

Board of Nursing

March 21, 2000

Regular Open Board Meeting

A meeting of the New Jersey State Board of Nursing was held on March 21, 2000 in the Hudson Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, President, called the meeting to order at 9:30 a.m.

ROLL CALL

PRESENT

Present were Board Members: Phoebe C. Andes, Noreen D'Angelo, Richard Freda, Maris A. Lown, Virginia McKenney, Joan Farrell Monaghan, Dr. Muriel Shore, Nelson Tuazon.

ALSO PRESENT

Deputy Attorney(s) General: Gus Lembo, Joyce Brown, Patricia A. Polansky, Executive Director, New Jersey State Board of Nursing, Margaret Bennett, Deputy Executive Director, Harriet L. Johnson, Assistant Executive Director, Barbara Byers, Administrative Analyst, Kathryn Schneider, Professional Staff, Home Health Division, New Jersey State Board of Nursing.

NOT PRESENT

Board Members: Judith Godsey-Wehnau, M. Catherine Dulio, Elizabeth English, Karen Rodriguez.

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 3, 2000. A schedule of all 2000 Regular Open Board Meetings to be held during 2000 was provided to the Office of the Secretary of State, Star Ledger, Trenton Times, The New York Times, Camden Courier Post, and The Philadelphia Inquirer. The schedule has also been posted on the Bulletin Board at the New Jersey State Board of Nursing Office.

MINUTES:

A reading and approval of the minutes for the Regular Open Meeting of February 15, 2000.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED FOR APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF FEBRUARY 15, 2000 WITH CORRECTION ON PAGE 6, ITEM M.6 TO READ ESSEX COUNTY HOSPITAL CENTER.

M. Lown would like to amend the agenda under Appearances: 1.) Medication Variances - that item is moved to the May 16, 2000 Regular Open Business Meeting, and 2.) Under New Business - the first item will be a discussion on the Department of Health and Senior Services regulation regarding the Self Administration of Medication by Aides, secondly the Application of Regina Colo regarding NCLEX-PN examination, and a short disciplinary meeting after the regular meeting.

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED TO APPROVE THE CHANGES ON THE AGENDA.

MARIS A. LOWN - REPORT OF THE PRESIDENT

M. Lown reported. Patricia Polansky, Executive Director, has two items on her report that seek approval for M. Lown.

PATRICIA A. POLANSKY - REPORT OF THE EXECUTIVE DIRECTOR

P. Polansky reported. Attended a meeting with Mark S. Herr, Director, Division of Consumer Affairs, and all Executive Directors at the Division regarding support for the Legislative Process on March 15, 2000. The meeting was very valuable and informative. American Association of Colleges of Nursing was chosen by the Robert Wood Johnson Foundation to coordinate curriculum models for Pain Management and End-of-Life Care.

Approval for the National Council Area IV Meeting and Regulatory Day scheduled to be held in St. Thomas, U.S. Virgin Islands on April 6-7, 2000, has been denied. The Board of Nursing will not have any representation this year at the Area IV Meeting.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED FOR A RECONSIDERATION FOR APPROVAL OF THE EXECUTIVE DIRECTOR TO ATTEND THE REGION FOUR MEETING ON APRIL 6-7 IN THE VIRGIN ISLANDS. RATIONALE FOR ATTENDANCE IS THE NEED TO PARTICIPATE IN NATIONAL COUNCIL MATTERS AFFECTING OUR REGION WHICH ALSO INCLUDES PUERTO RICO AND THE VIRGIN ISLANDS. THE COST OF TRAVEL TO THIS MEETING IS NEGLIBLE. LOCATION OF MEETINGS IN THIS GLOBAL SOCIETY SHOULD NOT BE A DETERRENT FOR ANY STATE TO FORFEIT THE OPPORTUNITY AND NEED TO BE A FULL PARTICIPANT IN THE NATIONAL COUNCIL OF STATE BOARDS.

FYI - Of the 66,726 renewal applications mailed, only 41% have been processed. The public was urged to renew their licenses as soon as possible.

