

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

N.J.S.A. 45:11-24, 45:11-67 and 52:14B-5.1.

Source and Effective Date

R.2005 d.251, effective July 6, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Chapter Expiration Date

Chapter 37, New Jersey Board of Nursing, expires on July 6, 2010.

Chapter Historical Note

Chapter 37, New Jersey Board of Nursing, was adopted as R.1970 d.66, effective June 3, 1970. See: 1 N.J.R. 22(a), 2 N.J.R. 55(e).

Subchapter 13, Nurse Anesthetists, was adopted by R.1984 d.493, effective November 5, 1984. See: 16 N.J.R. 2067(a), 16 N.J.R. 3054(d).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Licensure by Examination for Professional Nurses, Subchapter 3, Licensure by Examination for Practical Nurses, Subchapter 4, Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 6, Nursing Procedures, were readopted as R.1985 d.105, effective March 4, 1985. See: 16 N.J.R. 3179(a), 17 N.J.R. 607(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.1990 d.122, effective January 23, 1990. See: 21 N.J.R. 3854(b), 22 N.J.R. 6631(a).

Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was adopted as R.1994 d.212, effective May 2, 1994. See: 25 N.J.R. 2829(a), 26 N.J.R. 1876(a).

Subchapter 14, Homemaker-Home Health Aides, was adopted as R.1994 d.289, effective June 6, 1994, with N.J.A.C. 13:37-14.10, Competency examination, operative December 6, 1994. See: 25 N.J.R. 1950(a), 25 N.J.R. 3704(b), 26 N.J.R. 2293(c).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.1995 d.88, effective January 19, 1995, and Subchapter 2, Licensure by Examination for Professional Nurses, Subchapter 3, Licensure by Examination for Practical Nurses, Subchapter 4, Licensure by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by Endorsement; Professional and Practical Nurses, and Subchapter 5, General Requirements of Licensure; License Renewal; Fee Schedule, were adopted as new rules by R.1995 d.88, effective February 21, 1995. See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.2000 d.55, effective January 13, 2000, and Subchapter 3, Practice as a Graduate Nurse, was repealed by R.2000 d.55, effective February 7, 2000. See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Subchapter 8, Nursing Practice, was adopted by R.2004 d.82, effective February 24, 2004. See: 35 N.J.R. 502(a), 36 N.J.R. 960(a). Subchapter 9, Sexual Assault Nurse Examiner Program, was adopted by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004). See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a). Subchapter 16, Massage, Bodywork and Somatic Therapy Examining Committee, was adopted by R.2004 d.432, effective November 15, 2004. See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).

Chapter 37, New Jersey Board of Nursing, was readopted by R.2005 d.251, effective July 6, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

- 13:37-1.1 Eligibility for accreditation
- 13:37-1.2 Application for establishment of a new program in nursing
- 13:37-1.3 Provisional accreditation
- 13:37-1.4 Maintaining accreditation: organization and administration of a nursing program
- 13:37-1.5 Maintaining accreditation: philosophy, organizing framework, objectives and outcomes
- 13:37-1.6 Maintaining accreditation; qualifications of program administrators
- 13:37-1.7 Maintaining accreditation: faculty qualifications
- 13:37-1.8 Maintaining accreditation: curriculum organization and content
- 13:37-1.9 Maintaining accreditation: required educational and administrative resources
- 13:37-1.10 Maintaining accreditation; clinical agencies
- 13:37-1.11 Maintaining accreditation: criteria for student admission, promotion and completion of the program
- 13:37-1.12 Maintaining accreditation: surveys of nursing programs
- 13:37-1.13 Renewing accreditation
- 13:37-1.14 Waiver of on-site visits for accreditation renewal
- 13:37-1.15 Maintaining accreditation: program recordkeeping and reporting requirements
- 13:37-1.16 Changes to a nursing program
- 13:37-1.17 Conditional accreditation: licensing examination pass rates
- 13:37-1.18 Conditional accreditation: subchapter requirements
- 13:37-1.19 Probation
- 13:37-1.20 Program termination

SUBCHAPTER 2. LICENSURE BY EXAMINATION; REGISTERED PROFESSIONAL AND LICENSED PRACTICAL NURSES

- 13:37-2.1 Eligibility requirements
- 13:37-2.2 Application requirements; professional and practical nurses
- 13:37-2.3 Application requirements; graduates of foreign nursing programs

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

- 13:37-4.1 Eligibility requirements for licensure by endorsement
- 13:37-4.2 Application requirements for licensure by endorsement
- 13:37-4.3 (Reserved)

