

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
JULY 19, 2005**

A meeting of the New Jersey State Board of Nursing was held on July 19, 2005 in the Hudson Conference Room, 6th Floor, 124 Halsey Street, Newark, New Jersey. Maris A. Lown, Board President, called the meeting to order at 9:35 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Noreen D' Angelo
Maris Lown
Ronald H. Carr
Virginia McKenney
Leo-Felix Jurado
Karen Rodriguez
Margaret M. Kirchhoff
Cecilia West

ALSO PRESENT:

George J. Hebert, Executive Director, New Jersey Board of Nursing
Barbara Byers, Administrative Analyst
Carol Onajide, Education Program Development Specialist
Darlene Lapola, Deputy Attorney General
Paula Alvarez, Deputy Attorney General
Charles Manning, Regulatory Analyst

BOARD MEMBER (S) NOT PRESENT:

Sylvia C. Edge
Nelson Tuazon
Muriel M. 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 3, 2005. A schedule of all 2005 Regular Open Board Meetings to be held during 2005 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.

A reading and approval of the July 19, 2005 Regular Board Meeting Agenda.

After discussion the Board, upon a motion made by Virginia McKenney and duly seconded by Cecilia West, voted to approve the Regular Board Meeting Agenda of June 21, 2005. The motion carried.

A reading and approval of the Open Regular Board Meeting Minutes of June 21, 2005 with amendments:

Typographical revisions

After discussion the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Cecilia West, voted to approve the Regular Board Meeting Minutes of June 21, 2005 as amended. The motion carried.

REPORT OF THE BOARD PRESIDENT – MARIS A. LOWN:

Maris Lown reported on the following:

Three articles, which she distributed, were 1) Licensure Discipline: A Challenge for Boards of Nursing and Nurses, 2) Professional Misconduct and Professional Discipline, and 3) College's Victory in Accreditation Lawsuit Could Spur Changes in the process.

An e-mail from Sandra Dick, Section Chief, Division of Law regarding the Mandatory Reporting Requirements.

A memo from Anthony Miragliotta, Deputy Director, requesting all Board members to review and sign the Policy and Procedures Prohibiting Discrimination and EEO/AA Policy Statement. The Policy and Procedures are to be returned to George Hebert.

A letter of resignation received from Veronica McGreevey for her position as a Registered Professional Nurse Board member.

George Hebert will be sending to each Board member a copy of the report from the Governor's Advisory Committee.

Maris Lown and four (4) other Board members attended a Nurse Leadership Meeting on June 23, 2005 with the New Jersey FAAN to discuss issues regarding Advanced Practice Nurses and Delegation of Administration of Medication to UAPs.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported on:

Renewal Statistics - At this time last year July, 2004, the Board had 92.66% nursing licensees renew their licenses. During July, 2005 the Board had 91.53% nursing licensees renew their licenses. Of the 91.53%, 60% have renewed using the paper system and 31% renewed online.

For the month of June, 2005, the volume for the office staff dealing with applications were 5,430 interactions and dealing with emails, telephone calls and other forms of inquiries the Board received 13,105. For June 2005 the total numbers of licensing applications were 20,754 and 50,000 interactions dealing with telephone calls and emails.

For the CHHAs area for the month of June were 419 initial applications and of those 376 were cleared. There were 63 reinstatement applications of which 61 were cleared. There were 13 endorsement applications of which 11 were cleared. There were 2 Flagging files and 57 were cleared from previous files.

Approval for attendance – Leo-Felix Jurado and Carol Onajide to attend a meeting on July 28, 2005 with the representatives from the Department of Education and the Department of Labor and Workforce Development.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Margaret M. Kirchhoff, voted to approve the appearances of the Board Member and Staff for the above meeting. The motion carried.

CORRESPONDENCES:

1. Board of Medical Examiners Minutes for July 13, 2005.

Memo dated June 20, 2005 from the Council on Accreditation regarding Report of Actions.

3. Memo dated June 6, 2005 from Anthony Miragliotta regarding proposed new rule: N.J.A.C. 13:37-5.3, N.J.A.C. 13:37-5.4, Continuing Education.

4. Memo dated June 6, 2005 from Anthony Miragliotta regarding proposed amendments: N.J.A.C. 13:37-2.3 and 5.5, Application Requirements: Graduates of Foreign Nursing Programs, Fee Schedule.

