

# Board of Nursing

February 20, 2001

## Regular Open Board Meeting

A meeting of the New Jersey State Board of Nursing was held on February 20, 2001 in the Somerset 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

Board Members:, Noreen DAngelo, M. Catherine Dulio, Elizabeth English, Richard C. Freda, Leo-Felix Jurado, Denise Link, Maris A. Lown, Virginia McKenney, Karen Rodriguez, Dr. Eileen Helbig Toughill, and Nelson Tuazon.

#### ALSO PRESENT

Deputy Attorney(s) General: Gus Lembo, Kathy Rohr, Kathryn Schwed, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, George Hebert, Deputy Executive Director, Harriet L. Johnson, Assistant Executive Director, Barbara Byers, Administrative Analyst, Kathryn Schneider, Assistant Executive Director, Massage, Bodywork & Somatic Therapy, New Jersey State Board of Nursing, Bernadette Dudek, Representative from the Directors Office, Division of Consumer Affairs, Charles Manning, Regulatory Analyst, Division of Consumer Affairs.

#### NOT PRESENT

Board Member(s): Dr. Muriel Shore.

#### 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, 2001. A schedule of all 2001 Regular Open Board Meetings to be held during 2001 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 February 20, 2001 Regular Board Meeting Agenda.

**THE BOARD, UPON A MOTION MADE BY NOREEN DANGELO AND DULY SECONDED, VOTED FOR APPROVAL OF THE FEBRUARY 20, 2001 REGULAR BOARD MEETING AGENDA WITH THE AMENDMENT TO THE COMMITTEE REPORT, REGULATORY REVIEW, AND REORDER AS STATED.**

**THE MOTION CARRIED.**

A reading and approval of the minutes for the Regular Open Meeting of January 16, 2001.

**THE BOARD, UPON A MOTION MADE BY VIRGINIA MCKENNEY AND DULY SECONDED, VOTED FOR APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 16, 2001.**

**THE MOTION CARRIED.**

## MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. M. Lown continues to serve on: 1.) The Colleagues In Caring Steering Committee, and is actively involved in issues surrounding Articulation.

## PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky reported. FYI in your Communication Packet a copy of the Memorandum dated January 18, 2001 from Anthony Miragliotta, Deputy Director, Division of Consumer Affairs regarding Cell Phone use at Board Meetings.

Recognition letter dated January 9, 2001 from Christine Grant, Commissioner, Department of Health and Senior Services, Trenton, N.J. addressed to Maris A. Lown.

www. Mailing List Form for Massage, Bodywork and Somatic Therapy Examining Committee.

Memorandum dated January 22, 2001 from Catherine Farley, Assistant Director, Division of Consumer Affairs regarding Status Code Use. The Division of Consumer Affairs has established a standard set of status codes and their meaning. License status codes are as follows:

A	Active - license or permit in good standing
E	Expired - license or permit renewal beyond 30 days past due OR any other instance where the license will not be renewed
X	Revoked
D	Deceased
S	Suspended
V	Voluntary Surrender
IN	Inactive (no payment required) licensee receives no renewal applications
IP	Inactive (payment required) licensee receives renewal applications - Inactive- labeled license or permit issued and is renewable; does not allow practice of the profession
R	Retired - essentially identical to Inactive, allows for boards which have both paid and unpaid Inactive and Retired licensee categories

### **Issue: Reinstatement of Expired Licenses**

FYI - Effective with the 2001 licensing renewal period, this will confirm that compliance with the Uniform Enforcement Act has created the following changes in expired licensed reinstatement:

1. Nurses with licenses lapsed for less than five years will be reinstated provided the licensee:
  - a. Submits a renewal application.
  - b. Pays all past delinquent renewal fees plus the current renewal fees.
  - c. Pays the reinstatement of fee.
  - d. Provides an affidavit of employment listing each job during the expired period of the license including names, addresses and telephone numbers of each employer, and, if the nurse has practiced nursing in New Jersey without a license during the period that the license was expired, pays the monetary penalty imposed by the Board for unlicensed practice.
  - e. If an APN, provides proof of the required continuing education courses.

2. Nurses with licenses expired for more than five years will be evaluated on a case by case basis for a determination of Board requirements for licensure reinstatement, until the Board of Nursing determines the availability of a licensure examination for these nurses to take.

