

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.2011 d.025, effective December 15, 2010.
See: 42 N.J.R. 1481(a), 43 N.J.R. 193(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 37, New Jersey Board of Nursing, expires on December 15, 2017. See: 43 N.J.R. 1203(a).

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 as 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 as 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 as 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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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 as 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 as 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 as 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 as 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 as R.2005 d.251, effective July 6, 2005. See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was renamed Certification of Advanced Practice Nurses by R.2008 d.160, effective June 16, 2008. See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Chapter 37, New Jersey Board of Nursing, was readopted as R.2011 d.025, effective December 15, 2010. As a part of R.2011 d.025, Subchapter 13, Nurse Anesthetists, was repealed, effective January 18, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 16, Massage, Bodywork and Somatic Therapy Examining Committee, was repealed by R.2012 d.150, effective September 4, 2012. See: 43 N.J.R. 2721(a), 44 N.J.R. 2185(b).

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**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;

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) By February 7, 2014, every registered professional nurse shall have completed a one-hour continuing education course that covers organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process.

(k) A registered professional nurse who completed a course that included a section on organ and tissue donation and recovery during his or her initial nursing education need not complete the continuing education course required by (j) above.

New Rule, R.2006 d.156, effective May 1, 2006.

See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).

Amended by R.2008 d.379, effective December 15, 2008.

See: 40 N.J.R. 1760(a), 40 N.J.R. 6989(a).

Rewrote (d)1; added new (d)2 and (d)3; recodified former (d)2 through (d)12 as (d)4 through (d)14; and rewrote (d)4.

Amended by R.2010 d.004, effective January 4, 2010.

See: 41 N.J.R. 95(a), 42 N.J.R. 72(a).

Added new (d)2; and recodified former (d)2 through (d)14 as (d)3 through (d)15.

Amended by R.2011 d.025, effective January 18, 2011.

See: 42 N.J.R. 1481(a), 43 N.J.R. 193(a).

Deleted (j).

Amended by R.2011 d.038, effective February 7, 2011.

See: 42 N.J.R. 1132(a), 43 N.J.R. 315(a).

Added (j) and (k).

13:37-5.4 (Reserved)

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).

Repealed by R.2008 d.139, effective June 2, 2008.

See: 39 N.J.R. 2585(a), 40 N.J.R. 3318(b).

Section was "Categories of licenses".

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)3 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)6 above
- 8. Reinstatement fee 100.00
- 9. Duplicate license 35.00
- 10. Written verification of licensure..... 25.00
- 11. Copy of Nurse Practice Act..... 5.00
- 12. Alternative to Discipline surcharge 5.00
- 13. Temporary courtesy license..... 60.00

(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 advanced practice nurses:

- 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)
 - i. Active..... 160.00
 - ii. Inactive 80.00
- 4. Application for certification by endorsement 100.00 plus the applicable initial certification fee set forth in (c)2 above
- 5. Lapsed certification fee (after 30 days)..... 100.00 plus the certification renewal fee set forth in (c)3 above
- 6. 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 forensic nurses-certified sexual assault:

- 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)
 - i. Active 100.00
 - ii. Inactive..... 50.00
- 4. Application for certification by endorsement..... 100.00
Plus the applicable initial certification fee set forth in (e)2 above
- 5. Late certificate renewal..... 50.00
- 6. Reinstatement of certification 100.00

(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. Duplicate certificate..... \$35.00
- 7. Inactive license fee (to be established by the Committee by rule)
- 8. Verification of certification for endorsement \$30.00
- 9. 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.

Amended by R.2008 d.55, effective March 17, 2008.

See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).

In (e), substituted "forensic nurses-certified sexual assault" for "sexual assault nurse examiners".

Amended by R.2008 d.102, effective April 21, 2008.

See: 40 N.J.R. 91(a), 40 N.J.R. 2117(b).

Added (a)12.

Amended by R.2008 d.139, effective June 2, 2008.

See: 39 N.J.R. 2585(a), 40 N.J.R. 3318(b).

In (a)7, substituted "(a)6" for "(a)5" in the second column; and rewrote (a)8.

Amended by R.2008 d.160, effective June 16, 2008.

See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

In the introductory paragraph of (c), substituted "advanced practice nurses" for "nurse/practitioners/clinical nurse specialists"; in the introductory paragraph of (c)3, deleted the fee; added (c)3i and (c)3ii; deleted former (c)5; and recodified former (c)6 and (c)7 as (c)5 and (c)6.

Amended by R.2009 d.259, effective August 17, 2009.

See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).

Deleted former (f)6; and recodified former (f)7 through (f)10 as (f)6 through (f)9.

Amended by R.2011 d.037, effective January 18, 2011.

See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).

Rewrote (e)3; and added (e)5 and (e)6.

Administrative correction.

See: 46 N.J.R. 1364(a).

Amended by R.2015 d.050, effective April 6, 2015.

See: 46 N.J.R. 1321(a), 47 N.J.R. 725(b).

Added (a)13.

13:37-5.6 (Reserved)

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. 13:37-5.6, Biennial license renewal, repealed.

Repealed by R.2015 d.167, effective November 2, 2015.

See: 46 N.J.R. 2010(a), 47 N.J.R. 2675(a).

Section was "Responsibilities of licensure".

13:37-5.7 Notification of change of address

A licensee or certificant shall notify the Board in writing of any change of address from that registered with the Board and shown on the most recently issued license or certificate. This address shall not be a post office box unless there is another address on file with the Board that includes a street, city, state and zip code. Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2.

