

**NEW JERSEY STATE BOARD OF NURSING
MINUTES
REGULAR OPEN BOARD MEETING
OCTOBER 18, 2005**

A meeting of the New Jersey State Board of Nursing was held on October 18, 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 9:40 a.m.

ROLL CALL

BOARD MEMBERS PRESENT:

Ronald H. Carr
Muriel M. Shore
Margaret M. Kirchhoff
Nelson Tuazon
Maris A. Lown
Cecilia West
Virginia McKenney
Karen Rodriguez

ALSO PRESENT:

George J. Hebert, Executive Director
Barbara Byers, Administrative Analyst
Carol Onajide, Education Program Development Specialist
Karen Moosvi, Assistant Executive Director
Kathryn Schwed, Deputy Attorney General
Paula Alvarez, Deputy Attorney General
Darlene Lapola, Deputy Attorney General
Charles Manning, Regulatory Analyst (for limited purposes)

BOARD MEMBER(S) EXCUSED ABSENCE:

Noreen D'Angelo
Sylvia C. Edge
Leo-Felix Jurado

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.

Open Regular Board Meeting Agenda of October 18, 2005: Reading and Approval with amendments:

Disciplinary Matters – add to the closed session. Recommendations from the October 7, 2005 Disciplinary Committee Meeting to be ratified. Open Default Hearing.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Cecilia West, voted to approve the Regular Board Meeting Agenda of October 18, 2005 as amended. The motion carried.

Open Regular Board Meeting Minutes of September 20, 2005: Reading and Approval.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Ronald H. Carr, voted to approve the Regular Board Meeting Minutes of September 20, 2005. The motion carried.

REPORT OF THE BOARD PRESIDENT – MARIS A. LOWN:

Maris Lown reported that:

The Board of Nursing Annual Meeting will be held on December 2, 2005 at the Woodbridge Hilton, Iselin, NJ and the guest speaker will be Rosemary Gibson, author of “Wall of Silence” and a graduate of Georgetown University. The registration form-flyers were distributed to Board members and guests.

REPORT OF THE EXECUTIVE DIRECTOR – GEORGE HEBERT:

George Hebert reported that:

During September 2005, the Board received 924 licensing applications and processed 1,128 applications. The Board received 251 reinstatement applications and approved 219. The Board issued 1,110 licenses.

A notice was mailed by the Reporting Unit of the Division of Consumer Affairs to nurses with a license expiring in 2007, informing them that a Criminal History Background Check is required prior to their next license renewal.

The Board received 101 responses to the APN 2003-2005 biennial continuing education audit.

The Duty To Cooperate regulations N.J.A.C. 13:45C are due for review, and re-adoption. Copies of the proposal was distributed to Board members for their review and comments prior to November 5, 2005.

Maris Lown requested approval to attend the Philippine Nurses Association Annual Meeting on October 22, 2005.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted to approve the appearance of the Board President for the above meeting. The motion carried.

CORRESPONDENCE: 1. A correspondence was received regarding the “Hurricane Katrina Vouchers”

2. September 16, 2005 - A thank you letter from C. Alicia George, EdD, RN, FAAN, President and Barbara L. Nichols, DHL, MS, RN, FAAN, Chief Executive Director, Commission on Graduates of Foreign Nursing Schools, regarding the National Council State Boards of Nursing Delegate Assembly Dinner.

3. September 27, 2005 – Agenda and Minutes from the Occupational Therapy Advisory Council Meeting

COMMITTEE REPORTS:

BUDGET & FINANCE: - Muriel M. Shore, Chairperson

There was no report.

EDUCATION COMMITTEE: - Leo-Felix Jurado, Chairman

Carol Onajide reported:

The Education Committee will meet on Thursday, October 27, 2005. The New Deans and Director’s Orientation will be held on Thursday, November 3, 2005. Reserve closed session item regarding pending investigations.

LEGISLATION COMMITTEE: - Ronald H. Carr, Chairman

Ronald H. Carr reported:

Senate Bill 2753 – Clarifies law concerning the emergency administration of epinephrine to students for anaphylaxis, increase number of delegates trained to administer epinephrine, and requires plan to reduce student exposure to allergens.

The committee supports this bill with the following comments:

A Health Officer or Healthcare Professional should be involved in the development of policies and procedures governing the administration of epinephrine. It does not address the availability of medication in the classroom and during extra curricula activities.

It should address who supplies the medications; such as a school employee or a parent.

Wherever physicians are cited in the regulation, Advanced Practice Nurses (APNs) should also be included.

It does not identify how trained personnel to student ratios will be established as well as the proximity of the trained personnel and medications to the students; and; The Legislative initiative is silent concerning individuals who are not known to have documented allergies, but many in fact be allergic and may require this intervention, need to be address.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted to approve the recommendations of the Legislation Committee. The motion carried.