The Homemaker-Home Health Aide Department proposed certification should be fairly identical, that as of July 2, 2001, the expiration date for any homemaker-home health aide who is initially certified or reinstated will need to reflect the next expiration period of November 30, 2003.

The New Jersey State Board of Nursing created a 2001 Master Calendar which includes meetings for the following: Regular Open Board Meetings, Nursing Practice Committee, Education Committee, Regulatory Review Task Force Committee, Legislative Review Panel, Massage, Bodywork and Somatic Therapy Committee, Disciplinary Committee Meeting, and Educational Sessions for the Intervention Program.

Update - Homemaker-Home Health Aide (Criminal Background) - A total of 22,440 Renewal packets have been sent. Renewals returned total 965. Packets returned by Post Office were 581.

Communication Packet includes: 1.) Memorandum dated January 4, 2000 from Catherine Farley, Assistant Director, Division of Consumer Affairs regarding 2001 Compensation Schedule for Members of the Board. 2.) Recognition letter dated January 9, 2001 from Christine Grant, Commissioner, Department of Health and Senior Services, to Maris A. Lown for her service on the Nursing Advisory Committee. 3.) Memorandum dated January 18, 2001 from Anthony Miragliotta, Deputy Director, Division of Consumer Affairs regarding Cell Phone use at Board Meetings. 4.) Medical Errors packet includes: (a.) New Medicare Policy Mandates Disclosure. (b.) High Marks for Medmarx. (c.) Honesty the Best Policy? (d.) Japans Rising Errors. (e.) JCAHO to Crack Down on Infusion Pump Use. (f.) Smart Case Illustrates Issues Complexity. (g.) Leapfrog Group Announces Initiative to Reduce Medical Errors, and (h.) Patient Safety: AHRQ to Provide Patients Safety Grants. 5.) Alternative Medicine. 6.) Americans More Critical of Health Care Industry. 7.) Hospital Number Dip Below 6,000 Mark. 8.) Nursing Shortage and Unions Include: (a.) Nurses: Replacement Workers Fill in During Strikes. (b.) Maryland Hospitals Seek Rate Increase to Fight Nursing Shortage, and (c.) Nursing Shortage Demands Diverse, Personalized Approaches. 9.) Council Adopts Strategies for Reversing The Nursing Shortage.

Handouts/Pass Around include: (1.) 1999 Annual Report New Jersey Health Care Facilities Financing Authority (2.) New Jersey State Board of Nursing Library Holdings, and (3.) Summary of Monies Received from January 1, 2001 to January 31, 2001 for informational purposes only.

Information Salad - feature stories: 1.) Strategies To Reverse The New Nursing Shortage. 2.) Racing To Cloning People. 3.) Health Heros. 4.) Medical Marvels. 5.) Study Shows Effectiveness of Internet Health Care Delivery. 6.) Web Resources. 7.) Jogging Shorts, and 8.) Quote Of The Month.

P. Polansky seeks approval for: 1.) J. Cole - April 25, 2001 - Speaker at the Institute for Nursing Headquarters, Trenton, N.J. Recognition and Intervention for Impaired Nurse Practice. 2.) J. Cole - March 1, 2001 - Speaker at UMDNJ, Stratford, N.J. regarding Impaired Practice. 3.) Deputy Attorney(s) General - K. Schwed and/or A. Lembo - March 1-3, 2001 - To attend the Virginia Health Practitioners Intervention Program & the VCU Office of Continuing Medical Education Present: HPIP: Changing Lives 2001" - at the Holiday Inn Select, Fredericksburg, Virginia. 4.) B. Byers - March 20, 2001 - To attend the New Jersey State School Nurses Association Dinner Meeting and Program School Based Grant Applications and availability for Tobacco Education and The Importance of Nurses Involvement in the Legislative Process. 5.) B. Byers - March 28, 2001 - Speaker - Delegation of Nursing Tasks - at UMDNJ, Stratford, N.J. 6.) B. Byers - April 5-7, 2001 - Speaker - The Nursing Practice Act and You NJSNA Convention at the Tropicana Resort and Casino, Atlantic City, N.J. 7.) P. Polansky - at request of the Division of Consumer Affairs to attend the 13th National Conference and Exhibits Showcase of the National Council on Patient Information and Education at the Hyatt Regency Bethesda, Bethesda, Maryland on May 16-18, 2001. 8.) M. Lown - March 21, 2001 - Luncheon Presentation on Delegation at Riverview Medical Center, and 9.) D. Link - March 31, 2001 - AANP Region 2 Invitational Leadership Meeting at the Four Points Sheraton Hotel, Cherry Hill, N.J.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO**