SUBCHAPTER 5. GENERAL REQUIREMENTS OF LICENSURE; LICENSE RENEWAL; FEE SCHEDULE

- 13:37-5.1 License requirement
- 13:37-5.2 Biennial license renewal
- 13:37-5.3 Continuing education
- 13:37-5.4 Categories of licenses
- 13:37-5.5 Fee schedule
- 13:37-5.6 Responsibilities of licensure
- 13:37-5.7 Notification of change of address
- 13:37-5.8 Reporting of unlawful conduct
- 13:37-5.9 Self-reporting

SUBCHAPTER 6. NURSING PROCEDURES

- 13:37-6.1 Nursing procedures
- 13:37-6.2 Delegation of selected nursing tasks
- 13:37-6.3 Standards for joint protocols between advanced practice nurses and collaborating physicians
- 13:37-6.4 Identification tags

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

- 13:37-7.1 Application for certification
- 13:37-7.2 Educational requirements for certification
- 13:37-7.3 Examination requirements for certification
- 13:37-7.4 Educational and examination certification requirements in the area of OB/GYN and women's health
- 13:37-7.5 Biennial certification renewal
- 13:37-7.6 Prescriptive practice
- 13:37-7.7 Requirements for issuing prescriptions and orders; dispensing medications
- 13:37-7.8 Certification by endorsement
- 13:37-7.9 Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48
- 13:37-7.10 Practice as registered professional nurse
- 13:37-7.11 Categories of advanced practice
- 13:37-7.12 (Reserved)

SUBCHAPTER 8. NURSING PRACTICE

- 13:37-8.1 (Reserved)
- 13:37-8.2 (Reserved)
- 13:37-8.3 Sexual misconduct

SUBCHAPTER 9. FORENSIC NURSE-CERTIFIED SEXUAL ASSAULT PROGRAM

- 13:37-9.1 Purpose and scope
- 13:37-9.2 Definitions
- 13:37-9.3 Application for certification
- 13:37-9.4 Pediatric sexual assault forensic examinations
- 13:37-9.5 FN-CSA education programs
- 13:37-9.6 Clinical education
- 13:37-9.7 Clinical education facilities
- 13:37-9.8 Renewal of certification
- 13:37-9.9 Revocation or suspension of certification
- 13:37-9.10 Endorsement

SUBCHAPTERS 10. THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

- 13:37-13.1 Nurse anesthetist practice
- 13:37-13.2 Practice pending the results of the examination

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

- 13:37-14.1 Purpose and scope
- 13:37-14.2 Definitions
- 13:37-14.3 Duties of a homemaker-home health aide; supervision
- 13:37-14.4 Homemaker-home health aide training program
- 13:37-14.5 Home care and hospice care training programs
- 13:37-14.6 Program sponsor; responsibilities
- 13:37-14.7 Program coordinator; responsibilities
- 13:37-14.8 Program instructor; responsibilities
- 13:37-14.9 Homemaker-home health aides; training program requirement
- 13:37-14.10 Application for certification; documents required
- 13:37-14.11 Competency examination
- 13:37-14.12 Waiver of training program requirement
- 13:37-14.13 Initial certification and renewal
- 13:37-14.14 Certification by endorsement
- 13:37-14.15 Duties and powers of the Board

SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. MASSAGE, BODYWORK AND SOMATIC THERAPY EXAMINING COMMITTEE

- 13:37-16.1 Purpose and scope
- 13:37-16.2 Definitions
- 13:37-16.3 Certification without education or examination
- 13:37-16.4 Application for certification

- 13:37-16.5 Certification without examination based on licensure in another state
- 13:37-16.6 Renewal of certification
- 13:37-16.7 Scope of practice
- 13:37-16.8 Infection control precautions
- 13:37-16.9 Designations for certified persons, prohibitions on uncertified persons
- 13:37-16.10 Display of certification
- 13:37-16.11 Continuing education, programs, standards
- 13:37-16.12 Sexual misconduct
- 13:37-16.13 Advertising and solicitation practices
- 13:37-16.14 Recordkeeping
- 13:37-16.15 Change in address of record or name
- 13:37-16.16 Informed consent

SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

13:37-1.1 Eligibility for accreditation

(a) For purposes of this subchapter, the term "accreditation" shall include the accreditation of professional nursing programs and the approval of practical nursing programs.

(b) The following educational institutions are eligible for accreditation to provide nursing programs:

1. A school, division or department of nursing authorized to operate by its own charter, articles of incorporation or resolution of the governing board of its sponsoring institution; or
2. Degree granting institutions licensed by the New Jersey Commission on Higher Education and accredited by a regional accrediting agency recognized by the United States Department of Education.