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. 13:37-5.7, Reinstatement, repealed.

Amended by R.2005 d.251, effective August 1, 2005.

See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Added the second sentence; and in the last sentence, inserted "street".

13:37-5.8 Reporting of unlawful conduct

A licensee or certificant shall report to the Board any incident or series of incidents which the licensee or certificant, in good faith, believes is in violation of the Nurse Practice Act, N.J.S.A. 45:11-23, this chapter or N.J.A.C. 13:45C.

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. 13:37-5.8, Fee schedule, recodified to N.J.A.C. 13:37-5.5.

13:37-5.9 Self-reporting

(a) A licensee or certificant shall immediately notify the Board if he or she:

1. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
2. Is indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;

3. Is named as a defendant or respondent in a civil, criminal or administrative investigation, complaint or judgment involving alleged malpractice, negligence or misconduct relating to his or her practice;

4. Is the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board or commission, including any order of limitation or preclusion; or

5. Fails to maintain or renew any certification which is required by law as a condition of practice or as a condition of license or certification renewal.

(b) Any nurse or homemaker-home health aid licensed or certified under the Nurse Practice Act, N.J.S.A. 45:11-23 et seq., who violates any provision of the Act or N.J.S.A. 45:1-14 et seq. may be subject to disciplinary action by the Board, provided that the Board notifies the licensee or certificant and provides an opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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

SUBCHAPTER 6. NURSING PROCEDURES

13:37-6.1 Nursing procedures

Nursing procedures shall be determined by the Nursing Practice Act of this State, subject to the interpretation and revision by the Board of Nursing.

As amended, R.1984 d.137, eff. April 16, 1984.
See: 15 N.J.R. 1850(a), 16 N.J.R. 922(a).

This section replaces a section entitled "Intradermal Tuberculin Test."

13:37-6.2 Delegation of selected nursing tasks

(a) The registered professional nurse is responsible for the nature and quality of all nursing care including the assessment of the nursing needs, the plan of nursing care, the implementation, and the monitoring and evaluation of the plan. The registered professional nurse may delegate selected nursing tasks in the implementation of the nursing regimen to licensed practical nurses and ancillary nursing personnel. Ancillary nursing personnel shall include but not be limited to: aides, assistants, attendants and technicians.

(b) In delegating selected nursing tasks to licensed practical nurses or ancillary nursing personnel, the registered professional nurse shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made. A registered professional nurse may not delegate the performance of a nursing task to persons who have not been adequately prepared by verifiable training and education. No task may be delegated which is within the scope of nursing practice and requires:

1. The substantial knowledge and skill derived from completion of a nursing education program and the specialized skill, judgment and knowledge of a registered nurse;

2. An understanding of nursing principles necessary to recognize and manage complications which may result in harm to the health and safety of the patient.

(c) The registered professional nurse shall be responsible for the proper supervision of licensed practical nurses and ancillary nursing personnel to whom such delegation is made. The degree of supervision exercised over licensed practical nurses and ancillary nursing personnel shall be determined by the registered professional nurse based on an evaluation of all factors including:

1. The condition of the patient;

2. The education, skill and training of the licensed practical nurse and ancillary nursing personnel to whom delegation is being made;

3. The nature of the tasks and the activities being delegated;

4. Supervision may require the direct continuing presence or the intermittent observation, direction and occasional physical presence of a registered professional nurse. In all cases, the registered professional nurse shall be available for on-site supervision.

(d) A registered professional nurse shall not delegate the performance of a selected nursing task to any licensed practical nurse who does not hold a current valid license to practice nursing in the State of New Jersey. A registered professional nurse shall not delegate the performance of a selected nursing task to ancillary nursing personnel who have not received verifiable education and have not demonstrated the adequacy of their knowledge, skill and competency to perform the task being delegated.

(e) Nothing contained in this rule is intended to limit the current scope of nursing practice.

(f) Nothing contained in this rule shall limit the authority of a duly licensed physician acting in accordance with N.J.S.A. 45:9-1 et seq.

New Rule, R.1986 d.431, effective October 20, 1986.
See: 18 N.J.R. 1176(a), 18 N.J.R. 1448(a), 18 N.J.R. 2128(a).

13:37-6.3 (Reserved)

Recodified to N.J.A.C. 13:37-8.1 by R.2011 d.037, effective January 18, 2011.

See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).

Section was "Standards for joint protocols between advanced practice nurses and collaborating physicians".

13:37-6.4 (Reserved)

Recodified to N.J.A.C. 13:37-8.2 by R.2011 d.037, effective January 18, 2011.

See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).

Section was "Identification tags".

SUBCHAPTER 7. CERTIFICATION OF ADVANCED PRACTICE NURSES

Subchapter Historical Note

Petition for Rulemaking. See: 35 N.J.R. 2374(a), 2754(a), 5169(a).

Public Notice. See: 41 N.J.R. 2508(b).

13:37-7.1 Application for certification

(a) Advanced practice nurses shall include those individuals who have been educated as nurse practitioners, clinical nurse specialists and certified registered nurse anesthetists.

(b) An applicant for certification as an advanced practice nurse shall complete a course of study and successfully complete an examination in an advanced practice nursing specialty credentialed by a national certifying agency, that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies.

(c) A registered professional nurse who wishes to practice as an advanced practice nurse shall:

1. Possess a current New Jersey registered professional nurse license in good standing; and
2. Be certified by the Board as an advanced practice nurse.