PRACTICE COMMITTEE: - Cecilia West, Chairperson

Cecilia West report:

The committee met on September 13, 2005 to discuss the following issues:

Issue: Nurses Performing Microdermabrasion Procedure

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Karen Rodriguez, voted to send a letter to Irene Allen referring her to the New Jersey Board of Nursing Algorithm for Determining Scope of Practice and clarifying that the Board's regulations do not preclude Registered Nurses from performing the microdermabrasion procedure. The motion carried.

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Margaret M. Kirchhoff, voted that a letter be developed wherein the Board's staff can respond to broad nursing practice questions referring nurses to the Algorithm for Determining Scope of Practice and clarifying that the nurse must have the knowledge and clinical skills to competently perform the procedure. The motion carried.

Issue: Role of Registered Nurses in Reading X-Rays for PICC Line Placement, Removing Triple Lumen Catheters, Chest Tubes, Epidural Catheters and Delegating Respiratory Tasks to UAP's

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted that Registered Professional Nurses inquiring about the practice issues of reading x-rays for PICC line placement; removing triple lumen catheters, chest tubes and epidural catheters; and delegating respiratory therapy tasks to UAP's be referred to the Board of Nursing Algorithm for Determining Scope of Practice and Making Delegation Decisions. Registered Nurses need to be informed that the Board of Nursing does not have regulations prohibiting the performance of these tasks, and that they must be competent to perform the tasks. The motion carried.

Katrina: Is New Jersey Ready to Help?

The Committee discussed the issue of licensure by endorsement of nurses from the hurricane areas. The Board has received several applications for licensure by endorsement, and the criminal history background check

process is being expedited for these licensure applicants. In addition Barbara Byers attended a meeting held by the New Jersey Department of Health and Senior Services on September 9, 2005 regarding Emergency Preparedness in New Jersey.

Correspondence:

July 27, 2005- Letter from Lennie P. Seaman, APRN, BC, MSN, Nursing Administrator of Psychiatric Services, Trenton Psychiatric Hospital, West Trenton, N.J. Re: Response to the Board= letter requesting clarification on the use of the title A Clinical Nurse Specialist, @ at Trenton Psychiatric Hospital.

The committee received the response letter and report from Lennie Seaman, APRN, BC, MSN, Nursing Administrator, Psychiatric Services of Trenton Psychiatric Hospital, clarifying that the hospital does not employ A Clinical Nurse Specialists, @ as Advanced Practice Nurses. Clinical Specialist in Psychiatric Nursing is a Civil Service title under Federal System.

July 22, 2005-Letter from Maryann Kuras, R.N., regarding the Policy and Procedure for Medication Administration at the Monmouth County Tuberculosis Control Office.

The Committee received a response letter from Maryann Kuras, Head Clinic Nurse, Monmouth County Tuberculosis Clinic, clarifying their policy and procedure for obtaining valid orders for medication administration.

Issue: Administration of Diastat in the School Setting.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted that this issue be reviewed with the New Jersey Board of Medical Examiners and discussed with Celeste Andriot Wood, Assistant Commissioner of the New Jersey Department of Health and Senior Services. The motion carried.

Issue: Supervision of Medical Assistants by Physicians

2005-Letter from Kevin Korsgaard, RN, regarding practice issue concerns. This issue involves supervision of medical assistants by a physician, and concern that the medical assistant may be over stepping their practice boundaries. After discussion the Board, upon a motion made by Cecilia West and duly seconded by Ronald H. Carr, voted that this issue be referred to the New Jersey Board of Medical Examiners. The motion carried.

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted to approve the report of the Practice Committee. The motion carried.

REGULATION COMMITTEE: Muriel M. Shore, Chairperson

Muriel M. Shore reported:

The committee met on September 27, 2005 to discuss the following issue:

Appearance: Mary Ann Christopher, MSN, RN, FAAN

Re: Education Requirement for Certified Homemaker Home Health Aides

Ms. Christopher presented testimony to the Board of Nursing Regulation Committee. The Visiting Nurse Association of Central Jersey began employing home health aides 25 years ago. On an annual basis, this organization provides over 400,000 hours of home health aide services, and offers four to six training courses.

The Board is looking into revising the core curriculum for home health aides. It was very valuable for Ms. Christopher to appear before the Committee and provide comments about the adequacy of the Board of Nursing Unlicensed Assistive Personnel Core Curriculum used to prepare Homemaker Home Health Aide for their current

role. Ms. Christopher met with her staff prior to the Regulation Committee Meeting, and presented to the Committee expert and thorough testimony.

After discussion the Board, upon a motion made by Cecilia West and duly seconded by Nelson Tuazon, voted to approve the report of the Regulation Committee. The motion carried.

APPEARANCE:

Representatives from the Recovery and Monitoring Program (RAMP): Andrea Augenbaugh, CEO, NJSNA, Linda Parry-Carney, President, NJSNA, Linda Gural, President, Institute for Nursing, and Joanne Cole, Program Director, RAMP.

