Community College
April 2006 Helene Fuld School of Nursing
May 2006 Salem Community College

Additional Agenda Item: CGFNS Meeting

George Hebert reported that CGFNS would like to meet and discuss the deletion of the predictor exam. A meeting will be arranged with CGFNS so that the Board President, the Education Committee Chairperson, and Mr. Hebert may attend. If possible, this meeting will be scheduled during an Education Committee meeting.

Session II of the December 20, 2005 Report

Correspondence:

December 6, 2005 – Letter from Nancy Bohnczyk, RN, MSN, CNA, Nursing Director, America Health Care
Re: Informing the Board that America Health Care will rearrange the weekly schedule to have Fridays available for remedial work with students, effective Monday, January 9, 2006. Since there will be no change in the number of hours or beginning and end dates of the courses, no Board action is needed pursuant to N.J.A.C. 13:37-1.16.

November 8, 2005 – Letter from Lenore Harris, MSN, RN, AOCN, NCLEX Content Associate, NCSBN
Re: NCSBN staff and test service staff, the Examination Committee is recommending minimal revisions for the proposed 2007 NCLEX-RN Test Plan. The Education Committee will complete the Survey Form and submit it prior to the March 2006 deadline.

Unlicensed Applicant from Bosnia

The Committee reviewed the CGFNS Nursing Education Credentials for an applicant, Azra Nukicic, who graduated from Medical Secondary School in Bosnia. Review indicated that the applicant was not a CGFNS certificate holder, did not have a license from Bosnia, did not have TOEFL results, and review of her transcript states that her education is:

“Comparable, in most aspects, to completion of a second-level (Practical) nursing program in the United States. However, this education is only based on the completion of eight years of primary school and four years of nursing education and the educational requirements of this program included no clinical experience in the area of Psychiatric/Mental Health Nursing.”

The Board upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D’Angelo, voted to deny licensing Azra Nukicic as a practical nurse, since she has not met the requirements of licensure in New Jersey. The motion carried.

School’s Response to Board Directives:

Caribbean Training Education Center

The school has not completed the New Jersey Department of Labor and Workforce Development approval. Deferred to the next available Committee Meeting.

Hudson County Community College

Hudson County Community College has completed parts I and II of the application process. In addition, an on-site visit was conducted. Based on its review of the documentation and the site visit report, the Committee makes the following recommendation although the Committee has the following concerns: Faculty salaries may hinder hiring qualified faculty. Support staff is limited to one full-time secretary and student work-study. As the numbers of students and faculty increase, the program will require additional support staff, other than students because of the confidential nature of many of the documents.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D’Angelo, voted that the Hudson County Community College Practical Nursing Program be granted provisional accreditation. The motion carried.

c. The Center for Allied Health & Nursing Education

On October 28, 2005 the school submitted a letter requesting permission to expand the facility to add additional classrooms on the second floor of an adjacent building at 389 Main Street, Hackensack, New Jersey. An on-site visit, regarding this request was conducted on December 8, 2005.

During the visit it was noted that the present enrollment is 271 students. Pursuant to N.J.A.C. 13:37-1.2 (e) 1 and 2, the school had included the plans for student enrollment and the projected maximum enrollment. The present enrollment of 271 has far exceeded the school’s projected enrollment. The school presently, has day, evening, and weekend courses. The school has twenty-nine (29) instructors covering the courses. Some of the faculty files which, were reviewed did not have transcripts and copies of the diplomas did not delineate the type of Bachelor’s degree that the faculty had. In addition, individual plans to maintain faculty competence were not available.

The School’s Web site included a statement that the school “is approved by the New Jersey State Board of Nursing.” Later under the Accreditation section of the Web site, the adjective provisionally is used to describe approval by the Board pursuant to N.J.A.C. 13:37-1.11 (a) 8 ii.

The school also has been in contact with the New Jersey Department of Labor and Workforce Development regarding the adjacent space.

The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Karen Rodriguez, voted to approve that the Center for Allied Health & Nursing Education may use the adjacent space located at 389 Main Street Hackensack pending approval by the New Jersey Department of Labor and Workforce Development with the Board’s directives to be completed by February 15, 2006. The motion carried.