(d) Each applicant for certification as an advanced practice nurse shall submit the following to the Board:

1. A completed application form;
2. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2 or, when the advanced practice nurse specializes in anesthesia and does not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program that meets the requirements of N.J.A.C. 13:37-7.2(a);
3. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.4 within the last year prior to the date of application or, for applicants specializing in anesthesia who do not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. Applicants specializing in anesthesia who have successfully completed the examination requirements of N.J.A.C. 13:37-7.4 need not show that they have completed that examination within the last year if they apply between June 16, 2008 and June 16, 2009;
4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(c).

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (b)2, changed N.J.A.C. reference.

Amended by R.2008 d.160, effective June 16, 2008.

See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Added new (a) and (b); recodified former (a) and (b) as (c) and (d); rewrote the introductory paragraph of (c); added (c)1 and (c)2; in the introductory paragraph of (d), inserted "as an advanced practice nurse" and deleted "materials" following "following"; deleted former (b)1; recodified former (b)2 through (b)4 as (d)1 through (d)3; rewrote (d)1 through (d)3; and added (d)4 and (d)5.

13:37-7.2 Educational requirements for certification

(a) An applicant for certification as an advanced practice nurse shall possess;

1. A masters degree in nursing from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education; or
2. A masters degree in nursing and shall have completed a post-masters program that focuses on an advanced practice nursing specialty from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education.

(b) An applicant shall have completed the education required by (a) above no more than two years prior to submitting an application for certification to the Board. An education program completed more than two years prior to submission shall not qualify an applicant for certification. Applicants specializing in anesthesia who have successfully completed the education required by (a) above need not show that they have completed that education within the last two years if they apply between June 16, 2008 and June 16, 2009.

(c) Each applicant shall have successfully completed at least 39 hours in pharmacology during the education program referred to in (a) above.

(d) In addition to the requirements of (a) and (c) above, an applicant shall have completed six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, presented by:

1. An organization that has been approved by a credentialing agency accredited by the National Commission for Certifying Agencies; or
2. A college or university licensed by either the New Jersey Commission on Higher Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Commission on Higher Education.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.

See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Section was "Educational requirements for certification".

(b) Advance practice nurses who seek to prescribe or order medications or devices and the collaborating physician(s) with whom they are in collaboration shall develop a joint protocol, which shall be:

1. In writing;
2. Signed by both the advanced practice nurse and the physician, with an acknowledgment that any inappropriate professional behavior or violation of the protocol on the part of either the physician or the advanced practice nurse will be reported to his or her respective licensing board;
3. Maintained on the premises of every office in which the advanced practice nurse practices;
4. Updated on an ongoing basis to reflect changes in the practice, office personnel, skills of the advanced practice nurse, frequency of record review, and reference materials containing practice guidelines or accepted standards of practice; and
5. Reviewed at least on an annual basis.

(c) The content of a joint protocol under (b) above shall address:

1. The nature of the practice, the patient population (for example, pediatric patients) and settings (for example, in-patient, nursing home, patient residences or other alternative care environments);
2. Any particular circumstances for which, prior to prescribing, a specific examination is to be performed or a definitive diagnosis made;
3. The recordkeeping methodology to be used in the practice (for example, the protocol might indicate that records should contain subjective complaints, objective findings, an assessment and a plan of treatment);
4. A list of categories of medications appropriate to the practice;
5. A delineation of specific medications and the specific number of refills, to be prescribed pursuant to the direction of the physician;
6. Specific requirements with respect to the recordation, in the patient record and/or in separate logs, of medications prescribed or dispensed, dosages, frequency, duration, instructions for use and authorizations for refills;
7. Any medical conditions or findings within the nature of the practice which should require direct consultation prior to the prescribing or ordering of medications or devices;
8. The frequency and methodology to be employed to ensure periodic review of patient records;
9. Identification of the means by which the advanced practice nurse and collaborating physician can be in direct communication, as well as a description of arrangements

which will assure that the collaborating physician or peer coverage is accessible and available;

10. Procedures for the use of medications in emergency situations; and

11. Identification of reference materials containing practice guidelines or accepted standards of practice.

(d) Failure to establish and implement joint protocols consistent with the standards set forth in this section and any violation of the joint protocol by an advanced practice nurse or physician may be deemed professional misconduct or other grounds for disciplinary sanction within the meaning of N.J.S.A. 45:1-21 by his or her respective licensing board.

New Rule, R.2000 d.274, effective July 3, 2000 (operative September 1, 2000).

See: 31 N.J.R. 1459(a), 32 N.J.R. 2448(a).

Recodified from N.J.A.C. 13:37-6.3 by R.2011 d.037, effective January 18, 2011.

See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).

Section was "Reserved".

13:37-8.2 Identification tags

(a) Each licensee or certificate holder shall wear an identification tag when engaging in the practice for which the individual is licensed or certified. The identification tag shall be clearly visible at all times, and such tag shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure or certification, for example, Registered Nurse or R.N. The letters on the tag shall be of equal size in type, not smaller than one-quarter inch. The size of the identification tag shall be equal to or greater than that of any other identification worn by the licensee or certificate holder.

(b) Where a general hospital requires a facility staff member who is a licensee or a certificate holder to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a), that staff member need only wear only one identification badge, as long as the badge meets requirements of both P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a) and (a) above.

