

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

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

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

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

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

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

SUBCHAPTER 6. NURSING PROCEDURES

- 13:37-6.1 Nursing procedures
- 13:37-6.2 Delegation of selected nursing tasks
- 13:37-6.3 through 13:37-6.4 (Reserved)

**SUBCHAPTER 7. CERTIFICATION OF ADVANCED
PRACTICE NURSES**

- 13:37-7.1 Application for certification
- 13:37-7.2 Educational requirements for certification
- 13:37-7.3 Practice prior to passing the examination for certification
- 13:37-7.4 Examination requirements for certification
- 13:37-7.5 (Reserved)
- 13:37-7.6 Certification by endorsement
- 13:37-7.7 Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status
- 13:37-7.8 Continuing education
- 13:37-7.9 Prescriptive practice
- 13:37-7.10 Requirements for dispensing medications
- 13:37-7.11 Practice as a registered professional nurse
- 13:37-7.12 (Reserved)

SUBCHAPTER 8. NURSING PRACTICE

- 13:37-8.1 Standards for joint protocols between advanced practice nurses and collaborating physicians
- 13:37-8.2 Identification tags
- 13:37-8.3 Sexual misconduct

**SUBCHAPTER 9. FORENSIC NURSE-CERTIFIED SEXUAL
ASSAULT PROGRAM**

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

SUBCHAPTERS 10 THROUGH 13. (RESERVED)
SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

- 13:37-14.1 Purpose and scope
- 13:37-14.2 Definitions
- 13:37-14.3 Duties of a homemaker-home health aide; supervision
- 13:37-14.4 Homemaker-home health aide training program
- 13:37-14.5 Home care and hospice care training programs
- 13:37-14.6 Program sponsor; responsibilities
- 13:37-14.7 Program coordinator; responsibilities

- 13:37-14.8 Program instructor; responsibilities
- 13:37-14.9 Homemaker-home health aides; training program requirement
- 13:37-14.10 Application for certification; documents required
- 13:37-14.11 Competency examination
- 13:37-14.12 Waiver of training program requirement
- 13:37-14.13 Initial certification and renewal
- 13:37-14.14 Certification by endorsement
- 13:37-14.15 Duties and powers of the Board

SUBCHAPTERS 15 THROUGH 16. (RESERVED)
**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;

1. The rationale for the proposed change in the curriculum;
2. A presentation of the differences between the current status of the program and the proposed change;
3. A timetable for implementation of the change; and
4. A plan for the evaluation of the change which shall include outcomes.

(f) After reviewing the request the Board shall:

1. Grant approval of the curriculum change;
2. Require revisions to the request. If the Board requires a revision, the nursing program shall submit the revised request within 30 days of receiving notification; or
3. Deny approval for the curriculum change.

(g) The nursing program may, within 30 days of notification of the denial, request in writing an appearance before the Board asking for a reconsideration of the denial of the curriculum change.

(h) If the Board denies a curriculum change, the nursing program may not resubmit another request for the same curriculum change for six months from the date of notification of the denial.

Repeal and New Rule, R.2003 d.167, effective April 21, 2003.

See: 34 N.J.R. 1317(a), 35 N.J.R. 1678(a).

Section was "Clinical affiliates".

13:37-1.17 Conditional accreditation: licensing examination pass rates

(a) If, for three successive years, less than 75 percent of a nursing program's graduating students pass the licensing examination the first time the examination is taken, the Board shall place the program on conditional accreditation. Conditional accreditation shall become effective upon the program's receipt of the written notification.

(b) The nursing program may, within 30 days of receiving written notification that the program has been placed on conditional accreditation, request in writing an appearance before the Board regarding its conditional accreditation status.

(c) Within 30 days of receiving written notification that the nursing program has been placed on conditional accreditation, the nursing program shall notify in writing the students enrolled in the program that the program has been placed on conditional accreditation.

(d) A nursing program that is placed on conditional accreditation shall submit to the Board, within 90 days of receiving written notification of being placed on conditional accreditation, an 18-month action plan with a time-line and measurable outcomes to correct any deficiencies. The outcomes identified in the action plan shall include that within the next calendar year at least 75 percent of its students who

take the licensing examination shall pass the first time. The outcomes shall be met within 18 months.