Policy regarding "Reports on Conference Trips." A report must be submitted to Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, pertaining to any board member or staff member who attends a conference/meeting that is endorsed by the Board or Division. These reports are mandatory and must be also submitted through Patricia Polansky, Executive Director, Board of Nursing within one week from the return date of each conference/ meeting.

Attended a meeting with Bill Burke, Supervisor of the Compliance Monitoring Unit, Juvenile Justice Commission on March 3, 2000, to discuss their future educational program direction and discuss regulation draft.

February 26, 2000 the Mutual Recognition Summit Meeting was held in Chicago.

There are nine (9) firm states and five (5) more states in readiness. The National Council State Boards of Nursing is continuing to have monthly conference calls meetings to discuss any issues and concerns. A report will be presented to the Board in May, 2000.

The DEA packages are out and going very well. Problem calls are now going directly to G. Lembo, Deputy Attorney General.

NURSYS Pilot - code name for a new computer system at National Council State Boards of Nursing has been put into place. It will do the Board's discipline reporting as they will our agent for the new HIPDB reporting and also for license endorsement. The NURSYS Pilot has been initiated with 7 member boards since January, 2000.

The Quality Patient Care Advisory Committee Meeting of the New Jersey Hospital Association held a summit meeting on February 3, 2000, on the staffing crisis in New Jersey. President Gary Carter was there to listen to the serious concerns and offer New Jersey Hospital Association support.

FYI - The Texas RN Board is working on a joint position statement with the Texas Board of Pharmacy on systems problems that contribute to medication errors, as a result of the recent Institute of Medicine (IOM) Report.

P. Polansky seeks approval for the following:

- 1.) Panel presentation at the National Conference on A Staffing Crisis: Nurse Patient Ratio on July 21-24, 2000 in Washington, D.C.
- 2.) Disease Management Congress and Exposition on September 25-27, 2000 at the Hynes Convention Center in Boston, MA.
- 3.) Dialogue with David Nash on Higher Quality at Lower Cost: Is Evidence-Based Medicine The Answer, at the New Jersey Hospital Association.
- 4.) For a staff member to attend the Annual Advisory Council Meeting of the Practical Nursing Program on April 5, 2000, at the Career Center in Freehold.
- 5.) Approval for M. Lown to attend Riverview Medical Center Academy of Medical Surgical Nurse on March 27, 2000.
- 6.) Approval for M. Lown to address the New Jersey State Nurses Association, for an update on the New Jersey Board of Nursing.
- 7.) Approval for B. Byers (second appearance) at the Essex County Hospital Center in Cedar Grove, April 19, 2000 on Advanced Practice Nurses.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL SHORE AND DULY SECONDED, VOTED FOR APPROVAL OF SPEAKING ENGAGEMENTS AND ATTENDANCE AT THE PROFESSIONAL MEETINGS AS RECOMMENDED BY THE EXECUTIVE DIRECTOR.

"Communication Packet" - includes:

- 1.) **National Council of State Boards of Nursing, Inc. Newsletter to the Member Boards - General Information - Volume 20 Number 4 - February 18, 2000.**
- 2.) **Commission on Graduates of Foreign Nursing Schools - Overview of Immigration Laws that Impact the Licensing of Foreign Educated Health Professionals in General and Nurses in Particular.**
- 3.) **American Association of Colleges of Nursing - For Immediate Release - AACN Chosen by the Robert Wood Johnson Foundation to Coordinate National Effort to Improve End-of-Life Nursing Care.**
- 4.) **The Path of Legislation in New Jersey.**
- 5.) **Correspondence Dated March 3, 2000 from John D. Fanburg, Esq. Re: Assembly Bill 316 Requiring Health Care Facilities to Monitor Pain as a Fifth Vital Sign.**
- 6.) **Board of Medical Examiners (BOME) -**
 - 1.) **Limitations on Prescribing, Administering or Dispensing Drugs for the Treatment of Obesity N.J.A.C. 13:35-7.5A.**
 - 2.) **Terminating of Licensee-Patient Relationship, N.J.A.C. 13:35-6.22.**
 - 3.) **Physician Assistants Sexual Misconduct Proposed New Rule: N.J.A.C. 13:35-2B.18.**
 - 4.) **Proposed New Rule - Reinstatement of Lapsed Licenses of Physician Assistants - N.J.A.C. 13:35-2B.17.**