(c) In order to protect his or her personal safety or to prevent the substantial invasion of his or her privacy, or to prevent the identification tag from causing physical harm to the patient, a licensee or certificate holder may request an exemption from the requirements of (a) above. Such requests for an exemption shall be made by the licensee or certificate holder in writing to the Board and shall set forth the reasons why wearing the tag would endanger the licensee's or the certificate holder's personal safety, substantially invade the licensee's or the certificate holder's privacy or physically harm a patient.

(d) The exemption set forth in (c) above shall not apply to those facility staff members in a general hospital, where such general hospital requires a facility staff member to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a).

New Rule, R.1999 d.406, effective December 6, 1999.
 See: 31 N.J.R. 1895(a), 31 N.J.R. 4074(a).
 Recodified from N.J.A.C. 13:37-6.4 by R.2011 d.037, effective January 18, 2011.
 See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).
 Section was "Reserved".

13:37-8.3 Sexual misconduct

(a) This section shall apply to all advanced practice nurses, registered professional nurses, licensed practical nurses and homemaker-home health aides licensed or certified by the Board.

(b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Board" means the New Jersey Board of Nursing.

"Client or patient" means any person who is the recipient of nursing services or certified homemaker-home health care rendered by a licensee pursuant to N.J.S.A. 45:11-23 et seq.

"Client or patient relationship" means an association between a licensee and client or patient wherein the licensee owes a continuing duty to the client or patient to be available to render nursing services consistent with the licensee's education, training and experience.

"Licensee" means any person licensed or certified by the Board.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes the imposition of a part of the licensee's body upon a part of the client or patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client or patient's body into or near the genital, anal or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of nursing services, and that either: is unwelcome, offensive to a reasonable person, or creates a hostile environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include conduct of a licensee with an individual whether or not such individual is in a subordinate position to the licensee.

"Spouse" means either the husband, wife or fiancée of the licensee or an individual in a long-term committed relationship with the licensee.

(c) A licensee shall not engage in sexual contact with a client or patient with whom he or she has a client or patient-

nurse relationship. The client or patient relationship is considered ongoing for purposes of this section unless:

1. For a homemaker-home health aide, the last homemaker-home health aide service was rendered more than three months prior;

2. For an advanced practice nurse, registered professional nurse or licensed practical nurse, who is not engaged in psychiatric nursing, the last nursing service was rendered more than three months prior;

3. For an advanced practice nurse who practices psychiatric nursing, the last nursing service was rendered more than two years prior; or

4. For a registered professional nurse or a licensed practical nurse who practices psychiatric nursing, the last nursing service was rendered more than one year prior.

(d) A licensee shall not seek or solicit sexual contact with a client or patient with whom he or she has a client or patient relationship and shall not seek or solicit sexual contact with any person in exchange for nursing or homemaker-home health aide services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a client or patient, unless that discussion is related to legitimate client or patient needs. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the client or patient unless necessary to the nursing or homemaker-home health aide services rendered.

(g) A licensee shall not engage in sexual harassment, whether in a professional setting or outside of the professional setting.

(h) A licensee shall not engage in any activity performed with a patient or client which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal the sexual or gratification of the licensee or client or patient or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d), respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering nursing or homemaker-home health aide services to a spouse, providing that the rendering of such nursing services is consistent with accepted standards and that the performance of nursing or homemaker-home health aide services is not utilized to exploit the client or patient for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The client or patient solicited or consented to sexual contact with the licensee; or
2. The licensee was in love with or had affection for the client or patient.

SUBCHAPTER 9. FORENSIC NURSE—CERTIFIED SEXUAL ASSAULT PROGRAM

Subchapter Historical Note

Petition for Rulemaking. See: 41 N.J.R. 683(a), 1111(d).

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:

"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.

"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)".

Amended by R.2008 d.55, effective March 17, 2008.
See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).

Deleted definitions "Adult" and "Child".

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 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.

(c) 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.

Amended by R.2011 d.025, effective January 18, 2011.

See: 42 N.J.R. 1481(a), 43 N.J.R. 193(a).

Deleted former (b); and recodified former (c) and (d) as (b) and (c).

13:37-9.4 (Reserved)

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".

Repealed by R.2008 d.55, effective March 17, 2008.

See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).

Section was "Pediatric sexual assault forensic examinations".

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. History and role of forensic nursing, for a minimum of two hours, including:
 - i. History of forensic nursing;
 - ii. Forensic roles and practice settings;
 - iii. Professional organizations; and

- iv. Ethical issues of forensic practice;
2. Role and responsibility of the FN-CSA, for a minimum of two hours, including:
 - i. Board statutes and rules, N.J.S.A. 45:11-24 et seq. and N.J.A.C. 13:37;
 - ii. Job description; and
 - iii. Role within the Sexual Assault Response Team;
3. Sexual Assault Response Teams, for a minimum of two hours, including:
 - i. Role of the rape care advocate;
 - ii. Role of law enforcement; and
 - iii. Sexual Assault Response Team activation;
4. Secondary responding/interacting agencies, for a minimum of two hours, including:
 - i. Division of Youth and Family Services;
 - ii. Regional Diagnostic and Treatment Centers;
 - iii. Division of Developmental Disabilities; and
 - iv. Office of the Ombudsman for the Institutionalized Elderly;
5. Psychosocial issues of sexual assault, for a minimum of two hours, including:
 - i. Definition and dynamics of sexual assault;
 - ii. Cultural awareness;
 - iii. Rape Trauma Syndrome/Post Traumatic Stress Disorder; and
 - iv. Vicarious trauma;
6. Needs of special victim populations, for a minimum of two hours, including:
 - i. Pediatrics;
 - ii. Elders;
 - iii. Disabled; and
 - iv. Male victims;
7. Sexual assault offenders, for a minimum of two hours, including:
 - i. Offender characteristics; and
 - ii. Drug-facilitated sexual assault;
8. Anatomy and physiology, for a minimum of six hours, including:
 - i. Male and female genital anatomy-normal growth and development;
 - ii. Genital injury and healing; and