(e) A nursing program on conditional accreditation which believes that it cannot accomplish its outcomes within 18 months may request an extension of the 18-month time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.

(f) If the outcomes of the action plan are met within the 18-month period, the program shall be restored to accreditation status.

(g) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on conditional accreditation.

Repeal and New Rule, R.2005 d.32, effective January 18, 2005.

See: 36 N.J.R. 2300(a), 37 N.J.R. 294(c).

Section was "Conditional accreditation".

13:37-1.18 Conditional accreditation: subchapter requirements

(a) If the Board receives information alleging that a program fails to meet the requirements of this subchapter, other than N.J.A.C. 13:37-1.17, the Board shall evaluate the information and may send a field representative to investigate the program. The Board representative shall evaluate the program for compliance with this subchapter and report the results of the program evaluation to the Board.

(b) If the Board determines that the nursing program does not comply with the provisions of this subchapter, the Board shall place the program on conditional accreditation. Conditional accreditation shall become effective upon the program's receipt of the written notification.

(c) The nursing program may, within 30 days of receiving written notification that the program has been placed on conditional accreditation, request in writing an appearance before the Board regarding its conditional accreditation status.

(d) Within 30 days of receiving written notification that the nursing program has been placed on conditional accreditation, the nursing program shall notify in writing the students enrolled in the program that the program has been placed on conditional accreditation.

(e) A nursing program that is placed on conditional accreditation shall submit to the Board, within 90 days of receiving written notification of being placed on conditional accreditation, an 18-month action plan with a time-line and measurable outcomes to correct any deficiencies. The outcomes identified in the action plan shall be met within 18 months.

(f) A nursing program on conditional accreditation which believes that it cannot accomplish its outcomes within 18 months may request an extension of the 18-month time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.

(g) If the outcomes of the action plan are met within the 18-month period, the program shall be restored to accreditation status.

(h) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on conditional accreditation.

New Rule, R.2005 d.32, effective January 18, 2005.

See: 36 N.J.R. 2300(a), 37 N.J.R. 294(c).

Former N.J.A.C. 13:37-1.18, Probation, recodified to N.J.A.C. 13:37-1.19.

13:37-1.19 Probation

(a) A nursing program on conditional accreditation status that does not achieve the outcomes identified in the action plan required by N.J.A.C. 13:37-1.17(d) or 1.18(e) in 18 months, or which has not been granted an extension pursuant to N.J.A.C. 13:37-1.17(e) or 1.18(f), shall be placed on probation. A nursing program that has been granted an extension shall be placed on probation if it does not achieve the outcomes identified in the action plan by the end of the extension. A nursing program that is placed on probation may request in writing an appearance before the Board.

(b) The nursing program shall, within 30 days of receiving written notification that it has been placed on probation, notify the students enrolled in the program in writing that the program is on probation.

(c) A program on probation shall not admit new students or transfer students.

(d) A nursing program that is placed on probation shall revise the action plan with outcomes to be achieved in one calendar year and submit the action plan to the Board. If a program is placed on probation due to N.J.A.C. 13:37-1.17, the program action plan outcomes shall include that within the next calendar year at least 75 percent of its students who take the licensing examination shall pass the first time.

(e) A program on probation which believes that it cannot accomplish its outcomes within one calendar year may request an extension of the one-year time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.

(f) A program that does not achieve the outcomes identified in the action plan within one calendar year, and which has not been granted an extension pursuant to (e) above, shall not be eligible for restoration to accredited status. A program that has been granted an extension and does not achieve the outcomes identified in the action plan by the end of the extension shall not be eligible for restoration to accredited status. A program that is not eligible for restoration of accredited status shall continue to operate under probationary status until the last student has graduated or has otherwise left the program. Once the last student has graduated or has otherwise left the program, the program shall no longer be accredited. A program that is no longer accredited may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(g) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on probation.

Recodified from N.J.A.C. 19:37-1.18 and amended by R.2005 d.32, effective January 18, 2005.