(c) The following educational programs, when offered by an institution that meets the requirements of (b) above, shall be considered eligible for accreditation by the Board as nursing programs:

1. Generic doctoral degree programs: For purposes of this subchapter, a generic doctoral degree program means a program conducted by an educational institution with a program in nursing, which leads to a doctoral degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting doctoral degrees;
2. Generic masters degree programs: For purposes of this subchapter, a generic masters degree program means a program conducted by an educational institution with a program in nursing, which leads to a masters degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting masters degrees;

5. Teaching or developing the curriculum for a new course related to nursing in a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course in any educational setting: five hours for each credit taught;

6. Authorship of a published textbook or a chapter of a published textbook related to nursing: 15 hours for each chapter up to 30 hours;

7. Completion of a doctoral dissertation: 30 hours;

8. Authorship of a published article related to nursing, which has been refereed through peer review, in a medical, nursing or health related journal: 15 hours per article up to 30;

9. Presenting a new seminar or lecture to professional peers related to nursing, provided the seminar or lecture is at least one hour long. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that seminar or lecture in any educational setting: one hour for each 50 minutes of presentation;

10. Completion of a research project where the registered professional nurse or licensed practical nurse is a primary or co-investigator and the research project has been approved by an institutional review board: 30 hours;

11. Development of new instructional materials related to nursing such as a compact disc, ROM or videotape: 15 hours up to 30; and

12. Acting as a preceptor for at least 100 hours as part of an organized preceptorship program: 10 hours for the period during which the registered professional nurse or licensed practical nurse acts as a preceptor.

(e) Continuing education hours that could be allocated to more than one of the options in (d) above shall only be counted once and shall not be allocated for more than one option. For instance, a course which could be awarded hours pursuant to (d)4 and 5 above shall only count as a course for either (d)4 or 5, but not both.

(f) The Board may perform audits on randomly selected registered professional nurses and licensed practical nurses to determine compliance with continuing education requirements. A registered professional nurse or licensed practical nurse shall maintain the following documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses: a certificate of completion from the provider;

2. For publication of textbook or article: the published item, including the date of publication;

3. For teaching a course or program or developing curriculum: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from provider confirming that the registered professional nurse or licensed practical nurse developed or taught the course or program;

4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar;

5. For a research project: a copy of the written materials regarding the project which lists the primary or co-investigators;

6. For instructional material: a copy of the instructional materials; and

7. For a preceptorship: documentation maintained pursuant to the organized preceptorship program and a document designating the registered professional nurse or licensed practical nurse as a preceptor.

(g) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A registered professional nurse or licensed practical nurse seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The registered professional nurse or licensed practical nurse shall provide the Board with such supplemental materials as will support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue into the next biennial period, a registered professional nurse or licensed practical nurse shall apply to the Board for the renewal of such waiver for the new biennial period.

(h) The Board may direct or order a registered professional nurse or licensed practical nurse to successfully complete continuing education hours:

1. As part of a disciplinary or remedial measure in addition to the required 30 hours of continuing education; or

2. To correct a deficiency in the registered professional nurse or licensed practical nurse's continuing education requirements.

(i) Any continuing education hours completed by the registered professional nurse or licensed practical nurse in compliance with an order or directive from the Board as set

forth in (h) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

(j) Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2006 shall comply with the requirements of (a) through (e) above commencing with the 2008 renewal of licensure. Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2007 shall comply with the requirements of (a) through (i) above commencing with the 2009 renewal of licensure.

New Rule, R.2006 d.156, effective May 1, 2006. See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).

13:37-5.4 Categories of licenses

(a) Licenses shall be divided into two categories known as "active" and "inactive" licenses. All persons engaged in any type of nursing practice shall have an active license. An individual who is eligible for an active license but who is not engaged in any type of nursing practice may request an inactive license.

(b) Before engaging in nursing practice, a holder of an inactive license shall register with the Board as active and pay the active biennial license fee as set forth at N.J.A.C. 13:37-5.5(a). A licensee who changes status from inactive to active shall submit evidence to the Board that he or she has completed 30 credits of continuing education which meets the requirements of N.J.A.C. 13:37-5.3.

New Rule, R.2000 d.55, effective February 7, 2000. See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.4, Reporting of unlawful conduct, repealed. Amended by R.2006 d.156, effective May 1, 2006. See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).

Designated the former first through third sentences as (a); designated the former last sentence as (b); and added the last sentence in (b).