(g) An FN-CSA who has worked in another state as forensic nurse during the period of suspension shall be permitted to reinstate certification without meeting the requirement of (f) above if he or she submits an affidavit to the Board, from his or her employer, which indicates that he or she worked during the period of suspension as a forensic nurse in the other state.

(h) Renewal applications shall provide the FN-CSA with the option of either active or inactive status. An FN-CSA electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:37-5.5 and shall not practice as an FN-CSA in New Jersey.

(i) An FN-CSA who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the active status fee set forth in N.J.A.C. 13:37-5.5; and
2. Submission of an affidavit of employment listing each job held during the period the FN-CSA was on inactive status, including the name, address and telephone number of each employer.

(j) An FN-CSA who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-9.3, including re-taking and successfully completing:

1. An 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;
2. The FN-CSA clinical requirements pursuant to N.J.A.C. 13:37-9.6; and
3. The FN-CSA clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(k) An FN-CSA who has worked in another state as forensic nurse during the period of inactive status shall be permitted to reactivate certification without meeting the requirement of (j) above if he or she submits an affidavit to the Board, from his or her employer, which indicates that he or she worked during the period of inactive status as a forensic nurse in the other state.

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".
Repeal and New Rule, R.2011 d.037, effective January 18, 2011.
See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).
Section was "Renewal of certification".

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 13. (RESERVED)

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.

13:37-14.4 Homemaker-home health aide training program

(a) A homemaker-home health aide training program may be conducted by a home care agency licensed by the Division of Consumer Affairs; a home health agency or hospital licensed by the Department of Health; an educational institution approved by the New Jersey State Department of Education or the Department of Higher Education; or a home care agency accredited by an independent national or state accrediting body which is without direct or indirect financial interest in the agency. Said accrediting body shall have prior approval of the Board of Nursing.

(b) A homemaker-home health aide training program shall consist of at least 76 hours, to include 60 hours of classroom instruction and 16 hours of clinical instruction in a skills laboratory or patient care setting, covering topics outlined in (d) below and N.J.A.C. 13:37-14.5. The student-to-instructor ratio for classroom instruction shall not exceed 30 students to one classroom instructor.

(c) The 16 hours of clinical instruction in a skills laboratory or patient care setting shall be supervised by a registered professional nurse. The supervision ratio shall not exceed 10 homemaker-home health aides to one registered professional nurse.

(d) The curriculum for a homemaker-home health aide training program shall include instruction in:

1. The role of unlicensed assistive personnel in nursing care settings, including:
 - i. Long term care, acute care, subacute, outpatient services, rehabilitation centers, home care agencies, assisted living and hospice;
 - ii. The role, responsibilities and scope of practice of the registered nurse;
 - iii. The role, responsibilities and scope of practice of the licensed practical nurse;
 - iv. The role and responsibilities of the unlicensed assistive personnel; and
 - v. Legal and ethical considerations for the unlicensed assistive personnel, such as client rights, confidentiality, accountability, legal documentation, eligibility, reporting physical, mental, verbal, emotional and financial abuse, and maintenance of certification including necessity for unlicensed assistive personnel to complete a course, competency testing and criminal background checks;
2. Foundations for working with people, including:
 - i. Components of communication;
 - ii. Factors that affect communication;
 - iii. Barriers to communication;
 - iv. Enhancing communication;

- v. Skills for basic communication;
 - vi. Communicating with staff members;
 - vii. Guidelines for communicating with individuals who are visually impaired, hearing impaired, speech impaired, cognitively impaired, experiencing stress or who have transcultural considerations; and
 - viii. An introduction to human behavior including instruction on understanding basic human needs, understanding mental health, emotional growth and needs throughout a person's lifetime, behavior as a response to stress or unmet needs, responses to changes in health, spiritual needs and reactions to loss, grief and dying;
3. Foundations for a safe client environment, including:
 - i. Environmental conditions;
 - ii. Physical conditions including potential hazards and safety measures;
 - iii. Emotional conditions including potential hazards and protective measures;
 - iv. Prevention of, and response to, fire and disaster emergencies;
 - v. Infection control, including the chain of infection, standard precautions, hazardous waste and special concerns regarding tuberculosis (TB), Human Immunodeficiency Virus (HIV) and Hepatitis B;
 - vi. Body mechanics; and
 - vii. Medical emergencies, emergency preparedness and guidelines for handling medical emergencies;
 4. The musculoskeletal system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the musculoskeletal system;
 - iii. Examples of changes in the musculoskeletal system to report to a nurse; and
 - iv. Client care procedures related to the musculoskeletal system including exercise, activity and positioning, range of motion, transferring, ambulation, and assistive devices;
 5. The integumentary system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the integumentary system;
 - iii. General skin care;
 - iv. Examples of changes in the integumentary system to report to a nurse; and

