

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
OPEN BUSINESS MEETING
JULY 6, 2007**

A meeting of the New Jersey State Board of Nursing was held on July 6, 2007 in the Somerset Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Leo-Felix Jurado, Board President, called the meeting to order at 9:05 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D'Angelo Patricia Ann Murphy
Marietta Cahill Karen Rodriguez
Avery Hart Mary Sibley
Leo-Felix Jurado Sara Torres
Irma Lupia Constance Wilson
Virginia McKenney

ALSO PRESENT:

George J. Hebert, Executive Director
Carol Dunning, Education Program Development Specialist II
Margaret Howard, Field Representative
Darlene Lapola, Deputy Attorney General
Susan Carboni, Deputy Attorney General
Charles Manning, Regulatory Analyst (limited purpose)

BOARD MEMBER(S) EXCUSED ABSENCE:

Shivani Nath

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 27, 2006. A schedule of all 2007 Regular Open Board Meetings to be held during 2007 was provided to the Office of the Secretary of State, Star Ledger, Trenton Times, The New York Times, Camden Courier Post and The Philadelphia Inquirer. The schedule has also been posted on the Bulletin Board at the New Jersey State Board of Nursing Office.

AGENDA:

Open Regular Board Meeting Agenda of July 6, 2007: Reading and Approval:

After discussion the Board, upon a motion made by Irma Lupia and duly seconded by Constance Wilson, voted to approve the Regular Open Board Meeting Agenda of July 6, 2007. The motion carried.

MINUTES:

Open Business Meeting Minutes of June 19, 2007: Reading and Approval:

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Irma Lupia, voted to approve the Regular Open Board Meeting Minutes of June 19, 2007. The motion carried.

REPORT OF THE BOARD PRESIDENT – LEO-FELIX JURADO:

Leo-Felix Jurado reported that:

Breaking news from NCSBN; The NCSBN is urging the United States to support to the United Nations to establish a women's agency. The NCSBN wrote a letter to the White House asking the United States Government to work vigorously to ensure that the United Nations General Assembly will quickly establish the women's agency.

Rhode Island has become the 23rd State to join the Compact.

There is a new bill that will be introduced to expand the home health authority. Senators from North Dakota, Hawaii, Maryland and Oregon introduced the Home Health Care Planning Improvement Act. This legislation will change Medicare law for nurse practitioners, clinical nurse specialists, and certified nurse midwives.

There is a bill being introduced in Illinois to proposed telemedicine legislation. Several telemedicine initiatives are currently being considered in Illinois, to provide Medicare reimbursements for psychiatric services.

The Joint Commission is announcing the 2008 National Patient Safety Goal, which can be accessed through the Joint Commission website at www.jointcommissionreport.org

An ANA study revealed that RN's perception while working in facilities that are either awarded magnetic status or the bekon award, reports higher satisfaction level of healthcare work environment, better communication and collaboration among RNs, and more respect for nurses who work in those facilities. Citizen Survey revealed big increases in hospital and doctor visits. Trips to see medical professionals to receive hospital treatment increased by 20% during a 5-year period, approximately 1.2 billion in 2005 managers to aging baby boomers according to the citizen survey.

Board President Jurado recognized Kathryn Schwed, Deputy Attorney General has retired on June 29, 2007 after 29 years of service.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE J. HEBERT:

George J. Hebert as follows:

The Board of Nursing and the Division of Consumer Affairs are still reviewing the Memorandum of Understanding for RAMP.

George J. Hebert and Leo-Felix M. Jurado requests to attend the NCSBN Annual Meeting was denied by the Office of the Attorney General. The rationale is that a meeting costing more \$500.00 will not be approved whether the State or any other entity pays them.

Monthly statistics reports were distributed at the meeting. The late period of the 2007 renewal period was formally over on July 1, 2007. The expiration period for any licensee that has not renewed by June 30, 2007 have been administratively suspended. Letters will be going out to that effect within the next week. Any licensee who will be renewing at this point will need to complete the reinstatement process.

COMMITTEE REPORTS:

1. EDUCATION COMMITTEE: - Sara Torres, Chairman

Sara Torres reported: Session I of the June 19, 2007 Meeting Report:

Correspondence: Correspondence:

April 24, 2007 – Letter from Carl M. Kuttler, Jr., St. Petersburg College
Re: FYI: Notification of Advance Technical Certificate in Sepsis Awareness and Education.

b. May 17, 2007 - Florence Brown, MSN, RN, APN, C, School Director, Best Care Training Institute.
Re: FYI: New evening class starting June 14, 2007

May 21, 2007 - Letter from Ann Tritak, RN, EdD, Associate Dean of Nursing, Saint Peter's College
Re: FYI: Changed nursing unit from department of nursing to School of Nursing.