See: 36 N.J.R. 2300(a), 37 N.J.R. 294(c).

Rewrote the section. Former N.J.A.C. 19:37:1.19, Program termination, recodified to N.J.A.C. 19:37-1.20.

13:37-1.20 Program termination

(a) Programs that voluntarily terminate shall provide for their enrolled students by either:

1. Phasing out the students. The students enrolled may continue with their studies until they complete the program; no new students may be admitted or accepted by transfer; qualified faculty remain with the program and compliance with this subchapter continues; or

2. Transference of students to other schools.

(b) The eligibility of students enrolled in a program to sit for the licensing examination shall not be affected in the event a program terminates.

(c) The individual responsible for an educational institution or hospital, which plans to terminate a program in nursing or to suspend any essential part of its program, shall so advise the Board in writing. The written notification shall include the reasons for terminating the program and the specific plans for students enrolled.

(d) Programs that voluntarily terminate or which terminate due to loss of accreditation shall provide for safekeeping of records. The program shall notify the Board of the name, address and telephone number of the site where records are to be stored at least ten days prior to the date of termination. The date of termination shall be the date on which the last student is properly transferred or completes the program.

New Rule, R.1995 d.88, effective February 21, 1995.

See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

Repeal and New Rule, R.2003 d.167, effective April 23, 2003.

See: 34 N.J.R. 1371(a), 35 N.J.R. 1678(a).

Section was "Programming termination or suspension".

Recodified from N.J.A.C. 13:37-1.19 by R.2005 d.32, effective January 18, 2005.

See: 36 N.J.R. 2300(a), 37 N.J.R. 294(c).

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

13:37-2.1 Eligibility requirements

(a) Every applicant for licensure as a registered professional nurse or a licensed practical nurse shall meet the requirements for licensure, as set forth in N.J.S.A. 45:1-14 et seq., N.J.S.A. 45:11-26 and 27. Every applicant shall pass either the National Council Licensure Examination for Reg-

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 registered professional nursing program accredited by the Board or a board of nursing in another state or a licensed practical nursing program accredited by the Board or by a board of nursing in another state. The certification shall indicate the date of graduation or the date the degree or diploma was conferred.

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.

Amended by R.2008 d.138, effective June 2, 2008.

See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).

Deleted (b).

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

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

In (a)3, deleted "Board-accredited" preceding "registered" and "licensed", and inserted "accredited by the Board or a board of nursing in another state" and "accredited by the Board or by a board of nursing in another state".

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. A completed licensure application for graduates of foreign nursing program, which contains information concerning the applicant's educational and experiential background;

2. A transcript review performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. Proof that the applicant has achieved a passing score on the Test of English as a Foreign Language (TOEFL) examination, the International English Language Testing System (IELTS) examination or the Test of English in International Communications (TOEIC) examination, within the past two years; and

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

(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.

Amended by R.2006 d.160, effective May 1, 2006.

See: 37 N.J.R. 1920(a), 38 N.J.R. 1840(a).

Rewrote (a)1-(a)4.

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

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

Rewrote (a)3.

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.

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".
Amended by R.2008 d.138, effective June 2, 2008.
See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).
Deleted (b).

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

(a) Licenses shall be renewed biennially on a form provided by the Board.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37-5.5(a)6 prior to the date of expiration of the license. If the licensee does not renew the license prior to its expiration date, the license shall expire, but the licensee may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:37-5.5(a)6 and 7. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be administratively suspended without a hearing.

(d) Individuals who continue to hold themselves out as licensed after being administratively suspended shall be deemed to have violated N.J.A.C. 13:37-5.1, even if no notice of suspension has been received by the person at the address registered with the Board.

(e) A person seeking reinstatement within five years following an administrative suspension of a license pursuant to (c) above shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:37-5.5(a)6;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37-5.5(a)8;
4. A certification verifying completion of the continuing education hours required pursuant to N.J.A.C. 13:37-5.3 for the renewal of a license; and
5. An affidavit of employment listing each job held during the period of suspension, which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the administrative suspension of a license shall:

1. Reapply for licensure by fulfilling all of the initial licensure requirements found at N.J.A.C. 13:37-2.1; and
2. Successfully complete a refresher course consisting of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7.