Memo dated June 2, 2005 from Ronald L. Bollheimer, Supervisor, Legal and Legislative Affairs regarding proposed amendments at N.J.A.C. 10A:10-1.1 through 1-4, 5.4 and 6.7 and New Rules at N.J.A.C. 10A-7, Notification of Foreign Consuls when Foreign Nationals are imprisoned.

6. Article - College's Victory in Accreditation Lawsuit Could Spur Changes in the process.

COMMITTEE REPORTS:

1. BUDGET & FINANCE: - Muriel M. Shore, Chairperson

No report.

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

Leo- Felix Jurado reported: Session I - July 11, 2005 meeting.

Correspondence:

May 15, 2005 – Letter from Dr. Jennifer Butlin, Director, CCNE

Re: FYI, action notification, Monmouth University received accreditation for the baccalaureate and master's programs. William Paterson University received accreditation for the master's program. (The baccalaureate program was previously accredited.)

b. June 2, 2005 – Letter from Donna J. Stankiewicz, MSN, RN, Director, Bayonne Medical Center School of Nursing

Re: FYI, notification that Ms. Stankiewicz will resign as Director, effective June 24, 2005.

c. June 3, 2005 – Letter from Dorothy M. Letizia, EdD, MSN, RN, Dean, Our Lady of Lourdes School of Nursing

Re: FYI, notification that Our Lady of Lourdes School of Nursing will be moving to a new address as of June 29, 2005

June 10, 2005 – Letter from Marie Bontemps, Program Director, Comtrain Institute

Re: FYI, notification that Comtrain Institute is in the process of changing its school name to Sphere of Health Institute.

June 13, 2005 – Letter from Beth A. Perkins, MSN, RN, Director of Nursing Education, Mercer County Community College

Re: FYI, notification that Ms. Perkins will resign as Director, effective June 30, 2005. Ms. Linda Martin has been appointed to the position, effective July 1, 2005.

May 27, 2005 – Letter from Ms. Danie Sandi, MSN, RN, Director, Merit Technical Institute

Re: Requesting permission to conduct some clinical rotations at hospitals in New York.

June 22, 2005 – Email from Barbara L. Nichols, DHL, MS, RN, FAAN, Chief Executive Officer, NCSBN

Re: FYI, NCSBN letter on SB 2064

June 2, 2005 – Letter from Sandra Opdahl, MS, RN, Assistant Executive Administrator, Continuing Nursing Education Network (CNE-Net)

Re: FYI, results of the 2004 participant evaluations for the RN and LPN refresher courses offered by CNE-Net.

June 29, 2005 – Letter from Linda J. Shinn, MBA, RN, CAE, Principal, Consensus Management Group (CMG)

Re: FYI, a search for the position of Director of Assessment for the Commission on Graduates of Foreign Nursing Schools (CGFNS).

Pamphlet from the Educational Resources Incorporated

Re: FYI, summer 2005 promotions on Nurse Entrance Test (NET) Material.

News article written by Burton Bollag

Re: FYI, College's victory in accreditation lawsuit could spur changes in process.

Accreditation Self Study Review:

a. College of Saint Elizabeth

The Education Committee reviewed the submitted documentation regarding student malpractice insurance and found The College of Saint Elizabeth to be in compliance with N.J.A.C.13:37-1.11 (a) 6. The College of Saint Elizabeth has thereby submitted all requested additional materials.

Bergen Community College

Bergen Community College submitted a copy of a sample contract which is in compliance with N.J.A.C.13:37 (b) 1-6. Bergen Community College has thereby submitted all requested additional materials.

Schools of Nursing Annual Report

The committee discussed information presented regarding a meeting at the New Jersey Collaborating Center for Nursing (NJCCN) with the National League for Nursing (NLN) attended by Maris Lown, George Hebert and Carol Onajide. The NLN would like to develop an alliance with the NJCCN and the New Jersey Board of Nursing to collect survey data from the Schools of Nursing in New Jersey, which would be included in The National Nursing Education Database (NNED). Collection of data by the NLN would decrease the number of surveys to be completed by nursing program administrators. The NNED would eliminate the need for the NJ Board of Nursing Annual Report, the Association of Community Colleges, and the NLN surveys. The NLN survey would help to provide crisp data for nursing education research. In addition the NLN will provide a mechanism for extensive analysis of the data and report on the data in the "Nursing Data Review" publication.

Leo- Felix Jurado reported: Session II - July 11, 2005 meeting.