- 5.) Provision of a Chaperone During Physical Examination of Male and Female Patients.
 - 6.) Rules of the State Board of Nursing Proposed Readoption with Amendments: N.J.A.C. 13:37.
 - 7.) Department of Banking and Insurance ("DOBI") Regulations Pursuant to Automobile Insurance Cost Reduction Act Personal Injury Protection Benefits; Medical Protocol; Diagnostic Tests.
 - 8.) Legislation.
 - 9.) Invitation-Citizen Advocacy Center - Conference.
 - 10.) Inquiry from NJ Podiatric Medical Society.
 - 11.) Provision of A Chaperone During Physical Examination.
 - 12.) Draft Statutory Initiative Relating to Education Reforms.
 - 13.) Legislation.
 - 14.) Informational - N.J.A.C. 13:35-4.1 First Assistants in Major Surgery.
 - 15.) Medical Society of New Jersey v. Fred Jacobs, et. al. United States District Court - Civ. No. 95-3287.
 - 16.) Physician Training for a New Century.
 - 17.) Healthcare Regulations of the New Millennium.
 - 18.) The Future is Now, Federation of State Medical Boards - Annual Meeting.
 - 19.) New Jersey Association of Nurse Anesthetists, Inc. v. New Jersey Medical Board Superior Court of New Jersey, Appellate Division, A-6922-9712.
- 7.) FYI - Board appointed Harriet Johnson of the New Jersey Board of Nursing as a Member of the School Ethics Commission.
- 8.) **New Jersey State Nurses Association 2000** Annual Care Awards Banquet is being held on April 5, 2000, 6:30 p.m. - 11:00 p.m. at the Tropicana Casino and Resort in Atlantic City.
- 9.) Article from:
- 1.) Courier-News - "Union Says Nurse was Blackballed" - Dated June 18, 1999.
 - 2.) Gloucester County Times - "GCC Hosting 'Career Night' on Jan. 24" - Dated January 16, 2000.
 - 3.) Time - "Nurse Practitioners Play Key Role at Preakness Health Center" - Dated November 3, 1999.
 - 4.) Press - "Make Better Use of LPNs" - Dated August 22, 1999.
 - 5.) Independent - "Law Lets Nurses Prescribe Medication" - Dated June 16, 1999.
 - 6.) Burlington County Times - "8 Women Honored for Aiding Community" - Dated October 18, 1999.
 - 7.) Star-Ledger - "Richard Freda" - Dated October 26, 1999.

8.) **Nutley Journal** - "Ruth Williamson" - Dated November 24, 1999.

9.) **Verona-Cedar Grove Times** - "Mountainside Nursing School Shortens Curriculum" - Dated November 18, 1999.

10.) **Sunset Post Review** - "Holy Name" - Dated November 17, 1999.

11.) **Hoboken Reporter** - "New Nursing and Allied Health Programs Announced by FDU" - Dated August 8, 1999.

10.) **The Collaborative Connection** Newsletter of the New Jersey Colleagues in Caring - Volume 4(2), Winter 2000.

"Information Salad" - Feature Stories Include:

(1.) **Spinoffs, big deals dominate in 99".**

(2.) **Drugs firms focus Marketing with the Net.**

(3.) **Are you wearing your seat belt?**

(4.) **Organ Network Organizer.**

(5.) **Nursing Homes vary widely in meeting federal quality-of-care standards.**

(6.) **Very low birth weight infants.**

(7.) **Strikes over staffing; big shortage looms.**

(8.) **Online tele-health resources.**

(9.) **NCSL studies the effects of term limits.**

(10.) **10 ways the Internet is changing health care.**

(11.) **Restrictions of the use of cell phones in motor vehicles.**

(12.) **Medical Errors Can Be Prevented.**

(13.) **Jogging Shorts.**

(14.) **Ms. Nightingale's Birthday.**

O. A summary of monies collected and processed at the Board of Nursing was passed around for informational purposes.

COMMITTEE REPORTS:

INTERVENTION PROGRAM TASK FORCE COMMITTEE

P. Polansky reported.

Assurance from Cathy Farley, Deputy Director, Division of Consumer Affairs, that a position for the Director of the Intervention Program Task Force Committee and one staff position have already been submitted to Trenton for approval.