RAMP was started in January 2003 and is designed to encourage health professionals to seek a recovery program before their impairment harms a patient or damages their careers through a disciplinary action. Housed in the Institute for Nursing, it is one of the services available to nurses and other health care professionals in New Jersey experiencing problems with an impairment.

RAMP is a comprehensive, structured plan for recovery and monitoring that promotes public protection, safe practice and health. It is a statistically sound method for dealing with impaired practice.

REGULATION ISSUES:

Charles Manning discussed the following issues:

1. N.J.A.C. 13:37-5.3, Continuing Education Rules

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Ronald H. Carr, voted to approve the comments, responses and revisions to the Continuing Education rules for adoption. The motion carried.

N.J.A.C. 13:37-2.3, Foreign Educated Nurse Application Rules

After discussion the Board, upon a motion made by Muriel M. Shore and duly seconded by Nelson Tuazon, voted to approve the revisions to the Foreign Educated Nurse Application rules for adoption. The motion carried.

N.J.A.C. 13:37-16.13, Massage, Bodywork and Somatic Therapy Advertising Rule

After discussion the Board, upon a motion made by Nelson Tuazon and duly seconded by Ronald H. Carr, voted to approve the revisions to the Massage, Bodywork and Somatic Therapy Advertising rule. The motion carried.

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 providing information on the criminal history background check in their newsletter to alert the nursing industry. Ms. Sienkiewicz expressed concerns that it should not be a problem for state agencies to share information about individuals, in order to keep costs down for the individual who is going through the criminal history background check.

Default Hearing- Virginia Webb

The Board received and reviewed information regarding professional misconduct allegations for Virginia Webb. As a preliminary matter, the Board was presented with evidence marked S1 through S5, which was offered to demonstrate that Ms. Webb had been properly served.

After discussion, upon a motion made by Ronald H. Carr and duly seconded by Nelson Tuazon, the Board voted to accept S1 through S5 into evidence and to find that Virginia Webb received proper notice of these proceedings. The motion carried.

Following the issue of service, the Board reviewed and discussed the evidence marked S6 through S19, which was offered by the Prosecuting DAG, Ledra Horowitz, to support the allegations of professional misconduct made in the complaint. Ms. Horowitz explained the evidence and answered any questions regarding same from the Board.

Upon a thorough review and discussion of the evidence, and upon a motion made by Cecelia West, and duly seconded by Virginia McKenney, the Board voted to accept S6 through S19 into evidence and to find that the allegations made in the complaint were sustained by the evidence presented in this hearing. The motion carried.

The Board went into closed session for penalty deliberations

After discussion, upon a motion made by Ronald H. Carr and duly seconded by Cecilia West, the Board voted to go into closed session for deliberations regarding the penalty to be assessed to Ms. Webb for the instant disciplinary matter. The motion carried.

After deliberations were concluded in closed session, and upon a motion made by Cecelia West and duly seconded by Nelson Tuazon, the Board voted to go into open session. The motion carried.

Penalty

After discussion, upon a motion made by Nelson Tuazon and duly seconded by Cecilia West, the Board voted to issue a two (2) year active suspension and an assessment of costs in the amount of \$7,277.77, permitting her to make monthly payments of \$200.00 per month, with the condition that Ms. Webb may apply for reinstatement after the suspension period has finished provided that she supply proof of sufficient rehabilitation. The motion carried.

The Board thereafter discussed the penalty to be assessed to Virginia Webb. Upon a motion made by Nelson Tuazon, and duly seconded by Cecilia West, the Board voted to discipline Ms. Webb

After discussion, the Board, upon a motion made by Cecelia West and duly seconded by Nelson Tuazon, voted to go into open session. The motion carried.

RATIFICATION: (Prior business from lack of quorum was concluded)

From the October 7, 2005 Disciplinary Meeting:

Referrals from the Criminal History Review Unit: A motion made by Cecilia West and duly seconded by Ronald H. Carr. Tyian Taylor – Disciplinary Matter: A motion made by Nelson Tuazon and duly seconded by Cecilia West. Open minutes of September 9, 2005: A motion made by Ronald H. Carr and duly seconded by Nelson Tuazon.

After discussion the Board, upon a motion made by Nelson Tuazon and duly seconded by Margaret M. Kirchhoff, voted to go into closed session. The motion carried.

ADJOURNMENT:

On October 18, 2005, the Executive Session Meeting was adjourned at 1:45 p.m. The next Regular Open Business Meeting will be held on November 15, 2005.

After discussion the Board, upon a motion made by Ronald H. Carr and duly seconded by Nelson Tuazon, voted to adjourn the regular Board meeting of October 18, 2005 at 1:45 p.m. The motion carried.

Respectfully Submitted,

Muriel M. Shore
Board Secretary/Treasurer w