**APPROVE THE APPEARANCES OF THE EXECUTIVE DIRECTOR, PRESIDENT, DEPUTY ATTORNEY(S) GENERAL, AND STAFF.**

**THE MOTION CARRIED.**

**COMMUNICATION:**

**1. LETTER DATED JANUARY 29, 2001 FROM RUTHANNE BRADDOCK, MA, RN, DIRECTOR OF ST. FRANCIS SCHOOL OF NURSING, JERSEY CITY, NEW JERSEY:**

Notifying the Board of Ruthanne Braddocks resignation from St. Francis School of Nursing, Jersey City, N.J. who accepted a position within the Bon Secours New Jersey Health System. Sharon Zaucha, MSN, RNC, has taken over the Directorship.

**COMMITTEE REPORTS:**

**1. LEGISLATIVE REVIEW PANEL:**

K. Schneider reported. The Legislative Review Panel reviewed the following:

**Assembly Bill 3193** - Sponsor: Guear, Sr. & Greenstein. Introduced February 5, 2001. This bill establishes the Excellence in Nursing Scholarship Program; appropriates \$5,000,000. **Position - Support with Amendments.** Comment(s): 1.) Add that if the student/graduate doesnt work as stipulated in the bill, they would have to repay the scholarship monies.

**Senate Bill 1989** - Sponsor: Matheussen. Introduced December 18, 2000. This bill establishes Hepatitis C education, prevention, screening, and treatment program; appropriates \$2.5 million. **Position - Support.** Comment(s): 1.) The disease does warrant the extra education secondary to the long-term health effects of the disease and high disease incidence among health care workers.

**Senate Bill 2093** - Sponsor: Vitale & Bennett. Introduced February 8, 2001. This bill prohibits health care facilities from requiring certain hourly wage employees to perform overtime work. **Position - Monitor for more information.**

**Senate Bill 1372** - Sponsor: Bennett. Introduced May 25, 2000. This bill revises procedure for self-administration by school pupils of medication for asthma. **Position - Monitor for more information.** Comment(s): Check with Marilyn Kent and other school nurses.

**Senate Bill 1911** - Sponsor: Sacco. Introduced December 4, 2000. This bill summary on Patient Protection Act. **Position - Support.** Comment(s): 1.) The Board of Nursing has the provision in their regulations. 2.) Many boards have an existing provision for reporting in their statutes. 3.) There is whistle blower protection already in place, this bill does although encourage reporting to the Boards with immunity. 4.) It is noted that licensed and accredited healthcare facilities have certain mandatory reporting requirements.

**Senate Bill 1687** - Sponsor: Singer & Cardinale. Introduced October 19, 2000. This bill requires criminal history record background checks for health care professionals as condition of initial licensure. **Position - Oppose.** Comment(s): 1.) Do not object to the Criminal Background Check screening to protect the public, however, if it is suggested that the training schools/facilities require Criminal Background Checks before the student graduates. 2.) The cost to the Boards would be tremendous.

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

**THE MOTION CARRIED.**

**2. INTERVENTION PROGRAM TASK FORCE COMMITTEE**

No report.

### **3. BUDGET & FINANCE COMMITTEE**

No report

### **4. EDUCATION COMMITTEE**

L. Jurado reported. The Nursing Education Committee met on February 13, 2001.

The Education Committee conducted an orientation program for representatives from 10 hospital based RN programs. PN Directors will be invited for the March meeting and Associate Degree Deans and Directors will be invited for the April meeting. Thereafter, the committee will be conducting semi-annual to quarterly orientations as needed.