P. Polansky has actively been interviewing several qualified candidates and is expecting to hear back from candidates within a week regarding consideration for this position.

BUDGET & FINANCE COMMITTEE

No report.

EDUCATION COMMITTEE

Phoebe Andes reported.

The Nursing Education Committee met on March 14, 2000. In the proposed revisions of the New Jersey Board of Nursing Education Regulations Title 13 Chapter 37, the Education Committee has included Pain Management and End-of-Life Care in the nursing curriculum. On May 19th the Board will be presenting a program on "Pain Management and End-of-Life Care." President M. Lown has requested that each School of Nursing send at least two educators to the May 19th program.

The Chairperson or Designee representing each individual Educational Group met with the Education Committee on March 14, 2000.

The items on the agenda were:

- 1.) Receive input from the Education Representatives on how the Board can assist and facilitate the implementation of Pain Management and End-of-Life Care into their curriculum.
- 2.) Receive input from the Education Representatives on the most effective means to implement a successful program on Pain Management and End-of-Life Care, and
- 3.) Receive input from the Education Representatives on how the Board can best evaluate the incorporation of Pain Management and EOL Care into their curriculum.

Outcome:

Each Educational Group agreed to work in collaboration with the Board of Nursing for further program development on Pain Management and End-of-Life Care.

Issue pertaining to the Revision of the Nursing Education Regulations.

The Education Committee requested that the feasibility of videotaping the Pain

Management and End-of-Life Care program on May 19th be investigated. The Board of Nursing serve as a clearing house for information on Pain Management and End-of-Life Care.

The Education Committee and Chuck Manning, Regulatory Analyst, reviewed the comments on the proposed changes to the Education Regulations from the Licensed Practical Nurse Educators meeting that was held on January 28, 2000. Appropriate revisions were made to the existing document.

M. Bennett reported on the following NCLEX results:

HELENE FULD HOSPITAL SCHOOL OF NURSING, TRENTON, N.J. - CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT HELENE FULD HOSPITAL SCHOOL OF NURSING, TRENTON, N.J., BE PLACED ON CONDITIONAL ACCREDITATION FOR THE FAILURE TO ACHIEVE AN 80% PASSING GRADE ON THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).

THE CHARLES E. GREGORY SCHOOL OF NURSING, PERTH AMBOY, N.J. - CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT THE CHARLES E. GREGORY SCHOOL OF NURSING, PERTH AMBOY, N.J., BE PLACED ON CONDITIONAL ACCREDITATION FOR THE FAILURE TO ACHIEVE AN 80% PASSING GRADE ON THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).

BLOOMFIELD COLLEGE, DEPARTMENT OF NURSING, BLOOMFIELD, N.J. - CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT BLOOMFIELD COLLEGE, DEPARTMENT OF NURSING, BLOOMFIELD, N.J., BE PLACED ON CONDITIONAL ACCREDITATION FOR THE FAILURE TO ACHIEVE AN 80% PASSING GRADE ON THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).

THE COLLEGE OF NEW JERSEY SCHOOL OF NURSING, TRENTON, N.J. - CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT THE COLLEGE OF NEW JERSEY SCHOOL OF NURSING, TRENTON, N.J., BE PLACED ON CONDITIONAL ACCREDITATION FOR THE FAILURE TO ACHIEVE AN 80% PASSING GRADE ON THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).

SETON HALL UNIVERSITY, COLLEGE OF NURSING, SOUTH ORANGE, N.J. - CONDITIONAL ACCREDITATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT SETON HALL UNIVERSITY, COLLEGE OF NURSING, SOUTH ORANGE, N.J., BE PLACED ON CONDITIONAL ACCREDITATION FOR THE FAILURE TO ACHIEVE AN 80% PASSING GRADE ON THE LICENSING EXAMINATION. (N.J.A.C. 13:37-1.4(A)2).