(g) Renewal applications for all licenses shall provide the licensee with the option of either active or inactive status. Licensees may choose paid or unpaid inactive status. The Board shall send any communications it sends to active licensees to licensees on paid inactive status. Licensees elect-

ing to renew as inactive shall not hold themselves out to the public or practice as licensees.

(h) Upon application to the Board, the Board may permit a licensee who has been on inactive status to return to active status.

(i) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon submission of the following:

1. A completed reactivation application;
2. Evidence of completion of the continuing education hours required pursuant to N.J.A.C. 13:37-5.3 for the renewal of a license, within the immediately preceding two years;
3. An affidavit of employment listing each job held during the period the licensee was on inactive status, which includes the name, address, and telephone number of each employer; and
4. One of the following renewal fees:
 - i. For licensees who did not pay the inactive renewal fee, the active renewal fee set forth in N.J.A.C. 13:37-5.5(a)6i; or
 - ii. For licensees who paid the inactive renewal fee, the difference between the amount paid for inactive renewal set forth in N.J.A.C. 13:37-5.5(a)6ii and the active renewal fee set forth in N.J.A.C. 13:37-5.5(a)6i.

(j) A licensee who has been on inactive status for more than five years who wishes to return to the practice of nursing shall:

1. Reapply for licensure by fulfilling all of the initial licensure requirements found at N.J.A.C. 13:37-2.1; and
2. Successfully complete a refresher course consisting of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7.

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.

Repeal and New Rule, R.2008 d.139, effective June 2, 2008.

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

Section was "Biennial license renewal".

Amended by R.2010 d.069, effective May 17, 2010.

See: 41 N.J.R. 2078(a), 42 N.J.R. 939(b).

Rewrote (f) and (j).

13:37-5.3 Continuing education

(a) Upon biennial active license renewal, a registered professional nurse or licensed practical nurse shall attest that he or she has completed courses of continuing education of the types and number of hours specified in (b), (c) and (d) below. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revoca-

tion of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial active license renewal shall complete during the preceding biennial period a minimum of 30 hours of continuing education.

(c) A registered professional nurse or licensed practical nurse who completes more than the minimum continuing education hours set forth in (b) above in any biennial registration period may carry up to 15 of the additional hours into the succeeding biennial period.

(d) A registered professional nurse or licensed practical nurse may obtain continuing education hours from the following:

1. Successful completion of continuing education courses or programs related to nursing and approved by a credentialing agency accredited by the National Commission for Certifying Agencies or provided by an International Association for Continuing Education Training (IACET) Authorized Provider: one hour for each 60 minutes of attendance;
2. Successful completion of a continuing education course or program related to nursing, which is taken in order to comply with the requirements of a State or Federal agency; one hour for each 60 minutes of attendance;
3. Successful completion of continuing medical education courses recognized by the American Medical Association, the American Osteopathic Association or the American Podiatric Medical Association: one hour for each 60 minutes of attendance;
4. Successful completion of a continuing education course offered by a provider approved by the American Council of Pharmaceutical Education: one hour for each 60 minutes of attendance;
5. Successful completion of a course, related to nursing, given by a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. Courses related to nursing include courses taken as a student enrolled in an accredited nursing degree program when the student is obtaining a higher degree: five hours for each credit successfully completed;
6. Successful completion of a course in a doctoral degree program which has a research component: five hours for each credit successfully completed;
7. Teaching or developing the curriculum for a new continuing education program related to nursing that is approved pursuant to (d)1 above. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course or program in any educational setting: one hour for each 50 minutes taught;

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

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

10. Completion of a doctoral dissertation: 30 hours;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Any continuing education hours completed by the registered professional nurse or licensed practical nurse in compliance with an order or directive from the Board as set forth in (h) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

(j) 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 fee100.00
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

(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).

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).
Former N.J.A.C. 13:37-5.6, Biennial license renewal, repealed.

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;