#### **Issue: New Jersey NCLEX Pass Rates 2000**

#### **Informational:**

National Annual Pass Rate - 83.84 RN and 85.1 PN

New Jersey Annual Pass Rate - 88.5 RN and 78.3 PN

#### **Issue: Helene Fuld Hospital School of Nursing, Trenton, N.J.**

Year	Examined	Passed	Pass Rate
1999	21	15	71.40
2000	19	17	89.5

#### **Recommendation(s):**

To remove the Helene Fuld Hospital School of Nursing, Trenton, N.J. from conditional accreditation for having 80% or more of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO REMOVE THE HELENE FULD HOSPITAL SCHOOL OF NURSING, TRENTON, N.J. FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

#### **Issue: Charles E. Gregory School of Nursing, Perth Amboy, N.J.**

Year	Examined	Passed	Pass Rate
1999	34	25	73.5
2000	41	35	85.4

#### **Recommendation(s):**

To remove the Charles E. Gregory School of Nursing, Perth Amboy, N.J. from conditional accreditation for having 80% or more of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO**

**REMOVE THE CHARLES E. GREGORY SCHOOL OF NURSING, PERTH AMBOY, N.J. FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: Bloomfield College, Department of Nursing, Bloomfield, N.J.**

Year	Examined	Passed	Pass Rate
1999	21	14	66.7
2000	11	11	100

**Recommendation(s):**

To remove the Bloomfield College, Department of Nursing, Bloomfield, N.J. from conditional accreditation for having 80% or more of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO REMOVE THE BLOOMFIELD COLLEGE, DEPARTMENT OF NURSING, BLOOMFIELD, N.J. FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: The College of New Jersey, Ewing, N.J.**

Year	Examined	Passed	Pass Rate
1999	33	25	75.8
2000	29	24	82.8

**Recommendation(s):**

To remove the College of New Jersey, Ewing, N.J. from conditional accreditation for having 80% or more of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO REMOVE THE COLLEGE OF NEW JERSEY, EWING, N.J. FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: Seton Hall University, College of Nursing, South Orange, N.J.**

Year	Examined	Passed	Pass Rate
1999	62	44	71
2000	57	52	91.2

**Recommendation(s):**

To remove the Seton Hall University, College of Nursing , N.J. from conditional accreditation for having 80% or more

of their graduates achieve passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO REMOVE THE SETON HALL UNIVERSITY, COLLEGE OF NURSING, SOUTH ORANGE, N.J. FROM CONDITIONAL ACCREDITATION FOR HAVING 80% OR MORE OF THEIR GRADUATES ACHIEVE PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: Fairleigh Dickinson University, College of Nursing, Teaneck, N.J.**

Year	Examined	Passed	Pass Rate
1999	45	39	86.7
2000	42	30	71.4

**Recommendation(s):**

Fairleigh Dickinson University, College of Nursing, Teaneck, N.J. be placed on conditional accreditation due to less than 80% of its graduates having achieved passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED THAT FAIRLEIGH DICKINSON UNIVERSITY, COLLEGE OF NURSING, TEANECK, N.J. BE PLACED ON CONDITIONAL ACCREDITATION DUE TO LESS THAN 80% OF ITS GRADUATES HAVING ACHIEVED PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: Felician College, Department of Nursing, Lodi, N.J.**

Year	Examined	Passed	Pass Rate
1999	40	33	82.5
2000	39	30	76.9

**Recommendation(s):**

Felician College, Department of Nursing, Lodi, N.J. be placed on conditional accreditation due to less than 80% of its graduates having achieved passing grades in the licensing examination. (N.J.A.C. 13:37-1.4(A)2).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED THAT FELICIAN COLLEGE, DEPARTMENT OF NURSING, LODI, N.J. BE PLACED ON CONDITIONAL ACCREDITATION DUE TO LESS THAN 80% OF ITS GRADUATES HAVING ACHIEVED PASSING GRADES IN THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).**

**THE MOTION CARRIED.**

**Issue: Union County College, Practical Nurse Program, Cranford, N.J.**

Year	Examined	Passed	Pass Rate
1997	87	75	85.06
1998	104	80	76.9

1999	124	73	58.9
2000	41	25	61

**Recommendation(s):**

Union County College, Practical Nurse Program, Cranford, N.J.:

1. Continue on probation.
2. Not be permitted to admit or transfer in any new students into the nursing program.
3. The site visitors will complete and submit a detailed Site Visitor Report with Board recommendations to the School of Nursing after the May meeting.