May 21, 2007 - letter from Janet Czermak, APRN-BC, Acting Chairperson of Nursing, Essex County College
Re: Elimination of transition experimental course for students who transfer from Ross University

f. May 31, 2007 - Letter from John C. Thompson, CFO, Merit Mountainside, LLC
Re: Mountainside Hospital change of ownership from Atlantic Health Systems, Inc. to Merit Mountainside, LLC
Mountainside Hospital has notified the Board of Nursing pursuant to NJAC 13:37-1.16, in reference to change of ownership.

June 11, 2007 - Letter from Catherine Palmer, Lincoln Technical Institute
Re: Relocation of Licensed Practical Nursing Program to Mt. Laurel, NJ The Education Program Development Specialist will make a site visit.

June 15, 2007 - Letter from Beth Evans, MSN, BSN, Director, Practical Nursing Program, Prism Career Institute
Re: Professional credentials for Body Structure and Functions instructor Dr. Barry Janoff may only teach Anatomy and Physiology, Medical Terminology, and courses not integrated into Nursing.

New Jersey Commission on Higher Education
Re: FYI: Regular Monthly meeting May 18, 2007

Discussion:

a. The Committee continues to work on a letter to be sent to Nursing School Administrators regarding Post Partum Depression and Genetics and Genomics.

Plans to review re-accreditation submissions
The Committee agreed to review one (1) re-accreditation submission per meeting.

Number of school appearances

The Committee agreed to meet one (1) school appearance per meeting; or two (2), if no re-accreditation submissions are scheduled.

Sara Torres reported: Session II of the June 19, 2007 Meeting Report:

New Program Application

a. Berkel Training Institute Inc.

The Education Committee reviewed Berkel Training Institute Inc. Part I application submission and met with representatives from the program. Based on its review, the application requires extensive revision, the Committee requested the school submit a new Part I application.

b. L.A.I.N.E.

The Education Committee reviewed L.A.I.N.E. Part I application submission and met with representatives from the program. Based on its review, the application requires extensive revision, the Committee requested the school submit a new Part I application.

c. Metropolitan Learning Institute

The Education Committee reviewed Metropolitan Learning Institute's Part II application submission and met with representatives from the program. Based on its review the Committee requested revision/clarification, which was received and reviewed. A joint site visit will be made with the Department of Labor and Workforce and The Department of Education.

After discussion the Board, upon a motion made by Constance Wilson and duly seconded by Irma Lupia, voted to approve Sessions I and II of the Education Committee Report of June 19, 2007. The motion carried.

2. REGULATION COMMITTEE:

Noreen D'Angelo reported on:

1. Old Business:

1. N.J.A.C. 13:37-1.2 (e) and (b) Amendments to application for establishment of a new program in nursing:

The Committee discussed the proposed language for amendments to N.J.A.C. 13:37-1.2 (e) and (b).

2. N.J.A.C. 13:37-2.3 Evaluation Service Rule for Foreign Educated Nurses:

The Committee tabled this issue for further information as follows:

Carol Dunning will obtain additional information concerning the regulations of HomeLand Security regarding English language proficiency.

b. Dr. Sarah Torres' feedback will be obtained concerning the use of WES for testing of transcript evaluation.

Subchapter 7. Practice Rules for Advanced Practice Nurses:

The Committee discussed the need for Board of Nursing Regulations regarding Corporate Practice and Advertising. The Committee agreed that additional information is needed as follows:

Board Staff will contact the National Council of State Boards of Nursing to determine whether data are available from other State Boards of Nursing concerning regulations pertaining to Corporate Practice and Advertising.

The Staff will gather this information for the next available Committee Meeting.

After reviewing information on regulations from other State Boards of Nursing on Corporate Practice and Advertising, the Committee will seek input on these issues from the Forum of nurses in Advanced Practice of the New Jersey State Nurses Association.

3. N.J.A.C 13:37-1.2 Time Frame for Validity of Accreditation Application Rule:

The Committee discussed the proposed amendments in N.J.A.C. 13:37-1.2 (d) and (e) wherein an educational institution which is denied Board approval to establish a new nursing program shall not be permitted to re-apply to establish a new nursing program for one year from the date of Board denial.

Schools will also be required to include signed clinical agency contracts with part II of their program proposals. Charles Manning will draft regulatory language for review at the next available Committee Meeting.