13:37-5.5 Fee schedule

(a) The following fees shall be charged by the Board in connection with licensure of professional and practical nurses:

- 1. Application fee \$75.00
2. Application fee for graduates of foreign nursing programs..... \$100.00
3. Initial license fee 120.00
4. Application for licensure by endorsement 75.00 plus initial license fee set forth in (a)2 above
5. Verification for endorsement..... 30.00
6. Renewal of license (biennial)
i. Active..... 120.00
ii. Inactive..... 60.00
7. Late license renewal (one to 30 days)..... 50.00 plus the applicable biennial license renewal fee set forth in (a)5 above
8. Lapsed license fee (after 30 days) 100.00 plus the applicable biennial license renewal fee set forth in (a)5 above

- 9. Duplicate license..... 35.00
10. Written verification of licensure 25.00
11. Copy of Nurse Practice Act 5.00

(b) The following fees shall be charged by the Board in connection with certification of homemaker-home health aides:

- 1. Application fee..... \$50.00
2. Program approval fee for each location at which course is offered (annual)..... 250.00
3. Instructor's Manual..... 25.00
4. Student Manual 15.00
5. Initial certification fee
i. If paid during the first year of a biennial renewal period 30.00
ii. If paid during the second year of a biennial renewal period 15.00
6. Renewal of certificate (biennial)..... 30.00
7. Late renewal of certificate (one to 30 days)..... 10.00 plus the certification renewal fee set forth in (b)6 above
8. Lapsed certification fee (after 30 days)..... 20.00 plus the certification renewal fee set forth in (b)6 above
9. Duplicate certificate..... 10.00
10. Application for certification by endorsement..... 30.00 plus the applicable initial certification fee set forth in (b)5 above

(c) The following fees shall be charged by the Board in connection with certification of nurse practitioners/clinical nurse specialists:

- 1. Application fee.....\$100.00
2. Initial certification fee
i. If paid during the first year of a biennial renewal period..... 160.00
ii. If paid during the second year of a biennial renewal period..... 80.00
3. Renewal of certification (biennial)..... 160.00
4. Application for certification by endorsement 100.00 plus the applicable initial certification fee set forth in (c)2 above
5. Late renewal of certificate (one to 30 days) 75.00 plus the certification renewal fee set forth in (c)3 above
6. Lapsed certification fee (after 30 days) 100.00 plus the certification renewal fee set forth in (c)3 above
7. Duplicate certificate 35.00

(d) The following fees shall be charged by the Board in connection with accreditation of nursing programs:

- 1. Initial accreditation application \$1,000
2. Renewal of accreditation without waiver 1,000
3. Renewal of accreditation with waiver 400.00

(e) The following fees shall be charged by the Board in connection with certification of sexual assault nurse examiners:

- 1. Application fee \$100.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period..... 100.00
 - ii. If paid during the second year of a biennial renewal period..... 50.00
- 3. Renewal of certification (biennial) 100.00
- 4. Application for certification by endorsement 100.00
 Plus the applicable initial certification fee set forth in (e)2 above

(f) The following fees shall be charged by the Board in connection with certification of massage, bodywork and somatic therapists:

- 1. Application fee..... \$75.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period..... \$120.00
 - ii. If paid during the second year of a biennial renewal period..... \$60.00
- 3. Renewal of certification \$120.00
- 4. Late certification renewal \$50.00
 Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 5. Lapsed certificate fee..... \$100.00
 Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 6. Continuing education sponsor fee \$100.00
- 7. Duplicate certificate \$35.00
- 8. Inactive license fee (to be established by the Committee by rule)
- 9. Verification of certification for endorsement \$30.00
- 10. Written verification of certification \$25.00

Amended by R.1996 d.127, effective March 4, 1996.
 See: 27 N.J.R. 4496(a), 28 N.J.R. 1394(a).
 Amended by R.1999 d.49, effective February 1, 1999.
 See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
 Rewrote the section.
 Recodified from N.J.A.C. 13:37-5.8 by R.2000 d.55, effective February 7, 2000.
 See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
 Former N.J.A.C. 13:37-5.5, Self-reporting, repealed.
 Amended by R.2003 d.167, effective April 21, 2003.
 See: 34 N.J.R. 1317(a), 35 N.J.R. 1678(a).
 Added (d).
 Amended by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004).
 See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a).
 Added (e).
 Amended by R.2004 d.432, effective November 15, 2004.
 See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).
 Added (f).
 Amended by R.2006 d.117, effective March 20, 2006.
 See: 37 N.J.R. 4179(a), 38 N.J.R. 1461(a).
 In (a), (b) and (c), increased fees throughout; deleted (a)11.
 Amended by R.2006 d.160, effective May 1, 2006.
 See: 37 N.J.R. 1920(a), 38 N.J.R. 1840(a).
 Added new (a)2; recodified former (a)2 through (a)10 as (a)3 through (a)11.
 Administrative correction.
 See: 38 N.J.R. 2834(d).
 Amended by R.2007 d.138, effective May 7, 2007.
 See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).
 Added (f)9 and (f)10.