UNION COUNTY COLLEGE SCHOOL OF PRACTICAL NURSING - PLACED ON PROBATION:

THE BOARD, UPON A MOTION MADE BY PHOEBE C. ANDES AND DULY SECONDED, VOTED THAT UNION COUNTY COLLEGE SCHOOL OF PRACTICAL NURSING SHALL BE PLACED ON PROBATION DUE TO THE FACT THAT LESS THAN 80% OF ITS GRADUATES ACHIEVED PASSING GRADES ON THE LICENSING EXAMINATION FOR TWO CONSECUTIVE YEARS AND SUBMIT A PRIORITIZED PLAN OF ACTION TO THE BOARD BY 6/1/2000. A PROGRAM PLACED ON PROBATION SHALL NOT ADMIT A NEW OR TRANSFER STUDENTS INTO THE PROGRAM. THE INSTITUTION SHALL BE GIVEN THE OPPORTUNITY FOR A HEARING REGARDING THIS DECISION. (N.J.A.C. 13:37-1.6).

M. Lown reported. Union County College Practical Nursing Program submitted a pro-active Action Plan to the New Jersey Board of Nursing on March 17, 2000. M. Lown is remanding this action plan directly to the Education Committee for review and discussion.

LEGISLATIVE REVIEW PANEL

K. Schneider reported.

The Legislative Review Panel reviewed Senate Bill 574 - Sponsor: Richard J. Codey and Robert J. Martin. Introduced January 1, 2000. This bill requires the Department of Human Services to provide in-service, on-site training at State psychiatric facilities. **Position - Monitor.** Comment(s): This bill refers to a package of bills, the Legislative Review

Panel wants to procure this package for review in its entirety.

Senate Bill 721 - Sponsor: Louis Bassano - Introduced January 24, 2000. This bill requires health insurer to deny or issue pre-authorization for covered services within five days of request by nonparticipating health care providers. **Position - Monitor for more information.** Comment(s): The Legislative Review Panel is not sure of the consequences for both the recipient and the insurance provider with regard to the five (5) day time-frame.

Senate Bill 899 - Sponsor: Shirley K. Turner - Introduced February 7, 2000. This bill prohibits HMO's from imposing certain restrictions regarding provision of health care services to enrollees. **Position - Support.** Comment(s): The Legislative Review Panel would support and suggest adding the word "reasonable" to the medical care deemed necessary.

Senate Bill 484 - Sponsor: Andrew R. Ciesla - Introduced January 11, 2000. This bill requires current registry of certified homemaker-home health aides maintained by the State Board of Nursing include specific documented findings of patient abuse by persons listed in the registry. **Position - Support.** Comment(s): 1.) The Legislative Review Panel would want to quantify the phrase, "specific documented findings," often times the Board of Nursing is not given specifics, such as in theft, for example, or the case is defaulted.

Assembly Bill 324 - Sponsor: Charlotte Vandervalk and Rose Marie Heck - Introduced January 11, 2000. This bill requires criminal history record checks for certified nurse aides, personal care assistants and homemaker-home health aides as condition of re-certification; requires plan for similar checks to be conducted on other providers of home care services. **Position - Support.** Comment(s): 1.) See previous comments submitted in 1999. 2.) The Legislative Review Panel would want that monies be appropriated for criminal background checks.

Assembly Bill 1821 - Sponsor: Jeffrey W. Moran and Christopher Connors - Introduced January 11, 2000. This bill requires criminal history record checks for certified nurse aides, personal care assistants and homemaker-home health aides as condition of re-certification. **Position - Support.** Comment(s): 1.) See previous comments submitted in 1999. 2.) The Legislative Review Panel would want that monies be appropriated for criminal background checks.

The Division of Consumer Affairs Legislative Liaison, Dawn Shanahan, suggested that all the boards identify an "emergency point" person and an alternate should a bill be moving quickly and need an immediate response. The committee selected Dr. Muriel Shore as the emergency point person. The alternate(s) will be Maris Lown, President and Virginia McKenney, Public Member.

