

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

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

Source and Effective Date

R.2005 d.251, effective July 6, 2005.
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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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.

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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;

istered Nurses (NCLEX-RN) or the National Council Licensure Examination for Practical Nurses (NCLEX-PN).

(b) An applicant who fails to pass three consecutive licensing examinations shall submit to the Board, prior to the fourth licensing examination, proof of successful completion of a remediation course, consisting of 30 hours and conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7. The remediation course shall be completed within one year prior to taking the fourth examination. An applicant who fails the fourth examination may retake the examination two more times before being required to take the remediation course again.

Amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section.

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 "13:37-1.7" for "13:37-1.10".

13:37-2.2 Application requirements; professional and practical nurses

(a) Each applicant for licensure shall file with the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;

2. The nonrefundable application fee set forth in N.J.A.C. 13:37-5.5(a) 1; and

3. A written certification from the registrar, or program administrator authorized by the registrar, attesting that the applicant has successfully completed all requirements for graduation from a Board-accredited registered professional nursing program or a Board-accredited licensed practical nursing program. The certification shall indicate the date of graduation or the date the degree or diploma was conferred.

(b) An applicant for licensure as a licensed practical nurse shall complete a program designed to educate him or her as a licensed practical nurse. Attendance in or successful completion of a registered professional nursing program shall not serve as an equivalent for the licensed practical nursing educational requirement.

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)2, changed N.J.A.C. reference.

Recodified from N.J.A.C. 13:37-2.3 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.2, Board approved licensing examination, repealed.

13:37-2.3 Application requirements; graduates of foreign nursing programs

(a) An applicant for licensure who graduated from a foreign nursing program shall submit:

1. The documents required in N.J.A.C. 13:37-2.2(a)1 and 2;

2. For registered professional nurse applicants, a valid certification by the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. For licensed practical nurse applicants, a certification by a foreign transcript evaluating service and a passing score on the Test of English as a Foreign Language exam, TOEFL; and

4. A CGFNS certificate indicating graduation from a nursing program or licensure as a registered nurse in the foreign country.

(b) A graduate of a foreign licensed practical nursing program who has not taken courses in medical, surgical, pediatric, obstetric or psychiatric nursing shall complete a course in a licensed practical nursing program in the area(s) of deficiency offered by a practical nursing education program approved by the State Department of Education or by the Board pursuant to N.J.A.C. 13:37-1.

(c) Any applicant who obtained his or her credentials, such as transcripts, licenses or certificates, through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to take the examination or for licensure.

Recodified from N.J.A.C. 13:37-2.4 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.3, Application requirements; professional and practical nurses, recodified to N.J.A.C. 13:37-2.2.

SUBCHAPTER 3. (RESERVED)

Subchapter Historical Note

Petition for Rulemaking regarding repealed Subchapter 3, Practice as a Graduate Nurse. See: 32 N.J.R. 2623(a), 32 N.J.R. 3500(a), 32 N.J.R. 4019(b), 32 N.J.R. 4480(a).

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT;
PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements for licensure by endorsement

(a) A registered professional nurse or licensed practical nurse licensed in another state, territory or possession of the United States, or the District of Columbia, who wishes to be licensed in New Jersey may be licensed by endorsement in this State if he or she meets the requirements for licensure as set forth in N.J.S.A. 45:1-14 et seq., 45:11-26 and 45:11-27.

(b) An applicant for licensure by endorsement as a licensed practical nurse shall have graduated from a practical nurse program. Attendance in or successful completion of a professional nursing program shall not serve as an equivalent for the practical nursing educational requirement.

Repeal and New Rule, R.2004 d.327, effective August 16, 2004.
See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).
Section was "Eligibility requirements".

13:37-4.2 Application requirements for licensure by endorsement

(a) An applicant for licensure by endorsement shall submit or arrange to submit the following to the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;
2. A non-refundable initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.5(a)2 and 3; and
3. Written or electronic verification of status of licensure from every state, territory or possession of the United States, or the District of Columbia, in which the applicant was ever licensed. The verification shall either be forwarded directly to the Board from the applicable state board, if written, or if electronic, be issued by the applicable state board.

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), inserted a new 2, and recodified former 2 as 3.
Recodified from N.J.A.C. 13:37-4.3 and amended by R.2004 d. 327, effective August 16, 2004.
See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).
Rewrote the section.

13:37-4.3 (Reserved)

Repealed by R.2004 d.327, effective August 16, 2004.
See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).
Section was "Application requirements; licensure by endorsement".

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

13:37-5.1 License requirement

Before engaging in nursing practice, as defined in N.J.S.A. 45:11-23(b), or representing oneself as a nurse, an individual shall obtain and maintain a current license that is active. No licensee shall engage in nursing practice if his or her license is expired, suspended, revoked or surrendered.

Amended by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
Rewrote the section.

13:37-5.2 Biennial license renewal

Licenses shall be valid for two calendar years, except that initial licenses shall be valid from the date the applicant passed the examination to the end of the then current biennial period.

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. 13:37-5.2, Responsibilities of dual licensure, repealed.

13:37-5.3 (Reserved)

Repealed by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
Section was "Notification of change of address".

13:37-5.4 Categories of licenses

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. 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).

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.

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. Initial license fee..... 120.00
3. Application for licensure by endorsement75.00 plus
initial license fee set
forth in (a)2 above
4. Verification for endorsement 30.00
5. Renewal of license (biennial)
 - i. Active 120.00

- ii. Inactive..... 60.00
- 6. Late license renewal (one to 30 days)..... 50.00 plus the applicable biennial license renewal fee set forth in (a)5 above
- 7. Lapsed license fee (after 30 days) 100.00 plus the applicable biennial license renewal fee set forth in (a)5 above
- 8. Duplicate license 35.00
- 9. Written verification of licensure..... 25.00
- 10. 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 plus the applicable initial certification fee set forth in (d)2 above 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 (d)3 above
- 5. Lapsed certificate fee..... \$100.00
Plus the applicable biennial certification renewal fee set forth in (d)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)

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.

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).