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED THAT UNION COUNTY COLLEGE, PRACTICAL NURSE PROGRAM, CRANFORD, N.J.: 1.) CONTINUE ON PROBATION. 2.) NOT BE PERMITTED TO ADMIT OR TRANSFER IN ANY NEW STUDENTS INTO THE NURSING PROGRAM. 3.) SITE VISITORS WILL COMPLETE AND SUBMIT A DETAILED SITE VISITOR REPORT WITH BOARD RECOMMENDATIONS TO THE SCHOOL OF NURSING AFTER THE MAY MEETING.**

**THE MOTION CARRIED.**

**Issue: Salem Community College Practical Nurse Program, Carneys Point, N.J. Fall 2000 Curriculum Changes**

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO APPROVE THE PROPOSED CURRICULUM CHANGES OF SALEM COMMUNITY COLLEGE PRACTICAL NURSE PROGRAM, CARNEYS POINT, N.J. FALL 2000. REQUIRE THE SCHOOL OF NURSING TO RESPOND IN WRITING THE QUESTION OF THE EDUCATION COMMITTEE.**

**THE MOTION CARRIED.**

**5. NURSING PRACTICE COMMITTEE**

N. Tuazon reported. On January 16, 2001, Domic Biondi, L.P.N., President of the Licensed Practical Nurses Association, provided a 15 minute presentation to the committee on nursing issues for Licensed Practical Nurses. The key issues were: 1.) Licensed Practical Nurses are denied signing off on the Initial Pain Assessment Tool, Minimum Data Set for Nursing Home Resident Assessment and Care Screening, Nurses Admission Record, and from participating in the Individualized Interdisciplinary Plan of Care, when the Licensed Practical Nurse has collected the data, and 2.) Licensed Practical Nurses are not permitted to accept telephone orders from physicians in acute care facilities. The committee will further review these nursing practice issues.

**Issue: Medication Administration Course for Supervisory Personnel, State Department of Law and Public Safety, Juvenile Justice Commission on Community Programs**

**Informational:**

On January 16, 2001, the Nursing Practice Committee reviewed the Staff Training Curriculum and the Trainee Manual for the Medication Administration Course proposed to be offered by Registered Professional Nurses to supervisory personnel who are employed by the State of New Jersey, Juvenile Justice Commission Community Programs. This curriculum was also reviewed by the Regulatory Review Task Force on December 12, 2000.

**Recommendation:**

The Medication Administration Course is designed to train supervisory personnel in the Juvenile Justice Commission



on Community Programs, New Jersey State Department of Law and Public Safety. Based on the courses compliance with N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks, the following requirements are included:

1. A time frame be developed for recertification to update supervisory personnel who completed the medication administration course, and
2. An emphasis be placed on the patients five rights throughout the course and on a course handout.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED TO APPROVE THE MEDICATION ADMINISTRATION COURSE DESIGNED TO TRAIN SUPERVISORY PERSONNEL IN THE JUVENILE JUSTICE COMMISSION ON COMMUNITY PROGRAMS, NEW JERSEY STATE DEPARTMENT OF LAW AND PUBLIC SAFETY, BASED ON THE COURSES COMPLIANCE WITH N.J.A.C. 13:37-6.2, DELEGATION OF SELECTED NURSING TASKS, WITH THE FOLLOWING REQUIREMENTS: 1.) A TIME FRAME BE DEVELOPED FOR RECERTIFICATION TO UPDATE SUPERVISORY PERSONNEL WHO COMPLETED THE MEDICATION ADMINISTRATION COURSE, AND, 2.) AN EMPHASIS BE PLACED ON THE PATIENTS FIVE RIGHTS THROUGHOUT THE COURSE AND ON A COURSE HANDOUT.**

**THE MOTION CARRIED.**

**Issue: Delegation of Selected Nursing Tasks**

**Informational:**

The Board of Respiratory Care has questioned the authority of Registered Professional Nurses to delegate specific respiratory care tasks to Unlicensed Assistive Personnel.