- v. Client care procedures related to the integumentary system including personal hygiene and positioning;
6. The upper gastrointestinal system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the upper gastrointestinal system;
 - iii. General care including nutrition across the life-span, factors affecting nutrition, therapeutic diets and alternative nutrition sources;
 - iv. Examples of gastrointestinal changes to report to a nurse; and
 - v. Client care procedures related to upper gastrointestinal system;
 7. The lower gastrointestinal system:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the lower gastrointestinal system;
 - iii. General care including factors affecting bowel elimination;
 - iv. Examples of gastrointestinal changes to report to a nurse; and
 - v. Client care procedures related to lower gastrointestinal system;
 8. The urinary system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the urinary system, specifically incontinence;
 - iii. Examples of urinary changes to report to a nurse; and
 - iv. Client care procedures related to the urinary system;
 9. The cardiovascular and respiratory systems, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the cardiovascular and respiratory systems;
 - iii. Examples of cardiovascular or respiratory changes to report to a nurse; and
 - iv. Client care procedures related to cardiovascular and respiratory systems specifically, vital signs, applying antiembolism stockings, assisting the client to use oxygen and positioning the client for circulatory and respiratory comfort;
 10. Neurological system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the neurological system;
 - iii. Examples of neurological changes to report to a nurse; and
 - iv. Client care procedures related to the neurological system, specifically, care needs of a client with cognitive impairment, care of a client with a seizure disorder, care of a client following a stroke and rehabilitation or restorative care;
 11. The endocrine system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the endocrine system;
 - iii. Changes to report to a nurse, including hyperglycemia and hypoglycemia and their causes, symptoms and emergency response; and
 - iv. Client care related to the endocrine system, specifically foot care, skin care and nutrition for a client with diabetes;
 12. The reproductive system, including:
 - i. Overview of anatomy and physiology;
 - ii. The structure of, function of and age related changes to reproductive organs;
 - iii. Common conditions and disorders of the reproductive system, specifically sexually transmitted diseases such as gonorrhea, syphilis, herpes and Acquired Immunodeficiency Syndrome (AIDS); and
 - iv. Examples of changes in the reproductive system to report to a nurse;
 13. The immune system, including:
 - i. Overview of anatomy and physiology; and
 - ii. Common conditions and disorders of the immune system, such as AIDS, HIV and cancer;
 14. Rest and sleep, including:
 - i. Functions of rest and sleep;
 - ii. Factors affecting and/or causing sleep disturbances; and
 - iii. Promoting sleep; and
 15. Death and dying, including:
 - i. Responding to the physical and emotional needs of a client with a terminal illness;
 - ii. Legal and quality of life issues including the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.), living wills and "do not resuscitate" orders;
 - iii. Signs of impending death; and

- iv. Post-mortem care of the patient.

(e) Written approval of the Board of Nursing is required prior to commencement of the training program, which approval shall be granted for a 12-month period.

(f) At the discretion of the Board, program approval may be contingent upon a visit to the program site by a representative of the Board.

(g) The Board may deny or revoke program approval if the program sponsor does not meet the standards set forth in this subchapter.

Amended by R.2002 d.220, effective July 15, 2002.
See: 34 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Substituted a new paragraph (b) for the old one.
Amended by R.2002 d.220, effective July 15, 2002.
See: 34 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Substituted a new paragraph (d).
Amended by R.2002 d.220, effective July 15, 2002.
See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

In (b), inserted "covered topics outlined in (d) below and N.J.A.C. 13:37-14.5" following "settings"; rewrote (d).

13:37-14.5 Home care and hospice care training programs

(a) In addition to the curriculum training requirements of N.J.A.C. 13:37-14.4(d), the training program for a homemaker-home health aide in home care or hospice care shall include instruction in:

1. The role of the homemaker-home health aide, including:
 - i. Settings utilizing homemaker-home health aides;
 - ii. Role of the homemaker-home health aide; and
 - iii. Legal and ethical considerations for the homemaker-home health aide;
2. The foundations for working with the home care client, the family and significant others of the home care client and home care team members, including:
 - i. Communication with the client and the client's family and significant others;
 - ii. Barriers to communication;
 - iii. Communication with the home care team; and
 - iv. Maintaining relationships with the client and the client's family and significant others;
3. Foundations for a safe client environment, including:
 - i. General home safety;
 - ii. Fire safety;
 - iii. Personal safety and body mechanics;
 - iv. Infection control;
 - v. Emergencies; and

- vi. Assistance with medications;
4. Home care considerations, including:
 - i. Food;
 - ii. Housekeeping;
 - iii. Use and care of medical equipment in the home;
 - iv. Cultural diversity; and
 - v. Death and dying;
 5. Infant and child care, including:
 - i. Introduction to infant and child care; and
 - ii. Family dynamics; and
 6. The responsibility of an agency to the homemaker-home health aide, including:
 - i. The supervision to be provided by a registered professional nurse;
 - ii. The agency's responsibility to comply with Federal and State employment laws;
 - iii. Mandatory taxes to be withheld by the agency;
 - iv. In-services provided to the homemaker-home health aide;
 - v. Job descriptions provided by the agency;
 - vi. Personnel policies of the agency;
 - vii. Service policies and procedures of the agency; and
 - viii. Agency policies on patient and family confidentiality.

New Rule, R.2002 d.220, effective July 15, 2002.
See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.5, Program sponsor; responsibilities, re-codified to N.J.A.C. 13:37-14.6.