13:37-5.6 Responsibilities of licensure

A licensee shall be held to the level of practice associated with his or her licensure, either as a registered professional nurse or licensed practical nurse, regardless of his or her employment status. For example, when a registered professional nurse is employed as a licensed practical nurse, he or she will be held to the standards of a registered professional nurse.

New Rule, R.2000 d.55, effective February 7, 2000.
 See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

13:37-9.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2001, c.81, which establishes a Statewide Sexual Assault Nurse Examiner Program and authorized the certification of sexual assault nurse examiners by the Board and the Attorney General.

(b) This subchapter sets forth standards for the education and certification of forensic nurses certified in sexual assault.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (b), substituted "forensic nurses certified in sexual assault" for "sexual assault nurse examiners".

13:37-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adult" means a person who is at least 13 years old.

"Board" means the State Board of Nursing.

"Certification" means the formal process by which education is received and the clinical competency of the FN—CSA is demonstrated.

"Child" means a person who is under 13 years.

"Forensic nurse—certified sexual assault (FN—CSA)" means a registered professional nurse licensed in New Jersey, and specially trained to provide comprehensive care to sexual assault victims, who demonstrates competency in conducting a sexual assault forensic examination and who has successfully completed a course of education as set forth in this subchapter.

"Full-time" means that a person has worked at least 800 hours in one year.

"Medical screening examination" means an examination and evaluation within the capability of a hospital's emergency department, including ancillary services routinely available to the emergency department, performed by qualified personnel pursuant to requirements in N.J.A.C. 8:43G-12, which are necessary to determine whether or not an emergency medical condition exists.

"Sexual assault forensic examination" means an assessment conducted by a physician or a registered professional nurse, consisting of a history and physical examination, medical or nursing diagnosis and intervention, including the collection of evidence.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Rewrote definition "Certification", and added "Forensic nurse—certified sexual assault (FN—CSA)", deleted "Sexual assault nurse examiner (SANE)".

13:37-9.3 Application for certification

(a) To be eligible for certification as a FN—CSA, an applicant must:

1. Hold a current license as a registered professional nurse from the Board;

2. Have worked full-time for at least two years as a registered professional nurse;

3. Have successfully completed a FN—CSA education course approved by the Board and the Director of the Division of Criminal Justice, pursuant to N.J.A.C. 13:37-9.5; and

4. Have successfully completed the FN—CSA clinical requirement pursuant to N.J.A.C. 13:37-9.6 and passed a clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant who attended a FN—CSA education course prior to July 13, 2004 that has not been approved by the Board and the Director of the Division of Criminal Justice shall be eligible for certification if he or she has met the requirements of (a)1, 2 and 4 above and can show that the FN—CSA education course he or she completed would have met the requirements of N.J.A.C. 13:37-9.5.

(c) An applicant for certification as a FN—CSA shall submit, or arrange to have submitted, to the Board:

1. A completed application form which shall include the name, address and telephone number of the applicant;

2. Proof that the applicant has successfully completed a FN—CSA education program, as outlined in N.J.A.C. 13:37-9.5, and the clinical requirements of N.J.A.C. 13:37-9.6 and 9.7(d); and

3. The application fee pursuant to N.J.A.C. 13:37-5.5(d)1.

(d) The Board shall review the application and forward it to the Director of the Division of Criminal Justice, or his or her designee. If both the Board and the Director, or his or her designee, agree that the applicant meets the requirements for certification contained in this subchapter, the Board shall certify the applicant.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Rewrote introductory paragraph (a); and substituted "FN—CSA" for "SANE" throughout the section.

13:37-9.4 Pediatric sexual assault forensic examinations

No FN—CSA shall perform a sexual assault forensic examination on a child.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Substituted "FN—CSA" for "SANE".