**Recommendation:**

Consistent with the provisions of N.J.A.C. 13:37-6.2, Delegation of Selected Nursing Tasks, a letter be forwarded to the Respiratory Care Board affirming that Registered Professional Nurses may delegate selected nursing tasks in the care of patients with respiratory nursing needs to Licensed Practical Nurses and Unlicensed Assistive Personnel, and that the Algorithm for Determining Scope of Nursing Practice and Making Delegation Decisions is a resource tool available to Registered Professional Nurses for their decision making.

**THE BOARD, UPON A MOTION MADE BY NELSON TUAZON AND DULY SECONDED, VOTED CONSISTENT WITH THE PROVISIONS OF N.J.A.C. 13:37-6.2, DELEGATION OF SELECTED NURSING TASKS. A LETTER BE FORWARDED TO THE RESPIRATORY CARE BOARD AFFIRMING THAT REGISTERED PROFESSIONAL NURSES MAY DELEGATE SELECTED NURSING TASKS IN THE CARE OF PATIENTS WITH RESPIRATORY NURSING NEEDS TO LICENSED PRACTICAL NURSES AND UNLICENSED ASSISTIVE PERSONNEL, AND THAT THE ALGORITHM FOR DETERMINING SCOPE OF NURSING PRACTICE AND MAKING DELEGATION DECISIONS IS A RESOURCE TOOL AVAILABLE TO REGISTERED PROFESSIONAL NURSES FOR THEIR DECISION MAKING.**

**THE MOTION CARRIED.**

**Issue: Registered Professional Nurses Taking Orders from Physician Assistants**

**Informational:**

The Physician Assistant Advisory Committee requested a reaffirmation of the Boards 1994 interpretation that nurses may implement orders given by physician assistants. The Nursing Practice Committee concurred that a letter be forwarded to the Physician Assistant Advisory Committee reaffirming the Boards 1994 interpretation:

**Implementation of Patient Orders by Duly Authorized Practitioners**

Licensed nurses may implement patient care orders initiated by all practitioners with statutory authority to write orders. These practitioners are New Jersey licensed or certified physicians, dentists, nurse practitioners, clinical nurse specialists, nurse midwives, physician assistants and chiropractors (February 15, 1994).

**THE BOARD, UPON A MOTION MADE BY LEO-FELIX JURADO AND DULY SECONDED, VOTED TO INCLUDE THE REGULATORY REVIEW COMMITTEES DRAFT ON SEXUAL MISCONDUCT FOR A VOTE IN THIS MEETING.**

**THE MOTION CARRIED.**

## **6. REGULATORY REVIEW TASK FORCE**

M. Lown reported. The Regulatory Review Task Force Committee met on February 6, 2001.

C. Manning, Regulatory Analyst, Division of Consumer Affairs presented the following for review and discussion:

### **13:37-6.5 Sexual Misconduct**

**THE BOARD, UPON A MOTION MADE BY NOREEN DANGELO AND DULY SECONDED, VOTED THAT 13:37-6.5 SEXUAL MISCONDUCT NEEDS FURTHER REVIEW BY THE REGULATORY REVIEW TASK FORCE COMMITTEE: 1.) TO CLARIFY THE DEFINITION OF SEXUAL HARASSMENT TO MEET FEDERAL GUIDELINES, AND 2.) ADDRESS SEXUAL HARASSMENT OUTSIDE OF WORK SETTING AND LICENSEE IMPLICATIONS FOR BOARD OF NURSING DISCIPLINARY ACTION FOR PROFESSIONAL MISCONDUCT.**

**THE MOTION CARRIED.**

### **APPEARANCES:**

#### **1. NEW JERSEY BOARD OF NURSING DISCIPLINARY SECTION:**

M. Lown introduced and welcomed Harriet L. Johnson, Assistant Executive Director, New Jersey State Board of Nursing.

H. Johnson introduced the Disciplinary Section Team, Deputy Attorney(s) General: Kathryn S. Schwed, August T. Lembo, and Kathy Rohr. Paralegal(s): Susan M. Kelly, and Nancy Moree. Staff: Ethel Evans, and Tykilah Ellerbe and its process.

The primary responsibility of the Board of Nursing is the protection of the public health, safety and welfare through the regulation of nursing practice. Incompetent nursing practice poses a threat to the public health. Investigating, disciplining and monitoring nurses who practice incompetently is becoming increasingly more complex and therefore this Board of Nursing is devoting a major portion of its time and effort to deal effectively and efficiently with all disciplinary matters.