Regulations Directives

N.J.A.C. 13:37-1.2 (e) 2. The projected maximum student enrollment; Provide the expected number of students and the projected maximum number of students for 2006 and 2007. N.J.A.C. 13:37-1.7 (b) 1. For faculty in licensed practical nursing programs who began their current employment position after September 1, 1981, hold a bachelors degree with a major in nursing. Submit written evidence of a bachelor's degree with a major in nursing for all nursing faculty. N.J.A.C. 13:37-1.7 (d) Faculty shall develop an individual plan to maintain competency in the theoretical and practice areas directly related to their area of teaching responsibility. These plans shall be approved by the program administrator Submit individual plans approved by the program administrator for each faculty member as per the above regulation N.J.A.C. 13:37-1.7 (e) Faculty members shall supervise no more than 10 students in the clinical area. Provide written documentation regarding the budget for faculty to maintain the 1/10 clinical ratio with the projected student population in 2006 and 2007. N.J.A.C. 13:37-1.11 (a) 8 Distribute information about the school to students and applicants for admission which shall include ii. accreditation status of the program with the Board; Correct the accreditation status of the school on the Web site N.J.A.C. 13:37-1.16 Notify the Board of changes pursuant to the mandates of N.J.A.C. 13:37-1.16

d. Pinelands School of Practical Nursing

The Committee has reviewed Parts I and II of the application to establish a practical nursing program and the requested revisions. A site visit will be planned. The school is presently working on approval by the New Jersey Department of Labor and Workforce Development.

Distance Learning Advertising

Two distance learning programs, iStudySmart.com (800-737-2222) and Distance Learning Systems (888-955-3276), are advertising regarding nursing education in the Institute for Nursing Newsletter. The committee requested further information regarding their advertisements to determine where the actual BSN degrees are obtained and if Distance Learning Systems is National League for Nursing Accrediting Commission accredited as advertised. The Board, upon a motion made by Ronald H. Carr and duly seconded by Karen Rodriguez, voted to approve Sessions I and II of the Education Committee Report of December 20, 2005. The motion carried.

3. REGULATION COMMITTEE:

Charles Manning Reported on:

A summary on the Regulation Committee Flow Sheet to inform the Board members on the process of the adoptions and issues the committee has been addressing.

The adoption process – The Board has established a standing committee to deal with all issues of regulations. Once the committee completes a draft of the regulations, it is then submitted to the Board of Nursing for action. Once the Board has approved a regulation, it goes through the proposal process. N.J.A.C. 13:37-1.2 and 5.5, Application for establishment of a new program in nursing; Fee schedule

The Board, upon a motion made by Ronald H. Carr and duly seconded by Patricia Ann Murphy, voted to approve the adoption of N.J.A.C. 13:37-1.2 and 5.5. The motion carried.

The Board, upon a motion made by Patricia Ann Murphy and duly seconded by Sara Torres, voted to approve the report of the Regulation Committee. The motion carried.

4. LEGISLATION COMMITTEE:

Ronald H. Carr reported on:

The functioning of the Legislation Committee. The Legislation Committee reviews bills that have been submitted to the Board for review pursuant to a request from the Director's Office. After consideration, the Legislation Committee submits its recommendations for review by the Board.

Mr. Carr presented the Legislation Committee's recommendations on the following bills:

A4445 – This bill requires physician supervisor for nurse anesthetists. Position – Non-support with recommendations: The committee points out that the Board of Medical Examiners only has authority over its own licensees, the Board of Medical Examiners does not have authority to establish practice standards for other licensees or the authority to over-ride practice regulations established by the Board. The Committee points out that N.J.A.C. 13:37-13.1 establishes that a nurse anesthetist shall only practice at a location where written policies and procedures have been established which meet minimum acceptable standards of nurse anesthesia practice and the standards of the American Association of Nurse Anesthetists. The Committee believes that this bill will force the Board of Medical Examiners to over-step its authority. The Committee points out that the administration of sedation anxiolytics is within the scope of practice of nurse anesthetists.

A registered professional nurse who wishes to administer anesthesia must be educated in an anesthesia program, which is accredited by the Council on Accreditation of the American Association of Nurse Anesthetists. The physical presence of an anesthesiologist or physician who has obtained special privileges for anesthesia services does not mean that sound, safe anesthesia care will be delivered to patients.

The Committee believes that this bill is unnecessary, as the Department of Health and Senior Services and the Board of Medical Examiners already have regulations that address this issue. The Committee believes that this bill will hinder the Board's authority to adopt regulations regarding advanced practice nurses who practice in the area of anesthesia.

The Board, upon a motion made by Patricia Ann Murphy and duly seconded by Noreen D'Angelo, voted not to support A4445. The motion carried.

S2910 – This bill establishes a Medical Malpractice Court. Position – Hold for further information with recommendations: The Committee does not know how the medical malpractice court will affect other legal proceedings, costs to the public, costs to healthcare providers and public protection. The Committee questions if this bill is part of tort reform

The Board, upon a motion made by Irma Lupia and duly seconded by Constance Wilson, voted to hold for further information on S2910. The motion carried.

A4434 – The bill requires certain health care professionals to provide information and screening for postpartum depression. Position – Support with recommendations: The Committee believes that this bill provides support for postpartum patients and their families.

The Board, upon a motion made by Virginia McKenney and duly seconded by Constance Wilson, voted to support A4434. The motion carried.