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

NURSING PRACTICE COMMITTEE

J. Farrell Monaghan reported. The Nursing Practice and the Nursing Education Committees are co-hosting the Board of Nursing educational program, "Pain Management and End-of-Life Care" on May 19, 2000 at the Eatontown Sheraton Hotel and Conference Center, Eatontown, New Jersey. Program notices have been mailed to all New Jersey employers of nurses including Schools of Nursing, all New Jersey nursing interest groups, the Nursing Spectrum, the Home Health Assembly of New Jersey, the Home Care Council of New Jersey and the New Jersey Hospital Association for inclusion where appropriate in their newsletters.

One-hundred (100) nurses have registered for the program to date. Program registration on May 19th is 8:00 a.m. - 9:00 a.m. The program begins at 9:00 a.m. and will end at 4:00 p.m. The program registration fee is \$65.00 for licensed nurses and \$40.00 for graduate students. The registration fee include a continental breakfast, a buffet lunch, and snacks for the afternoon break.

The Nursing Practice Committee is addressing practice issues in its Action Plan for 2000.

REGULATORY REVIEW TASK FORCE

M. Lown reported. The Regulatory Review Task Force has not met since our last regular board meeting of February 15, 2000. A meeting is scheduled for March 24, 2000. The Regulatory Review Task Force Committee will be focusing on the Delegation and Administration of Medications by Home Health Aides in these last sessions. We hope to conclude this work by the end of June, 2000. These meetings are open to the public.

UNFINISHED BUSINESS:

LICENSURE BY ENDORSEMENT - REGULATORY REVIEW

C. Manning, Regulatory Analyst from the Division of Consumer Affairs reported on:

(1.) 13:37-4.1 Eligibility Requirements; Licensure by Endorsement, (2.) 13:37-4.2 Examination Scores; Professional Nurses, and (3.) 13:37-4.3 Application Requirements; Licensure by Endorsement, for discussion and proposal.

THE BOARD, UPON A MOTION MADE BY JOAN FARRELL MONAGHAN AND DULY SECONDED, VOTED THAT THE BOARD OF NURSING APPROVED 13:37-4.1 ELIGIBILITY REQUIREMENTS; LICENSURE BY ENDORSEMENT, 13:37-4.2 EXAMINATION SCORES; PROFESSIONAL NURSES, AND 13:37-4.3 APPLICATION REQUIREMENTS; LICENSURE BY ENDORSEMENT WITH CORRECTIONS.

13:37-4.4 Foreign Educated Nurses will be tabled until the May 16, 2000 next Regular Open Board Meeting for further review and discussion.

INTERVENTION PROGRAM COMMITTEE

Previously reported and discussed.

MSR - UPDATE

Previously reported and discussed.

NEW BUSINESS:

DEPARTMENT OF HEALTH AND SENIOR SERVICES - SELF ADMINISTRATION OF MEDICATION BY AIDES

G. Lembo reported. Amendments to the Licensing standards for Home Health Agencies were proposed by the Department of Health and Senior Services by publication in the February 22, 2000 New Jersey Register.

G. Lembo reviewed the proposed amendments by the Department of Health and Senior Services ("DOH") to N.J.A.C. 8:42. G. Lembo noted one area of particular attention.

The proposed amendment to N.J.A.C. 8:42-7.5(a)3 would provide that "the homemaker-home health aide shall be responsible for, but not limited to, providing personal care and homemaking services essential to the patient's health care and comfort at home, including ... assisting with patient self-administration of medications." (Emphasis added - The underlined language is the proposed new language.)

G. Lembo discussed his concerns via telephone with John A. Calabria, the Director of Certificate of Need and Acute Care Licensure Program at the Department of Health. Mr. Calabria acknowledged that it is very difficult to define what constitutes "assisting with patient self-administration of medications." Mr. Calabria did offer to include in these regulations the same definition of "self-administration" as exists in the assisted living regulations.