### **The Statutory Power:**

1. N.J.S.A. 45:1-18 Investigative Powers
2. N.J.S.A. 45:1-21 Grounds for Refusal to Issue or Suspend/Revoke License
3. N.J.S.A. 45:1-22 Additional Penalties and Temporary Suspension
4. N.J.S.A. 45:1-23 Unlicensed Practice
5. N.J.A.C. 13:37-5.4 Reporting of Unlawful Conduct
6. N.J.A.C. 13:37-6.2 Delegation of Selected Nursing Tasks

**The Disciplinary Section services to other units at the Board of Nursing from January 2000 to January 2001.**

1. Endorsement	30
2. Examination	46
3. Licensing	95
4. Verification	18
5. Home Health Aide	102

These figures represent the total number of applications received and reviewed from other units.

### **Actions Taken by the Board: January 2000 - January 2001**

Criminal History Referrals	393
Provisional Orders	29
- Revocation	22
- Suspension	7
Suspension	90
Revocation	19
Surrender	06
Investigative Inquiries Scheduled	71
Formal Hearings Scheduled	14
Uniform Penalty Letter	14
Insufficient Cause	222
Warning	02
Admonishment	01
Further Investigation	47
Administration Complaint	05
Probation	09
Reprimand	17
Deny Reinstatement	07
Demand for Statement	51
Reinstatement	17
Unlicensed Practice	05
Inactive Status	06

Review of correspondence is made by the Priority Review Committee, (PPC) created in December, 1997.

The complaint is summarized and a recommendation is made. Usual types of complaints:

- Improper Sexual and Physical Contact and Verbal Abuse
- Fraud/Theft/Impersonations/False Credentials
- Negligence/Misconduct
- Convictions/Arrests

## Drug Diversion/Forgery

The Priority Review Process is to:

1. Summarize the complaint
2. Make recommendations for Board action, and
3. Implement the Board decision

In June of 1998, a new job description was incorporated into the Disciplinary Section of the Board of Nursing, that of the Paralegal Nurse Specialist.

Susan Kelly and Nancy Moree are the Paralegal Nurse Specialists assigned to the Disciplinary Section of the Board of Nursing. The Legal Nurse Consultant Program is a hybrid Paralegal Program which provides clinically experienced registered professional nurses who have specialized education in areas of litigation, including but limited to agency and administrative actions, corporate and product liability, and medical malpractice. This program was incorporated into the disciplinary arena.

The role of the Paralegal Nurse Specialist is primarily a three (3) step process:

1.) Receipt of a case file from Priority Review Committee (PRC), the Paralegal Nurse Specialist initiates the findings of fact as they pertain to the issues identified in the allegation by:

- a.) Making phone contact with the complainant.
- b.) Developing and issuing subpoenas for medical records or other pertinent documents, and
- c.) Developing and issuing certified demands for statements to witnesses or licensees named in the allegation.

2.) Compile and analyze data looking for consistencies or inconsistencies in practice or documentation of practice.

At this point nurse paralegals identify an applicable standard of care such as:

- a.) Institutional policies and procedures
- b.) The national practice standard, and
- c.) A statute or regulation governing the practice of nursing

3.) Develop detailed summary of the allegation including all of the aforementioned particulars which is then submitted to the Board or committee of the Board for action on the matter.

### **Paralegal Case Review Summary: January 2000 - January 2001**

Improper Physical Contact	6
Verbal Abuse	5
Failure to Assess or Properly Assess	9
Failure to Document	4
Failure to Intervene	4
Falsification of Documents	4
Medication Errors	24

Ethel Evans, Staff presented on the Complaint Process during the period January 2000 - January 2001

Total Complaints 219

Telephone Complaints 268

### **Where Complaints Originate:**

Health Care Facilities  
Consumer/Patients/Family of Patients  
Office of the Ombudsman  
Other State Boards of Nursing  
Enforcement Bureau  
Malpractice Payment Reports

Kathryn Schwed, Deputy Attorney General presented on matters handled by prosecution from January 2000 - January 2001:

Interim Orders	21
Final Consent Orders	55
Stayed Suspension/Probation	20
Final Orders of Discipline	10
Investigative Inquires	16
Formal Hearings	7

August Lembo, Deputy Attorney General presented on matters handled by counseling from January 2000 - January 2001:

Investigative Inquiries	11
Final Decisions & Orders (After Formal Hearings)	7
Final Orders of Discipline & Final Consent Orders	16

(After provisional orders or investigative inquiries)

Kathy Rohr, Deputy Attorney General presented on how investigations are initiated:

- Complaints
- Reports Required by Law
- Information on Applications for Original Licensure or Renewal

### **WORK TO BE DONE IN AN INVESTIGATION**

- Demands for statements under oath
- Subpoenas, Interviews, Review and Evaluation

Tykilah Ellerbe, Staff presented on the Disciplinary Section Process Implementation of Board Actions: January 2000 - January 2001.

**Total letters typed and mailed regarding board actions:**

Closing Board Actions	201
Requesting More Information	112
Office of the Ombudsman	30
Municipal Court & Policy Department	25
Letters to Attorneys	26
Advisory Summary	1500

**2. NEW JERSEY BUSINESS AND INDUSTRY ASSOCIATION, TRENTON, N.J.**

M. Lown introduced and welcomed Bryan Markowitz, Assistant Vice President, New Jersey Business and Industry Association, Trenton, N.J. to discuss with the Board the perspective of the New Jersey Business and Industry Association on key health care issues with regulatory implications for nursing and quality consumer health care.

**OPEN FORUM:**

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

**UNFINISHED BUSINESS:**

**1. SUBCHAPTER 6. DELEGATION AND SUPERVISION**

**THE BOARD, UPON A MOTION MADE BY NOREEN DANGELO AND DULY SECONDED, VOTED TO APPROVE SUBCHAPTER 6. DELEGATION AND SUPERVISION WITH CHANGES DISCUSSED AT THE FEBRUARY 20, 2001 REGULAR OPEN BOARD MEETING.**

**THE MOTION CARRIED.**

**2. UPDATE: NURSING APPROVED RULE ON SANE PROGRAM**

**Issue: Sexual Assault Nurse Examiners Proposed Regulation and Legislation**

**Informational:**

The Board of Nursing has previously approved for publication certain proposed rule amendments to N.J.A.C. 13:37-2.4. Those amendments would provide the following: a.) To qualify as a sexual assault nurse examiner, a registered professional nurse must have completed a course in clinical forensics approved by the Director of the Division of Criminal Justice and the Board; b.) The requirement for the subject matter areas that the course must include; and c.) Certain other requirements regarding the qualifications of instructors and presenters, the examination to be passed and the administration of the program.

The proposed rule is now under review at the Division of Law.

Legislation has been introduced (Assembly Bill 2083) which would establish a Statewide Sexual Assault Nurse Examiner Program in the Office of the Attorney General in the Department of Law. This legislation would provide for the following: a.) Require each county prosecutor to appoint a certified forensic sexual assault nurse examiner (SANE) to serve as the program coordinator of the county; b.) Set forth the duties of the program coordinator; c.) Require that the Attorney General, in consultation with the Board of Nursing, establish a certification process; d.) Provide for the Sexual Assault Examiner Program Coordinating Council to oversee the program and make recommendations to the Attorney General concerning the administration of the program in each county; e.) Provide certain immunity from civil and criminal liability for those performing forensic sexual nurse examiners pursuant to the legislation; and f.) Appropriate \$1,130,000 to fund the program coordinator positions in each county. The current proposed regulation

appears to be consistent with the intent of the proposed legislation.

The development of the program continues to be monitored. Patricia Polansky, Executive Director, New Jersey State Board of Nursing will continue to serve on the Task Force working towards development of the programs.

## **SCHOOL AND AGENCY SURVEYS:**

### **1. UNION COUNTY COLLEGE**

Union County College will be presented at the next Regular Open Business Meeting scheduled for March 20, 2001.

## **ADJOURNMENT:**

On February 20, 2001 the Regular Open Board Meeting was adjourned at 1:00 p.m. The next Regular Open Business Meeting will be held on March 20, 2001.

Respectfully submitted,

Maris A. Lown  
President



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*Modified March 2002*