SJR66 – This bill provides for independent study of emergency medical services system in New Jersey. Position – Support with recommendations: The Committee is concerned with the costs of the study and the source of funding for the study.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted to support SJR66. The motion carried.

A3743 – This bill imposes an eighteen-month time limit for reimbursement of overpayment of health care claims. Position – Support with recommendations: The Committee believes that it is reasonable to place an eighteen-month time limit for reconciling overpayments.

The Board, upon a motion made by Sara Torres and duly seconded by Karen Rodriguez, voted to support A3743. The motion carried.

The Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson, voted to approve the

report of the Legislation Committee. The motion carried.

5. PRACTICE COMMITTEE: - The committee met on December 13, 2005.

Noreen D'Angelo reported on:

Appearance: "Medication Administration in New Jersey Child Care Centers"

Celeste Andriot Wood, Assistant Commissioner, and Judith Hall, Public Health Nursing Consultant, New Jersey Department of Health and Senior Services, appeared before the Board of Nursing Practice Committee, and discussed the question of: "Whether New Jersey Child Care Health Care Consultants teaching unlicensed personnel to administer medications to children in New Jersey Child Care Centers constitutes delegation of a selected nursing task.

The Committee concurred that the parent grants authority to the licensed Child Care Center to act as their agent in providing the administration of medications and/or special procedures to their child. The Committee recognizes the role of the Registered Professional Nurse Child Care Health Care Consultants as the appropriate individuals to teach unlicensed personnel to safely administer medications.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Ronald H. Carr, voted that the Board send a letter to Celeste Andriot Wood and Judith Hall confirming that New Jersey Child Care Health Care Consultants may teach unlicensed personnel in New Jersey Child Care Centers to safely administer medications to children in these centers. This education does not constitute delegation of a selected nursing task because the parent has granted the licensed Child Care Center authority to act as their agent in providing the administration of medications and/or special procedures to their child. The motion carried.

Old Business:

Role of Licensed Practical Nurses in Physical Therapy:

This issue has been deferred until the next available committee meeting.

Nursing Algorithm for Determining Scope of Practice and Making Delegations:

Draft response letter for committee nursing practice questions.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted to approve a draft response letter to be used by Board staff in responding to nursing practice questions. The motion carried.

Correspondence:

December 7, 2005 – Letter from Carolyn Torre, RN, MA, APN, C, Director of Practice, New Jersey State Nurses Association, Issue: Omission of the anesthetic agent propofol from the New Jersey Board of Medical Examiners application for anesthesia privileging of September, 2005.

The Board, upon a motion made by Noreen D'Angelo and duly seconded by Karen Rodriguez, voted to approve the following:

1. A letter is sent to Carolyn Torre in response to her issue concerning the omission of the anesthetic agent propofol from the New Jersey Board of Medical Examiners application for anesthesia privileging of September, 2005.
2. A letter is sent to William Roeder, Executive Director, New Jersey Board of Medical Examiners requesting that a Board of Nursing Member and a Certified Registered Nurse Anesthetist be included on the Propofol Ad Hoc Committee.

The motion carried.

The Board, upon a motion made by Ronald H. Carr and duly seconded by Karen Rodriguez, voted to approve the report of the Practice Committee. The motion carried.

OPEN FORUM:

Nelson Tuazon 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, congratulated Nelson Tuazon and Noreen D'Angelo on their new nominations and the new Board members on their appointments to the Board of Nursing. Ms. Saravia commented on the Board recognizing CRNAs as APNs.

Joanne Cole, Director, Recovery and Monitoring Program (RAMP), welcomed all of the new Board members. Ms. Cole acknowledged the considerable contribution of every outgoing Board Member. Ramp is committed to working with the Board of Nursing to ensure safe practice for nurses in New Jersey.

Josephine Sienkiewicz, Director of Education and Clinical Practice of New Jersey Home Care Association, welcomed the new Board members and recognized the outgoing Board members. Ms. Sienkiewicz commented on the certified homemaker home health aide components and requirements for education that is being reviewed by the Regulation Committee. Ms. Sienkiewicz informed the Board that it is welcomed to call on the Association for any assistance.

The Board, upon a motion made by Constance Wilson and duly seconded by Karen Rodriguez, voted to go into closed session for the purpose of discussing complaints against nursing programs. The motion carried.

ADJOURNMENT:

On January 24, 2006, the Regular Open Business Meeting was adjourned at 1:35 p.m. The next Regular Open Business Meeting will be held on February 21, 2006.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Noreen D'Angelo, voted to adjourn the regular Board meeting of January 24, 2006 at 1:35 p.m. The motion carried.

Respectfully Submitted,

Noreen D'Angelo
Board Secretary/Treasurer