New Program Application Appearance

American Institute of Medical Science & Education, Part I Proposal for Development of a new Practical Nursing Program (N.J.A.C. 13:37-1.2)

The Committee reviewed part I of American Institute of Medical Sciences & Education's proposal for development of a PN program. The committee directed the school to remove "Coming Soon Licensed Practical Nurse (LPN)" from the Programs Offering Section of their web site and directed a letter be sent to American Institute of Medical Sciences & Education requesting that it revise its application to reflect the following recommendations:

The Committee requested the following be submitted:

N.J.A.C. 13:37-1.2 (a) 2, The philosophy, organizing framework, objectives and outcomes of the program in accordance with N.J.A.C. 13:37-1.5. N.J.A.C. 13:37-1.2 (a) 3, Evidence of financial resources adequate for the planning, implementation and continuation of the program, including a projected five year budget specifically for

the PN program. N.J.A.C. 13:37-1.2 (a) 4, A table of organization was provided however, written clarification is requested regarding the lines of authority and administrative structure for the practical nurse program. N.J.A.C. 13:37-1.2 (a) 6, A letter from the chief executive officer which reflects that he or she has secured initial and continued financial support for the program is to be submitted.

Omega Institute, Part I Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2)

The Committee reviewed part I of Omega Institute's proposal for development of a PN program and directed a letter be sent to Omega Institute requesting that it revise its application to reflect the following recommendations and submit the revisions for the next available Committee meeting:

The Committee requested the following be submitted:

N.J.A.C. 13:37-1.2 (a) 2, Outcomes for the program. N.J.A.C. 13:37-1.2 (a) 3, Revision of the proposed budget to better reflect sources of income and costs for running the program.

N.J.A.C. 13:37-1.2 (a) 4, Written description of the lines of authority of the Director of the Practical Nursing Program.

St. Peter's College, Part I Proposal for Development of a new Generic Baccalaureate Nursing Program, (N.J.A.C. 13:37-1.2)

After discussion the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Cecilia West, voted that the preliminary application of St. Peter's College, for the establishment of a new generic baccalaureate nursing program be granted, in order to permit St. Peter's to pursue development of part II of their generic baccalaureate nursing program. The motion carried.

Salem Community College, Part II Proposal for Development of a new Associate Degree Nursing Program, (N.J.A.C. 13:37-1.2).

After discussion the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Noreen D'Angelo, voted that the preliminary application of Salem Community College, for the establishment of an associate degree in nursing program be approved and the Salem Community College Associate Degree Nursing Program be granted provisional accreditation. A site visit was conducted on June 30, 2005 with one directive to be completed within 60 days of that date:

N.J.A.C. 13:37-1.2 (e) 5, Establish a weeding policy, update library holdings and eliminate all outdated holdings. The motion carried.

Dover Business College, Part II Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2).

A two-day site visit was conducted on July 7, 2005 at the Paramus Campus and July 8, 2005 at the Dover Campus.

After discussion, The Board, upon a motion made by Leo-Felix Jurado and duly seconded by Cecilia West, voted that the preliminary application for Dover Business College, for the establishment of a new practical nursing program be approved and that the Dover Business College be granted provisional accreditation. The motion carried.

America Health Care, Inc., Part II Proposal for Development of a new Practical Nursing Program, (N.J.A.C. 13:37-1.2).

A site visit was conducted on July 5, 2005.

After discussion the Board, upon a motion made by Leo-Felix Jurado and duly seconded by Cecilia West, voted that the preliminary application of America Health Care Inc., for the establishment of a new practical nursing program be granted provisional accreditation, with the condition that America Health Care, Inc., receives the NJ Department of Education and NJ Department of Labor and Workforce Development approval. The motion carried.

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Noreen D'Angelo, voted to approve Session I and Session II of the Education Committee Meeting Report of July 11, 2005. The motion carried.

3. LEGISLATION COMMITTEE: - Ronald H. Carr, Chairman

The committee asked for ratification of its decision on Assembly Bill 4080, but the motion was not carried.

Assembly Bill 4080 – Caps on noneconomic damages in medical malpractice actions arising from emergency care at \$250,000. Position – Non-support: This bill does not address the concerns about higher malpractice rates for all health care professionals. This bill should not include physical disabilities or impairment as noneconomic damages. Professionals acting within their scope of employment in a licensed health care facility should be required to provide proper care and be liable for malpractice. This bill only addresses emergency services in a licensed health care facility.

4. PRACTICE COMMITTEE: - Cecilia West, Chairperson

The committee is piloting a new approach and will be meeting quarterly. The next meeting will be held on September 13, 2005.