13:37-14.6 Program sponsor; responsibilities

(a) The program sponsor shall provide an appropriately equipped classroom and skills laboratory with sufficient equipment and resources to provide for efficient and effective theoretical and clinical learning experiences.

(b) The program sponsor shall submit the following to the Board of Nursing at least two months prior to the commencement of the training program:

1. A Board of Nursing application for program approval. The application form requests the name and address of the agency or school, course offering dates and location, tentative number of trainees and name and address of program coordinator. Two supplemental forms which must accompany the application are a faculty approval application which requests the name of the instructor assigned to each session and an instructor personnel record which

requests brief biographical and educational information for each instructor;

2. The annual program approval fee for each location at which the program will be offered, as set forth in N.J.A.C. 13:37-12.1(c)1; and

3. Resume(s) of nursing instructor(s). The resume shall include the instructor's name, address, education (institution, type of degree or diploma, month and year of graduation), work experience (employer's name and address, dates of employment, including month and year, job title, whether full-time or part-time), and New Jersey license or certification number, as appropriate.

(c) The program sponsor shall not, without prior notice to and approval by the Board, make additions to or deletions from a training program which has been approved by the Board of Nursing.

(d) The program sponsor shall notify the Board of Nursing, at least two weeks prior to each program session, of the location and the beginning and ending dates of the program session.

(e) Except in an emergency situation, the program sponsor shall notify the Board of Nursing in writing of any program session cancellation or change, such as a change in location, nursing instructor or dates, at least one week prior to any such cancellation or change. No cancellation or change shall be implemented without the written approval of the Board.

(f) The program sponsor's responsibilities shall include, but not be limited to, the following:

1. Establishing and implementing policies and procedures for the coordination of instruction, including designating a responsible program manager;

2. Maintaining on file a copy of the lesson plan for the curriculum;

3. Establishing methods or provisions to ensure that an absent student receives the required classroom and/or clinical instruction missed;

4. Establishing and maintaining records for each student. The student record shall include, at a minimum, the following:

i. The beginning and ending dates of the program session;

ii. An attendance record, including the dates of any makeup sessions; and

iii. Evaluation of the student's performance by the classroom instructor and by the registered professional nurse who supervised the student's clinical instruction; and

5. Developing, implementing and maintaining on file a plan for evaluating the effectiveness of the program. The evaluation plan shall include, at a minimum, the following:

i. The name of the person responsible for implementing the evaluation plan;

ii. An annual written training program evaluation report, including findings, conclusions and recommendations;

iii. A written evaluation of instructor(s) performance;

iv. Program, faculty and student data, which shall include, at a minimum, the following:

(1) The beginning and ending dates of each program session;

(2) The number of students enrolled;

(3) The number and percentage of students who satisfactorily completed the program;

(4) The number and percentage of students who failed the program;

(5) The number and percentage of students in each program who passed the New Jersey Homemaker-Home Health Aide Certification Examination; and

(6) The number and percentage of students in each program who failed the New Jersey Homemaker-Home Health Aide Certification Examination.

(g) The program sponsor shall not use the homemaker-home health aide training program as a substitute for staff orientation or staff continuing education programs.

Recodified from N.J.A.C. 13:37-14.5 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.6, Program coordinator; responsibilities, recodified to N.J.A.C. 13:37-14.7.

13:37-14.7 Program coordinator; responsibilities

(a) The homemaker-home health aide training program shall be coordinated by a registered professional nurse licensed in New Jersey with:

1. A minimum of a bachelor's degree in nursing; and

2. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care.

(b) The program coordinator's responsibilities shall include, but not be limited to, the following:

1. Ensuring that the curriculum is coordinated and implemented in accordance with this subchapter.
2. Establishing job descriptions indicating the responsibilities of each instructor;
3. Ensuring that each instructor meets the qualifications specified in N.J.A.C. 13:37-14.8;
4. Ensuring that the program sponsor has available the resume of each instructor;
5. Ensuring that each student is supervised by a registered professional nurse during the student's clinical experience;
6. Ensuring that the registered professional nurse supervising the student evaluates the student's clinical performance and transmits the results of the evaluation to the classroom nursing instructor; and
7. Ensuring that patient care provided during the training period by the student is provided in a safe and competent manner and that the tasks and procedures delegated to the student in accordance with N.J.A.C. 13:37-6.2 do not exceed the tasks and procedures which the student has satisfactorily demonstrated as documented by the registered professional nurse.

(c) Program coordinators who do not have a bachelor's degree in nursing but who are otherwise bachelor's or master's prepared and who began their employment on or before June 6, 1994 may qualify for an exemption from the requirements of subsection (a) subject to Board approval.

Recodified from N.J.A.C. 13:37-14.6 and amended by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

In (b)3, amended the N.J.A.C. reference. Former N.J.A.C. 13:37-14.7, Program instructor; responsibilities, recodified to N.J.A.C. 13:37-14.8.

13:37-14.8 Program instructor; responsibilities

(a) Except as set forth in (c) below, classroom instruction shall be provided by:

1. A registered professional nurse licensed in New Jersey with at least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; or
2. A registered professional nurse who meets the qualifications set forth in (a)1 above and a multidisciplinary team of individuals which may include, but not be limited to, a registered dietician, licensed social worker, licensed psychologist, licensed physical therapist, mental health consultant, licensed speech-language pathologist, public health nurse, home economist, occupational therapist, and/or member of the clergy.

(b) Except as set forth in (c) below, supervised clinical experience shall be provided to the student by a registered professional nurse with:

1. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; and
2. At least six months of full-time or full-time equivalent experience in the supervision of homemaker-home health aides.