4. N.J.A.C. 13:37-9.2 and 9.4 FN-CSA Pediatric Rule:

Charles Manning updated the Committee on amendments in N.J.A.C. 13:37-9.2 and 9.4 permitting Forensic

Nurse Certified Sexual Assault (FN–CSA) to perform pediatric sexual assault examinations. Rutgers, The State University of New Jersey, College of Nursing Continuing Education Department, will offer continuing education on pediatric sexual assault examinations for FN-CSA’s who have not completed this content in their certification programs.

A future meeting will be convened with the FN-CSA Coordinators to discuss the amended regulations.

5. N.J.A.C. 13:37-5.8, 5.9, 5.10, and 5.11 Mandatory Reporting of Unlawful Conduct, Self-Reporting, Chief Nurse Executives and Duty to Produce Licenses:

The Committee reviewed a report on Mandatory Reporting of Unlawful Conduct submitted by Deputy Attorney General, Susan Carboni. The Committee requested that Charles Manning obtain feedback from the Division of Consumer Affairs (the Division) on the necessity of the Board of Nursing establishing a rule on Mandatory Reporting, and whether the Division will formulate a generic Mandatory Reporting rule that applies to all regulatory Boards within the Division considering the requirements of Public Law 2005, Chapter 83, the “Health Care Professional Responsibility and Reporting Enhancement Act.”

The Committee will seek Board input on whether regulations should be developed requiring Chief Nurse Executives to check all nursing licenses when hiring nurses and after licensing renewal for fraud prevention within their agencies, and on the duty of licenses to produce their nursing license when requested.

After discussion the Board, upon a motion made by Patricia Murphy and duly seconded by Mary Sibley, voted to approve the Regulation Committee Report of June 26, 2007. The motion carried.

NEW BUSINESS:

Charles Manning discussed the following regulation issues:

N.J.A.C. 13:37-1.2, Application for establishment of a new program in nursing

The Board reviewed the recommended revisions to N.J.A.C. 13:37-1.2. (e) and (b) which requires that Practical Nursing Programs, while on provisional accreditation, limit their student admissions to no more than 40 students in each class per calendar year.

After discussion the Board, upon a motion made by Patricia Murphy and duly seconded by Sara Torres, voted to approve the revisions to N.J.A.C. 13:37-1.2. The motion carried.

N.J.A.C. 13:37-5.8, 5.9, 5.10, and 5.11 Mandatory Reporting of Unlawful Conduct, Self-Report, Chief Nurse Executives and Duty to Produce Licenses.

Anyone who is a Chief Nurse Executive must physically check the license of each individual nurse working for him or her every year. In settings that are not govern by the Department of Health and Senior Services must be an individual recognized as a Chief Nurse Executive.

The Committee is seeking clarification from the Board as to whether it is necessary to have those requirements in those settings.

After discussion the Board, upon a motion made by Patricia Murphy and duly seconded by Noreen D’Angelo, voted not to pursue N.J.A.C. 13:37-5.10. The motion carried.

The Board discussed whether licensees should be required to have his or her license available for inspection.

After discussion the Board, upon a motion made by Karen Rodriguez and duly seconded by Sara Torres, voted not to pursue licensees having to produce his or her license upon inspection. The motion carried.

Letter from Lincoln Educational Services regarding the relocation of its program to Edison and Paramus. The

Committee will schedule a site visit to the new locations.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Constance Wilson, voted to approve the two new locations for Lincoln Educational Services. The motion carried.

OPEN FORUM:

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

Andrea Aughenbaugh, CEO, New Jersey State Nurses Association, thanked George J. Hebert for his role in moving along the MOU for RAMP. Ms. Aughenbaugh requested clarification on the verification of licensure and whether using the Internet is a good source of verification.

Dr. Ray Abdullah commented on the concerns regarding the nursing care his father received at a hospital. Dr. Abdullah is waiting on Board action regarding his complaint against the nurses that cared for his father.

After discussion the Board, upon a motion made by Sara Torres and duly seconded by Karen Rodriguez, voted to go into closed session to discuss complaints against nursing programs. The motion carried.

ADJOURNMENT:

On July 6, 2007 the Regular Open Board Meeting was adjourned at 10:35 a.m. The next Open Business Meeting will be held on September 18, 2007.

After discussion the Board, upon a motion made by Irma Lupia and duly seconded Karen Rodriguez, voted to adjourn the Regular Open Board meeting of July 6, 2007 at 1:30 p.m. The motion carried.

Respectfully Submitted,

Noreen D'Angelo
Board Secretary/Treasurer