5. REGULATION COMMITTEE: Muriel M. Shore, Chairperson

No report.

OPEN FORUM:

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

Josephine Sienkiewicz, Director of Education and Clinical Practice of New Jersey Home Health Assembly, inquired about whether the online renewal process will be offered to Certified Homemaker Home Health Aides.

Carolyn Torre, Director of Practice, New Jersey State Nurses Association, commented about the new prescription pads for APNs and questioned the date that the letter will be mailed notifying the APNs about the use of the new prescription pads in ordering controlled dangerous substances.

Dr. Yemi, America Health Care Inc., expressed concerns regarding the accreditation status of the program. It was clarified that the program has been granted provisional accreditation by the Board, pending a site visit and approval by the NJ Department of Education and the NJ Department of Labor and Workforce Development.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Margaret M. Kirchhoff, voted to go into closed session for the purpose of discussing nursing practice issues. The motion carried.

After Discussion of the closed session items, the Board upon a motion made by Karen Rodriguez and duly seconded by Margaret Kirchhoff, voted to go into Open Session. The Motion Carried.

OPEN SESSION RESUMED

PRACTICE COMMITTEE:

Cecilia West reported on the letter that is to be mailed out to all APNs:

Dear Advanced Practice Nurse:

Recent amendments to N.J.S.A. 45:11-49 permit an Advanced Practice Nurse to issue initial prescriptions for controlled dangerous substances (CDS) provided that the Advanced Practice Nurse:

1. Completes six (6) contact hours of continuing professional education in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management; and 2. Has a joint protocol with a collaborating physician addressing the initiation of an order of controlled dangerous substances.

The approved New Jersey prescription blank vendors have completed the revisions to the prescription blanks to reflect the changes set forth in N.J.S.A. 45:14-40 et seq. These new prescription blanks are available for distribution.

An Advanced Practice Nurse who has completed six (6) contact hours, described above, may now utilize the new prescription blanks for prescribing, including the initiation of controlled dangerous substances, provided that the Advanced Practice Nurse has a joint protocol with a collaborating physician addressing the initiation of an order of controlled dangerous substances.

An Advanced Practice Nurse who has not completed six (6) contact hours, as described above, is required to write or stamp on the face of the new prescription blanks, one of the following terms: “reissue,” “dosage change,” or “N.J.S.A. 45:11-49c(1)(b)” (for a patient in an end-of-life situation or as part of a treatment plan for a patient with a terminal illness). The previous prescription blanks that contain the same terms, referenced above, may still be utilized.

The New Jersey Board of Nursing has approved regulations regarding Advanced Practice Nursing, including the issuance of initial prescriptions for controlled dangerous substances by Advanced Practice Nurses. Within six (6) months of the adoption date of these proposed regulations, every Advanced Practice Nurse will be required to complete the six (6) contact hours described above. Further requirements will be more fully set forth in the Board’s regulatory proposal, which is to be published in the NJ Register in the near future.

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Noreen D’Angelo, voted to approve the contents of the above letter and the advisory be sent to all APNs. The motion carried.

CRNA Statement

The Board has drafted a statement in response to the Supreme Court ruling:

The Supreme Court of New Jersey upheld the validity of the regulations proposed by the New Jersey Board of Medical Examiners to require that physicians offering anesthesia services in their offices, as well as those offering the administration of anesthesia in an office setting, possess certain criteria. The regulatory proposal will have an impact on CRNA practice.

The New Jersey Board of Nursing has approved regulations which will recognize all CRNA’s as Advanced Practice Nurses, provided that the Advanced Practice Nurse (with a specialty in anesthesia) has a joint protocol with a collaborating physician and has completed six (6) contact hours of continuing professional education in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management. Other requirements will be more fully set forth in the Board of Nursing’s regulatory proposal, which is to be published in the near future.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Karen Rodriguez, voted to go into closed session for the purpose of discussing disciplinary matters. The motion carried.

After discussion the Board, upon a motion made by Karen Rodriguez and duly seconded by Margaret Kirchhoff, voted to go into open session to adjourn the meeting. The motion carried.

ADJOURNMENT:

On July 19, 2005 the Regular Open Business Board Meeting was adjourned at 1:25 p.m. The next Regular Open Business Meeting will be held on September 20, 2005.

After discussion, the Board upon a motion made by Cecilia West and duly seconded by Ronald H. Carr, voted to adjourn the regular board meeting of July 19, 2005 at 1:25 p.m. The motion carried.

Respectfully Submitted,

Maris Lown
Board President