(c) Program instructors who began their employment on or before June 6, 1994 and who have been previously approved by the Board may qualify for an exemption from the requirements of (a) and (b) above.

(d) The program instructor's responsibilities shall include, but not be limited to, the following:

1. Developing a lesson plan for each content area prior to the starting date of the program. The lesson plan shall include:
 - i. The behavioral objective(s) of the lesson;
 - ii. The content of the lesson;
 - iii. A description of clinical activities for each lesson;
 - iv. The hours of instruction; and
 - v. Method(s) of presentation and teacher strategies;
2. Developing and implementing criteria for evaluating the classroom and clinical performance of students; and
3. Developing and implementing criteria to determine whether a student has satisfactorily completed the training program.

Recodified from N.J.A.C. 13:37-14.7 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.8, Homemaker-home health aides; training programming requirement, recodified to N.J.A.C. 13:37-14.9.

13:37-14.9 Homemaker-home health aides; training program requirement

Every applicant for certification as a homemaker-home health aide in this State shall be required to complete a training program approved by the Board of Nursing, except as provided in N.J.A.C. 13:37-14.12 and 14.14. The applicant shall have completed the training program no later than four months after commencing the program.

Recodified from N.J.A.C. 13:37-14.8 and amended by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Amended N.J.A.C. references. Former N.J.A.C. 13:37-14.9, Application for certification; documents required, recodified to N.J.A.C. 13:37-14.10.

13:37-14.10 Application for certification; documents required

(a) An applicant for certification as a homemaker-home health aide shall submit the following to the Board:

1. Evidence of satisfactory completion of a homemaker-home health aide training program approved by the Board;
2. Evidence in such form as the Board may prescribe that the applicant is of good moral character, is not a habitual user of controlled substances and has never been convicted of or pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging violation of a Federal or state law; and
3. The application fee as set forth in N.J.A.C. 13:37-5.8(b)1.

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (a)3, changed N.J.A.C. reference.

Recodified from N.J.A.C. 13:37-13.9 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-13.10, Competency examination, recodified to N.J.A.C. 13:37-13.11.

13:37-14.11 Competency examination

(a) Upon successful completion of an approved training program, the applicant shall register for the next scheduled administration of the competency examination administered by the Board or a Board-approved testing service.

(b) The applicant may be employed by a home health care agency under the supervision of a registered professional nurse while waiting to take the next scheduled administration of the competency examination.

(c) The competency examination shall be an examination administered by the Board of Nursing or a Board-approved testing service at least four times a year.

(d) The passing score on the examination shall be established and reviewed annually by the Board.

(e) An individual who fails the competency examination may retake the examination provided that he or she registers for the next scheduled administration of the examination.

(f) An individual awaiting the next scheduled administration of the examination in accordance with (e) above may continue to be employed by a home health care agency under the supervision of a registered professional nurse.

(g) If the individual fails in the second attempt to pass the examination, he or she shall successfully complete another homemaker-home health aide training program approved by

the Board before taking the examination again. This individual shall not be employed as a homemaker-home health aide until he or she passes the examination.

(h) Upon application to the Board, an individual may satisfy the examination requirement for certification as a homemaker-home health aide by passing an oral competency evaluation in English or Spanish.

Recodified from N.J.A.C. 13:37-14.10 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.11, Waiver of training program requirement, recodified to N.J.A.C. 13:37-14.12.

13:37-14.12 Waiver of training program requirement

Current nursing students who have successfully completed a course in fundamentals/basic nursing may take the competency examination without first completing an approved training program.

Recodified from N.J.A.C. 13:37-14.11 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.12, Initial certification and renewal, recodified to N.J.A.C. 13:37-14.13.

13:37-14.13 Initial certification and renewal

(a) An individual who passes the competency examination may be eligible for certification by the Board as a homemaker-home health aide.

(b) Certification shall be renewed on a biennial basis unless disciplinary action against the certified person has been instituted by the Board.

Recodified from N.J.A.C. 13:37-14.12 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.13, Certification by endorsement, recodified to N.J.A.C. 13:37-14.14.

13:37-14.14 Certification by endorsement

(a) An individual certified as a homemaker-home health aide in another state who can verify successful completion of an equivalent homemaker-home health aide program and competency examination may be eligible for certification by endorsement.

(b) An individual who applies for certification by endorsement shall also submit an initial certification fee and an application for certification by endorsement fee as set forth in N.J.A.C. 13:37-5.8.

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

Designated the former section as (a); and added (b).

Recodified from N.J.A.C. 13:37-14.13 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:37-14.14, Duties and powers of the Board, recodified to N.J.A.C. 13:37-14.15.

13:37-14.15 Duties and powers of the Board

(a) The Board may deny or revoke training program approval if the program sponsor has failed to comply with N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(b) The Board may investigate complaints made against a program sponsor or certified homemaker-home health aide and may conduct hearings in connection with such complaints.

(c) The Board may suspend or revoke the certification of a homemaker-home health aide who has violated any provisions of N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(d) Any Board action for certification suspension or revocation or training program revocation shall take place only upon notice to the licensee and the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) Decisions on violations shall be a public record maintained by the Board pursuant to N.J.S.A. 45:11-24(d)(20) and (24).

Recodified from N.J.A.C. 13:37-14.14 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

SUBCHAPTERS 15 THROUGH 16. (RESERVED)