G. Lembo is concerned with this proposed amendment because of the status of the nursing Board's view of unlicensed assistive personnel and because of the vagueness of the language which G. Lembo does not believe is substantially

clarified by the definition of "self- administration"; the problem may lie more in understanding what "assisting" may encompass. The home health agency representatives in attendance urged inclusion of this language in the proposed amendments.

The following circumstances in the subject matter area are as follows:

- 1.) The Nursing Board's rule, N.J.A.C. 13:37-14.3(b), clearly provides that "a homemaker-home health aide shall not administer medications". It is noteworthy that the regulation of the Department of Health and Senior Services substantially tracks the Nursing Board's rule as to what the duties of a homemaker-home health aide may include, as set forth in N.J.A.C. 13:37-14.3(a). The Department of Health and Senior Services obviously distinguishes between administering medications and assisting with patient self-administration of medications.
- 2.) The Nursing Board has permitted home health aides to administer medications in certain programs, including Alternate Care Facilities, Assisted Living and the Potomac Home Alzheimer's Patient Program. However, in each of those programs, there was substantial provision in the programs for additional training and education for those home health aides who would be certified to administer medications.
- 3.) Currently before the Board is the Personal Assistance Services Program of the Department of Human Services; this program would fund a consumer so that the consumer would be able to pay a personal assistant, who might be a neighbor, family friend or any other person of the consumer's choosing, to assist the consumer/patient with health care. One of the issues before the Board is the extent to which an unlicensed personal assistant may assist the consumer in self-care, including the "self-administration of medications." The range of different functions which could be included in this "self-administration" is broad. Few would suggest that an unlicensed person should not be able to take two pills from a bottle where the consumer/patient is an adult, fully mentally competent, has clear vision and can read the directions on the label look at the bottle and identify them as the pills he must take, has no trouble swallowing, but only is prevented, for example, by paralysis from using his hands to actually open the bottle and take the pills. The problem obviously becomes more difficult if the consumer/patient, though fully mentally competent; is for example, blind or where the medication must be properly poured or measured or where other circumstances make the boundary more difficult to define.

Comments must be received by the Department of Health and Senior Services by March 23, 2000.

THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED FOR THE BOARD OF NURSING TO COMMENT ON THE DEPARTMENT OF HEALTH AND SENIOR SERVICES LICENSURE REGULATIONS FOR HOMEMAKER-HOME HEALTH AIDE (N.J.A.C. 8:42) BY ASKING THE DEPARTMENT OF HEALTH AND SENIOR SERVICES TO INCLUDE A DEFINITION FOR "SELF-ADMINISTRATION" IN THE RULE; AND TO RAISE WITH DEPARTMENT OF HEALTH AND SENIOR SERVICES THE CONCERN OF THE BOARD OF NURSING REGARDING THE CLARITY AT THE WORD "ASSISTING" WITHIN (N.J.A.C. 8:42-7.5(A)3) PATIENT SELF-ADMINISTRATION AND THE INTENT OF THE BOARD OF NURSING TO REVIEW THE CORE CURRICULUM FOR CERTIFIED HOME HEALTH AIDES TO ASSURE THE CURRICULUM INCLUDES EDUCATION IN ASSISTING WITH PATIENT SELF-ADMINISTRATION.

The Board then considered another aspect of the proposed amendments to N.J.A.C. 8:42.

THE BOARD, UPON A MOTION MADE BY DR. MURIEL M. SHORE AND DULY SECONDED, VOTED TO STIPULATE THAT THE "ALTERNATE," UNDER 8:42-7.3(A), REGARDING NURSING STAFF QUALIFICATIONS AND RESPONSIBILITIES, BE A REGISTERED PROFESSIONAL NURSE.

OPEN FORUM:

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

THE BOARD, UPON A MOTION MADE BY NOREEN D'ANGELO AND DULY SECONDED, VOTED TO GO INTO CLOSED SESSION.

ADJOURNMENT:

On March 21, 2000 the Regular Open Board Meeting was adjourned at 2:00 p.m. The next Regular Open Business Meeting will be held on May 16, 2000.

Respectfully submitted,

Joan Farrell Monaghan
Secretary/Treasurer



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