13:37-9.5 FN–CSA education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for forensic nurses–certified sexual assault shall submit to the Board an application which shall include:

1. The name and address of the individual, agency or institution seeking approval;
2. Proof that the program has been accredited by the American Nurses Credentialing Center's Commission on Accreditation;
3. An outline of the course curriculum specifying the hours allotted to each topic;
4. An affidavit which indicates that the curriculum is included in the FN–CSA education course;
5. An affidavit that program instructors meet the requirements of (d) below;
6. The names and credentials of all instructors for the program; and
7. The name and credentials of the program administrator.

(b) Upon receipt of an application for course approval, the Board shall forward the application to the Director of the Division of Criminal Justice for review. The Board and the Director of the Division of Criminal Justice shall review the application for compliance with (c) below. If the Director of the Division of Criminal Justice and the Board approve the program, a letter of approval shall be provided to the individual, agency or institution which conducts the course. A copy of the letter of approval shall be included with course materials provided to the students.

(c) A course in FN–CSA education shall be completed within a six-month period. A course shall contain a minimum of 40 hours of didactic instruction in the following:

1. Historical perspectives of sexual assault and forensic nurses–certified sexual assault, for a minimum of one-half hour;
2. Definitions and facts of sexual assault, for a minimum of one hour;
3. Role and responsibility of the forensic nurse–certified sexual assault, for a minimum of one and one-half hours;
4. Orientation to the biopsychosocial aspects of sexual assault issues and cultural needs of the sexual assault victim, for a minimum of one hour;
5. Symptomology of survivors and crisis intervention skills, for a minimum of one hour;
6. Rape trauma syndrome and post-traumatic stress disorder, for a minimum of one hour;

7. Needs of special populations, such as persons with physical or mental disabilities or older adults, for a minimum of one and one-half hours;

8. Vicarious victimization, for a minimum of one-half hour;

9. Identification of the practice skills necessary to complete the sexual assault forensic examination, for a minimum of one hour;

10. History-taking skills, for a minimum of two hours;

11. Components of a thorough forensic physical assessment, for a minimum of two hours;

12. Orientation to the female and male genital anatomy and development stages, for a minimum of one and one-half hours;

13. Detailed genital examination for injury identification, for a minimum of three hours;

14. Familiarization with fact based documentation, for a minimum of one and one-half hours;

15. Laws specific to sexual assault, for a minimum of one hour;

16. Laws and procedures for evidence collection, for a minimum of two hours;

17. Medical and nursing treatment for the adult sexual assault survivor, for a minimum of one hour;

18. Review of the Nurse Practice Act, N.J.S.A. 45:11-24 et seq., and its application to FN–CSA practice, for a minimum of one-half hour;

19. Various stages of genital healing, for a minimum of one hour;

20. Medical treatment/forensic implications of sexually transmitted diseases, for a minimum of one hour;

21. County multi-disciplinary team system approach, review of Sexual Assault Response Team policies and procedures for a minimum of two hours;

22. Examinations of sexual assault victims, utilizing specialized adjunct equipment including a colposcope, for a minimum of two hours;

23. Laws specific to the reporting of sexual abuse of special populations, for a minimum of one hour;

24. Fact and expert witness testimony, for a minimum of two hours;

25. Criminal trial procedure, for a minimum of one hour;

26. Testimony techniques, for a minimum of one hour;

27. Medical screening examinations, as required by 42 CFR § 489.24 and N.J.A.C. 8:43G, for a minimum of one-half hour;

28. Ethics of nursing and ethical considerations pertaining to evidence collection, for a minimum of one hour;

29. Issues relating to drug facilitated sexual assault, for a minimum of one hour; and

30. Discharge planning for the sexual assault victim, for a minimum of one hour.

(d) The didactic instruction required in (c) above shall be taught by an instructor who either has a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education, or who is a FN-CSA. Didactic instruction in topics required by (c)15, 23, 24, 25 and 26 above may be taught by an attorney. Didactic instruction in topics required by (c)16 above may be taught by an attorney or by an investigator or detective who is part of a New Jersey law enforcement agency. Didactic instruction in topics required by (c)1, 5, 6, 7 and 21 above may be taught by an individual who is recognized as a rape care advocate pursuant to N.J.S.A. 52:4B-52.

(e) Each clinical forensics course shall include a written examination. Upon completion of the clinical forensics course, each student shall successfully pass the examination.

(f) Every program shall have an administrator who has direct authority for the fiscal and academic administration of the program. The administrator shall have a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education.

(g) The clinical forensics course shall meet the requirements of Educational Design I or Educational Design II programs as set forth by the American Nurses Credentialing Center's Commission on Accreditation in the "Manual for Accreditation as an Approver of Continuing Education in Nursing" (1996), available from the American Nurses Credentialing Center, 600 Maryland Ave., SW, Suite 100 West, Washington, DC 20024-2571, which is incorporated herein by reference, as amended and supplemented.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Substituted "forensic nurses-certified sexual assault" for "sexual assault nurse examiners" and "FN-CSA" for "SANE" throughout the section.

13:37-9.6 Clinical education

(a) Applicants for certification as a FN-CSA shall complete classroom education, pursuant to N.J.A.C. 13:37-9.5, before beginning their clinical education.

(b) An applicant shall complete a clinical program consisting of:

1. A minimum of 10 routine gynecological genital inspections, which include speculum examinations, in a

clinic or in clinical settings supervised by an advanced practice nurse or physician; and

2. A minimum of five simulated sexual assault examinations using a State of New Jersey Sexual Assault Evidence Collection Kit, in a clinical examination facility approved by the Board and the Director of the Division of Criminal Justice pursuant to N.J.A.C. 13:37-9.7 or run by the Division of Criminal Justice.

(c) Documentation of the completed clinical education shall be dated and signed by the supervising advanced practice nurse or physician.

(d) An individual who attended to five victims of sexual assault as part of a county FN-CSA program prior to July 13, 2004 shall be deemed to have met the requirements of (b)2 above and need not complete the five simulated sexual assault examinations required by (b)2 above in order to obtain certification.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a) and (d), substituted "FN-CSA" for "SANE".

13:37-9.7 Clinical education facilities

(a) A Board accredited school of nursing may apply to the Board for approval as a clinical education facility. An applicant for approval shall submit to the Board:

1. Documents which show that the clinical education facility is equipped with a colposcope and all other equipment needed for a comprehensive sexual assault forensic examination;

2. Evidence that the clinical education facility has a person who will act as a surrogate sexual assault victim;

3. An outline of what the person(s) acting as a surrogate sexual assault victim will say during a sexual assault examination;

4. Evidence that the clinical education facility can provide the opportunity for individuals to complete the five sexual assault examinations required by N.J.A.C. 13:37-9.6(b); and

5. After July 13, 2005, evidence that the training facility has an instructor who is a FN-CSA.

(b) The Board shall review the application to ensure that the clinical education facility meets the requirements of (a) above and shall forward the application to the Director of the Division of Criminal Justice for approval. Once the Board and the Director have approved the clinical education facility the Board shall send a letter to the clinical education facility indicating that it has been approved.

(c) An approved clinical education facility shall provide an opportunity for individuals to complete the five sexual assault forensic examinations required by N.J.A.C. 13:37-9.6(b)2.

(d) An approved clinical education facility shall, upon completion of the clinical education required by N.J.A.C. 13:37-9.6(b)2, provide an examination which tests the ability of a forensic nurse–certified sexual assault applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a)5, substituted “FN–CSA” for “SANE”; and in (d) substituted “forensic nurse–certified sexual assault” for “sexual assault nurse examiner”.

13:37-9.8 Renewal of certification

(a) Certification as a FN–CSA shall be valid for two years.

(b) Certified FN–CSAs shall renew certification biennially by submitting to the Board:

1. A completed application for renewal; and
2. The biennial renewal fee, pursuant to N.J.A.C. 13:37-5.5(d)3.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a) and (b), substituted “FN–CSA” for “SANE”.

13:37-9.9 Revocation or suspension of certification

(a) The Board and the Director of the Division of Criminal Justice may revoke or suspend a certification, after affording an opportunity to be heard, if they find that a FN–CSA has:

1. Falsified documentation;
2. Violated patient confidentiality;
3. Been convicted of a crime;
4. Been convicted of an offense involving perjury, dishonesty, fraud or misrepresentation, or sex offense; or
5. Violated the provisions of N.J.S.A. 45:1-21.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a), substituted “FN–CSA” for “SANE”.

13:37-9.10 Endorsement

(a) A registered professional nurse, licensed in New Jersey, who is working as a FN–CSA in another state may apply for certification as a FN–CSA in New Jersey if the applicant is certified by another state as a FN–CSA, or its equivalent, and the applicant:

1. Has completed a course and clinical education substantially similar to the requirements of N.J.A.C. 13:37-9.5 and 9.6;
2. Takes a one-day course which covers the information required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
3. Passes a clinical competency examination given by a clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant for certification by endorsement shall submit to the Board:

1. A completed application for certification by endorsement form which shall include the name, address and telephone number of the applicant;
2. Evidence that the applicant is licensed as a registered professional nurse in New Jersey;
3. Evidence that the applicant is certified in another state and has worked in the past year as a FN–CSA, or its equivalent;
4. Evidence that the applicant has successfully completed a course with a curriculum substantially similar to that required by N.J.A.C. 13:37-9.5;
5. Evidence that the applicant has successfully completed clinical education which is substantially similar to that required by N.J.A.C. 13:37-9.6;
6. Evidence that the applicant has passed a clinical competency examination given by an approved clinical examination facility;
7. Evidence that the applicant has taken a one day course which reviews those topics required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
8. The application fee pursuant to N.J.A.C. 13:37-5.5(d)4.

(c) The Board shall review the endorsement application and forward it to the Director of Criminal Justice for review and approval. Once both the Board and the Director have approved the applicant, the Board shall issue the applicant a certification as a FN–CSA in New Jersey.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Substituted “FN–CSA” for “SANE” throughout the section.

SUBCHAPTERS 10. THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

13:37-13.1 Nurse anesthetist practice

(a) A licensee who wishes to practice as a nurse anesthetist shall:

1. Hold current licensure as a registered professional nurse in this State;
2. Have graduated from a program in nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists;

3. Pass the certifying examination administered by the Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists; and

4. Recertify biennially with the Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists.

(b) A nurse anesthetist shall only practice at a location which has established written policies and procedures which meet minimum accepted standards of nurse anesthesia practice and the standards of the American Association of Nurse Anesthetists. A nurse anesthetist shall comply with said policies and procedures and shall ensure that they are reviewed annually, revised as necessary and that they address at least the following areas: verification of qualifications; continuing education; delineation of the responsibilities of all personnel; anesthetic agents which may be administered and under what conditions and/or supervision; pre-anesthesia evaluation; patient preparation; intra-operative monitoring; post-operative monitoring; peri-operative documentation (pre/intra/post-operative); administration and documentation of medications; responsibilities of all personnel for assuring that anesthesia supplies and equipment are available and in working order; and patient emergencies.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).
Amended by R.1995 d.88, effective February 21, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).
Amended by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
Rewrote (a).

13:37-13.2 Practice pending the results of the examination

(a) Pending the results of the first scheduled certifying examination following completion of an approved program in nurse anesthesia, a graduate nurse anesthetist who meets the requirements of N.J.A.C. 13:37-13.1(a)1 and 2 may practice as a nurse anesthetist under the direct supervision of a certified registered nurse anesthetist or qualified physician-anesthesiologist unless otherwise prohibited by State law or regulation. For the purpose of this subsection direct supervision shall mean the physical presence of said supervisor within the immediately accessible area, unit or suite in which anesthesia is being administered.

(b) A nurse anesthetist who fails to apply and sit for or fails to pass the first scheduled certifying examination following completion of an approved program in nurse anesthesia shall not continue to practice after the date of said examination.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.1 Purpose and scope

(a) The rules in this subchapter are designed to protect the health and safety of the public through certification of homemaker-home health aides, pursuant to N.J.S.A. 45:11-24(d)(20).

(b) This subchapter prescribes standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide, as defined in this subchapter, is required to complete in order to work in this State. This subchapter also establishes standards and requirements for homemaker-home health aide certification and for the renewal, suspension or revocation of that certification.

13:37-14.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Activities of daily living” means the functions or tasks for self-care which are performed either independently or with supervision or assistance. Activities of daily living include at least mobility, transferring, walking, grooming, bathing, dressing and undressing, eating, and toileting.

“Homemaker-home health aide” means a person who is employed by a home care services agency and who, under supervision of a registered professional nurse, follows a delegated nursing regimen or performs tasks which are delegated consistent with the provisions of N.J.A.C. 13:37-6.2.

“Program coordinator” means the nurse responsible for the training program curriculum.

“Program sponsor” means the agency, hospital or educational institution or entity granted approval by the Board of Nursing to conduct a homemaker-home health aide training program.

13:37-14.3 Duties of a homemaker-home health aide; supervision

(a) The duties of a homemaker-home health aide may include, but not be limited to, providing personal care and homemaking services essential to the patient’s health care and comfort at home, including shopping, errands, laundry, meal planning and preparation (including therapeutic diets), serving of meals, child care and assisting the patient with activities of daily living.

(b) A homemaker-home health aide shall not administer medications.

(c) The registered professional nurse who is supervising a homemaker-home health aide shall ensure that the patient

care provided by the homemaker-home health aide does not exceed the tasks and procedures which the homemaker-home health aide has satisfactorily demonstrated, as documented by the registered professional nurse.